

PALATINE CODE OF ORDINANCES - APPENDIX A - ZONING

Appendix A ZONING ORDINANCE*

***Editor's note**--Ord. No. O-31-88, §1, adopted March 14, 1988, repealed App. A, pertaining to zoning and enacted new provisions pertaining to zoning as a new Appendix A to read as herein set out. Absence of a history note following a particular section indicates that such section derived unchanged from Ord. No. O-31-88; conversely, a history note enclosed in parentheses following a section indicates amendment by the ordinance or ordinances shown in such history note. Former Appendix A derived from the following legislation:

ORD. NO.	DATE	ORD. NO.	DATE
0-46-57	12-23-57	0-27-71	3-8-71
0-41-58	9-22-58	0-45-72	7-17-72
0-55-58	12-22-58	0-88-74	10-28-74
0-22-60	7-11-60	0-90-74	11-12-74
0-8-61	2-27-61	0-16-75	2-10-75
0-21-62	3-26-62	0-57-75	7-28-75
0-23-62	3-26-62	0-67-75	9-8-75
0-33-62	6-11-62	0-72-75	10-13-75
0-42-62	10-29-62	0-25-76	3-8-76
0-25-63	6-12-63	0-26-76	3-8-76
0-26-63	6-12-63	0-33-76	3-22-76
0-20-64	7-13-64	0-85-76	9-27-76
0-16-65	3-22-65	0-96-76	10-25-76
0-3-66	2-7-66	0-9-77	2-28-77
0-12-66	2-28-66	0-12-77	3-14-77
0-33-66	7-11-66	0-45-77	6-13-77
0-37-66	7-25-66	0-46-77	6-13-77
0-47-66	10-24-66	0-52-77	6-13-77
0-51-66	11-29-66	0-54-77	6-13-77
0-3-67	1-9-67	0-82-77	8-8-77
0-6-67	3-13-67	0-118-77	11-14-77
0-11-67	3-27-67	0-130-77	12-12-77
0-35-67	7-24-67	0-2-78	1-9-78
0-4-68	1-8-68	0-6-78	2-13-78
0-7-68	1-22-68	0-20-78	3-27-78
0-46-68	7-8-68	0-58-78	7-24-78
0-51-68	8-12-68	0-64-78	8-14-78
0-33-69	7-14-69	0-80-78	9-25-78
0-34-69	7-14-69	0-101-78	11-13-78
0-65-69	12-22-69	0-105-78	11-27-78
0-67-69	12-22-69	0-112-78	12-11-78
0-16-70	3-23-70	0-116-78	12-26-78
0-27-70	5-11-70	0-12-79	3-12-79
0-1-71	1-1-71	0-39-79	5-14-79
0-3-71	1-11-71	0-68-79	6-25-79
0-4-71	1-11-71	0-70-79	6-25-79
0-11-71	1-25-71	0-80-79	7-9-79

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ORD NO.	DATE
0-4-80	1-14-80
0-20-80	2-25-80
0-28-80	3-24-80
0-41-80	5-12-80
0-45-80	5-27-80
0-49-80	6-9-80
0-57-80	6-23-80
0-64-80	8-25-80
0-65-80	8-25-80
0-80-80	10-27-80
0-50-81	5-26-81
0-6-82	1-25-82
0-27-82	4-12-82
0-35-82	4-12-82

ORD NO.	DATE
0-62-82	7-12-82
0-73-82	8-23-82
0-87-82	9-13-82
0-95-82	9-27-82
0-71-83	10-24-83
0-26-84	5-14-84
0-27-84	5-14-84
0-34-84	6-11-84
0-51-84	7-9-84
0-53-84	7-9-84
0-99-85	10-14-85
0-55-86	6-9-86
0-162-87	11-9-87
0-187-87	12-28-87

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Cross reference(s)--Department of public works, § 2-171 et seq.; department of community development, § 2-191 et seq.; electrical commission, § 2-291 et seq.; Palatine Environmental Coordinating Council, § 2-306 et seq.; director of environmental health, § 2-326 et seq.; board of health, § 2-341 et seq.; plan commission, § 2-421 et seq.; board of zoning appeals, § 2-431 et seq.; authorization of live entertainment in places selling liquor to be in accordance with special use provisions, § 3-35; fire protection and prevention, Ch. 7; garbage and refuse, Ch. 8; health and sanitation, Ch. 9; existing structures' maintenance and occupancy, Ch. 10; streets and sidewalks, Ch. 16; water and sewer services, Ch. 19; subdivision regulations, App. B.

State law reference(s)--For provisions relating to the zoning power of municipalities see 65ILCS5/11-13-1.

[Editor's Note: Ordinance 0-127-06, passed on July 17, 2006 replaced Article VIII in its entirety]

[Editor's Note: Ordinance O-111-19, passed on December 9, 2019 added a new Article XV]

Art. I.	Existing Rights, §§ 1.01--1.03
Art. II.	Purpose and Intent, §§ 2.01
Art. III.	Rules and Definitions, §§ 3.01, 3.02
Art. IV.	General Provisions, §§ 4.01--4.15
Art. V.	Use Districts, §§ 5.01--5.03
Art. VI.	Accessory Structures, Fences, and Accessory Uses, §§ 6.01--6.05
Art. VII.	Off-street Parking and Loading Regulations, §§ 7.01--7.05
Art. VIII.	Signage, §§ 8.01--8.09
Art. IX.	Nonconforming Uses, Buildings or Structures, §§ 9.01--9.05
Art. X.	Residential Districts, §§ 10.01--10.08
Art. XI.	Business Districts, §§ 11.01--11.06
Art. XII.	Manufacturing Districts, §§ 12.01, 12.02
Art. XIII.	Planned Development Districts, §§ 13.01--13.09
Art. XIV.	Administration, §§ 14.01--14.10
Art. XV.	Adult-Use Cannabis, Sections 15.01 -- 15.06

ARTICLE I. EXISTING RIGHTS

1.01. Title.

This ordinance shall be known as and may be referred to as "The Zoning Ordinance of the Village of Palatine."

1.02. Compliance.

(a) It shall be unlawful to occupy or use any premises, building or structure in the Village excepting in full compliance with the provisions of this ordinance, or for any purpose other than those purposes or uses described in this ordinance as permitted uses in the district within which such buildings, premises, or structures may be located.

(b) It shall be unlawful to occupy or use any premises, building or structure in the Village without compliance with all provisions of this ordinance relative to setbacks, parking lots, or any other restrictions or requirements applicable to the district in which such buildings, premises, or structures are located.

1.03. Pending actions.

(a) The enactment of this ordinance shall not in any way affect the liability of any person for a violation of the zoning ordinance enforced in the Village prior to the enactment of this ordinance, and no use shall be considered as a lawful nonconforming use under the provisions of this ordinance unless such use was a lawful use at the time it was commenced under the provisions of whatever zoning ordinance may have been in force at such time.

b) The adoption of this ordinance shall not be construed as abating any action now pending under or

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by virtue of the prior zoning ordinance of the Village, or as discontinuing, abating, modifying, or altering any penalty accrued or to accrue, or any liability, for a violation of such prior zoning ordinance.

ARTICLE II. PURPOSE AND INTENT

2.01. Purpose and intent.

a) *Purpose.* This ordinance is adopted for the purposes of promoting the health, safety, and general welfare of the citizens of Palatine, future citizens, and the general public. Protecting and promoting the health, safety, and welfare is accomplished by zoning all properties into uniform districts which reflect their best use, conserve and enhance their value, and conserve adequate air, light, and space for a habitable environment.

(b) *Intent.* This ordinance will meet the desired end state of the Village through the reinforcement of the following objectives:

- (1) To enhance the desirability of living in the Village for all residents regardless of race, religion or background;
- (2) To prohibit uses, buildings or structures incompatible with the character of residential, business or manufacturing districts;
- (3) To establish standards to which buildings or structures shall conform;
- (4) To regulate and limit the intensity of the use of lot areas, to prevent the overcrowding of land through regulating, limiting and determining the height, bulk and area of open space within and surrounding such buildings;
- (5) To promote the redevelopment of uses and structures deemed to be incompatible and undesirous in the public interest;
- (6) To protect the residential development of the village through:
 - a. Continuation of single-family detached housing as the primary housing source;
 - b. Provision of adequate amounts and location of non-single-family housing types;
 - c. Separation of residential areas from business or manufacturing activities; and
 - d. Mixing of compatible housing types.
- (7) To provide for diversity of business areas within the Village and encourage their viability;
- (8) To encourage adequate off-street parking in business and industrial areas;
- (9) To control the use of land annexed to the Village to ensure orderly and desirous expansion;
- (10) To protect the interests of other governmental agencies with jurisdictions within the Village which also exist for the health, safety, and welfare of the public;
- (11) To control development within the floodplain to protect persons and property; and
- (12) To define and limit the powers and duties of the bodies and administrative officers that will enforce this ordinance.

(c) *Support and implementation of comprehensive plan.* This ordinance shall be supported by and considered an implementation device of the Village of Palatine Comprehensive Plan, where possible, as amended, or revised from time to time.

(d) *Village Council Authority.* The Village Council may propose zoning amendments, special uses, and variations for property located within the Village of Palatine, pursuant to the procedures set forth in the Village of Palatine Zoning Ordinance. (Ord. 0-138-07, §1, 8/13/07)

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ARTICLE III. RULES AND DEFINITIONS

3.01. General rules.

(a) Rules of construction. The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural, and the plural the singular.
- (2) The present tense includes the past and future tenses; and the future the present.
- (3) The word "shall" is mandatory, while the word "may" is permissive.

(b) Anything not expressly permitted within the conditions of this ordinance shall be prohibited.

(c) Meaning of terms. Whenever a term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in the definition thereof.

(d) Measured minimum setback distances.

- (1) Unimproved lots. All measured setback distances shall be to the nearest integral foot. If the fraction is three-fourths (3/4) foot or greater the integral foot next above shall be taken. If the fraction of the foot is less than three-fourths (3/4) foot, the integral foot next below shall be taken.
- (2) Improved lots.
 - i. Lots improved prior to the effective date of this ordinance. All measured setback distances shall be to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken. If a fraction is greater than one-half (1/2) foot, the integral foot next above shall be taken.
 - ii. Lots developed on or after the effective date of this ordinance. All measured setback distances shall be to the exact, specified integral foot.

3.02. Specific definitions.

Above ground public utility appurtenances. Any structure, brace, guy, anchor valve or other equipment owned by a public utility which lies above the existing grade, except fire hydrants.

Accessory structure. A subordinate structure which is located on the same zoning lot as the principal building, the use of which is incidental and customary to that of the principal building including above ground public utility appurtenances and recreational equipment. Where an accessory structure is attached to and made part of the principal building, such accessory structure shall comply in all respects with the requirements of this ordinance applicable to the principal building.

Accessory unique use. A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use which is not otherwise listed as a permitted use or a special use within any zoning district, except for such accessory parking facilities as are specifically authorized to locate elsewhere. (Ord. No. 0-115-12, §1, 8/6/12)

Accessory use. A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to locate elsewhere.

Acre. Forty-three thousand five hundred sixty (43,560) square feet.

Administrative Special Use. A category of Residential Special Use which may be approved administratively by the Village of Palatine, in conjunction with a submitted application, site plan, and all of the necessary requirements, as proscribed by the Zoning Ordinance and with required consent or determination of no objection from adjacent property owners. (Ord. O-36-17, 4/3/17)

Administrative Variation. A category of Residential Variation which may be approved administratively by the Village of Palatine, in conjunction with a submitted application, site plan, and all of

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the necessary requirements, as proscribed by the Zoning Ordinance and with required consent or determination of no objection from adjacent property owners. (Ord. O-36-17, 4/3/17)

Administrator. Means the Director of Planning and Zoning of the village or a person designated by the Village Manager. (Ord. No. O-19-20, 03/09/20)

Adult-use cannabis dispensing establishments. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder. An adult-use cannabis dispensing establishment shall not include a cultivation center, craft grower, processing organization, infuser organization or transporting organization as defined by the Illinois Cannabis Regulation and Tax Act.

Alley. A public right-of-way, which affords secondary access to abutting property.

Alternative tower structure. Shall mean existing light poles, water towers and similar mounting structures that can be used to support antennas. (Ord.No.0-72A-98, 31, 5-26-98)

Antenna. Shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves. Dish type devices for said purposes are included in this definition. (Ord.No.0-72A-98, 32, 5-26-98)

Antenna support structure. Any mast, pole, tripod, tower or similar structure used to support an antenna.

Antenna system. The combination of an antenna and antenna support structure.

Antenna system height. The overall vertical length of the antenna system above grade. If such system is located on a building, the overall antenna system height shall include the height of the building.

Approved combustible materials. Means any material more than five hundredths (0.05) inch in thickness, which burns at a rate of not more than two and one half (2 1/2) inches per minute when subject to the A.S.T.M. (American Society for Testing Materials) standard test for flammability in sheets of six-hundredths (0.06) inch thickness.

Automobile mart. Any building or premises used for dispensing, sale or offering for sale at retail any fossil fuels or other forms of energy that assists automobile movement, having pumps and storage tanks but no repair services; also offering for retail sale convenience items without on-site consumption of food.

Automobile service and repair shops. Any building or premises where automobiles are painted, repaired, rebuilt, reconstructed or stored for compensation.

Automobile service station. Any building or premises used for dispensing, sale or offering for sale at retail any automotive fuel or oils fossil fuels or other forms of energy that assists automobile movement, having pumps and storage tanks; also where battery, tire and automotive repair and other similar services are rendered when located wholly within lot lines. Where such dispensing, sale or offering for sale of any fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Does not include automobile or trailer sales lots (new or used) on which such vehicles are parked for purposes of inspection and sale.

Awnings. Any structure made of non-rigid materials attached to a building so as to permit the structure to be raised or retracted to a position against the building when not in use.

Basement. A story with one half or less of its floor to ceiling height below the finished grade. (Ord. 0-54-07, §1, 4/16/07)

Bedroom. A room or enclosed space in basement, first or upper story arranged and intended for sleeping purposes. In dwelling units of more than two (2) rooms in multi-family buildings each room in excess of two, other than bath, toilet rooms, laundries, pantries, foyers or communicating corridors shall

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constitute a bedroom whether or not arranged or intended for sleeping.

Boat or raft. Any unit that is to be used for water travel or pleasure.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

Building coverage. The Percentage of a lot which, when viewed directly from above, would be covered by a building(s), or any part thereof, excluding projecting roof areas. The total square footage of building coverage on a given lot is a component of the lot coverage percentage. Building coverage shall not include Village-operated facilities, when deemed necessary in the public interest. (Ord. 0-54-07, §2, 4/6/07; Ord. #0-29-15, §1, 4/13/15)

Building, out. A business or commercial use not attached to the main unified center which may or may not be on a separate subdivided lot.

Building, principal. A non-accessory building in which a principal use of the lot, on which it is located, is conducted.

Building code. Shall be defined as Appendix C of the Code of Ordinances, Village of Palatine, Illinois. [Published in a separate volume.]

Building line, front. A line parallel to the front lot line at a distance equal to the nearest point of the building, not including any permitted obstructions. (Ord. 0-72-07, §1, 5/14/07)

Bulk. A composite characteristic of a given building as located upon a given lot--not definable as a single quantity, but involving all of these characteristics:

- (1) Size and height of building;
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (3) Gross floor area of the building in relation to lot area (floor area ratio);
- (4) All open spaces allocated to the building; and
- (5) Amount of lot areas provided per dwelling unit.

Business. Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

Canopy. A roof-like structure, other than an awning, made of some durable material with frames attached to a building and further supported by a frame by the ground or sidewalk.

Catering Establishments. A facility whose primary purpose is to provide food, generally in large quantities, for banquets or special events which are held off the premises not including carry-out or sit-down restaurants. (Ord. 0-18-07, §1, 3/5/07)

Circuit. The complete assembly of generators, conductors, switches, and lines by which an electric current is transmitted. (Ord.No.0-18-95, §1, 2-27-95)

Co-locator shall mean a public or private entity which constructs a communication antenna or antennas on an existing tower or alternative tower structure occupied by an antenna or antennas operated by another public or private entity. (Ord.No.0-72-98, §3, 5-26-98)

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Commercial vehicle. Any motor vehicle used by or for a business or service which may or may not bear any sort of advertising for that business or service.

Communication device. Any apparatus such as antenna systems or satellite dish stations of which the principal function is to send or receive television, radio, or data microwave signals.

Compatible retail or service use. A business establishment which is compatible with existing conforming uses of the Village of Palatine. A particular business establishment is compatible with existing conforming uses if:

- (1) Locating the particular business establishment in the business area will tend to increase interchange of customers with other business establishments in the business area; and
- (2) Locating the particular business in the shopping area will not create:
 - (a) Dead spots where a shopper may tend to lose interest in going further; or
 - (b) Driveways or other physical breaks in the sidewalk which are larger than required to provide necessary off-street parking and loading; or
 - (c) Traffic hazard, noise, odor, unsightliness or other pedestrian inhabiting qualities; or
 - (d) Heavily increases non-shopper traffic.

The presence or absence of competition between the particular business establishment, and surrounding establishments shall not be considered a factor in determining compatibility.

Conflict point. Includes a street intersection, an intersection between a street and a private drive or any other point of potential conflict or impact between two (2) or more vehicles (including bicycles) or between vehicles and pedestrians operating or proceeding on street drives, sidewalks, or other avenues or ways for normal vehicular or pedestrian travel.

Covenants, restrictive. Any contract restricting the manner in which land may be used.

Day care facility. Any facility designed for the care of pre-school or school age children which meets the requirements and criteria for licensing set forth in the various standards for such facilities issued by the Illinois Department of Children and Family Services.

Day care home. Any residential dwelling operated as a facility for the care of children exclusively by a resident or member of the resident's family, and which holds a valid license issued by the Illinois Department of Children and Family Services, when such state license is required.

Density, gross. In determining units per acre in planned developments, the total square footage of the property shall include the building site, plus surrounding streets and other immediately adjacent and necessary surrounding land.

Density, net. In determining units per acre in planned developments, the total square footage of the property shall be limited to the building site area only.

Department store. A retail store with a floor area of more than fifty thousand (50,000) square feet offering for sale at retail some or all of the goods permitted in the B-1 and B-2 districts.

Development. Finalization of a Plat of Subdivision or man-made change to real estate including construction, repair or placement of a building or addition, installation of utilities, mining, drilling, construction of roads, levees, dams, culverts, walls, fences, and bridges, demolition of a structure, filling, dredging, grading, excavating, paving, clearing or other non-agricultural alterations of the ground surface, and any other activity that might change the height, direction, or velocity of flood or surface water. Development does not include maintenance of existing buildings and facilities such as re-roofing or resurfacing of pavement when there is no increase in elevation, or gardening, plowing and similar agricultural practices that do not involve filling, grading, or construction of levees. (Ord. No. 0-83-96, §1. 5/29/96)

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Disability. A physical or mental impairment which substantially limits one (1) or more of a person's major life activities or impairs the person's ability to live independently; such term includes a record of having such an impairment, but such term does not include current use of, nor addiction to, a controlled substance.

District. A section or sections of the Village in which the regulations governing the use of buildings and premises, the height of buildings, the use of yards, and the intensity of use is uniform.

Dog enclosure or run. A fenced in area within a required yard which is intended to restrain dogs.

Drive-in or drive-through eatery. Any food service establishment, restaurant, or similar place, with or without interior facilities for eating, which permits the reception and consumption of food in automobiles or other designated areas on the premises outside the establishment.

Donation/collection box. A receptacle designed with a door, slot, or other opening that is intended to accept donated goods or items. The bulk standards and regulations for locating a donation box are found in Section 4.16. (Ord. 0-63-12, §1, 5/7/12)

Drive-through, Drive thru. A product or service offered by means of a window or automated service point (e.g ATM), that is designed or intended to allow customers to remain in their motor vehicles while obtaining the product or service. (Ord. 0-52-08, §2, 4/21/08)

Dumpster enclosure. Any type of approved screening which encompasses trash receptacles.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings; but not including Hotels, Extended Stay Hotels, Motels, tourist homes, and trailers.

Dwelling unit. Residential accommodation--including complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two (2) roomers or boarders. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings; but not including Hotels, Extended Stay Hotels, Motels, tourist homes, and trailers.

Dwelling, detached. A residential building which is entirely surrounded by open space on the same lot.

Dwelling, multiple-family. A residential building containing three (3) or more dwelling units.

Dwelling, semi-detached. A dwelling which is joined to another dwelling at one side only by a common wall.

Dwelling, single-family. A residential building containing one dwelling unit, including detached, semi-detached and attached dwellings.

Dwelling, two-family (duplex). A residential building containing two (2) dwelling units, including detached units.

Easement. A right given by the owner of land to another party for a specific, limited use of that land.

Electronic Cigarette Store – A retail store that is primarily devoted to the sale of electronic cigarettes, including the sale of liquids, vape materials, vapor, or other similar products to be used in conjunction with electronic cigarettes or other similar devices. (Ord. No. 0-123-15, 10/19/15)

Engineer. A registered engineer of the State of Illinois under the Illinois Professional Engineering Act (225 ILCS 325/1, et seq.) (Ord. No. 0-83-96, §1, 5/29/96)

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Escape Lane. A designated lane adjacent to a drive through lane which will allow vehicles to sufficiently exit or bypass the drive through lane. The escape lane must be at least 12 feet wide and be no less than the length of the adjacent drive through lane. Subject to the ordinance requirements, an adjacent drive aisle may be used to satisfy the escape lane requirements. (Ord. #0-52-08, §3, 4/21/08)

Face of sign. The surface area of the sign upon which the sign may be displayed or illustrated.

Family.

- (a) One person, his or her spouse, their offspring, legally adopted children or foster children, together with not more than three (3) other persons who are related to said person by blood, marriage or legal adoption including but not limited to mother, father, sister, brother, mother-in-law, or father-in-law; or
- (b) A group of persons none of whom are related to each other by blood, marriage or adoption, provided, however, that said dwelling unit shall contain not less than three hundred (300) square feet of floor area for each such occupant, and the total number of occupants in such group shall not exceed three (3).
- (c) A family as defined in paragraph (a) above may include not more than two (2) domestic servants and not more than one gratuitous guest or boarder residing with said family, in addition to the number of persons set forth in said paragraph (a). A family as defined in paragraph (b) above may include not more than two (2) domestic servants and not more than one gratuitous guest or boarder, provided that such servants, guest or boarder shall be included in computing the number of unrelated persons permitted under said paragraph (b). A family as defined in (a) and (b) above shall be limited to groups of persons maintaining a common household in a dwelling unit.
- (d) Group homes, as defined in this article, shall be exempt from the preceding paragraphs (a), (b) and (c). Group homes shall be permitted uses or special uses, as delineated in article X of this ordinance.

Fence. An enclosure or barrier constructed of wood and/or human-made material(s) used to delineate boundary or as a means of confinement or for confinement.

Fence, decorative. All fencing which is ornamental or embellished and shall include but is not limited to the following types of fencing: post and rail, split rail, oak horse and picket, but excluding chain link.

Fence, open. A fence having a regular pattern with more than fifty (50) percent open throughout the length of the fence when viewed from the perpendicular.

Fence, semi-open. A fence having a regular pattern of between ten (10) and fifty (50) percent open throughout the length of the fence when viewed from the perpendicular.

Fence, solid. A fence having a regular pattern with less than ten (10) percent open throughout the length of the fence when viewed from the perpendicular.

Flashing signs. Means any illuminated sign which contains an intermittent or flashing light source, and is not constant in intensity and color when in use.

Flood Insurance Rate Maps. A map prepared by the Federal Emergency Management Agency that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways. (Ord. No. 0-83-96, §1. 5/29/96)

Floodplain. Any area equal to or lower than the base flood elevation which is susceptible to being inundated by water from any source including, drainage ways with a tributary area in excess of 640 acres, isolated depressional areas with a surface area greater than 0.25 acres at the time of inundation, and any area indicated as a SFHA on a FIRM map, the limits of which are defined by superimposing the base flood elevation on the best available topographic information for the area. (Ord. No. 0-83-96, §1. 5/29/96)

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Floor area, gross. For the purpose of determining floor area ratio, the gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings--measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, "gross floor area" shall include:

- (a) Basement space, if at least one-half (1/2) of the basement story height is above the average grade of the adjoining ground, or used for purposes other than storage.
- (b) Elevator shafts and stairwells at each floor.
- (c) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7 1/2) feet, except equipment, open or enclosed, located on the roof, i.e.: Bulkheads, water tanks and cooling towers.
- (d) Attic floor space where the structural headroom exceeds seven and one-half (7 1/2) feet.
- (e) Interior balconies and mezzanines.
- (f) Enclosed porches, but not terraces and breezeways.
- (g) Accessory uses and structures.

Floor area ratio. The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

Funeral home or undertaking establishment. Shall mean a facility where ceremonies are held in connection with the embalming and burial of deceased persons and shall not include as a service provided, the cremation of corpses, unless otherwise permitted within the Zoning Ordinance. (Ord. No. O-40-21; 04/12/21)

Garage, private. An accessory building or an accessory portion of the principal building intended for and used to restore the private passenger vehicles of the families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on, and provided that not more than one-half (1/2) of the space may be rendered for the private vehicles of persons not resident on the premises, except that all of the space in a garage of one-or two-car capacity may be so rented. Such garage shall not be used for more than one commercial vehicle per family resident upon the premises, but no such commercial vehicle shall exceed six thousand (6,000) pounds gross vehicle weight.

Garage, public. Any building where motor vehicles are painted, repaired, rebuilt, reconstructed or stored for compensation.

Garage, storage. A building used solely for the storage of passenger vehicles, but not for the service or repair thereof nor the sale of fuel, accessories or supplies.

Gazebo/pergola. An open-air accessory structure that is covered and freestanding. Gazebos and pergolas are not required to provide a setback from the principal structure. (Ord. No. O-40-21; 04/12/21)

Group home. A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities, as identified and regulated within the Federal Fair Housing Act. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling, shall be required unless a Special Use approval is obtained to eliminate the requirement of supervision. A "Group Home" shall comply with the zoning regulations for the district in which the site is located and shall provide the necessary staff and resident parking on site, as more fully described within Article 10. For purposes of this definition, disability shall mean, with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "persons with disability" shall not include any person involved in the current, illegal use of or addiction to a controlled substance (as defined in section 802 of the Controlled Substance Act (21 U.S.C. Sec. 802), nor does it include any person whose residency would constitute a direct threat to the health or safety of other individuals or whose residency would result in substantial physical damage to the property of others. (0-92-93 8/9/93; Ord. #0-32-12, §1, 3/12/12)

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Half story. A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of said story. A basement shall be considered as a half story where the finished surface of the floor above the basement is greater than twelve (12) inches, but less than fifty-four (54) inches above the finished grade. (Ord. 0-54-07, §3, 4/16/07)

[Editor's Note: "Halfway House" definition was removed by Ord. #0-85-12]

Health Club. Facility where members use equipment or space for the purpose of physical exercise. (Ord. 0-199-07, §10, 12/3/07)

Height of roof measurement. The vertical length from ground level to the mean height between the eaves and ridges of a roof or the coping of a flat roof.

Height of single-family residential structure. The vertical length from the ground level to the mean height between the eaves and ridges of a roof or the coping of a flat roof as determined by the mean height of the two corners of the residence closest to the front lot line. (Ord. 0-54-07, §4, 4/16/07)

Height of structure, measurement. The vertical length from ground level to the mean height between the eaves and ridges of a roof or the coping of a flat roof.

Height of Tower shall mean the distance from grade to the top of the tower or the top of an antenna located on the tower, whichever is taller. If a tower is located on the roof of a building, the height of a tower shall mean the distance measured from the grade of the building to the top of the tower or the top of the antenna located on the tower, whichever is taller. (Ord.No.0-72A-98, 35, 5-26-98)

Home occupation. Any occupation or profession conducted in a dwelling unit by an occupant of the dwelling unit which is incidental and secondary to the use of the dwelling unit.

Homeless Day Facility. A publicly or privately operated facility designed for the provision of services to homeless persons including but not limited to: a central location to obtain transportation, make telephone calls, send and receive mail, wash laundry, improve hygiene and personal care; and/or receive basic case management, mental health therapy, job counseling, educational services and assistance with meeting the needs of homeless families with children. A Homeless Day Facility shall comply with the zoning district regulations for the district in which the site is located. (Ord. 0-115-00 31 9/25/00)

Homeless Person. An individual who lacks a fixed, regular, and adequate residence. (Ord. 0-115-00 31 9/25/00)

Hospice. A temporary residential living arrangement for persons with a disease that requires full-time support, therapy and/or treatment.

Hospital. A building(s) or structure(s), which require licensing as a hospital by the State of Illinois, and which is (are) maintained and operated for the diagnosis, treatment of life-threatening conditions, including medical care or surgical care, and provides overnight lodging for patients. (Ord. No. 0-19-20, 3/9/20)

Hotel. A building providing transient lodging accommodations, limited to no more than thirty (30) consecutive days, to the general public for compensation and which may include ancillary facilities and services such as restaurants, meeting rooms, personal services, and recreational facilities.

Extended Stay Hotel. A building, with each guest room having a full kitchen, providing transient lodging accommodations, limited to no more than ninety (90) consecutive days, to the general public for compensation and which may include ancillary facilities and services such as restaurants, meeting rooms, personal services, and recreational facilities.

Illuminated sign. Means any sign which has characters, letters, figures, designs or an outline illuminated by electric lights, luminous tubes or other means; or a sign illuminated by a source of light which is cast upon or falls upon the surface or face of the sign to illuminate by reflection only.

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Illuminated traffic signal. Means any traffic control device or sign duly authorized by law which is illuminated by electric lights or luminous tubes.

Impervious Surface. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, patios, paved parking and driveway areas, walkways, sidewalks and paved recreation areas (e.g. basketball court, tennis court, swimming pools). This would exclude public sidewalks on private property. The total square footage of impervious surface on a given lot is a component of the lot coverage percentage. (Ord. 0-54-07, §5, 4/16/07)

Isolated depressional areas. Any area inundated by the base flood that is not a regulatory floodplain or a channel or drainage way. (Ord. No. 0-83-96, §1. 5/29/96)

Junk yard. An open area where waste, used or secondhand materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles.

Laboratory. A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly, or packaging of products is not included in this definition.

Land surveyor. A registered surveyor of the State of Illinois, under the Illinois Land Surveyors Act (225 ILCS 330/1, et seq.) (Ord. No. 0-83-96, §1. 5/29/96)

Liquefied petroleum gas. Any material which is composed predominantly of any of the following hydrocarbons or mixtures of them: Propane, propylene, butane (normal butane or isobutane) and butylene.

Live entertainment – Shall consist of live music, dancing and/or singing performances, floor shows, D.J. shows and other entertainment performances, whether or not an admission fee is charged. Live entertainment shall not include ambient or incidental music provided for guests or patrons by musicians, such as a piano player, harpist, strolling violinist, traditional juke box, karaoke, or guitarist. However, if there is an admission charge requirement to observe or attend such ambient or incidental music or entertainment, it shall be considered live entertainment. (Ord. 0-3-10, §1, 1/11/10)

Loading or unloading berth. An open, hard surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, or trailers, to avoid undue interference with the public use of streets and alleys.

Lot. A parcel of land designated as a lot on a recorded plat of subdivision, located within a single block, and having its principal frontage upon a street.

Lot, corner. A lot at the junction of and abutting on two (2) or more intersecting streets, or at the point of deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

Lot coverage. The percentage of a residential zoning lot covered by all buildings and any other impervious surface therein. The lot coverage percentage takes the total square feet of building coverage and other impervious surfaces divided by the total square feet of the lot to determine the lot coverage. Lot coverage shall not include Village-operated facilities, when deemed necessary in the public interest. (Ord. 0-115-00 §2, 9-25-00; Ord. 0-54-07, §6, 4/16/07; Ord. #0-29-15, §2, 4/13/15)

Lot, improved. A lot containing a principal structure.

Lot, interior. A lot other than a corner lot.

Lot, though. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot.

Lot, unimproved. A lot without a principal structure.

Lot, zoning. A single subdivided tract of land or a group of subdivided tracts of land which, at the

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time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit.

Lot area. The area of a horizontal plane bounded by the front, side and rear lot lines, measured within the lot boundaries.

Lot depth. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot line. A property boundary line of any lot held in single or separate ownership, except that, where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

Lot line, front. That boundary of a lot which lies along an existing or dedicated street. In the case of a corner lot, the front lot line shall be the shortest lot line that abuts a street. In the event that the lot lines abutting streets are of equal distance, the front lot line shall be the lot line located along the street for which the building's street address is designated. (Ord. 0-72-07, §2, 5/14/07)

Lot line, rear. That boundary of a lot which is most distant from and is or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side. Any boundary of a lot which is not a front or rear lot line.

Lot width. A mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

Marquee. Means a permanent structure projecting from part or all of the building face, but not supported by the ground or sidewalk.

Message board. An advertising structure on which copy or characters are changed manually in the field.

Mini-warehouse. A building or group of buildings in a controlled access compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers of no more than five hundred (500) square feet of floor area for the dead storage of customer's goods or wares in enclosed buildings or in the open for a distance not to exceed thirty (30) feet from the outer walls of said building or buildings; provided, however, that no such storage shall be permitted outside of a mini-warehouse on any side which faces any zoning district other than an "M" Manufacturing District. No volatile materials are allowed.

Model home. A building or structure which is used as an example of the type of dwelling unit/s which may be purchased in a new construction project located in the Village of Palatine. (Ord. 0-115-00, §3, 9-25-00)

Motel. A building or group of detached, semidetached or attached buildings on a lot containing guest rooms each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for lodging accommodations for automobile transients, limited to not more than thirty (30) consecutive days. Motels do not include Hotels or Extended Stay Hotels.

Motor freight terminal (truck terminal). A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Motorized home. A portable dwelling designed and constructed as a self-propelled vehicle.

Moved. The act of permanently establishing a structure upon a portion of land after removing same from another part of the same or a different lot, tract or parcel of land.

Moving sign. Means any sign that has an external or visible part, or parts, that move, rotate, or spin.

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Copy changes which indicate time, temperature or date shall not, for that reason alone, be considered moving signs.

Municipal code. Shall be defined as the Code of Ordinances, Village of Palatine, Illinois.

Nameplate. A sign identifying only the name, occupation or profession and address of the business or occupant of the lot where the sign is placed; or a directory listing the names, addresses and businesses of the occupants.

Noncombustible material. Means a material which, in the form in which it is used, falls in one of the following groups (a) through (c). It does not apply to surface finish materials nor to the determination of whether a material is noncombustible from the standpoint of clearances to heating appliances, flues or other sources of high temperature. No materials shall be classed as noncombustible which are subject to increase in combustibility or flame spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition. Flame spread rating as used herein refers to ratings obtained according to the Standard Test method for Fire Hazard Classification of Building Materials of Underwriters Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84.

- (a) Materials no part of which will ignite when subjected to fire. Any material which liberates flammable gas when heated to any temperature up to one-thousand, three-hundred, eighty degrees (1,380) Fahrenheit for five (5) minutes shall not be considered noncombustible within the meaning of this paragraph.
- (b) Materials having a structural base of noncombustible material, as defined in (a) with a surface not over one-eighth (1/8) inch thick which has a flame spread rating not higher than fifty (50).
- (c) Materials in the form and thickness used, other than as described in (a) and (b) having a flame spread not higher than twenty-five (25) without evidence of continued progressive combustion and of such composition that surfaces that would be exposed by cutting through the material in any way would not have a flame spread rating higher than twenty-five (25) without evidence of continued progressive combustion.

Nonconforming building. Any building which does not comply with all of the regulations of this ordinance governing bulk for the district in which such building is located, or is designed or intended for a nonconforming area.

Oriel window. A bay window built out from a wall and resting on a bracket or similar support.

Overhead utility lines. Wires or cables used for distribution and/or transmission of public services (i.e. electricity, cable television, telephone) that are located above the ground. (Ord.No.0-18-95 æ 1 2-27-95)

Parking space, automobile. A suitably surfaced and permanently maintained area on privately owned property, either within or outside of a building, of sufficient size to store one standard automobile, but in no event less than two hundred (200) square feet, exclusive of passage-ways, driveways, or other means of circulation or access.

Person. Every natural individual, firm, partnership, association, corporation or organization of any kind.

Pickup coach. A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation uses.

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Piercing studio and stores— A business establishment or use occupying a building or structure, which performs piercing activities and is not exempted under the Tattoo and Body Piercing Establishment Registration Act, (410 ILCS 54/) as administered by the Illinois Department of Public Health. This shall not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using the pre-sterilized, single-use stud and clasp piercing system. (Ord. No. 0-144-11, §1, 11/21/11)

Planned development. Shall mean a land development project, comprehensively planned as an entity via a unitary site plan which permits flexibility in building, mixture of housing types and land uses, usable open spaces, and the preservation of significant natural features.

Porch. A roofed over structure, projecting out from the wall or walls of the principal structure which is commonly open to the weather in part.

Public Service or Utility Facility. Any substation or transfer point used by the public service or utility company that is entitled to use public rights-of-way and/or utility easements in the Village of Palatine. (Ord. No. 0-37-94 4/11/94)

Recreational vehicle. Shall mean a vehicular portable structure, mounted on a vehicle chassis, primarily designed for recreation purposes.

Religious Institution. A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Replacement. The act of repairing, taking, or filling the place of a majority of a circuit that is to be discarded or worn out. (Ord.No.0-18-95 æ1 2-27-95)

Rest home (nursing home). A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury, nor does it include maternity care or mental illnesses or infirmities.

Restaurant. Any food service establishment in which food or drink is prepared for sale or for service on the premises or elsewhere (including but not limited to restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, roadside stand, drive-in, or similar place).

Ringlemann Chart. The "Ringlemann Chart" is one which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke and smoke density.

Roof sign. Means any sign erected, constructed and maintained wholly upon or over the roof or parapet wall of any building.

Satellite dish station. Also referred to as "earth stations" or "ground stations" shall mean any antenna with an essentially solid surface, whether flat, concave or parabolic which is designed for receiving communication signals from a transmitter or a transmitter relay located in planetary orbit on the planet itself.

Screening. Any solid fencing, walls, or landscaping used to conceal a use, structure, or the like from an outside observation.

Setback, front. The minimum horizontal distance between the front lot line and a building, not including any permitted obstructions. (Ord. 0-72-07, §3, 5/14/07)

Setback, rear. The minimum horizontal distance between the rear lot line and a building, not including any permitted obstructions. (Ord. 0-72-07, §3, 5/14/07)

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Setback, side. The minimum horizontal distance between the side lot line and a building, not including any permitted obstructions. (Ord. 0-72-07, §3, 5/14/07)

Sign. Means every sign, device, copy change, flashing sign, streamer, window promotional sign, billboard, freestanding sign, attached sign, roof sign, illuminated sign, temporary sign, marquee, awning, canopy, and any announcement, declaration, demonstration, display illustration or insignia containing words, printing, pictures, designs, or combinations hereof used to identify or inform or advertise or promote the interests of any person, business, profession, product or service when the same is placed in view of the general public.

Sign, attached. A sign attached to or held in place by supports attached to a principal structure.

Sign, Community. A sign identifying the Village of Palatine and other village related information. (Ord. 0-127-06, §2, 7/17/06)

Sign, development. A temporary on-premises sign for the purpose of advertising a new construction project or development during the period in which it is being constructed as well as the initial renting/selling period.

Sign, Electronic Message Board (formerly Copy Change Sign). A sign with a fixed or changing display/message composed of a series of lights that may changed through electronic means. Electronic signs depicting solely time and temperature or gasoline prices shall not be considered an electronic message board. (Ord. #0-52-08, §4, 4/21/08)

Sign, Event. A temporary sign advertising the name, duration and location of a specific event occurring within the Village of Palatine. (Ord. 0-127-06, §3, 7/17/06)

Sign, freestanding. A sign supported by pedestal(s), pier(s), column(s) or other similar support(s) either in or upon the ground, and which is not attached to any building.

Sign, Institutional. A sign identifying a public, government, civic or religious institution or organization located on the same zoning lot. (Ord. 0-127-06, §4, 7/17/06)

Sign, noncommercial. A sign, providing no commercial advertising of any kind, used to identify non-commercial activities. (Ord. 0-127-06, §5, 7/17/06)

Sign, nonconforming. A sign existing at the effective date of this ordinance which could not be constructed under the terms of this ordinance.

Sign, temporary. A non-permanent sign erected, affixed or maintained for a short, usually fixed, period of time.

Sign, Temporary Directional. A temporary sign designed to provide directional traffic information for a specific event occurring within the Village of Palatine. (Ord. 0-127-06, §6, 7/17/06)

Sign, window promotional. A sign made of non-combustible material such as paper or cardboard which promotes a price or service offered by the business or commercial use and is located in the window of said establishment.

Special use. A "special use" is permission granted by the village board, pursuant to the terms of this appendix, for use of property in a way not ordinarily permitted in a given zoning district classification.

Stable, private. A stable is any building, located on a lot on which a residence is located, designed, arranged, used or intended to be used for not more than four (4) horses for the private use of the residence, but shall not exceed six hundred (600) square feet in area.

Stable, public. A stable where horses are kept for remuneration, hire or sale.

Stacking space. A component of a drive through lane measuring a minimum of 12 feet by 22 feet

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with direct forward access to a service window or drive through facility. Stacking spaces for drive through or drive-in uses may not be counted as required parking spaces. (Ord. #0-52-08, §5, 4/21/08)

Stand, roadside. A structure for the display and sale of products with no space for customers within the structure itself.

Scoop. An unenclosed platform at the entrance to a building. (Ord. No. 0-60-06, §1, 4/3/06)

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof, excepting the following:

1. A basement shall not be considered as a story where the finished surface of the floor above the basement is twelve (12) inches or less above the finished grade.
2. A basement shall be considered a story where the finished surface of the floor above the basement is fifty-four (54) inches or greater above the finished grade.
(Ord. 0-54-07, §7, 4/16/07)

Street. A public or private right-of-way which affords the primary means of access to abutting property.

Street line. The dividing line between the lot and the street.

Structural alterations. Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.

Structural trim. Means the molding, battens, capping's, nailing strips, latticing and platforms which are attached to the sign structure.

Structure. Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground. A sign, billboard, or other advertising medium detached freestanding or attached projecting and having a gross area of sixty (60) square feet or more shall be construed to be a structure.

Structure, principal. A structure in which a principal use is conducted. (Ord. 0-115-00, ¶4, 9-25-00)

Structure, temporary. A structure not designed or intended for permanent human occupancy nor for the permanent protection of animals, chattels, or property of any kind. (Ord. 0-115-00, ¶4, 9-25-00)

Subdivision regulations. Shall be defined as Appendix B of the Code of Ordinances, Village of Palatine, Illinois.

Tavern or bar. A place of business that serves alcoholic beverages with a legally approved village liquor license with limited food service.

Tourist home. A building containing a single dwelling unit and in which meals or lodging or both are provided or offered to transient guests for compensation.

Tower. Shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular phone towers, alternative tower structures and the like. (Ord.No.0-72A-98, ¶4, 5-26-98)

Trailer. Any vehicle not independently maneuverable, designed for carrying persons or property and for being drawn by a motor vehicle, whether attached or detached from a motor vehicle. (Ord. #0-29-15, §3, 4/13/15)

Unified center. A building or buildings located on a single lot which has at least two (2) separate

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business or commercial uses.

Unique Uses. A use not otherwise listed as a Permitted Use or Special Use within any zoning district. (Ord. 0-72-07, §3, 5/14/07; Ord. 0-85-12, §2, 6/18/12)

Unit of Government shall mean any Federal or State office, agency or a unit of local government recognized as such in the Illinois Compiled Statutes. (Ord.No.0-72A-98, §6, 5-26-98)

Use. The purpose or activity for which the land, or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, principal. The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, temporary. A use of a building, structure or parcel of land which is not permanent and in existence for a limited amount of time. (Ord. 0-115-00, §5 9-25-00)

Use, nonconforming. Any lawfully established use of a building or premises which on the effective date of this ordinance does not comply with all of the applicable use regulations of the zoning district in which such building or premises shall be located. For the purpose of this ordinance, any use lawfully established on the effective date of this ordinance which is nonconforming solely by virtue of lacking off-street parking or loading facilities as required hereinafter for new uses shall not be deemed a nonconforming use.

Used car lot. Any land used or occupied for the purpose of buying and selling second-hand passenger cars and/or trucks and the storing of same prior to sale.

Variation. A "variation" is a grant of relief by the village board, pursuant to the terms of this appendix, from specific limitations of the zoning ordinance with reference to a structure to be constructed or modified on a given zoning lot or parcel of land.

Vehicle, motor. Any automobile, pickup, mini-van, van, semi, motorcycle or other vehicle propelled or drawn by mechanical power.

Vehicle, private passenger. Any automobile, pickup three-quarter (3/4) ton or less, mini-van, van or motorcycle owned and used by the occupant for private, every day transportation use.

Village. Shall mean the Village of Palatine, Illinois.

Village Manager. Shall mean the appointed official of the Village or one of his/her designated representatives.

Village operated facilities. Shall include but not be limited to fire and police stations, public works garages/storage facilities, municipal office buildings, sanitary sewer and potable water systems, storm water management facilities, and telecommunication devices. (Ord. #0-57-09, §1, 5/11/09)

Vision clearance. An open, unoccupied triangular space at the street corner or a corner lot, the space being defined as a setback line extending across the corner between points established on the street lines by measurement from the corner.

Yard. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as hereinafter permitted. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, front. A yard extending along the full width of the front lot line between the side lot lines. In the case of a corner lot, the front yard shall be adjacent to the shortest lot line that abuts a street. In the event that the lot lines abutting streets are of equal distance, the front yard shall be the yard that is adjacent to the street for which the building's street address is designated. (Ord. 0-72-07, §5, 5/14/07)

Yard, rear. A yard extending along the full length of the rear lot line between the side lot lines,

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provided, that in those locations where an alley is platted in the rear of the lot, one-half (1/2) of the width of the platted alley may be included in the rear yard requirement.

Yard, side. A yard extending along a side lot line between the front and rear yards.

Yard, required front. That yard established by the front setback requirement of this ordinance and the established front lot line.

Yard, required rear. That yard established by the rear setback requirement of this ordinance and the established rear lot line.

Yard, required side. That yard established by the side setback requirement of this ordinance and the established side lot line. (Ord. No. O-147-90, § 1, 11-26-90)

ARTICLE IV. GENERAL PROVISIONS

4.01. Interpretation.

(a) The provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

(b) Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance, or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards of requirements shall govern.

(c) This ordinance is not intended to abrogate any easement, covenant, or other private agreement; provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

4.02. Separability.

It is hereby declared to be the intention of the Mayor and Village Council of the Village of Palatine that all provisions of this ordinance are separable. (Ord. No. O-19-20, 03/09/20)

4.03. Number of buildings per lot.

(a) Each zoning lot in the Village may be improved, but shall not exceed one principal building, except for lots zoned Planned Development.

(b) No accessory structures are allowed without a principal structure.

4.04. Allowable use of land or buildings.

The following uses of land or buildings are permitted in the districts indicated hereinafter in Articles X, XI, XII and XIII and under the conditions specified in this ordinance:

- (1) Uses lawfully established on the effective date of this ordinance;
- (2) Permitted uses as designated in Articles X, XI, and XII;
- (3) Special uses;
- (4) Accessory uses.

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4.05. Prohibited use of land or buildings.

(a) No building or tract of land shall be devoted to any use other than one which is specified as a permitted or special use in Articles X, XI and XII in the zoning district in which such building or land is located.

(b) In the event a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance, and provided that construction is begun within one year of such effective date and diligently prosecuted to completion, said building or structures may be completed in accordance with approved plans; subject to the provisions of Article IX of this ordinance.

4.06. Control over use.

No building or premises shall be used or occupied and no building or part thereof or structure shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

4.07. Control over bulk.

(a) All new buildings shall conform to the bulk requirements established herein for the districts in which each building shall be located.

(b) No existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to further conflict with the bulk regulations of this ordinance for the district in which such building shall be located.

4.08. Height restrictions.

(a) Spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, fire towers, air conditioning equipment, elevator equipment and similar structures and the necessary appurtenances shall not cover more than ten (10) percent of the roof area.

(b) Said structures shall not exceed a height of one hundred (100) feet or more than twenty-five (25) feet above the height limit prescribed by the regulations of the district in which the site is located, whichever is less.

4.09. Permitted obstructions; yards.

For purposes of this ordinance permitted obstructions shall be as stated in the zoning regulations of each district.

4.10. Zoning of annexed land.

All land hereafter annexed to the Village of Palatine shall be classified as R-1 Single-Family District, unless provision for other classifications is made by ordinance after a public hearing as required by law.

4.11. Reserved.

(Sec. 4.11 Flood Plain Regulations was deleted in its entirety by Ord. #0-104-08, passed on 8/4/08)

4.12. Erosion and sedimentation control ordinance.

All excavation, movement of earth, site development, and execution of an erosion and sedimentation control plan shall be subject to the rules and regulations of the "Erosion and Sedimentation Control Ordinance" found in the Village subdivision regulations.

4.13. Expansion, additions to, or replacement of overhead utility lines in excess of 2,600 lineal feet shall be required to be buried unless the Village Council authorizes their expansion, alterations of construction above ground. The replacement of a majority of the lines in a circuit shall be deemed a replacement under this section. All such construction of utility lines in excess of 2,600 lineal feet, whether buried or overhead, shall

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be subject to review and approval by the Village Council of a specific implementation plan to ensure minimal impact on trees and private and public property. (Ord. No.0-18-95 æ2 2-27-95, Ord. No. O-19-20, 03/09/20)

Editor's Note: Ordinance 0-22-02 passed on February 25, 2002 added a new Sec. 4.14

4.14. Site Plan Review.

(a) Approval required. Prior to the issuance of a building permit or land development permit for new construction or additions, except for indoor alteration of a building, additions, signage and accessory buildings and structures on fee simple townhouse property or single-family detached dwellings, a site plan shall be approved by ordinance, possibly with conditions, by the Village Council.

(b) Authority. Site plans shall be authorized or denied by the Village Council in accordance with the procedural provisions of this section and the regulations and conditions set forth herein for site plan approval. No application for site plan approval for which a variance to this chapter is necessary shall be acted upon by the Village Council until after a public hearing before the Planning and Zoning Commission, and the findings and recommendations of the Planning and Zoning Commission holding such public hearing have been reported to the Village Council.

(c) Initiation. An application for site plan approval may be made by any person, firm or corporation, or by an office, department, board, bureau or commission requesting or intending to request a land development permit or building permit.

(d) Processing. An application for site plan approval shall be filed with the Community Development Director or his/her authorized designee on forms provided by the Village and accompanied by such information as shall be established from time to time by the Village and kept on file in the Community Development Department.

(e) Recommendation. The Community Development Director or his/her authorized designee shall forward all recommendations containing those stipulations and conditions to be made a part of the authorization ordinance to the Village Council within a reasonable time.

(f) The site plan shall be drawn to ensure that all the following have been addressed:

(1) General welfare. The proposed development should not under the circumstances of the particular case be detrimental to health, safety, morals or general welfare and should be designed to avoid or mitigate possible adverse impacts.

(2) Compatibility. That the proposed arrangement of buildings, off-street parking and loading facilities, access, lighting, landscaping, and drainage is compatible with adjacent land uses.

(3) Conformance. That the site plan shall conform to all applicable village policies and ordinances.

(g) Determination. The Village Council, upon receipt of the site plan and authorization ordinance with applicable conditions, and without public hearing, may grant or deny any proposed plan, in accordance with applicable statutes of the State of Illinois and subsections (F) (1) (2) and (3) of this section, or may refer it to the Planning and Zoning Commission and/or a standing committee, for further consideration. (Ord. 0-22-02 §1, 2/25/02; Ord. No. O-25-23, 03/20/23)

Sec. 4.15. Temporary outdoor Christmas tree sales:

The temporary outdoor sales of Christmas trees and related items shall be permitted, except on properties that contain a residential use, subject to obtaining a Village business license and the following conditions:

- (a) The temporary outdoor sales of Christmas trees and related items may only occur between November 15 and December 31.
- (b) When merchandise is stored or displayed on pedestrian walkways, a minimum width of five (5) feet must be maintained free and clear of any storage, display or sales area.
- (c) No outdoor sales or storage shall occur within public rights-of-way.
- (d) All merchandise and equipment shall be kept in a neat, safe, sanitary and orderly fashion, free from garbage, rubbish and other debris.
- (e) A maximum of one (1) sign per street frontage shall be permitted. No individual sign shall exceed forty (40) square feet.
- (f) All applicable Village codes shall be followed and all applicable taxes shall be paid.”
(Ord. 0-84-05, §1, 4/18/05)

[Editor’s Note: Ord. #0-63-12 created a new Sec. 4.16 Donation/collection box]

Sec. 4.16 Donation/collection box.

- a. Only donation boxes directly associated with the principal use of the subject property shall be permitted.
- b. Only two (2) donation boxes shall be permitted per zoning lot.
- c. Administrative Site Plan Review and Registration are required.
- d. As part of the application to locate a donation box, written authorization from the property owner must be obtained and provided to the Village of Palatine.
- e. The donation/collection box must be placed on a solid and dust-free surface.
- f. Donation boxes shall not exceed six (6) six (6) inches in height, five (5) feet wide and four (4) feet deep and if located in the parking lot shall not obstruct more than one surplus parking space.
- g. Donation boxes shall only be located upon properties used for educational, institutional, religious, or not for profit uses.
- h. Donation boxes shall not be located in the required front or corner side yard and must be located to minimize the visual impact, when viewed from public or private streets.
- i. Donation boxes shall include an informational posting, as to whether their organization accepting the donations is a for-profit or not-for-profit.
- j. Donation boxes shall also include a local contact person and the operator of the donation box, with the appropriate contact telephone number to address any maintenance or damage concerns with the box.
- k. The donation box shall not be placed in a location to interfere with or cause a visual obstruction to vehicle or pedestrian traffic.
- l. Donated materials or items shall not be stored or left outside the donation box.

ARTICLE V. USE DISTRICTS

5.01. District classifications.

R-1 Single-Family District.
R-1A Single-Family District.
R-1B Single-Family District.
R-1C Single-Family District.
R-2 Single-Family District.
R-3 Multi-Family District.
B-1 Shopping Center District.
B-2 General Business District.
B-3 Central Business District.
B-4 Office-Research District.
B-5 Highway Business District.
Manufacturing District.
Planned Development Districts.

5.02. Zoning map.

(a) *Official zoning map.*

- (1) The location and boundaries of the districts established by this ordinance are hereby set forth on the zoning map entitled "Official Zoning Map". All amendments, notations, references and other matters shown thereon, shall be part of this ordinance.
- (2) The official zoning map shall be kept on file in the office of the Village Clerk and shall be open to public inspection at all times during which the Clerk's office is customarily open. Any person desiring a copy shall pay a fee as provided in the fee supplement to the municipal code.
- (3) To reflect changes and adaptations, the official zoning map shall be annually updated and revised.

(b) *Boundaries.* In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the official zoning map, the following rules shall apply:

- (1) The district boundaries are the center lines of the streets or alleys, unless otherwise indicated. Where designation of a boundary line on the official zoning map coincides with the location of a street or alley, the centerline of such street or alley shall be construed as the boundary of such district.
- (2) Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- (3) When a lot held in one ownership on the effective date of this amendatory ordinance (effective date April 1, 1988) is divided by a district boundary line, the entire lot shall be construed to be within the more restrictive district.

5.03. Zoning of streets, alleys, public and railroad right-of-ways.

(a) All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways and railroad rights-of-way.

(b) Where the center line of the street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

ARTICLE VI. ACCESSORY STRUCTURES, FENCES, AND ACCESSORY USES

6.01. Accessory structures and pools, hot tubs, and spas. (Ord. #0-115-10, §1, 9/20/10)

(a) *Regulations.* The following regulations shall apply to all accessory structures, unless otherwise noted, except for Village-operated facilities and above ground public utility appurtenances as noted in Section 6.01(b). If an accessory structure is attached to a principal structure, it shall follow all applicable standards of that zoning district for the principal structure. (Ord. #0-52-08, §6, 4/21/08; Ord. #0-29-15, §4, 4/13/15)

- (1) Maximum height: One (1) story, not to exceed Fifteen (15) feet, except as a special use. The highest point of an accessory structure shall not exceed the highest point of the principal structure. (Ord. 0-31-00, § 1, 4-24-00)
- (2) Minimum distance requirements:
 - a. From principal building: Ten (10) feet.
 - b. From side lot line: Five (5) feet.
 - c. From rear lot line: Five (5) feet.
- (3) Location. All accessory structures shall be located in rear yards or side yards, subject to the minimum distance requirements in Section 6.01(a) (2). For the purposes of Section 6.01(a), rear yard shall be defined as the area between the rear of the principal structure and the rear lot line, extending between the side lot lines, and side yard shall mean the area between the side of the principal structure and the side lot line, extending between the front and rear building lines.
 - a. Where the side lot line of a rear yard abuts the side lot line of a front yard of an adjacent lot, all accessory structures shall be set back from the rear lot line a distance equal to the required front yard setback of said adjacent lot.
 - b. Corner Lots. Accessory structures shall not encroach upon a side yard abutting a street. For the purposes of Section 6.01(a), a side yard abutting a street shall be defined as the area between side of the principal structure and the side lot line abutting the street, extending between the front lot line and the rear lot line. (Ord. 0-60-06, §2, 4/3/06)
 - c. No portion of any accessory structure shall overhang or be located in any easement. (Ord. #0-52-08, §7, 4/21/08)
- (4) Ground floor area.
 - a. Rear yards. The ground floor area of all accessory structures located in a rear yard shall not exceed the lesser of:
 - i. Twenty (20) percent of the area of such rear yard or;
 - ii. Seven hundred (700) square feet.
 - iii. Fifty percent (50%) of the floor area of the principal structure. (Ord. 0-31-00, § 1, 4-24-00)

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- b. Side yards. The ground floor area of all accessory structures located in a side yard shall not exceed one hundred fifty (150) square feet in size.
- (5) Swimming pools, hot tubs, and spas:
 - a. Swimming pools, hot tubs and spas shall be located in rear yards or side yards,
 - b. The placement of a swimming pool, hot tub or spa shall comply with the applicable building codes and the National Electrical Code.
 - c. All swimming pools and hot tubs shall be located a minimum of five (5) feet from the side lot line and five feet from the rear lot line.
 - d. All swimming pools must be set back a minimum of four (4) feet from the principal structure. Hot tubs and spas shall meet the building codes requirements and National Electrical Code, but there is no other setback requirement for the placement of a hot tub or spa.
 - e. The ground floor area regulations per Section 6.01(a)4 of this Appendix A shall not apply to or include swimming pools, hot tubs, or spas.

(b) Above ground public utility appurtenances in Residential Districts.

- (1) Location. Above ground public utility appurtenances located on private property shall be permitted in public utility easements in a rear or interior side yard.
- (2) A maximum of two (2) above ground utility appurtenances shall be permitted per residential lot.
- (3) Above ground public utility appurtenances shall not be calculated into lot coverage.
(Ord. #0-52-08, §8, 4/21/08)

(c) Special uses. The following uses are permitted as special uses when authorized by the village board, subject to the standards set forth in section 14.05 of this appendix.

- (1) Accessory structures; on lots zoned for residential uses which exceed fifteen (15) feet in height. (Ord. No. 0-4-97, §3, 1/13/97)

(d) Portable Storage Units. Portable storage units, which shall be limited to fully enclosed temporary storage structures, shall be permitted on residential properties, subject to the following conditions. Roll off dumpsters, or other similar containers shall not be considered as portable storage units. (Ord. 0-91-05, §1, 5/2/05)

- (1) Maximum Number Permitted: two (2) per zoning lot.
- (2) Maximum Size: No individual portable storage unit shall exceed 1,100 cubic feet.
- (3) Maximum Duration: The use of portable storage units on a property shall be limited to three (3) separate instances per calendar year, not to exceed ten (10) consecutive days per instance, unless otherwise approved by the Village of Palatine, in conjunction with a building permit.
- (4) Portable storage units shall be kept on a solid dust free surface.
- (5) Portable storage units shall not encroach into any easement.
(Ord. 0-84-05, §2, 4/18/05; Ord. O-135-17, 12/11/17, Ord. O-67-23, 06/05/23)

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6.02 Towers and antennas.

(a) General Requirements

- (1) A building permit shall be required for the construction or installation of any tower or antenna. Building permit fees shall be waived for the towers and antennas when required by state law.
- (2) All antennas and towers shall be installed, maintained, and grounded according to the standards as stated in the building code.
- (3) Advertising, logos, or symbols shall not be permitted on any tower or antenna, nor shall any tower or antenna be illuminated by direct or indirect lighting.

(b) Towers in the Business and Manufacturing Districts and residentially zoned properties owned and used by a unit of government.

- (1) Location and Setbacks
 - a. Towers shall be located in the rear or interior side yards or on the roof of buildings.
 - b. Towers shall be set back from residentially zoned property a minimum distance equal to the height of the tower.
 - c. Towers shall be set back from the lot lines a minimum distance equal to the height of the tower.
- (2) Number. No more than one tower shall be located on each zoning lot.
- (3) Height
 - a. The height of a single user tower shall not exceed 80 feet, measured from grade to the top of the tower or to the top of an antenna, whichever is taller, except as provided below.
 - b. The height of a tower designed to accommodate co-location for at least three additional antennas shall not exceed 140 feet, measured from grade to the top of the tower or to the top of the highest antenna, whichever is taller, subject to the requirements contained in Subparagraph G. Said towers shall be subject to the regulations governing setbacks.

(c) Towers in Residential Districts, excluding properties owned and used by a unit of government.

- (1) Location and Setbacks
 - a. Towers shall be located in the rear or interior side yards or on the roof of buildings.
 - b. Towers shall be set back from the lot lines a minimum distance equal to the height of the tower.
- (2) Number. No more than one tower shall be located on each zoning lot.
- (3) Height. The height of a tower shall not exceed 50 feet, measured from grade to the top of the tower or the top of the highest antenna, whichever is taller.
- (4) Limited Use. Towers in residential districts shall be used solely for communications directly related to on-site residential permitted uses.

(d) Antennas in the Business and Manufacturing Districts and residentially zoned properties owned and used by a unit of government.

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- (1) Location and Setbacks.
 - a. Antennas shall be permitted on tower or alternative tower structures, in the rear and interior side yards and on roofs of buildings.
 - b. Antennas shall be set back from the lot lines a minimum distance equal to the height of the antenna.
- (2) Number and screening.
 - a. No more than one ground mounted antenna shall be located on each zoning lot.
 - b. Any number of antennas shall be permitted on towers and alternative tower structures, provided that the antennas are painted the same color as the tower or alternative tower structure, to minimize the visual impact of the structure.
 - c. Any number of antennas shall be permitted to be located on the roof, provided that the antennas are completely screened from view by a solid screen wall equal to or greater in height than the tallest antenna on the roof. Antennas may be placed directly on the front of screen wall provided that the antennas are painted the same color as the screen wall and do not extend above the top of the screen wall.
- (3) Size
 - a. Antennas shall not exceed 15 feet measured in any direction.
 - b. Exemption: Antennas less than 1 meter (39 inches) in size are exempt from the regulations.

(e) Antennas in residential districts, excluding properties owned and used by a unit of government.

(1) Location and setbacks

- a. Antennas shall be permitted in the rear and interior side yards and on roofs of buildings and are subject to the minimum distance requirements for Accessory Structures as stated in Section 6.01 (a) (2).
- b. Ground mounted antennas shall be setback from the rear and interior side lot lines a minimum distance equal to the height of the antenna or the minimum as stated in Section 6.01 (a) (2), whichever is greater.

(2) Number. No more than one antenna per zoning lot shall be permitted.

(3) Size

- a. Antennas shall not exceed 10 feet measured in any direction.
- b. Exemption: Antennas less than 1 meter (39 inches) in size and non-dish type, roof-mounted antennas used solely for television reception less than 15 feet measured in any direction are exempt from the regulations.

(4) Limited Use. Antennas in residential districts shall be used solely for communications directly related to on-site residential permitted uses.

(f) Removal of Abandoned Towers and Antennas

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within one hundred twenty (120) days of receipt of notice from any governing authority or the Village of Palatine notifying the owner of such abandonment. The telecommunication service provider shall provide the Village with a copy of the FCC notice at the same time said notice is sent to the FCC when an antenna site is taken out of service. Failure to provide such copy of the FCC notice, or failure to remove the tower within 120 days of the date such FCC notice is given to the FCC shall

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result in a penalty of \$10,000.00. Further, the Village retains the right to remove said tower after said 120 day period and charge all costs and expenses of removal and restoration to the owner. If there are two or more uses of a single tower or antenna, then this provision shall apply only to the antenna that is taken out of service.

(g) Co-location on Towers

It is the purpose and intent of this ordinance to encourage and assist in co-location of antennas and towers wherever possible for the purpose of reducing visual blight and improving public safety from an overabundance of tower structures. To further that purpose and intent, the following regulations shall apply:

In the event that the Village Council agrees, pursuant to a Co-location Agreement, then the height restrictions in this ordinance applicable to towers may be extended to allow, as a matter of right, an additional twenty (20) feet of overall height for every additional co-location site provided on the proposed tower up to a maximum of sixty (60) additional feet in overall height. In order to qualify for the additional height, the owner must agree to execute a Co-location Agreement, in the form prescribed by the Village, which shall include at a minimum the following rights and responsibilities:

- 1) The owner of the land and the owner of the tower shall execute a Co-location Agreement with the Village permitting co-locator(s) (other telecommunication providers) to locate antennas on the tower.
- 2) The agreement shall provide that in consideration for the use of the tower, the owner of the tower shall be reimbursed for certain costs as identified below.
- 3) The tower owner shall receive, on a monthly basis, fifty (50%) percent of the remaining monthly payments on the land lease, if any, for the tower structure. (The co-locator shall negotiate with the land owner for his own land lease for the co-locator's equipment cabinet or equipment building.) Said lease payments to begin on the first day of the month that the co-locator gains access to the tower structure. The owner of the tower shall provide the Village (at the time of building permit issuance for construction of the tower) with a copy of the land lease evidencing the monthly lease payment (separating out the rent reasonably attributable to the ground space leased for the equipment cabinet or equipment building, if the lease does not do so) of the leased premises and certify that it is a true and accurate copy of said lease.
- 4) The tower owner shall receive from the first co-locator fifty (50%) percent of the costs of construction of the tower, (excluding costs attributable to the tower owner's equipment cabinet or equipment building and installation costs exclusively attributable to the tower owner's equipment), in a lump sum, subject to the tower owner certifying said amount to the Village and the Village confirming the costs of construction.
- 5) In the event of a second and/or third co-locator on the same tower, the tower owner and any existing co-locator(s) shall receive from the second and/or third co-locator their proportionate share; i.e., the second co-locator will be responsible for one-third of the remaining monthly tower land lease payments and one-third of the tower construction costs; the third co-locator will be responsible for twenty-five (25%) percent of the remaining monthly tower land lease payments and twenty-five (25%) percent of the tower construction costs. Said lease payments and construction costs shall be distributed on a pro-rata basis so that the tower owner and each co-locator pays an equal proportionate share of tower land lease and tower construction costs. Total payments of all tower users shall at no time exceed one hundred (100%) percent of tower lease or tower construction costs. Subsequent co-locators shall make the pro-rata payments on the same basis as set forth above.

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- 6) The owner of the land agrees to make available to co-locators, a comparably sized space at a comparable rental for the purposes of accommodating a co-locator and subsequent co-locators= electrical equipment.
- 7) Each party to the Co-location Agreement, its successor and assigns, shall maintain its equipment in good condition and repair, and shall remain responsible for all costs, expenses and liabilities of every kind whatsoever relating to the maintenance, repairs and replacements of its equipment on the real estate and on the tower.
- 8) The tower owner, in connection with its building permit, shall submit an engineering report from a licensed structural engineer certifying that the tower has been designed and shall be constructed to structurally and physically accommodate the maximum additional telecommunication equipment it is designed to handle. The tower owner shall not deny a co-locator access to its tower on the grounds that the co-locator=s antenna and equipment imposes greater structural and wind loading impacts on the tower unless it presents a certified written report to the Village from a licensed structural engineer certifying that the co-locator=s antenna and equipment cannot be supported by the tower.
- 9) The tower owner shall grant to co-locators access to the tower and to their respective antennas at all reasonable times to install said equipment and to maintain same.
- 10) In the event of a dispute between the land owner, tower owner and/or the co-locator, the losing party shall reimburse the Village its costs, expenses and attorneys fees in enforcing the terms of this Ordinance or the Co-location Agreement.

(h) Relief Alternatively Available Through Special Use

In the event the Village, the land owner and the tower owner do not agree to execute a Co-location agreement, then said owner(s) may proceed with a Special Use application to seek the additional height. (Ord.No.0-72A-98, 37,5/26/98)

6.03. Fences.

(a) General requirements.

- (1) Permits. It shall be unlawful to construct, erect or replace on private property or upon any parkway in the Village any fence, as defined in this ordinance without first obtaining a building permit from the administrator and making payment of required fees.
- (2) Restrictions. All fencing shall be subject to the following restrictions:
 - a. All fence types, except barbed wire, electrically charged or other types designed to cause injury, shall be permitted unless otherwise specified.
 - b. All fencing shall be constructed so that the rough, unfinished side faces the owner's property.
 - c. The location and style of any fencing shall not interfere with the natural flow of stormwater. Fencing in any drainage easement, or within any area where the natural flow of stormwater occurs, shall be subject to the review and approval of the Village Engineer.
- (3) Required fences.
 - a. Swimming pools. Fences, or other permitted safety measures, shall be required around swimming pools as provided in the building code.
 - b. Mini-warehouses. All mini-warehouses in the Village shall be required to have an eight-foot high chain link fence around the perimeter of any required yard.

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- (4) Dumpster enclosures. All fencing around dumpsters shall be subject to approval by the Village to ensure promotion of the health, safety and welfare of the Village.
- (5) Method for Determining Fence Height. The fence height limitations contained within this Code shall apply to the fence and any other appurtenances attached to it. Fence height shall be measured vertically from grade to the top of the fence. Fence height shall be determined on the property in which the fence is installed. Posts used specifically for supporting a fence may exceed the applicable height limit by a maximum of eight (8) inches, thus allowing for ornamental treatment. To accommodate potential drainage conflicts and fluctuations in grade, the Director of Community Services may allow portions of a fence to exceed the applicable height limit by a maximum of 6 inches.
- (6) Replacement of existing fence. Any existing non-conforming fence, as of the effective date of this ordinance, may be replaced in its current location provided that: 1) Such replacement fence is no taller in height than the existing non-conforming fence; and 2) Such replacement fence is similar in style, or more open, than the existing non-conforming fence. Prior to obtaining a building permit, the property owner shall provide proof that the fence existed in its current location prior to the adoption of these regulations and proof in regards to the height and style of said fence. This proof shall be submitted in a manner acceptable to the Director of Planning and Zoning.
(Ord. O-67-23, 06/05/23)

(b) *Residential districts.* All fencing in residential districts shall comply with the following requirements:

- (1) Height. All fencing shall not exceed six (6) feet in height unless otherwise specified, except that fencing in rear or interior side yards, which abut properties in a Business or Manufacturing District, shall not exceed eight (8) feet in height. (Ord. O-67-21, 6/21/21)
- (2) Decorative fencing. In front yards and side yards abutting a street abutting a front yard, only decorative fencing shall be permitted, and shall conform to the following standards:
 - a. The total amount of all decorative fencing in any front yard or side yard abutting a street abutting a front yard shall not exceed twenty (20) linear feet in length in a yard.
 - b. Decorative fencing shall not exceed three (3) feet in height.
- (3) Pet enclosures. A pet enclosure or run shall be permitted only within rear yards and when located on lots abutting a street, said enclosure shall not be located in the half of the rear yard which abuts the street. All pet enclosures or runs must conform to the following standards:
 - a. Said enclosure shall not exceed six (6) feet in height.
 - b. Said enclosure shall not exceed two hundred (200) square feet.
- (4) Permitted fencing.
 - a. Front yard: All fencing, except decorative fencing and as allowed in sections 6.03(b)(4)a.i. and ii. below, shall follow the required setback of the zoning district. For those lots platted on or before January 1, 1930, fencing may follow the established front building line excluding any stairs and porches, otherwise the required setback of the zoning district shall be followed.

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- i. R-2 Single-Family District: For those corner lots where the primary entrance to the principal structure on the lot does not face the Front Yard of said lot, or the Front Yard otherwise does not function as the lot's front yard based on the actual use of the lot as determined by the Village's Planning and Zoning Director, fencing, at a height not to exceed six (6) feet, may be installed with a minimum setback of twenty (20) feet.
 - ii. R-3 Multi-Family District: For those corner lots where the primary entrance to the principal structure on the lot does not face the Front Yard of said lot, or the Front Yard otherwise does not function as the lot's front yard based on the actual use of the lot as determined by the Village's Planning and Zoning Director, fencing, at a height not to exceed six (6) feet, may be installed with a minimum setback of twenty-five (25) feet.
- b. Side yard: No setback requirement.
- c. Rear yard: No setback requirement.
- d. Side yard abutting a street, when abutting another side yard abutting a street:
 - i. Decorative fencing: Decorative fences, 48 inches or less in height, shall be setback a minimum of three (3) feet from the lot line. Landscaping shall not be required for decorative fences 48 inches or less in height.
 - ii. All other fencing: All other fences shall be set back a minimum of five (5) feet from the side yard abutting a street lot line. The following landscaping requirements shall apply for non-decorative fences that are installed ten (10) feet or less from the side yard abutting a street lot line.
 - a. Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a combination of shrubs, deciduous plant materials, or other appropriate plantings, approved and reviewed by the Planning and Zoning Department, with a minimum installed height of 36 inches. The property owner must provide written verification including, but not limited to, a landscaping or planting plan, confirming the types and size of plant materials to be installed as part of this project.
 - b. Use of existing landscaping: Landscape material located within and adjacent to the area in which the proposed fence would be located in, may fulfill the landscaping requirements set forth within this Section. The landscape material must meet the minimum size installation requirements for that portion of the fence which is subject to the request. The use of this existing plant materials is subject to approval by the Planning and Zoning Department.
- e. Side yard abutting a street, when abutting a front yard: All fencing, except decorative fencing, shall follow the required setback of the zoning district.
- f. Rear yard abutting a street: Fences located in a rear yard abutting a public street shall be set back a minimum of 5 feet from the lot line.
 - i. Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a combination of trees and shrubs with a minimum installed

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height of 36 inches.

- ii. Fences located in the rear yard abutting a public street shall include a gate to allow access to the rear street frontage. (Ord. O-37-19, 4/08/19)

(5) Reserved. See Section 6.03(b)4.

(6) Special Uses. The following uses are permitted as special uses when authorized by the Village Council, subject to the standards set forth in section 14.05 of this appendix.

- a.
 - a. Fencing in any front yard, except the following shall be permitted:
 - i. Decorative fencing as permitted in Section 6.03 of this appendix;
 - ii. Temporary fencing erected to protect any seeding area; and
 - iii. Fencing as permitted in Section 6.03(b)(4)a.i. and ii. of this appendix.
 - b. Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot. Fences in side yards abutting a street, where the side lot line of said side yard abutting a street abuts the side lot line of a front yard of an adjacent lot or where the rear lot line of said side yard abutting a street abuts the side lot line of a front yard of an adjacent lot.

Fences located in these yards may be approved through a building permit, if they meet the minimum required side yard abutting a street setback for that underlying zoning district.

(Ord. 0-60-06, §6, 4/3/06; Ord. O-135-17, 12/11/17, O-067-23, 6/5/23)

(c) *Business districts.* All fencing in business districts is subject to review and approval by the administrator to ensure promotion of the health, safety and general welfare of the village. No fence shall exceed six (6) feet in height, or eight (8) feet in height in rear or interior side yards which abut properties in a Residential District, unless otherwise specified in this ordinance. (Ord. No. O-19-20, 3/9/20; Ord. O-67-21, 6-21-21)

(d) *Manufacturing districts.* All fencing in manufacturing districts shall comply with the following requirements:

- (1) Height. All fencing shall not exceed eight (8) feet in height unless otherwise specified in this ordinance.
- (2) Front yards. In front yards, only decorative fencing shall be permitted, and shall conform to the following standards:
 - a. The total amount of all decorative fencing in any front yard shall not exceed twenty-four (24) forty (40) linear feet in length.
 - b. Decorative fencing shall not exceed three (3) feet in height.
- (3) Interior lots.
 - a. Front yard: All fencing, except decorative fencing, shall follow the required setback of that zoning district.
 - b. Side yard: No setback requirement.
 - c. Rear yard: No setback requirement.
- (4) Corner lots.
 - a. Front yard: All fencing, except decorative fencing, shall follow the required setback of that zoning district.

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- b. Side yard: No setback requirement.
- c. Rear yard: No setback requirement.
- d. Side yard abutting a street: All fencing shall follow the required setback for that zoning district.
- e. Rear yard abutting a street: All fencing shall follow the required side yard setback for that zoning district.

(e) *Planned development districts.* All fencing in planned development districts shall conform to the following minimum requirements:

- (1) Residential areas with lots. In all residential areas with lots, the fence regulations specified in section 6.03(b) shall apply.
- (2) Residential areas without lots. In all residential areas without lots, the fence regulations in section 6.03(b) shall apply, unless different regulations are established in a separate declaration approved by the village.
- (3) Business areas. In all business areas, the fence regulations in section 6.03(c) shall apply.
- (4) Manufacturing areas. In all manufacturing areas, the fence regulations in section 6.03(d) shall apply.

6.04. Home occupations.

(a) Permitted home occupations. The following are permitted home occupations provided they do not violate any of the standards of subparagraph (d) below:

- (1) Babysitting, limited to three (3) children at one time.
- (2) Computer programming.
- (3) Day care home.
- (4) Dressmaking, sewing and tailoring.
- (5) Musical and dance instruction, limited to three (3) pupils at a time.
- (6) Painting, sculpturing, or writing.
- (7) Professional office of a clergyman, lawyer, physician, dentist, architect, engineer, or accountant.
- (8) Tutoring; limited to three (3) students at a time.

(b) *Prohibited home occupations.* The following are not permitted as home occupations:

- (1) Animal grooming establishment.
- (2) Barber shop.
- (3) Beauty parlor.
- (4) Clinic or hospital.
- (5) Commercial stable.
- (6) Kennel.
- (7) Real estate office.

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- (8) Restaurant.
- (9) Tourist home.
- (10) Vehicle repair or painting, excluding the repair of a resident's vehicle.
- (11) Landscaping Business. Unless such operation of the landscaping business complies with all of the standards for home occupations, as outlined in 6.04 (d). (Ord. 0-41-03, §3, 2-3-03; Ord. 0-13-07, §1, 2/20/07)

(c) *Other home occupations.* Any proposed home occupation that is neither specifically permitted by section 6.04(a) nor specifically prohibited by section 6.04(b), shall be approved if it meets the standards of section 6.04(d).

(d) *Standards.* The following standards shall apply to all home occupations:

- (1) The home occupation shall not change the outside appearance of the dwelling.
- (2) The home occupation shall not be visible from the street or create unreasonable traffic related to the home occupation. (Ord. 0-13-07, §2, 2/20/07)
- (3) The home occupation shall be carried on by a member of the immediate family residing on the premises.
- (4) No other person shall be employed or involved with said activity on premises other than a member of the immediate family residing in the dwelling unit.
- (5) All activities and all storage must be conducted within a structure.
- (6) All wholesale, jobbing, or retail business shall be conducted entirely by mail or telephone or other electronic means. (Ord. 0-13-07, §3, 2/20/07)
- (7) No more than six hundred (600) square feet of the area of a dwelling unit shall be devoted to any home occupation.
- (8) No motor power other than electrically operated motors shall be utilized.
- (9) Not more than one truck of not more than one-ton pickup capacity and no semi-trailers incidental to a home occupation shall be kept on the site.
- (10) No unreasonable odor or noise shall be emitted, and no increase in odor or noise over those in existence without the home occupation shall be permitted.
- (11) Where applicable, a Village of Palatine business license must be obtained. (Ord. 0-13-07, §4, 2/20/07)

6.05. Garage, rummage sales or owner made craft sales.

(a) *Duration.* Each occasion shall not take place for a period of time longer than twelve (12) hours per day for a maximum of three (3) consecutive days.

(b) *Number.* There shall not be more than three (3) occasions per year.

ARTICLE VII. OFF-STREET PARKING AND LOADING REGULATIONS

7.01. Purpose.

The purpose of this article is to alleviate or prevent congestion of public streets, and to promote the

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safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use.

7.02. General requirements.

(a) *Requirements of motor vehicle parking and loading.*

- (1) In all zoning districts off-street automobile motor vehicle parking and loading space shall be provided as an accessory use in accordance with the requirements of this article.
- (2) At the time any building or structure is erected, enlarged, or expanded in height or ground coverage, the accessory parking and loading area must conform to regulations in this article and the building code.
- (3) All new or enlarged parking areas and loading areas shall first secure a building permit before commencing construction.
- (4) No vehicle, including, but not limited to, motor vehicles, recreational vehicles, trailers, private passenger vehicles, and commercial vehicles, shall be used for the purposes of human habitation. Exceptions to this regulation may be granted by the Village Manager following the submittal and review of a specific written request. (Ord. 0-254-05, §1, 12/19/05)

(b) *Existing parking and loading spaces.* Accessory off-street parking and loading spaces in existence on the effective date of this ordinance may not be reduced in number unless already exceeding the requirements of this section for equivalent new construction, in which event said spaces shall not be reduced below the number required herein for such equivalent new construction.

(c) *Permissive parking and loading spaces.* Nothing in this Article VII shall prevent the establishment of additional off-street parking or loading facilities to any existing use of land. However, those off-street parking areas accessory to existing multiple family structures cannot be located off the premises containing the main use unless on a lot adjacent thereto.

(d) *Yards; use.*

- (1) Off-Street Parking.
 - a. Accessory off-street parking spaces which are required for a principal structure and which are not enclosed may be located in any required yard on the same lot as the principal structure.
 - b. In a residentially zoned district or a residential area of a planned development zone, parking in front yards or a side yard on a corner lot abutting a street shall be only on that portion of the yard improved for a driveway or off-street parking purposes, pursuant to provisions of the building code and the municipal code.
 - c. Required setbacks.
 - i. No off-street parking space shall be located closer than five (5) feet from any street line, or two (2) feet from any interior property line, except when parking and driveway are shared between two (2) adjacent properties.
 - ii. No off-street parking space nor portion thereof established on a zoning lot without building shall be located closer to any street line than the established building line on adjacent properties nor closer than the front yard setback required for the district in which the parking lot is located.
- (2) Off-street loading. Space for each off-street loading berth may occupy any part of any required yard.

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(e) Repairs.

- (1) There shall be no commercial automotive repairs on a lot in a residential district.
- (2) No commercial repair work or service of any kind to motor vehicles shall be conducted on open parking areas or loading areas.

(f) Location.

- (1) Off-street parking. All accessory off-street parking facilities required herein shall be located as follows, measured as a linear distance from the nearest point of the parking area to the nearest entrance of the structure that said parking is required to serve.
 - a. Spaces accessory to one-and two-family dwellings: on the same lots as the principal use served.
 - b. Spaces accessory to multiple family dwellings: on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.
 - c. Spaces accessory to uses located in a business or manufacturing district: within eight hundred (800) feet of a main entrance to the principal building served.
 - d. Spaces accessory to uses located in a residential district, other than residential dwellings: within eight hundred (800) feet of a main entrance to the principal building served.
 - e. No parking facilities accessory to a business or manufacturing use shall be located in a residential district.
- (2) Off-street loading. All accessory off-street loading areas required herein shall be located on the same lot as the use to be served.
 - a. No such berth shall be located closer than fifty (50) feet to any other lot in any residential district unless wholly within a completely enclosed building or unless screened from such lot in the residential district by a wall or a uniformly painted solid fence not less than six (6) feet in height.
 - b. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.

7.03. Schedule of parking requirements.

(a) General requirements.

- (1) When determination of the number of off-street parking spaces required by this article results in a requirement of a fractional space, any fraction of one-half ($1/2$) or more shall be counted as one parking space, while a fraction of less than one-half ($1/2$) may be disregarded.
- (2) Unless the number of off-street parking spaces required by this article is greater, all retail lots must provide a minimum of five (5) off-street parking spaces.
- (3) Handicapped spaces. All required handicapped spaces shall be subject to the following requirements.
 - a. All handicapped parking spaces shall be located in close proximity to the principal building and shall offer barrier-free access to the principal building.
 - b. All handicapped parking spaces shall be appropriately marked by a sign containing the word "reserved" and the standard handicapped logo.

(b) Required spaces.

- (1) Spaces required for a use. The following uses shall provide as a minimum, the following number of parking spaces.

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Single-family detached dwellings	3.0 spaces per residence, including one garage space
Multiple-family dwellings	2.0 spaces per unit without garages; 2.25 spaces per unit with garages
Hospitals	1.5 spaces per bed
Assembly uses	1 space for each 2.5 seats; or bench seating spaces based on maximum capacity, or 30 percent capacity in persons (capacity defined by the Fire Prevention Bureau per the Life Safety Code.), whichever is greater. (Ord. 0-31-00, 1, 4-24-00)
Funeral homes	1 space per 100 square feet of gross chapel and lounge areas for the public
Hotels, Extended Stay Hotels, and Motels	1 space for each living or sleeping unit; plus additional spaces for affiliated uses according to the requirements set forth in this Ordinance
Restaurants and taverns	The parking for restaurants and taverns shall conform to the greater of: (a) 1 space per 100 square feet of gross floor area, excluding any basement or second story storage areas; or (b) 1 space per 2.5 seats.
Carry-out restaurants without any sit-down seating	1 space per 300 square feet of gross floor area
Business and retail uses	1 space per 300 square feet of gross floor area; except such as would fall under one of the foregoing classifications but not including manufacturing or warehouse and storage uses
B-3, Central Business District or any property bounded by Wood Street (north), Johnson Street (south), Smith Street (west) and Plum Grove Road (east), regardless of the underlying zoning (Ord. No. 0-83-10, §1, 7/19/10)	This requirement may be waived with approval from the administrator
B-4, Office Research District	1 space per 300 square feet of gross floor area; plus one visitor space for each 15,000 square feet of gross floor area calculated in the foregoing
Manufacturing, warehouse and storage uses	1 space per 1,000 square feet of gross floor area in manufacturing and warehousing uses; plus 1 space per 300 square feet of gross floor area in office uses

(Ord. 0-87-09, §1, 7/13/09)

- (2) Handicapped parking. All off-street parking lots shall comply with the current Illinois Accessibility Code (IAC) requirements. (Ord. 0-22-02, §2, 2/25/02, Ord. O-37-19 04/08/19)
- (3) Drive-through lane requirements.
 - a. Stacking. All stacking spaces shall be a minimum 12 feet in width and 22 feet in length.
 - i. Banks: 7 stacking spaces for a single lane; 4 stacking spaces per lane for 2 or more lanes.

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- ii. Restaurants: 7 stacking spaces.
- iii. All other drive-thru's, excluding automobile marts for the sale of fuel: 5 stacking spaces.

b. Design.

- i. An escape lane with a minimum width of 12' shall be provided in the event that the outer-most drive through lane does not have access to an adjacent drive aisle.
- ii. A drive-through lane shall be located to prevent any vehicles from extending onto the public right-of-way or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas.

(Ord. #0-52-08, §9, 4/21/08)

(c) *Joint parking facilities.* Required parking facilities serving two (2) or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for such use.

- (1) The Planning and Zoning Commission may recommend the joint use of parking facilities by the following uses or activities under the following conditions:

- a. Up to fifty (50) percent of the parking facilities required by this article for a theatre, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by certain other types of buildings or uses specified under (e) below.
- b. Up to fifty (50) percent of the off-street parking facilities required by this article for any building or use specified under (e) below may be supplied by the parking facilities provided by uses specified under (f) below.
- c. Up to one hundred (100) percent of the parking facilities required by this article for a religious institution or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under (e) below.
- d. Two (2) or more commercial lots, each under different ownership, may be allowed joint parking facilities if a written agreement is made between the owners in which an amenity is provided satisfactorily to the Village, such as landscaping, screening, or a reduction in curb cuts.
- e. For the purposes of this section the following uses are considered as primarily day-time uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses.

- (2) Conditions required for joint use.

- a. The building or use for which application is being made to utilize off-street parking facilities provided by another building or use shall be located within eight hundred (800) feet of such parking facilities.
- b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- c. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the village attorney, shall be filed with the administrator.

(d) *Parking or storage of certain vehicles in residential districts.* Vehicles shall be subject to the following regulations when parked or stored in residential districts.

- (1) Yard use.

- a. *Parking in the front yard and corner side yard.* The following may be parked in the front yard (defined as the area between the front line of any portion of the building and the front lot line) and in the corner side yard (defined as the area between the

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corner side line of any portion of the building and the corner side lot line):

Private passenger vehicles

One of the following:

Pick-up coach when mounted on a pick-up or a truck chassis

Pick-up truck or van

b. *Parking in the rear yard and interior side yard.*

i. The following may be parked in the rear yard or interior side yard without screening:

Private passenger vehicles

One of the following:

Pick-up coach when mounted on a pick-up or a truck chassis

Pick-up truck or van

ii. One of the following may be parked entirely in the rear yard (defined as the area extending along the full length of the rear lot line between the side lot lines between the rear lot line and any portion of the rear of the building) or interior side yard (defined as the area extending along a side lot line between the front and rear yards) provided that it is effectively screened on all sides by a densely planted hedge, solid masonry wall or solid fence at least four (4) feet in height and not more than six (6) feet in height:

Recreational vehicle; twenty-two (22) feet or less in length; or

Pickup coach; twenty-two (22) feet or less in length; or

Trailer, provided that the trailer does not exceed twenty-two (22) feet in length; or (Ord. #0-29-15, §5, 4/13/15)

Commercial vehicle; twenty-two (22) feet or less in length, when owned or used by the occupant.

(2) In totally enclosed garages, the parking of the following vehicles shall also be permitted:

a. Any motor vehicle owned by the occupant;

b. Recreational vehicle;

c. Boats and rafts;

d. Trailers; or

e. Commercial vehicles; when owned or used by the occupant.

(3) All vehicles, trailers, boats and rafts and other similar items shall be parked on a solid, dust-free surface.

(4) A recreational vehicle, pickup coach, or boat shall not be utilized for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.

(5) A recreational vehicle, pickup coach, or boat and trailer shall not be parked or stored so as to block any public right-of-way.

(6) Recreational vehicles or pickup coaches, with trailers, not exceeding thirty-two (32) feet in length, may be temporarily parked on premises for unloading or loading purposes without screening for up to twelve forty-eight (48) hour periods within a given calendar year. A minimum 48 hours shall elapse between each permitted 48 hour period. (Ord.0-13-07,§5, 2/20/07; Ord. #0-29-15, §5, 4/13/15)

(7) A motor vehicle that is in an inoperative condition or not licensed shall not be permitted on any residential property for more than forty-eight (48) hours unless it is in a totally enclosed garage. All major repairs shall be within an enclosed garage in residential areas. (Ord. No. 0-210-99 § 1, 12/13/99) (Ord. 0-254-05, §2, 12/19/05)

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7.04. Design and maintenance of off-street parking areas.

(a) *Surfacing.* All open off-street parking areas shall be improved with a durable and dustless surface and graded and drained as to dispose of all surface water, according to construction standards as stated in the Building Code.

(b) *Lighting.* All open off-street parking areas shall be illuminated and lighting shall be arranged so as to provide glareless illumination and to reflect the light away from adjoining properties, according to the standards as stated in the Building Code.

(c) *Curbs and wheelstops.* All open off-street parking areas shall provide concrete wheelstops or a continuous curb around its perimeter, according to construction standards as stated in the Building Code.

(d) *Size of parking area.*

- (1) The aggregate area required for each off-street parking facility shall be three hundred (300) square feet per parking space within the facility, including access drives, aisles, ramps and columns.
- (2) Each parking space shall have a vertical clearance of at least seven (7) feet.
- (3) Standard sized automobiles.
 - a. The following minimum requirements for parking spaces, aisles, and parking bays shall be observed for standard sized automobiles.

Angle of parking	Width of Space (feet)	Width of Space Parallel to Aisle (feet)	Depth of Spaces Perpendicular to Aisle (feet)	Width of Aisle (feet)
30	9	18.0	17.3	11.0
45	9	12.7	19.8	13.0
60	9	10.4	21.0	18.0
70	9	9.6	21.0	19.0
80	9	9.1	20.3	24.0
90	9	9.0	19.0	25.0

- b. Parallel parking spaces.
 - i. Stall length: Twenty-four (24) feet.
 - ii. Stall width: Eight (8) feet.
 - iii. Aisle width: Twelve (12) feet.
- c. Cross aisle widths.
 - i. One-way: Fourteen (14) feet.
 - ii. Two-way: Twenty-four (24) feet.
- d. Ingress and egress driveways shall have a forty-five (45) foot radii on returns.

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(4) Compact cars.

- a. Where the construction of one hundred (100) or more off-street parking spaces are required, up to twenty-five (25) percent of the required spaces may be designed for compact cars. Compact car parking spaces shall be at least eight (8) feet in width and at least sixteen (16) feet in length designed with an aggregate area of two hundred fifty (250) square feet per parking space including access drives, aisles, ramps and columns, and shall be marked with a sign reading "compact cars only".
- b. The following minimum requirements for parking spaces, aisles, and parking bays shall be observed for compact cars.

Angle of Parking	Width of Space (feet)	Width of Space Parallel to Aisle (feet)	Depth of Spaces Perpendicular to aisle (feet)	Width of Aisle (feet)
30	8	16.0	15.0	11.0
45	8	11.3	17.0	13.0
60	8	9.2	17.9	18.0
70	8	8.5	17.9	19.0
80	8	8.1	17.3	24.0
90	8	8.0	16.0	25.0

- c. Parallel parking spaces.
 - i. Stall length: Nineteen (19.0) feet.
 - ii. Stall width: Eight (8.0) feet.
 - iii. Aisle width: Twelve (12.0) feet.
- d. Cross aisle width.
 - i. One-way: Fourteen (14.0) feet.
 - ii. Two-way: Twenty-four (24.0) feet.
- e. Ingress and egress driveways shall have a forty-five-foot radii on returns.

(5) Handicapped parking spaces. All handicap parking spaces shall comply with the current Illinois Accessibility Code (IAC) requirements.

(e) *Mini-warehouses*. The following parking requirements shall be applicable to all mini-warehouses.

- (1) All access routes leading from public streets or alleys to mini-warehouses shall be provided with ten (10) foot wide adjacent parking lanes which shall extend the full length of the access route.
- (2) One-way access routes shall have one travel lane not less than fifteen (15) feet in width in addition to the ten (10) foot wide parking lane.
- (3) All two-way routes serving mini-warehouses shall have two (2) twelve (12) foot wide travel lanes, each of which shall be provided with an adjacent ten (10) foot wide parking lane.

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(f) *Landscaping.* In all open off-street parking lots, landscaping shall be provided as follows:

- (1) A five (5) foot landscaped strip shall be placed between all sidewalks and parking areas.
- (2) The interior of the parking lot shall be planted with overstory trees at a ratio of 1 tree for every 10 parking spaces or fraction thereof. They shall be evenly dispersed throughout the parking area. Small shrubs, flowers and groundcovers other than turf may be planted in the tree planting beds, in addition to the required overstory tree/s.
- (3) Curbed landscaped islands shall be provided at the ends of each row of parking. They shall be landscaped with trees, shrubs, flowers or groundcover.
- (4) All planting areas shall be mulched with shredded bark, wood chips or other all organic material.
- (4) Any portion of the planting area not planted with trees, shrubs, groundcovers or flowers shall be planted with sod.

(Ord. 0-115-00 37 9/25/00, O-37-19 4/8/19)

(g) *Screening.*

- (1) Manufacturing and business districts. All open off-street commercial and industrial parking areas which abut residential properties (including lots across the street) shall be effectively screened along the entire boundary of the residential property by a densely planted hedge, solid masonry wall, or solid fence.
 - a. Said screening device shall be at least four (4) feet in height and shall not exceed six (6) feet in height, or up to eight (8) feet in height in interior side or rear yards which abut properties in a Residential District.
 - b. Said screening device shall not exceed a height of three (3) feet within twenty-five (25) feet of driveways, approach ways, or intersections.
 - c. Said wall or fence, if painted, shall be one color.
 - d. All screening and/or landscaping along the periphery of parking lots with over twenty (20) spaces shall not constitute more than twenty-five (25) percent of the total landscaping requirement.
 - e. All screening and/or landscaping along the periphery of parking lots with twenty (20) or fewer spaces may be applied toward the total landscaping requirement.
- (2) B-4, Office Research District. In addition to the above requirements, all off-street parking in B-4 Office-Research Districts shall be screened so as to be unobtrusive to passing vehicles.

(h) *Maintenance.* All parking areas shall be maintained at all times in a broom clean condition without potholes, broken wheel stops or curbing, or other surface irregularities. All landscaping shall be maintained in a flourishing condition. Striping shall be visible at all times, and all illumination shall be maintained in functioning condition. Compliance of state maintenance standards will be enforced through inspections, as stated in the Building Code.

(i) *Design and Maintenance of Single-Family Detached Residential Driveways and Single-Family Detached residential off-street parking areas.* All residential driveways and residential off-street parking areas shall conform to the following:

- (1) Front yard setback: 5 feet from front lot line/public right of way
- (2) Side/rear yard setback: 2 feet from interior side or interior rear lot line, except when a driveway is shared between 2 adjacent properties
- (3) Maximum width at lot line, for a minimum distance of 5 feet: 25 feet
- (4) Maximum total width: 30 feet however, in the instance of a 3-car garage, a maximum total width of 35 feet is permitted. (Ord. 0-13-03, §6, 2/20/07)

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- (5) Minimum Width: 9 feet (Ord. 0-142-04, §1, 7/6/04)

7.05. Require off-street loading space.

(a) *Off-street loading space.* In connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space on the basis of the minimum requirements specified in this article.

(b) *Additional requirements.* In addition to section 7.02, required off-street loading berths shall comply with the following minimum standards.

- (1) Size. Each off-street loading berth shall be subject to the following minimum dimensions.
 - a. Width: Twelve (12) feet.
 - b. Length: Thirty-three (33) feet.
 - c. Height (when covered): Fourteen (14) feet.
- (2) Access. Each off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, subject to approval by the administrator.
- (3) Surfacing. Each off-street loading berth shall be improved with a durable and dustless surface and graded and drained so as to dispose of all surface water according to construction standards as stated in the Building Code.

(c) *Required loading berths.* The following uses shall provide, as a minimum, the said amount of off-street loading berths.

- (1) Hospitals, hotels, extended stay hotels, motels and similar uses:
 - a. One berth for ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; plus
 - b. One additional berth for each additional one hundred thousand (100,000) square feet or fraction thereof.
- (2) Banks, business/professional offices and similar uses:
 - a. One berth for ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; plus
 - b. One additional berth for each additional one hundred thousand (100,000) square feet or fraction thereof.
- (3) Retail, commercial uses, establishments handling the sale and/or consumption of food on the premises and similar uses:
 - a. One berth for six thousand (6,000) to ten thousand (10,000) square feet of gross floor area; or
 - b. Two (2) berths for ten thousand (10,000) to twenty-five thousand (25,000) square feet of gross floor area; or
 - c. Two (2) twelve-foot by fifty-foot berths for twenty-five thousand (25,000) to forty thousand (40,000) square feet of gross floor area; or
 - d. Three (3) twelve-foot by fifty-foot berths for forty thousand (40,000) to one hundred thousand (100,000) square feet or fraction one-half (1/2) or more thereof.
- (4) Auditoriums, theatres, places of assembly, bowling alleys and similar uses:
 - a. One berth for ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; plus
 - b. One additional berth for each additional one hundred thousand (100,000) square feet or fraction thereof.
- (5) Industrial, manufacturing, warehouse, storage and similar uses:
 - a. One berth for ten thousand (10,000) to sixteen thousand (16,000) square feet of gross floor area; or
 - b. One twelve-foot by fifty-foot berth for sixteen thousand (16,000) to forty thousand

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- (40,000) square feet of gross floor area; or
 - c. Two (2) twelve-foot by fifty-foot berths for forty thousand (40,000) to one hundred thousand (100,000) square feet of gross floor area; plus
 - d. One additional twelve-foot by fifty-foot [berth] for each additional one hundred thousand (100,000) square feet or fraction thereof.
- (6) Undertaking establishments, funeral parlors and similar uses:
 - a. One eight-foot by twenty-five foot berth for five thousand (5,000) to twenty-five thousand (25,000) square feet of gross floor area; plus
 - b. Additional berths to be determined by the administrator.

ARTICLE VIII. SIGNAGE

[Editor's Note: Ordinance 0-127-06, passed on July 17, 2006 replaced Article VIII in its entirety]

8.01. General requirements.

(a) *Sign types.* For the purposes of this section all signs shall fall into one of the following sign types.

- (1) Permanent freestanding; or
- (2) Permanent attached; or
- (3) Temporary.

(b) *Permits.* Except where specifically authorized in this Article, it shall be unlawful for any person to erect, repair, alter, relocate, or maintain within the village any sign or other advertising structure as defined in this ordinance without first obtaining a building permit.

- (1) Fees. The permit application fees for each sign shall be as provided in the fee schedule supplement to the municipal code.
- (2) Illuminated signs. All illuminated signs shall, in addition, be subject to the provisions of the electrical code of the village and the permit fees required thereunder.
- (3) Revocation. The village president and board of trustees are authorized and empowered to revoke any permit issued under the provisions of this ordinance.

(c) *Construction.* All signs or advertising structures shall be subject to the construction requirements of the building code.

(d) *Gross surface area calculation.* When calculating the gross surface area of a sign, the following shall be taken into account.

- (1) The area within a frame and the width of a frame shall be used to calculate the gross surface area.

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- (2) Should letters or graphics be mounted directly on a wall or facia or in any such way as to be without a frame, the dimensions for calculating the square footage shall be the area contained within the periphery formed around such letters or graphics bounded by straight lines connecting the outermost points thereof.
- (3) Only one side of a double-faced sign shall be used in computing total surface area, provided the information on both sides is the same.
- (4) The area of a multiple-faced or irregular-shaped signs shall be computed on the basis of the greatest projected area of any plane passed through the sign face, provided the information on all sides is the same.

(e) *Location.*

- (1) On-premise requirement. Except where specifically authorized in this Article, all signs or advertising structures shall be located on the lot being served.
- (2) Roof-mounted prohibition. Signs or advertising structures shall not be located on or project over the roof of a structure.
- (3) Wall-painted sign prohibition. Signs shall not be painted directly on the wall of any structure.
- (4) Sidewalk area requirement.
 - a. Signs or advertising structures that require the use of hoisting machines over the sidewalk shall require, for the protection of the public the sidewalk to be roped off during the work in question.
 - b. Under no circumstances, when work is being done pursuant to this section, shall any hoisting machine be permitted to occupy the sidewalk area.
- (5) Obstructions to exits.
 - a. Signs shall not be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.
 - b. No signs of any kind shall be attached to a stand pipe or fire escape.
- (6) Traffic hazards prohibited.
 - a. Except where specifically authorized in this Article, signs or other advertising structures shall not be placed in or above a public right-of-way.
 - b. Signs or other advertising structures shall not be erected in such a location where pedestrian/vehicle conflicts occur.
 - c. Signs or other advertising structures shall not be erected at the intersection of any street or in such a manner as to distract or obstruct the visibility of traffic signs or signals or the flow of traffic.
 - d. Signs or other advertising structures shall not be so worded or phrased in such a manner as to interfere with, mislead or confuse traffic.
 - e. The attachment of any balloons, streamers, or similar attention getting device to any sign permitted within this Article shall be prohibited.
- (7) Clearance from power lines. No sign shall be erected within eight (8) feet of any line conductors, service drops or power lines.

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- (8) Signs shall not be permitted within or facing side or rear yards unless the front of the building faces that yard, subject to the following exceptions for signs facing a side yard only:

- a. For both single user lots and corner units in unified centers, attached signs shall be allowed to face the side yard.
- b. Signs facing the side yard adjacent to a residential use are not permitted.

(Ord. No. 0-102-13, 8/19/13; Ord. O-135-17, 12/11/17)

- (9) No sign shall extend within eighteen (18) inches of a vertical line indicating the end of a tenant space.
- (10) Signs located within public right-of-ways. In addition to all other regulations, those signs specifically permitted within the public right-of-way shall be subject to the following restrictions unless specifically authorized by the Village of Palatine. No sign shall be located within any boulevard landscaped area, median landscaped area, decorative planter, asphalt, or brick paver area. All signs shall provide a minimum setback of one (1) foot from any curb, shoulder or sidewalk. No sign shall be posted or attached to any lamppost, utility post, tree, public structure or building, ground sign, or any other permanent structure.

(f) *Illumination of signs.* The following regulations shall apply to illuminated signs.

- (1) Location. Illuminated signs located on a lot adjacent to any residential district shall not be operated between the hours of 11:00 p.m. and 7:00 a.m. In the event the premises on which the sign is specifically operating is engaged in the operation of its business, this requirement shall not apply.
- (2) Projection. All illuminated signs shall concentrate the illumination upon the area of the sign and shall prevent glare upon the street or adjacent property.
- (3) Operation. Unless otherwise stated, all illuminated signs shall give off an illumination which is not intermittent and which is kept stationary or consistent in color.
- (4) Goose neck reflectors. Goose neck reflectors and lights shall be permitted on freestanding signs and attached signs, provided, however, the reflectors shall be provided with devices concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

[Editor's note: Sub-paragraph (4) "Copy Changes" was deleted by Ord. #0-52-08, §10, 4-21-08, and sub-paragraph (5) Goose neck reflectors was renumbered to (4)]

(g) *Permanent message boards.* All permanent message boards shall conform to the following requirements.

- (1) All message boards shall be included in the gross surface area of signage allowed for a sign.
- (2) A permit shall not be required to change the copy on a message board.

(h) *Maintenance.*

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- (1) The owner of any sign, whether or not a permit is required, shall be required to maintain such sign in a safe, presentable and good structural and material condition, as determined by the administrator.
- (2) The owner of any sign regulated by this Article shall be required to have properly painted at least once every two (2) years all parts and supports of the said sign, unless the same are galvanized or otherwise made corrosion free.
- (4) Any sign not maintained in compliance with these standards shall be removed by the administrator in accordance with this article.

(i) *Electronic Message Boards.*

(1) Special Use Requirement. All Electronic Message Boards shall obtain Special Use approval.

(2) Location.

- a. Electronic message boards shall be restricted to business uses in the following corridors: Northwest Highway, Rand Road, Lake Cook Road, and Dundee Road.
- b. A minimum three hundred (300) feet of lot frontage along an approved corridor is required. In the case of a lot with multiple frontages, the sign shall be placed along the approved corridor frontage only.
- c. Electronic message boards' signs on multi-user lots shall not contain any other advertising or signage other than the name of the center or development, in addition to the EMB sign. (Ord. No. 0-123-15, §1, 10/19/15)
- d. A maximum of one (1) electronic message board sign shall be permitted per zoning lot.
- e. A minimum of five hundred (500) feet shall be maintained between electronic message board signs.
- f. Electronic message boards shall be prohibited for all residential uses.
- g. Electronic message boards shall be located on free standing signs only.

(3) Operation.

- a. All illumination shall be consistent in color.
- b. The message shall not flash, scroll or scintillate. Illumination representing movement shall be prohibited. Background illumination shall be prohibited.
- c. Any message on an electronic message board shall be displayed for a minimum of fifteen (15) seconds. (Ord. No. 0-123-15, §1, 10/19/15)
(Ord. No. 0-8-12, §1, 1/9/12)

(4) Size. The electronic message board portion of a sign shall not exceed forty percent (40%) of the total sign area.

(5) Existing electronic message boards. All electronic message board (copy change) signs granted Special Use approval prior to the passing of this ordinance shall be permitted to repair or replace the sign under the following conditions:

- a. The sign shall substantially conform to plans approved by the Special Use Ordinance.
- b. All sign operation regulations noted in Section 8.01 (3) shall apply

(Ord. #0-52-08, §11, 4/21/08)

8.02. Permanent signage in residential districts.

(a) *Freestanding signs.* The following regulations shall apply to all freestanding signs in residential districts.

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(1) Subdivision identification signs.

- a. Display. Lettering shall not be more than one foot in height and shall only indicate the name of the subdivision.
- b. Gross surface area. No single subdivision identification sign shall exceed one hundred (100) square feet in gross surface area.
- c. Height. Acceptable height shall be determined by the administrator.
- d. Application.
 - i. Applications for construction of a subdivision identification sign shall be submitted to the administrator.
 - ii. Applications shall include a scaled rendering of the subject sign, location map and a list of construction materials.
 - iii. The village may require alterations to the submitted plan if it is determined that such plan is not consistent with public safety.
 - iv. Upon review by the administrator, the application will be forwarded to the village board for consideration of approval or disapproval.
- e. Ownership and maintenance.
 - i. As a condition of constructing and installing a subdivision identification sign, a duly established homeowners association for said subdivision shall own and maintain the sign; and shall execute an agreement acceptable to the village board providing for such maintenance.
 - ii. Failure of homeowners association to satisfactorily perform such agreement shall constitute grounds for the village to cause the sign's removal.
- f. Subdivision signs may be permitted within a public right-of-way by the Village Council. The Village Council may establish specific conditions of approval, including, but not limited to, the execution of a License Agreement.

(2) Institutional signs.

- a. Total signage. The total gross surface area of all signage shall not exceed one square foot for each linear foot of lot frontage. A minimum of forty (40) square feet shall be maintained for all lots.
- b. Number of signs. Only one freestanding sign shall be permitted per lot frontage. (Ord. No. 0-102-13, 8/19/13)
- c. Gross surface area. A single freestanding sign shall not exceed fifty (50) square feet in gross surface area.
- d. Height. The height of a single freestanding sign shall not exceed ten (10) feet.

(3) Nameplates.

- a. Number of signs.
 - i. Only one nameplate shall be permitted per dwelling unit.
 - ii. Only one nameplate shall be permitted for each dwelling group of six (6) or

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- more units.
- b. Gross surface area.
 - i. A single nameplate for a dwelling unit shall not exceed one square foot, except for each permitted or special use, other than residential, a single nameplate sign shall not exceed twelve (12) square feet in area per surface; nor shall any such sign be so constructed as to have more than two (2) surfaces.
 - ii. A single nameplate for a dwelling group shall not exceed six (6) square feet.

(b) *Attached signs.* Only the following types of permanent attached signs shall be allowed in residential districts, subject to the following standards.

(1) Institutional signs.

- a. Total signage. The total gross surface area of all signage shall not exceed one square foot for each linear foot of lot frontage. A minimum of forty (40) square feet shall be maintained for all lots.
- b. Number of signs. There is no limit to the number of attached signs allowed on a lot.
- c. Gross surface area. A single attached sign shall not exceed fifty (50) square feet in gross surface area.

(2) Nameplates.

- a. Number of signs.
 - i. Only one nameplate shall be permitted per dwelling unit.
 - ii. Only one nameplate shall be permitted for each dwelling group of six (6) or more units.
- b. Gross surface area.
 - i. A single nameplate for a dwelling unit shall not exceed one square foot.
 - ii. A single nameplate for a dwelling group shall not exceed six (6) square feet.

(c) *Illumination of signs.* Only non-commercial signs may be illuminated, subject to the provisions of section 8.01(f).

8.03. Permanent signage in business districts.

(a) *Single user lots.* The following regulations shall apply to all signage on single user lots in all business districts.

(1) Total signage.

- a. The total gross surface area of all signage shall not exceed one square foot for each linear foot of lot frontage, except:
 - i. In B-2 Districts: One and one-half (1.5) feet for each linear foot of lot frontage.
 - ii. In B-5 Districts, where a single user lot is less than two (2) acres in lot area: Two (2) feet for each linear foot of lot frontage.
- b. A minimum of forty (40) square feet shall be maintained for all lots.

(2) Freestanding signs.

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- a. Number of signs. Only one freestanding sign shall be permitted per lot, except:
 - i. In B-4 Districts where a lot is greater than two (2) acres in lot area: Two (2) freestanding signs are permitted.
 - ii. In B-5 Districts where a single user lot is greater than two (2) acres in lot area: Two (2) freestanding signs are permitted.
- b. Display. A sign shall display only information pursuant to the business conducted on the single user lot.
- c. Gross surface area. A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except:
 - i. In the B-3 District: Eighty (80) feet.
 - ii. In B-5 Districts where a single user lot is greater than two (2) acres in lot area:
 - aa. Single sign. A single freestanding sign shall not exceed one hundred twenty (120) square feet.
 - bb. Two (2) signs. If two (2) freestanding signs are erected, the gross surface area of the second sign shall not exceed sixty (60) square feet.
- d. Height. The height of a freestanding sign shall not exceed twenty (20) feet, except:
 - i. In B-5 Districts where a single user lot is greater than two (2) acres in lot area:
 - aa. Single sign. A single freestanding sign shall not exceed twenty-five (25) feet.
 - bb. Two (2) signs. If two (2) freestanding signs are erected, the height of the second sign shall not exceed twenty (20) feet.

(3) Attached signs.

- a. Display. A sign shall display only the name information pursuant to the business conducted on the single user lot.
- b. Gross surface area. A single attached sign shall not exceed one hundred (100) square feet in gross surface area, except:
 - i. In B-5 Districts where a single user lot is greater than two (2) acres in lot area, a single attached sign shall not exceed one hundred twenty (120) square feet in gross surface area.
 - ii. Where a building contains a minimum floor area of one hundred thousand (100,000) square feet and is occupied by a single user, the gross surface area of a single attached sign shall not exceed two hundred (200) square feet.

(4) Illumination. Signs may be illuminated according to the provisions in section 8.01(f).

(b) *Unified center less than two (2) acres.* The following regulations shall apply to all signage in a unified center located on a parcel of land less than two (2) acres in all business districts.

(1) Freestanding signs.

- a. Number of signs. Only one freestanding sign shall be permitted.
- b. Display. A freestanding sign shall display only the name and location of the unified center. Except in the B-3 District, the name of an individual tenant located within

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the unified center may be displayed on said freestanding sign provided:

- i. The gross surface area of the display of the name and location of the unified center shall be no less than twice the gross surface area of the largest individual tenant display.
- ii. Each individual tenant display shall be a minimum of six (6) square feet in gross surface area.
- iii. All individual tenant displays shall be uniform in size.
- iv. Individual tenants with a linear lot frontage of one hundred (100) feet or greater shall be allowed to display their colored business logo.
- v. In the B-3 District, information pursuant to individual tenants in a unified center two (2) acres or less may not be displayed on freestanding signs.
- c. Gross surface area. A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except where the unified center is located in a B-5 District, a single freestanding sign shall not exceed one hundred twenty (120) square feet in gross surface area.
- d. Height. The height of a freestanding sign shall not exceed twenty (20) feet.

(2) Attached Signs.

- a. Number of signs. Only one attached sign shall be permitted per individual store, except where a store fronts on two (2) public streets, one attached sign shall be permitted per each frontage.
- b. Display. A sign shall display only information pursuant to the individual store located within said unified center.
- c. Gross surface area.
 - i. Each individual store shall be permitted one square foot of gross surface area for each linear foot of said store frontage. A minimum of forty (40) square feet shall be maintained for each individual store.
 - ii. A single attached sign shall not exceed one hundred (100) square feet in gross surface area.

(3) Illumination. Signs may be illuminated according to the provisions in section 8.01(f).

(c) *Unified center two (2) acres to five (5) acres.* The following regulations shall apply to all signage in a unified center on a parcel of land two (2) acres to five (5) acres in all business districts: (Ord. 0-9-11, §1, 2/7/11)

(1) Freestanding signs.

- a. Number of signs:
 - i. In B-1 Districts:
 - aa. Corner lot: One per street frontage.
 - bb. Interior lot: One.
 - ii. In B-2 Districts: Two (2).
 - iii. In B-5 Districts: Two (2).
- b. Display. All freestanding signs shall display only the name and location of the unified center. Except in B-2 Districts, the name of an individual business shall be allowed on a freestanding sign for a unified center provided:
 - i. The business has a linear lot frontage of one hundred (100) feet or greater, and;
 - ii. The gross surface area of the display of all individual businesses allowed on

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- the freestanding sign shall not exceed one-third (1/3) of the total gross surface area of the said sign.
- iii. In the B-2 District, information pursuant to individual tenants in a unified center on a lot two (2) acres or greater may not be displayed on freestanding signs.
 - c. Gross surface area.
 - i. Single sign. A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except in the B-5 District, a single freestanding sign shall not exceed one-hundred twenty (120) square feet in gross surface area.
 - ii. Two (2) signs. If two (2) freestanding signs are erected, the gross surface area of the second sign shall not exceed sixty (60) square feet.
 - d. Height.
 - i. Single sign. A single freestanding sign shall not exceed twenty-five (25) feet in height.
 - ii. Two (2) signs. If two (2) freestanding signs are erected, the height of the second sign shall not exceed twenty (20) feet.
- (2) Attached signs.
- a. Number of signs. Only one attached sign shall be permitted per individual store.
 - b. Display. A sign shall display only information pursuant to the individual store located within said unified center.
 - c. Gross surface area.
 - i. Each individual store shall be permitted one square foot of gross surface area per linear foot of said store frontage. A minimum of forty (40) square feet shall be maintained for each individual store.
 - ii. A single attached sign shall not exceed one hundred (100) square feet of gross surface area, except in the B-5 District, a single attached sign shall not exceed one-hundred twenty (120) square feet of gross surface area.
 - iii. All signs proposed for stored with a frontage of one hundred (100) linear feet or greater shall be entitled to additional individual sign gross surface area over and above the one hundred (100) square foot maximum allowed for an individual attached sign according to the following:
 - aa. Each first floor occupancy of a building is entitled to an additional fifteen (15) square feet of gross surface area for such unit of ten (10) feet that the sign is set back from the required minimum front or side lot line, whichever the sign faces.
 - bb. In the event a sign faces more than one lot line, the eligibility for additional surface area shall be based upon the number of feet the sign is set back from the nearest lot line.
 - cc. A sign shall be deemed to "face a lot line" if any face of such line is parallel to the lot line or within ten (10) degrees of parallel thereto.
- (3) Illumination. Signs may be illuminated according to the provisions in section 8.01(f).

(d) *Unified center five (5) acres or greater.* The following regulations shall apply to all signage in a unified center on a parcel of land five (5) acres or greater in all business districts:

- (1) Freestanding signs.
 - a. Number of signs:
 - i. In B-1 Districts: Two (2)
 - ii. In B-2 Districts: Two (2).
 - iii. In B-5 Districts: Two (2).

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- iv. Unified centers within the B-1, B-2, and B-5 districts may be allowed to have a third freestanding provided they meet the following standards:
 - aa. A minimum of five (5) acres
 - bb. A minimum of five hundred (500) linear feet of frontage
 - cc. Provide a minimum of two hundred and fifty (250) feet spacing between signs. Any relief from this distance shall be subject to approval by the Village Council.
 - b. Display. All freestanding signs may display the name of the center and an individual business on a freestanding sign for a unified center provided:
 - i. The business has a linear lot frontage of one hundred (100) feet or greater, and;
 - ii. The gross surface area of the display of all individual businesses allowed on the freestanding sign shall not exceed one-third (1/3) of the total gross surface area of the said sign.
 - c. Gross surface area.
 - i. Single sign. A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except in the B-5 District, a single freestanding sign shall not exceed one-hundred twenty (120) square feet in gross surface area.
 - ii. Two (2) signs. If two (2) freestanding signs are erected, the gross surface area of the second sign shall not exceed one hundred (100) square feet.
 - iii. If a unified center meets the criteria for three freestanding signs, the gross surface area of the third sign shall not exceed sixty (60) square feet.
 - d. Height.
 - i. Single sign. A single freestanding sign shall not exceed twenty-five (25) feet in height.
 - ii. Two (2) signs. If two (2) freestanding signs are erected, the height of the second sign shall not exceed twenty five feet.
 - iii. Three signs. If three (3) freestanding signs are erected, the height of the third sign shall not exceed twenty (20) feet.
- (2) Attached signs.
 - a. Number of signs. Only one attached sign shall be permitted per individual store.
 - b. Display. A sign shall display only information pursuant to the individual store located within said unified center.
 - c. Gross surface area.
 - i. Each individual store shall be permitted one square foot of gross surface area per linear foot of said store frontage. A minimum of forty (40) square feet shall be maintained for each individual store.
 - ii. A single attached sign shall not exceed one hundred (100) square feet of gross surface area, except in the B-5 District, a single attached sign shall not exceed one-hundred twenty (120) square feet of gross surface area.
 - iii. All signs proposed for stored with a frontage of one hundred (100) linear feet or greater shall be entitled to additional individual sign gross surface area over and above the one hundred (100) square foot maximum allowed for an individual attached sign according to the following:
 - aa. Each first floor occupancy of a building is entitled to an additional fifteen (15) square feet of gross surface area for such unit of ten

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(10) feet that the sign is set back from the required minimum front or side lot line, whichever the sign faces.

- bb. In the event a sign faces more than one lot line, the eligibility for additional surface area shall be based upon the number of feet the sign is set back from the nearest lot line.
- cc. A sign shall be deemed to "face a lot line" if any face of such line is parallel to the lot line or within ten (10) degrees of parallel thereto.

(3) Illumination. Signs may be illuminated according to the provisions in section 8.01(f).
(Ord. 0-9-11, §2, 2/7/11)

(e) *Out building in a unified center two (2) acres or greater.* The following regulations shall apply to all signage for single user out buildings in a unified center on a parcel of land two (2) acres or greater in all business districts. (Ord. 0-9-11, §3, 2/7/11)

(1) Freestanding signs.

- a. Number of signs. Only one freestanding sign shall be permitted per lot.
- b. Display. A freestanding sign shall display only the name of the business conducted on the lot.
- c. Gross surface area. A single freestanding sign shall not exceed fifty (50) square feet in gross surface area, except in the B-2 District, a single freestanding sign shall not exceed one hundred (100) square feet in gross surface area.
- d. Height. The height of a freestanding sign shall not exceed five (5) feet, except that in the B-2 District, the height of a freestanding sign shall not exceed twenty (20) feet.

(2) Attached signs.

- a. Display. Any attached signs shall display only the name of the business conducted on the lot.
- b. Gross surface area. A single attached sign shall not exceed fifty (50) square feet in gross surface area on each frontage facing a public street, except in the B-2 District, a single attached sign shall not exceed one hundred (100) square feet in gross surface area on each frontage facing a public street.
- c. Number. Only one attached sign per frontage shall be allowed.

(3) Illumination. Signs may be illuminated according to the provisions in section 8.01(f).

(f) All property bounded by Wood Street on the north, Johnson Street on the south, Plum Grove Road on the east and Smith Street on the west shall be permitted to have awning canopies or marquee signs; providing a headroom of at least (8) feet and designed to comply with all other restrictions of section 8.03.
(Ord. 0-111-06, §1, 6/26/06; Ord. 0-9-11, §3, 2/7/11)

8.04. Signage in the Manufacturing District.

(1) *Total signage.* The total gross surface area of all signage shall not exceed one square foot for each linear foot of lot frontage. A minimum of forty (40) square feet shall be maintained for all lots.

(2) *Freestanding signs.*

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- a. Number of signs. Only one freestanding sign shall be permitted per lot.
- b. Display. A freestanding sign shall display only the name of the business conducted on the lot.
- c. Gross surface area. A single freestanding sign shall not exceed one-hundred (100) square feet in gross surface area.
- d. Height. The height of a freestanding sign shall not exceed twenty (20) feet.

(3) *Attached signs.*

- a. Display. An attached sign shall display only the name of the business conducted on the lot.
- b. Gross surface area. A single attached sign shall not exceed one-hundred (100) square feet in gross surface area, except where a building contains a minimum floor area of one hundred thousand (100,000) square feet and is occupied by a single user, the gross surface area of a single attached sign shall not exceed two hundred (200) square feet.

(4) *Illumination.* Signs may be illuminated according to the provisions in section 8.01(f).

8.05. Signage in Planned Development Districts.

(a) *Residential areas.* All residential areas shall conform to the signage regulations for residential districts unless otherwise stated in the planned development ordinance.

(b) *Commercial and business areas.* All commercial areas shall conform to the signage regulations for B-1 Shopping Center Districts unless otherwise stated in the planned development ordinance.

(c) *Manufacturing areas.* All manufacturing areas shall conform to the signage regulations for manufacturing districts, unless otherwise stated in the planned development ordinance.

8.06. Temporary signs.

(a) *Conflict.* If the regulations of this section are in conflict with any other section of this article, the regulations of this section shall take precedence.

(b) *Development signs.* The following regulations shall apply to all development signs.

- (1) Permits. A permit for a development sign is required.
- (2) Number of signs.
 - i. Interior lots. Only one (1) development sign shall be permitted on interior lots.
 - ii. Corner lots. Two (2) development signs shall be permitted on corner lots, provided there is only one (1) sign per street frontage.
- (3) Gross surface area. The sign shall not exceed fifty (50) square feet in
- (4) Duration. After such time when ninety (90) percent of the project is occupied, the sign shall be removed.
- (5) Illumination. Development signs shall not be illuminated.

(c) *Construction signs.* Signs denoting the architect, engineer, or contractor when placed upon work under construction shall not exceed sixteen (16) square feet in area; except in cases where the architect,

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engineer and contractor(s) are designated on a single sign, and such single sign shall not exceed forty (40) square feet in area.

(d) *Event signs.* Located on private property. The following regulations shall apply to all event signs.

(1) Permits.

- a. Permits for an event sign shall be limited to seven (7) days and such sign shall be removed within twenty-four (24) hours after expiration of the permit, except that a new business shall be permitted to have an event sign for a thirty-day period as part of a grand opening promotion.
- b. No more than four (4) event sign permits shall be issued for any one lot in any calendar year.
- c. A minimum of fourteen (14) days must elapse before another event sign permit is issued.
- d. In a unified center, no more than one event sign permit shall be issued at any one time.

(2) Gross surface area.

- a. The total gross surface area of all event signs on a lot shall not exceed two hundred (200) square feet.
- b. A single event sign shall not exceed one hundred (100) square feet in gross surface area.

(3) Display. The display contained on any event sign shall pertain only to the business, industry and pursuit conducted on the lot on which it is located.

(4) Illumination. Event signs shall not be illuminated according to the provisions in section 8.01(f).

(e) Event signs located within a public right-of-way: The following regulations shall apply to all Event Signs located within a public right-of-way.

(1) Residential Districts: The following regulations shall apply to all Event Signs where the event takes place within the Village's residential districts, including, but not limited to, signs advertising garage sales, yard sales, estate sales, owner made craft sales, and open houses:

- i. Number of Signs. The total number of signs for one event shall be limited to five (5).
- ii. Gross surface area. Any single sign shall not exceed eight (8) square feet in gross surface area.
- iii. Height. The height of a single sign shall not exceed four (4) feet.
- iv. Time Restrictions. Signs shall only be displayed between the hours of 8:00 am and 5:00 pm, for a period not to exceed three consecutive days.
- v. Location. Signs advertising the event shall be subject to the applicable regulations.
- vi. Permit. No sign permit shall be required.
- vii. Related Restrictions: Please refer to Section 6.05 of Appendix A for additional regulations regarding Garage Sales, Rummage Sales or Owner Made Craft Sales.

(2) Non-Residential Districts: The following regulations shall apply to all Event Signs where the

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event takes place within the Village's Non-Residential Districts:

- i. Number of Signs. A maximum of five (5) signs shall be permitted per Zoning Lot. A minimum spacing of one hundred (100) feet shall be provided between each Sign.
- ii. Gross surface area. Any single sign shall not exceed eight (8) square feet in gross surface area.
- iii. Height. The height of a single sign shall not exceed four (4) feet.
- iv. Time Restrictions. Signs shall only be displayed between the hours of 8:00 am and 5:00 pm. Event signs shall be limited to five (5) consecutive days and such sign shall be removed within twenty-four (24) hours after the event. No more than two (2) event signs shall be permitted for any one lot in any calendar year. A minimum of fourteen (14) days must elapse between events. In a unified center, no more than one event shall be displayed at any one time.
- v. Location. Signs advertising the event shall be located within the public right-of-way that is directly adjacent to the site of the event and shall be subject to other applicable regulations.
- vi. Permit. No sign permit shall be required.

(f) *Real estate signs.* The following regulations shall apply to all real estate signs.

(1) Residential buildings and single vacant lots.

- a. Permits. Real estate signs shall be exempt from the permit requirements of this section.
- b. Number of signs.
 - i. Interior lots. Only one real estate sign shall be permitted on interior lots.
 - ii. Corner lots. Two (2) real estate signs shall be permitted on corner lots, provided there is only one sign per street frontage.
- c. Gross surface area. A single real estate sign shall not exceed six (6) square feet in gross surface area.
- d. Duration. All real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
- e. Illumination. Real estate signs shall not be illuminated.

((2) Commercial buildings and other vacant land.

- a. Permits. A permit shall be required.
- b. Number of signs.
 - i. Interior lots. Only one real estate sign shall be permitted on interior lots.
 - ii. Corner lots. Two (2) real estate signs shall be permitted on corner lots, provided there is only one sign per street frontage.
- c. Gross surface area. A single real estate sign shall not exceed fifty (50) square feet in gross surface area.
- d. Duration. all real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
- e. Illumination. Real estate signs shall not be illuminated.

(g) Temporary Directional Signs. Temporary Directional Signs shall be permitted subject to the review and approval of the Village Manager.

(h) Political signs. The following regulations shall apply to temporary political signs.

(1) Political signs located within the public right of way. Political signs shall be permitted in the public right-of-way subject to the following regulations. Political signs shall be erected and

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displayed not more than seventy-two (72) hours prior to a primary or general municipal election or a primary or general state/federal election or as may be otherwise authorized or required by law and shall be removed within twenty-four (24) hours after such election. The permitted time frame for erecting and displaying political signs shall apply only to the actual election date and shall not include any early or absentee balloting permitted as part of the election. Political signs shall not exceed eight (8) square feet in gross surface area and shall be limited to a maximum height of four (4) feet. No sign permit shall be required.

- (2) Political signs located on private property. Political signs shall be permitted on private property subject to the following regulations. Political signs shall be erected and displayed not more than thirty (30) days prior to a primary or general municipal election or a primary or general state/federal election or as may be otherwise authorized or required by law and shall be removed within forty-eight (48) hours after such election. The permitted time frame for erecting and displaying political signs shall apply only to the actual election date and shall not include any early or absentee balloting permitted as part of the election., except for political signs displayed on residential property, which shall have no limit on the time duration of display. Political signs shall not exceed eight (8) square feet in gross surface area and shall be limited to a maximum height of four (4) feet. No sign permit shall be required. (Ord. 0-178-10, §1, 12/20/10)

(i) Noncommercial signs. The following regulations shall apply to noncommercial signs.

- a. The display of noncommercial signs shall be limited to seven (7) days.
- b. A noncommercial sign shall be displayed no more than four (4) times in any calendar year.
- c. A minimum of fourteen (14) days must elapse between the postings of a noncommercial sign on the same property.
- d. Noncommercial signs shall be limited to eight (8) square feet in sign area and shall have a maximum height of four (4) feet.
- e. No more than one (1) noncommercial sign shall be permitted on a zoning lot at one time.

(j) Signs on commercial vehicles and trailers on commercial zoning lots

- (1) Signs that placed on, attached to, or affixed upon vehicles, and/or trailers and which are parked within the public right-of-way, public property, or on private property and where the use of which is intended to either act as additional signage to direct or attract people to a business or business activity are not permitted. (NOTE - This shall not include incidental signage painted or adhered to vehicles, which identifies a business and where the vehicles are directly used and customarily associated with the business operations taking place on the subject property)
- (2) Vehicles which are not independently maneuverable and either have business signage or do not shall not be parked in the front or corner side yard. No vehicle shall be parked on a lot for the apparent purpose of identifying a business.

(Ord. No. 0-8-12, §2, 1/9/12)

8.07. Removal of signs.

(a) *Discontinued business signs.*

- (1) In the event the owner of a sign discontinues business at the place where the sign is located, the sign shall be removed at the expense of the sign owner or property owner within ten (10) days after such discontinuance.

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- (2) In the event said sign is not removed within ten (10) days, the administrator shall cause the sign to be removed.
- (3) The expense of the removal shall be borne by the owner of the sign or property owner, or the Village shall have the right to place a lien against the property for the cost of said removal.
- (4) Said sign shall not be again erected unless a permit is issued for the new installation.

(b) *Removal of non-permitted, danger signs.* The administrator shall cause the immediate removal of any sign that endangers the public safety of any sign that is electrically or structurally defective or any sign for which no permit has been issued.

(c) *Removal of signs by village.*

- (1) Any sign or advertising structure, which is located on property which becomes vacant and unoccupied or any sign which pertains to a time, event or purpose which no longer applies, shall be removed by the administrator.
- (2) Upon determination of removal, the administrator shall provide written notification stating that removal must take place within thirty (30) days upon receipt of such notice.
- (3) Failure to comply with such notice within the time specified will cause removal of such sign. The expense of removal shall be borne by the owner of the sign or property owner.

8.08. Non-conforming signs.

(a) *On-site.* All on-site nonconforming signs or other advertising structures not otherwise prohibited by the provisions of this Article shall be removed or altered to conform to the provisions of this article, when:

- (1) The sign is changed or altered either in shape, size or content due to a change in the nature of business conducted on the premises.
- (2) The sign is changed or altered either in shape, size, or content due to a change in the name of the business.
- (3) The sign is repaired or altered due to damage.
- (4) Three (3) years have elapsed from the effective date of this ordinance.

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(b) *Off-site*. All off-site nonconforming signs or other advertising structures not otherwise prohibited by the provisions of this article shall be removed so as to conform with the provisions of this article within three (3) years of the effective date of this ordinance.

8.09. Exempt signs.

The following signs are exempt from the provisions and regulations of this ordinance.

(a) *Flags*. The flags, emblems, or insignia of any nation or political subdivision or corporate flag.

(b) *Memorial signs*. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials.

(c) *Municipal*. Municipal signs shall include traffic signs, legal notices, railroad crossing signs, danger and such temporary, emergency or non-advertising signs as may be approved by the village board.

(d) *Nameplates*. Nameplates shall be exempt provided the sign does not exceed one square foot in area.

(e) *No trespassing/no dumping signs*. No trespassing or no dumping signs shall be exempt provided the sign does not exceed one and one-half (1 1/2) square feet in area per sign and not exceed four (4) in number per lot.

(f) *Occupational signs*. Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building, shall not exceed two (2) square feet in area.

(g) *Window promotional signs*. Window promotional signs shall be exempt provided they are located in the interior of the window.

(h) *Community signs*. Signs installed by the Village of Palatine to identify the Village's boundaries, specific areas of interest, or other Village related information.

ARTICLE IX. NONCONFORMING USES, BUILDINGS OR STRUCTURES

9.01. Statement of purpose.

The purpose of this article is to provide for the regulation of nonconforming uses, buildings or structures, and to specify those circumstances and conditions under which those nonconforming uses, buildings or structures which adversely affect the maintenance, development or use and taxable value of other property in the district in which they are located may be eliminated.

9.02. Authority to continue nonconforming uses and structures.

Any nonconforming use, building or structure which existed lawfully at the time of the adoption of this amendatory ordinance (April 1, 1988) and which remains nonconforming and any such use, building or structure which shall become nonconforming upon the adoption of this article, or of any subsequent amendments thereto, may be continued, subject to the regulations which follow.

9.03. Nonconforming uses within buildings or structures.

(a) *Change*. The nonconforming use of a building or structure, all or substantially all of which is

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designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in that same district. But no:

- (1) Change shall not extend or otherwise modify any provision made in this article for elimination of such nonconforming use. For the purposes of this section only, the R-1 District shall be considered the most restrictive and the Manufacturing District the least restrictive district.
- (2) Nonconforming use shall not be changed to another nonconforming use when such nonconforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

(b) *Expansion of nonconforming use.* The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure nor changed to any other nonconforming use.

(c) *Discontinuance.* If a nonconforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of six (6) consecutive months, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

(d) *Destroyed.* If a building or structure in which a nonconforming use is being conducted, and all or substantially all of such building or structure is designed or intended for a use permitted in the district in which it is located, is destroyed or severely damaged to the extent that the cost of restoration of the damaged portion exceeds fifty (50) percent of the value of the building or structure, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

(e) *[Exception.]* For the purpose of this ordinance, any use lawfully established on the effective date of this ordinance which is non-conforming solely by virtue of lacking off-street parking or loading facilities as required hereinafter for new uses shall not be deemed a non-conforming use.

(f) *[Exception]* Any structure used as a model home which existed lawfully at the time of the adoption of this amendatory ordinance (September 25, 2000) shall cease to be used as a model no later than (March 25, 2001), or shall be approved as a Special Use pursuant to the regulations of the zoning district in which it is located. (Ord. 0-115-00 38, 9/25/00)

9.04. Nonconforming building or structure.

(a) *Expansion.* A nonconforming building or structure shall not be expanded or otherwise extended unless it is made to conform with the regulations of the district in which the premises are located.

(b) *Destroyed.* If a nonconforming building or structure is destroyed or severely damaged to the extent that the cost of restoration of the damaged portion exceeds fifty (50) percent of the value of the building or structure, it shall not be renewed, and any subsequent building or structure shall conform to the regulations of the district in which the premises are located.

9.05. Nonconforming use of land.

(a) *Continuance.* The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the regulations which follow.

(b) *Change.* The nonconforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

(c) *Expansion.* A nonconforming use of land shall not be expanded or extended beyond the area it occupies.

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(d) *Discontinuance.* If the nonconforming use of land is discontinued for a period of six (6) consecutive months, it shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

ARTICLE X. RESIDENTIAL DISTRICTS

10.01. General requirements of all residential districts.

(a) *Dwelling standards.*

- (1) Every dwelling shall conform to the housing standards established by Chapter 10 of the Municipal Code.
- (2) Every dwelling hereinafter erected or altered shall conform to the building code.
- (3) Every dwelling shall be maintained in a neat and orderly condition.
- (4) All accessory uses and permitted obstructions shall be utilized in a tasteful manner and shall not provide a nuisance to any surrounding property.

(b) *Building line.* Where a building line has been established in the recording of a plat of subdivision, such building line shall determine the yard requirements of this ordinance and shall be observed.

- (1) Where no building line has been established, setback requirements of the particular residential district shall be followed.
- (2) Where there is a conflict between the established building line and the setback of the zoning district, the more restrictive shall apply.

(c) *Structures per lot.*

- (1) Each lot in every zoning district in this Article X shall be improved with no more than one principal structure, together with any permissible accessory structure.
- (2) Accessory structures shall be permitted only with a principal structure.
- (3) A residentially zoned parcel of land, whether created as a Lot as defined in the Zoning Ordinance of the Village of Palatine or whether created by a real estate tax division by Cook County, which parcel of land is improved with a principal structure, all on or before December 31, 2005, shall be considered a buildable parcel of land and shall be subject to the applicable bulk requirements of the zoning district in which it is located. (Ord. 0-37-06, §1, 2/13/06)

(d) *Permitted obstructions.* For the purpose of residential districts, the following shall not be considered as obstructions when located in the required yards:

- (1) In any required front yard or required side yard abutting a street:
 - a. Overhanging roof, eave, canopy, awning, gutter, cornice or other architectural feature, projecting not more than three (3) feet;
 - b. Fences, in accordance with Section 6.03 of this appendix;
 - c. Bay windows, projecting not more than two (2) feet;
 - d. Driveways in accordance with Section 7.04(i) of this appendix;
 - e. Flagpoles;
 - f. Landscape features;

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- g. Retaining walls;
 - h. Sidewalks, which are permitted to terminate, without a setback, into a public sidewalk at the property line; (Ord. No. 0-102-13, 8/19/13)
 - i. Mailboxes;
 - j. Ornamental light fixtures;
 - k. Steps or stairs;
 - l. Stoops, not exceeding nine (9) feet in width and five (5) feet in depth. The stoop may include a roof, provided the roof does not project more than one (1) foot beyond the outside edge of the stoop;
 - m. Landscaping embellishments; including but not limited to steps, arbors or trellises, the aggregate total of which shall not exceed twenty-five (25) percent of the required yard area; and
 - n. Chimneys, projecting not more than three (3) feet.
 - o. Basketball backboard systems. For the purposes of this Section, typical basketball backboard systems are contemplated and the measurement shall be taken to the pole. Notwithstanding the provisions of this Section, all existing basketball backboard systems (as of July 21, 2008) located in the front yard shall not be deemed illegal or non-conforming solely by their location. (Ord. #0-98-08, §1, 7/21/08)
- (2) In any required side yard or required rear yard:
- a. Accessory off-street parking;
 - b. Accessory structures, in compliance with Section 6.01 of this appendix;
 - c. Overhanging roof, eave, canopy, awning, gutter, cornice or other architectural feature, projecting not more than three (3) feet;
 - d. Fences, in accordance with Section 6.03 of this appendix;
 - e. Bay windows, projecting not more than two (2) feet;
 - f. Driveways in accordance with Section 7.04 (i) of this appendix;
 - g. Flagpoles;
 - h. Landscape features;
 - i. Retaining walls;
 - j. Sidewalks;
 - k. Mailboxes
 - l. Ornamental light fixtures;
 - m. Steps or stairs;
 - n. Stoops, not exceeding four (4) feet in width and four (4) feet in depth. The stoop may include a roof, provided the roof does not project more than one (1) foot beyond the outside edge of the stoop.
 - o. Landscaping embellishments; including but not limited to steps, arbors or trellises, the aggregate total of which shall not exceed twenty-five (25) percent of the required yard area;
 - p. Chimneys, projecting not more than three (3) feet;
 - q. Patios, decks, and terraces that are 16" or less above grade;
 - r. Compressor or condenser units and heating pump systems for residential air conditioning systems and/or heating systems, and permanent electric generators projecting not more than four (4) feet into the yard and maintaining a minimum two (2) foot setback from any lot line; (Ord. 0-117-11, §1, 10/10/11)
 - s. Dumpster enclosures;
 - t. Laundry drying equipment (rear yard only);

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- u. Porches, breezeways, balconies, decks, terraces and patios more than 16" above grade, greenhouses or any structure permanently attached to the principal building, the aggregate floor area of which is less than ten (10) percent of the required rear yard area, and located at least twenty-five (25) feet from the rear lot line, and not encroaching in the required side yard setback of that district. The principal building or portions therein are not considered as permitted obstructions. Any addition or portion of the principal structure approved as a permitted encroachment prior to February 20, 2007 shall be considered as conforming to the Zoning Ordinance. (Ord. 0-84-05, §6, 4/18/05; Ord. 0-60-06, §7, 4/3/06; Ord. 0-13-07, §7, 2/20/07)
 - v. Basketball backboard systems. For the purposes of this Section, typical basketball backboard systems are contemplated and the measurement shall be taken to the pole. Notwithstanding the provisions of this Section, basketball backboard systems shall maintain a minimum (2) foot setback from the side and rear property lines. (Ord. No. 0-102-13, 8/19/13)
- (3) Exceptions to the above permitted obstructions:
- a. On a corner lot, no obstruction higher than thirty (30) inches above curb level shall be located in any portion of a required front or side yard situated within twenty (20) feet of the lot corners formed by the intersection of any two (2) streets or the street lines extended.
 - b. No permitted obstruction other than landscaping and fences shall be located any closer than two (2) feet to a rear lot line or interior side lot line and no closer than five (5) feet to a front lot line or side lot line abutting a street. (Ord. 0-60-06, §9, 4/3/06)

(e) Swimming pool standards.

- (1) All swimming pools must comply with all applicable standards as stated in the building code.
- (2) All swimming pools shall be located in rear or side yards only, and may not be located in a side yard abutting a street.
- (3) Any portion thereof and accessory equipment, such as a deck or filter enclosure, shall not be located closer than five (5) feet from any rear or side lot line.

(f) Development in residential districts. All excavation, movement of earth, site development and execution of an erosion and sedimentation control plan in any residential district shall be subject to the rules and regulations of the erosion and sedimentation control ordinance found in the subdivision ordinance [Appendix B].

(g) Use of floodplain areas. All properties deemed to be in the floodplain shall be subject to the regulations of section 4.12 of this ordinance and rules and regulations of the floodplain ordinance found in the subdivision ordinance [Appendix B].

(h) Temporary Model Home Regulations.

- (1) Temporary model homes may only be used to offer for sale, dwelling units located within the same subdivision or planned unit development in which the model home is located.
- (2) Building materials may be stored only within the garage space of each model home but not upon the lot on which the model is situated.
- (3) Sales offices and construction offices may be contained in a model home; provided that the appearance of the model home is not substantially different from that of the other dwelling

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units in the subdivision or planned unit development.

- (4) Temporary off-street parking facilities shall be provided containing not less than 5 parking spaces, subject to Section 7.04 of the Palatine Zoning Ordinance.
- (5) Exterior lighting may be used to illuminate the model home; provided that lights are sufficiently screened so that private dwelling units and traffic are not adversely affected by the lighting. (Ord. 0-115-00 9/25/00)

(i) *Storage of Village approved refuse carts and recycling carts, and yard waste on private property.* Refuse carts, recycling carts, and yard waste shall be stored on private property, excepting when being put out for pick-up, in compliance with the applicable Village requirements. All refuse carts and recycling carts must be stored in a garage, shed, dwelling, or building, and outside of public view, with the following exceptions:

- (1) On all properties for which this Article is applicable, all Village approved refuse carts, recycling carts, and yard waste may be stored outdoors, provided the following:
 - a. Refuse carts, recycling carts, and yard waste, either bundled or in appropriate yard waste bags, may be placed in the rear yard adjacent to and behind the dwelling, detached garage, or shed.
 - b. Refuse carts, recycling carts, and yard waste, either bundled or in appropriate yard waste bags, may be placed in an interior side yard, outside of the front yard, and adjacent to the dwelling, detached garage, or shed.
 - c. May be placed elsewhere, subject to Village Staff review and approval.

10.02. R-1 Single-Family District.

(a) *Permitted uses.* The following uses are permitted.

- (1) Single-family detached dwellings.
- (2) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
- (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district.
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
- (4) Day care facility; when operated on the premises of Religious Institutions, schools, community centers or recreational buildings in public parks.
- (5) Day care homes.
- (6) Village operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (7) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (8) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.

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(9) Group homes, subject to the following:

- 9.01. No more than four (4) persons plus staff.
 - 9.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 9.03. Licensed or certified by the State of Illinois.
 - 9.04. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.
 - 9.05. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
 - 9.06. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.
 - 9.07. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.
 - 9.08. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.
- (Ord. #0-32-12, §1, 3/12/12)

(b) *Accessory uses.*

- (1) Those customarily incidental to the permitted uses including but not limited to the following:
- (2) Private stable: on a lot at least one and one-half (1 1/2) acres in area, and set back one hundred (100) or more feet from any lot line.
- (3) Communication devices; per regulations in section 6.02 of this appendix.
- (4) Fences; per regulations in section 6.03 of this appendix.
- (5) Home occupations; per regulations in section 6.04 of this appendix.
- (6) Garage and rummage sales; per regulations in section 6.05 of this appendix.
- (7) Swimming pools; per regulations in section 10.01 of this appendix.
- (8) Parking of vehicles; per regulations in Article VII of this appendix.
- (9) Signs; per regulations in Article VIII of this appendix.

(c) *Special uses.* The following uses are permitted as special uses when authorized by the village council, subject to the standards set forth in section 14.05 of this appendix. (Ord. #0-85-12, §9, 6/18/12, Ord. No. O-19-20, 03/09/20)

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Public service facilities; including electric distributing sub-stations, telephone exchanges,

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radio and television transmission stations, but not including yards or garages for storage or service.

- (3) School office buildings; not including the parking or storage of buses.
 - (4) Public colleges and universities; for academic instruction.
 - (5) Swimming pools; owned and utilized by a homeowner's association.
 - (6) Communication devices; which exceed the height limitations set forth for residential districts.
 - (7) Fencing; in any front yard or side yard/rear yard abutting a street, except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
 - (8) Wind energy conversion systems.
 - (9) Group homes that have five (5) or more persons plus staff, subject to the following:
 - 10.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
 - 10.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 10.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
 - 10.04. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.
 - 10.05. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
 - 10.06. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.
 - 10.07. All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)
- (Ord. #0-32-12, §1, 3/12/12)
- (10) Reserved. (Ord. #0-85-12, §3, 6/18/12)
 - (11) Hospice.
 - (12) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site

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plan and shall be assigned to the property, not the current owner(s).

- (13) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01 (d) 2(u) (Ord.# 0-4-97, §5, 1-13-97; Ord. #0-138-07, §2, 8/13/07)
- (14) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot. (Ord. # 0-4-97, §6, 1-13-97)
- (15) Non-conforming multi-family dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:
 - 16.01 The dwelling shall contain three or fewer dwelling units.
 - 16.02 The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
 - 16.03 The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances. (Ord. No. 0-32-97, §1, 3-24-97)
- (16) Temporary Model Home/s, pursuant to the regulations of Section 10.01(h). (Ord. 0-115-00 §10, 9/25/00)
- (17) Accessory unique use. (Ord. No. 0-115-12, §2, 8/6/12)
(Ord. No. O-19-20, 3/9/20)
- (d) Minimum ground floor area per dwelling.
 - (1) One-story dwellings: One thousand three hundred fifty (1,350) square feet.
 - (2) Multiple story dwellings: Eight hundred fifty (850) square feet.
- (e) *Minimum lot area per dwelling.*
 - (1) Lots platted after January 12, 1958: Twenty thousand (20,000) square feet.
 - (2) Lots platted on or before January 12, 1958: Twelve thousand (12,000) square feet.
- (f) *Minimum lot width*
 - (1) Lots platted after January 12, 1958: One hundred (100) feet.
 - (2) Lots platted on or before January 12, 1958: Fifty (50) feet.
- (g) *Maximum coverage:*
 - (1) Single-family uses:
 - a) Maximum building coverage: 25%
 - b) Maximum lot coverage: 35%
 - (2) Religious Institutions and Institutional uses: Maximum lot coverage 75%
 - (3) All other uses: Maximum lot coverage 35%
- (h) Minimum Setbacks.

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- (1) Front: Forty (40) feet
- (2) Rear: Fifty (50) feet
- (3) Corner Side Abutting a Street: Forty (40) feet
- (4) Interior Side: Interior side yard setbacks shall be provided as follows:

Lot Width	Required Interior Side Yard
91 feet and up	15 feet
76 feet to 90 feet	10 feet
Less than 75 feet	5 feet

(Ord. 0-37-06, §2. 2/13/06)

(i) *[Reserved]*

(j) *Maximum building height:* Two and one-half (2 1/2) stories not to exceed thirty (30) feet to the midpoint of the roof and not to exceed a maximum peak height of forty (40) feet.

(Ord. No. O-147-90, § 2, 11-26-90; Ord. 0-54-07, §9, 4/16/07)

10.03. R-1A Single-Family District.

(a) *Permitted uses.* The following uses are permitted:

- (1) Single-family detached dwellings.
- (2) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
- (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district.
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
- (4) Day care facility; when operated on the premises of Religious Institutions, schools, community centers or recreational buildings in public parks.
- (5) Day care homes.
- (6) Village-operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (7) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (8) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (9) Group homes, subject to the following:
 - 9.01. No more than four (4) persons plus staff.
 - 9.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of

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bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.

- 9.03. Licensed or certified by the State of Illinois.
- 9.04. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.
- 9.05. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
- 9.06. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.
- 9.07. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.
- 9.08. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.

(Ord. #0-32-12, §1, 3/12/12)

(10) Reserved. (Ord. #0-85-12, §4 6/18/12)

(11) Hospice.

(b) *Accessory uses.*

- (1) Those customarily incidental to the permitted uses, including but not limited to the following.
- (2) Private stable on a lot at least one and one-half (1 1/2) acres in area, and set back one hundred (100) or more feet from any lot line.
- (3) Communication devices; per regulations in section 6.02 of this appendix.
- (4) Fences; per regulations in section 6.03 of this appendix.
- (5) Home occupations; per regulations in section 6.04 of this appendix.
- (6) Garage and rummage sales; per regulations in section 6.05 of this appendix.
- (7) Swimming pools; per regulations in section 10.01 of this appendix.
- (8) Parking of vehicles; per regulations in Article VII of this appendix.
- (9) Signs; per regulations in Article VIII of this appendix.

(c) *Special uses.* The following uses are permitted as special uses when authorized by the village board, subject to the standards set forth in section 14.05 of this ordinance: (Ord. No. O-19-20, 03/09/20)

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.

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- (3) School office buildings; not including the parking or storage of buses.
 - (4) Public colleges and universities; for academic instruction.
 - (5) Swimming pools; owned and utilized by a homeowner's association.
 - (6) Communication devices; which exceed the height limitations set forth for residential districts.
 - (7) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
 - (8) Wind energy conversion systems.
 - (9) Group homes that have five (5) or more persons plus staff, subject to the following:
 - 10.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
 - 10.02 For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 10.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
 - 10.04 Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.
 - 10.05 If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
 - 10.06 The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.
 - 10.07 All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)
- (Ord. #0-32-12, §1, 3/12/12)
- (10) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
 - (11) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01 (d)2(u) (Ord No. 0-4-97, 35, 1-13-97; Ord. No. 0-138-07, §3, 8/13/07)

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- (12) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot. (Ord. No. 0-4-97, 36, 1-13-97)
- (13) Non-conforming multi-family dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:
- 14.01 The dwelling shall contain three or fewer dwelling units.
 - 14.02 The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
 - 14.03 The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances. (Ord. No. 0-32-97, 31, 3-24-97)

- (14) Temporary Model Home/s, subject to the regulations in Section 10.01 (h). (Ord. 0-115-00 312, 9/25/00)

- (15) Accessory unique use. (Ord. No. 0-115-12, §3, 8/6/12)

(Ord. No O-19-20, 3/9/20)

(d) *Minimum ground floor area per dwelling unit.*

- (1) One-story dwellings: One thousand three hundred (1,300) square feet.

- (2) Multiple story dwellings: Eight hundred fifty (850) square feet.

(e) *Minimum lot area per dwelling:* Fifteen thousand (15,000) square feet.

(f) *Minimum lot width:* Ninety (90) feet.

(g) *Maximum coverage:*

- (1) Single-family uses:
 - a) Maximum building coverage: 30%
 - b) Maximum lot coverage: 40%
- (2) Religious Institutions and Institutional uses: Maximum lot coverage 75%
- (3) All other uses: Maximum lot coverage 40% (Ord. 0-115-00 313 9/25/00)

(h) *Minimum Setbacks.*

- (1) Front: Thirty (30) feet
- (2) Rear: Forty-five (45) feet
- (3) Side:
 - (a) Interior lots: Ten (10) feet on one side; twenty-five (25) feet total on both sides.
 - (b) Corner lots:
 - (i) Interior side: ten (10) feet
 - (ii) Side abutting street: thirty-five (35) feet

(Ord. 0-37-06, §3, 2/13/06)

(i) *[Reserved.]*

(j) *Maximum building height:* Two and one-half (2 1/2) stories, not to exceed thirty (30) feet to the midpoint of the roof and not to exceed a maximum peak height of thirty-six (36) feet. (Ord. No. O-147-90, 32, 11-26-90; Ord. 0-54-07, §11, 4/16/07)

10.04. R-1B Single-Family District.

(a) *Permitted uses.* The following uses are permitted:

- (1) Single-family detached dwellings.
- (2) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
- (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district.
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields' incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
- (4) Day care facility; when operated on the premises of Religious Institutions, schools, community centers or recreational buildings in public parks.
- (5) Day care homes.
- (6) Village operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (7) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (8) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (9) Group homes, subject to the following:
 - 9.1. No more than four (4) persons plus staff.
 - 9.2. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 9.3. Licensed or certified by the State of Illinois.
 - 9.4. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.
 - 9.5. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
 - 9.6. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.

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- 9.7 If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.
- 9.8 The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.
- (Ord. #0-32-12, §1, 3/12/12)

(b) *Accessory uses.*

- (1) Those customarily incidental to the permitted uses, including but not limited to the following.
- (2) Private stable: on a lot at least one and one-half (1 1/2) acres in area, and set back one hundred (100) or more feet from any lot line.
- (3) Communication devices; per regulations in section 6.02 of this ordinance.
- (4) Fences; per regulations in section 6.03 of this ordinance.
- (5) Home occupations; per regulations in section 6.04 of this ordinance.
- (6) Garage and rummage sales; per regulations in section 6.05 of this ordinance.
- (7) Swimming pools; per regulations in section 10.01 of this ordinance.
- (8) Parking of vehicles; per regulations in Article VII of this ordinance.
- (9) Signs; per regulations in Article VIII of this ordinance.

(c) *Special uses.* The following uses are permitted as special uses when authorized by the village council, subject to the standards set forth in section 14.05 of this ordinance; (Ord. #0-85-12, §9, 6/18/12, Ord. No. O-19-20, 03/09/20))

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Public service facilities; including electric distributing substations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- (3) School office buildings; not including the parking or storage of buses.
- (4) Public colleges and universities; for academic instruction.
- (5) Swimming pools; owned and utilized by a homeowner's association.
- (6) Communication devices; which exceed the height limitations set forth for residential districts.
- (7) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (8) Wind energy conversion systems.

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(9) Group homes that have five (5) or more persons plus staff, subject to the following:

- 10.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
- 10.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
- 10.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
- 10.04. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.
- 10.05. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
- 10.06. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.
- 10.07. All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)

(Ord. #0-32-12, §1, 3/12/12)

(10) Reserved. (Ord. #0-85-12, §5, 6/18/12)

(11) Hospice.

(12) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).

(13) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01 (d)2(u) (Ord. No. 0-4-97, §5, 1-13-97; Ord. No. 0-138-07, §4, 8/13/07)

(14) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot. (Ord. No. 0-4-97, §6, 1-13-97)

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- (15) Non-conforming multifamily dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:
- 16.01 The dwelling shall contain three or fewer dwelling units.
 - 16.02 The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
 - 16.03 The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances. (Ord No. 0-32-97, §1, 3-24-97)

- (16) Temporary Model Home/s, pursuant to the regulations in Section 10.01 (h). (Ord. 0-115-00 §14 9/25/00)

- (17) Accessory unique use. (Ord. No. 0-115-12, §4, 8/6/12)

(d) *Minimum ground floor area per dwelling.*

- (1) One-story dwellings: One thousand three hundred (1,300) square feet.
- (2) Multiple story dwellings: Eight hundred fifty (850) square feet.

(e) *Minimum lot area per dwelling:* Fourteen thousand (14,000) square feet. The lot area may be reduced to twelve thousand (12,000) square feet if the president and board of trustees determine that adequate public land has been provided within or near the subdivision for park, recreation, school, or other public purposes, in accordance with Article V of the village subdivision regulations [Appendix B].

(f) *Minimum width:* Eighty-five (85) feet.

(g) *Maximum coverage:*

- (1) Single-family uses:
 - a) Maximum building coverage: 30%
 - b) Maximum lot coverage: 40%
- (2) Religious Institutions and Institutional uses: Maximum lot coverage 75%
- (3) All other uses: Maximum lot coverage 40% (Ord. 0-115-00 §15 9/25/00)

(h) *Minimum setbacks.*

- (1) Front: Thirty (30) feet.
- (2) Rear: Forty-five (45) feet.
- (3) Side:
 - a. Interior lots: Ten (10) feet on one side; twenty-five (25) feet total on both sides.
 - b. Corner lots.
 - i. Interior side: Ten (10) feet.
 - ii. Side abutting street: Thirty-five (35) feet.

(i) *[Reserved]*

(j) *Maximum building height:* Two and one-half (2 1/2) stories, not to exceed thirty (30) feet to the midpoint of the roof and not to exceed a maximum peak height of thirty-six (36) feet. (Ord. No. O-147-90, § 2, 11-26-90; Ord. 0-54-07, §13, 4/16/07)

10.05. R-1C Single-Family District.

(a) *Permitted uses.* The following uses are permitted:

- (1) Single-family detached dwellings.
- (2) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
- (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district.
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
- (4) Day care facility; when operated on the premises of Religious Institutions, schools, community centers or recreational buildings in public parks.
- (5) Day care homes.
- (6) Village operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (7) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (8) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (9) Group homes, subject to the following:
 - 9.1. No more than four (4) persons plus staff.
 - 9.2. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 9.3. Licensed or certified by the State of Illinois.
 - 9.4. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.
 - 9.5. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
 - 9.6. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.

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- 9.7 If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.
- 9.8 The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.

(Ord. #0-32-12, §1, 3/12/12)

(b) *Accessory uses.*

- (1) Those customarily incidental to the permitted uses, including but not limited to the following.
- (2) Private stable: on a lot at least one and one-half (1 1/2) acres in area, and set back one hundred (100) or more feet from any lot line.
- (3) Communication devices; per regulations in section 6.02 of this appendix.
- (4) Fences; per regulations in section 6.03 of this appendix.
- (5) Home occupations; per regulations in section 6.04 of this appendix.
- (6) Garage and rummage sales; per regulations in section 6.05 of this appendix.
- (7) Swimming pools; per regulations in section 10.01 of this appendix.
- (8) Parking of vehicles; per regulations in Article VII of this appendix.
- (9) Signs; per regulations in Article VIII of this appendix.

(c) *Special uses.* The following uses are permitted as special uses when authorized by the village council, subject to the standards set forth in section 14.05 of this ordinance: (Ord. #0-85-12, §9, 6/18/12, Ord. No. O-19-20, 03/09/20)

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Public service facilities; including electric distributing substations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- (3) School office buildings; not including the parking or storage of buses.
- (4) Public colleges and universities; for academic instruction.
- (5) Swimming pools; owned and utilized by a homeowner's association.
- (6) Communication devices; which exceed the height limitations set forth for residential districts.
- (7) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the Administrator.
- (8) Wind energy conversion systems.

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- (9) Group homes that have five (5) or more persons plus staff, subject to the following:

- 10.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
- 10.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
- 10.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
- 10.04. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.
- 10.05. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
- 10.06. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.
- 10.07. All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)

(Ord. #0-32-12, §1, 3/12/12)

- (10) Reserved. (Ord. #0-85-12, §6, 6/18/12)

- (11) Hospice.

- (12) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).

- (13) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01 (d)2(u) (Ord.No. 0-4-97, ə5, 1-13-97; Ord. No. 0-138-07 §5, 8/13/07)

- (14) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot. (Ord.No. 0-4-97, ə6, 1-13-97)

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- (15) Non-conforming multi-family dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:
- 16.01 The dwelling shall contain three or fewer dwelling units.
 - 16.02 The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
 - 16.03 The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances. (Ord.No. 0-32-97, ə1, 3-24-97)
- (16) Temporary Model Home/s, pursuant to the regulations in Section 10.01 (h). (Ord. 0-115-00 ə16 9/25/00)
- (17) Accessory unique use. (Ord. No. 0-115-12, §5, 8/6/12)
- (d) *Minimum ground floor area per dwelling.*
- (1) One-story dwellings: One thousand three hundred (1,300) square feet.
 - (2) Multiple story dwellings: Eight hundred fifty (850) square feet.
- (e) *Minimum lot area per dwelling:* Eighteen thousand (18,000) square feet.
- (f) *Minimum lot width:* Sixty-six (66) feet.
- (g) *Maximum lot coverage:*
- (1) Single-family uses:
 - a) Maximum building coverage: 25%
 - b) Maximum lot coverage: 35%
 - (2) Religious Institutions and Institutional uses: Maximum lot coverage 75%
 - (3) All other uses: Maximum lot coverage 35%
- (h) *Minimum setbacks.*
- (1) Front: Forty (40) feet.
 - (2) Rear: Forty-five (45) feet.
 - (3) Side:
 - a. Interior lots: Five (5) feet.
 - b. Corner lots:
 - i. Interior side: Five (5) feet.
 - ii. Side abutting street: Twenty (20) feet.
- (i) *Maximum building height:* Two and one-half (2 1/2) stories not to exceed thirty (30) feet to the midpoint of the roof and not to exceed a maximum peak height of thirty-six (36) feet. (Ord. No. O-147-90, ə 2, 11-26-90; Ord. 0-54-07, §7, 4/16/07)

10.06. R-2 Single-Family District.

(a) *Permitted uses.* The following uses are permitted.

- (1) Single-family detached dwellings.
- (2) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
- (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district.
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
- (4) Day care facility; when operated on the premises of Religious Institutions, schools, community centers and recreational buildings in public parks.
- (5) Day care homes.
- (6) Village operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (7) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (8) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (9) Group homes, subject to the following:
 - 9.01. No more than four (4) persons plus staff.
 - 9.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 9.03. Licensed or certified by the State of Illinois.
 - 9.04. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.
 - 9.05. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
 - 9.06. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.

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9.07 If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.

9.08 The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.

(Ord. #0-32-12, §1, 3/12/12)

(b) Accessory uses.

- (1) Those customarily incidental to the permitted uses, including but not limited to the following.
- (2) *Private stable*: on a lot at least one and one-half (1 1/2) acres in area, and set back one hundred (100) or more feet from any lot line.
- (3) Communication devices; per regulations in section 6.02 of this appendix.
- (4) Fences; per regulations in section 6.03 of this appendix.
- (5) Home occupations; per regulations in section 6.04 of this appendix.
- (6) Garage and rummage sales; per regulations in section 6.05 of this appendix.
- (7) Swimming pools; per regulations in section 10.01 of this appendix.
- (8) Parking of vehicles; per regulations in Article VII of this appendix.
- (9) Signs; per regulations in Article VIII of this appendix.

(c) *Special uses*. The following uses are permitted as special uses when authorized by the village council, subject to the standards set forth in section 14.05 of this appendix: (Ord. #0-85-12, §9, 6/18/12, Ord. No. O-19-20, 03/09/20)

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- (3) School office buildings; not including the parking or storage of buses.
- (4) Public colleges and universities; for academic instruction.
- (5) Swimming pools; owned and utilized by a homeowner's association.
- (6) Communication devices; which exceed the height limitations set forth for residential districts.
- (7) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator
- (8) Wind energy conversion systems.

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- (9) Group homes that have five (5) or more persons plus staff, subject to the following:

- 10.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
- 10.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
- 10.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
- 10.04. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.
- 10.05. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
- 10.06. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.
- 10.07. All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)

(Ord. #0-32-12, §1, 3/12/12)

- (10) Reserved. (Ord. #0-85-12, §7, 6/18/12)

- (11) Hospice.

- (12) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).

- (13) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01 (d)2(u) (Ord. No. 0-4-97, §5, 1-13-97; Ord. No. 0-138-07 §6, 8/13/07)

- (14) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot. (Ord. No. 0-4-97, §6, 1-13-97)

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- (15) Non-conforming multi-family dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:

- 16.01 The dwelling shall contain three or fewer dwelling units.
- 16.02 The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
- 16.03 The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances. (Ord. No. 0-32-97, §1, 3-24-97)

- (16) Temporary Model Home/s, pursuant to the regulations in Section 10.01 (h). (Ord. 0-115-00 §18 9/25/00)

- (17) Accessory unique use. (Ord. No. 0-115-12, §6, 8/6/12)

(d) Minimum ground floor area per dwelling

- (1) One-story dwellings: One thousand two hundred fifty (1,250) square feet.
- (2) Multiple story dwellings: Eight hundred fifty (850) square feet.

(e) Minimum lot area per dwelling.

- (1) Lots platted after January 12, 1958:
 - a. Interior lots: Nine thousand (9,000) square feet.
 - b. Corner lots: Ten thousand (10,000) square feet.
- (2) Lots platted on or before January 12, 1958: Five thousand four hundred (5,400) square feet.

(f) Minimum lot width.

- (1) Lots platted after January 12, 1958:
 - a. Interior lots: Seventy-five (75) feet.
 - b. Corner lots: Eighty-five (85) feet.
- (2) Lots platted on or before January 12, 1958: Fifty (50) feet.

(g) Maximum coverage:

- (1) Single-family uses:
 - a) Maximum building coverage: 35%
 - b) Maximum lot coverage: 45%
- (2) Religious Institutions and Institutional uses: Maximum lot coverage 75%
- (3) All other uses: Maximum lot coverage 45% (Ord. 0-115-00 §18 9/25/00)

(h) Minimum setbacks.

- 1. Front: Thirty (30) feet
- 2. Rear: Forty (40) feet
- 3. Interior Side: Interior side yard setbacks shall be provided as follows:

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Lot Width	Required Interior Side Yard
67 feet or greater	10 feet
Less than 67 feet	5 feet

4) Side abutting street: Twenty (20) feet, although side yards abutting state or county highways shall have a minimum setback of thirty (30) feet.”
(Ord. 0-37-06, §4, 2/13/06; Ord. 0-111-06, §2, 6/26/06)

(i) *Maximum building height:* Two and one-half (2 1/2) stories not to exceed thirty (30) feet to the midpoint of the roof and not to exceed a maximum peak height of thirty-six (36) feet.
(Ord. No. O-147-90, § 2, 11-26-90; Ord. 0-54-07, §17, 4/16/07)

10.07. R-3 Multi-Family District.

(a) *Permitted uses.* The following uses are permitted:

- (1) Single-family detached dwellings.
- (2) Attached single-family dwellings.
- (3) Two-family dwellings.
- (4) Multiple-family dwellings.
- (5) Religious Institutions; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal Religious Institution building.
- (6) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district.
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
- (7) Day care facility; when operated on the premises of Religious Institutions, schools, community centers or recreational buildings in public parks.
- (8) Day care homes.
- (9) Village operated facilities; fire and police stations, public works garages, when deemed in the public interest.
- (10) Temporary buildings; for construction purposes not to exceed the duration of construction.
- (11) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.

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(12) Group homes, subject to the following:

- 12.01. No more than four (4) persons plus staff.
- 12.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
- 12.03. Licensed or certified by the State of Illinois.
- 12.04. A minimum distance of one thousand (1,000) feet, measured from lot line to lot line is maintained between group homes.
- 12.05. The group home conforms to all provisions outlined in chapter 10 in the Village of Palatine Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)
- 12.06. Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.
- 12.07. If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required.
- 12.08. The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.

(Ord. #0-32-12, §1, 3/12/12)

(b) *Accessory uses.*

- (1) Those customarily incidental to the above permitted uses, including but not limited to the following.
- (2) Home occupations; per regulations in section 6.04 of this appendix.
- (3) Signs; per regulations in Article VIII of this appendix.
- (4) Private stable: on a lot at least one and one-half (1 1/2) acres in area, and set back one hundred (100) or more feet from any lot line.
- (5) Communication devices; per regulations in section 6.02 of this appendix.
- (6) Fences; per regulations in section 6.03 of this appendix.
- (7) Garage and rummage sales; per regulations in section 6.05 of this appendix.
- (8) Swimming pools; per regulations in section 10.01 of this appendix.
- (9) Parking of vehicles; per regulations in Article VII of this appendix.
- (10) Dumpster enclosures.

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(c) *Special uses.* The following uses are permitted as special uses when authorized by the village council, subject to the standards set forth in section 14.05 of this appendix: (Ord. #0-85-12, §9, 6/18/12, Ord. No. O-19-20, 03/09/20)

- (1) Monasteries, theological schools, social agencies; or any other similar uses.
- (2) Montessori school.
- (3) Public service facilities; including electric distributing substations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- (4) School office buildings; not including the parking or storage of buses.
- (5) Offices, professional, with such professional office uses as approved by the village president and board of trustees. A list of permitted professional office uses shall be incorporated into the special use ordinance whereby such special use is approved.
- (6) Nursery, truck garden or greenhouses.
- (7) Day care facility.
- (8) Public colleges and universities; for academic instruction.
- (9) College fraternities and sororities.
- (10) Rest home or nursing home; for children and the aged.
- (11) Swimming pools; owned and utilized by a homeowner's association.
- (12) Communication devices; which exceed the height limitations set forth for residential districts.
- (13) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (14) Wind energy conversion systems.
- (15) Group homes that have five (5) or more persons plus staff, subject to the following:
 - 16.01. A minimum distance of one thousand three hundred (1,300) feet is maintained between group homes.
 - 16.02. For existing homes that are converted to a Group Home, the residential occupancy must also comply with the International Property Maintenance Code in terms of bedroom occupancy, inclusive of residents and staff that regularly sleep overnight. For new construction, the residential occupancy must comply with the International Building and International Residential Codes, inclusive of residents and staff that regularly sleep overnight.
 - 16.03. The group home conforms to all provisions outlined in chapter 10 of the Code of Ordinances or state licensing standards, if applicable to the use. (O-92-93 8/9/93)

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- 16.04 Parking for the staff and residents, if applicable, shall be provided on-site and contained within the subject property of the Group Home (garage parking, driveway, or other paved parking, as required and permitted by code). Such parking shall conform to the residential parking requirements found in Article 7 and the lot coverage and building coverage limitations in Article 10 of the Village of Palatine Zoning Ordinance. Required parking for group homes shall be calculated at one (1) parking space per staff per shift and one (1) parking space per resident, maintaining a car on site. This required parking is reflected in the required parking table found in Section 7.03 (b) (1) of the Village of Palatine Zoning Ordinance.
- 16.05 If the staff and resident parking requirements cannot be met within the boundaries of the subject property, then a variation shall be required, in conjunction with the Special Use for the Group Home.
- 16.06 The Group Home shall meet the fire prevention requirements of the International Fire Code and Life Safety Code, as set forth in Section 10-27 (d) of the Palatine Code of Ordinances.
- 16.07 All Group Homes not required to be licensed or certified by the State of Illinois shall comply with the licensing and background investigation requirements of Title 89 Illinois Administrative Code 385 et al. (Illinois Administrative Code Title 89, Chapter 111, Subchapter D, Part 385 Background Checks.)

(Ord. #0-32-12, §1, 3/12/12)

- (16) Reserved. (Ord. #0-85-12, §9, 6/18/12)
- (17) Hospice.
- (18) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
- (19) Structures which exceed the permitted rear yard encroachment pursuant to Sec. 10.01 (D)(4)c. (Ord. No. 0-4-97, §5, 1-13-97)
- (20) Fences in rear yards where the side lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot, or where the rear lot line of said rear yard abuts the side lot line of a front yard of an adjacent lot. (Ord. No. 0-4-97, §6, 1-13-97)
- (21) Temporary Model Home/s, pursuant to the regulations in Section 10.01 (h). (Ord. 0-115-00 §20 9/25/00)
- (22) Hair Salons (Ord. 0-93-04, §1, 5/17/04)
- (23) Temporary Amusement Events for Non-Residential Properties (Ord. 0-188-04, §1, 9/13/04)
- (24) Accessory unique use. (Ord. No. 0-115-12, §7, 8/6/12)

(d) *Minimum ground floor area per dwelling unit.*

- (1) Detached single-family dwellings: Eight hundred (800) square feet.
- 2) Multi-family units: Five hundred (500) square feet per unit.

(e) *Minimum lot area per dwelling unit.*

- (1) Detached single-family dwellings.
 - a. Lots platted after January 12, 1958: Eight thousand (8,000) square feet.
 - b. Lots platted on or before January 12, 1958: Four thousand eight hundred (4,800) square feet.

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- (2) Multiple-family dwellings.
 - a. One bedroom and efficiency units: Two thousand one hundred (2,100) square feet per dwelling unit.
 - b. Two (2) bedroom units: Two thousand four hundred (2,400) square feet per dwelling unit.
 - c. Three (3) and four (4) bedroom units: Five thousand (5,000) square feet.

(f) *Minimum lot width*: None.

(g) *Maximum coverage*:

- (1) Maximum floor area ratio
 - (a) Multiple-family uses: .50
- (2) Maximum lot coverage
 - (a) Religious Institutions and Institutional uses: 75%
 - (b) All other uses: 50%

(h) *Minimum setbacks*.

- (1) Interior lots.
 - a. Front: Thirty (30) feet.
 - b. Rear: Forty (40) feet.
 - c. Side: Six (6) feet on one side; sixteen (16) feet total on both sides.
- (2) Corner lots.
 - a. Front: Thirty (30) feet.
 - b. Rear: Twenty (20) feet, if interior side yard of six (6) feet is provided; ten (10) feet if interior side yard of twenty (20) feet is provided.
 - c. Side: Twenty-five (25) feet.

(i) *[Reserved.]*

(j) *Maximum building height*: Four (4) stories not to exceed fifty (50) feet.
(Ord. No. O-44-89, § 1, 4-24-89; Ord. No. O-147-90, § 2, 11-26-90)

ARTICLE XI. BUSINESS DISTRICTS

11.01. General requirements of all business districts.

(a) *Conformance to other laws*. All permitted uses, special uses, and accessory uses permitted herein shall conform to all federal, state and local laws. The Village has the right to disallow or suspend those uses which are in violation of other laws.

(b) *Business operating standards*.

- (1) There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to retail business conducted on the same premises.
- (2) Such uses shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
- (3) No unified music system, speaker or communication device shall be heard outside the boundaries of the site.

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(c) *Outside sales and display.* All business, service, repair, processing, storage or merchandising sales and display shall be conducted wholly within enclosed structures, unless otherwise qualifying under one or more of the following:

- (1) Exceptions; when the use is permitted only when outside sales are accessory to inside sales on the same lot.
 - a. The sale of automotive fuels, lubricants and coolants in automotive service stations.
 - b. Nursery stock, garden and farm equipment, and outdoor furniture and recreation equipment.
 - c. New or used automobiles, trucks, motorcycles, trailers, boats or any other motor vehicles; all in operable condition.
 - d. Vending machines; in conjunction with another permitted use.
 - e. Outdoor recreational uses; including swimming pools, golf courses, golf driving ranges and miniature golf and parking lots.
 - f. Drive-in and drive-through restaurants.
 - g. Drive-in financial institutions.
 - h. Building materials; when enclosed by a fence.
 - j. Community-wide annual promotional events; not exceeding ten (10) consecutive days in duration, with the permission of the village board at least ten (10) days in advance.
- (2) Standards. All outside sales and display shall conform to the following standards:
 - a. All items shall be displayed wholly upon the parcel on which the principal sales structure is located.
 - b. Items shall not be displayed or sold upon public property or within any public right-of-way, except for annual promotional events referred to in section 11.01(c)(1)j.
 - c. All merchandise displayed outdoors shall be so displayed in a neat and orderly manner.

(d) *Outdoor Restaurant Seating in the Public Right-of-Way*

- (1) Permitted Use. Outdoor seating in the public right-of-way shall only be permitted within the area bound by Wood Street on the north, Smith Street on the west, Plum Grove Road on the east, and Johnson Street on the south. The outdoor seating shall be incidental to the operation of a restaurant on private property, only along the frontage of said restaurant, and subject to the design standards in Section 11.01 (d) (4).
- (2) Application. A complete Outdoor Seating application shall be submitted and include the following:
 - (a) Scaled site plan indicating table locations/dimensions and the minimum open portion of the sidewalk in compliance with Section 11.01(d)(4)(b). The site plan shall also include a designated smoking area in compliance with the Village's Clean Indoor Air Ordinance
 - (b) Annual fee of \$100
 - (c) Any other information deemed necessary by the Village
- (3) Administrative Review. Within 30 days following the submission of all documentation required in Section 11.01 (d) (2), the Zoning Administrator shall conduct an internal review and complete the following:
 - (a) Provide a summary of any concerns generated by the internal review to the applicant, or
 - (b) Forward a determination and any recommended conditions to the Village Manager for final consideration.

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- (c) If the Outdoor seating application is found to comply with the Outdoor Seating Design and Operation Standards, as well as any other recommended conditions, the Village Manager shall approve and issue the License.
 - (d) If an Outdoor Seating application does not meet the minimum Ordinance requirements, the Village Manager shall deny said application. The Village Manager's denial may be appealed to the Village Council, at the request of the Petitioner, but in no instance shall the proposed site plan interfere with accessibility or pedestrian and vehicular traffic.
- (4) Outdoor Seating Design and Operation Standards. All outdoor seating located in the public right-of-way shall be subject to the following standards:
 - (a) Maintenance. The public right-of-way associated with the outdoor seating shall be kept in a neat, orderly and clean condition. General maintenance and upkeep shall be the responsibility of the business owner. General maintenance and upkeep does not include the repair, replacement, or other improvement to any public infrastructure.
 - (b) Accessibility. The operation of an outdoor seating shall not reduce the open portion of the public sidewalk to less than the minimum required width identified in the Illinois Accessibility Code, but in no event shall an outdoor seating use permitted by this section reduce the open portion of any sidewalk to less than five (5) feet in width. For the purposes of this subsection, "open portion" shall be defined as the area of sidewalk lying between the outermost restaurant table or chair placed in its normal position for use by restaurant patrons and the curb or, if closer, the nearest permanent obstruction, including, but not limited to, traffic sign, tree or tree well, bicycle rack, or other natural or manmade object located on or adjacent to the sidewalk or public right-of-way, except as otherwise authorized by the Village of Palatine through an approved license agreement. Such restrictions shall not apply to areas where seating is at the end of a sidewalk area and the required five (5) foot width is provided closer to the building from the seating area.
 - (c) Outdoor Furnishings. All outdoor furnishings shall be composed of durable and heavyweight materials.
 - (d) No Permanent Fixtures. All tables, chairs and other fixtures shall be constructed in such a manner that they can be easily removed at the end of the lease period or as required by the Village. Said tables and chairs shall be secured, in a manner acceptable to the Village, when the subject business is closed.
 - (e) Outside Storage. In no event shall any food, serving materials, or other restaurant supplies be stored in the outdoor seating area.
 - (f) The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic or obstruct any means of required ingress or egress in the area as determined by the Village.
 - (g) Liquor Sales and Consumption. The sale and consumption of alcoholic beverages in the outdoor dining area shall be restricted by the liquor license governing the restaurant.

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- (h) Service Materials. The outdoor service of all food and beverages shall utilize the same serving materials as indoor service.
 - (i) Outdoor Music. Amplified sound systems shall be no louder than conversation level.
 - (j) Parking. The Zoning Administrator may waive the parking requirements for outdoor seating in accordance with Section 7.03 (b) (1).
 - (k) Public Health and Safety. Any other condition(s) deemed necessary by the Village Manager to protect the public health, safety and welfare may be imposed.
- (5) Additional Requirements for Outdoor Seating in Public Right-of-Way. The applicant shall enter into a license agreement for use of the public right-of-way. The license agreement shall address the following:
- (a) License Period and permitted hours of operation. Outdoor seating shall be permitted from March 1 through November 30 of each year that said lease is in effect and the allowable hours of operation shall be consistent with a licensee's applicable liquor license hours of operation.
 - (b) Insurance. The applicant shall provide the Village evidence of general liability and dram shop insurance (if required) in an amount acceptable to the Village Attorney. The policy shall include the Village shall be a named insured and insure the Village against any liability resulting from the operation of the outdoor seating.
 - (c) Hold Harmless. The applicant shall agree to indemnify the Village from any liabilities that might arise that are related to the outdoor seating.
- (6) Expiration and Revocation. An outdoor seating agreement shall be subject to an annual review and may be revoked by the Village at any time upon thirty (30) days advanced written notice. (Ord. No. 0-54-08, §1, 4/21/08; Ord. No. 0-28-16 3/14 16)
- (e) *Standards for storage of vehicles for sale.*
- (1) There shall be at least three hundred (300) square feet of lot area per each outdoor displayed vehicle, not including structural coverage in the calculation.
 - (2) Outdoor storage of inoperable vehicles shall not be allowed unless adequate screening is provided.
- (f) *Permitted obstructions.* For the purpose of business districts, the following shall not be considered as obstructions when located in the required yards.
- (1) In any required yard.
 - a. Landscaping embellishments; including but not limited to steps, arbors or trellises, the aggregate total of which shall not exceed twenty-five (25) percent of the required yard area.
 - b. Flag poles.
 - c. Lighting standards.

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- d. Signs.
- e. Accessory off-street parking; open.
- (2) In any required front yard.
 - a. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
 - b. Decorative fencing.
- (3) In any required side yard.
 - a. Overhanging roof eaves, awnings or canopies; projecting not more than thirty (30) percent of the required side yard width, with a maximum three (3) feet overhang.
 - b. Accessory structures; garages, tool rooms or other similar structures pursuant to standards set forth in section 6.01 of this ordinance.
 - c. Fences.
 - d. Compressor or condenser units; for air conditioning systems, except in a side yard abutting a street.
 - e. Dumpster enclosures.
- (4) In any required rear yard.
 - a. Accessory structures; garages, tool rooms or other similar structures pursuant to standards set forth in section 6.01 of this ordinance.
 - b. Portions of the principal building; porches, breezeways, balconies, greenhouses or any structure permanently attached to the principal building, the aggregate area of which is less than ten (10) percent of the required rear yard area, and located at least twenty-five (25) feet from the rear lot line, and not encroaching the side yard setback of that district.
 - c. Fences.
 - d. Recreational equipment; necessary for the permitted use.
 - e. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
 - f. Compressor or condenser units; for air conditioning systems.
 - g. Dumpster enclosures.
- (5) Exceptions to the above permitted obstructions.
 - a. On a corner lot, no obstruction higher than thirty (30) inches above the curb level shall be located in any portion of a required front or side yard situated within twenty (20) feet of the lot corners formed by the intersection of any two (2) streets, or the intersection of the street lines extended.
 - b. For the purpose of permitted obstructions in the side yard abutting a street, the front yard obstructions shall be followed.
 - c. No permitted obstruction, other than the principal building, shall be located closer than five (5) feet to any lot line; except fences. If the principal building is set back five (5) feet or less, then the permitted obstruction setback is two (2) feet from any lot line.

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(g) *Compatible uses.* A proposed use which is not specified as a permitted, special or accessory use in a particular business district shall be considered compatible if it meets the following standards, as determined by the administrator and ratified by the village board:

- (1) The proposed use shall meet the intent of the subject zoning district.
- (2) The proposed use shall meet the general requirements of the subject zoning district.
- (3) The proposed use shall be consistent with other uses in the subject zoning district.
- (4) The proposed use shall not be detrimental to other uses within the subject zoning district.
- (5) Any proposed use which is not ratified by the village board shall be considered as a unique use.

(h) *Dumpster enclosures.* Before any permit for development is issued, the administrator shall require that dumpster enclosures be provided in suitable locations to insure the promotion of the health, safety and welfare of the residents of the village.

(i) *Development in business districts.* All excavation, movement of earth, site development and execution of an erosion and sedimentation control plan in any business district shall be subject to the rules and regulations of the erosion and sedimentation control ordinance found in the village subdivision regulations [Appendix B].

(j) *Screening of roof-top units.* All mechanical equipment and other similar devices located on any roof shall be visually and acoustically screened on all sides. Said screening shall be constructed in a manner acceptable to the administrator. (Ord. No. 0-210-99 æ4 12/13/99)

(k) *Use of floodplain areas.* All properties deemed to be in the floodplain shall be subject to the regulations of section 4.11 and the floodplain ordinance found in the subdivision regulations [Appendix B].

(l) *General conditions for residential uses with the Business Districts.*

- (1) For the purposes of this section of the zoning ordinance, dwelling units shall be allowed within all property bounded by Wood Street on the north, Johnson Street on the south, Plum Grove Road on the east and Smith Street on the west and subject to the following conditions:
- (2) Dwelling units shall have a minimum floor area of three hundred (300) square feet per bedroom or meet the minimum building code and life safety requirements
- (3) Dwelling units shall be attached and accessory to the principal business use.
- (4) In any building occupied in part by residential uses, business uses shall not be located above the level of the first story ceiling.
- (5) Dwelling units shall conform to the parking regulations set forth in Article VII.
- (6) Dwelling units wholly or any part thereof below the second story shall not be part of the store front.
(Ord. # 0-83-10, §2, 7/19/10)

(m) Business Standards for the Properties located within the Central Business District. The following standards apply to all commercial properties within the Central Business District; defined as the area bounded by Wood Street on the north, Smith Street on the west, Johnson Street on the south, and Plum Grove Road on the east.

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- (1) Uses and Bulk Standards. All business zoned property within the Central Business District shall be allowed to follow either the use lists and bulk standards of their underlying zoning classification or the uses lists and bulk standards of the B-3 zoning district, regardless of the underlying zoning classification. For the purposes of this section of the zoning ordinance, in the event there is conflict between the underlying zoning bulk standards and use lists, the least restrictive requirement shall apply.

(Ord. #0-93-12, §1, 6/25/12)

(n) The attachment of any balloons, streamers, or similar attention getting device to any sign, light pole, fence, principal structure, or accessory structure shall be prohibited. As of January 15, 2024, any and all existing balloons, streamers, or similar attention getting device prohibited by the provisions of this article shall be removed so as to conform with the provisions of this article by no later than December 31, 2024.

11.02. B-1 Shopping Center District.

(a) *Legislative intent.* The purpose of the B-1 Shopping Center District is to provide for retail shopping and financial services within a unified shopping center.

(b) *Permitted uses.* The following uses are permitted:

- (1) Accountant's and tax consultant offices.
- (2) Antique shops; of refurbished and refinished materials.
- (3) Appliance stores.
- (4) Art supply stores.
- (5) Automotive accessory stores; including but not limited to batteries, tires, engine parts; but not including on-site repair of autos or replacement of sold items.
- (6) Bakeries; manufacturing of goods limited to those retailed on the premises.
- (7) Banks and/or financial institutions. (Ord. #0-111-06, §3, 6/26/06)
- (8) Barber shops.
- (9) Beauty parlors.
- (10) Book and stationery stores.
- (11) Building materials and supplies; provided that no outdoor storage of such products shall be permitted.
- (12) Camera and photographic supply stores.
- (13) Candy, confectionery and ice cream stores; with no on-site manufacturing of goods.
- (14) Card shops.
- (15) Carpet and rug stores.
- (16) China and glassware stores.
- (17) Clothing and apparel stores.
- (18) Clothes and costume rental agencies.

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- (19) Currency exchanges.
- (20) Dance Studios (Ord. No. 0-141-15, §1, 12/7/15)
- (21) Department stores and variety stores.
- (22) Drapery stores.
- (23) Dressmaking and millinery shops.
- (24) Dry goods and variety stores; textiles, clothing and related articles of trade.
- (25) Electronic communications equipment sales.
- (26) Florists.
- (27) Furrier shops.
- (28) Furniture stores.
- (29) Gift shops.
- (30) Hardware stores.
- (31) Health Clubs which are 3,000 square feet or less. (Ord. 0-199-07, §1, 12/3/07)
- (32) Hearing aid stores.
- (33) Hobby shops; for retailing of items to be assembled or uses away from the premises.
- (34) Home supply centers.
- (35) Insurance agencies.
- (36) Jewelry stores (including watch repair).
- (37) Leather goods and luggage stores.
- (38) Linoleum and tile stores.
- (39) Medical appliance stores.
- (40) Musical instrument sales.
- (41) Municipal parking lots.
- (42) Notion stores.
- (43) Office supply stores.
- (44) Offices-business, professional or governmental.
- (45) Opticians sales; retail.
- (46) Paint and wallpaper stores.
- (47) Parking lots; for private self-propelled passenger vehicles.
- (48) Pet shops.

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- (49) Pharmacies.
- (50) Picture framing.
- (51) Post office sub-stations.
- (52) Prerecorded Audio or Video Sales or Rental (Ord. No. 0-40-95 5-8-95).
- (53) Prerecorded music sales; any medium.
- (54) Railroad passenger station.
- (55) Restaurants (without a drive-through or a local liquor license, and do not operate between 12:00 AM and 6 AM) (Ord. O-67-21, 06-21-21)
- (56) Second hand thrift shops.
- (57) Sewing machine sales and service; household machines only.
- (58) Shoe stores.
- (59) Sporting goods stores.
- (60) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.
- (61) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the Village Council at least ten (10) days before the event.
- (62) Ticket agencies; amusement.
- (63) Toy stores.
- (64) Travel agencies, bureaus and transportation ticket offices.
- (65) Mixed uses; combination of economically compatible permitted uses listed above.
- (66) Compatible uses; per procedure and standards listed in section 11.01(f) of this ordinance. (Ord. 0-111-06, §4, 6/26/06)
- (67) Tanning Salons. (Ord. 0-22-02 §6, 2/25/02)
- (68) Village Operated Facilities (Ord. 0-14-10, §1, 2/16/10)

(c) Accessory uses.

- (1) Those customarily incidental to the permitted uses.
- (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance. (Ord. 0-133-00. 2, 10-23-00)
- (3) Communication devices; per regulations in section 6.02 of this ordinance.

(d) Special uses. The following uses are permitted as special uses when authorized by the village council subject to the standards set forth in section 14.05 of this ordinance:

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- (1) Automobile diagnostic center and repair; when part of a department store and without the disbursement of fossil fuels or other forms of energy or material that assists automobile movement.
- (2) Automobile service station and mart; within a unified center for disbursement of fossil fuels or other forms of energy or material that assists automobile movement, without repair.
- (3) Banquet and meeting facility; with or without another use, includes the service of food, liquor and live entertainment.
- (4) Bowling alleys.
- (5) Bus stations; provided that direct access to a major or secondary thoroughfare is available.
- (6) Communication devices; which exceed the height limitations set forth for business districts.
- (7) Day care facility.
- (8) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (9) Gold and Silver dealers (as defined within Division 16 of the Palatine Code of Ordinances), whose gross business receipts result in 20% or more from the purchase of gold or silver. (Ord. No. 0-144-11, §1, 11/21/11)
- (10) Laundries; Launderettes.
- (11) Live entertainment.
- (12) Martial arts schools.
- (13) Montessori schools. (Ord.No.0-111-98, §1, 7-27-98)
- (14) Movie theatres; indoor.
- (15) Offices: Medical and dental, including, but not limited to physicians, surgeons and dentists (Ord. 0-84-05, §7, 4/18/05)
- (16) Physical and health services; includes health clubs greater than 3,000 square feet, swimming pools, and masseuses. (Ord. 0-199-07, §3, 12/3/07)
- (17) Piercing studios and stores, operating in a manner that is not exempted under the Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54/). This shall not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using the pre-sterilized, single-use stud and clasp piercing system. (Ord. #0-144-11,§1, 11/21/11)
- (18) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses. (Ord. No. 0-37-94 4/11/94)
- (19) Restaurants (with a drive-through or a local liquor license, or operate between 12:00 AM and 6 AM) (Ord. O-67-21, 06-21-21)
- (20) School office buildings; not including the parking or storage of buses.
- (21) Taverns or bars.
- (22) Wind energy conversion systems.

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- (23) Unique or new uses; not listed within this ordinance; provided that the use complies with the intent of the B-1 District.
- (24) Taxicab Dispatching Office Facility. (Ord.No.0-16-99, 3-8-99)
- (25) Copy changes, pursuant to Section 8.01(f)(4). (Ord. 0-133-00 3, 10-23-00)
- (26) Food stores, grocery stores, meat markets and frozen foods. (Ord. 0-104-01 3, 7-23-01)
- (27) Car rental facilities. (Ord. 0-22-02, 3, 2/25/02)
- (28) Dry Cleaners. (Ord. 0-41-03. §5, 2-3-03)
- (29) Liquor Stores; package stores only. (Ord. 0-50-03, §3, 2/18/03)
- (30) Tobacco Shops and electronic cigarette stores. (Ord. 0-14-04, §3, 2-2-04, Ord. No. 0-123-15, §1, 10/19/15)
- (31) Drive-Thru (Ord. 0-142-04, §2, 7/6/04)
(Ord. O-135-17, 12/11/17)
- (e) *Minimum lot width*: Two hundred (200) feet.
- (f) *Maximum floor area ratio*: 1.0.
- (g) *Minimum setbacks*:
 - (1) Front: Thirty (30) feet.
 - (2) Rear: Twenty (20) feet.
 - (3) Side: Ten (10) feet.
- (h) *Transitional yards*.
 - (1) Where a rear or side lot line coincides with a rear or side lot line in an adjacent Village of Palatine residentially zoned district, rear and side yard setbacks of at least thirty (30) feet shall be provided.
 - (2) A landscaped buffer strip of at least twelve (12) feet shall be provided immediately adjacent to any residential district.
- (i) *[Reserved.]*
- (j) *Maximum building height*: Three (3) stories, not to exceed forty-five (45) feet.
(Ordinance No. 0-40-95 1, 2, 3 & 4, 5-8-95)

11.03. B-2 General Business District.

(a) *Legislative intent*. The purpose of the B-2 General Business District is to provide areas for business establishments which offer retail convenience goods and services to residents located in the general vicinity of the district.

- (b) *Permitted uses*. The following uses are permitted: (Ord. No. O-19-20, 03/09/20)
- (1) Accountant's and tax consultant offices.
 - (2) Antique shops; of refurbished and refinished materials.
 - (3) Appliance stores and repair; household.

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- (4) Art supply stores.
- (5) Artist studios.
- (6) Automotive accessory store, including, but not limited to, batteries, tires, engine parts, but not including on-site repair of autos or replacement of sold items, with the exception of automobile cellular telephones, stereos, vinyl window tinting and specialty lighting, which may be installed in an enclosed building.
- (7) Automotive sales; for the sale of new and used automobiles and including auxiliary service and repairs in conjunction with, if conducted wholly within a completely enclosed building, on not less than one acre.
- (8) Bakeries; manufacturing of goods limited to those retailed on the premises.
- (9) Banks and financial institutions. (Ord. 0-111-06, §5, 6/26/06)
- (10) Barber shops.
- (11) Baseball academy.
- (12) Beauty parlors.
- (13) Beauty schools; when the service of a beauty parlor is offered to the public.
- (14) Bicycle sales and repair shops, not including motorized bicycles.
- (15) Blueprinting and photostating establishments.
- (16) Book and stationery stores.
- (17) Building materials.
- (18) Business machine sales and service.
- (19) Camera and photographic supply stores.
- (20) Candy, confectionery and ice cream stores; with no on-site manufacturing of goods.
- (21) Card shops.
- (22) Carpet and rug stores; including the cleaning of such items, with fire department approval of all utilized cleaning agents.
- (23) Catalog stores.
- (24) China and glassware stores.
- (25) Clothes and costume rental agencies.
- (26) Clothes and apparel stores.
- (27) Clothing repair stores; including tailoring, shoe and hat repair.
- (28) Coin and stamp stores.
- (29) Currency exchanges.
- (30) Dancing schools and studios; with instruction and sound to be totally confined inside the subject building.

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- (31) Drapery stores.
- (32) Dressmaking and millinery shops.
- (33) Dry good stores; textiles, clothing and related articles of trade.
- (34) Electronic communications equipment sales; including television and radio repair of such items.
- (35) Florists.
- (36) Furnace supplies and service.
- (37) Furniture stores.
- (38) Furrier shops.
- (39) Gift shops.
- (40) Hardware stores.
- (41) Health Clubs which are 3,000 square feet or less. (Ord. 0-199-07, §4, 12/3/07)
- (42) Hearing aid stores.
- (43) Hobby shops.
- (44) Home supply centers.
- (45) Insurance agencies.
- (46) Interior decorating and upholstering shops.
- (47) Jewelry stores.
- (48) Laundries; laundrettes.
- (49) Leather goods and luggage stores.
- (50) Linoleum and tile stores.
- (51) Locksmith.
- (52) Machinery; small motorized sales and service.
- (53) Medical appliance stores.
- (54) Mini-parcel service; with maximum square footage of two thousand (2,000) square feet.
- (55) Monument sales.
- (56) Musical instruction.
- (57) Musical instrument sales.
- (58) Municipal parking lots.
- (59) Newspaper distribution agencies.
- (60) Notion stores.

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- (61) Offices, newspapers.
- (62) Offices: Business, professional or governmental. (Ord. 0-84-05, §8, 4/18/05)
- (63) Office supply stores.
- (64) Optician sales; retail.
- (65) Paint and wallpaper stores.
- (66) Parking lots; for private self-propelled passenger vehicles.
- (67) Pet shops.
- (68) Pharmacies.
- (69) Photographic studios.
- (70) Picture framing.
- (71) Post offices or sub-stations.
- (72) Pre-recorded audio or video sales or rental.
- (73) Printing, lithographing or publishing establishments; for letter press, business cards, mimeographing and any other similar custom service.
- (74) Railroad passenger station.
- (75) Restaurants (without a drive-through or a local liquor license, and do not operate between 12:00 AM and 6 AM) (Ord. O-67-21, 06-21-21)
- (76) Sales and service of the following items; with a retail showroom:
 - a. Electrical.
 - b. Flooring.
 - c. Glass.
 - d. Heating and ventilation.
 - e. Painting.
 - f. Paper hanging.
 - g. Plumbing.
 - h. Roofing.
- (77) Second hand thrift shops.
- (78) Sewing machine sales and service; household machines only.
- (79) Shoe stores.
- (80) Sporting goods stores.
- (81) Swimming pool sales and service.
- (82) Taxidermists.
- (83) Ticket agencies; amusement.
- (84) Toy stores.
- (85) Travel agencies, bureaus and transportation ticket offices.
- (86) Temporary buildings; on the premises for construction purposes for a period not to exceed

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the duration of such construction.

- (87) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the Village Council at least ten (10) days before the event.
- (88) Mixed uses; combination of economically compatible permitted uses listed above.
- (89) Compatible uses; per procedure and standards listed in section 11.01(f) of this ordinance. (Ord. 0-111-06, §6, 6/26/06)
- (90) Tanning Salons. (Ord. 0-22-02 §7, 2/25/02)
- (91) Village Operated Facilities (Ord. 0-14-10, §1, 2/16/10)

(c) *Accessory uses.*

- (1) Those customarily incidental to the permitted uses.
- (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance. (Ord. 0-133-00 §4, 10-23-00)
- (3) Communication devices; per regulations in section 6.02 of this ordinance.

(d) *Special uses.* The following uses are permitted as special uses when authorized by the Village Council subject to the standards set forth in section 14.05 of this ordinance: (Ord. No. O-19-20, 03/09/20)

- (1) Animal hospitals and kennels.
- (2) Automobile diagnostic center and repair; when part of a department store and without the disbursement of fossil fuels or other forms of energy or material that assists automobile movement.
- (3) Automobile laundries; provided adequate reservoir space for fueling of autos is furnished and provided traffic congestion is minimized.
- (4) Automotive sales; for the sale of used automobiles and including auxiliary service and repairs in conjunction with, if conducted wholly within a completely enclosed building, on not less than one acre.
- (5) Automobile service and repair; where automobiles are painted, repaired, rebuilt, reconstructed or stored for compensation.
- (6) Automobile service station and mart; for disbursement of fossil fuels or other forms of energy or material that assists automobile movement and retail sale of other items without on-site consumption of food or repair.
- (7) Automobile service stations; for disbursement of fossil fuels or other forms of energy or material that assists automobile movement, with repair.
- (8) Banquet and meeting facility; with or without another use, includes the serving of food, liquor and live entertainment.
- (9) Bowling alleys.
- (10) Bus stations; provided that direct access to a major or secondary thoroughfare is available.
- (11) Communication devices; which exceed the height limitations set forth for business districts.
- (12) Day care facility.

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- (13) Dwelling units, accessory.
- (14) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (15) Gold and Silver dealers (as defined within Division 16 of the Palatine Code of Ordinances), whose gross business receipts result in 20% or more from the purchase of gold or silver. (Ord. No. 0-144-11, §1, 11/21/11)
- (16) Hotels, Extended Stay Hotels, and Motels.
- (17) Indoor sports and recreational facilities.
- (18) Laboratories, research, experimental and testing; for testing and research, including medical and dental.
- (19) Live entertainment.
- (20) Martial arts schools.
- (21) Movie theatres; indoor.
- (22) Physical and health services; includes health clubs greater than 3,000 square feet, swimming pools, and masseuses. (Ord. 0-199-07, §6, 12/3/07)
- (23) Piercing studios and stores, operating in a manner that is not exempted under the Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54/). This shall not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using the pre-sterilized, single-use stud and clasp piercing system. (Ord. No. 0-144-11, §1, 11/21/11)
- (24) Public community center. (Ord.No.0-55-99, 5/24/99)
- (25) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses. (Ord. No. 0-37-94 4/11/94)
- (26) Restaurants (with a drive-through or a local liquor license, or operate between 12:00 AM and 6 AM)
- (27) School office buildings; not including the parking or storage of buses.
- (28) Reserved.
- (29) Taverns or bars.
- (30) Truck rental.
- (31) Trailer rental.
- (32) Undertaking establishments and funeral homes; which may include one attached residential unit. Water based cremation or alkaline hydrolysis is also permitted as an accessory use to the funeral home. (Ord. No. O-40-21; 04/12/21)
- (33) Wind energy conversion systems.
- (34) Unique or new uses; not listed within this ordinance; provided that the use complies with the intent of the B-2 District.

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- (35) Homeless day facility. (Ord. 0-115-00 22, 9/25/00]
- (36) Copy changes, pursuant to Section 8.01(f)(4). (Ord. 0-133-00 5, 10-23-00)
- (37) Food stores, grocery stores, meat markets and frozen foods. (Ord. 0-104-01 6 7-23-01)
- (38) Car rental facilities. (Ord. 0-22-02, 4, 2/25/02)
- (39) Dry Cleaners. (Ord. 0-41-03, 7, 2-03-03)
- (40) Liquor Stores; package stores only. (Ord. 0-50-03, §6, 2/18/03)
- (41) Tobacco Shops and electronic cigarette stores. (Ord. 0-14-04, §6, 2/2/04, Ord. No. 0-123-15, §1, 10/19/15)
- (42) Drive-Thru (Ord. 0-142-04, §3, 7/6/04)
- (43) Offices: Medical and dental, including, but not limited to physicians, surgeons and dentists. (Ord. 0-84-05, §9, 4/18/05; O-135-17, 12/11/17)

(e) *Minimum lot width*: Fifty (50) feet.

(f) *Maximum floor area ratio*: 1.0.

(g) Minimum setbacks:

- (1) Front: Twenty-five (25) feet depth.
- (2) Rear: Twenty (20) feet.
- (3) Side: Five (5) feet.
- (4) Side abutting street: Ten (10) feet.

(h) *Transitional yard*. When a side lot line coincides with a side lot line in an adjacent Village of Palatine residentially zoned district, a landscaped buffer of at least fifteen (15) feet shall be provided.

(i) *[Reserved.]*

(j) *Maximum building height*: Three (3) stories, not to exceed forty-five (45) feet. (Ord. No. O-60-92, 1, 4-27-92)

11.04. B-3 Central Business District.

(a) *Legislative intent*. The purpose of the B-3 Central Business District is to provide a centrally located shopping and service area within Palatine for the retail sale of small items and essential services.

(b) *Boundaries*. Only the following described property in the village, and none other, shall be eligible for B-3, Central Business District zoning:

All property bounded by Wood Street on the north, Johnson street on the south, Plum Grove Road on the east, and Smith Street on the west.

(c) *Reserved*. (Ord. 0-83-10, §3, 7/19/10)

(d) *Permitted uses*. The following uses are permitted:

- (1) Antique shops; of refurbished and refinished materials.

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- (2) Appliance stores; of household items which can be carried by one individual without assistance.
- (3) Art supply stores.
- (4) Artist's studio.
- (5) Bakeries; manufacturing of goods limited to those retailed on the premises.
- (6) Banks and financial institutions; without drive-in facilities.
- (7) Barber shops.
- (8) Beauty parlors.
- (9) Beauty schools; when the service of a beauty parlor is offered to the public.
- (10) Bicycle sales and repair.
- (11) Book and stationery stores.
- (12) Camera and photographic supply stores.
- (13) Candy stores.
- (14) Card shops.
- (15) Catalog stores.
- (16) China and glassware stores.
- (17) Clothes and costume rental agencies.
- (18) Clothing repair stores; including tailoring, shoe and hat repair.
- (19) Clubs, lodges, temples, fraternal and not for profit organizations; not to be confused with synagogue or private club.
- (20) Coin and stamp stores.
- (21) Currency exchanges.
- (22) Dancing schools and studios.
- (23) Delicatessens; where no on-site consumption of food is accomplished.
- (24) Drapery stores.
- (25) Dressmaking and millinery shops.
- (26) Dry good stores; textiles, clothing and related articles of trade.
- (27) Dwelling units; subject to the general conditions of section 11.04(c).
- (28) Electronic communications equipment sales; including television and radio and repair of such items.
- (29) Florists.
- (30) Furrier shops.

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- (31) Gift shops.
- (32) Hardware stores.
- (33) Health Clubs which are 3,000 square feet or less. (Ord. 0-199-07, §7, 12/3/07)
- (34) Hearing aid stores.
- (35) Historical buildings and landmarks; preserved for the public.
- (36) Hobby shops.
- (37) Interior decorating studios and shops.
- (38) Jewelry stores.
- (39) Laundries, laundrettes; hand or automatic, self-service only.
- (40) Leather goods and luggage stores.
- (41) Loan offices.
- (42) Locksmith shops.
- (43) Medical appliance stores.
- (44) Mini-parcel service; with maximum square-footage of one thousand five hundred (1,500) square feet.
- (45) Musical instruction.
- (46) Musical instrument sales and repair.
- (47) Municipal parking lots.
- (48) Newspaper distribution agencies.
- (49) Newspaper offices (public).
- (50) Nursing home.
- (51) Notion stores.
- (52) Offices: Business, professional or governmental. (Ord. 0-84-05, §10, 4/18/05)
- (53) Office supply stores.
- (54) Opticians and optometrists shops.
- (55) Paint and wallpaper stores.
- (56) Parking lots; for private self-propelled passenger vehicles.
- (57) Pet shops.
- (58) Pharmacies.
- (59) Photographic studios and equipment supply.
- (60) Picture framing.

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- (61) Post offices or sub-stations.
- (62) Prerecorded music sales; any medium.
- (63) Public parks, public playgrounds and public community centers.
- (64) Restaurants (without a drive-through or a local liquor license, and do not operate between 12:00 AM and 6 AM) (Ord. O-67-21, 6-21-21)
- (65) Second hand thrift shop.
- (66) Sewing machine sales and service; household machines only.
- (67) Sporting goods stores.
- (68) Telephone exchanges.
- (69) Ticket agencies; amusement.
- (70) Toy stores.
- (71) Travel agencies, bureaus and transportation ticket offices.
- (72) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.
- (73) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the Village Council at least ten (10) days before the event.
- (74) Mixed uses; combination of economically compatible permitted uses listed above provided that the floor area of such establishment does not exceed fifty thousand (50,000) square feet.
- (75) Compatible uses; per procedure and standards listed in section 11.01(f) of this ordinance. (Ord. 0-111-06, §7, 6/26/06)
- (76) Village Operated Facilities (Ord. 0-14-10, §1, 2/16/10)

(e) *Accessory uses.*

- (1) Those customarily incidental to the permitted uses.
 - (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance. (Ord. 0-133-00, §6, 10-23-00)
 - (3) Communication devices; per regulations in section 6.02 of this ordinance.
- (Ord. 0-111-06, §8, 6/26/06)

(f) *Special uses.* The following uses are permitted as special uses when authorized by the village board subject to the standards set forth in section 14.05 of this ordinance:

- (1) Art galleries and public museums.
- (2) Auction rooms.
- (3) Banks and financial institutions; with drive-in facilities.
- (4) Communication devices which exceed height limit.
- (5) Fences, front yard.

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- (6) Gold and Silver dealers (as defined within Division 16 of the Palatine Code of Ordinances), whose gross business receipts result in 20% or more from the purchase of gold or silver. (Ord. No. 0-144-11, §1, 11/21/11)
- (7) Live entertainment.
- (8) Meeting halls; with a legal capacity of one hundred (100) or more people.
- (9) Physical and health services: includes health clubs greater than 3,000 square feet, swimming pools, and masseuses. (Ord. 0-199-07, §9, 12/3/07)
- (10) Piercing studios and stores, operating in a manner that is not exempted under the Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54/). This shall not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using the pre-sterilized, single-use stud and clasp piercing system. (Ord. No. 0-144-11, §1, 11/21/11)
- (11) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses. (Ord. No. 0-37-94 4/11/94)
- (12) Restaurants (with a drive-through or a local liquor license, or operate between 12:00 AM and 6 AM) (Ord. O-67-21, 6/21/21)
- (13) Taverns and bars.
- (14) Unique or new uses; not listed within this ordinance; provided that the use complies with the intent of the B-3 District.
- (15) Wind energy conservation system.
- (16) Copy changes, pursuant to Section 8.01(f) (4). (Ord. 0-133-00 37, 10-23-00)
- (17) Food stores, grocery stores, meat markets and frozen foods. (Ord. 0-104-01 39 7-23-01)
- (18) Dry Cleaners. (Ord. 0-41-03, 39, 2-03-03)
- (19) Liquor Stores; package stores only. (Ord. 0-50-03, §9, 2/18/03)
- (20) Tobacco Shops and electronic cigarette stores. (Ord. 0-14-04, §9, 2/2/04, Ord. No. 0-123-15, §1, 10/19/15)
- (21) Drive-Thru (Ord. 0-142-04, §4, 7/6/04)
- (22) Offices: Medical and dental, including, but not limited to physicians, surgeons and dentists. (Ord. 0-84-05, §11, 4/18/05, Ord. O-135-17, 12/11/17)
- (g) *Minimum lot width*: None.
- (h) *Maximum floor area ratio*: 1.5.
- (i) *[Reserved.]*
- (j) *Minimum setbacks*:
 - (1) Front: Five (5) feet.
 - (2) Rear: Twenty (20) feet.
 - (3) Side: Zero (0) feet; or if provided, it shall be at least five (5) feet.

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(k) *Maximum building height:* Three (3) stories, not to exceed forty-five (45) feet.

11.05. B-4 Office-Research District.

(a) *Legislative intent.* The purpose of the B-4 Office-Research District is to provide for professional and corporate office and research facilities within a unified area. All development on a B-4 parcel shall have a single user or firm, subject to the requirements of this section.

(b) *Permitted uses.* The following uses are permitted:

- (1) Corporate, business, charitable, not-for-profit organizations and labor union offices and headquarters; housing management and administrative personnel only, except:
 - a. Any sales of products shall be allowed as an accessory use only.
 - b. Any display of products shall be allowed as an accessory use only.
- (2) Professional offices; occupied by one firm, including its subsidiaries, except:
 - a. Any sales of products shall be allowed as an accessory use only.
 - b. Any display of products shall be allowed as an accessory use only.
- (3) Laboratories, offices and other facilities; for research and development including basic, applied development and technical services.
- (4) Production of prototype products; when limited to scale reasonably necessary for a full investigation of the merits of a product, including commercial viability, provided, however, that products using or involving explosives or volatile chemicals shall be prohibited.
- (5) Engineering and testing laboratories.
- (6) Village Operated Facilities (Ord. 0-14-10, §1, 2/16/10)

(c) *Accessory uses.*

- (1) Those customarily incidental to the permitted uses.
- (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance. (Ord. 0-133-00 æ 10-23-00)
- (3) Communication devices; per regulations in section 6.02 of this ordinance.
- (4) Sales and display of products; which are customarily incidental to the firm or one of its subsidiaries which is located on said B-4 parcel.

(d) *Special uses.* The following uses are permitted as special uses when authorized by the village board subject to the standards set forth in section 14.05 of this ordinance:

- (1) Private trade schools; located totally within a single structure.
- (2) Financial institutions.
- (3) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the administrator.
- (4) Communication devices which exceed height limits.
- (5) Unique uses.

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- (6) Solar or wind energy conversion systems. (Ord. 0-110-09, §1, 9/8/09)
- (7) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses. (Ord. No. 0-37-94 4/11/94)
- (8) Copy changes, pursuant to Section 8.01(f) (4). (Ord. 0-133-00 9/10-23-00)
- (9) Hospitals (Ord. No. O-19-20, 3/9/20)

(e) *Minimum lot area:* Four hundred thousand (400,000) square feet, unless a smaller lot area is approved by the village as part of a planned development with a greater degree of site coordination, landscaping, and architectural quality.

(f) *Minimum lot width:* None.

(g) *Maximum floor area ratio:* 0.50.

(h) *Minimum setbacks:*

- (1) Front: Fifty (50) feet.
- (2) Rear: Sixty (60) feet.
- (3) Side: Twenty (20) feet.

(i) *[Reserved.]*

(j) *Transitional yards.* Where a rear or side lot line coincides with a rear or side lot line in an adjacent Village of Palatine residentially zoned district, rear and side yard setbacks of at least thirty (30) feet shall be provided.

(k) *Landscaping and aesthetic requirements.*

- (1) All aforementioned yards shall be permanently landscaped and maintained according to the landscape plan approved by the administrator.
- (2) The administrator shall require a greater degree of architectural compatibility, landscaping and public art for proposals on lots of less than four hundred thousand (400,000) square feet.
- (l) *Maximum building permitted height.* The height of any structure (except flag poles) above the ground elevation shall be no greater than one-third (1/3) the distance from the base of such structure to the nearest property line, except that where the nearest property line adjoins a public right-of-way, the height shall be no greater than one-half (1/2) the distance from the base of such structure to the centerline of such right-of-way.

(m) *Restrictions on use.*

- (1) Noise. Maximum sound pressure level and frequency radiated by any use or facility when measured at any point on the lot lines shall not exceed the values shown in the following table:

Frequency Octave Band Range Cycles Per Second	Sound Pressure Level Decibels 9.002 dynel Cm.2
Below 75	72
75—150	67
150--300	59
300--600	52

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600-1,200	46
1,200--2,400	40
2,400--4,800	34
Over 4,800	32

- (2) Vibrations. Uses shall not be located and equipment shall not be installed in such a way as to produce intense, earthshaking vibrations which are noticeable at the property lines of the subject premises.
- (3) Smoke and particulate matter.
 - a. No emission shall be located at any point, from any chimney or otherwise, of visible grey smoke or dust equal to or darker than No. 1 on the Standard Ringelmann Smoke Chart, Information Circular 7718, as issued by the U.S. Bureau of Mines, August, 1955, except that visible smoke of a shade equal to No. 2 on said chart may be emitted for not more than six (6) minutes in any one hour. These provisions shall apply also to any visible smoke of a different color but with an apparent equal opacity.
 - b. No smoke, dirt, dust or particulate matter resulting from operations shall be permitted in such a manner or quantity as to endanger or be detrimental to the public health, safety, comfort or welfare, or which causes soiling at or beyond the lot line(s).
 - c. No emission shall be permitted of any particulate matter in excess of two-tenths (0.2) grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit (or the equivalent).
- (4) Glare and heat. No direct or reflective glare from floodlights, welding or any other source or process which glare is visible from any point on any lot line of the property from which the glare emanates shall be permitted.
- (5) Fire and explosive hazards.
 - a. Liquid or gaseous fuels and flammable chemicals. Storage of all liquid or gaseous fuels and flammable chemicals shall be provided and maintained in accordance with the safety standards and means for fire protection as prescribed by the National Fire Protection Association and as may be required by the fire chief of the village. All bulk storage shall be underground.
 - b. Detonatable materials. Activities involving the storage, utilization or manufacture of materials which decompose by detonation shall not be allowed.
 - c. Radiation hazards. The release of radioactive materials or the emission of ionizing radiation outside of the property line shall be in accordance with rules and regulations of the State of Illinois.
- (6) Waste. All waste shall be disposed of in accordance with all applicable ordinances of the village and as approved by the administrator.

11.06. B-5 Highway Business District.

(a) *Legislative intent.* The purpose of the B-5 Highway Business District is to provide for intensive retail or wholesale sales with appeal on a regional basis.

(b) *Boundaries.* Only the following described properties in the village, and none other, may be eligible to be classified as "B-5," Highway Business District: All lots with frontage on Rand Road (U.S. Route 12).

(c) *Permitted uses.* The following uses are permitted:

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- (1) Appliance stores (large).
- (2) Appliance stores (small).
- (3) Auction rooms.
- (4) Automotive sales; for the sale of new and used automobiles and including auxiliary service and repairs in conjunction with, if conducted wholly within a completely enclosed building.
- (5) Automotive accessory store, including, but not limited to, batteries, tires, engine parts, but not including on-site repair of autos or replacement of sold items, with the exception of automobile cellular telephones, stereos, vinyl window tinting and specialty lighting, which may be installed in an enclosed building.
- (6) Banks or financial institutions, without drive-in.
- (7) Baseball academy.
- (8) Blue printing or photo stating establishments.
- (9) Boat and marine showroom and sales.
- (10) Bowling alleys.
- (11) Building materials and supplies; including outdoor storage when totally fenced.
- (12) Business machine sales and service.
- (13) Business schools.
- (14) Carpet and rug stores.
- (15) Casket sales and supplies.
- (16) Catering establishments.
- (17) Clothes stores.
- (18) Commercial printing.
- (19) Department stores; offering for sale at retail some or all of the goods permitted in the B-1 and B-2 districts.
- (20) Electronic communication equipment sales.
- (21) Equipment rental and leasing service; home, office, business and industrial.
- (22) Exterminator shops.
- (23) Feed and seed stores.
- (24) Furniture stores.
- (25) Halls; capable for use as meeting rooms, party rooms and dance halls with or without live entertainment, food service and alcohol.
- (26) Health clubs, which are 3,000 square feet or less. (Ord. 0-89-16; 7/11/16)
- (27) Homes supply centers.
- (28) Greenhouses; retail and wholesale items.

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- (29) Linen, towel and diaper service.
- (30) Linoleum or tile.
- (31) Live bait stores.
- (32) Machinery rental and sales.
- (33) Monument sales.
- (34) Movie theaters; indoor.
- (35) Offices: Business, professional, or governmental. (Ord. 0-60-06, §14, 4/3/06)
- (36) Photograph developing and processing shops.
- (37) Paint or wallpaper stores.
- (38) Publishing of newspapers.
- (39) Printing, commercial.
- (40) Public garages.
- (41) Restaurants (without a drive-through or a local liquor license, and do not operate between 12:00 AM and 6 AM) (Ord. 0-67-21, 6-21-21)
- (42) Studios; commercial, photographic, recording, radio and television.
- (43) Secondhand thrift stores; if conducted wholly within a completely enclosed building.
- (44) Sign painting establishments.
- (45) Snowmobile sales and service.
- (46) Taxicab dispatching office facility; including accessory communications equipment.
- (47) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.
- (48) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the Village Council at least ten (10) days before the event.
- (49) Mixed uses; combination of economically compatible permitted uses listed above, provided that the floor area of such establishment does not exceed fifty thousand (50,000) square feet.
- (50) Compatible uses; per procedure and standards listed in section 11.01(f) of this ordinance. (Ord. 0-111-06, §9, 6/26/06)
- (51) Delicatessens (Ord. 0-67-00 ə1, 7/17/00)
- (52) Bakeries (Ord. 0-67-00 ə1, 7/17/00)
- (53) Tanning Salons. (Ord. 0-22-02 §8, 2/25/02)
- (54) Village Operated Facilities (Ord. 0-14-10, §1, 2/16/10)
- (d) *Accessory uses.*
 - (1) Those customarily incidental to the permitted uses.

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(2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance. (Ord. 0-133-00 to 10-23-00)

(3) Communication devices; per regulations in section 6.02 of this ordinance.

(e) *Special uses.* The following uses are permitted as special uses when authorized by the village board subject to the standards set forth in section 14.05 of this ordinance:

(1) Animal hospital or kennels.

(2) Adult bookstores.

(3) Adult movie theaters.

(4) Amusement establishment; including permanent carnivals, kiddie parks, golf driving ranges, miniature golf courses and skating rinks.

(5) Ambulance services.

(6) Automotive sales; for the sale of used automobiles and including auxiliary service and repairs in conjunction with, if conducted wholly within a completely enclosed building.

(7) Automobile, bus and truck laundries; provided adequate space for fueling of vehicles is furnished and traffic congestion is minimized.

(8) Automobile service station and mart; for disbursement of fossil fuels or other forms of energy or material that assists automobile movement and retail sale of other items without on-site consumption of food or repair.

(9) Automobile service stations; for disbursement of fossil fuels or other forms of energy or material that assists automobile movement, with repair.

(10) Banquet and/or meeting room.

(11) Bus stations; provided that direct access to a major or secondary thoroughfare is available.

(12) Communication devices; for radio and television transmission.

(13) Day care facilities.

(14) Communication devices; which exceed the height limitations set forth for business districts.

(15) Martial arts school.

(16) Movie theaters; outdoor.

(17) Fence, front yard.

(18) Undertaking establishments and funeral homes; which may include one attached residential unit. Water based cremation or alkaline hydrolysis is also permitted as an accessory use to the funeral home. (Ord. No. O-40-21; 04/12/21)

(19) Automobile diagnostic center and repair; when part of a department store and without the disbursement fossil fuels or other forms of energy or material that assists automobile movement.

(20) Automobile service and repair; where automobiles are painted, repaired, rebuilt, reconstructed or stored for compensation.

(21) Indoor sports and recreational facilities.

(22) Live entertainment.

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- (23) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses. (Ord. No. 0-37-94 4/11/94)
- (24) Restaurants (with a drive-through or a local liquor license, or operate between 12:00 AM and 6 AM). (Ord O-67-21, 06-21-21)
- (25) Trailer rental.
- (26) Truck rental.
- (27) Unique uses.
- (28) Wind energy conservation systems.
- (29) Used auto and machinery party.
- (30) Hotels, Extended Stay Hotels, and Motels.
- (31) Sales and service uses; with a retail sales showroom and storage conducted within a totally enclosed building;
 - a. Electrical.
 - b. Flooring.
 - c. Glass.
 - d. Heating and ventilation.
 - e. Masonry.
 - f. Painting.
 - g. Paper hanging.
 - h. Plumbing.
 - i. Refrigeration.
 - j. Roofing.
- (32) Copy changes, pursuant to Section 8.01(f)(4). (Ord. 0-133-00 11 10-23-00)
- (33) Car rental facilities. (Ord. 0-22-02, §5, 2/25/02)
- (34) Dry Cleaners (Ord. 0-41-03, §10, 2-03-03)
- (35) Liquor Stores; package stores only. (Ord. 0-50-03, §10, 2/18/03)
- (36) Tobacco Shops and electronic cigarette stores. (Ord. 0-14-04, §11, 2/2/04, Ord. No. 0-123-15, §1, 10/19/15)
- (37) Drive-Thrus (Ord. 0-142-04, §5, 7/6/04)
- (38) Offices: Medical and dental, including, but not limited to physicians, surgeons and dentists. (Ord. 0-60-06, §15, 4/3/06)
- (39) Gold and Silver dealers (as defined within Division 16 of the Palatine Code of Ordinances), whose gross business receipts result in 20% or more from the purchase of gold or silver. (Ord. No. 0-144-11, §1, 11/21/11)
- (40) Piercing studios and stores, operating in a manner that is not exempted under the Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54/). This shall not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using the pre-sterilized, single-use stud and clasp piercing system. (Ord. No. 0-144-11, §1, 11/21/11)
- (41) Physical and health services: including health clubs greater than 3,000 square feet, swimming pools, and masseuses. (Ord. 0-89-16; 7/11/16; Ord. O-135-17, 12/11/17)
- (42) Adult-Use Cannabis Dispensing Establishment as defined in Section 3.02. (Ord. O-111-19,

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12/9/19)

(Ord. No. O-19-20, 3/9/20)

(f) *Minimum lot width*: One hundred (100) feet.

(g) *Maximum floor area ratio*: 1.50.

(h) *Minimum setbacks*:

- (1) Front: Forty (40) feet.
- (2) Rear: Thirty-five (35) feet.
- (3) Side: Twenty (20) feet.

(i) *Transitional yards*. Where a rear or side lot line coincides with a rear or side lot line in an adjacent Village of Palatine residentially zoned district, rear and side yard setbacks of at least twenty-five (25) feet shall be provided, plus adjoining parking areas shall be screened from residential view by a landscape plan approved by the administrator.

(j) *Maximum building height*. Three (3) stories, not to exceed forty-five (45) feet.
(Ord. No. O-60-92, § 1, 4-27-92)

ARTICLE XII. MANUFACTURING DISTRICT

12.01. General requirements of all manufacturing districts.

(a) *Legislative intent*. The Manufacturing District is intended to accommodate manufacturing activities which are most appropriate when located apart from or well buffered from residential development and which meet the general requirements and performance standards contained in this article.

(b) *Permitted obstructions*. For the purpose of manufacturing districts, the following shall not be considered as obstructions when located in the required yards.

- (1) In any required yard.
 - a. Landscaping embellishments; including but not limited to steps, arbors or trellises, the total of which shall not exceed twenty-five (25) percent of the required yard area.
 - b. Flag poles.
 - c. Lighting standards.
 - d. Signs.
 - e. Accessory off-street parking; open.
- (2) In any required front yard.
 - a. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
 - b. Decorative fencing.
- (3) In any required side yard.
 - a. Overhanging roof eaves, awnings or canopies; projecting not more than thirty (30) percent of the required side yard width, with a maximum three (3) feet overhang.
 - b. Fences; not to exceed eight (8) feet in height.
 - c. Compressor or condenser or heat pump units; for air conditioning and/or heating systems, except in a side yard abutting a street.
 - d. Dumpster enclosures.
- (4) In any required rear yard.

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- a. Accessory structures; garages, sheds, tool rooms or other similar structures pursuant to standards set forth in section 6.01 of this ordinance.
 - b. Portions of the principal building; porches, breezeways, balconies, greenhouses or any structure permanently attached to the principal building, the aggregate area of which is less than ten (10) percent of the required rear yard area, and located at least twenty-five (25) feet from the rear lot line, and not encroaching the side yard setback of that district.
 - c. Fences; not to exceed eight (8) feet in height.
 - d. Recreational equipment; permanent, necessary for the use conducted on a lot.
 - e. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
 - f. Compressor or condenser or heat pump units; for air conditioning and/or heating systems.
 - g. Dumpster enclosures.
- (5) Exceptions to the above permitted obstructions.
- a. On a corner lot, no obstruction higher than thirty (30) inches above curb level shall be located in any portion of a required front or side yard situated within twenty (20) feet of the lot corners formed by the intersection of any two (2) streets, or the intersection of the street lines extended.
 - b. For the purpose of permitted obstructions in the side yard abutting a street, the front yard obstructions shall be followed.
 - c. No permitted obstruction, other than the principal building, shall be located closer than five (5) feet to any lot line; except fences. If the principal building is set back five (5) feet or less, then the permitted obstruction setback is two (2) feet from any lot line.

(c) *Development of manufacturing districts.* All excavation movement of earth, site development, and execution of an erosion and soil sedimentation control plan shall be subject to the rules and regulations of the erosion and sedimentation control ordinance found in the village subdivision regulations [Appendix B].

(d) *Use of floodplain areas.* All properties deemed to be in the floodplain shall be subject to the regulations of section 4.11 and the floodplain ordinance found in the village subdivision regulations [Appendix B].

(e) *Dumpster enclosures.* Before any permit for development is issued, the administrator shall require that dumpster enclosures be provided in suitable locations to insure the promotion of the health, safety and welfare of the residents of the village.

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(f) *Permitted uses.* The following uses are permitted:

- (1) Artists Studios, with accessory sales (Ord. No. 0-82-11, §1, 7/18/11)
- (2) Automotive sales; for the sale of new and used automobiles when accessory to an automotive repair facility (Ord. No. 0-82-11, §1, 7/18/11)
- (3) Boat building and repair; for boats less than forty (40) feet in length.
- (4) Building and material sales.
- (5) Cameras and other photographic equipment; except film.
- (6) Cartage or express establishments.
- (7) Car washes; with a minimum 200 foot separation from any residentially zoned use, as measured from the property line of the residential parcel (Ord. No. 0-82-11, §1, 7/18/11)
- (8) Catering Establishments. (Ord. 0-18-07, §2, 3/5/07)
- (9) Commercial/trade school
- (10) Contractor's shops.
- (11) Equipment rental (Ord. No. 0-82-11, §1, 7/18/11)
- (12) Fuel and ice sales; bulk.
- (13) Garages for storage, repair and servicing of motor vehicles; including body repairs, painting and engine rebuilding.
- (14) Greenhouses and nurseries.
- (15) Indoor recreational facilities (health clubs, bowling alleys, indoor soccer fields, training facilities for athletes, and other similar uses) (Ord. No. 0-82-11, §1, 7/18/11)
- (16) Laboratories, research, experimental and testing, for testing and research, including medical and dental, including labs (Ord. No. 0-82-11, §1, 7/18/11)
- (17) Lawn care/landscaping (Ord. No. 0-82-11, §1, 7/18/11)
- (18) Machinery sales.
- (19) Medical/Dental clinic (Ord. No. 0-82-11, §1, 7/18/11)
- (20) Mini-warehouse.
- (21) Nursery, truck garden or greenhouse.
- (22) Offices; business, governmental, professional (Ord. No. 0-82-11, §1, 7/18/11)

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- (23) Photographic studio and equipment sales/service including film development (Ord. No. 0-82-11, §1, 7/18/11)
- (24) Printing, commercial.
- (25) Public garages and parking lots.
- (26) Temporary use for special events; for a period not to exceed seventy-two (72) hours; as approved by the Village Council, at least ten (10) days before the event. (Ord. O-67-21, 06-21-21)
- (27) Towing services, with a minimum 200 foot separation from any residential use, as measured from the property line of the residential parcel (Ord. No. 0-82-11, §1, 7/18/11)
- (28) Upholstering.
- (29) Village Operated Facilities (Ord. 0-14-10, §1, 2/16/10)
- (30) Any manufacturing, fabricating processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products, and related office uses that conform to the performance standards of this article, with or without accessory showroom.

(g) Accessory uses.

- (1) Those customarily incidental to the above uses.
- (2) Signs, except those requiring special use approval; per regulations in Article VIII of this ordinance. (Ord. 0-133-00 §12 10-23-00)
- (3) Communication devices; per regulations in section 6.02.

(h) Special uses. The following uses are permitted as special uses when authorized by the Village Board subject to standards set forth in section 14.05 of this ordinance.

- (1) Alternative Education Facilities. (Ord. 0-29-02, §1, 3-25-02)
- (2) Ambulance services.
- (3) Animal Hospitals and Kennels (Ord. 0-170-10, §1, 12/20/10)
- (4) Automotive sales; for the sale of new or used vehicles (Ord. No. 0-82-11, §1, 7/18/11)
- (5) Automotive service station and mart; for disbursement of fossil fuels or other forms of energy or material that assist in automotive movement and retail sales of other items without on site consumption (Ord. No. 0-82-11, §1, 7/18/11)
- (6) Car washes within 200 feet of a residential use, as measured from the property line of the residential parcel (Ord. No. 0-82-11, §1, 7/18/11)
- (7) Communication devices which exceed the height limitations set forth for manufacturing districts.
- (8) Consignment shops with limited hours. (Ord. No. O-92-17, 8/21/17)
- (9) Copy changes, pursuant to Section 8.02(f) (4). (Ord. 0-133-00 §13 10-23-00)
- (10) Instructional and training facilities for cheerleaders and athletes. (Ord. No. 0-12-96 §1, 1-22-

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- (11) Martial Arts Instruction and Training facilities, including any related offices (Ord. No. 0-1-02, §1,1-14-02)
 - (12) Medical Offices (Ord. No. 0-79-13, 7/8/13)
 - (13) Medical Marijuana Cultivation Centers and Dispensaries, subject to the State of Illinois Regulations (Ord. No. 0-61-14, §1, 5/12/14)
 - (14) Public parks, playgrounds, and community centers; where said facilities are owned and operated by a village, park district, or other municipal corporation including uses customarily or incidental to the above uses.
 - (15) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses. (Ord. No. 0-37-94 4/11/94)
 - (16) Restaurants.
 - (17) Towing services within 200 feet of a residential use, as measured from the property line of the residential parcel (Ord. No. 0-82-11, §1, 7/18/11)
 - (18) Transfer, Storage, and Treatment of General Construction Materials, Demolition Debris, and Wood Waste. (Ord. 0-38-05, §1, 3/7/05)
 - (19) Unique Uses in compliance with the District's performance standards. (Ord. 0-72-07, §6, 5/14/07)
 - (20) Wind energy conservation system.
 - (21) Reserved (Ord. 0-111-06, §10 6/26/06)
 - (22) Adult-Use Cannabis Dispensing Establishment as defined in Section 3.02. (Ord. O-111-19, 12/9/19)
 - (i) *[Reserved.]*
 - (j) *Minimum lot width:* None.
 - (k) *Maximum floor area ratio:* 0.70.
 - (l) *Minimum setbacks:*
 - (1) Front: Thirty (30) feet.
 - (2) Rear: Fifteen (15) feet.
 - (3) Side: Fifteen (15) feet.
 - (4) Side abutting street: Thirty (30) feet.
 - (m) *Maximum building height:*
 - (1) Lot abutting single-family residential district: Three (3) stories, not to exceed forty-five (45) feet.
 - (2) All other lots: Four (4) stories, not to exceed sixty (60) feet.

12.02. Performance standards.

(a) General

- (1) Any activity which is coincidental or primary to the operation of the use established in a manufacturing district shall conform to the performance standards as outlined in this section.
- (2) Under no circumstances shall any use, already established on the effective date of this ordinance, be so altered or modified as to conflict with, or further conflict with

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such applicable performance standards for the district in which such use is located.

(b) *Buffers.*

- (1) Landscaped strip. Any portion of a manufacturing district which lies within two hundred (200) feet of any zoned residential land or any planned residential land use according to the village's comprehensive plan shall not be devoted to any use unless a fifty (50) foot wide landscaped strip has been installed along the boundary in common with residential land.
 - a. Such planting strip shall be installed in accordance with plans prepared by a landscape architect.
 - b. Such planting strip must be approved by the village board or such installation guaranteed by a bond suitable to the village board.
- (2) Height standards. Except for chimneys, vents, flag poles or communication devices, no portion of any building or structure shall have a vertical dimension from ground level to its highest point greater than one-third ($1/3$) the distance from said portion of the building to any residential land.

(c) *Screening.* The following requirements shall apply to all businesses or firms in manufacturing districts.

- (1) All activities involving the manufacturing, storing, cleaning, servicing, and testing of materials, products and goods -may be out of doors if completely screened by a solid wall or uniformly colored fence at least eight (8) feet in height, and if there is no open storage of a greater height than that of the enclosing screening.
- (2) All owners or developers of manufacturing businesses or firms that abut residentially zoned property shall be required to provide acceptable screenage along the lot lines.
 - a. Screenage shall include but not be limited to fences, shrubs, hedges and walls.
 - b. The height of the screenage shall be a minimum of eight (8) feet high.

(d) *Noise.*

- (1) Prohibited noise levels. At no point on the property line on which the operation is located shall the sound intensity level of any individual operation or plant (other than noises produced by the operation of motor vehicles or other transportation vehicles) exceed the decibel limits in the octave bands designated below levels shown in the, following table.

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**TABLE OF MAXIMUM PERMITTED
SOUND LEVEL (DECIBELS)**

Octave Band (Frequency) Cycles Per Second	Manufacturing Adjoining Residential Land	Manufacturing Adjoining Zoning Districts Other Than Manufacturing or Residential
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	47	42
2400 to 4800	38	41
Above 4800	38	39

(2) Noise testing. Noise testing is to be accomplished at the property line of the noise emitting source, with an octave band analyzer manufactured according to standards prescribed by the American Standards Association.

- (3) Unmeasurable noises. Noises incapable of being measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

(e) *Vibration.*

- (1) Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earth borne vibration, (other than background vibrations produced by some source not under control of this ordinance, such as the operation of motor vehicles or other transportation facilities) in excess of the limits set forth in Column I is prohibited.
- (2) Any industrial operation or activity which shall cause at any time and at any point along a residential district boundary line, earth borne vibrations in excess of the limits set forth in Column II is prohibited.
- (3) Vibration shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the administrator.

Frequency (Cycles per second)	I* Displacement (inches)	II* Displacement (inches)
0 to 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

*Steady state--Vibrations, for the purpose of this ordinance which are continuous, or, if in discrete pulses are more frequent than one hundred (100) per minute. Impact vibration, that

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is discrete pulse which do not exceed one hundred (100) impulses per minute shall not cause in excess of twice the displacement stipulated.

(f) *Smoke and particulate matter.* The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort or welfare is prohibited.

- (1) Grading the density of smoke and particulate matter. For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines shall be employed.
- (2) Emission standards from concentrated sources.
 - a. The emission of more than twenty (20) smoke units per hour per stack is prohibited.
 - b. The emission of smoke or particulate matter shall not have a density in excess of Ringelmann No. 2.
 - c. For fire-cleaning purposes, each stack may emit up to thirty-five (35) smoke units once during any six-hour period. In this period, smoke of Ringelmann No. 3 will be permitted for no longer than four (4) minutes per period.
- (3) Emission standards from all sources.
 - a. The rate of emission or particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

ALLOWANCE FOR HEIGHT OF EMISSION*

Height of Emission Above Grade (feet)	Correction (Pounds per Hour per Acre)
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

*Interpolate for intermediate values not shown in table.

- b. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
 - i. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area--thereby obtaining the gross hourly rate of emission in pounds per acre.
 - ii. From each gross hourly rate of emission derived in (i), above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
 - iii. Add together the individual net rates of emission derived in (ii) above, to obtain the total net rate of emission from all sources of emission with the boundaries of the lot. Such total shall not exceed one pound per acre of lot area during any one hour.

(g) *Toxic and noxious matter.* No use shall, for any period of time, emit into the atmosphere, store on site, or discharge across the boundaries of the lot wherein it is located, toxic or noxious matter in such concentrations as to be detrimental to, or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business.

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(h) *Odorous matter.* No use shall, for any period of time, emit an odorous matter in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot line.

(i) *[Reserved.]*

(j) *Glare and heat.* No use or activity shall be permitted which causes glare or heat to be transmitted or reflected in such quantities as to be detrimental or harmful to the use of adjacent properties. Such exposed sources of light shall be shielded so as not to create a nuisance across along lot lines.

(k) *Fire and explosive hazards.*

- (1) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning, as determined by the administrator, is permitted.
- (2) The storage, utilization, or manufacture of solid materials or products ranging from free to active burning is permitted provided that said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
- (3) The storage, utilization, or manufacture of flammable liquids or materials* which produce flammable or explosive vapors or gases, shall be permitted in accordance with the following table--exclusive of storage of finished products in original sealed containers, which shall be unrestricted:

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED (in gallons)

<i>Industries Engaged in Storage Only</i>	<i>Aboveground</i>	<i>Underground</i>
Materials having a closed cup flash point over 187E F.	Prohibited	100,000
From and including 105E F to and including 187E F.	Prohibited	100,000
Materials having a closed cup flash point of less than 105E F. (except liquefied petroleum gas)	Prohibited	100,000
Liquefied petroleum gas	75,000	Prohibited

<i>Industries Engaged in Utilization and/or Manufacture of Flammable Materials</i>	<i>Aboveground</i>	<i>Underground</i>
Materials having a closed cup flash point over 187E F.	50,000	100,000
From and including 105E F. to and including 187E F.	20,000	100,000
Materials having a closed cup flash point of less than 105E F.	5,000	100,000

*When flammable gases are stored, utilized, or manufactured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed three hundred (300) times the quantities as listed above.

ARTICLE XIII. – PLANNED DEVELOPMENT DISTRICTS

13.01. Legislative intent.

Planned development districts are the means by which planned developments are established.

13.02. Purpose.

The purposes of planned development districts are as follows:

- (a) To promote flexibility in the planning, design, and construction of development projects and to permit diversification in land uses and the location of structures, in accordance with an approved planned development that also protects adjacent land uses; (Ord. O-34-17, 4/3/17)
- (b) To promote the effective use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities;
- (c) To preserve to the greatest extent possible the open space, landscape features and amenities and to utilize such features in a harmonious fashion;
- (d) To combine and coordinate architectural styles, building forms and building relationships within the planned development;
- (e) To insure a quality of design and construction, commensurate with other developments within the Village; and
- (f) To provide developers reasonable assurance of approval before expenditure of complete design monies, while providing Village officials with assurance that the project will retain the character envisioned at the time of approval.

13.03. Standards.

(a) *Standards for all planned developments.* All planned developments shall comply with the following general standards.

- (1) The planned development shall be designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
- (2) The planned development shall not cause substantial injury to the value of other property in the area in which it is located.
- (3) The establishment of the planned development shall not impede the normal and orderly development and improvement of surrounding property.
- (4) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.
- (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(b) *Design standards.* To supplement and support the general standards of this Planned Development section, all planned developments shall comply with the following design standards:

- (1) All Planned developments shall be subject to the applicable regulations governing required project improvements (as defined in Appendix B of the Palatine Code of Ordinances entitled Subdivision, Site Development, and Floodplain Regulations) or within the approved Planned Development Ordinance, including the dedication of park lands and school sites or for

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payment of fees in lieu thereof, for residential projects.

- a. Where deviations from the applicable requirements are desired, such deviations shall be requested in writing, as a component of the appropriate application submission to the Village and will be reviewed in conjunction with that application process.
 - b. The owner or developer shall install all required Public Improvements, including but not limited to sanitary and storm sewers, water supply facilities, stormwater detention area, public utilities, and those Project Improvements as required by the applicable Planned Development Ordinance or as required by the Subdivision, Site Development, and Floodplain Regulations.
- (2) Floodplain and storm water management.
 - a. All parts of planned developments deemed to be in the floodplain shall be subject to the regulations of the floodplain ordinance found in the Subdivision, Site Development, and Floodplain Regulations.
 - b. Compensatory storage, detention and/or retention basins shall be provided for the storage of surface and storm water in the planned development in accordance with all village standards.
- (3) Erosion control. All excavation, movement of earth, site development and execution of an erosion and sedimentation control plan shall be subject to the rules and regulations of the erosion and sedimentation control measures found in the Subdivision, Site Development, and Floodplain Regulations.
- (4) Impact on public facilities and services. The proposed Planned Development shall not impose an undue burden on public facilities and services.
- (5) Distance between principal structures. The minimum distance between principal structures shall either be thirty (30) feet or other such distance adopted within the applicable Planned Development Ordinance. However, as the height of the proposed structure increases, a greater distance may be required if necessary, to insure safe access, light and circulation of air.
- (6) Traffic circulation.
 - a. External traffic circulation system. The proposed planned development shall be accessible from public roads and so located with regard to major thoroughfares and uses outside the proposed development that traffic congestion will be minimized and uses adjacent to such thoroughfares will not be adversely affected.
 - b. Internal traffic circulation system. All streets and driveways constructed within the proposed planned development, whether public or private, shall be adequate to serve the needs of the community and shall meet the minimum standards of the Subdivision, Site Development, and Floodplain Regulations and all other applicable ordinances and Village Codes.
 - c. Vehicular access points. Principal vehicular access points shall be designed to promote smooth traffic flow with controlled turning movements and minimum hazards to vehicular, bicycle and or pedestrian traffic. Minor streets within the proposed planned development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
- (7) Pedestrian circulation system. The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as is possible from the vehicle street system in order to provide separation of vehicular, pedestrian, and, where appropriate, bicycle traffic movement.
- (8) Open space. The proposed planned development shall attempt to preserve as much open space as possible. Existing trees, waterways, scenic points, and other community assets must be considered when planning for open space and preserved wherever possible.

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- (9) Parking. The proposed planned development shall conform to all parking regulations in this ordinance, unless evidence is presented to justify deviation from said regulations.
- (10) Dumpster enclosures. The location and area of all dumpster enclosures shall be designated on the plans for all planned developments and located and screened in compliance with the applicable Codes and Ordinances, except as may be provided in the approved Planned Development.
- (11) Guidelines. In order to assist the Village in evaluating the merits and appropriateness of applications for planned developments in the Village, the Planning and Zoning Department shall prepare and coordinate the recommended guidelines, based upon the input from the other Village Departments.
 - a. Unless these guidelines are included as a condition within the Planned Development ordinance, said guidelines shall not be binding but shall be designed and intended to illustrate the types of amenities, standards and conditions which shall be given weight and consideration by the Village Council in determining whether to approve or disapprove a Planned Development.
 - b. Said guidelines, and all amendments thereto, shall be presented by the Planning and Zoning Department and then to the Planning and Zoning Commission, which shall review the same and make any changes deemed appropriate.
 - c. Thereafter, the guidelines shall be submitted to the Village Council for the review and consideration.
 - d. The guidelines shall become effective upon approval by the Village Council, and shall be on file in the Planning and Zoning Department.
(Ord. O-34-17, 4/3/17)

13.04. Preliminary Planned Development application process.

(a) *Pre-application submittal.* Prior to filing a planned development application, the applicant shall provide the following:

- (1) Three (3) copies of the plat of survey of the property in question.
- (2) Aerial photograph(s) of the subject site.
- (3) Preliminary plans and sketches.
- (4) An outline summarizing the proposed development and the project timelines for the construction and completion of the proposed project.
- (5) Other site information, in such quantity as may be deemed necessary by either the Administrator or applicant.

(b) *Pre-application conference.*

- (1) If requested within ten (10) working days after receipt of documents required above, the Administrator shall schedule a pre-application conference with the applicant and planning staff. If such a conference is not requested, the standard project application process shall be followed.
- (2) The said conference shall be for the purpose of reviewing the applicant's proposal and to provide the applicant with a general indication of the feasibility of the proposal and required procedures.

(c) *Preliminary Planned Development and Rezoning Application.* Following the initial pre-application conference, a Preliminary Planned Development and Rezoning applications may be filed with the Village, subject to the following.

- (1) Said application shall contain the following information:

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- a. Filing fees, as required in the fee supplement schedule;
 - b. Petition for hearing;
 - c. Real Estate Interest Disclosure Form;
 - d. Village of Palatine Notice Affidavit;
 - e. Development narrative including a description of how the proposed development relates to the Village's Comprehensive Plan, surrounding zoning classifications, and surrounding land uses;
 - f. Proof of ownership, including signature(s) of owner(s) on the petition for hearing or on a statement attached to said form giving owner's consent of the petition;
 - g. Plat of survey and legal description of the entire subject property; and
 - h. Site plan and supporting documents.
- (2) The following materials may be required by the Village, either as part of the application or as a condition of approval:

- a. Preliminary Plat of Subdivision;
- b. Tree survey;
- c. Tree preservation plan;
- d. Preliminary engineering plans, including;
 - i. Existing conditions
 - ii. Topography
 - iii. Utility connections
 - iv. Utility mains and layouts
 - v. Grading Plan
 - vi. Preliminary detention calculations
- e. Soil borings and analysis report;
- f. Landscape plan;
- g. Architectural plans;
- h. Declarations, covenants, grants of easements and other limitations or restrictions;
- i. Development schedule, including marketing, construction, and estimated development completion timetables;
- j. Market analysis;
- k. Traffic analysis;
- l. Impact analysis to municipal systems;
- m. Developer information;
- n. List of proposed permitted uses within the development;
- o. The following quantitative data:
 - i. Total number and type of dwelling units
 - ii. Parcel size
 - iii. Lot coverage of buildings and structures
 - iv. Total amount of open, and usable open space
 - v. Number of parking spaces.
- p. Lighting plan;
- q. Marketing materials;
- r. Economic impact analysis;
- s. Professional engineer's estimate of probable cost for all public and project improvements, submitted in a manner acceptable to the Village Engineer.
- t. Associated documentation required by any jurisdictional regulatory agency; and
- u. Any other information deemed necessary by the Village.

(Ord. 0-60-06, §16, 4/3/06; Ord. O-34-17, 4/3/17)

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(3) In conjunction with the Preliminary Planned Development application or Preliminary and Final Planned Development application, the applicant shall be responsible to pay the Village Attorney's fees, outside consultant's fees and any other direct costs incurred by the Village in reviewing the application. To accomplish this, the applicant shall provide the Village a sum of ten thousand (\$10,000) dollars to be placed into an escrow fund. The initial sum may be reduced at the discretion of the Village Manager based on the size or complexity of the proposed planned development. Following completion of the Village's review of the application, final action by the Village's Corporate Authorities, and payment of all associated costs incurred by the Village, any remaining balance of the escrow fund shall be returned to the applicant.

(d) *Administrative Report.* Within a maximum of forty-five (45) days following the submission of all documentation required in section 13.04(c), the administrator shall:

- (1) Schedule a public hearing for the purpose of review of the Preliminary Planned Development application and associated plans.
- (2) Report to the applicant all concerns regarding submission of documents.
- (3) Provide public notice of the public hearing pursuant to the Zoning Ordinance requirements. (Ord.No.0-72A-98,§10,5/26/98; Ord. No. O-34-17, 4/3/17)

(e) *Public Hearing and Report.*

- (1) Public hearing. At the public hearing, the Planning and Zoning Commission shall receive the administrator's report and solicit testimony from the general public. After due consideration, the Planning and Zoning Commission shall vote, based on the standards of section 13.03, to take one of three (3) actions:
 - a. Recommend approval of the Preliminary Planned Development;
 - b. Not recommend approval of the Preliminary Planned Development;
 - c. Recommend approval of the Preliminary Planned Development with modifications and conditions.
- (2) Report to Village Council. Within a maximum of forty-five (45) days of the completion of the public hearing, the Planning and Zoning Commission shall report its findings to the Village Council together with the administrator's report.

(f) *Actions by the Village Council.*

- (1) The Village Council shall consider the recommendations of the Planning and Zoning Commission, public record, and the standards within Article 13.03 of the Palatine Zoning Ordinance, shall pass a Motion to take one of three actions:
 - a. Approve the preliminary plan;
 - b. Do not approve the preliminary plan;
 - c. Approve the preliminary plan with modifications and conditions.
- (2) Rezoning of the property shall not be considered by the Village Council at this Preliminary Planned Development phase. The rezoning of the property to Planned Development shall not occur until the Final Planned Development approval is granted. Preliminary Planned Development approval is advisory only, is not a final or binding decision, and shall not entitle the applicant to Final Planned Development approval.

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(g) *Review fee.* Plan review fee, based 1.5% of total project improvement costs (which shall consist of, but not exclusively of curb and gutters, sidewalks, pavements, sanitary sewer system, storm sewer system, water distribution system, storm water detention facilities, parkway trees, landscaping, street lights, plus soil erosion control measures) as estimated by the design engineer and approved by the Village Engineer.

13.05. Final Planned Development and Planned Development Amendment application processes.

(a) Time for filing final plans.

- (1) Time requirement - Upon final action of the Preliminary Planned Development application by the Village Council, the applicant has twelve (12) months from the date said final action on the Preliminary Planned Development application in which to submit an application and required materials to the Administrator for Final Planned Development approval for the proposed development.
- (2) Time extension. If, for whatever reason, the applicant cannot meet the twelve-month deadline, the Planning and Zoning Commission, in its sole discretion, may grant a single six-month extension at a public meeting, given cause by the applicant, but only when a time extension application is made to the Department of Planning and Zoning, prior to the expiration of a Preliminary Planned Development.
- (3) Failure to comply. If the applicant fails to apply for final approval for any reason within the time period allowed and does not receive a time extension pursuant to 13.05 (a) (2), the preliminary approval shall be deemed to be revoked and all portions of the area included in the preliminary development plan shall be subject to the zoning and subdivision regulations otherwise applicable.

(b) *Final Planned Development and Planned Development Amendment applications.* Following Village Council action on the Preliminary Planned Development application, a Final Planned Development or Planned Development Amendment application may be filed with the Village, subject to the following:

(1) Said application shall contain the following information:

- a. Filing fees, as required in the fee supplement schedule;
- b. Petition for hearing;
- c. Real Estate Interest Disclosure Form;
- d. Village of Palatine Notice Affidavit;
- e. Development narrative including a description of how the proposed development relates to the Village's Comprehensive Plan, surrounding zoning classifications, and surrounding land uses;
- f. Proof of ownership, including signature(s) of owner(s) on the petition for hearing or on a statement attached to said form giving owner's consent of the petition;
- g. Plat of survey and legal description of the entire subject property; and
- h. Site plan and supporting documents.
- i. Final engineering plans, including:
 - i. Existing conditions
 - ii. Topography
 - iii. Utility connections, including the mains and layouts
 - iv. Grading plan
 - v. Final detention calculations
- j. Soil borings and analysis report;
- k. Engineer's estimate of probable cost of the public and project improvements submitted in a manner acceptable to the Village Engineer.

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1. Depending upon the final components of a planned development amendment, the Administrator will determine the final information required in support of the application.
(Ord. O-135-17, 12/11/17)
 - (2) The following materials may be required by the Village, either as part of the application or as a condition of approval:
 - a. Final Plat of Subdivision;
 - b. Tree survey;
 - c. Tree preservation plan;
 - d. Soil borings and analysis report;
 - e. Landscape plan;
 - f. Architectural plans;
 - g. Declarations, covenants, grants of easements and other limitations or restrictions;
 - h. Development schedule;
 - i. Market analysis;
 - j. Traffic analysis;
 - k. Impact analysis to municipal systems;
 - l. Developer information;
 - m. List of proposed permitted uses within the development;
 - n. The following quantitative data:
 - i. Total number and type of dwelling units
 - ii. Parcel size
 - iii. Lot coverage of buildings and structures
 - iv. Total amount of open, and usable open space
 - v. Number of parking spaces
 - o. Lighting plan;
 - p. Marketing materials;
 - q. Economic impact analysis;
 - r. Associated documentation required by any jurisdictional regulatory agency; and
 - s. Any other information deemed necessary by the Village.
- (Ord. 0-60-06, §17, 4/3/06; Ord. O-34-17, 4/3/17)

(c) *Compliance with preliminary development plan.* The final development plans shall be deemed to be in substantial compliance with the preliminary development plans provided modification by the applicant does not result in any of the following:

- (1) A change in the character of the development, as determined by the Village.
- (2) A change in the maximum permitted floor area ratio for total net site area; provided, however, the interim stages of a development may exceed the maximum permitted floor area ratio so long as the final development, considered as a whole, is within such maximum.
- (3) An increase in the units per acre of the total net site area.
- (4) A reduction in the minimum required distance between structures or in periphery setbacks; provided, however, that setback or yard requirements may be adjusted where required in the judgment of the Administrator to permit conformance to the pattern of, or architectural arrangement related to, existing structures.
- (5) An increase in the maximum percent of land covered for total net site area; provided, however, that interim stages of development may exceed maximum percent of land covered so long as the final development, considered as a whole, is within such maximum.

(d) *Administrative report.* Within a maximum of thirty (30) days following the submission of all

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required documents, including any required plan revisions, required as part of the Village review of the Final Planned Development application, the Administrator shall:

- (1) Schedule a public hearing for the purpose of reviewing the Final Planned Development and Rezoning application
- (2) Provide notification, as required within the Palatine Zoning Ordinance.
- (3) Report to the applicant all concerns regarding submission documents.
(Ord.No.072A-98, 11/5/26/98, Ord. O-34-17, 4/3/17)

(e) Meeting and report.

- (1) Public hearing. At the public hearing, the Planning and Zoning Commission shall receive the Administrator's report and solicit comments from the general public. After due consideration, if the Planning and Zoning Commission determines that the Final Planned Development conforms to the Preliminary Planned Development, the Planning and Zoning Commission, after holding a public hearing, shall vote, based on the standards of section 13.03, to take one of three actions:
 - a. Recommend approval of the final plan and the rezoning;
 - b. Not recommend approval of the final plan and the rezoning;
 - c. Recommend approval of the final plan and rezoning, with modifications and conditions.
- (2) Report to Village Council. Within a maximum of forty-five (45) days after rendering a recommendation, the Planning and Zoning Commission shall report its findings to the Village Council together with the Administrator's report, associated plans, and documents.

(f) Actions by Village Council.

- (1) The Village Council shall consider recommendations, public record, the standards of section 13.03, and preliminary plan compliance pursuant to section 13.05(c), in determining one of two (2) actions:
 - a. Adopt an ordinance with conditions to approve the Final Planned Development and Rezoning;
 - b. Not approve the Final Planned Development and Rezoning.
- (2) Final Planned Development approval and Rezoning the total site to Planned Development shall be accomplished by adoption of an ordinance which may contain:
 - a. Special conditions and restrictions imposed by the Village Council upon the Planned Development.
 - b. Any changes and modifications from the Village of Palatine Zoning Ordinance Regulations, which would otherwise have been applicable.

(g) *Review fee.* Plan review fee, based 1.5% of total project improvement costs (which shall consist of, but not exclusively of curb and gutters, sidewalks, pavements, sanitary sewer system, storm sewer system, water distribution system, stormwater detention facilities, parkway trees, landscaping, street lights, plus soil erosion control measures) as estimated by the design engineer and approved by the Village Engineer.
(Ord. O-34-17, 4/3/17)

13.06. Preliminary and Final Planned Development application process in one step.

When any applicant chooses to file with the Administrator all supporting documents and other submittals required for Preliminary Planned Development approval under section 13.04, and all supporting documents and other submittals required for Final Planned Development approval required under section 13.05 (except the 13.05 (a) (2) requirements), together with a petition for rezoning of the subject property to a Planned Development classification, if needed, and prior to any hearing of the Planning and Zoning Commission, the applicant's preliminary and final development plans shall be deemed consolidated. The following procedures shall be followed with respect to the applicant's Preliminary and Final Planned

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Development and Rezoning applications.

(a) The Planning and Zoning Commission shall hold a single public hearing, upon notice as required by this code ordinance, to:

- (1) Consider and act upon the applicant's Preliminary and Final Planned Development application in the same manner as provided in section 13.04(e) for Preliminary Planned Development; and
- (2) Consider and act upon the applicant's petition for rezoning of the subject property to a Planned Development classification.

(b) The hearing may be continued from time to time at the discretion of the Plan Commission to permit the applicant to amend the final development plans to conform to the suggestions or requests of the Planning and Zoning Commission members or members of the public.

(c) After the hearing, including any continuances, has been completed, the Planning and Zoning Commission's written findings and recommendations shall be submitted to the Village Council, as provided in section 13.04(e). Within sixty (60) days after receipt of such findings and recommendations, the Village Council shall take final action on the Preliminary and Final Planned Development applications and on the petition for rezoning to Planned Development, in the manner provided in section 13.05.
(Ord. O-34-17, 4/3/17)

13.07. Implementation of final plan.

(a) *Implementation.* Any Planned Development project for which an ordinance has been adopted by the Village Council shall be developed only in accordance with the final plan with any requested changes made according to the requirements set forth in this section.

(b) *Final Planned Development recorded.* Only after all letters of credit, bonds, and all final permits required by all applicable regulatory agencies and governing bodies are issued and provided to the Village, the final development plans, and/or plat, together with the ordinance approving the Planned Development, zoning and all pertinent covenants and restrictions shall be recorded in the Office of the Recorder of Deeds of Cook County. If required as part of the Final Planned Development approval, the Village may require recordation prior to issuing a site development permit.

- (1) Said Final Planned Development shall be binding upon the applicants, any successors and assignees.
- (2) Any exhibits which are referenced in any covenants or restrictions shall be maintained on file with the Village Clerk.

(c) *Conditions and terms.* Each planned development shall be subject to the following conditions and terms:

- (1) The developer shall be required to appear before the Village Council if, in the opinion of the Administrator, no substantial effort is being made to comply with the development schedule.
- (2) All authorized Project Improvements shall be substantially completed as determined by the Administrator within three (3) years after the date of adoption of the Final Planned Development Ordinance.
- (3) Public Improvement Security - To insure the completion of Public Improvements, as defined within the Village Code and Planned Development Ordinance within the specified time, the Village shall require the developer to submit a letter of credit for 115% of the full amount of the estimate of probable cost of such Public Improvements, in a manner acceptable to the Village Engineer, along with a ten (10) percent cash bond for the one year maintenance period. Such letter of credit shall be in the form specified in the Village's Subdivision, Site Development, and Floodplain Regulations [Appendix B].
- (4) To insure the removal of any partially complete building(s) and/or removal of any building

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materials and debris upon either the Planned Development's completion or for a failed project, within the specified time, the Village shall require the developer to submit a Planned Development letter of credit or other acceptable form of financial assurance that is approved by the Village, in an amount equal to the following calculations:

- a. Residential developments - \$10,000/unit or lot
- b. Non-residential developments – building(s) size – 0-5,000 square feet = \$25,000; 5,001 to 10,000 square feet = \$50,000; 10,001 – 50,000 square feet = \$100,000.
- c. For all non-residential buildings greater than 50,000 square feet or mixed use developments – A sum approved by the Village Council as part of the Planned Development Ordinance. Such letter of credit shall be presented in a manner acceptable to the Village of substantially the following form:

PLANNED DEVELOPMENT IRREVOCABLE LETTER OF CREDIT

AMOUNT _____

DATED: _____

NO. _____

To: Village of Palatine
A municipal corporation
Cook County
Palatine, Illinois 60067

Attention: Village Clerk

RE: _____

Ladies and Gentlemen:

We hereby establish and issue our Irrevocable Standby Letter of Credit, in favor of you, the Village of Palatine, a municipal corporation, ("Beneficiary") for the account of

in the amount of _____ dollars available by presentation of your Sight Draft(s) on us at sight marked "Drawn under Irrevocable Standby Letter of Credit # _____ dated _____ 20____, Subject to the provisions of this Letter of Credit, demand for payment may be made by you, the Beneficiary, by presentation to the Bank at our offices located at _____, a sight draft in the form of Exhibit A, attached hereto, appropriately completed, in the amount specified therein.

Demand for payment may be made by you under this Letter of Credit any time prior to ____:00 p.m. on the date of expiration hereof during the Bank's business hours at the aforesaid address, on a business day, and for purposes of this Letter of Credit, the term "business day" means a day that is not a Saturday or Sunday, or other day on which banking institutions in Illinois are authorized by law or executive order to close. Demand for payment must be accompanied by the following documents:

(Name of Bank)

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FOR ACCOUNT OF _____

- (1) Your statement signed by the Village Manager or by the Village Engineer or their designee that payment represents payment or estimate payment required to be made to materialmen, contractors, or subcontractors for the removal of all debris, rubbish, building materials, apparatus, tools and equipment, Project Improvements, as well as all excess excavated materials from the said premises which have not been removed by the developer upon completion and Village acceptance of the work described in the Final Planned Development or upon abandonment of the work for a period of more than 6 months; the demolition of any existing structures in place, which must be removed in order to implement the Final Planned Development; and work approved by the Village Council of the Village of Palatine on _____ under Ordinance No. _____ or any duly authorized extension or modification thereof and the restoration of the premises where said construction and installation work is performed to the same condition it was in before said work was commenced.
- (2) The placement of any uncompleted buildings in a safe and secure condition or demolition of the same, if not done by the developer, and removal of all debris, rubbish, building materials, including foundations and partially constructed portions of buildings, and all apparatus, tools and equipment, as well as all excess excavated materials from the said premises, if not done by the developer, in the event of the lapse of the planned development as a result of the failure of the developer to do the work in accordance with the manner and phasing schedule described in the Final Planned Development Ordinance approved by the Village Council of the Village of Palatine, or any duly authorized extension or modification thereof;
- (3) To hold the funds drawn for one or more of the purposes set forth in paragraphs (1) and (2) above if the work has not been completed and accepted as provided in paragraph (1) at least thirty (30) days prior to the expiration of this letter of Credit or any renewal hereof.

All drafts hereunder must be marked drawn under _____, _____, Illinois.
Letter of Credit No.: _____ dated _____.

The amount of each draft drawn under this credit must be endorsed hereon and the presentation of each draft, if negotiated, shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required; if the draft is not negotiated, this credit must accompany the draft. Except insofar as otherwise stated herein, this credit is subject to the "Uniform Customs and Practice for Documentary Credits (as revised), International Chamber of Commerce Publication No. 600."

We hereby undertake to honor drafts under and in compliance with the terms of this credit, when accompanied by the documents specified when presented to us.

Notwithstanding anything contained herein, unless the Project Improvements are timely completed by the Applicant of this Irrevocable Letter of Credit as set forth above, it is a condition of this Letter of Credit and our right to terminate our obligation hereunder that at least 90 (ninety) days prior to the expiration of this irrevocable letter of credit, we shall notify in writing the Corporate Authorities of the municipality, by registered or certified mail, return receipt requested, addressed to: Village Clerk, 200 E. Wood Street, Palatine, IL 60067 of the impending termination date. This commitment shall not terminate without such notice. If the work has not been completed then this Letter of Credit shall be automatically renewed on an annual basis until the work has been completed or the Letter of Credit has been drawn upon, unless the above described ninety (90) day notice of termination of this Letter of Credit is provided to the Beneficiary.

By: _____

Name

Title

Signature: _____

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Sight Draft
Drawn Under Irrevocable Standby Letter
of Credit # _____ Dated _____, 20__.

Palatine, Illinois
Date: _____

TO: _____

At sight, pay to the Village of Palatine, an Illinois municipal corporation, pursuant to the electronic federal wire transfer instructions below, _____ and _____/100 United States Dollars (\$ _____ USD). Drawn under Irrevocable Standby Letter of Credit # _____ dated _____, 20__.

Village of Palatine
An Illinois Municipal Corporation

By: _____
Title: Village Manager or Village Engineer

By: _____

Name: _____
Title: Village Clerk

WIRE TRANSFER DIRECTIONS:

Name of Bank: _____
ABA NO.: _____

For the account of: Village of Palatine
Account No.: _____

Contact Director of Finance and Operations: 847-359-9018

(d) *Authorized changes by Village Manager.*

- (1) Changes prior to construction. The Village Manager may authorize minor changes in locations, siting, or character of in the Final Planned Development. No changes can be authorized that may lead to the following:
 - a. Increase the size of any building or structure; or
 - b. Change the location of any building or structure by more than ten (10) feet in any direction; or
 - c. Provide for changes beyond the minimum or maximum requirements set forth in the approved Planned Development ordinance.
- (2) Changes to established Planned Developments, with all required project improvements complete. It is recognized that successful, established Planned Developments may require minor changes to ensure the continued marketability of the development. The Village Manager may authorize such changes provided that the change shall not significantly alter the character or intent of the Planned Development.

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- a. Any proposed change shall be clearly accessory to the Planned Development.
- b. Any granted change shall be clearly stated in the Village file of the Planned Development.
- c. At the discretion of the Village Manager, Village Council review may be required for changes to a Planned Development. In such instances, the Village shall send a courtesy notice to all taxpayers of record within 250 feet of the boundaries of the subject property, at least 7 days prior to the Village Council meeting advising them of the requested change. (Ord. O-86-22, 09/06/22)

(e) Changes to the time schedule.

- (1) In the event the developer anticipates a time delay in meeting the completion date for each phase or segment thereof, the applicant may file a written request to the Village Council prior to the expiration of said completion date for each phase or segment.
- (2) The Mayor, Village Council or Village Manager, with notice and review by the Corporate Authorities may extend said completion date for any length of time as deemed justifiable by the Village Council.

(f) Expiration of time schedule. If actions required in any ordinance establishing a use in a planned development district are not taken within the time schedule set in connection with such ordinance, the planning staff shall review the circumstances and prepare a written report specifying the circumstances and recommending either:

- (1) The use for the entire area be continued with a revised time schedule; or
- (2) The use be continued for part of the area, with or without a revised time schedule, and the remainder be rezoned to an appropriate category; or
- (3) The entire district be rezoned from a planned development district to an appropriate category; or
- (4) That other appropriate measures be made or actions taken.

(g) Reapplication for planned development and rezoning.

- (1) In the event the Village Council decides to rezone all or a portion of the planned development district and has complied with all necessary administrative procedures, the applicant may apply for approval of a new or former planned development use and for rezoning of the subject premises within sixty (60) days after formal Village approval.
- (2) In the event the applicant does make such an application within the sixty-day period, the Village Council shall initiate consideration by referring the matter to the Planning and Zoning Commission for public hearing and recommendation.

(h) Change in developer or transfer of development.

If the originally entitled developer wants to either transfer the Planned Development or change the ownership structure from the entity receiving Final Planned Development approval, as determined by the Village Attorney, prior to the completion of the Project Improvements, the review and approval by the Village Council shall be required.

13.08. Acceptance of planned developments approved by another municipal or county government.

(a) A planned development approved prior to annexation of the property involved to the Village may be continued pursuant to the terms and conditions of an annexation agreement between the Village and the property owner.

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(b) Such planned developments shall be governed by and subject to the terms of any planned development ordinance affecting the property approved by another municipal or county government or by court decision except to the extent such planned development is modified by the terms of an annexation agreement between the village and the property owner.

(c) Except for and to the extent of conflicting provisions in such other planned development ordinance, court decisions or annexation agreement, all terms and conditions of the village shall be fully applicable to said premises.

13.09. Applicable zoning designations.

(a) All existing land zoned Planned Development in the Village of Palatine at the date of adoption of this ordinance shall conform to the rules and regulations of this Article XIII.

(b) All applications approved after the date of adoption of this ordinance shall be zoned Planned Development.

ARTICLE XIV. ADMINISTRATION

14.01. Office of the Village Manager.

The Village Manager shall enforce this ordinance and in addition thereto and in furtherance of said authority he shall:

- (a) Receive and forward to the appropriate body for review and recommendation all applications for special uses, variations, or for amendments to this ordinance, which may be filed initially in the offices of the Village Manager.
- (b) Receive from the Village Council amendments which have been proposed by the Village Council, and transmit copies of same to the Planning and Zoning Commission for review and recommendation.
- (c) Provide such clerical and technical assistance as may be required by the Planning and Zoning Commission in the exercise of their duties.
- (d) Maintain permanent and current records of the ordinance, including, but not limited to, all maps, amendments, and special uses, variations, appeals and applications thereof.
- (e) Receive from the Planning and Zoning Commission, recommendations on all amendments, variations, and special uses, and transmit same to the Village Council.
- (f) Cause to be made inspections of buildings, structures, and uses of land, to determine compliance with the terms of this ordinance.
- (g) Issue all certificates of occupancy and make and maintain records thereof.

14.02. Planning and Zoning Commission.

Jurisdiction and authority. The Planning and Zoning Commission is hereby vested with the following jurisdiction and authority:

- (a) To hear and decide appeals from any order, requirements, decisions, or determinations made by the Village Manager under this ordinance.
- (b) To hear and make recommendations to the Village Council upon applications for variations under the terms provided in this ordinance, in the manner and subject to the standards set forth in this article.

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- (c) To hold public hearings on petitions for amendments referred to it, and to submit a report to the Village Council setting forth its findings and recommendations in the manner prescribed in this article and as provided by statute.
- (d) To hear and decide, or make recommendations on, such other matters as may from time to time be committed to its jurisdiction by other ordinances of the Village.
- (e) To hold public hearings on all applications for zoning amendments to this ordinance, except when another hearing body has been designated by the Mayor and Village Council, and to submit a report to the Village Council setting forth its findings and recommendations.
- (f) To hold public hearings on all applications for special uses referred to it; and to submit a report to the Village Council setting forth its findings and recommendations.
- (g) To initiate, direct and review, from time to time, studies of the provisions of this ordinance and to make reports of its recommendations to the Village Council not less frequently than once each year.
- (h) To review proposed planned developments and plats of subdivision or resubdivision and any variations of the subdivision or zoning regulations requested in conjunction with the proposal, and to submit a report to the Village Council setting forth its findings and recommendations.
- (i) To hear and decide all matters upon which it is required to pass under this appendix.

(Ord. No. O-25-23, 03/20/23)

14.03. Variations, Administrative Variations, and Appeals.

(a) *Purpose.* Except as provided in paragraph (b) of this section or where a variation is requested in conjunction with a Plat of Subdivision or Planned Development, the Planning and Zoning Commission shall hear all petitions for variations, and shall recommend variations of the provisions of this ordinance in harmony with its general purpose and intent, where the Planning and Zoning Commission shall have made a finding of fact based upon the standards hereinafter described that there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this ordinance. Where a variation is requested in conjunction with a Plat of Subdivision or Planned Development, it shall be heard by the Planning and Zoning Commission.

(Ord.No.0-83-95 ə1, 8-14-95)(Ord. No. 0-83-96 ə3, 5/29/96; Ord.No.0-188-99,ə1,11-8-99; Ord. O-36-17, 4/3/17; Ord. O-25-23, 03/20.23)

(b) *Administrative Variations* – The Village Manager or his designee shall consider the following Administrative Variations and may either administratively approve or remand to the Planning and Zoning Commission for further action. Only existing residential structures constructed and approved by the Village of Palatine for Final Occupancy as of January 1, 2017 are eligible to apply for this relief. Residential structures not meeting this eligibility date may apply for a standard variation. The following types of relief are eligible for Administrative Variations, with the sign-off approval of the surrounding property owners, as identified with the applicable application and Village review.

1. Residential building coverage or lot coverage, which exceeds the maximum allowed coverage by 15% or less, not including such relief caused by additions to the principal structure. For example, if the maximum allowable lot coverage is 45%, an administrative variation could be applied for, provided the lot coverage did not exceed 51.75%. In addition to the required application process, an administrative variation for residential lot or building coverage is subject to a finding of no significant impact for the proposed improvement by the Village Engineer or his designee. If the Village Engineer determines that there may be a significant impact, a standard variation application must be submitted.
2. Encroachments into residential required yards of 10% or less beyond the minimum required setback for permitted obstructions.

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3. Residential driveway width or setbacks which exceed the maximum allowable requirement by 10% or less or minimum required by 10% or more.
4. Replacement of non-conforming decks in rear and side yards.
5. Sheds located in easements, subject to any required utility company authorization, in conjunction with the building permit submission, if such a permit is required.
(Ord. O-36-17, 4/3/17; Ord. O-86-22, 09/06/22)

(c) Application for variation.

1. Said application shall contain the following information:
 - a. Petition for hearing;
 - b. Real Estate Interest Disclosure Form;
 - c. Plat of Survey and legal description of the subject property; and
 - d. Proof of ownership, including signature(s) of owner(s) on the petition for hearing or on a statement attached to said form giving owner's consent of the petition.
2. The following materials may be required by the Village, either as part of the application or as a condition of approval:
 - a. Site plan;
 - b. Floor plans;
 - c. Building elevations;
 - d. Preliminary engineering plans;
 - e. Business plan;
 - f. Signage information;
 - g. Traffic analysis; and
 - h. Any other information deemed necessary by the Village.

(Ord. 0-60-06, §18, 4/3/06)

- (3) Proof of ownership, proof of authority on behalf of the owner or current contract to purchase or lease the subject property shall also be required at the time of filing for a variation.
- (4) Application for Administrative Variation
 - a. Completed application and required fees;
 - b. Narrative outlining the nature of the request and applicable Variation standards;
 - c. Proof of ownership or interest in the property;
 - d. Plat of survey;
 - e. Site Plan and/or building plans, as appropriate;
 - f. Support materials - any other relevant information deemed necessary by the applicant in support of the application;
 - g. List of the required surrounding property addresses, within a one property radius (including those across the street and behind the property) of the subject property. The final required list will be reviewed and confirmed by the Village.
 - h. Sworn affidavit – Confirming the accuracy of the application and supporting documentation.

(Ord. O-36-17, 4/3/17)

(d) Standards for variations.

- (1) Variations or Administrative Variations shall not be granted except on findings based upon the evidence in each specific case:
 - a. That the property in question cannot yield a reasonable return if permitted to be used

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- only under the conditions allowed by the regulations governing the district in which it is located; and
 - b. That the plight of the owner is due to unique circumstances; and
 - c. That the variation, if granted, will not alter the essential character of the locality.
 - d. Additionally, variations of the floodplain regulations must comply with the standards listed in the Subdivision regulations section 6.08(f). However, no variation may be granted to any development located in the regulatory floodway. (Ord.No. O-83-96, 5/29/96 ə4)
 - (2) For the purposes of supplementing the above standards, the Village Council, Planning and Zoning Commission, or Administrator may take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence:
 - a. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;
 - b. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
 - c. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 - d. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - e. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
 - f. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - (3) Administrative Variations adhering to the application submittal requirements and Ordinance limitations may be administratively approved as follows:
 - a. After the Administrative Variation application is submitted and reviewed by the various Village Departments, the Village will indicate if the applicant may proceed forward with seeking approval of the requested relief, with the sign-off approval of the surrounding property owners, as identified with the applicable application and Village review.

(Ord. O-36-17, 4/3/17; Ord. O-86-22, 09/06/22)
- (e) *Decisions of Planning and Zoning Commission.*
 - (1) Variations. The Planning and Zoning Commission may recommend to the Village Council such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section.
 - a. All decisions and findings of the Planning and Zoning Commission on variations arrived at after the hearing shall, in all instances, be referred to the Village Council with report and recommendations.

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- b. The Village Council, upon report of the Planning and Zoning Commission and without further public hearing, may grant any proposed variation or may refer it back to the Planning and Zoning Commission for further consideration, and any proposed variation which fails to receive the approval of the Planning and Zoning Commission shall not be passed except by the favorable vote of two-thirds (2/3) of all members of the Village Council. Variations from the provisions of this ordinance shall be granted only by the Village Council. Upon receipt of report and recommendation from the Planning and Zoning Commission the Village Council may:
 - i. Refer it back to the Planning and Zoning Commission for further consideration;
 - ii. Grant the proposed variation.
- c. Any variation which fails to receive the approval of the Planning and Zoning Commission shall not be passed by the Village Council, except by the favorable vote of two-thirds (2/3) of all members.

(f) Appeals.

- (1) Scope of Appeals. Any person aggrieved by any decision made with respect to this zoning ordinance by the Community Development Director or his/her authorized designee may appeal to the Planning and Zoning Commission. Such appeal shall be taken within forty-five (45) days of the decision being appealed, by filing with the Officer from whom the appeal is taken and with the Planning and Zoning Commission, a notice of appeal, specifying the grounds thereof. The Officer shall forthwith transmit to the Planning and Zoning Commission all the papers constituting the record upon which the action appealed from was taken.
- (2) Petition for an Appeal. A petition for an appeal shall contain the following information:
 - a. Name and address of the petitioner
 - b. Location of property in question
 - c. Copy of the Officer's letter outlining the decision being appealed
 - d. Identification of the ordinance provision(s) in dispute
 - e. A description of the proposed use, including plot plan, if applicable
 - f. State the grounds for the appeal
- (3) Notice of Hearing. The Planning and Zoning Commission shall fix a reasonable time for the hearing of the appeal. The appeal hearing shall be subject to the same notice provisions as variations. At the hearing, any party may appear in person, by agent or by attorney. The Planning and Zoning Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Officer.
- (4) Stay of Proceedings. An appeal stays all official proceedings unless the officer from whom the appeal is taken provides the Planning and Zoning Commission with a statement stating that a stay of the proceedings would cause imminent peril to life or property.
- (5) Decision of the Planning and Zoning Commission. The Planning and Zoning Commission shall reach its decision within thirty (30) days from the date of the public hearing on the appeal. The concurring vote of five (5) members of the Planning and Zoning Commission shall be necessary to reverse any order, requirement, decision or determination of the Officer. The Planning and Zoning Commission shall maintain complete records of all appeal actions. Decisions shall be submitted to the applicant and Officer.
- (6) Appeals to Courts. All final administrative decisions of the Planning and Zoning Commission are subject to judicial review pursuant to the provisions of the Administrative Review Law and all amendments and modifications thereof and the rules adopted pursuant

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thereto. The term Administrative Decision is defined as in Section 3-101 of the Code of Civil Procedure.

- (7) Fees. Any petition for an appeal shall be accompanied by a fee as provided in the fee schedule supplement to the Palatine Municipal Code. In addition, the petitioner will be responsible for the costs of supplying a court reporter and the costs for writing up the transcript. No decision shall be final until the transcript of the record is filed with the Planning and Zoning Commission and until proof that the court reporter's fees have been paid.

(Ord. No. O-50-90, §§ 1, 2, 5-14-90; Ord. No. 0-171-94 §1, 11-14-94; Ord. No. 0-171-97; 10/27/97 §3)
(Ord. O-36-17, 4/3/17; Ord. O-25-23, 03/20/23)

- (g) *Lapse of variation.* A variation hereunder granted shall lapse if:
 - (1) A building permit has not been issued by the Village for such construction, installation, or relocation within one year after the effective date of the ordinance granting said variation.
 - (2) A building permit has been issued, but such construction, installation or relocation is not completed within two (2) years after its issuance.
 - (3) A use granted a variation ceased operations for a period of six consecutive months or more.

In the event a variation lapses, nothing herein shall prohibit any person from applying for the same variation or a new variation.

14.04. Refer to Section 14.02 of this Appendix A.

(Ord. O-25-23, 03/20/23)

14.05. Special Uses, Special Use Amendments and Administrative Special Uses. (Ord. #0-122-10, §1, 10/4/10; Ord O-36-17, 4/3/17; Ord. O-86-22, 09/06/22)

(a) *Purpose and authorization.* Except as provided in paragraph (b) of this Section, Special Uses and Special use amendments shall be heard by the Planning and Zoning Commission. The development and execution of this ordinance is based upon the division of the Village into districts, within any which district the use of land and buildings, and the bulk and location of buildings and structures as related to the land are substantially uniform. (Ord. #0-171-94 §2 and §3, 11-14-94; Ord. #0-122-10, §2, 10/4/10)

- (1) It is recognized, however, that there are special uses which, because of their unique characteristics cannot be properly classified in any particular district or districts without consideration, in each individual case, of the impact of those special uses upon neighboring land and upon the public need for the particular special use at the particular location.
- (2) While specific regulations for specific zoning districts in this ordinance may recognize particular uses that may be allowable in such zoning district as a special use, all such special uses fall, nevertheless, into two (2) broad categories:
 - a. Uses publicly operated or traditionally affected with the public interest; and
 - b. Uses entirely private in character, but of such an unusual nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. Such uses may include planned developments meeting the standards and requirements of this ordinance.

(b) *Administrative Special Uses.* All applications for administrative special uses shall be made on an appropriate application form provided by the Village. (Ord. #0-122-10, §3, 10/4/10)

- (1) The Village Manager or designee may recommend approval of the following applications for Administrative Special Uses or may remand the application to the Planning and Zoning Commission for further action. The following types of relief are eligible for Administrative

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Special Uses, with the sign-off approval of the surrounding property owners, as identified with the applicable application, and Village review:

- a. Applications for special uses involving sheds, pergolas, or gazebos encroaching upon the setback requirements. (Ord. No. O-83-96, 5/29/96 36; Ord.No.0-188-99,32,11-8-99; O-72-20, 9-14-2020)
- b. Replacement of existing accessory structures, with non-conforming setbacks, which maintain or increase the existing setbacks and are within 10% of the total square footage of the existing accessory structure. Accessory structures located in the front yard or side yard abutting a street are not eligible for this type of relief

(c) *Application for Administrative Special Uses, Special Uses and Special Use Amendments.* The application for Special Use, Special Use Amendments, and Administrative Special Uses shall be filed and processed in the manner prescribed for applications for amendments and shall be accompanied by the following information: (Ord. #0-122-10, §6, 10/4/10; Ord. O-36-17, 4/3/17)

1. Said application shall contain the following information:

- a. Petition for Hearing;
- b. Real Estate Interest Disclosure Form;
- c. Site Plan, Elevation, Plat of Survey and legal description of the subject property; and
- d. Proof of ownership, including signature(s) of owner(s) on the petition for hearing or on a statement attached to said form giving owner's consent of the petition.

2. The following materials may be required by the Village, either as part of the application or as a condition of approval.

- a. Site plan;
- b. Floor plans;
- c. Building elevations;
- d. Preliminary Engineering Plans;
- e. Business plan;
- f. Signage information;
- g. Traffic analysis; and
- h. Any other information deemed necessary by the Village.
(Ord. 0-60-06, §19, 4/3/06)

(d) *Standards.* No special use shall be granted by the Village Council unless the special use or special use amendment: (Ord. #0-122-10, §7, 10/4/10)

- (1) Is deemed necessary for the public convenience at that location if categorized as (2)(a) by paragraph (a) above.
- (2) Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.
- (3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
- (4) With respect to requests for live entertainment, the following additional standards must be met. Said live entertainment: (Ord. No. 0-3-10, §2, 1/11/10)
 - a. Shall not produce noise levels so great as to constitute an unreasonable interference with the rights or wellbeing of persons outside of the confines of such establishment.
 - b. Shall not impose undue health, sanitation or safety burdens on the Village.
 - c. Shall not create excessive demands on the police department of the Village so as to

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impair its ability to maintain the peace in the Village and provide adequate protection for its citizens.

- d. Shall not be of a nature otherwise prohibited by law or Village ordinance. The entertainment proposed shall be fully described in the ordinance granting any special use hereunder and shall be subject to such reasonable conditions as the Mayor and Village Council may prescribe. Any change from the stated entertainment shall require another special use or permit.

- (5) With respect to front yard fencing and fencing in a rear yard/side yard abutting a street, the following additional standards must be met:

- a. Will meet the following aesthetic criteria:
 - i. Will not destroy existing vistas in the area;
 - ii. Will enhance the appearance of the homes and the streets in the area; and
 - iii. Will not detract from the overall appearance of the community; or
- b. The fencing is found to be necessary to protect private property or the safety of the inhabitants of the property.

(e) *Conditions.* The Planning and Zoning Commission may recommend, and the Village Council may provide, such conditions and restrictions upon the construction, location and operation of a special use, including but not limited to provisions for off-street parking and loading, as may be deemed necessary to promote the general objectives of this ordinance and to minimize injury to the value of property in the neighborhood.

(f) *Lapse of special use permit.* A special use permit hereunder granted shall lapse if:

- (1) A building permit has not been issued by the Village for such construction, installation, or relocation within one year after the effective date of the ordinance granting said special use.
- (2) A building permit has been issued, but such construction, installation or relocation is not completed within two (2) years after its issuance.
- (3) A use granted a special use has ceased operations for a period of six consecutive months or more.

In the event a special use lapses, nothing herein shall prohibit any person from applying for the same special use or a new special use on substantially the same terms.

(g) *Enforcement, penalties and termination.*

- (1) The Corporate Authorities of the Village may enforce any of the conditions upon which a special use has been granted hereunder or one or more of the standards set forth in subparagraph (d) herein by instituting an appropriate action in the Circuit Court of Cook County, Illinois to enjoin the violation of such condition, and in addition may institute an action in said court to impose appropriate fines for such violations.
- (2) The Corporate Authorities of the Village may terminate any special use for violation of a condition upon which such special use has been granted or one or more of the standards set forth in subparagraph (d) herein in the following manner:
 - a. Written notice of the alleged violation shall be served either personally or by registered or certified mail, upon the owner and upon the occupant, if any, of the premises covered by such special use, allowing thirty (30) days following personal service or mailing of said notice for the violation to be cured, and setting a date certain sometime after said thirty-day period for a public hearing thereon before the Corporate Authorities of the Village.
 - b. If the alleged violation is cured within the thirty-day period and the Village Manager so certifies, the public hearing shall be cancelled.

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- c. If the Village Manager does not certify, the public hearing shall be held and the owner and occupant, if any, given an opportunity to show cause, if any thereby, why the special use should not be terminated.
- d. At the conclusion of the hearing, the Corporate Authorities may:
 - i. Permit the special use to continue generally;
 - ii. Permit the special use to continue allowing such additional time to cure the alleged violation as they deem warranted under the circumstances;
 - iii. With the consent of the owner, adopt an ordinance modifying the special use in such manner as they deem appropriate after due notice and public hearing as required by this section; or
 - iv. Adopt an ordinance repealing the special use, provided that any such ordinance shall contain findings of fact upon which such repeal is based.

- (3) All remedies and actions provided in this paragraph (g) shall be in addition to and not in place of those elsewhere provided in this ordinance or available under the laws or statutes of the State of Illinois; specifically including Article XIII, which applies to planned developments.

(Ord. No. O-192-92, § 1, 12-14-92; Ord. No. O-171-94 § 2-5 11-14-94; Ord. No. O-111-97, § 1, 7-14-97; Ord. O-36-17, 4/3/17)

(h) Transfers of Special Uses

- (1) In order to transfer an existing Special Use within the Village of Palatine, a Special Use transfer request shall be submitted to the Department of Planning and Zoning. The transfer shall apply if there is an ownership change for any new owner, operator, lessee, or changes to the corporate structure for a given use operating under a specific Special Use ordinance. The Special Use transfer requirement shall not apply to single-family properties used only for single-family residential purposes. Any special use that has lapsed per Section 14.05(f) of this Appendix A cannot be transferred.
- (2) The Special Use transfer request will indicate that the specific Special Use Ordinance was reviewed and that the proposed new owner/operator will comply with both the Special Use Ordinance and any related conditions therein upon transfer and continue operating the Special Use in a manner consistent with operative Special Use.
- (3) Once the Village receives and reviews the Special Use transfer request, the Village Manager will schedule the transfer for Village Council review and either:
 - a. Place the transfer request on the Village Council agenda, for those requests generally consistent with the underlying Special Use.
 - b. If the Village Manager deems that the new proprietor contemplates a change in use which is inconsistent with the Special Use ordinance, the new proprietor shall be required to Petition for a public hearing before the Planning and Zoning Commission for a new Special Use.

(Ord. No. O-69-10, § 1, 6/21/10; Ord. No. O-25-23, 03/20/23)

(i) Special Use Amendments

- (1) It is recognized that existing Special Uses will contemplate building and site additions, floor plan changes and operational adjustments that may change the underlying approvals granted in the original Special Use.

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- (2) If a proposed amendment to a Special Use does not substantially conform with the enabled Special Use, a Special Use Amendment will be processed as a new Special Use under Section 14.05 of the Village's Zoning Ordinance. If a proposed change does substantially conform with the enabled Special Use, then the Special Use Amendment may be processed Section 14.05(b) (1). Such conformance or lack thereof shall be determined by the Administrator after reviewing the proposed changes.

(Ord. #0-122-10, §8, 10/4/10; Ord. O-86-22, 09/06/22)

14.06. Amendments.

(a) The Planning and Zoning Commission shall hold public hearings on all proposed zoning amendments to this ordinance, except in connection with annexation of property involving existing development or pending application before Cook County for proposed development, in which case the Mayor and Village Council shall hold such hearing. The Planning and Zoning Commission shall report its findings and recommendation to the Village Council.

(b) No request for amendment to this ordinance shall be acted upon, unless it is accompanied by such fee as may be prescribed by the Village Council to defray the cost of publication and other expenses incident to the considering and enacting such amendment, excepting upon direction of the Village Council.

(Ord. No. O-19-20, 03/09/20; Ord. No. O-25-23, 03/20/23)

14.07. Required permits and certificates.

(a) *Building permits.*

- (1) It shall be unlawful to start the construction of a new building, structure, parking lot or sign, or the enlargement, alteration or removal of a building or structure which involves a change in use without first filing written application for and obtaining a building, development, or removal permit from the administrator.
- (2) Each application for a building permit shall be accompanied by a plat in duplicate, or duplicate prints thereof, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of any existing building, and such other information as may be necessary to provide for the enforcement of this ordinance. A record of applications and plats shall be kept in the office of the administrator.
- (3) No building, development, removal or erection permit shall be issued unless the administrator has certified after examination of the plot plan and construction plans that such plans show compliance with all provisions of this ordinance.

(b) *Occupancy permits.*

- (1) No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate is issued by the village manager stating that the intended use is permitted under the provisions of this ordinance.
- (2) Certificate for occupancy of a building shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection or alteration of such building has been completed. A record of all certificates shall be kept on file in the office of the village manager and shall be furnished, on request, to any person having proprietary or tenancy interest in the building affected.

No permit for excavation for, or the erection of, any building shall be issued before application has been made for certificate of occupancy and compliance. No building or premises may be occupied until such certificate shall have been issued.

14.08 Withdrawal of Application and Repeated Application.

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(a) **Withdrawal of Application:** A Petitioner may withdraw an application at any time prior to a final decision being rendered by the Village Council. Such withdrawal shall not prohibit the Petitioner from being able to refile such application, but any such refile shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within the Village Code in the same manner as any other new application.

(b) **Repeated Application:** Where an application for an amendment, special use, or variation has been filed by or on behalf of the owner or owners of property affected, no subsequent application requesting substantially the same relief, as determined by the Village Manager, shall be filed as to the same property within a period of one (1) year following final action by the Village Council.
(Ord. 0-254-05, §4, 12/19/05)

14.09. Fees.

Any application for an amendment, special use or administrative special use, variation or administrative variation filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee as provided in the fee schedule supplement to the Palatine Municipal Code
(Ord. No. O-50-90, § 3, 5-14-90; Ord. No. O-192-92, § 2, 12-14-92; Ord. No. O-171-94, §6, 11-14-94; Ord.No.0-83-95 §3, 8-14-95)

14.10. Violation, penalty and enforcement.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for such offense, and a separate offense shall be deemed committed on each day during or which a violation occurs or continues.
(Ord.No.0-72A-98,§12,5/26/98)

Editor's Note: Ordinance 0-142-04 passed on July 6, 2004 deleted Sec. 14.11 Notification in its entirety and substituted a new Sec. 14.11)

14.11 Notification

a) Notification procedures for public hearings for Residential Special Uses and Variations shall be as follows:

1) The Village of Palatine shall cause a legal notice of time, place and nature & purpose of the public hearing, as to be published in a newspaper of general circulation within the Village of Palatine for the appropriate hearing.

2) The Village of Palatine shall prepare and post a sign(s) on the subject property, indicating the pending hearing, at least 15 days prior to the public hearing. Said sign(s) shall be posted on each lot frontage, clearly legible to the public view. Said sign shall be approximately 4 square feet in size.

3) The Village of Palatine shall prepare the written notification letter to be sent pursuant to section 14.11 (a) 4. The notification letter shall contain the following information:

- a. The common address, if applicable and location of the property in question.
- b. The nature and purpose of the hearing as provided by the petitioner in their application.
- c. The time and place of the hearing.
- d. The name, address and phone number of the petitioner.
- e. The location where information may be obtained concerning the petition.

4) The Village of Palatine shall mail the notification letter by standard mail, to all taxpayers of record of property located within 250 feet of the boundaries of the subject property, provided that

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the number of feet occupied by all public streets, roads, alleys, and any other public ways shall not be included in the calculation of the 250 foot requirement, at least 15 days prior to the public hearing. The taxpayers of record shall be the name(s) of the taxpayer(s) as indicated on the most recent real estate tax records available from the Cook County Assessor's Office.
(Ord. O-36-17, 4-3-17)

b) Notification procedures for public hearings for Preliminary Planned Developments, Preliminary and Final Planned Developments (one-step), rezoning and commercial Special Uses and Variations shall be as follows:

- 1) The Village of Palatine shall cause a legal notice of the time, place and nature & purpose of the public hearing, to be published in a newspaper of general circulation within the Village of Palatine for the appropriate hearing.
- 2) The petitioner shall post a sign(s) on the subject property, indicating the pending public hearing, at least 15 days prior to the public hearing. Said sign(s) shall be posted on each lot frontage, clearly legible to the public view.
- 3) The Village of Palatine shall prepare the sign for the petitioner. Said sign shall be a minimum of 12 square feet in size and shall significantly conform to figure 1.



FIGURE 1

(Ord. 0-87-09, §3, 7/13/09)

4) The petitioner shall obtain the sign(s) timely so as to comply with Section 14.11 (b)2. Prior to the Village of Palatine issuing the sign(s), the Petitioner shall post a \$125 refundable deposit for each sign. The refundable deposit shall be refunded to the petitioner upon the return of the sign(s) in acceptable condition. (Ord. #0-13-07, §8, 2/20/07; Ord. O-135-17, 12/11/17)

5) The petitioner shall police the public notification sign(s). Sign(s) removed or destroyed for whatever reason, including but not limited to theft, vandalism or inclement weather conditions during the required posting, must be replaced by the petitioner within 48 hours.

6) The Village of Palatine shall prepare for the petitioner a copy of the written notification letter to be sent pursuant to section 14.11 (b) 7. The notification letter shall contain the following information:

- a. The common address, if applicable and location of the property in question.
- b. The nature and purpose of the hearing as provided by the petitioner in their application.
- c. The time and place of the hearing.
- d. The name, address and phone number of the petitioner.
- e. The location where information may be obtained concerning the petition.

7) The petitioner shall obtain the written notification letter from the Village of Palatine and mail the notification letter by certified mail to all taxpayers of record of property located within 250 feet

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of the boundaries of the subject property, provided that the number of feet occupied by all public streets, roads, alleys, and any other public ways shall not be included in the calculation of the 250 foot requirement, at least 15 days prior to the public hearing. The taxpayers of record shall be the name(s) of the taxpayer(s) as indicated on the most recent real estate tax records available from the Cook County Assessor's Office. Notwithstanding the forgoing requirement, existing non-conforming businesses requiring a Special Use in order to continue operating shall be permitted to send the written notification letter via standard mail. (Ord. #0-23-09, §2, 3/2/09; Ord. #0-8-15, §2, 1/10/15; Ord. O-36-17, 4/3/17)

8) The petitioner shall provide an Affidavit of Compliance with Notice Requirements. The petitioners shall present to the public hearing body an Affidavit swearing that all applicable notice requirements have been performed in accordance with this Ordinance.

c) Notification procedures for public hearings for Final Planned Developments shall be as follows:

1) The petitioner shall post a sign(s) on the subject property, indicating the pending public hearing, at least 15 days prior to the public hearing. Said sign(s) shall be posted on each lot frontage, clearly legible to the public view.

2) The Village of Palatine shall prepare the sign for the petitioner. Said sign shall be a minimum of 12 square feet and shall conform to figure 1.



FIGURE 1

3) The petitioner shall obtain the sign timely so as to comply with Section 14.11 (b) 2. Prior to the Village of Palatine issuing the sign(s), the Petitioner shall post a \$125 deposit for each sign. The deposit shall be refunded to the petitioner upon the return of the sign(s). (Ord. O-135-17, 12/11-17)

4) The petitioner shall police the public notification sign(s). Sign(s) removed or destroyed for whatever reason, including but not limited to theft, vandalism or inclement weather conditions during the required posting, must be replaced by the petitioner within 48 hours.

5) The Village of Palatine shall prepare for the petitioner a copy of the written notification letter to be sent pursuant to section 14.11 (b) 6. The notification letter shall contain the following information:

- a. The common address, if applicable and location of the property in question.
- b. The nature and purpose of the hearing as provided by the petitioner in their application.
- c. The time and place of the hearing.
- d. The name, address and phone number of the petitioner.
- e. The location where information may be obtained concerning the petition.

6) The petitioner shall obtain the written notification letter from the Village of Palatine and mail the notification letter by certified mail, to all taxpayers of record of property located within 250 feet of the boundaries of the subject property, provided that the number of feet occupied by all public streets, roads, alleys, and any other public ways shall not be included in the calculation of the 250 foot requirement, at

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least 15 days prior to the public hearing. The taxpayers of record shall be the name(s) of the taxpayer(s) as indicated on the most recent real estate tax records available from the Cook County Assessor's Office. (Ord. No. 0-82-11, §1, 7/18/11; Ord. O-36-17, 4/3/17)

7) The petitioner shall provide an Affidavit of Compliance with Notice Requirements. The petitioners shall present to the public hearing body an Affidavit swearing that all applicable notice requirements have been preformed in accordance with this Ordinance.

d) *Changes to Established Planned Developments*

- 1) At the discretion of the Village Manager, Village Council review may be required for changes to established Planned Developments. In such instances, the Village shall send a courtesy notice to all taxpayers of record within 250 feet, of the subject property 7 days prior to the Village Council meeting advising them of the request (Ord. O-23-09, 03/02-09; Ord. O-34-17, 04/03/17; Ord. O-86-22, 09/06/22)

[Editor's Note: Ordinance 0-22-02 passed on February 25, 2002 added a new Sec. 14.12 to Article XIV Administration]

14.12 Stop Work Orders

(a) It shall be unlawful for any owner, agent, contractor, subcontractor or builder engaged in developing property pursuant to a permit issued by the Village to make any departure from or violate:

- (i) Any ordinance or code of the Village;
- (ii) Any conditions attached to a special use ordinance, planned unit development ordinance, variation, or annexation agreement;
- (iii) Any federal, state or other local law or ordinance;
- (iv) Commit any fraud or make any misrepresentation or false statement in an application for a license or permit; or
- (v) Cause a nuisance or danger to the public health, safety or welfare.

Any such departure from or violation of such ordinance, code, condition or threat to the public welfare or law shall operate to void the permit which has been issued for such work.

(b) The Manager, without delay, shall issue a stop work order directing that all persons engaged in the work permitted under the permit shall cease and desist immediately until such time as the Manager has either received satisfactory evidence that the work to be performed will be done in accordance with such ordinance, codes, conditions, laws or the public welfare until the Corporate Authorities have acted on the matter pursuant to either paragraph (c) or (d).

(c) The Manager may refer the matter of continuing the stop work order to the Corporate Authorities for further proceedings. The Corporate Authorities shall have the authority to:

- (i) Continue in effect the stop work order;
- (ii) Lift the stop work order;
- (iii) Impose additional requirements as conditions to lifting the stop work order; and/or
- (iv) Any other relief consistent with the public welfare.

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- (d) Any person aggrieved by the decision of the Manager in regard to the issuance of a stop work order or refusal to rescind the same shall have the right to appeal to the Corporate Authorities. Such appeal shall be taken by filing with the Manager, within five days after receipt of a stop work order or after the Manager's refusal to rescind such an order, a written statement under oath setting forth specifically the grounds for appeal. The Corporate Authorities shall appoint a hearing body to be composed of the Mayor or the Mayor's designee and two Council Members who shall thereupon set the time and place for a hearing of such appeal and notice of such hearing shall be given to the appellant. The hearing body shall make a recommendation to the Corporate Authorities which shall render a decision on such appeal which shall be final. Any appeal from a decision of the Corporate Authorities shall be made directly to the Circuit Court of Cook County pursuant to the Administrative Review Act (735 ILCS 5/3-101, *et seq.*).
- (e) All costs and expenses including but not limited to court reporters fees and attorneys' fees incurred by the Village in connection with any appeal of a stop work order shall be taxed to the appellant and shall be paid by the appellant as a condition to reinstatement of the permit.
- (f) The authority to issue a stop work order shall be in addition to any other relief available to the Village.

ARTICLE XV. ADULT-USE CANNABIS

15.01. Purpose and Applicability.

It is the intent and purpose of this Section Article XV to provide regulations controlling an adult-use cannabis dispensing establishment operating within the corporate limits of the Village. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time to time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

15.02. Adult-Use Cannabis.

Adult-use cannabis dispensing establishments, as defined in Section 3.02 shall require an approval of a Special Use in the B-5 Highway Business District, the M Manufacturing Districts, or Planned Development Districts, subject to the B-5 or Manufacturing District Use lists and the Special Uses shall be processed in accordance with Section 14.05 et seq. (Special Uses) of the Village Zoning Ordinance as provided herein, and shall be subject to the conditions set forth in Section 15.04. (Ord. No. O-40-22, 05-02-22)

15.03 Adult-Use Cannabis Dispensing Establishment Components.

In determining compliance with Section 14.05 (Special Uses), the following components of the adult-use cannabis dispensing establishment shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of properties:

- (a) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- (b) Proposed structure in which the facility will be located, including the co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
- (c) Hours of operation and anticipated number of customers and employees.

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- (d) Anticipated parking demand and available private parking supply.
- (e) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- (f) Site design, including access points and internal site circulation.
- (g) Proposed signage plan.
- (h) Compliance with all requirements provided in this Section 15.03.
- (i) Other criteria determined to be necessary to assess compliance with Section 14.05 (Special Uses).

15.04 Adult-Use Cannabis Dispensing Establishment.

An adult-use cannabis dispensing establishment must comply with the following:

- (a) Facility must keep a copy of the dispensing organization agent identification card issued pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act visible and conspicuously displayed at all times.
- (b) An adult-use cannabis dispensing establishment building shall not be located within 1,500 feet of the building in which is located a pre-existing public or private nursery school, pre-school, primary or secondary school, or day care facility. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- (c) An adult-use cannabis dispensing establishment building shall not be located within five hundred (500) feet of property either owned by a Park District or utilized for park district purposes, unless separated by railroad tracks.
- (d) An adult-use cannabis dispensing establishment shall not be located in a dwelling unit.
- (e) An adult-use cannabis dispensing establishment shall not abut nor be directly across the street from any residential use.
- (f) At least 75% of the floor area of any tenant space occupied by an adult-use cannabis dispensing establishment shall be devoted to the activities of the cannabis dispensing establishment as authorized by the Act, and other than cannabis infused food products, no cannabis dispensing establishment shall also sell food for consumption on the premises in the same tenant space.
- (g) Facility shall not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (h) Adult-use cannabis dispensing establishments are prohibited from allowing on-site consumption of cannabis under all circumstances.
- (i) For purposes of determining required parking, adult-use cannabis dispensing establishments shall be classified as "Business and Retail Uses" area as per Section 7.03 (b) (1), provided however that the Village may require that additional parking be provided as a result of the analysis completed through Section 14.05 (Adult-Use Cannabis: Special Use) herein
- (j) Petitioner must submit a complete copy of their state license application and all plans submitted to the State of Illinois, or any agency thereof, as part of their special use application. Before issuance of a certificate of occupancy or otherwise opening to the public,

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adult-use cannabis dispensing establishments must provide a copy of their license to operate as an adult-use cannabis dispensing establishment from the respective state agency.

- (k) Petitioner shall file an affidavit with the Village affirming compliance with this Section 15.04 and all other requirements of the Act.

15.05 Additional Requirements.

Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Special Use permit, to ensure the safety of employees and customers of the adult-use cannabis dispensing establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis dispensing establishment and the site on which it is located, consistent with the requirements of the Act.

15.06 Violation / Penalties.

Any violation of this Article XV shall be punishable as provided in Section 1-8 of the Code of Ordinances of the Village of Palatine, Illinois.

(Ord. No. O-111-19, 12/9/19)