

VILLAGE OF ANTIOCH

ORDINANCE NO. 19-12-43

ZONING ORDINANCE
(PZB-17-21)

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

January 13, 2020

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 14th day of January 2020**

LAWRENCE M. HANSON	President	JERRY JOHNSON	Trustee
		MARY DOMINIAK	Trustee
LORI K. ROMINE	Clerk	TED POULOS	Trustee
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ROBERT J. LONG	Attorney	ED MACEK	Trustee
		DANIEL YOST	Trustee

ORDINANCE NO. 19-12-43

***ZONING ORDINANCE
(PZB 17-21)***

WHEREAS, pursuant to Title 10 of the Antioch Village Code, a public hearing was commenced on May 9, 2019 by the Combined Planning Commission and Zoning Board following notification as required by State Law and Village Ordinance to consider a new zoning ordinance for the Village of Antioch.

WHEREAS, the Corporate Authorities have determined that the current trend of development in the Village required a comprehensive update of the Village's Zoning Ordinance which was adopted in 1976;

WHEREAS, the Corporate Authorities have determined that a new Zoning Ordinance is appropriate in view of the recent adoption of a new "Comprehensive Plan" which outlines land use policies for the Village;

WHEREAS, the Corporate Authorities have concluded that it is necessary to update the Village's zoning bulk regulations to reflect the current market development trends;

WHEREAS, the Corporate Authorities have concluded and found that the adoption of the new Zoning Ordinance promotes the general welfare of the Village and the health, safety and welfare of the residents of the Village.

WHEREAS, the Combined Planning Commission recommended approval to the Village Board to adopt the new Zoning Ordinance by a vote of 7-0 at the PBZ meeting of November 14, 2019;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION I: That Title 10, Chapter 1 through 9, Chapter 11-12, and Chapter 15 of the Village of Antioch's Zoning Ordinance is hereby replaced with the herewith attached Zoning Ordinance;

SECTION II: The representations, recitations and findings set forth in the foregoing recitals are material to this Ordinance and such recitals are hereby incorporated into and made a part of this Ordinance as though they were fully set forth herein. This Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

SECTION III: That the aforesaid regulations shall be binding on all new residential, commercial, office, industrial, institutional, civic, not for profits, or volunteer groups seeking permanent or temporary sign approval.

SECTION IV: The following exhibits shall be attached to and made a part of this Zoning Ordinance and, except as expressly modified by this Ordinance, compliance with all standards, requirements, designs or specifications in such exhibits shall be a condition of the grant of this Special Use Ordinance:

A. Zoning Ordinance text;

SECTION V: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

SECTION VI: That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

SECTION VII: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

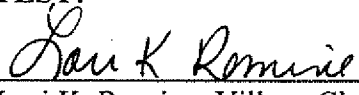
Passed this 13th day of January 2020

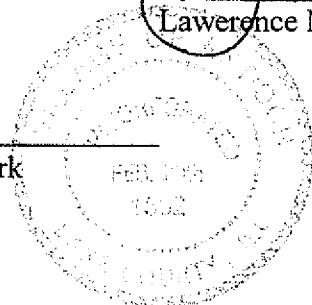
	Ayes:	Nays:	Absent/Abstain:
Scott A. Pierce		X	
Daniel Yost		X	
Ted Poulos	X		
Ed Macek	X		
Mary Dominiak		X	
Jerry Johnson	X		
Mayor Hanson	X		

APPROVED:

By: 
Lawrence M. Hanson, Mayor

ATTEST:

By: 
Lori K. Romine, Village Clerk



STATE OF ILLINOIS)

)

SS

COUNTY OF LAKE)

CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

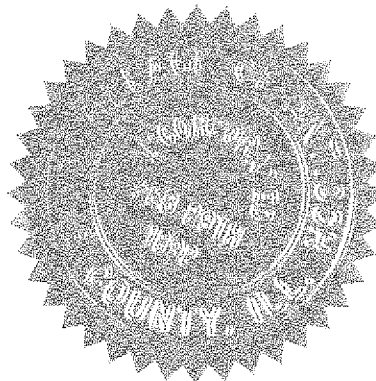
I certify that on January 13th, 2020, the Corporate Authorities of such municipality passed and approved Ordinance No. 19-12-43 adopting a new Zoning Ordinance which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 19-12-43 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on January 14, 2020 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 14th day of January 2020.

Lari K Remine

Lori K. Romine, Village Clerk



VILLAGE OF ANTIOCH ZONING ORDINANCE

10-1-1: INTENT AND PURPOSE:

This title is adopted for the following purposes:

- A. To promote and protect the public health, safety, aesthetics, comfort and general welfare of the people and to enforce any applicable zoning laws as enumerated by Illinois State Statute.
- B. To divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration of residential, commercial, office, institutional, and light industrial development.
- C. To protect the character and existing sense of place in the Village of Antioch by establishing a series of regulations and policies consistent with the Village's Comprehensive Plan and other *adopted land plans and design standards*.
- D. To maintain the environmental health of the community by establishing a series of regulations and policies that will create a sustainable community.
- E. To regulate the intensity of development patterns in order to maintain property values and to ensure that the public health, welfare, aesthetics and character of the community is maintained for future generations.
- F. To establish form-based policies that will regulate how the built environment in the Village of Antioch is built and the character and sense of place is maintained.
- G. To fix reasonable set of bulk standards relating to land use patterns to ensure that the quality of place is maintained.
- H. To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts
- I. To prevent additions to or alteration or remodeling of existing buildings or structures in any way that may threaten the public health and general welfare of the community.

- J. To limit create a set of policies that create a well interconnected community and affords equal opportunities for different modes of transportations including vehicular, pedestrians, biking, while recognizing the critical importance of regional public transportation.
- K. To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;
- L. To conserve the taxable value of land and buildings throughout the Village and promote the efficient utilization of developable land and minimize the unnecessary and wasteful sprawl of development patterns that create an unsustainable future.
- M. To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district; and

10-1-2: SEVERIBILITY

If any word, clause, phrase, sentence, paragraph, provision, or application of the zoning ordinance, is, for any reason, judged by a court of competent jurisdiction to be unconstitutional or invalid, then such judgment will not affect the validity or enforceability of any remaining word, clause, phrase, sentence, paragraph, provision or application of the zoning ordinance.

10-1-3: INTERPRETATION

Conflicting Regulations

Conflict with federal or state regulations. If a provision of this ordinance is inconsistent with the provision of a federal or state law, the provision that imposes more restrictions or greater control on development shall apply, to the extent permitted by law.

Conflict with other regulations or ordinances of the Village. Any provision which is inconsistent with any other ordinance or regulation of the Village, the provision which is more restrictive shall apply.

Conflict with private agreements or easements. The zoning ordinance is not intended to abrogate, interfere or annul any covenant, easement, deed restriction, or agreement between private parties. If the provisions of this ordinance impose more restrictions or greater control on development, the provisions of this ordinance shall apply. The Village does not enforce private agreements, covenants, by-laws or private easements.

Conflict between text, tables and figures. If there is a conflict between the text of this ordinance and any table within this ordinance, the table shall apply.

Meaning and intent.

- a. Words used in the singular include the plural. The reverse is also true.
- b. Words used in the present tense shall include the future.
- c. The word "lot" shall include the words "piece," "parcel" and "plot."
- d. The phrase "used for" shall include the phrases "maintained for" and "occupied for."
- e. The following words indicate compliance is mandatory: must, shall, will, may not.
- f. The following words indicate compliance is permissible or advisory in nature, and not required: may, should.
- g. Within a series of provisions, the word "and" indicates that all such provisions apply. With a series of provisions, the word "or" indicates that both a single provision and a combination of provisions may apply.
- h. Unless otherwise expressly stated, a list or series of examples that uses "including," "such as," or similar wording shall not be construed as exhaustive. Words highlighted in italics are specifically defined in this ordinance.
- i. When a regulation is expressed in terms of a minimum requirement, any fractional result of a calculation will be rounded up to the nearest whole number. For example, a minimum requirement of one (1) parking space per three hundred (300) square feet of office space is required, and there is ten thousand (10,000) square feet of office space. The resulting fraction of 33.3 would be rounded up, and thirty-four (34) parking spaces would be required.

All references to other regulations are for informational purposes only, and do not necessarily constitute a complete list of applicable rules and regulations. Interested parties remain responsible for ensuring knowledge.

10-2-1 ZONING DISTRICTS

The Village is hereby divided into the following zoning districts:

Estate District	E
Suburban Estate District	SE
Single Family Residential	R-1
Single Family Residential	R-2
Townhome/Multi-Family	R-3
Traditional Neighborhood Development	TND
Downtown Form Based District	DFB

B-1	Neighborhood Commercial
B-2	Business Highway District
Business Park	BP
M-1	Light Industrial
M-2	Industrial
OS	Open Space

10-2-2 ZONING MAP

(1) Incorporation. All locations and boundaries are regulated by the Village of Antioch Zoning Map.

(2) Maintenance. The Community Development Director shall maintain the Village of Antioch Zoning Map and in the case of any dispute regarding the zoning classification of any property subject to the zoning ordinance, the official zoning map shall govern.

(3) The Zoning Map in accordance with state statute shall be updated and approved by the Village Board each year by the end of March.

(4) Zoning district boundaries. The following rules shall apply with respect to the boundaries of the various zoning districts shown on the official zoning map:

a. District boundary lines are the centerlines of highways, streets, alleys, easements, railroad rights-of-way, toll roads, expressways, rivers and other bodies of water, or section, division of section, tract and lot lines, or such lines extended unless otherwise indicated. Boundaries indicated as approximately following such centerlines shall be construed to follow such centerlines.

b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

c. Boundaries indicated as approximately following Village limits shall be construed as following Village limits.

d. Boundaries indicated as following the centerlines of rivers or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the centerline. The centerline shall be construed as being midway between the shorelines.

e. Boundaries indicated as parallel to or extensions of features indicated in paragraphs (a) through (d) of this section shall be so construed.

f. Whenever any street, alley or other public right-of-way is vacated by official action of the Village Board the zoning district line adjoining each side of such street, alley or other public right-of-way shall be automatically extended to the centerline of such vacated street, alley or public right-of-way.

g. Boundaries indicated as dividing a lot or tract shall be construed as being located as shown on the official zoning map.

h. The scale of the map shall determine distances not specifically indicated on the official zoning map.

10-2-3 DEFAULT ZONING OF ANNEXED PROPERTY

Unless otherwise provided for in an annexation agreement, all land annexed to the Village shall automatically be classified in the Estate District.

ADMINISTRATION AND ENFORCEMENT

10-2-4 Village Board.

(1) Jurisdiction. The Village Board shall maintain the following responsibilities and duties under this zoning ordinance:

a. To review and take final action on applications for amendments to the zoning ordinance and special use permits.

b. To review and take final action on appeals and variances.

c. To review and act on applications for temporary buildings, structures and uses of land.

d. Designate certain days on which business establishments may conduct their business outside the building or structure.

e. Approve temporary permits for outdoor sales or events.

10-2-5 Director of Community Development.

The Director of Community Development shall:

(1) Shall act as the zoning administrator.

(2) Duties. As zoning administrator, along with deputies, assistants, and other designated Village enforcement agencies' personnel, shall enforce the zoning regulations. Additionally, they shall:

- a. Register all nonconformities when they are identified; and
- b. Reserve the right to inspect any buildings, structures and uses of land to determine compliance with the zoning ordinance; and
- c. Issue violation notices that require compliance relating to code enforcement matters and
- d. Require that all construction or work of any type be stopped if it is not in compliance with this ordinance, or if the construction would result in a situation that is not in compliance with any applicable ordinance; and
- e. Forward to the Plan Commission applications for amendments to the zoning ordinance, applications relating to variances, special uses, annexations, and site plans.
- f. Forward to the zoning board of appeals applications for appeals or variances; and
- g. Forward to the Village Board applications for temporary buildings, structures, and uses of land; and
- h. Interpret the zoning ordinance when questions arise; and
- i. Determine which uses, though not contained by name in a zoning district's list of permitted uses, are similar in nature and clearly compatible with the listed permitted uses for that district, and permit their establishment; and
- j. Authorize administrative adjustments; and
- k. Administer all sign permit applications based on compliance with the Village's sign ordinance:
- m. Initiate an examination of the administrative record of variances and appeals and make a report to the Village Board.

10-2-6 Zoning Board of Appeals.

(1) Jurisdiction. The ZBA shall discharge the following duties and responsibilities under this zoning ordinance:

- a. Review all applications for variances from the provisions of the zoning ordinance in the manner prescribed and report findings and recommendations to the Village Board in accordance with this Article III of the zoning ordinance; and
- b. Review all appeals from any order, requirement, decision or determination made by the Zoning Administrator under the zoning ordinance and report findings and recommendations to the Village Board in accordance with this Article III of the zoning ordinance; and

c. Advise the Village Board on all matters referred to it and matters that it is required to review; and

d. Receive and consider the report of the Zoning Administrator on the effectiveness of this ordinance and report its conclusions and recommendations to the Village Board at least once a year.

e. The members of the ZBA also concurrently serve as members of the Planning and Zoning Commission.

(2) Recommendations of the ZBA. All recommendations of the ZBA on appeals or applications for variances or any other matter shall, in all instances, be advisory in nature and shall be subject to final consideration, evaluation and determination by the Village Board.

10-2-7 Plan and Zoning Commission

(1) Jurisdiction. The Plan Commission shall discharge the following duties and responsibilities under the zoning ordinance:

a. Review all applications for amendments to the zoning ordinance in the manner prescribed and report findings and recommendations to the Village Board in accordance with this zoning ordinance; and

b. Review all applications for special uses and planned developments in the manner prescribed and report findings and recommendations to the Village Board; and

c. Review and decide requests for administrative adjustments to the parking and loading standards; and

d. Advise the Village Board on all matters referred to it and matters that it is required to review; and

e. Initiate amendments to the zoning ordinance; and

f. Review and update the comprehensive plan at least every five (5) years; and

g. Implement and uphold the comprehensive plan as it may be amended.

(2) Recommendations of the Plan Commission. All recommendations of the Plan Commission on applications for amendments to the zoning ordinance, or applications for planned developments or special uses, or for any other matter shall, in all instances, be advisory in nature and shall be subject to final consideration, evaluation, and determination by the Village Board.

10-2-8 Variances.

(1) Intent and purpose. A variance is a grant of relief to a property owner from the literal requirements of the zoning ordinance where literal enforcement would cause undue hardship. Additionally, a variance is intended to provide relief where the requirements of this Ordinance render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. A variance is not intended merely to remove an inconvenience or financial burden that the requirements of this Ordinance may impose on a property owner. A variance is not intended to allow the establishment of a use that is not otherwise allowed in a zoning district or that would change the zoning district classification of any or all of the affected property, and should not be granted where a special use permit or an amendment to the official zoning map would be more appropriate.

(2) Initiation of a variance. A request for a variance may be initiated by either:

- a. The owner of the subject property; or
- b. A contract purchaser of the subject property.

(3) Application for variance. An application for a variance shall be filed in writing with the Zoning Administrator and shall include a map of the property showing its dimensions, all streets and alleys, and other properties within two hundred fifty (250) feet of the property. The Zoning Administrator shall transmit the application to the zoning board of appeals for review and public hearing. The zoning board of appeals shall hold a public hearing within sixty (60) days after filing of the application.

(4) Notice and conduct of the public hearing. The notice for and conduct of the public hearing shall be in accordance with the public notice requirements of this zoning ordinance.

(5) Findings and recommendations. The zoning board of appeals shall make findings of fact based on evidence presented to it and forward the findings with recommendations to the Village Board.

(6) Standards for a variance. The ZBA shall not recommend, and the Village Board shall not grant, a variance from the regulations of the zoning ordinance unless it makes findings based on evidence presented to it in each specific case that:

- a. The variance is in harmony with the general purpose and intent of this zoning ordinance; and
- b. The plight of the owner is due to unique circumstances and thus strict enforcement of the zoning ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and

c. The property cannot yield a reasonable use if permitted only under the conditions allowed by the zoning ordinance; and

d. The variance, if granted, will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

(7) Burden of proof for variance. In each case of a requested variance, the applicant must satisfy the proof that the proposed variance meets the standards of paragraph (6) of this section, even if there is no testimony or other evidence opposing or rebutting the requested variance.

(8) Village Board actions on a variance. Within forty-five (45) days of the completed public hearing the Village Board shall review the findings and recommendations of the zoning board of appeals. The Village Board may grant, deny, or grant with modification the proposed variance. If the Village Board grants the variance, it shall make findings of fact specifying the reasons for the variance in accordance with the standards of paragraph (6) of this section. Additionally, if granting the variance, the Village Board shall adopt an ordinance approving the application.

10-2-9 Administrative adjustments.

(1) Authority. The Zoning Administrator is authorized to make administrative adjustments, except as expressly prohibited in paragraph (4) of this section, providing that in each case the criteria of paragraph (2) of this section are met, as follows:

a. Maximum building height—Up to five (5%) percent over the maximum; and

b. Minimum setbacks—Up to five (5%) percent of the minimum; and

c. After-the-fact encroachments into yards—Up to one (1) foot.

(2) Criteria. The Zoning Administrator shall not authorize an administrative adjustment unless the following criteria are satisfied:

a. The requested administrative adjustment is consistent with the stated intent and purposes of the zoning ordinance; and

b. The requested administrative adjustment eliminates an inconvenience to the applicant and will have no appreciable adverse impact on the health, safety, or general welfare of the surrounding property owners or general public; and

c. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

(3) Procedure. The property owner, or agent, shall submit to the Zoning Administrator the following:

a. A map or elevation, as appropriate, depicting the difference between the zoning ordinances standard and the requested adjustment;

b. A statement on why the adjustment is necessary and why, if granted, it would meet the criteria of paragraph (2) of this section.

(4) Prohibited adjustments. The Zoning Administrator shall not make an administrative adjust for a planned development or special use. (See section 9-50 for administrative adjustments to planned developments.)

10-2-10 Appeals

(1) Right to appeal. An appeal may be made by any person, firm, or corporation, or by any officer, department or board of the municipality aggrieved by the action of the zoning administrator.

(2) Procedure for appeals. An appeal may be taken from any order, requirement, decision or determination of the zoning administrator. The appeal shall be made within forty-five (45) days of the action by filing with the Zoning Administrator and with the board of appeals a notice of appeal. Upon receipt of the notice of appeal, the Zoning Administrator must forward to the zoning board of appeals all papers which constitute a record of the action that is being appealed.

(3) Effect of the appeal. A filing of a complete notice of appeal stays all further proceedings unless the Zoning Administrator certifies to the ZBA, after the appeal is filed, based on the facts stated in the certification/affidavit, a stay would cause imminent peril to life or property. In this event, the stay may be effectuated only by an order of the zoning board of appeals or by a court of record.

(4) Public hearing. No more than thirty (30) days after the filing of a complete notice of appeal, the zoning board of appeals shall hold a hearing to consider the appeal. The notice for and conduct of the public hearing shall be in accordance with the notice requirements of this zoning ordinance.

(5) Decision of the Village Board. The zoning board of appeals shall transmit to the Village Board its written findings and recommendations of the appeal within a reasonable time, but in no event more than sixty (60) days after the filing of the notice of appeal, and shall promptly forward a copy of the decision to the parties concerned. The Village Board may affirm or may reverse, in whole or in part, or modify the order, requirement, decision, or determination of the zoning administrator.

10-2-11 Amendments

(1) Authority. The Village Board, after receiving findings and recommendations from the Plan Commission, may amend the regulations of this ordinance or amend the boundaries of the official zoning map.

(2) Initiation of amendments. Text amendments may be initiated by the Mayor, Village Board, Plan Commission, or zoning administrator. Official zoning map amendments may be initiated by the Village Board, Plan Commission, Zoning Administrator, owner of the property, or contract purchaser of the property.

(3) Application for map amendment. An application for an amendment of the official zoning map shall be filed in writing with the Zoning Administrator and shall include a map of the property showing its dimensions, all streets and alleys, and other properties within two hundred fifty (250) feet of the property. The Zoning Administrator shall transmit the application to the Plan Commission or zoning board of appeals, as appropriate, for review and public hearing. The Plan Commission shall hold a public hearing within 60 days after filing of the complete application.

(4) Notice and conduct of public hearing. Notice for and conduct of the public hearing shall be in accordance with the public notice requirements this zoning ordinance.

(5) Official zoning map amendments (Rezoning). The Plan Commission shall not recommend, nor shall the Village Board grant an amendment altering the zoning district boundary lines unless it shall find, based on the evidence presented to it in each specific case, that:

- a. The amendment promotes the public health, safety, comfort, convenience and general welfare, and complies with the policies and official plans of the Village; and
- b. The trend of development in the area of the subject property is consistent with the requested amendment; and
- c. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and
- d. The property cannot yield a reasonable use if permitted only under the conditions allowed under the existing zoning classification; and
- e. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

(6) Decision of the Village Board. After recommendation by the Plan Commission, the Village Board may grant, deny, or grant with the modification, the amendment, or may refer the proposed amendment back to the Plan Commission for further consideration. If the Village Board grants the amendment, it shall adopt an ordinance approving the amendment.

10-2-12 Special Uses

(1) Purpose. The development and execution of this ordinance is based upon the division of the Village into zoning districts within which the use of land, and the bulk and location of buildings and structures in relation to the land are substantially uniform. However, there are certain uses that, because of their unique characteristics, cannot be properly classified in any district or districts, without consideration in each case of the impact of those uses on adjacent properties and of the public need for the particular use in the particular location. Case-by-case review is intended to ensure consideration of the special use's anticipated land use, site design, and impacts.

(2) Initiation of a special use. A special use application may be filed by the owner or contract purchaser of the property.

(3) Application for special use. An application for a special use shall be filed in writing with the Zoning Administrator and shall include a map of the property showing its dimensions, all streets and alleys, and other properties within two hundred and fifty (250) feet of the property. Applications for a planned development shall be in accordance with the provisions of Article IV of this zoning ordinance. The Zoning Administrator shall transmit the application to the Plan Commission, as appropriate, for review and public hearing. The Plan Commission or zoning board of appeals, as appropriate, shall hold a public hearing within forty- five (45) days after filing of a complete application.

(4) Notice and conduct of public hearing. Notice for and conduct of the public hearing shall be in accordance with the notice requirements of this ordinance and state statute.

(5) Standards for special uses. The Plan Commission shall not recommend, nor the Village Board grant, a special use unless it shall make findings of fact based on the evidence presented to it in each specific case that:

a. The special use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish property values with the neighborhood; and

b. The establishment of the special use will not impede the normal and orderly development and improvement of the adjacent properties for uses permitted in the subject zoning district.

(6) Burden of proof for special use. In each case of a requested special use, the applicant must satisfy the proof that the proposed special use meets the standards of sub-paragraph (5) of this section, even if there is no testimony or other evidence opposing or rebutting the requested special use.

(7) Decision of the Village Board. After recommendation by the Plan Commission, the Village Board may grant, deny, or grant with modification the special use, or may refer the proposed special use back to the Plan Commission for further consideration. If the Village Board grants a special use, it shall adopt an ordinance authorizing the special use.

(8) Conditions and restrictions. When the special use is determined to have the potential for adverse impacts, the Plan Commission may recommend, and the Village Board may impose conditions on the approval to ensure that the adverse impacts will be mitigated. Such conditions may include impositions on the site planning, design, location, and operation of the special use.

(9) Lapse of approval and discontinuance. An ordinance approving a special use is valid for twelve (12) months from the date of the ordinance unless a building permit is obtained, or the use is commenced. If a building permit is not obtained or the use is not commenced within such time, the approval for special use will lapse and shall become null and void. If a special use is discontinued for a period of six (6) months or longer, the special use shall be considered abandoned and shall become null and void. Reinstatement or re-establishment of the special use will require approval pursuant to the provisions of this section. The provisions of this paragraph (9) do not apply to planned developments.

(10) Amendments to special use. A change in the area, bulk, size, use or intensity of use of an existing special use, or a change to the conditions specified for a special use at the time of approval, shall be deemed the same as a new special use and shall require approval pursuant to the provisions of this section.

10-2-13 Public hearings—Notice and conduct.

(1) Conduct of public hearing. Public hearings shall be conducted by the Plan Commission, Zoning Board of Appeals, as appropriate, and a record of such proceedings shall be preserved in such a manner as the appropriate body, by rule, may prescribe from time to time.

(2) Notice of public hearing. Unless otherwise expressly stated, notice of a public hearing for variances, amendments, special uses, annexations, shall be made in the following manner:

a. The Village shall publish notice of the public hearing at least once in a newspaper of general circulation in the Village; and

b. The Village shall post notice of the public hearing on a sign on the property for which the annexation, variance, amendment, special use, is sought, and the size, coloring, and letters of the sign shall be clearly legible to the public on view on all adjacent public rights-of-way; and

c. The applicant shall give written notice to the owners of record — as shown on the record of the local real estate tax collector — of all property adjacent to the subject property, to include property immediately across public rights-of-way from the subject property.

(3) Timing of notices. All published notices shall appear at not more than thirty (30) days and not less than fifteen (15) days from the scheduled date of the public hearing. All written notices shall be delivered or mailed not more than thirty (30) days and not less than fifteen (15) days prior to the scheduled date of the public hearing. All posted notices must be posted at least fifteen (15) days prior to the date of the scheduled public hearing and shall remain posted until the conclusion of the hearing.

(4) Content of notice of public hearing. Unless otherwise expressly stated, all notices of public hearing for variances, amendments, special uses, historic landmark and historic districts, shall contain the following information:

a. The number assigned to the application; and

b. A description of the nature of the application; and

c. The venue, date, and time of the hearing; and

d. A legal description of the property subject to the proposed zoning action; and

e. A statement that additional information concerning the public hearing, can be obtained from the community development department; and

f. The office address of the Community Development Department.

(5) Delivery of notice to property owners within 250 feet of applicant's site. Unless otherwise expressly stated, the applicant shall deliver the notices of the public hearing to property owners within 250 feet of applicant's site, either personally or via certified or registered mail, with return receipt requested. A minimum of five (5) days prior to the public hearing, the applicant shall file an affidavit with a copy of the notice, showing the names and addresses of the persons to whom the notices were sent. If, after a bona fide effort to provide written notice, the owner of the property on which the notice is served cannot be found at the owner's last known address, or mailed notice is returned because the owner cannot be found at the owner's last known address, then the requirement for written notice of that owner will be deemed satisfied.

(6) Village-initiated map amendments. If an amendment to the official zoning map is initiated by either the mayor, Village Board, or Plan Commission, the following provisions shall apply:

- a. The Zoning Administrator shall publish at least once a notice of the public hearing in a newspaper or general circulation in the Village; and
- b. The Zoning Administrator shall mail written notices of the public hearing via first-class mail to all property owners—as shown on the record of the local real estate tax collector—of all properties for which the amendment is sought; and
- c. The Zoning Administrator shall mail written notices of the public hearing via first-class mail to all the owners of record—as shown on the record of the local real estate tax collector—of all property adjacent to the subject properties, to include property immediately across public rights-of-way from the subject properties; and
- d. The Zoning Administrator shall post notice of the public hearing on a sign on all properties for which the amendment is sought; the size, coloring, and letters of the sign shall be clearly legible to the public view on all adjacent public rights-of-way.

10-2-14 Fees and charges.

The applicant for a variance, amendment, or special use shall pay a fee as set by the Village Board by separate resolution.

10-2-15 Enforcement and penalties.

(1) Violations. It shall be unlawful for the owner of any real property located within the Village to violate, disobey, neglect, omit, refuse to comply with, or resist the enforcement of any of the provisions of this zoning ordinance.

(2) Notification of violation. The Zoning Administrator shall investigate all alleged instances of violations. If the Zoning Administrator determines that a violation exists, the Zoning Administrator shall notify, in writing, the owner of the property. The property owner shall eliminate the violation within ten (10) days of the notification.

(3) Penalties. Any person who violates, disobeys, neglects, omits, refuses to comply with, or resists the enforcement of any of the provisions of this zoning ordinance shall, upon conviction, be fined not more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation continues to exist shall constitute a separate offense.

10-3-1 USES

(1) Table of permitted and special uses of this article lists the uses that are permitted as-of-right, by special uses approval, and by revocable permit approval for each zoning district. The table is divided by general land use categories (e.g., residential, commercial). These general land use categories are subdivided into groups of similar land uses (e.g., eating and drinking establishments) and these groups are subdivided into the specific land uses (e.g., the eating and drinking establishment group lists café, restaurant, and tavern).

(2) Special uses. Uses identified with an "S" in table below are considered special uses and may be permitted in the subject district only after review and approval in accordance with 10-2-11, Special Uses, of this Ordinance.

(3) Prohibited uses. Uses that are not listed may also be prohibited; determination of whether an unlisted use may be permitted shall be made by the Community Development Director in accordance with 10-2-4, Interpretation.

Table I.

ESTATE

Agriculture /Nursery	S
Conservation Club	P
Day Care	S
Golf Club	P
Equestrian/Stable	P
Farmstand	P
Golf course/range	P
Greenhouse/Sod Farm	P
Kennel	P
Polo Club	P
Religious Assembly	S
Single- Family	P
Skeet shooting-Game Farm	P
Winery	P
Bed & Breakfast	P
Recreational facility, private	S
School, Kindergarten thru High School	S
Pre- School	S
Child Care facility other than day care home	S
Solar Farm	S

SUBURBAN ESTATE

Agriculture (5.0 to 10.0 acres)	P
Bed and Breakfast	S
Cemetery	S
Equestrian/Stable	S
Golf courses	P
Kennel	S
Recreational facility, private	P
Religious Assembly	S
Pre-Schools	S
Schools, Kindergarten thru High School	S
Single- Family	P

R-1 SINGLE FAMILY RESIDENTIAL

Assisted Living Facility	S
Bed and Breakfast	S
Childcare other than day care	S
Cemetery	S
Daycare Music, dance, or trade school	S
Group Home	P
Nursing Home	S
Pre-school	S
Religious Assembly	S
Schools, kindergarten thru High School	S
Single-Family	P
Traditional Neighborhood Development	S

R-2 SINGLE FAMILY RESIDENTIAL

Assisted Living Facility	S
Bed and Breakfast	S
Childcare other than day care	S
Cemetery	S
Daycare Music, dance, or trade school	S
Duplex	P
Group Home	P
Nursing Home	S
Pre-school	S
Religious Assembly	S
Schools, kindergarten thru High School	S
Single-Family	P
Traditional Neighborhood Development	S

R-3 TOWNHOME/MULTI-FAMILY

Assisted Living Facility	S
Bed and Breakfast	S
Daycare	S
Duplex	P
Group Home	P
Nursing Home	S
Religious Assembly	S
Schools, kindergarten thru High School	S
Single-Family	P
Townhome	P
Multi-Family (10 units or less)	P
Multi-Family (10 units or more)	S

DOWNTOWN FORM BASED DISTRICT

<i>Commercial/Retail/Office</i>	VC	TC	MT	BP	CE
Lodging	P				
Eating Drinking Establishment	P				
Retail	P				
Financial Institutional	P				

	VC	TC	MT	BP	CE
Personal Service	P				
Drive-Thru	S				

Industrial

Product Showroom	P
Research Service	P
Warehouse & Distribution	P
Limited Manufacturing	P

Residential

Mixed Use	P	P	P	S	S
Multi-Family	S	P	S	S	
Townhome/Rowhouse	S	P	P	S	

Public and Civic

Educational Facility	P	S	S	S	S
Parks and Education	P	P	P	P	P
Civic Uses	P	P	P	P	P

B-1 BUSINESS CONVENIENCE DISTRICT

Business support service	P
Communications sales and service	P
Construction sales and service	P
Building office	P
Construction/contractor storage yard	P
Drive-through facility	S
Dry cleaning, laundry pickup, and plant serving not more than one retail outlet	P
Dry cleaning plant serving more than one retail outlet	P
Eating and drinking establishments	
Brew-pub	P
Microbrewery	P
Coffee shop	P
Restaurant	P
Casual Dining	P
Specialty food shop/carry-out	P
Mobile food unit	P
Vaping	S
Cannabis Dispensaries	S
Entertainment and recreation	
Arcade, amusement, billiard/pool hall	P
Camp, day or youth	P
Health club	P
Recreation facility, private	P
Theatre	P
Financial services	
Bank, credit union, savings and loan	P
Brokerage or financial advising	P
Secondary financial markets	P
Food and beverage retail sales	
Convenience store	P
Grocery store	P
Liquor store (package goods)	P
Liquor store (as accessory use)	P
Supermarket	P
Funeral and internment services	
Cemetery	S
Cremating	S
Funeral home or undertaking	S
Garden center	P

Lodging	
Hotel/motel	P
Bed and breakfast	P
Medical clinic or service	
Hospital	P
Surgical Center	P
Kidney Dialysis	P
Medical Office	P
Dental Office	P
Massage therapy	P
Newspaper printing presses	P
Live/Work unit	P
Hair /Nail Salon	P
Fitness (Under 10,000 square feet)	P

B-2 HIGHWAY BUSINESS DISTRICT

Auto Sales	P
Auto body and/or repair	P
Auto supply or auto accessory	P
Auto/light truck sales and service	P
Boat/RV sales, service or storage	P
Boat/RV sales, service or storage	P
Heavy equipment sales or service	P
Motorcycle sales or service	P
Vehicle storage and towing	P
Business support service	P
Communications sales and service	P
Construction sales and service	P
Building material sales	P
Construction/contractor storage yard	P
Drive-through facility	S
Dry cleaning, laundry pickup, and plant serving not more than one retail outlet	P
Dry cleaning plant serving more than one retail outlet	P
Eating and drinking establishments	
Brew-pub	P
Microbrewery	P
Coffee shop	P
Restaurant	P
Casual Dining	P
Specialty food shop/carry-out	P
Mobile food unit	P
Cannabis Dispensaries	S

Entertainment and recreation	
Arcade, amusement, billiard/pool hall	P
Camp, day or youth	P
Health club	P
Recreation facility, private	P
Theatre	P
Financial services	
Bank, credit union, savings and loan	P
Brokerage or financial advising	P
Secondary financial markets	P
Food and beverage retail sales	
Convenience store	P
Grocery store	P
Liquor store (package goods)	P
Liquor store (as accessory use)	P
Supermarket	P
Funeral and internment services	P
Cemetery	S
Cremating	S
Funeral home or undertaking	S
Garden center	P
Lodging	
Hotel/motel	P
Bed and breakfast	P
Medical clinic or service	
Hospital	P
Surgical Center	P
Kidney Dialysis	P
Medical Office	P
Dental Office	P
Massage therapy	P
Newspaper printing presses	P
Hair/Nail Salon	P
Car and light truck rental	P

BUSINESS PARK

Auto dealerships/service departments	
Auto Body Repair	P
Auto/motorcycle Repair	P
Brewery/Distillery	P
College and university	P
Manufacturing, enclosed	P
Office	P
Indoor recreation	S
Research	P
Stamping	P
Self- Storage Facility	S
Warehouse	P

M-1 LIGHT MANUFACTURING

Auto dealerships/service departments	
Concrete Plant- Indoor	P
Dairy	P
Industry and Manufacturing	
Light	P
Medium	P
Brewery/Distillery	
Moving and storage	P
Outdoor storage, contained material	P
Outdoor storage, uncontained raw materials	S
Recycling Facility	S
Recreation/sports facility	S
Warehouse	P
Warehouse, storage, and freight transportation	P
Self-storage facilities	P
Recreational vehicle/bus storage	S
Metal/Aluminum Stamping	P
Solar Farms	S
Cannabis Infuser Organizations	S
Cannabis Craft Growers	S
Cannabis Dispensaries	S
Cannabis Processing Organizations	S

M-2 MANUFACTURING

Concrete Plant- Indoor	P
Concrete Plant- Outdoor	S
Incinerator	S
Industry and Manufacturing	
Light manufacturing	P

Medium manufacturing	P
Moving and storage	P
Outdoor storage, contained material	P
Outdoor storage, uncontained raw materials	S
Recycling Facility	S
Warehouse	P
Warehouse, storage, and freight transportation	P
Self-storage facilities	P
Metal/aluminum stamping	P
Freight terminal, truck	P
Freight terminal, rail or intermodal	P
Cannabis Infuser Organization	S
Cannabis Processing Organization	S
Cannabis Craft Growing	S

10-3-2 BUILDING HEIGHT and BULK

(1) Height limits. Each zoning district shall outline the height limits within the district. Exceptions to height limits are:

- a. Chimneys, ornamental towers, scenery lofts, monuments, cupolas, domes, spires, steeples, parapet walls, and similar structures and necessary mechanical appurtenances may be erected to their customary height; and
- b. Freestanding transmitting and cell towers and freestanding radio towers in residential districts may extend to a height of sixty (60) feet, as measured from the finished lot grade; and
- c. Transmitting towers and radio towers employing guide wires shall be permitted only as a special use.
- d. Solar panels may be no more than 15 feet from grade or 5 feet higher than the roofline of any structure.

10-3-3 ACCESSORY BUILDINGS and STRUCTURES

(1) Location. Accessory buildings may be attached or detached from the principal building. Accessory uses may be within an accessory building or within the principal building. Detached accessory buildings, structures or uses may be in the rear yard or interior side yard of any zoning district as follows:

Location for Accessory Structures

a. If located outside the Downtown Form Based District or a Traditional Neighborhood Development, detached accessory buildings or structures shall not be placed within five (5) feet of any rear or interior side lot line and shall not be located within an easement.

b. If located within the Downtown Form Based District or a Traditional Neighborhood, detached accessory buildings shall not be placed within three (3) feet of any side yard setback. All accessory buildings or accessory uses shall comply with the front yard and corner side yard setback requirements of the zoning district in which they are located. Accessory buildings, or accessory uses attached to or established within the principal building or structure shall comply with the rear yard and interior side yard setback requirements of the zoning district in which they are located. Detached accessory buildings, structures or uses may be in the rear yard or interior side yard in accordance with paragraph (1) of this section.

(3) Height limits. All accessory buildings or accessory uses shall comply with the height limits of the zoning district in which they are located. Detached garages and storage sheds in residential districts shall not exceed fifteen (15) feet in height unless located in the Traditional Development Neighborhood. Height of accessory structures in the Traditional Neighborhood Development shall be determined on a case by case basis after recommendation by the Planning and Zoning Commission and approval by the Village Board.

(4) Bulk and density regulations. All accessory buildings or structures shall be included in the computations for floor area ratio, maximum lot coverage, and maximum impervious surface coverage. The minimum floor area per dwelling unit shall not include accessory buildings or accessory uses.

(5) Percentage of yard occupied. Detached accessory buildings shall comply with maximum lot coverage and maximum impervious area coverage requirements outlined in this Zoning Ordinance.

(6) Sequence of construction. No accessory building, structure or use shall be constructed or established prior to the principal building, structure, or use on the lot.

(7) Existing accessory buildings. Accessory buildings lawfully existing or permitted on or before the adoption of this zoning ordinance shall be regulated as a legally nonconforming use.

(8) Accessory residential units or what is commonly known as a Coach House, Granny Flat, In-Law Apartment, shall be a Special Use Permit and permitted only in the Downtown Form Based Code District or a Traditional Neighborhood Development.

10-3-4 ACCESSORY UNITS (Garages)

(1) Design standards.

a. Garage frontage shall not take up more than 30% of the lineal frontage of any front residential façade facing a public street, unless it is rear loaded and located on a public alley or rear motor court.

b. Garage door size limits. On lots where the primary land use or primary building is for residential purposes, garage door dimensions fronting a street shall be limited to a total of 27 linear feet. No single garage door shall be greater than 18 feet wide. The maximum height of garage doors shall be twelve (12) feet.

c. The minimum of twenty-five (25) percent of the garages in any given residential development will be required to be side loaded, rear loaded, or recessed a minimum of five (5) feet from the front facade of the home.

(2) Location of garages. On property with a primary land use or a primary building that is residential, the placement of garages shall conform to the following.

(3) No garage shall project more than then five (5) feet from any front door located on the elevation facing a street.

b. Detached garages: No portion of the garage shall be in any part of the front yard or exterior side yard; they may be in the rear yard or interior side yard.

10-3-5 SHEDS

1. Sheds shall be limited to a maximum of 500 square feet and may not be located within an easement.
2. In additions, Sheds are limited to being located only to the rear yard setback and may not be placed within the side yard or corner side yard setback

RESIDENTIAL DISTRICTS

The residential districts ("R districts") are primarily for residential land uses and for other selected uses that are deemed compatible with residential environments. The various residential districts are intended to maintain and promote a variety of housing types within the Village.

10-4-1 ZONING DISTRICTS

Estate District- This zoning district is intended to create a semi-rural environment that is appropriate for large estate lots on a minimum of five acre lots, while also allowing room for equestrian activities. As reflected in the Village's Comprehensive Plan, the eastern perimeter of the Village should be preserved for large estate lots with single family homes.

Suburban Estate District- This district is appropriate for developments with a density of between 1.0 to 1.5 per acre. Generally, the homes will be located on lots ranging from 30,000 to 50,000 square feet. These developments will incorporate a semi-custom product and the location of schools, religious assemblies, and other local services may be appropriate.

R-1 Single-Family Residential District. This district is intended to provide areas for low density, single-family detached housing on lot sizes with a minimum of twelve thousand (12,000) square feet. Compatible government, religious, educational, and recreational uses may be permitted within the district. This zoning district corresponds, approximately, to the Low-Density Residential land use category in the Village's Comprehensive Plan. Residential density is intended to be between 2.1 to 2.5 dwelling units per acre if a part of a PD.

R-2 Single-Family and Two-Family Residential District. This district is intended to provide areas for a mix of single-family detached housing and two-family attached housing on lot sizes with a minimum of nine thousand (9,000) square feet. A limit of two (2) dwelling units per lot shall be maintained. Compatible government, religious, education, and recreational land uses may be permitted within the district. This zoning district corresponds, approximately, to the Medium Density Residential land use category in the Village's Comprehensive Plan. Residential density is intended to range between 2.5 to 3.0 units per acre.

R-3 Townhouse/Multiple Family District-. This district is intended to provide areas for a variety of housing types at medium densities. Townhomes, rowhouses, duplexes, and apartments are appropriate for this district. Compatible government, religious, education, and recreational uses may be permitted within the district. This zoning district corresponds to the density, but not necessarily location, of the Village Residential land use category in the Village's Comprehensive Plan. Residential density is intended to be a maximum of ten (10) dwelling unit per acre.

Downtown Form Based Code District- This district encompasses the existing Downtown and the area covered by the "Downtown Form Based Code". The area includes Main Street and the

“Transitional Core” along Main Street. This area reflects the historic core of Antioch and generally reflects a Pre-WW II development pattern of interconnected streets, mixed use, compact development, mature neighborhoods that are pedestrian friendly and walkable to Main Street in Downtown Antioch.

TND Traditional Neighborhood District. This district is intended to regulate new development with more traditional forms of neighborhood pattern outside the Village’s Downtown Form Based District. It allows various housing types: single-family, duplex, rowhouse, and townhouse. The TND district reflects the Pre- WW II development pattern that is pedestrian friendly, walkable, incorporates a diverse number of both residential and commercial uses within a fifteen-minute pedestrian shed. Other uses include civic uses, including library, government offices, parks, and schools.

Section 10-4-2. - Permitted and special uses in the R districts.

Uses are allowed in the R districts in accordance with 10-3-1

Section 10-4-3 - General standards for the R districts.

Specific minimum and maximum standards for lots and buildings in the "R" districts include:

- (1) Table II—Bulk, density and lot coverage standards for R districts. The standards and accompanying notes define such items as lot size and bulk of buildings for all R districts.
- (2) Table II—Minimum setback requirements for R districts. The standards and accompanying notes define the minimum yard requirements for all R districts.

Section 10-4-4. Minimal architectural standards. All new Single-Family Home construction shall comply with the Single-Family Design Standards.

Section 10-4-5. Driveways

- a. That the maximum width of a driveway shall be twenty (20) feet at the curb; and
- b. That all driveways shall maintain a minimum five (5) foot setback from any property line, except, side-loaded garage driveways may encroach within the five (5) foot setback subject to maintaining a minimum of five (5) feet of green space between adjacent driveways.

Table II

Estate

Minimum Lot Size	5 acres
Lot Width	165 feet
Front yard	20 feet
Side yard	20 feet
Corner side yard	20 feet
Rear yard	20 feet
Floor Area Ratio (FAR)	10%
Maxim Building Height	35 feet
Maximum Impervious Area Coverage	10%

Suburban Estate

Minimum Lot Size	22,000 square feet
Lot Width	100 feet
Front yard	50 feet
Side yard	10% of actual lot width
Corner side yard	25 feet
Rear yard	35 feet
Floor Area Ratio (FAR)	10%
Maxim Building Height	35 feet
Maximum Impervious Area Coverage	25%

R-1

Minimum Lot Size	12,000 square feet
Lot Width	75 feet
Front yard	30 feet
Side yard	10% of actual lot width
Corner side yard	15 feet
Rear yard	25 feet
Floor Area Ratio (FAR)	35%

Maxim Building Height	35 feet
Maximum Impervious Area Coverage	40%

R-2 Single Family and Two Family

Minimum Lot Size	9,000 square feet
Lot Width	65 feet
Front yard	30 feet
Side yard	10% of lot width
Corner side yard	30 feet
Rear yard	25 feet
Floor Area Ratio (FAR)	35%
Maxim Building Height	35 feet
Maximum Impervious Area Coverage	40%

R-3 Townhome/Multi-Family

Minimum Lot Size	7,000 square feet
Lot Width	50 feet
Front yard	30 feet
Side yard	10% of lot width
Corner side yard	30 feet
Rear yard	15 feet
Floor Area Ratio (FAR)	35%
Maxim Building Height	35 feet
Maximum Impervious Area Coverage	40%

Traditional Neighborhood Development

Minimum Lot Size	6,000 square feet
Lot Width	50 feet
Front yard	-0-
Side yard	5 feet

Corner side yard	5 feet
Rear yard	20 feet
Floor Area Ratio (FAR)	50%
Maxim Building Height	35 feet
Maximum Impervious Area Coverage	50%

BUSINESS DISTRICTS

10-5-1

The business districts ("B districts") are intended primarily for retail, service, and commercial land uses. The various business districts are intended to maintain and promote a variety of commercial activities within the Village.

10-5-2

(1) B-1 Neighborhood Convenience District. This district is intended to provide convenience shopping for persons living in adjacent residential areas. Permitted uses are those that satisfy basic daily or frequent shopping needs. The district is also intended to promote pedestrian access to shopping and services. This zoning district corresponds, approximately, to the smaller areas planned for general commercial use in the Comprehensive Plan.

(2) B-2 Highway Business District. This district is intended to accommodate a broad range of retail, service, and commercial uses, and allows for the highest intensity of such uses. Unlike the other business districts—where pedestrian travel to and from the commercial activity is encouraged—virtually all patrons will arrive by automobile. This zoning district corresponds to larger tracts planned for general commercial land use in the Village's Comprehensive Plan.

10-5-3 Standards for the B districts.

(1) Specific standards for B districts. Specific minimum and maximum standards for lots, buildings and yards in the B districts are listed in Table III, Business District Standards, of this zoning ordinance.

a. Setback buffer. All structures on the B-zoned lot must be setback a distance that is equal to or greater than the setback requirement for the R-zoned lot. If the B-zoned property abuts two (2) different R districts, then the greater setback shall apply.

b. Landscape buffer. A landscape buffer must also be maintained. This buffer shall extend the length of the lot line or segment of the lot line that abuts the residential district and shall be at least forty (40) feet wide and planted with landscaping that provides 100% opacity. No

landscaped buffer is required where a street, alley, railroad or other public right-of-way that is at least ten (10) feet wide separates the B-zoned and R-zoned lots.

c. Buffer restrictions. The landscape buffer landscape buffer shall not be used for the purposes of parking, loading, servicing, or storage.

d. Screening. Permanent opaque walls or opaque fences at least four (4) feet in height or densely planted shrubbery or plant material at least four (4) feet in height must be maintained. Chain-link fences may not be used to comply with this screening requirement. Additionally, the Village Board may require a fence in cases where it finds that plant material is insufficient to protect the health, safety and welfare of the adjacent landowners and occupants.

(3) Outdoor operations. All business, service and commercial activities must be conducted within completely enclosed buildings unless otherwise expressly allowed in 10-5-4 of this ordinance, or this section of the ordinance. This requirement does not apply to automated teller machines, or to off-street parking and loading or drive-through operations that are otherwise permitted by this ordinance. The Village Board may waive this provision by designating certain days on which special promotions may be conducted outside the building.

(4) Outdoor dining and drinking. On-site outdoor seating areas for the patrons of eating and drinking establishments are allowed as an accessory use so long as the establishment complies with any permitting requirements that the Village, from time to time, may establish.

Table III

B-1 Business Standards

Minimum Lot Size	12,000 square feet
Minimum Lot Width	85 feet
Maximum impervious area coverage	80%
Maximum Building Height	30 feet
Maximum Floor Area Ratio	0.4
Minimum Front Landscape buffer	feet
Minimum Front Setback (Parking located in front)	30 feet
Minimum Front Setback (Side/Rear Parking)	0-
Minimum Interior Setback	15 feet
Minimum Corner Interior Setback	20 feet
Minimum Rear yard setback	30 feet

B-2 Business Standards

Minimum Lot Size	1 acre
Minimum Lot Width	85 feet
Maximum impervious area coverage	80%
Maximum Building Height	35 feet
Maximum Floor Area Ratio	0.4
Minimum Front Landscape buffer	25 feet
Minimum Front Setback (Parking located in front)	30 feet
Minimum Front Setback (Side/Rear Parking)	-0-
Minimum Interior Setback	15 feet
Minimum Corner Interior Setback	20 feet
Minimum Rear yard setback	30 feet

10-5-4 Outdoor Storage accessory to retail

a. In no instance shall outside display and sales, storage or service of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of the use(s) on the property.

b. Where public sidewalks are present, no outside display or sale of goods shall be permitted on the public sidewalks, unless the outdoor sales or displays takes place during a Special Downtown event or applicant obtains a "Outdoor Sales" permit from the Village for a maximum of five (5) days per permit. A maximum of six (6) permits per year may be obtained by any individual applicant. No entrance area to a building shall be blocked by the display of outdoor goods for sale.

c. Junk or rubbish is not permissible outdoor storage unless the use is a permitted junkyard/salvage yard or landfill.

d. Outdoor display and sales of goods are limited to the following areas;

1. front yard if the goods are located within five feet of the store or ten feet from any public right of way.
2. Any side yard not facing a public right of way.
3. Any rear yard.

Automobile dealers, other vehicle dealers and rental and leasing services, lumberyards and nurseries are exempt from this provision.

e. Outdoor display or Inventory cannot be displayed or stored in landscape areas or buffers; within ten (10) feet of public right of-way or on private access roads; in parking spaces or on elevated pads, ramps and similar structures.

f. Outdoor display or Inventory must be setback at least 10 feet from adjacent residential properties or alternatively, a six-foot privacy fence must be installed along the interior side yard.

g. Where outdoor display is located adjacent to a building, an unoccupied area of not less than 3 feet in width shall be provided for pedestrian access between any outside display and vehicle overhang areas of any adjacent parking lot.

h. The short-term sale of agricultural products that are seasonal in nature, including but not limited to produce, nursery stock, Christmas trees, pumpkins, farmers' markets, and other similar products are subject to the issuance of a Temporary Outdoor Sales Permit issued by the Community Development Department.

MANUFACTURING DISTRICTS

10-6-1 General

The manufacturing districts ("M district") are primarily for office, research, warehousing, and general industrial land uses. The intended form of development for much of this activity is office and industrial parks.

10-6-2 Purposes

Business Park- This district is intended to provide an environment for office parks, as well as warehousing and industrial uses that have limited adverse effects upon the environment and surrounding areas.

M-1 Manufacturing Light- This district is intended to accommodate moderate-impact industrial activities and warehousing, to include work and storage activities that are performed or located outside of enclosed buildings.

M-2 Manufacturing- This district is intended for manufacturing, warehousing, and distribution facilities.

10-6-3 Standards for the M districts.

Table IV. Lot and Building Standards in I Districts			
Standards	Zoning District		
	M-1	M-2	Business Park
Minimum Lot Area (square feet)	24,000	43,560	43,560
Minimum Lot Width (feet)	100	100	100
Maximum Building Height (feet)	50	50	50

Floor Area Ratio	0.5	N/A	0.50
Minimum Front Setback (feet)	30	50	50
Minimum Interior Side Setback (feet)	15	50	50
Minimum Corner Side Setback (feet)	30	30	30
Minimum Rear Setback (feet)	30	30	30

10-6-4 Outdoor storage and outdoor work.

(1) Within the Business Park and M-1/M-2 Districts. All business operations, including manufacturing, warehousing, fabrications, servicing, and processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings. Outdoor storage is permitted as an accessory use if such storage is customary to the principle use on site. All outdoor storage must meet the screening requirements of paragraph (3) of this section.

(2) *Within the Business Park, M-1, and M-2 Districts.* Outdoor storage and operations are permitted as both principles uses and accessory uses. All outdoor storage and operations must meet the screening requirements of paragraph (3) of this section.

(3) *Screening, buffering and landscaping.*

a. Any area zoned Business Park, M-1, or M-2, that is adjacent to a residential area shall incorporate a landscaped buffer with a minimum width of forty feet and 100% opacity of natural landscaping.

b. Any outdoor storage within an industrial area shall be fully enclosed with a minimum of an eight-foot privacy fence with 100% opacity. Chain-Link slated privacy fences shall be permitted in areas zoned for industrial use. No razor wire or barb wire shall be permitted.

c. Any use of a privacy fence to enclose outdoor storage in an industrial area shall incorporate landscaping around the perimeter of the fence. One evergreen or understory tree shall be planted every thirty feet of linear length of the privacy fence.

d. *Screening from public streets.* All outdoor storage, outdoor work areas, or trash containers shall be screened from public streets by either permitted buildings, vegetation, walls, or fences. When used for screening, the walls and fences shall be of either wood, chain-link that is fully

screened with slates or fabric material. The screening shall be six (6) through eight (8) feet in height. Breaks in the screening for reasonable access for vehicle drives and walkways through the screening is permitted.

e. Exterior lighting. All exterior lighting shall be directed away from surrounding properties. Such lighting shall be directed downward at a 90-degree angle from the light pole or other support.

FENCES

10-7-1 General fence standards for all districts.

a. Construction. All fences must be erected or installed so that the finished side faces outward (i.e., construction supports facing in).

b. Visibility. In no instance shall a fence obscure the visibility of motorists.

c. Temporary fences. Temporary fences for construction sites or for the purposes of crowd control or security at special events are exempt from all provisions of this section, except the provision that prohibit the obstruction of visibility.

d. Locations in rights-of-way and utility easements. No private fences or walls shall be allowed or constructed on the rights-of-way of public streets. Fences or walls may, by permit, be placed on public utility easements, so long as the structures do not interfere in any way with existing underground, ground, or over ground utilities. Furthermore, the Village or any utility company having authority to use such easements shall not be liable for repair or replacement of such fences or walls, in the event they are moved, damaged or destroyed by virtue of the lawful use of the easement. The Village may summarily remove fences in violation.

e. Barbed or razor wire. No use of barbed wire, razor wire, or other such wire used primarily for security shall be allowed on private property in residential, business, or industrial zoning districts, or on lots in any zoning district being used for single or multiple-family dwelling purposes.

f. Good repair. All fences shall be maintained in good repair and in clean, presentable, and attractive condition.

g. Drainage. Fences shall not block or hinder natural drainage or water flow and shall not obstruct drainage easements. Any fence located in a drainage easement should incorporate enough elevation from the grade to permit water to pass through in an unobstructed manner.

h. Fences and berms. Fences are not permitted on the crest of berms. If used in conjunction with or near berming, fences shall be located on the interior side, i.e., side farthest from a public right-of-way, of the berm. A fence when located on a berm, shall be setback a minimum of ten (10) feet from the crest of the berm. Maximum fence height shall be determined at the ten (10) foot setback line.

10-7-2 Fences in the core area within Downtown Form Based District.

- a. The only fences permitted in the front yard shall be in Traditional Neighborhood Developments and shall not exceed 48 inches in height with the TND district.

10-7-3 Fences in R districts other than Downtown Form Based District.

a. Permitted locations. Fences are permitted in any rear yard and interior side yard. Fences are not permitted in the front yard unless within a TND district. Fences are not permitted in corner side yard if the fence exceeds 48 inches.

b. In residential districts, fences are restricted to a maximum height of six (6) feet and may be constructed on any residential lot, except for vacant lots, and must be constructed behind the front of any principal building located on the aforesaid lot.

c. No corner side yard fence shall extend beyond the corner side yard setback, unless it is constructed with a maximum height of 48 inches, open style, slatted, with a maximum of 50% opaque and incorporates a gate for utility and Village employees to inspect. All fences shall be placed a minimum of three (3) feet of any public sidewalk in any non-TND or Form Based Code residential district.

d. No front yard fences past the front yard building line shall be permitted in any residential district other than a Traditional Neighborhood Development and any front yard fence shall be limited to a height of 48 inches.

e. Permitted materials and design. Fences may be constructed of wood, wood laminate, wrought iron, masonry, aluminum, vinyl or a combination of these materials. Any material used must be rigid. Any use of barbed wire, razor wire, or similar such wire manufactured and used primarily for security, is prohibited. Chain-link fencing may be used only to replace or repair a chain-link fence that was existing on the effective date of this ordinance or for recreation and utility applications.

10-8-4 Fences in Commercial Districts

In addition to the provisions of Section 10-11-25, General fence standards for all districts, the following *standards apply to both B districts except those lots within the core area:*

- a. Permitted locations. Fences are permitted in any rear yard or interior side yard. Fences are not allowed in front yards or corner side yards, except for decorative fences that are incorporated into the overall landscape plan and are consistent with the Village's Site Plan Review.
- b. Permitted heights. Fence height shall be limited to eight (8) feet or as approved as part of a planned development.

- c. Permitted materials. Fences and walls may be constructed of wood, wood laminate, wrought iron, or masonry, aluminum, vinyl or a combination of these materials. Any material used must be rigid. Any use of barbed wire, razor wire, or similar such wire manufactured and used primarily for security, is prohibited. Vinyl-link fencing is permitted and slating within chain-link fences is permitted inside or rear yards only.
- d. Decorative fences and walls. Decorative fences and walls are permitted in the front yard and corner side yards, if they do not exceed four feet and are integrated into a landscape plan and incorporates a minimum of fifty (50%) opacity.

10-8-5 Fences for specific uses.

1) Screening for swim clubs, tennis courts, sports fields and public and private utility facilities, regardless of zoning district, shall be regulated as follows:

Permitted locations. Fences for the above-referenced uses may be permitted in front, side, corner, or rear yards.

Permitted heights. The height of any fence used for screening is limited to eight (8) feet.

Permitted materials. Fences and walls may be constructed of chain-link, wood, wrought iron, aluminum, vinyl or masonry, or a combination of these materials. Barbed wire, razor wire, other such wire used primarily for security is prohibited, except for public utilities.

NONCONFORMITIES

10-9-1 General.

(a) Intent. This article governs nonconformities: those uses, lots, buildings or other aspects of development that may have complied with previous zoning regulations, but through zoning ordinance revisions or amendments no longer conform to the current regulations. The intent of this chapter is to clarify to what extent and under what circumstances such nonconformities can be altered, expanded, or allowed to continue. Other intentions of this chapter are to allow for the preservation and reuse of existing buildings; recognize the interests of landowners whose property and its uses were lawfully established, and place reasonable limits on nonconformities that have or potentially may have adverse effects on surrounding properties or the community.

(b) Authority to continue a nonconformity. Any nonconformity that existed on January 1, 2020, or situation that becomes a nonconformity upon adoption of any amendment to this zoning ordinance may be continued in accordance with the provisions of this chapter.

(c) Continued status of nonconformity. Nonconforming status rests with the property, not with the owner. Such status is not affected by changes in ownership, tenancy, or management.

(d) Repairs and maintenance. Nonconforming buildings and lots carry the same obligations and requirements for safe upkeep as conforming buildings and lots. Incidental repairs and normal maintenance necessary to keep a nonconformity in compliance with the Village building code are permitted unless otherwise expressly prohibited in this ordinance.

10-9-2 Nonconforming lots.

(1) Nonconforming lots in R districts. The following provisions shall apply:

a. A nonconforming lot in an R district may be developed with a single-family house, providing setback requirements and bulk and density standards are met.

b. Likewise, a nonconforming lot that is enlarged, yet remains nonconforming may be developed with a single-family house, providing setback, bulk and density restrictions are met.

c. If an existing single-family house in an R district is destroyed by accident, it may be rebuilt, providing setback, bulk and density restrictions are met.

d. Non-residential development of a non-conforming lot in an R district may occur only if the zoning board of appeals grants a variance for any and all the nonconformities that result from inadequate lot area or lot width (e.g., parking requirements cannot be met).

(2) Nonconforming lots in other districts. In nonresidential zoning districts, a nonconforming lot may be developed providing that:

a. The lot in question existed in its current dimensions at the time of the effective date of this ordinance; and

b. The use is permitted in the zoning district where the nonconforming lot is located; and

c. The zoning board of appeals grants variances for any other nonconformities that result from inadequate lot area or lot width (e.g., parking requirements cannot be met).

(1) Change of nonconforming use.

a. *To a permitted use.* A nonconforming use may be converted to a use permitted in the subject zoning district.

b. *To another nonconforming use.* A nonconforming use may not be changed to another nonconforming use.

c. *Expansion of nonconforming use.* A nonconforming use, whether inside or outside of a building, may not be expanded beyond the area it occupies at the time of the adoption of this ordinance or any subsequent amendment.

d. *Discontinuance of nonconforming use.* If a nonconforming use is discontinued for a continuous period of one year, it shall not be reestablished.

e. *Relocation.* No building in which a nonconforming use is conducted may be moved in whole or in part to any other location on the same or any other lot unless the use of that lot conforms to the regulations of the zoning district in which the building is to be moved.

10-9-3 Nonconforming buildings.

(1) Alterations or enlargements of nonconforming buildings. A nonconforming building may be altered or enlarged only if the alterations or enlargements do not increase the extent of the nonconformity or add another nonconformity. For example, a building that does not meet a setback requirement may add an additional floor so long as the additional height and bulk comply with the applicable regulations. Likewise, a building that does not meet a setback requirement may be enlarged so long as the addition follows the same building wall line and does not result in an additional encroachment into the setback area.

(2) Destruction or damage of nonconforming buildings.

a. *Destruction.* If a nonconforming building is intentionally removed or destroyed by the owner, the building may be reconstructed, provided that all nonconformities, to include setbacks, are eliminated in the new building.

b. *Damage or accidental destruction.* When a nonconforming building is damaged or destroyed by fire or other causes beyond the control of the owner, it may be repaired or rebuilt, provided that:

- (i) The intensity, extent, or nature of the previous nonconforming elements are not increased; and
- (ii) Restoration commences within six (6) months from the date of damage or accidental destruction, does not cease for a period of sixty (60) days, and is completed within two (2) years from the date of damage or accidental destruction.

(3) Relocation of nonconforming building. No nonconforming building shall be moved in whole or in part to any other location on the same or any other lot unless the building conforms to the regulations of the zoning district in which the building is to be located.

10-9-4 Other nonconforming situations.

Any other aspect of development not described in the provisions above—such as landscaping or parking and loading—that was lawfully established but no longer complies with a standard or standards of this zoning ordinance, shall be allowed to exist. However, such other nonconforming situations may not be altered so that the intensity, extent, or nature of the nonconformity increases.

OFF-STREET PARKING AND LOADING

10-10-1 Purpose.

The purpose of this chapter is to provide a balance between the necessary parking for successful business operations and creating vibrant neighborhoods, while also preserving the Village's sense of place and character. Implementation of these standards is intended to provide an appropriate amount of parking that is necessary for commerce and creating safe neighborhoods.

10-10-2 Applicability.

(1) All zoning districts. The provisions for parking outlined in 10-11-35 shall regulate parking in the Village except for Downtown Antioch (DPD), which will be regulated by the Downtown Parking District.

(2) Existing buildings. For existing buildings and existing land uses, the following provisions shall apply:

a. At time ordinance is adopted. The minimum number of parking spaces designated for specific land uses in this section shall not be applied to existing structures or for structures that have an approved building permit on the effective date of this ordinance.

b. Subsequent expansions. If such land, structures or uses are enlarged, expanded or changed, there shall be provided and maintained, for the increment of expansion only, at least the amount of off-street parking space that would be required if the increment were a separate structure or use established or placed into operation after the effective date of this ordinance.

c. Change in land use. Where land uses change in an existing building, the parking standards for the new land use shall apply.

(3) New buildings. All buildings constructed after the effective date of this ordinance shall provide for parking that conforms to the standards of this ordinance.

(a) Measurements. When units of measurement result in the requirement of a fractional space, any fraction shall require one (1) parking space. Example: A particular property has two thousand five hundred (2,500) square feet of gross floor area and the land use requires one (1) parking space per three hundred (300) square feet; $2,500/300 = 8.3$; therefore nine (9) parking spaces are required.

(b) Multi-use buildings and parcels of land. If a building or parcel of land contains more than one land use, the off-street parking and loading requirements shall be based on the sum of the off-street parking and loading requirements of all the individual land uses.

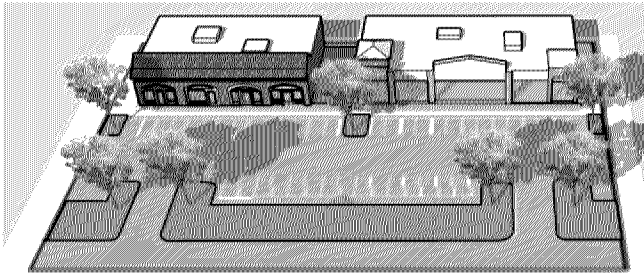
(4) Location of off-street parking. The placement and location of off-street parking stalls and parking lots shall conform to the standards as outlined in this ordinance.

(5) Restrictions.

a. Vehicle repair. Parking areas shall not be used for the repair, dismantling or servicing of any vehicles, equipment, materials or supplies. Garages for residential properties are exempt from this restriction.

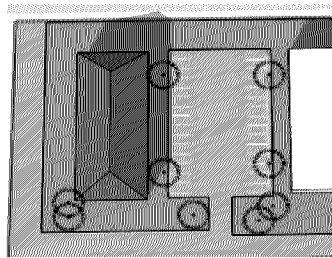
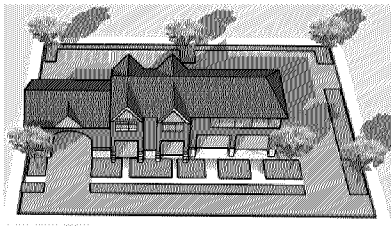
b. Inoperable vehicles. Inoperable vehicles shall not be parked in parking lots, driveways, or any unimproved area.

c. Parking in a front yard. The parking of vehicles, recreational vehicles, boats or trailers on areas of the front yard other than the driveway is prohibited. All recreational vehicles, boats or trailers must be parked on a hard/improved surface.



d) Parking Lot: Between Street and Primary Building (Commercial)

Parking lot between street and primary building. This relationship of parking, street, and building, with the parking lot between the street and building, is discouraged. The placement of the parking lot between the street and the building is prohibited in the Downtown Form Based Code district. This arrangement while discouraged, is permitted in the B-1 and B-3 districts.



Parking Lot: Side of Building(s)

Parking lot to the side of the building(s). This type of arrangement is allowed in all zoning districts. It is one of the preferred alternatives to the parking illustration above.

Parking Lot: Rear of Primary Building

Parking lot in rear of primary building. This type of arrangement is allowed in all zoning districts.

c. The number and dimension of parking spaces set aside for the handicapped shall be provided in accordance with the standards of the Illinois Accessibility Code and all applicable Federal and State laws.

(7) Access.

a. Except on lots accommodating single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least the width as provided in the table below, based upon the angle of the parking stalls provided and whether the aisle serves one (1) or two (2) rows of parking spaces.

Parking Angle	Minimum Aisle Width	
	Serving One Row	Serving Two Rows
Parallel	12'	12'
30	12'	12'
45	13'	14'
60	18'	19'
90	20'	24'

10-10-3 Shared Parking

(1) Description. Shared parking is encouraged and takes place in which two (2) or more owners of non-residential properties with different peak-hour parking demands use the same off-street parking spaces in order to comply with the Villages off-street parking requirements.

(2) The Director of Community Development is authorized to make an administrative adjustment allowing shared parking arrangements for non-residential uses with different hours of operation based on the following factors.

- a. The property owner has the burden to demonstrate that there is no substantial conflict or overlap in the principal operating hours for which the shared parking is proposed; and
- b. The shared parking must be within three hundred (300) feet walking distance of each of the uses, as measured from the entrance of each use to the nearest parking space in the facility.
- c. The property owner must show that there are safe pedestrian connections between the proposed shared parking spaces and the front or rear door of the subject property.

(3) Agreement. The parties involved shall execute an agreement on the shared parking and file it with the Director of Community Development. The shared parking shall remain in effect only so long as the agreement remains in force. If the agreement is no longer in force, then the property owners must provide parking as otherwise required by this ordinance.

10-10-4. - Collective parking and reduction in parking requirements.

(1) Description. Collective parking is an arrangement whereby two (2) or more commercial properties use the same parking lot to fulfill their off-street parking requirements.

(2) Approval. For such an arrangement, the Director of Community Development is authorized to make an administrative adjustment that reduces the off-street parking requirements for each participating commercial property by twenty (20) percent. In order to approve such an administrative adjustment, the Director of Community Development must find that:

a. The collective parking facility is located within six hundred (600) feet walking distance of each of the uses, as measured from the entrance of each use to the nearest parking space in the facility.

b. There are convenient, visible pedestrian connections between the facility and all of the sharing properties.

(3) Agreement. The parties involved shall execute an agreement on the collective parking and file it with the Director of Community Development. The collective parking shall remain in effect only so long as the agreement remains in force. If the agreement is no longer in force, then the property owners must provide parking as otherwise required by this ordinance.

10-10-5 Downtown Parking District

(1) Purpose. The Downtown Parking District approximates is an area that historically has been the Village's Downtown and includes the area around Village Hall. Generally, the Downtown Parking District (DPD) is occupied with older commercial and residential buildings on small lots. The DPD allows for an area-wide approach to solving the parking demands of the downtown area. Lowering the conventional parking requirements for the DPD is intended to encourage the preservation of older buildings, create a pedestrian-friendly environment, and ensure robust economic activity for commercial establishments in the area.

(2) Standards.

a. Exemption from parking requirements. Small residential and business land uses within the DPD are exempt from the minimum parking requirements of this ordinance. Large commercial or office development with a gross floor area of 10,000 square feet or more will have to provide the Village with a parking plan, and it will be subject to Village Board review and approval.

b. Inclusion of on-street parking. If parking is required of a particular use in the DPD, all on-street parking spaces within six hundred (600) feet of proposed use and any parking spaces within municipal parking lots within six hundred (600) feet may be included in the calculation for the required number of off-street parking spaces. Such distances shall be measured from the customer entrance to the commercial use to the parking spaces.

c. Maximum off-street parking limits. Commercial establishments within the DPD shall not provide several off-street parking spaces that is greater than one hundred (100) percent of the parking requirement for that establishment's land use found in Table XI-1 (Schedule of Off-Street Parking).

d. Other parking arrangements. Shared parking and collective parking arrangements are permissible and encouraged.

e. Administrative adjustment. The Director of Community Development may grant administrative adjustment of parking requirements for noncommercial and nonresidential land uses within the DPD. In order to approve such an administrative adjustment, the Director of Community Development must find that:

i. Based on evidence provided by the property owner, parking demand for the property can be met with available on- and off-street parking in the immediate vicinity; and

ii. An administrative adjustment of the parking requirements will have minimal adverse effects on other nearby land uses and surrounding neighborhoods; and

iii. Strict adherence to the parking requirements of Table V would cause undue hardship for the property owner.

10-10-6 Schedule of off-street parking guidelines:

The following table outlines the required off-street parking for all uses within the Village, except for the Downtown Parking District:

Off-street parking requirements are contained below:

Table V

RESIDENTIAL

Single Family	2 spaces per dwelling unit
Duplex	2 spaces per dwelling unit
Townhome	1.5 space per dwelling unit
Multi-Family	1.5 space per dwelling unit
Group Living	1 space per 4 beds

COMMERCIAL

Animal Services	1 space per 400 square feet
Drive-Through facilities	4 space stacking per drive-thru lane
Dry cleaning	1 space per 500 square feet
Fast food restaurants	5 spaces per 1,000 square feet
Eating and Drinking Establishments	8 spaces per 1,000 square feet

Café & Coffee Shops 1 space per 200 square feet

Specialty Food, carry-out 1 space per 200 square feet

Tavern or lounge 1 space per 150 square feet

Entertainment and Recreation

Amusement 1 space per 400 square feet

Health Club 1 space per 200 square feet of exercise area

Private recreation 1 space per 600 square feet

Public recreation 1 space per 600 square feet

Camp. Day or youth 1 space per 600 square feet

Tennis, racquetball, squash, platform tennis 3 spaces per court

Movie theatre 1 space per 4 seats

Theatre/playhouse 1 space per 5 seats in main auditorium

Financial services 1 space per 500 square feet

Bank/Credit Union 1 space per 400 square feet

Currency exchange/payday loans 1 space per 400 square feet

Food and Retail Sales

Pharmacy 1 space per 300 square feet

Convenience store 1 space per 300 square feet

Grocery Store 1 space per 200 square feet

Retail 1 space per 300 square feet

Liquor Store 1 space per 300 square feet

Garden Center 1 space per 600 square feet

Lodging/Hotel 1 space per bedroom

Bed and Breakfast 1 space per guest bedroom

Campground 1 per campsite

Hotel/motel 1 per guest room

Medical clinic or service 1 space per 200 square feet

Office 1 space per 300 square feet

Personal service 1 space per 300 square feet

Retail service 1 space per 300 square feet

Roadside market 1 space per 300 square feet

Car and light truck rental 1 space per 300 square feet of office

Car wash 4 stacking spaces per bay

Laundromat 1 space per 500 square feet

Service station, automotive 1 space per 500 square feet of store

Vehicle sales and service 2 spaces per bay

Auto body and repair 2 space per bay

Auto supply or auto accessory 1 per 300 square feet

Automobile, light truck sales and service, motorcycle sales or service 1 space per 300 square feet of showroom

Boat and RV sales, service, storage, heavy equipment sale, service or rental 1 space per 300 square feet of showroom

Vehicle storage and towing	1 space per 300 square feet
Wholesale establishment	1 space per 400 square feet of GFA

INDUSTRIAL

Industrial, general	1 space per 1,000 square feet
Warehouse, storage	1 space per 1,000 square feet

COMMUNITY, EDUCATIONAL and CIVIC

Childcare facilities	1 space per 4 children
Childcare facility other than day care home and foster home	0.33 spaces per licensed capacity
Day care home and foster home	No minimum requirement
Community centers	1 space per 400 square feet
Government Buildings	1 space for every 250 square feet

Educational facilities

School, kindergarten through high junior high school	3 spaces per classroom and 1 space for every 250 feet of administrative space and subject to Site Plan Review.
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High school, college, vocational school	1 space for every eight students and 1 space for every 250 feet of administrative space and subject to Site Plan Review.
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Auditoriums, gymnasiums and places of assembly	Spaces equivalent to thirty (30%) of design capacity and subject to Site Plan Review.
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Hospital	1 space per bed
Library	1 space per 400 square feet of GFA
Lodge, fraternal and civic assembly	1 space per 400 square feet of GFA
Planned Development	No minimum requirement
Radio and television studio/station	1 space per 300 GFA
Religious use	1 space per 4 seats in assembly area

10-10-7 Off-street loading.

(1) Location of off-street loading facilities. All off-street loading facilities serving a building or land use constructed or established after the effective date of this ordinance, or subsequently altered or enlarged shall be located on the same lot as the building or land use served.

(2) Central loading facilities. Central loading facilities may be substituted for off-street loading facilities on individual lots, provided that:

a. Access. Each lot served shall have direct access to the central loading area without crossing a street or alley. Additionally, no lot served shall be more than five hundred (500) feet from the central loading facility.

b. Required berths. The total number of off-street loading berths required shall be the sum total of berths required for all of the properties served by the central loading facility.

c. Agreement. Whenever the required off-street loading facilities are collectively provided and used in a central loading facility, the parties concerned shall execute written covenants and easements assuring their retention, maintenance, and use for such purposes. Such covenants and easements shall be reviewed by the Village Director of Community Development, approved by the Village attorney, and filed with the department of community development.

(3) Yard requirements for off-street loading facilities. Off-street loading facilities located within the buildings they serve shall comply with the yard and setback requirements of the zoning district in which located. For unenclosed off-street loading facilities, the following provisions apply:

a. The facilities shall not be in any front yard or exterior side yard; and

b. Loading facilities shall not be located within five (5) feet of any property line.

(4) Street access. All off-street loading facilities shall allow for appropriate vehicular access to a street or alley.

(5) Off-street loading and off-street parking. Space allocated for off-street loading shall not satisfy any portion of a requirement for off-street parking.

10-10-8 Administrative adjustment of parking standards.

(1) Uses not listed. The Director of Community Development shall make an administrative decision for parking requirements of uses not specifically listed. Such a decision shall be based on the requirements for similar uses found either inside or outside the corporate limits of the Village.

(2) Administrative adjustments. Property owners may seek for a specific property that they own an adjustment of the minimum parking standards contained in this ordinance. Requests for administrative adjustments will be forwarded through the Community Development Director to the Plan Commission. In granting an administrative adjustment to the parking requirements, the Plan Commission shall produce findings of fact that state:

a. The property owner produced competent evidence that similar land uses with similar conditions (e.g., location near arterial road), either within or outside the corporate limits of the

Village, do not generate parking demand commensurate with the number of spaces specified in the schedule of off-street parking requirements.

b. That granting of an adjustment to the minimum parking requirements will not have significant adverse effects on nearby land uses and surrounding neighborhoods.

10-11-1 Cargo containers.

(1) Definition of "placement". For the purposes of this section "placement" shall mean the parking of a cargo container for a continuous period of twelve (12) hours or more.

(2) Residential districts. The placement of cargo containers in residential districts shall be prohibited.

(3) Business districts. The placement of cargo containers in business districts shall be restricted to designated pop-up retail use approved as a Special Use or a loading berth area. In no instance, however, shall cargo containers be placed in front of the front wall of a principal building or public parking areas.

(4) Manufacturing districts. In no instance shall a cargo container be placed in front of the front wall of a principal building. The placement of cargo containers in industrial districts shall be restricted to:

a. A concrete or asphalt surfaced area and areas that meet the setback requirements, except as provided for in paragraph (4) of this section; or

b. A designated loading berth area.

(5) Exceptions for construction. Up to two (2) cargo containers may be placed on the property if they are placed in areas that meet the setback requirements and are not placed on required parking spaces. Cargo containers used for construction purposes must be immediately removed upon completion of the construction project.

(6) Cargo container amortization. All cargo containers lawfully existing on the effective date of this ordinance that do not conform to this section shall be removed or made to conform within one (1) year of the date of notification by the Village of nonconformance by the Village.

(7) PODS being used for temporary storage or construction projects in residential districts shall be permitted for a maximum of forty five (45) days.

10-12-1 Outdoor Dining and uses within Village ROW

1.Outdoor dining and drinking accessory to a use that has as a principal or accessory on-site use that is an eating and drinking establishment, including café/coffee shop/soda fountain, restaurant, specialty food shop, carry-out, brew-pub and microbrewery shall be permitted within Village right-of-way along with the following uses:

- Outdoor art instruction and preparation of artwork.
- Outdoor floral displays and planters.
- Any other uses found to be similar in nature and clearly compatible as determined by the Community Development Director.

2.Permitted locations. Permitted uses shall be conducted strictly within the ROW directly adjacent to the principal use, i.e., from the side lot lines extended toward the street centerline, or side and rear lot lines extended in the case of corner lots.

3.Permit required. Prior to commencing a permitted outdoor use, the applicant is required to obtain a revocable permit from the Village of Antioch Community Development Department. The permit process is outlined in the Antioch’s Operational Guidelines for Outdoor Uses within the Public Right-of-Way. The permit process will verify that the use will be conducted in accordance with the design guidelines, and will also require the applicant to indemnify and hold the Village harmless from any damage or claim resulting from the outdoor use, as well as to provide liability insurance listing the Village as an additional insured with minimum coverage limits determined by the Village of Antioch. This permit is a privilege and not a right and may be revoked by the Village of Antioch—at the discretion of the Village administrator or designee, which decision to revoke the permit may be appealed to the Village president and board of trustees—for such causes as failure to conduct the outdoor use in compliance with the requirements of this section

10-13-1 Home Occupations.

Generally, a home occupation is defined as an incidental and accessory use to the primary residential use. The following standards are to ensure that the Home Occupancy is compatible with the neighborhood and has no negative externalities on adjacent properties.

(1) Location. A home occupation may be conducted in any dwelling unit or in any building or structure accessory to the dwelling unit in any zoning district in which dwelling units are permitted. The building in which the home occupation is located shall be subject to the regulations of the zoning district in which it is located.

(2) Operation.

a. Only residents who occupy the residence shall be permitted to operate a Home Occupancy.

b. All activities related to the operation of a Home Occupancy shall be restricted to take place within the residence. Outside activity or the use of an accessory structure other than storage shall be prohibited.

c. Outside storage, outdoor display, or outdoor use of land is prohibited.

d. The home occupation shall not generate noise, vibration, glare, fumes, odors, electrical interference, or garbage beyond which normally occurs in the zoning district or planned development in which it is located.

(3) Extent and effect.

a. A home occupation shall be limited in extent and shall be incidental and secondary to the use of the property and shall not occupy more than twenty-five (25) percent of the gross floor area of the dwelling unit in which the home occupation is located. An accessory structure may be used for storage related to the Home Occupancy.

b. The activities caused by or associated with the home occupation shall not alter the residential character of the property or change the residential character of surrounding residential uses. There shall be neither exterior nor interior alteration or modification that changes the residential character of the dwelling unit.

(4) Traffic, deliveries, and parking.

a. The home occupation shall not generate traffic beyond what is normally expected in the zoning district or planned development in which it is located. In no case shall traffic volume created by the home occupation exceed twelve (12) trips per day, including deliveries.

b. Deliveries to home occupations shall not exceed five (5) per day.

c. Off-street parking for the home occupation shall be limited to the public street parking in front of the home occupancy.

(5) Prohibited home occupations. The following activities are expressly prohibited as home occupations:

Airbnb's

Animal hospitals (animal grooming service is permitted);

Kennels;

Medical offices or clinics;

Eating and drinking establishments;

Jobbing, wholesale or retail business, unless it is conducted entirely by internet, telephone or mail. No direct retail shall be permitted in any dwelling unit.

Undertaking establishments and funeral parlors.

Repair or maintenance of motor vehicles, to include cars, trucks, boats, recreational vehicles, snowmobiles, and motorcycles.

(6) Permitted home occupations. The zoning ordinance does not attempt to define or list all permitted home occupations. However, the following activities and uses are expressly permitted, provided that the other provisions of this section are met:

Barber/beauty shop;

Animal grooming services;

Baby-sitting services and day care activities that do not meet state law thresholds for licensing and regulation;

Licensed day care homes;

Instruction in music, dance, home crafts and arts, provided that the total class size does not exceed four (4) students at any time;

Offices of architects, brokers, engineers, insurance agents, lawyers, real estate agents, urban planners, landscape architects, accountants and secretarial services;

Offices of ministers, priests and rabbis or other religious leaders;

Offices of sales representatives or manufacturer's representatives;

Studios of artists, authors, composers and photographers;

Workrooms of dressmakers, seamstresses and tailors;

Workrooms for home crafts, such as model making, rug weaving, or cabinet making.

10-14-1 Bed and Breakfast

Based on the natural resources of the Village and historic character of Downtown Antioch, bed and breakfast establishments can operate as a special use in single-family detached dwelling units in any R district, providing the provisions of this section are met.

Criteria:

a. Any Bed and Breakfast shall be the principal residence of the operator of the Bed and Breakfast.

b. The operator/owner shall live on the premises when the bed and breakfast operation is active. No additional dwelling units above and beyond the principal dwelling unit may be occupied on the site.

c. Bed and Breakfasts shall only be permitted in single-family dwellings.

d. The bed and breakfast establishment shall provide at least two (2) exits to the outdoors, and every guest room shall have at least one unobstructed means of egress that leads to a public street or alley, either directly or through a court or yard. Passage to exits shall not lead through any other bedroom or guest room or through a space that can be locked by anyone who is not a member of the family.

f. Each room used for guests and sleeping shall have a smoke detector with a battery back-up.

G. Lavatories and bathing facilities shall be available to all persons using the bed and breakfast. Access to a bathroom shall not require passage through another bedroom.

H. All Bed and Breakfast's shall be allowed one monument sign which shall comply with the ground sign requirements as outlined in the Downtown Sign District.

I. Two parking spaces plus one additional parking space per guest room shall be provided. All parking spaces shall be paved and shall be located between the principal structure and the rear lot line. Guest parking areas in excess of four spaces shall be screened from adjacent residences with landscaping or fencing.

- **10-15-1 Group Homes.**

(1) The special needs pursuant to Federal and State Law are an important population of the Village of Antioch and requirements of group homes shall be accommodated and permitted in all R districts, while the following provisions should be followed by Group Homes:

(2) The scale and character of the building shall be compatible with the surrounding residential properties; and

(3) The facility shall be certified and licensed by all required federal, state, and local authorities; and

10-16-1 Adult uses.

While the Village of Antioch recognizes the constitutional protection of adult uses and the inherent first amendment rights of the adult use industry, the Village has also determined that adult use establishments—and particularly concentrations of adult uses—have an adverse impact on property values, crime, and neighborhood quality. In a desire to minimize these secondary effects and protect neighborhood quality, the Village finds it necessary to regulate such uses while maintaining reasonably available alternatives for their location within the Village. Therefore, the location and operation of adult uses shall be limited as follows:

(1) *Location restrictions.* Adult uses listed shall be permitted within the M-2 General Industrial District, provided that the establishment is not located within one thousand (1000) feet of an existing:

- a. Boundary of any residential district as defined by the zoning ordinance; and
- b. Place of public gathering or public offices; or
- c. Public or private educational facility; or
- d. Park or recreation facility; or
- e. Religious use or religious institution; or
- f. Licensed day care facility;
- g. Adult use; or
- h. Cemetery.

(2) Method of measurement. Measurement of the one thousand (1,000) feet limitation shall be made in a straight line, without regard to intervening structures or objects, from the nearest lot line of the lot where the adult use is to be located, to the nearest lot line of the other specified use.

(3) Exterior display. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to special sexual activities or specified anatomical areas from any public or from any other property. This provision shall apply to any display, sign, window or other opening. All entries, windows or other openings for adult uses shall be covered or screened in a manner that prevents a view into the interior from any public way.

10-17-1 Model homes.

(1) Model homes are permitted in the Village for the sale of new single-family, townhomes, duplexes, condos and multi-family units. The following provisions shall govern their operation:

- a) Sales offices, rental offices and construction offices may be in a model home, provided that the appearance of the model home is not substantially different from that of the other dwelling units in the subdivision or planned development.
- b) A temporary off-street parking lot is permitted.
- c) Model home may be illuminated, provided that the illumination does not adversely affect traffic and surrounding residents.
- d) All model homes shall have operational bathrooms for the employees and general public prior to any Certificate of Occupancy being issued.

PLANNED UNIT DEVELOPMENTS

10-18-1 Purpose

The purpose of a Planned Unit Development is to create an innovative and creative development that meets the highest standards of the Village of Antioch's Zoning Ordinance. A PUD provides a developer with a certain degree of flexibility relating to bulk regulations in order to create an innovative development.

The objectives of any Planned Unit Development include:

- a) Require a creative and sustainable residential, commercial or industrial development.
- b) To thoughtfully build and use the land in a responsible and sustainable manner that is environmentally sensitive to the flora and fauna of the region.
- c) To maximize the open space and preservation of the mature woodlands located throughout the region.

10-18-2 PUD/Special Use Application Required

- 1) Any applicant who wishes to proceed with a Planned Unit Development shall file a Special Use for a Planned Unit Development and meet the required findings as required in the Special Use section of this ordinance.
- 2) Mandatory- The Community Development Director shall reserve the right to require any applicant to file a Planned Unit Development if any of the following criteria are met; a) Land exceeds twenty (20) acres; b) Development includes more than twenty (20) units.

10-18-3 Development Standards.

In recommending approval or granting approval of preliminary development plans and final development plans, the Plan Commission and the Village Board shall ensure that the proposed PD meets the following standards:

- (1) *Ownership.* The land intended for the Planned Unit Development shall be under single ownership and/or unified control.
- (2) *Open Space-* All residential Planned Unit Developments shall set aside a minimum of 25% of the gross site as open space, and this may include dry retention areas and parks donated to the Antioch Park Department along with boulevards, and pocket parks.
- (3) *Designation of land for schools, recreational amenities and permanent common open space.* Any residential Planned Unit Development shall provide for the dedication of land for school

sites and land for recreational purposes. Alternatively, the Village Board may approve a cash payment in lieu of land dedication or may approve a combination of cash and land dedication, consistent with Village Ordinance.

(4) Public or private ownership. The public or private ownership and maintenance responsibilities for all common open spaces shall be established by the developer and approved as part of the ordinance authorizing the Planned Unit Development. All common areas should be platted as separate out lots. Restrictive covenants running with the land shall guarantee that the common open space will be properly cared for and used only for purposes designated in the Planned Unit Development.

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(5) Maintenance. To ensure appropriate long-term maintenance of private common open space the developer shall submit a detailed landscape plan and covenants making any Private Association responsible for the maintenance and replacement of any landscaping as identified in the approved landscape plan. All development plantings shall be maintained consistent with the terms of the Planned Unit Development.

(6) Dormant Special service area. A Dormant Special Service Area (DSSA) shall be required to be established concurrent of approval of a residential Planned Unit Development to ensure adequate property maintenance. This special service area shall be created at the time of final platting of the first phase of the Planned Unit Development and shall include all phases of the Planned Unit Development. In the event the entity that has ownership and maintenance responsibilities fails to adequately manage the open space, the Village may assume maintenance responsibilities until such time as that or another appropriate entity can manage the open space. The Village may tax the property of those within the special service area for the Village's prior and estimated future cost of maintaining the open space.

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10-18-4 Guidelines for Planned Unit Developments

1) In accordance with the provisions of this ordinance the Village may publish design guidelines for Planned Unit Developments. In reviewing the preliminary and final development plans the Plan Commission and Village Board should ensure that any Planned Unit Development is consistent with the Village's Single-Family Design Standards:

2) *General.* All Planned Unit Developments shall be developed in strict compliance with the recorded Final Plan, Final Landscape Plan, and Residential Pattern Book (Architectural Design Standards for the product being proposed within the development) shall be approved by the Village Board as part of any Special Use for a Planned Unit Development. All final plans and covenants filed and recorded by the Village shall be contractual undertakings by, and shall be binding upon, the applicants, therefore the owners of the land covered by such planned development, their successors and assigns. The Final Plat and Final Plan and Final Landscape

Plan, any Pattern Book along with supporting data shall control and limit the use of the parcel of land (including the general internal use of buildings and structures) and the location of the buildings and structures in the planned development.

3)Occupancy. No Planned Unit Development or any portion of a Planned Unit Development, may be occupied until such time as all applicable building certificates have been issued by the appropriate Village authority certifying that the development, or a stage of the development, if applicable, has been completed in compliance with the final plan and any recorded covenant or developer agreement as approved and recorded.

4) Amendments and administrative adjustments to the approved final development plan.

a) Major changes. A major change requires a public hearing before the Plan Commission and approval by the Village Board. The procedure for the hearing and approval shall be in accordance with the provisions of this ordinance. Submittal requirements maybe limited to plans and documents that indicate or are related to the major changes. Any of the following changes shall be deemed a major change:

i.) Any proposed change that would alter the character

ii) Increasing or decreasing the number of units or density of a Planned Unit Development would constitute a major change.

iii) Any increase in the increase in the height of any building or structure beyond five (5) percent, or alters the uses and design standards set forth as a minimum in this ordinance;

iv) Any increase that would constitute a ten (10%) increase in the gross floor area would constitute a major change;

v) A change which significantly reduces the amount of common open space or recreational amenities;

vi) A change that significantly alters the number, type, or location of landscaping or existing vegetation;

vii) A change that would have a significant environmental impact.

b. Minor changes. Minor changes are changes not defined as major changes which do not alter the concept or intent of the Planned Unit Development. The Community Development Director may approve minor changes in a Planned Unit Development. However, prior to considering any minor change the Community Development Director may request that the Plan Commission review the proposed minor change and offer its recommendations.

c. Revocation. The Planned Unit Development and the ordinances authorizing it shall be subject to revocation. If the Planned Unit Development is revoked the zoning classification of the

subject property will revert to the zoning classification affixed to the property before approval of the PUD.

d. Grounds for revocation. The Planned Unit Development shall be subject to revocation if:

i. The application for approval of the final development plan is not filed within two (2) years from the date of approval of the preliminary development plan; or

ii. Construction does not commence within two (2) years from the date of approval of the final development plan. For a Planned Unit Development with a phasing plan, the PUD shall be subject to revocation if the initial phase of construction has not commenced within two (2) years of the approval of the PUD, or if construction of any of the subsequent phases has not commenced or is not completed in accordance with the terms of the phasing plan; or the developer requests revocation of the PUD.

e. Extensions and hearings. The Village Board may extend these time limits in one-year increments. The Village Board may schedule a revocation.

10-18-5 Approval procedures for Planned Unit Developments.

A PUD shall be granted as a special use to the zoning district in which it is located. The Village Board is the final decision-making body. The process for obtaining a PUD approval shall be as follows:

A. Drawings.

i. The generalized pattern of existing land use, indicating ground elevations, major and minor roadways, sidewalks, railroads, sanitary sewers, storm sewers and drainage improvements, water mains, utilities and designated landmarks, historical areas and buildings.

ii. Detailed drawings of the area covered by the proposed development indicating the proposed: ground elevations, streets, lots, buildings, heights and uses of buildings, landscaping, pedestrian access and circulation, common open space, recreational areas and facilities, parking areas, service areas and other facilities related to the proposed development.

c. Land uses. A description of the quantity of all land uses in the proposed development.

d. Dedicated acreage. The number of acres to be devoted to recreational areas, schools, parks, or municipal purposes; if the proposed development is to be constructed in phases, the area and location of such uses that will be provided at each stage.

e. Requested modifications. A description of the modifications, exceptions, and deviations from the Village's ordinances which are being requested as part of the application for approval of the PUD.

10-18-6 Findings of fact.

(1) General. The Plan Commission shall not recommend a proposed PUD for approval unless it shall make findings of fact based upon evidence presented to it in each specific case.

(2) Findings—All PUDs. In recommending approval for a proposed PUD, the Plan Commission shall find that:

a. The PUD fulfills the objectives of the comprehensive plan and the land use policies of the Village and presents an innovative and creative approach to the development of land and living environments.

b. The physical design of the PUD efficiently utilizes the land, adequately provides for transportation and public facilities, and preserves natural features of the site, and that the property is suitable for the proposed purposes and land uses.

c. Open spaces and recreational facilities are provided.

d. The PUD is compatible with the adjacent properties and the neighborhood, and along the periphery of the PUD yards or setbacks shall be provided that meet or exceed the regulations of the district in which the PUD is located.

10-19-1 PERMITTED OBSTRUCTIONS

The following obstructions yards are permitted as outlined in the table below:

Projections of sills, belt courses, cornices, bay windows, buttresses, chimney, ornamental features and eaves may extend three (3) feet into required yards.

Table VI Permitted Obstructions in Yards

Projection, Obstruction, or Accessory Use with Limitations	Yard			
	Front	Rear	Side	Corner Side
Air conditioning units, window, provided they do not extend more than two feet from window	N	P	P	N
Air conditioning units and equipment, other than window, provided they are at least four feet from all property lines	N	P	P	P
Arbors and trellises	P	P	P	P
Awnings and canopies, providing they project less than six feet from facade and at least seven feet, six inches above grade	P	P	P	P
Balconies, open; providing they project less than six feet from facade and at least seven feet, six inches above grade	P	P	P	P
Basketball goal on non-recreation land use, limited to one pole- or garage-mounted goal and shall be at least five feet from all property lines	P	P	P	P
Garages, detached	N	Y	Y	N
Decks and terraces in a residential district, if they are at least fifteen feet from all property lines	N	P	P	P
Patios with patio covers in a residential district, if they are at least four feet from all side yard and rear property lines and at least fifteen feet from front property line and not less than fifteen feet from the rear property line	N	P	P	P
Patios without patio covers in a residential district, if they are at least four feet from all side yard property lines and at least fifteen feet from the front property line	N	P	P	N
Dish antennas				
Greater than 30" diameter	N	P	N	N
Less than 30" diameter	N	P	P	N
Dog runs, enclosed, provided that the minimum distance to any and all property lines is at least ten feet.	N	P	N	N

10-20-1 Village Preservation Ordinance

Section 1.

There is hereby established a Historic Preservation Commission which shall consist of five (5) members.

Section 2.

Members shall be appointed on the basis of demonstrated interest and/or professional expertise and experience in the areas of archaeology, architecture, architectural history, art, art history, building construction, engineering, finance, historical and architectural preservation, history, landscape architecture, law, planning, real estate, or urban design.

Section 3.

A planning division staff member shall serve as a liaison to the Historic Preservation Commission as a non-voting, ex-officio member.

Section 3.

The Village president shall appoint, subject to the approval of the Village Board, the members of the Historic Preservation Commission for terms of three (3) years. Initial members shall serve staggered terms of three appointed for three (3) years terms, and two for two (2) year terms.

Section 4.

The Village President, with the advice and consent of the board of trustees, shall appoint the chairperson, vice-chairperson, and such officers as determined to be appropriate.

Officers shall serve for terms of one (1) year, commencing May 1 and ending April 30 of the following year, and shall be eligible for re-appointment.

A quorum shall consist of a majority of the members. All recommendations to the Village Board shall be made by a majority of those members present at any meeting where a quorum exists.

Meetings shall be held at regularly scheduled times and at the call of the chairperson, as necessary.

Minutes of the proceedings of each meeting shall be made and kept as required by law.

Attendance will be taken and included in the minutes which will be made available to the Village Board.

Any member of the Historic Preservation Commission who fails to attend three (3) consecutive meetings or who fails to attend one-half of all meetings held within any twelve (12) month period may be replaced as recommended by the Village president and approved by the board of trustees.

The Historic Preservation Commission shall provide an annual written report of its activities to the Village President and board of trustees by June 1 of each year.

All meetings shall conform to the requirements of the Open Meetings Act.

Members shall serve with compensation as established by the Village Board.

Commission members shall recuse themselves from any official involvement, including any deliberation or voting as to any property which they own or have any ownership interest in, that is the subject of historic landmark nomination or designation, historic district nomination or designation, a certificate of appropriateness, a certificate of economic hardship, or any subdivision, planned unit development, or zoning review process as set forth in this ordinance.

Section 4. Powers and duties of the Historic Preservation Commission.

The Historic Preservation Commission shall have the following powers and duties:

To adopt its own procedural regulations; and

To conduct an ongoing survey to identify such buildings, structures, sites, objects, or historic districts within the planning jurisdiction of the Village of Antioch as well as other properties as they are annexed into the Village that are historically or architecturally significant in that they exemplify and/or reflect the cultural, social, economic, political, or architectural history of the nation, state, or Village; and

To allow for the review and comment from Lake County, Illinois regarding any actions pertaining to the annexation of property designated as a county landmark into the Village of Antioch; and

To investigate, hold public hearings, and recommend to the Village Board the adoption of ordinances designating certain Antioch buildings, structures, or sites as having special historic, community, scenic, architectural, or archaeological value as historic landmarks; and

To investigate, hold public hearings, and recommend to the Village Board the adoption of ordinances designating certain Antioch areas as having special historic, community, scenic, architectural, or archeological value as historic districts; and

To maintain a register of all property and structures which have been designated under this ordinance, including all information required for such designation; and

To inform and educate the citizens of Antioch concerning the historic and architectural heritage of the Village of Antioch; and

To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and re-use, and on procedures for inclusion on the National Register of Historic Places; and

To advise and assist owners of historically significant properties or within certified historic districts to receive certification for repairs and alterations so that the owner will qualify for state property tax or federal tax credit programs; and

To recommend certification of designated historic landmarks and districts, with the approval of the Village Board, to the Illinois Historic Preservation Agency; and

To nominate landmarks and historic districts, with the approval of the Village Board, to the National Register of Historic Places; and

To develop criteria, with the approval of the Village Board, for the alteration, construction, or removal of landmarks and property and structures within historic districts; and

To hold public hearings and to review applications for certificates of appropriateness for new construction within historic districts and for additions to, alterations, removal, or demolition of buildings or structures within historic districts or designated landmarks and to consider applications for certificates of appropriateness for such actions and recommend approval, approval with conditions, or denial to the Village Board for proposed "major work;" and

To hold public hearings and to review applications for certificates of appropriateness for additions to, alterations, removal, or demolition of buildings or structures within historic districts or designated landmarks and to consider applications for certificates of appropriateness for such actions and approve, approve with conditions, or deny proposed "minor work;"

To consider applications for certificates of economic hardship and recommend approval, approval with conditions, or denial to the Village Board; and

To develop criteria for the redevelopment of historically significant sites or properties; and

To review proposed zoning amendments, applications for special uses, or applications for zoning variances which affect designated historic landmarks, districts, or property adjacent thereto. The planning division shall send applications for special use or zoning variances to the commission for comment prior to the date of the hearing by the plan commission or the Village Board; and

To testify before appropriate boards and commissions on any matters affecting historically or architecturally significant property, structures, or areas; and

To administer on behalf of the Village of Antioch, upon designation by the board of trustees, any property or full or partial interest in real property, including a conservation right as that term is used in Chapter 765 of the Illinois Compiled Statutes Section 120, Paragraph 1, which the Village may have or accept as a gift or otherwise; and

To recommend application for, acceptance of, and administration of such gifts, grants and money as may be appropriate for the purposes of this ordinance to the board of trustees; and

To develop a preservation component for the Comprehensive Plan for the Village of Antioch and to recommend it to the plan commission; and

To periodically review the Village of Antioch zoning ordinance as it relates to historic preservation and to recommend amendments/updates to the plan commission; and

To confer recognition upon the owners of landmarks upon buildings, structures, sites, or objects within historic districts by means of certificates, plaques, markers, etc.; and

To undertake any other action or activity necessary and appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance not inconsistent with the municipal code.

Section 6. Statement of purpose and intent.

Historic preservation in the Village of Antioch is established for the purposes of:

a) Providing a mechanism to identify and preserve the distinctive historic architectural areas, buildings, structures, landscapes, and archaeological sites which represent elements of the Village's cultural, social, economic, political, and/or architectural history; and

b) Fostering civic pride in the beauty and noble accomplishments of the past as embodied in the Village's architecture and historic sites; and

c) Protecting and increasing the value of property within the historic districts of the Village and those sites designated as landmarks; and

d) Encouraging preservation, restoration, and rehabilitation of the Village's historic buildings and structures and of its historic residential and commercial neighborhoods; and

e) Ensuring that the economic benefits resulting from preservation (e.g. tax incentives, new jobs, renewed buildings) are available to the citizens of Antioch.

Section 7. - Historic landmark nomination and designation procedures.

Nominations for landmark designation shall be made to the Historic Preservation Commission by any Village of Antioch property owner or businessperson by completing the application form available from the community development department.

A property or site may also be nominated by the commission or the Village Board.

In cases where the nominator is not the property owner, a statement of consent signed by the owner(s) of record of the subject **property must be attached to the nomination form.**

Upon receipt of a completed application and until a determination is made by the Village Board, no permits shall be issued for alteration, construction, removal, or demolition of the proposed landmark.

Nomination applications shall include the following:

- a. The name and address of the owner of record of the property proposed for designation; and
- b. A legal description, common street address, and tax parcel identification number of the property proposed for designation; and
- c. A map delineating the boundaries and location of the property proposed for designation; and
- d. Historic and current photographs of subject property; and
- e. A written statement describing the property along with any improvements thereupon and setting forth the reasons the property is eligible for nomination, including a statement indicating which of the criteria in part d. of this section are met by nomination; and
- f. Such other information as may be required by the commission.

Section 8.

Within thirty (30) days of receiving a completed nomination, a public hearing shall be scheduled to consider the eligibility of a property for landmark designation.

At the hearing, the commission will take testimony presented by the nominator, the owner, and any other interested parties who wish to comment on the application in relation to the criteria for designation as a landmark. The nominator shall be responsible to make the case for designation and supply such supporting evidence of eligibility as can be made available.

Section 9.

The commission shall evaluate the property's eligibility for landmark designation based on its historic and/or architectural significance, the integrity of its design, workmanship, materials, location, setting and feeling, and the extent to which it meets one or more of the following criteria:

- a. Has character, interest, or value which is part of the development, heritage, or cultural character of the community, county, state or nation;
- b. Is suitable for preservation or restoration;
- c. Has yielded, or is likely to yield, information important to prehistory, history, or other areas of archaeological significance.

Section 10.

The commission may recommend approval, approval with stipulations or denial of the landmark nomination as a whole or parts thereof.

Section 11.

Within thirty (30) days after the conclusion of the public hearing, the commission shall make a recommendation regarding the proposed landmark designation to include the findings and reasonings. The recommendation will be forwarded to the Village Board for consideration.

Section 12.

Landmark designations and additions or modifications to their boundaries shall be made by ordinance, which shall include the legal description of the area to be included within the landmark designation.

Section 13.

Landmark designation may be rescinded by the same procedures and according to the same criteria set forth herein for landmark designation. No nomination application relating to the same property will be entertained by the commission for twelve (12) months following denial.

Section 14. Historic district nomination and designation procedures.

(1) Nominations for district designation shall be made to the Historic Preservation Commission by any Village of Antioch property owner or businessperson by completing the application form available from the community development department.

(2) A district may also be nominated by the commission or the Village Board.

(3) Not less than thirty (30) days prior to the scheduling of a public hearing to review a proposed district, the Village shall mail written notices of a neighborhood question and answer session via certified mail and first class mail to all property owners as shown on the record of the local real

estate tax collector within the proposed district boundaries. The notice shall include an "owner consent form" that allows the property owner to either "consent" or "not consent" to the inclusion of the property within the boundaries of the proposed district. Additionally, the notice of the question and answer session shall include the date, time and location of the session as well as contact information for the HPC staff member. All consent forms shall be postmarked, or hand delivered to the planning division within ten (10) days of the neighborhood question and answer session in order to be considered in the determination of the proposed district boundaries as published in a public hearing notice. The nomination will not be accepted if more than fifty (50) percent of the voting property owners whose properties are located within the proposed district boundaries object to the designation.

(4) Upon receipt of a completed application and until a determination is made by the Village Board, no permits shall be issued for alteration, construction, removal, or demolition for any property within the proposed district.

(5) Nomination applications shall include the following:

- a. The name and address of the owner of record of each property proposed for designation; and
- b. A legal description, common street address, and tax parcel identification number of all properties proposed for designation; and
- c. Historic and current photographs of properties in the proposed district
- d. A map delineating the boundaries and location of the district proposed for designation or a map identifying the nominated resources within the district proposed for designation; and
- e. A written statement describing the district and setting forth the reasons the district is eligible for nomination, including a statement indicating which of the criteria in part (8) of this section are met by nomination; and
- f. Such other information as may be required by the commission.

Within thirty (30) days of receiving a completed nomination, a public hearing shall be scheduled to consider the eligibility of an area for designation as a historic district.

b. At the hearing, the commission will take testimony presented by the nominator, property owners, and any other interested parties who wish to comment on the application in relation to the criteria for designation as an historic district. The nominator shall be responsible to make the case for designation and supply such supporting evidence of eligibility as can be made available.

(8) The commission shall evaluate the proposed district for its eligibility as a historic district based on its overall historic and/or architectural significance, and the extent to which it meets one or more of the following criteria:

a. The area contains one (1) or more buildings, structures, or sites meeting the criteria for landmark designation, and may also include other buildings, structures or sites which, although they may not qualify for individual landmark designation, contribute to the overall visual character of the area and to its architectural or historic significance;

b. The area is historically, economically, or culturally significant to the development of Antioch;

c. The area has sufficient integrity to convey the sense of a particular period in the history of the community.

(9) The commission may recommend additions to or deletions from a proposed historic district.

(9.5) The commission may recommend approval, approval with stipulations or denial of the district nomination as a whole or parts thereof.

(10) Within thirty (30) days after the conclusion of a public hearing, the commission should make a recommendation regarding the proposed historic district. The commission's recommendation should include a listing of those structures considered to be landmarks, contributing and non-contributing within the proposed district, as well as findings and reasonings. In addition to the recommendation for designation, the HPC shall establish a set of regulations to maintain the character of the district for future renovation, rehabilitation, and new construction projects. The regulations will be included as part of the ordinance that declares the district as historic, subject to board approval. Regulations may include: Permitted and special uses; accessory buildings and uses of land; design standards; bulk, density and lot coverage standards; setback requirements; fences; and signs. These regulations will supersede the bulk zoning regulations for the area defined within the district. The recommendation and district regulations will be forwarded to the Village Board for consideration.

(11) Reserved.

(12) Historic districts, and additions or modifications to their boundaries, shall be made by ordinance, which shall include the legal description of the area to be included within the historic district.

(13) Classification of an individual property as a landmark, contributing, or non-contributing within a designated historic district may be modified based on significant alterations, whether man-made or acts of nature.

(14) No nomination application relating to the same district will be entertained by the commission for twelve (12) months following denial.

Section 13 - Certificate of Appropriateness.

(1) Concept review.

- a. Purpose: A concept plan may be submitted for the purpose of obtaining the Historic Preservation Commission's comments and recommendations prior to the owner spending significant time and expense in the preparation of detailed plans and architectural drawings and applying for a certificate of appropriateness.
- b. Procedure: The property owner requesting a concept review shall submit a preliminary drawing of any exterior alterations or construction, current photographs of the property, historic photographs (if available), a map or survey showing locations of all structures on the property, and a list of proposed materials. The owner shall present the concept plan at a commission meeting.
- c. After discussion with the owner, the commission may make a preliminary determination whether the proposed work complies with the established criteria and may make recommendations as to any changes that would bring the proposal into compliance.

(2) Certificate of Appropriateness—When required.

- a. Except as provided herein, a certificate of appropriateness is required prior to issuance of a permit for minor and major work involving any new and other construction, alteration, repair, demolition, relocation or other material change that may affect the exterior architectural appearance of any structure or site within an historic district or of any designated landmark building or site.
- b. An application for a certificate of appropriateness shall not be required for certain projects. Projects which do not require a certificate of appropriateness include, but are not limited to, those listed below:
 - i. Change in exterior paint schemes or colors;
 - ii. Ordinary repair and maintenance of existing exterior architectural features which do not permanently alter or modify the features and do not require a building permit;
 - iii. Replacement of existing outside storage sheds;
 - iv. Installation, removal, or change in landscaping;
 - v. Repairs to private concrete or asphalt sidewalks, and all sidewalks, curbs, streetlights, fire hydrants and street signs within the public right-of-way;
 - vi. Replacement of existing mechanical and electrical service equipment;

c. The requirement for a certificate of appropriateness may be waived in emergency circumstances which require immediate relief, repair, or demolition, where the fire chief or building official certifies that such conditions exist and that said conditions can be eliminated as quickly as is needed only if the certificate of appropriateness is waived.

d. In the event any building, structure, or other feature should be damaged by fire or other calamity, or by Act of Nature, or by the public enemy to such an extent that, in the opinion of the aforesaid official or officials, it cannot reasonably be repaired and restored, it may be removed or demolished in conformity with normal permit procedures and applicable laws. Subsections (3) and (4) shall apply only in cases where it is impractical for the commission to review a certificate of appropriateness.

(3) Certificate of Appropriateness—Procedure.

a. Where a certificate of appropriateness is required, the community development department shall furnish applicants with an application for a certificate of appropriateness.

b. Within ten (10) days following receipt by the community development department of an application for a certificate of appropriateness, the community development department shall notify the chairperson of the Historic Preservation Commission.

c. The commission shall review an application for a certificate of appropriateness within twenty-one (21) days after notification by the community development department. Plans and specifications for exterior work submitted with the permit application shall be made available to the commission. The community development department shall notify the applicant of the time and place of the meeting.

d. Tabling the application shall be considered action by the commission provided, however, that any such delay shall not exceed twenty-one (21) days unless the applicant has not provided the additional documentation or expert technical advice requested.

e. The commission may table the application for a certificate of appropriateness if it finds that additional documentation or expert technical advice from outside its membership is needed to properly evaluate the application. The commission may hold an additional meeting or meetings to consider the application not more than twenty-one (21) days from receipt of all requested documentation and technical advice.

f. The commission shall approve an application for a certificate of appropriateness for projects where it is required and that meet the applicable criteria for "minor work." These projects include, but are not necessarily limited to, the following:

i. Addition of outside storage and mechanical and electrical service equipment not visible from a public street or sidewalk either because of location or landscaping;

- ii. Application or use of exterior roofing materials of the same kind, type, or texture as that already in use, if appropriate;
 - iii. Improvements, alterations, and renovations that can be accomplished without obtaining a building permit, including, but not limited to, screening and siding using the same material as when the building was first constructed;
 - iv. Erection, alteration, or removal of features associated with a physical or medical condition of an occupant, clients or customers, but which do not permanently alter exterior features, including access ramps or lifts;
 - v. Replacement of fences of the same type and material in the same location;
 - vi. Installation of or change in, storm doors, storm windows, and screens;
 - vii. Other such projects that are determined to be minor work, either through consistent interpretation of this ordinance, or by determination of either the Historic Preservation Commission or the Village Board.
- g. If the commission finds that the work proposed in the application meets the applicable criteria of subsection (4) of this section, and is considered "major work" that will not impair the integrity of contributing structures within a historic district, it shall recommend to the Village Board approval of a certificate of appropriateness. The recommendation shall state its findings and reasonings, which will be forwarded to the Village Board.
- h. If the commission finds on a preliminary basis that the work proposed in the application does not meet the applicable criteria of this article, it may make recommendations to the applicant concerning changes that would cause the work proposed in the application to meet the applicable criteria and may confer with the applicant in an attempt to resolve any differences between the applicant's plan and the applicable criteria.
- i. If the commission finds that the work proposed in the application does not meet the applicable criteria and will therefore adversely affect or destroy historically or architecturally significant features of a landmark or of a building, structure, or site within a designated historic district, it shall recommend denial of a certificate of appropriateness. The recommendation shall state its findings and reasonings, which will be forwarded to the Village Board.

Upon subsequent denial, the applicant may submit an amended application to address the findings and recommendations of the commission and the Village Board. If the commission finds that the amended application conforms to the findings and recommendations of the commission and the Village Board and to the applicable criteria set forth in this article, it shall issue a certificate of appropriateness, and no further action by the Village Board will be necessary.

j. A certificate of appropriateness shall be invalid if:

i. Changes have been made to the plans subsequent to the approval of the commission or Village Board; or

ii. The permit issued for the work becomes invalid. A certificate of appropriateness remains in force for the same period of validity as the permit.

k. The applicant may apply for a certificate of economic hardship upon denial of a certificate of appropriateness pursuant to the following section.

(4) Certificate of Appropriateness—Criteria. In deciding whether to recommend approval or denial of an application for a certificate of appropriateness, the commission shall be guided by the following criteria:

a. The significance of a site, structure, or building:

i. The commission shall apply the maximum flexibility allowed by this chapter in its review of applications for new construction and for alteration, removal, or demolition of structures that have little architectural or historic significance. However, if the new construction, alteration, removal or demolition would seriously impair or destroy historically or architecturally significant features of a landmark or of a building, structure, or site within a designated historic district, the commission shall give due consideration to protection of those historically and architecturally significant features.

ii. The following properties are presumed to have architecturally or historically significant features: 1) Properties within a designated historic district that are classified as architecturally or historically significant by a survey conducted pursuant to the duties assigned to the commission; 2) Properties designated as landmarks pursuant to sections of this chapter, and 3) all properties listed on the National Register of Historic Places.

iii. The following properties will sometimes have architecturally or historically significant features: Properties within a designated historic district that are classified as architecturally or historically contributing pursuant by a survey conducted pursuant to the duties assigned to the commission and pursuant to this Code.

iv. The following properties will usually have little architectural or historic significance: Properties within a designated historic district that are classified as architecturally or historically non-contributing by a survey conducted pursuant to the duties assigned to the commission and pursuant this Code.

b. General design guidelines:

- i. Height: The height of any proposed alteration or construction should be compatible with the style and character of the structure and with surrounding structures.
- ii. Proportions of the front facade: The relationship between the width of a building and the height of the front elevation should be compatible with surrounding structures.
- iii. Proportions of windows and doors: The proportions and relationships between doors and windows should be compatible with the architectural style and character of the building.
- iv. Relationship of building masses and spaces: The relationship of a structure to the open space between it and adjoining structures should be compatible.
- v. Roof shapes: The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the building and with adjoining structures.
- vi. Scale: The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with the surrounding structures.
- vii. Directional expression: Facades in historic districts should blend with and reflect the dominant horizontal or vertical expression of adjacent structures. The directional expression of a building after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
- viii. Architectural details: Architectural details should be treated so as to make a building compatible with its original architectural style and character and to not detract from the inherent characteristics of surrounding structures.
- ix. Appurtenances: New, replaced, or restored appurtenances shall be sensitive to the individual building or structure, its occupants, and their needs.
- x. New structures: New structures in a historic district shall be compatible with, but need not be the same as, the architectural styles and general designs and layouts of the surrounding structures.

c. The U.S. Secretary of the Interior's Standards for Rehabilitation:

- i. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- ii. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

iii. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

iv. Most properties change over time; those changes that have acquired historic significance shall be retained and preserved.

v. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

vi. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

vii. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

viii. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

ix. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

x. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(5) Code conflicts. Where there are irreconcilable differences between the requirements of the codes (building code and other codes) adopted by the Village of Antioch and the requirements of this article, conformance to these codes shall take precedence.

Section 13. - Certificate of economic hardship.

Notwithstanding any of the provisions of this chapter to the contrary, upon receipt of a recommendation from the commission and upon making the findings described herein, the Village Board may approve a certificate of economic hardship to allow the performance of work for which a certificate of appropriateness has been denied.

(1) Applicants claiming economic hardship shall be required to show evidence of having sought rehabilitation assistance from available sources. The commission will provide the applicant with a list of sources known to it.

(2) Applicants may submit any or all the following information in support of the application:

a. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.

b. The assessed value of the land and improvements thereon according to the two (2) most recent officially documented assessments.

c. Real estate taxes for the two (2) previous years.

d. Remaining balance on mortgage, if any, and annual debt service, if any for the previous two (2) years.

e. All appraisals obtained within the previous two (2) years by the owner of record in connection with the purchase, financing or ownership of the property.

f. Any listing of the property for sale or rent, price asked and offers received, if any.

g. Any consideration by the owner as to profitable adaptive uses for the property.

h. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years and annual cash flow before and after debt service, if any during the same period.

i. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.

j. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

k. A report from a licensed architect or engineer with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

l. Any other information reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.

(3) After reviewing the application and any other information available, the commission shall make a recommendation to the Village Board regarding the application for a certificate of economic hardship.

(4) If the Village Board finds that without approval of the proposed work the property cannot obtain a reasonable economic return, it may issue a certificate of economic hardship; as an alternative, it may delay the issuance of a certificate of economic hardship for a period of up to three (3) months. During this time, the Village Board shall invite plans and recommendations from the commission or any interested party, to provide for a reasonable beneficial use or a reasonable economic return, or to otherwise preserve the subject property.

(5) Such plans and recommendations may include, but not be limited to, a relaxation of the provisions of this ordinance, financial assistance, the application of building code requirements, and/or changes in zoning regulations.

(6) If, by the end of this three (3) month period, the Village Board determines that no viable alternative is available and the property cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return, then it shall issue a certificate of economic hardship approving the proposed work.

(7) The Village Board shall consider the recommendations of the commission in deciding whether to issue the certificate of economic hardship, but may overturn the commission's recommendation if, in its sole discretion, it finds such action appropriate.

Section 14. - Subdivision, planned unit development, and zoning review process.

(1) Upon receipt of a petition for: 1) approval of a preliminary plat for a subdivision or planned unit development; 2) a zoning map amendment; or 3) a variance of the zoning ordinance or subdivision control ordinance for any property within an historic district, the community development department shall notify the owner of record of said property that such petition will be reviewed by the commission subject to the provisions of this article.

(2) Within thirty (30) days of notice of a petition concerning zoning amendments or variances, the commission shall hold a public hearing and provide written comments to the plan commission or zoning board of appeals, as the case may be, describing recommendations to enhance the proposed project relative to character of the district, including, but not limited to, yard setbacks and building scale. No comments shall be made unless a quorum of the commission has visited the site.

(3) Within thirty (30) days of notice of a petition concerning a subdivision or a planned unit development within the district, the commission shall hold a public hearing and provide written comments to the Village Board or the plan commission, as the case may be, concerning historic features, structures, and sites that may be affected and the commission's recommendations concerning the most effective means of achieving the Village's development objectives within.

(4) In the case of a subdivision or planned unit development, the commission's recommendations relating to the character of the development, yard setbacks, and building scale shall be made at the time of development review as outlined in subsection (3) of this section. No additional commission review shall be required at the time of issuance of a building permit for any improvement within said subdivision or planned unit development which has since been approved by the Village Board provided, however, that said improvement is consistent with the approved plans.

Section 15 Ordinary maintenance.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any improvement designated as a landmark or any improvement located within a historic district which does not involve change in such improvement's design or materials, or in any exterior architectural feature of the improvement.

Section 16. Natural demolition.

In the case of partial or complete natural demolition of a site within a historic district or of a landmark, the owner will be required to obtain a certificate of appropriateness from the commission prior to reconstruction. Although exact duplication of the previous building or structure may not be required, the exterior design of the property and its placement on the parcel shall be respectful of:

- (1) The exterior design of the structure prior to damage, and
- (2) The character of the historic district or surrounding structures

This ordinance does not modify or negate the existing zoning of any property in the Village of Antioch. Furthermore, nothing contained in this ordinance relieves any person of the duty of complying with all other statutes, laws, ordinances, and regulations. Nor is anything in this ordinance intended to amend the powers of any other regulatory body of the Village.

Section 17. Enforcement, penalties, and equitable relief.

(1) Enforcement.

a. Officials of the Village of Antioch Community Development Department shall give written notification, sent by certified mail, return receipt, postage prepaid requested, of any violation of this ordinance to the owner of record, lessor, the trustee, or other legally responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this ordinance. They shall state in the notification in clear precise terms a description or explanation of the violation. The property owner of record, trustee, lessor, or legally responsible party shall have thirty (30) days from the date of receipt of the notice in which

to correct such violation or to give satisfactory evidence that steps have been taken that will lead to correcting such violation within a stated period of time, which time must be agreeable to the community development department as being fair and reasonable.

b. The property owner of record, trustee, lessor, or legally responsible party may request an extension of up to thirty (30) days to remedy such violations.

c. Upon petition of the commission, the Circuit Court of Lake County may restrain and/or enjoin any construction, removal, alteration, or demolition in violation of this ordinance and may order the removal in whole or part of any exterior architectural feature existing in violation of this ordinance and may further order such reconstruction as may be necessary or desirable to redress any alteration or demolition in said violation.

(2) Penalties.

a. Any person, firm, or corporation that violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this ordinance, shall be subject to a fine of up to seven hundred fifty dollars (\$750.00) for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense.

b. The owner or tenant of any building, structure, or land, and any architect, planner, surveyor, engineer, realtor, attorney, builder, contractor, agent, or other party who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

c. Nothing herein contained shall prevent the Village of Antioch from taking such other lawful action as is necessary to prevent or remedy any violation.

(3) Equitable relief. In addition to other remedies provided by law, the Village of Antioch may institute any appropriate action or proceeding to prevent, restrain, abate or correct a violation of this ordinance including, but not limited to, requiring the restoration of property and improvements to its appearance prior to the violation.

ORDINANCE NO. 19-12-44

AN ORDINANCE AUTHORIZING AND REGULATING THE LEGAL MARKETING OF RECREATIONAL CANNABIS

WHEREAS, the Village has long had in full force and effect a Municipal Code which includes a zoning code as Title 10 thereof which establishes and maintains regulations for the purpose of

improving and protecting the public health, safety, comfort, convenience and general welfare of the people as well as the use of land within the community; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (the Act), which pertains to the possession, use, cultivation, processing, transportation and dispensing of Recreational cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

WHEREAS, the corporate authorities by consensus indicated an intention to utilize the public process set forth in the zoning code in order to determine whether it is appropriate in this community to permit sales of cannabis, and, if so, what regulations to provide therefore, and as a result the Village served as the Petitioner in this zoning case; and

WHEREAS, the Planning and Zoning Board conducted a public hearing, pursuant to due published notice as required by law, on November 14, 2019 and discussed a draft ordinance which would modify certain provisions of the Municipal Code to add a new chapter thereto containing overlay district regulations specific to the growing, processing and sale of cannabis; and

WHEREAS, the Planning and Zoning Board recommended approval of the proposed draft ordinance on September 12, 2019; and

WHEREAS, the Village Board takes note that a conditional use is the same as a special use. *Pioneer Tr. & Sav. Bank v. McHenry County*, 89 Ill. App. 2d 257, 268, 232 N.E.2d 816, 823 (2d Dist. 1967), *rev'd on other grounds*, 41 Ill. 2d 77, 241 N.E.2d 454 (1968), and that the Village's Zoning Code uses the term special use in lieu of conditional use; and

NOW, THEREFORE, BE IT ORDAINED by the Village Board of Trustees of the Village of Antioch, Illinois as follows:

SECTION 1: Recitals. The recitals set forth above are incorporated herein.

SECTION 2: Cannabis Overlay Code Adoption. Chapter 17 is hereby added to Title 10 of the Antioch Municipal Code and it shall hereafter read as set forth on Exhibit A hereto.

SECTION 3: The special use regulations set forth in Section 10-15-5 of the Antioch Municipal Code are hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

10-15-5(A). Conditions Of Approval: The zoning board of appeals may recommend, and the Village Board of trustees may impose, such restrictions on the height, bulk and area of occupancy of any structure so approved for special use as may be reasonable under the particular circumstances. Off street parking facilities as well as off street loading and unloading spaces may also be stipulated in the order permitting the special use, and all other codes and ordinances of the Village must be complied with. Special uses relating to Recreational Cannabis require compliance with the procedures outlined in the Cannabis Overlay Code, Chapter 17 of Title 10 of this Code.

SECTION 4: The B-1 zoning district regulations set forth in Section 10-6A of the Antioch Municipal Code are hereby amended by the addition of the following subsection 10-6A-2A:

10-6A-2A CANNABIS CONDITIONAL/SPECIAL USES: The following special uses relating to recreational cannabis may be permitted in specific situations in accordance with the procedures outlined in the Cannabis Overlay Code, Chapter 17 of Title 10 of this Code, as appropriate:

Recreational Cannabis Dispensing Organization.

SECTION 5: The B-2 zoning district regulations set forth in Section 10-6C of the Antioch Municipal Code are hereby amended by the addition of the following subsection 10-6C-2A:

10-6C-2A CANNABIS CONDITIONAL/SPECIAL USES: The following special uses relating to recreational cannabis may be permitted in specific situations in accordance with the procedures outlined in the Cannabis Overlay Code, Chapter 17 of Title 10 of this Code, as appropriate:

Recreational Cannabis Dispensing Organization.

SECTION 6: (Withdrawn as the Planning and Zoning Board recommended not permitting cannabis businesses to locate within the downtown form based code areas)

SECTION 7: The M-1 zoning district regulations set forth in Chapter 10-7A of the Antioch Municipal Code are hereby amended by the addition of the following section 10-7A-2A:

10-7A-2A CANNABIS CONDITIONAL/SPECIAL USES: The following special uses relating to recreational cannabis may be permitted in specific situations in accordance with the procedures outlined in the Cannabis Overlay Code, Chapter 17 of Title 10 of this Code, as appropriate:

Recreational Cannabis Craft Grower Organization.

Recreational Cannabis Dispensing Organization.

Recreational Cannabis Infuser Organization.

Recreational Cannabis Processing Organization.

~~Recreational Cannabis Transporting Organization.~~

~~Recreational Cannabis Cultivation Organization.~~

SECTION 8: The M-2 zoning district regulations set forth in Chapter 10-7B of the Antioch Municipal Code are hereby amended by the addition of the following section 10-7B-2A:

10-7b-2A CANNABIS CONDITIONAL/SPECIAL USES: The following special uses relating to recreational cannabis may be permitted in specific situations in accordance with the procedures outlined in the Cannabis Overlay Code, Chapter 17 of Title 10 of this Code, as appropriate:

Recreational Cannabis Craft Grower Organization.

Recreational Cannabis Infuser Organization.

Recreational Cannabis Processing Organization.

~~Recreational Cannabis Transporting Organization.~~

~~Recreational Cannabis Cultivation Organization.~~

SECTION 9. Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 10. Effective Date. This Ordinance shall be in full force and effect upon its passage and approval as required by law, provided that the actual possession, use, growing, processing, transportation, or sale of cannabis within the Village is authorized by the Act and this adopted code only on and after January 1, 2020.

Section 11. Codification. The Village's Codifier shall be permitted to alter the numbering of the code provisions set forth in this Ordinance and Exhibit A hereto in order to conform with code sections adopted in the new Village of Antioch Zoning Ordinance, when and if adopted.

ADOPTED THIS 19TH day of December, 2019.

AYES: 4: Macek, Poulos, Johnson and Mayor Hanson.

NAYS: 3: Pierce, Yost and Dominiak.

ABSTENTIONS: 0.

ABSENT: 0.

APPROVED THIS 19th day of December, 2019.

Mayor Lawrence M. Hanson

ATTEST:

Village Clerk Lori K. Romine

Exhibit A - Title 10, Chapter 17

RECREATIONAL CANNABIS MERCANTILE REGULATIONS.

10-17-1. Purpose and Applicability. It is the intent and purpose of this section to provide regulations regarding the cultivation, processing and dispensing of Recreational cannabis occurring within the corporate limits of the Village of Antioch, Illinois. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (the 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.

10-17-2: Definitions. The following terms shall have the meanings set forth hereinbelow:

RECREATIONAL CANNABIS BUSINESS ESTABLISHMENT: An Recreational cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

RECREATIONAL CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS DISPENSING ORGANIZATION: 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.

RECREATIONAL CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

10-17-3. Conditional/Special Use. Recreational Cannabis Business Establishment facilities, as defined herein, requiring approval of a special (conditional) use in the respective districts in which they are requested shall be processed in accordance with Sections 10-15-5 and 10-17-4 of this Code.

10-17-4. Recreational Cannabis Facility Components. In determining compliance with Section 10-15-5 of this Code (Conditional/Special Uses), the following components of the Recreational Cannabis Facility 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 the properties:

- 4.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property, including, but not limited to churches, synagogues, temples and other known houses of worship.
- 4.2 Proposed structure in which the facility will be located, which must be in a separate, standalone building), total square footage, security installations/security plan and building code compliance.

- 4.4 Hours of operation (which cannot exceed those allowed by the Act) and anticipated number of customers/employees.
- 4.4 Anticipated parking demand based on Section 10-11-6 of this Code and available private parking supply.
- 4.5 Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- 4.6 Site design, including access points and internal site circulation.
- 4.7 Proposed signage plan.
- 4.8 Compliance with all requirements provided in Sections 10-17-5 through 10-17-9 of this Code, as applicable.
- 4.9 Compliance with the Village's Site Plan Review procedures as provided for in 10-13-1 through 10-13-12 of this Code.
- 4.10 Other criteria determined to be necessary to assess compliance with Section 10-15-5 of this Code.

10-17-5. Recreational Cannabis Craft Grower: In those zoning districts in which a Recreational Cannabis Craft Grower may be located, the proposed facility must comply with the following:

- 5.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
- 5.2 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- 5.3 For purposes of determining required parking, Recreational Cannabis Craft Grower shall be classified as a retail store and service shop under Section 10-11-6 of this Code, provided, however, that the Village may specify that additional parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.

- 5.4 Petitioner shall file an affidavit with the Village affirming compliance with this section.

10-17-6. Recreational Cannabis Cultivation Center: ~~In those zoning districts in which a Recreational Cannabis Cultivation Center may be located, the proposed facility must comply with the following:~~

- ~~6.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.~~
- ~~6.2 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.~~
- ~~6.3 For purposes of determining required parking, Recreational Cannabis Cultivation Center shall be classified as a manufacturing use per Section 10-11-6 of this Code, provided, however, that the Village may specify that additional or reduced parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.~~
- ~~6.4 Petitioner shall file an affidavit with the Village affirming compliance with this section.~~

This form of cannabis-related business is not permitted within the Village of Antioch.

10-17-7. Recreational Cannabis Dispensing Organization: In those zoning districts in which a Recreational Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- 7.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and

vocational/trade centers shall not be classified as a public or private school for purposes of this section.

- 7.2 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- 7.3 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act.
- 7.4 (Withdrawn as the Planning and Zoning Board recommended not permitting areas for consuming cannabis within commercial businesses)
- 7.6 For purposes of determining required parking, said facility shall be classified as a retail store and service shop under Section 10-11-6 of this Code, provided, however, that the Village may specify that additional or reduced parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.
- 7.7 Petitioner shall file an affidavit with the Village affirming compliance with this section.

10-17-8. Recreational Cannabis Infuser Organization: In those zoning districts in which a Recreational Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

- 8.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
- 8.2 Facility may not conduct any retail sales.
- 8.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

- 8.4 For purposes of determining required parking, said facilities shall be classified as a manufacturing use per 10-11-6 of this Code, provided, however, that the Village may specify that additional or reduced parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.
- 8.5 Petitioner shall file an affidavit with the Village affirming compliance with this section.

10-17-9. Recreational Cannabis Processing Organization: In those zoning districts in which a Recreational Cannabis Processing Organization may be located, the proposed facility must comply with the following:

- 9.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
- 9.2 Facility may not conduct any retail sales.
- 9.3 At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- 9.4 For purposes of determining required parking, said facilities shall be classified as a manufacturing use per Section 10-11-6 of this Code, provided, however, that the Village may specify that additional or reduced parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.
- 9.5 Petitioner shall file an affidavit with the Village affirming compliance with this section.

§ 154A.010. Recreational Cannabis Transporting Organization: ~~In those zoning districts in which a Recreational Transporting Organization may be located, the proposed facility must comply with the following:—~~

~~10.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.~~

~~10.2 Facility may not conduct any retail sales.~~

~~10.3 The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.~~

~~10.4 For purposes of determining required parking, said facilities shall be classified as a manufacturing use per Section 10-11-6 of this Code, provided, however, that the Village may specify that additional or reduced parking be provided as a result of the analysis completed through Sections 10-17-3 and 10-17-4 of this Code.~~

~~10.5 Petitioner shall file an affidavit with the Village affirming compliance with this section.~~

This form of cannabis-related business is not permitted within the Village of Antioch.

10-17-11. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the recreational cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for a Recreational Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

10-17-12. Co-Location of Cannabis Business Establishments. The Village Board may approve the co-location of a Recreational Cannabis Dispensing Organization with a Recreational Cannabis Craft Grower Center or a Recreational Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria of Sections 10-17-3 and 10-17-4 of this Code. In a co-location, the floor space requirements of Sections 10-17-7.3 and 10-17-8.3 of

this Code shall not apply but the co-located establishments shall be the sole use of the tenant space.

10-17-13. Number of Businesses Permitted. The total number of allowable licenses for the foregoing classes of Cannabis Business Establishments within the Village of Antioch shall be as follows:

Recreational Cannabis Craft Grower:	1
Recreational Cannabis Dispensing Organization:	1
Recreational Cannabis Infuser Organization:	1
Recreational Cannabis Processing Organization:	1

[illegible]

CERTIFICATE

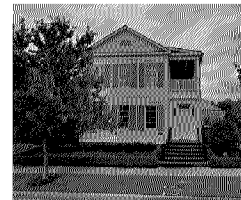
I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on December 19, 2019, the Corporate Authorities of such municipality passed and approved **Ordinance No. 19-12-44**, entitled ***AN ORDINANCE AUTHORIZING AND REGULATING THE LEGAL MARKETING OF RECREATIONAL CANNABIS***” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 19-12-44**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 20, 2019 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 20th day of December, 2019.

Lori K. Romine, RMC/CMC
Village Clerk



10-23-1 Traditional Neighborhood Development Standards

1. Intent. Traditional Neighborhood Development are intended to provide current residents and future residents with the opportunity to reside in pedestrian friendly neighborhoods that incorporate a mixture of uses. Included in this mixture of uses are a wide variety of housing options including single-family, duplexes, townhomes, apartments, and accessory dwelling units. The following standards are intended to guide the development community on the various design standards that should be followed when proposing a Traditional Neighborhood Development:

- **Mixed Use**

TND Developments should integrate a mix of uses ranging from single-family, duplexes, townhomes, apartments, accessory dwelling units, and commercial/office, civic, religious, and open space;

- **Density**

Generally, Traditional Neighborhood Developments should incorporate a density range between 5.0 to 12 units per gross acre. This density range provides for opportunities for single-family, duplexes, townhomes, apartments, court-yard homes, apartments, accessory dwelling units, and commercial.

- **Pedestrian Sheds**

TND's should be designed within a quarter mile perimeter or a 15 -minute walking area in order to create a pedestrian friendly, compact, and intimate neighborhood feel.

- **Interconnected Streets**

Streets design within a TND should be designed in an interconnected manner and cul de sacs are discouraged unless the topography requires them.

- **Blocks**

Block length should have a maximum length of 500 feet and a block perimeter should be limited to a maximum of 1600 feet.

- **Parking**

Garage should be located to the rear of the homes. Either alleys, motor courts, detached garages or garages setback at least 20 feet from the front building line shall be permitted. Street parking is encouraged, and on-street parking can be counted towards any required parking as outlined in this zoning ordinance for Traditional Neighborhood Developments.

- **Building Design**

Traditional Neighborhood Development buildings should be front loaded with a maximum build-to-line of 10 feet in the front adjacent to any right-of-way. Structures should incorporate prominent entrances that are centrally located along with a balanced window pattern. Rooflines should incorporate simple lines and excessive use of gables is discouraged. Roof slopes should incorporate a minimum of 8/12 slopes, unless the design style dictates a lower slope (Prairie, Craftsman,). Single-family homes are encouraged to incorporate a usable porch in front of the house with minimum of eight- foot width and if privacy is a concern, porches should be elevated.

While simple traditional design is encouraged, no architectural style is mandated within these standards. The most important design element is the creation on an intimate streetscape which dictates a sense of enclosure between the street, parkway trees, front setback/and front elevation of the home. Any fence or hedge in the front yard should not have a height that exceeds three feet

- **Accessory Dwelling**

One accessory dwelling per detached home shall be permitted by right. Accessory units should be incorporated above the garage or located in the backyard of a single-family home. Living areas should not exceed 800 square feet and ADU's should not count towards the allowable square footage of a single-family home. Accessory Dwelling Units should have separate entrances from the main entrance of a single-family home

Commercial Guidelines

Commercial Neighborhood Centers within a TND should be located along a collector street or in the center of a neighborhood and should cater to the daily needs of the residents within the neighborhood or adjacent neighborhoods. If designed properly, a Commercial Neighborhood

Center can become a true “third place” and attract residents throughout the community if designed properly. Commercial Neighborhood Centers should follow the standards as highlighted below:

- **Parking**

Parallel or angle parking should be located on both sides of the street adjacent to any Commercial Neighborhood Center. Off-Street parking minimums do not exist for Commercial Neighborhood Centers within a TND district. However, off-street parking is permitted if appropriate and required by the businesses within the neighborhood center. Including street parking, there should be one (1) parking space for every 500 square feet of commercial/office development within a neighborhood center.

- **Parking Location**

Off-Street parking lots in front of buildings within a Commercial Neighborhood Center is prohibited. If off-site parking exists, 75% of the off-site parking must be in the rear of any structure and 25% may be located on the side of the structure. Where possible, adjacent parking lots should connect and should be broken into smaller areas with landscaping or other design techniques. In addition, extensive landscaping should be incorporated along the perimeter of any off-site parking that can be seen from the street. One (1) shade tree for every ten (10) parking space should be planted along the perimeter of the off-site parking lot.

- **Building Design**

Buildings should use zero setbacks in order to create a wall of buildings that mirror the classic “American Main Street” design approach. In addition, buildings should incorporate between 60% to 80% windows (glazing) along the first floor adjacent to any sidewalk or area visible from the street. Ten to twelve- foot sidewalks are required in Commercial Neighborhood Centers along with street trees planted every forty feet. Buildings should incorporate awnings, covered walkways, arcades, or recessed entrances. Quality materials including face brick, glass, fiber cement board, or stucco shall be used.

Mixed use buildings are encouraged and up to four stories shall be permitted as right within any Commercial Neighborhood Center. Residential or Office are limited to the second floors.

- **Signs**

Only one wall sign per store space or alternatively an awning with signage shall be permitted in the Commercial Neighborhood Center. All signs should within the district shall be individual letters with back-lighting or sandblasted signs of natural wood or HDU board. All signs should be

designed to be pedestrian scaled and proportioned to any building they are placed on. Internally illuminated or Electronic Message Board signs shall be prohibited.

10-24-1 Zoning Definitions

Unless specifically defined below, words or phrases in this chapter shall be interpreted giving them the same meaning as they have in this Code and in common usage and to give this chapter its most reasonable applications.

ACCESS DRIVE. An internal drive that provides access to out lots within a major development.

ACCESSORY BUILDING. See "BUILDING, ACCESSORY".

ACCESSORY USE. A use of land that is incidental and subordinate to that of the main building or use of land and that is located on the same lot.

ADDITION. Any act or process which changes one or more of the exterior architectural features of a building or structure designated for preservation by adding to, joining with, or increasing the size or capacity of the structure.

ADULT USE. Adult use includes the following:

Adult bookstore. An establishment having a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphases on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video review or coin-operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.

Adult cabaret. A public or private establishment which (1) features topless dancers, strippers, male or female impersonators; or (2) not infrequently features entertainers who display specified anatomical areas; or (3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of specified sexual activities.

Adult massage parlor. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered for the primary purpose of sexual stimulation or arousal, unless such

treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Adult mini motion picture theater. An enclosed building with a capacity for fewer than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or "specified anatomical areas."

Adult modeling studio. An establishment where the primary business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Adult motion picture theater. An enclosed building with a capacity for fifty (50) or more persons used regularly and routinely for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult paraphernalia store. Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult video store. An establishment having a substantial portion of its stock in trade films, video tapes, video disks, or similar items whether for sale or rental, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

ALLEY. A public right-of-way which affords a secondary means of access to abutting property.

ALTERATION. Any act or process which changes one or more of the exterior architectural features of a structure, including, but not limited to the erection, construction, reconstruction or removal of any structure.

ANIMAL GROOMING SERVICE. An establishment or place where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.

ANIMAL HOSPITAL. A facility where animals are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel is limited to short time boarding and is only incidental to such hospital use.

ANIMAL SHELTER. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

ANNUAL. Plants whose life cycle lasts only one year, from seed to blooms to seed.

APPLICANT. Any individual, firm, partnership, association, corporation, company or organization applying for a permit.

ARCADE, AMUSEMENT. An establishment where the primary business is based on the offering for public use five (5) or more of any form of game machine, instrument or apparatus operated by coin, slug, or similar medium.

ARCHITECTURAL FEATURE. An element of a building design intended to be functional or ornamental.

ARCHITECTURAL GRADE VINYL. Vinyl siding meeting ASTM D3679 standards including a minimum thickness of .044 with foam-backed corners.

ARCHITECTURAL SIGNIFICANCE. Embodying the distinctive characteristics of a type, period style or method of construction or use of indigenous construction, or representing the work of an important builder, designer, architect, or craftsman who has contributed to the development of the community, county, state or nation.

AREA. A specific geographic division of the Village of Antioch.

ASSISTED LIVING FACILITY. A home, building, residence, or any other place where sleeping accommodations are provided for at least three (3) unrelated adults, at least eighty (80) percent of whom are fifty-five (55) years of age or older, and where the following are provided:

a.

Community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available twenty-four (24) hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and

b. Mandatory services, whether provided directly by the facility or by another entity arranged for the facility, with the consent of the resident or the resident's representative; and

c. A physical environment that is a homelike setting that includes individual living units and common space that permits individual and group activities.

"Assisted living facility" does not mean:

a. A long-term care facility licensed under the Nursing Home Care Act;

b. A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness.

ATTENTION-GETTING DEVICE. A pennant, propeller, spinner, streamer, string of lights, searchlight, or similar device or ornamentation; a sign with a bright, intense, or fluorescent color scheme or background.

AUTO BODY AND REPAIR SERVICE. An establishment, building, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender muffler or upholstery work, oil change and lubrication, painting, brake service, tire service and sales, or installation of CB radios, car alarms, stereo equipment or cellular telephones, but excluding dismantling and salvage (see "junkyard") and establishments and facilities where the servicing and repair of vehicles is incidental to marketing and selling activities (see "automobile, light truck sales and service").

AUTOMOBILE, LIGHT TRUCK SALES AND SERVICE. An establishment, building, or land used for the display and sale of automobiles, motorcycles, and light trucks, either new or used, and which may include any warranty repair work and other repair service conducted as an accessory use.

AWNING. A temporary or permanent shelter supported entirely from the exterior wall of a building which extends over a doorway or window.

BAKERY, RETAIL. An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

BALLED & BURLAPPED (B&B). Trees and shrubs dug from soil with a soil left intact around the roots and secured with burlap.

BANNER. A temporary sign made of lightweight durable, all-weather material, either enclosed or not enclosed in a rigid frame and secured or mounted to a permanent structure.

BANNER, ADVERTISING. A temporary sign made of cloth or a similar durable all-weather material, typically without a rigid frame, used for a specific time period to advertise a grand opening, a sale, or any other temporary special event.

BANNER, CIVIC. A temporary canvas sign installed on a light pole or wall for the purpose of advertising the Village logo, seasonal messages, or community events.

BAR. See "TAVERN".

BARE ROOT. Plants that are not transplanted in soil at time of installation, rendering them effectively dormant.

BED AND BREAKFAST. A private, owner-occupied business in a single-family residence where overnight accommodations and a morning meal are provided to transients for compensation.

BILLBOARD. A large, changeable ground or wall-mounted sign that exceeds three hundred (300) square feet in sign face area and twenty-five (25) feet in height.

BLOCK. An area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of a subdivision, waterways, or corporate boundaries.

BOAT AND RV SALES, SERVICE, OR STORAGE. An establishment, building, or land which is primarily engaged in or used for the retail sales, service, or storage of (1) RVs and trailers used for camping and/or recreational purposes, or (2) boats sixteen (16) feet or more in length.

BODY ART. The practice of physical body adornment by establishments or artists using, but not limited to, the techniques of body piercing and tattooing. For the purposes of this code, body art does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

BORDER PLANTINGS/FOUNDATION PLANTINGS. Perennial flowers, shrubs or bushes of various height and diameter used to screen building foundations, appurtenances and property boundaries.

BREWERY. A facility that brews malt beverages on site for retail or wholesale distribution, with a capacity of fifteen thousand (15,000) or more barrels per year. A barrel is the equivalent of thirty-one (31) gallons. See also "BREW PUB" and "MICROBREWERY".

BREW PUB. A restaurant that brews beer as an accessory use, either for consumption on site or in hand-capped, sealed containers in quantities up to one-half ($\frac{1}{2}$) barrel sold directly to the consumer. Production capacity is limited to five thousand (5,000) barrels of beverage (all beverages combined) per year. The area used for brewing, bottling and kegging shall not exceed thirty (30) percent of the total floor area of the commercial space. A barrel is equivalent to thirty-one (31) gallons. See also "MICROBREWERY" and "BREWERY".

BUILDBABLE ACREAGE. A parcel of land or portion of an existing parcel or lot of record with sufficient area and dimensional configuration to be developed independently of preceding improvements and in accordance with Village zoning and subdivision standards.

BUILDING. Any support, enclosure, or shelter for persons, animals, or property created principally to shelter any form of human activity; may also refer to a historically and functionally related unit such as a courthouse and jail or a house and a barn.

BUILDING, ACCESSORY. See "ACCESSORY BUILDING".

a. A building which: i.

Is subordinate to and serves a principal building or principal use; and

ii. Is subordinate in area, extent or purpose to the principal building or principal use served; and

iii. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and

iv. Is located on the same zoning lot as the principal building or principal use served, with the single exception of any accessory off-street parking facility permitted to locate elsewhere than on the same zoning lot with the building or use served.

b. An accessory building, structure or use includes but is not limited to the following:

i. A children's playhouse, garden house, or private greenhouse;

ii. A garage, shed, or building for storage incidental to a permitted use;

iii. Incinerators, incidental to a permitted use;

iv. Storage of goods used in or produced by manufacturing activities, on the same zoning lot with such activities, unless such storage is excluded by the district regulations;

v. The production, processing, cleaning, servicing, altering, testing, repair, or storage of merchandise normally incidental to a retail service or business use if conducted by the same ownership as the principal use;

vi. Off-street motor vehicle parking areas and loading facilities;

vii. Carports;

viii. A non-paying guest house (without kitchen facilities) or rooms for guests within an "accessory building," providing such facilities are used for the occasional housing of guests of the occupants of the principal building and not for permanent occupancy by others.

BUILDING COVERAGE. The horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on a lot.

BUILDING, PRINCIPAL. A building or structure in which the primary use of the lot on which the building is located is conducted.

BUILDING MAINTENANCE SERVICE. Establishments or places of business engaged in the repair, maintenance, and remodeling of existing buildings and grounds. Such services include, but are not limited to, those of a: general contractor; electrician, plumber, carpenter, roofer, and mason.

BUILDING MATERIAL SALES. Establishments or places of business that have a substantial portion of their business and require that a substantial portion of the floor or lot area be devoted to sale

and rental or storage of building materials such as lumber, cement, bricks, paving stones, garden and landscaping items, and finished or semi-finished building components such as windows and doors. Building material sales does not include hardware stores where the substantial portion of the business and floor area is devoted to power tools, and smaller construction and maintenance items such as nails, screws, plumbing fixtures, electrical supplies, cleaning supplies.

BULK AND DENSITY REGULATIONS. Also referred to as "bulk and density provisions." The controls in this and other ordinances that specify limitations on the size of buildings and yards and the location of buildings with respect to one another. These controls include the following: building height, building setbacks, yard requirements, building coverage, impervious area coverage, floor area ratio, lot area, lot depth, lot width, and various measures used to indicate buildings or dwelling units per acre.

BUSINESS SUPPORT SERVICES. Establishments or places of business engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office, professional, or service establishments. Typical uses include office and equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.

CAFE. An establishment primarily offering coffee, tea and other non-alcoholic beverages, and where light refreshments and limited menu meals may also be sold. Also referred to as "COFFEE SHOP".

CALIPER. A size measurement (usually the diameter in inches) of the trunk or main leader of an overstory, ornamental, or parkway tree.

CAMP, DAY OR YOUTH. The use of a site for provision of indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service. Also see "CAMPGROUND".

CAMPGROUND. Any area that is occupied, intended, designed, or improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers or tents for dwelling, lodging, or sleeping purposes and is held out as such to the public. Also see "CAMP, DAY OR YOUTH".

CANOPY. A structure deriving its support from a framework of posts or other means independent of a connected structure for the purpose of shielding from the elements, commonly found at a bank or gasoline service station.

CAR WASH. Mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets.

CERTIFICATE OF APPROPRIATENESS (COA). A certificate authorizing issuance of a permit for alteration, construction, removal, or demolition of a landmark or a building, structure, site, or other improvement within a designated historic district.

CERTIFICATE OF ECONOMIC HARDSHIP (COEH). A certificate authorizing alteration, construction, relocation of, or removal or demolition of a landmark or a building, structure, site, or other improvement within a designated historic district when such property, in its current state, cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return thereon without the proposed alteration, construction, relocation, removal or demolition.

CHARACTER. Special physical characteristics of an existing or proposed building or structure or an area that set it apart from its surrounding and contributes to it individually. Character-defining considerations include, but are not limited to, building height, shape, materials, orientation and architectural style and features, as well as the site's interior spaces and relationship to the surrounding area.

CHILD CARE FACILITY. Any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined under Illinois law that is established and maintained for the care of children. "Child care facility" includes a relative who is licensed under Illinois law as a foster family home under Illinois law.

COFFEE SHOP. See "CAFE".

COMMERCIAL ENTRY. The entryway of a commercial building that would be perceived by the public to be an entrance available for public use.

COMMISSION. As referred to in this chapter, the established Historic Preservation Commission for the Village of Antioch.

COMMON OPEN SPACE. The land and water areas within a PD that are devoid of buildings and other structures, other than accessory recreational and pedestrian facilities and uses, and are suitable for active and passive recreational activities. Common open space specifically excludes parking lots, streets, required setbacks for individually-owned lots and buildings, the building footprint of schools, and retention ponds that are unsuitable for water-based recreation. Common open space can include areas intended for active (e.g., softball fields) and passive (e.g., picnic areas) recreation.

COMMUNICATIONS SALES AND SERVICE. Establishments or places of business engaged in the sale, rental, and repair of communications devices such as telephones, cellular telephones, and ancillary electronic supplies and devices.

COMMUNITY DEVELOPMENT DEPARTMENT. The Village of Antioch Community Development Department.

CONSTRUCTION. The act of altering an existing structure, building an addition to an existing structure, or the erection of a new principal or accessory structure on a lot or property.

CONTAINER, CARGO. See "OUTDOOR STORAGE FACILITY".

CONTRIBUTING (BUILDING, STRUCTURE, OR SITE). A building, structure, or site that may not necessarily have architectural or historic significance as a single property, but which adds to the overall character and significance of an historic district due to its architectural or historical merit and its compatibility with other buildings, structures, and sites within an architectural or historic setting such as a neighborhood. Contributing buildings, structures, and sites are an integral part of an historic district.

CONVENIENCE STORE. A retail store with a floor area of less than four thousand (4,000) square feet that sells a limited line of groceries, tobacco, periodicals, and other household goods. See also "SERVICE STATION, AUTOMOTIVE".

Commentary: Convenience stores are distinct from other retail uses because their operating characteristics—traffic generation, hours of operation, noise and litter—tend to be more intensive than many other retail uses.

COPING. The top layer or course of a masonry wall, usually having a slanting upper surface to shed water.

COURTYARD DEVELOPMENTS. Developments having their main or public entrance facing a central public open space or parking area that serves the overall development. Such buildings shall be geared towards pedestrian traffic versus typical automobile traffic.

CULTIVATION CENTER. A facility operated by an organization or business that is registered by the department of agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

DAY CARE CENTER. Any childcare facility which regularly provides day care for less than twenty-four (24) hours per day for (i) more than eight (8) children in a family home, or (ii) more than three (3) children in a facility other than a family home, including senior citizen buildings. (225 ILCS 10, Sec 2.09.)

DAY CARE HOME. A family home that receives more than three (3) and up to a maximum of twelve (12) children for less than twenty-four (24) hours per day. (225 ILCS 10, Sec 2.18.)

DAY CARE HOME, GROUP. A family home which receives more than three (3) up to a maximum of sixteen (16) children for less than twenty-four (24) hours per day. The number counted

includes the family's natural or adopted children and all other persons under the age of twelve (12).

DECIDUOUS. A term that indicates that a plant sheds its foliage at the end of the growing season. The term, deciduous is used especially in reference to trees and shrubs.

DECK. A platform, either freestanding or attached to a building, without a roof, three (3) or more feet above grade. Also see "PATIO" and "PORCH".

DEMOLITION. Any act or process which destroys in part or in whole a landmark or a building, structure, or site within an historic district.

DENSITY. The total number of dwelling units divided by the site acreage. Density is not based upon gross area of the site but upon "Gross Buildable Area" as defined herein.

DESIGN CRITERIA. Standards of appropriate activity that will preserve the historic, architectural, scenic, or aesthetic character of a historic landmark or district.

DISPENSARY. A facility operated by an organization or business that is registered by the department of financial and professional regulation to acquire cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials, to registered qualifying patients.

DONATION COLLECTION BOX. A container used to temporarily store donated items, typically operated by a charitable organization.

DRIVE-THROUGH FACILITY. An establishment in a building which has an opening in the wall of the structure which is designed to provide for sales to and/or service to patrons who remain in their vehicles.

DRIVEWAY. A private roadway providing access for vehicles to a parking space, garage, dwelling, or other building.

DRY CLEANING AND LAUNDRY PICKUP FACILITY. An establishment or business for the delivery and pickup of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

DRY CLEANING PLANT. A building, or portion of a building for the cleaning of fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersion only, in volatile solvents.

DUPLEX. A building containing two (2) dwelling units, each of which has direct access to the outside.

DWELLING. A building, or portion the portion of a building, used for residential occupancy, including single-family detached dwellings, two-family dwellings, duplexes, single-family attached dwellings, multiple-family dwellings, boarding and rooming houses, dormitories, and apartment hotels, but excluding cabins, tents, hotels, motels, trailers, and recreational vehicles

DWELLING, MULTI-FAMILY. A building or portion of a building containing three (3) or more dwelling units with separate cooking and toilet facilities for each dwelling unit.

DWELLING, SINGLE-FAMILY. A building designed exclusively for occupancy by one family, detached from all other dwellings, and surrounded by open space, but not including manufactured housing.

DWELLING UNIT. A room or group of rooms providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A single-family home is one dwelling unit; each apartment within a multi-family residential building is a separate dwelling unit.

E.I.F.S. Exterior Insulation and Finish Systems meeting ASTM C1535-04 standards of application.

EMERGENCY. A life or health threatening condition requiring immediate attention, as determined by the fire chief or building official.

EVERGREEN. A term meaning having foliage that persists and remains green throughout the year, in contrast to plants that are classified as deciduous.

EVERGREEN TREE. Needle bearing, self-supporting woody plant with a single trunk or leader and an expected mature height of thirty (30) feet or more.

EXTERIOR ARCHITECTURAL APPEARANCE. The architectural character and general composition of the exterior of a building or structure including, but not limited to, the kind and texture of the building materials and the type, design, arrangement, and character of all architectural elements.

FACADE FRONTAGE. The facade frontage is the width of the face of the front building wall or the width of the front wall face of the area devoted to an individual tenant of a commercial retail center.

FAMILY. Two (2) or more persons related to each other by blood, marriage, or legal adoption living together as a single housekeeping unit; or a group of not more than four (4) persons who need not be related by blood, marriage or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit.

FARM STAND. A small, often open-air structure, situated at the side of a road, in which agricultural products are publicly displayed and offered for sale. Its use is generally seasonal. Also see "ROADSIDE MARKET".

FIBER-CEMENT BOARD. Cement based siding such as Hardie-board or Hardie-plank siding designed to have the look of wood siding with reduced maintenance requirements.

FINDINGS OF FACT. A list of conclusions concerning a zoning issue properly adopted by an administrative body. Such conclusions are arrived at by examination of documents, listening to testimony, or listening to statements at a public hearing or public meeting. Findings of fact are generated in order to ensure that the grounds for an administrative decision are clearly disclosed and adequately sustained.

FLAG. A sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns or symbolic devices used for attracting attention to the public.

FLAG, CORPORATE. A sign printed on a flag representing the symbol of any corporation.

FLAG, OFFICIAL. Any sign printed on a flag representing the symbol of any nation, state or political subdivision.

FLOOR AREA. See "GROSS FLOOR AREA".

FLOOR AREA RATIO. The gross floor area of all buildings on a zoning lot divided by the area of the zoning lot.

FREIGHT TERMINAL, TRUCK. A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Truck freight terminals include express and other mail and package distribution facilities, including those operated by the U.S. Postal Service.

GARAGE. A building or part of a building used or designed to be used for the parking and storage of vehicles.

GARDEN CENTER. A building and outside sales areas in which annual plants, potted plants, nursery stock, fertilizer, pesticides, tools, or related items are offered for sale.

GFA. See "GROSS FLOOR AREA".

GOVERNMENTAL FACILITY. Property owned and occupied by the federal, state, county, municipal, or township government or a school district, park district, library district, fire district, or police department.

GRADE. The average level of the finished surface of the ground adjacent to the exterior walls of the building.

GRAIN STORAGE. A facility or land primarily used for the storage of more than one ton of unprocessed grains such as corn, soybeans, or wheat.

GROCERY STORE. A retail establishment with the primary business of selling foodstuffs, to include fruits and vegetables, and with a floor area of less than thirty thousand (30,000) square feet.

GREENHOUSE, COMMERCIAL. A structure covered with transparent material that uses solar radiant energy to grow plants intended for retail or wholesale distribution. The structure may have heating and ventilating equipment for the purpose or optimum temperature control.

GROSS BUILDABLE AREA. The total acreage of the property minus the following:

1. Wetlands. Only those wetlands which fall under current regulations by the Army Corps of Engineers shall be considered in this calculation;
2. All the floodway shown on the official FEMA maps or as approved by the Army Corps of Engineers. Where a defined floodway is not known, an area seventy-five (75) feet on both sides of the creek or river centerline shall be used for this calculation until additional engineering studies detail the actual floodway;
3. Land within the right-of-way or easement of an existing roadway;
4. Land within an existing permanent easement prohibiting development (including electrical transmission lines and pipelines).
5. Land identified in the comprehensive plan for exclusive business use such as commercial or industrial areas.

GROSS FLOOR AREA (GFA). The sum of the gross horizontal areas of the floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area includes: basement floor area when more than one-half ($\frac{1}{2}$) of the basement height is above the established curb level or above the finished lot grade level where the curb level has not been established; elevator shafts and stairwells at each floor; floor space used for mechanical equipment; attic space having head-room of six feet, nine inches or more; interior balconies and mezzanines; and enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in the floor area.

GROUND COVER, LIVING. Grass from sod or seed, other low-lying planted material no more than twelve (12) inches in height used for erosion control. Not including pollen producing varieties, not briars, brambles, nor plants generally accepted as weeds.

GROUP HOME. A dwelling or facility used to provide a socially dependent family environment for developmentally or mentally disabled patients, as specified in the 1988 Fair Housing Act Amendments of the Civil Rights Act of 1968. For purposes of this ordinance, this definition shall not include "halfway houses," uses for the recovering chemically dependent, prison work release programs or any use that does not house solely the developmentally or mentally disabled.

GROUP LIVING. A group of five (5) or more persons, not related by blood, marriage, legal adoption, or foster care status residing in a single dwelling unit or facility. Examples of group living arrangements include, but are not limited to, fraternity houses, halfway houses, and transitional shelters. Also see "FAMILY" and "GROUP HOME".

HAZARDOUS MATERIAL. Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant hazard or potential hazard to human health and safety or to the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.

HEALTH CLUB. A facility where members or nonmembers use equipment or space for the purpose of physical exercise. The facility may also offer sauna, massage, or spa services, but does not include "ADULT USE, Adult massage parlor".

HEAVY EQUIPMENT. A movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as, but not limited to, trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, and lifts having a weight of 2.5 tons or more.

HEIGHT, BUILDING. For buildings with flat roofs, the building height shall be the vertical distance to the highest point of the roof. For buildings with mansard roofs, the building height shall be the vertical distance to the deck line. For buildings with gable, hip, and gambrel roofs, the building height shall be: the vertical distance to the eaves plus one-half of the vertical distance from the eaves to the exterior ridge of the roof. Regardless of the type of roof, the vertical distance shall be from the curb level if the building is not more than ten (10) feet from the front lot line or from the top of foundation in all other cases. (See diagram.)

HELIPORT. An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

HISTORIC DISTRICT. An area designated as a "historic district" pursuant to this article and which contains within definable geographic boundaries one or more historic landmarks and which may have within its boundaries other properties, areas, sites, landscapes, or structures, while not of such historic, architectural, or scenic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the district. A district may comprise an individual site or individual elements separated geographically but linked by association, plan, design or history.

HISTORIC LANDMARK. A building, structure, or site which has been designated as a "historic landmark" pursuant to this article which is worthy of rehabilitation, restoration, or preservation

because of its historic, architectural, or scenic significance or by its inclusion in the National Register of Historic Places.

HISTORIC SIGNIFICANCE. Having character, interest or value as part of the development, heritage, or culture of the community, county, state or nation; as the location of an important local, county, state or national event; or through identification with a person or persons who made important contributions to the development of the community, county, state or nation.

HOME OCCUPATION. A business, profession, or other activity engaged in for income or profit by any owner, tenant, or occupant of a residential property.

HOSPITAL. An institution which maintains and operates facilities for the diagnosis, treatment, medical care or surgical care of persons suffering from illness, disease, injury, deformity or other abnormal physical condition and which permits overnight lodging for patients.

IMPERVIOUS AREA COVERAGE. The horizontal area of a lot that is covered by an impervious surface.

IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, graveled areas, and paved recreation areas.

INCONSPICUOUS AREA. For the purposes of regulating prohibited truck signs, an inconspicuous area shall be defined as follows:

- (1) An area designated for truck or semi-trailer only parking; or
- (2) An area on the interior side yard or rear yard area of the subject site.

INDUSTRIAL PARK. A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

INDUSTRY, LIGHT. Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials. Light industry operates in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, or odor. A machine shop is included in this category.

INDUSTRY, HEAVY. Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process. Heavy industry produces significant external effects—such as smoke, noise, soot, dirt, vibration, or odor. Heavy industry

may also pose substantial risks due to the involvement with explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials used in the manufacturing process.

INDUSTRY, MEDIUM. Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, or odor.

JUNKYARD. Any space for storage, abandonment or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of vehicles, machinery or parts. Junkyard shall be synonymous with salvage yard.

KEY LOT. Lots within a residential development that are located at highly visible intersections as well as other strategic points within the development.

KENNEL. A facility for the keeping, boarding, raising, or training of four or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, except for pet shops or animal hospitals.

LAND USE. A description of how land is occupied or utilized.

LIVING SPACE. One or more rooms in a building designed for occupancy by one or more persons for living or sleeping.

LOT. A parcel of land indicated as such upon a subdivision or assessment plat recorded in the office of the county recorder.

LOT AREA. The area of the horizontal plane bounded by the front, side, and rear lot lines.

LOT, CORNER. A lot located at the junction of two (2) or more intersecting streets, having an interior angle of less than one hundred thirty-five (135) degrees, with a boundary line bordering on two (2) of the streets. See Figure XVI-3.

LOT, FLAG. A lot that has access to a public right-of-way by means of a narrow strip of land. See Figure XVI-2.

LOT, INTERIOR. A lot other than a corner or through lot. LOT LINE. The lines bounding a lot. LOT, THROUGH. A lot having a pair of parallel or approximately parallel lot lines that abut two parallel or approximately parallel streets. LOT LINE, CORNER SIDE. That boundary of a corner lot, which abuts a public street and is not a front lot line .

LOT LINE, FRONT. That boundary of a lot which abuts a public street. In the case of a corner lot, the front lot line is the shortest of the lot lines abutting public streets. In cases where the lot lines abutting public streets are equal, the front lot line shall be the one that faces the primary building's main entrance.

Both lots are at the intersection of two (2) streets. The lot on the left, with an interior angle at the intersection of one hundred thirty-five (135) degrees, is not a corner lot. The lot on the right has an interior angle at the intersection of less than one hundred thirty-five (135) degrees; therefore, it is a corner lot.

In the case of a flag lot the front lot line is the closest boundary that is, in general, parallel to the street and is not the boundary line of the narrow strip of land that abuts the street LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line.

LOT LINE, INTERIOR SIDE. A lot line not abutting a public street.

LOT SIZE. See "LOT AREA".

LOT WIDTH. The horizontal distance between the side lot lines measured at the front yard line as established in this chapter and calculated on the arc measurement for curvilinear lots.

LOT, ZONING. A parcel of land indicated as such upon a subdivision or assessment plat recorded in the office of the county recorder.

LUMBERYARD. See "BUILDING MATERIAL SALES".

MAINTENANCE. Regular upkeep of a property that does not significantly alter its historic character or identity and, therefore, does not require a permit.

MAJOR WORK. Exterior changes that involve significant alterations, additions, or removals that could be determined to impair the integrity of a landmark or a district.

MANUFACTURED HOMES. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and built in accordance with the Federal Manufactured Home Construction and Safety Standards. Also see "MOBILE HOME".

MARQUEE. A permanent canopy often made of metal and glass, projecting over an entrance, usually of a hotel or theater.

MASSAGE PARLOR. See "ADULT USE, Adult massage parlor".

MASSAGE THERAPY. A system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage of kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydro-massage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. The purpose of the practice of massage, as licensed under the Illinois Massage Licensing Act (225 IL CS 57), is to enhance the general health and wellbeing of the mind and body of the recipient. Massage does not include the diagnosis of a specific pathology.

Massage does not include those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy as defined in the Illinois Massage Licensing Act.

MASSAGE THERAPIST. A person who is licensed by the Illinois Department of Professional Regulation and administers massage for compensation.

MEDICAL CLINICS. A facility for providing medical, psychiatric, dental or eye services on an out-patient basis, including diagnostic services, training, administration, incidental or non-primary surgical procedures, and services to outpatients, employees or visitors.

MENU BOARD. A ground sign identifying a menu associated with ordering at drive- thru facilities.

MICROBREWERY. A facility for the production and packaging of malt beverages for retail and/or wholesale distribution, with a capacity of not more than fifteen thousand (15,000) barrels per year. The facility may include a restaurant or tavern where the beverages produced on site or sold directly to patrons, either for consumption on site or in hand-capped, sealed containers in quantities up to one-half ($\frac{1}{2}$) barrel. A barrel is the equivalent of thirty-one (31) gallons. See also "BREW PUB" and "BREWERY".

MINOR WORK. Exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or the district.

MIXED USE. A development or area in which more than one type of land use is provided. Some examples of mixed uses are residential and retail, retail and office, residential and office.

MOBILE FOOD UNIT. A mobile food unit (MFU), commonly referred to as a food truck, is a food and beverage service establishment that is a vehicle-mounted unit, either motorized or trailered, and readily movable, without disassembling, for transport to another location.

MOBILE HOME. A dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, and built prior to enactment of the Federal Manufactured Home Construction and Safety Standards. Also see "MANUFACTURED HOME".

Commentary: The ordinance makes a distinction between "manufactured homes," which are allowed, and "mobile homes," which are not allowed. Since, as defined by this Ordinance, mobile home means a dwelling, this prohibition against mobile homes would not apply to trailers or similar structures with limited use and temporary in nature, e.g., a trailer on a construction site.

MOTORCYCLE SALES AND SERVICE. See "AUTOMOBILE, LIGHT TRUCK SALES AND SERVICE".

MOVING AND STORAGE. An area and/or building used for the storage of household furniture and effects, or office furnishings. Also, an enterprise engaged in the transfer of household or office furnishings and effects.

MULTI-FAMILY. Residential buildings that contain a more than six (6) dwelling units and typically seen as condominiums and apartments.

MULTI-FAMILY DWELLING. See sub-entry under "DWELLING".

NAMEPLATE. A sign which displays only the name and/or address of the occupant, is non-electrical, and is no larger than two (2) square feet.

NEON OR OTHER GAS TUBE ILLUMINATION. Illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols, or other shapes.

NET DEVELOPED AREA. The improved portion of a parcel, lot or tract of land including the land required to meet minimum yard requirements as established by the zoning ordinance.

NON-CONTRIBUTING (BUILDING, STRUCTURE, OR SITE). A building, structure, or site that may be a part of a historic landmark or district, but does not possess historic, architectural, or archaeological significance or integrity per se; however, the relationship of these buildings, structures, or sites to those that are contributing may be important to the preservation of the landmark or district. Inclusion of these properties within a historic district subjects these properties to those design review standards and guidelines applicable to non-contributing properties as defined by this ordinance and by the Historic Preservation Commission.

NURSING HOME. A skilled nursing or intermediate long-term care facility, whether public or private and whether organized for profit or not-for-profit, that is subject to licensure by the Illinois Department of Public Health under the Nursing Home Care Act. The term "nursing home" does not include a facility operated solely as an intermediate care facility for the mentally retarded within the meaning of Title XIX of the Social Security Act.

OBSTRUCTION. Any apparatus, mechanical equipment, fence, or other construction of a long-term, fixed, and permanent nature placed above or on the ground within a yard.

OFFICE. A room or group of rooms used for conducting the affairs of a business, profession, service industry, government, or governmental agency.

OFFICE PARK. A planned, coordinated development of a tract of land with two (2) or more separate office buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

ORNAMENTAL TREE. A deciduous self-supporting woody plant with an expected mature height of between fifteen (15) and thirty-five (35) feet. May either be single stemmed or multi-stemmed.

OUTDOOR SALES DISPLAY. An outdoor arrangement of objects, items, products, or other materials, typically in a fixed position and capable of rearrangement, designed and used for the

purpose of advertising or identifying a business, product, or service. See also "OUTDOOR SALES, SEASONAL".

OUTDOOR SALES, SEASONAL. Temporary outdoor retail operations or display of plants, fruits and vegetables that are, by their nature, sold during a specific or peak season, including such items as Christmas trees, pumpkins, watermelons, sweet corn, and bedding plants.

OUTDOOR STORAGE. The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period exceeding seventy-two (72) consecutive hours.

OUTDOOR STORAGE FACILITY. Any unscreened accessory structure or container that is not permanently affixed to the ground or to a principal structure, not including solid waste and landscape waste containers, which is used to store any personal property or scrap or recyclable material not generated as a result of construction, demolition, or related activities.

OUTDOOR STORAGE, SEASONAL. See "OUTDOOR SALES DISPLAY".

OVERSTORY TREE. A deciduous, self-supporting woody plant with an expected mature height of thirty-five (35) feet or greater, and a single straight trunk with limbs occurring on the trunk not less than five (5) feet above the ground.

OWNER CONSENT. The determination of whether the application has the endorsement of the owners of record on behalf of a parcel shall be, if sole owner, by his or her signature, and if multiple owners, by the owners representing at least fifty (50) percent of the title interest in the property. Each parcel is considered independently, regardless of single ownership of multiple parcels.

OWNER OF RECORD. The person, corporation, or other legal entity listed as the owner of a property in the records of the Will and Kendall County Recorders.

PARKWAY. The area between the rear of the curb and the front of a sidewalk. In the absence of a curb, the area between the nearest edge of the street paving and the front of a sidewalk. Such areas are used for planting low ground cover and/or street trees.

PARKWAY TREE. Same as an overstory tree, except located in the public right-of-way; typically, the area between the sidewalk and the street.

PATIO. A level surfaced area directly adjacent to a principal building at or within three (3) feet of the finished grade, without a permanent roof and intended for outdoor lounging, dining, and the like. Also see "DECK" and "PORCH".

PATIO COVER. A solid or open roof structure not exceeding twelve (12) feet in height and covering a patio. Patio covers may be detached or attached to another structure. Patio covers may be

enclosed and used for recreational and outdoor living purposes, but do not include structures used as carports, garages, storage rooms, or habitable rooms.

PAWN SHOP. Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

PUD. See "PLANNED UNIT DEVELOPMENT".

PERENNIAL. A plant (typically thought of as non-woody) whose lifecycle lasts three (3) or more years.

PERIMETER OF A SUBDIVISION. The edges of a subdivision that abut arterial and collector roadways.

PLANNED UNIT DEVELOPMENT (PD). A parcel of land which:

- a. Is of sufficient size to create its own environment, and
- b. Is under single ownership or unified control at the time of zoning approval and
- c. May be granted waivers from specific land use regulations and design standards in order to accomplish the purposes of the planned development regulations as specified in this ordinance.

PLANT UNIT. A numerical equivalent given to trees and shrubs, based on size, which is used to calculate the planting requirements of this ordinance.

PORCH. A roofed structure, at an entrance to a building, not more than seventy-five (75) percent enclosed by walls and attached to the building for the purpose of sheltering from the rays of the sun and from the weather, exclusive of vehicles, either persons or inanimate objects. See also "DECK" and "PATIO".

PORCH, DOMINANT. A porch having a minimum depth of three (3) feet and a minimum width of eight (8) feet.

PORCH, NON-DOMINANT. A porch with a dimension less than three (3) feet deep or eight (8) feet wide.

PREVIEW BOARD. A ground sign identifying specials or highlighted menu items located ahead of the menu board at drive-thru facilities.

PUBLIC WAY. Any street, alley, pathway, bridge, easement, right-of-way or other way in which the public has a right of use.

RECREATION FACILITY, PRIVATE, INDOOR. A commercial or not-for-profit recreation or sports facility entirely within a building, including such uses as ice rink, indoor tennis court, bowling alley, swimming pool.

RECREATION FACILITY, PRIVATE, OUTDOOR. An commercial or not-for-profit establishment devoted primarily to the pursuit of recreational activities, where the primary recreational activity is conducted outdoors, such as country club, golf course, riding stable, go-cart race track, amusement park, shooting range, water slide.

RECREATION VEHICLE. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Excludes camper or other tops mounted on pick-up trucks or sport utility vehicles where the unit does not extend more than two (2) feet above the top of the cab of the vehicle.

RECYCLING FACILITY. A building or enclosed area used for the collection and/or processing of recyclable materials. Processing means the preparation of material for shipment, or an end-user's specifications, by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

REHABILITATION. The process of returning a property to a state of utility, through repair or alteration, which makes possible efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

RELIGIOUS ASSEMBLY. A use located in a permanent building providing regular organized religious worship and related incidental activities, except primary or secondary schools and non-residential child care facilities. A rectory or parsonage may be located on the same lot as the permanent building that provides the place for the religious assembly.

RELIGIOUS INSTITUTION. A place of worship or religious assembly with related facilities such as: rectory or convent; private school; meeting hall; offices for administration of the institution; licensed child or adult care, playground, cemetery.

REMOVAL. Any relocation of a structure from its original site.

REPAIR. To restore by replacing, in part or in whole, that which is worn, broken, or otherwise in a state of disrepair.

REPAIR SERVICE, CONSUMER. An establishment primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

RESIDENTIAL DENSITY. The number of dwelling units divided by the gross buildable area of a property.

REST PERIOD. The interim period between the removal of a balloon or trailer-mounted or wheel-mounted sign in a unified business center, multi-tenant office building, or a shopping center and the issuance of a subsequent permit in the same location where the installation of such signage is prohibited.

RETAIL SALES AND SERVICE. An establishment primarily engaged in provision of goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser, but excluding those commercial establishments classified more specifically by definition in this zoning ordinance.

ROADSIDE MARKET. A building generally used year-round, in which fruits, vegetables, and handicrafts are offered for sale. Also see "FARM STAND".

ROOF LINE. Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

SALVAGE YARD. See "JUNKYARD".

SEAT. Space intended for one individual; in places where patrons or spectators occupy benches, pews or other seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat.

SECONDARY FINANCIAL MARKET. Any entity, except a bank, trust company, savings bank, or savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders, or travelers' checks for a fee. This use also includes any establishment such as a payday advance or title loan that offers short-term loans or cash advances, secured through collateral such as a personal check or automobile title, typically at a high interest rate.

SELF-STORAGE FACILITY. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Such facilities are also known as mini warehouses.

SERVICE STATION, AUTOMOTIVE. Any building or land used primarily for the dispersal, sale, or offering for sale of automotive fuels, oils or accessories, including lubrication of automobiles and replacement of minor parts and accessories, but not including major repair work such as motor replacement or rebuilding, body and fender repair, or painting. Service stations may also offer a limited line of groceries, tobacco, periodicals, and other household goods, and may have a car wash as an accessory use.

SETBACK. The minimum distance by which any building, structure, or obstruction is separated from a lot line, as measured from the lot line to the closest point of the building or obstruction, excluding open stairs or stoops. See Figure XVI-5.

SETBACK, CORNER SIDE. A setback measured from the corner side lot line.

SETBACK, FRONT. A setback measured from the front lot line.

SETBACK, INTERIOR SIDE. A setback measured from the interior side lot line.

SETBACK, REAR. A setback measured from the rear lot line.

SHADE TREE. See "OVERSTORY TREE".

SHOPPING MALL. A concentration of retail stores or service establishments that share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store without leaving the enclosure.

SHRUB, LARGE. A deciduous or evergreen, self-supporting woody plant with an expected mature height of not less than five (5) feet, and generally not larger than fifteen (15) feet, with multiple trunks and/or leaders.

SHRUB, SMALL. A deciduous or evergreen, self-supporting woody plant with an expected mature height of less than five (5) feet, with multiple trunks and/or leaders.

SINGLE-FAMILY ATTACHED DWELLING. See "DWELLING, SINGLE FAMILY".

SIGN. A symbol, lettering, pictorial representation, or combination thereof attached to fixed property, buildings, or structures readily visible from public property and used for information, identification, or directional purposes or to sell or advertise products, services, activities, or events.

SIGN, AREA. The part of the sign that is or can be used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose, plus the area surrounding such parts except for frame, supports, or structural members. The frame, supports, or structural members may be considered as part of the sign face if it is so designed with lighting or other ornamentation that is incorporated for the sign design.

SIGN, AWNING. A sign incorporated into or attached to an awning.

SIGN, BANNER. A sign applied to cloth, paper or fabric of any kind, with only such non-rigid material for background.

SIGN, BILLBOARD. A board, panel, or tablet used for the display of posters, printed or painted advertising matter, that directs attention to goods, entertainment, or service offered elsewhere than the premises where the sign is located.

SIGN, CIVIC EVENT. A sign installed by the Village on public property for the purpose of advertising public service information.

SIGN, CONSTRUCTION IDENTIFICATION. A temporary sign used to advertise the company or companies involved in the construction of a specific structure or development or announcing a future occupant at a location.

SIGN, DIRECTIONAL, OFF-SITE. Signage installed for the purpose of directing traffic to a lot, site, or subdivision.

SIGN, DIRECTIONAL, ON-SITE. Signage used to circulate and direct traffic within a lot.

SIGN, ELECTRONIC MESSAGE. A sign that uses changing lights to form a messages or messages wherein the sequence of messages and the rate of change are electronically programmed and may be modified by electronic processes.

SIGN, EXEMPT. A sign that is permitted in the Village that does not require a permit yet is subject to the provisions and restrictions regarding installation, maintenance, size, style, and location.

SIGN, FACE. The surface on which the text or copy is printed including framing on internally illuminated signs. Individually lettered signs have a sign face including only each letter.

SIGN, FLASHING. A sign that contains an intermittent or sequential flashing light source or a sign that contains changing graphics, animation, moving or rotating elements or devices which otherwise create the illusion of movement.

SIGN, GARAGE SALE. A temporary sign used to advertise the sale of second-hand merchandise from the garage or driveway of a residence.

SIGN, GRAND OPENING. A temporary sign advertising the opening of a new business not previously located on the premises or the re-opening of an established business which has been severely damaged by catastrophe and has been closed for at least sixty (60) consecutive days for renovation.

SIGN, GROUND. A freestanding sign including, but not limited to, a monument sign, pylon sign, real estate sign, subdivision project sign, or subdivision entrance sign that is supported by posts or other supports independent of any building or structure.

SIGN, HEIGHT. The vertical distance from grade level at the base of the sign to the top of the sign structure.

SIGN, ICON. A two or three-dimensional (e.g. plywood, plastic cut-out, or cold-air inflatable device) ground sign shaped to resemble or depict a specific object, animal, person, or place, which is regulated according to the provisions set forth regarding ground signs in this ordinance.

SIGN, ILLUMINATED. Illuminated signs can be either "internally illuminated" or "externally illuminated."

Sign externally illuminated. A sign, which is illuminated by lamps, not installed on or within the sign face.

Sign internally illuminated. A sign, which is illuminated by means of light, transmitted through the sign face. Internally illuminated signs include signs where the lamps are mounted on the sign face.

SIGN, INDIVIDUAL LETTER. Any sign, which is comprised of individual letters and mounted independently to a wall, surface, or brackets.

SIGN, INFLATABLE. A sign or other device that is inflated by cold-air, hot air, or other inflatable gas.

SIGN, INFORMATIONAL. An auxiliary sign provided for the sole purpose of providing information to pedestrian or vehicular traffic as to a particular use or function of a building or structure.

SIGN, MANUALLY CHANGEABLE COPY. A sign whereby a message or messages are created on a sign face by manually affixing the lettering onto/into the sign face.

SIGN, MARQUEE. A permanent roof like structure extending from part of the wall of a building but not supported by the ground and constructed of durable material such as metal or glass. A marquee sign normally incorporates changeable copy.

SIGN, MONUMENT. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

SIGN, NAMEPLATE. A sign which displays only the name and/or address of the occupant, is non-electrical, and is no larger than two (2) square feet.

SIGN, NON-COMMERCIAL. A sign that does not contain information or advertising for any business, commodity, service, entertainment, product, or other attraction.

SIGN, NON-CONFORMING. A sign, lawful prior to enactment of this ordinance, which does not comply with all the regulations of this ordinance. Existing non-conforming signs that are prohibited upon adoption of this ordinance shall not be considered legal non-conforming.

SIGN, OFF-PREMISES. A sign that directs attention to or advertises a use, business, commodity, service, or activity not conducted, sold or offered upon the premises where the sign is located.

SIGN, PERMANENT. A sign intended for permanent display.

SIGN, POLE. A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

SIGN, POLITICAL. A temporary sign identifying a political candidate, issue, or party.

SIGN, PORTABLE. A sign designed to be moved from place to place. Portable signs are commonly, but not always, attached to a trailer.

SIGN, PROJECTING. A sign attached to a building or other structure and extending in whole or in part more than twelve (12) inches beyond the building.

SIGN, PROMOTIONAL. A temporary sign installed for a short, fixed period of time for the purpose of promoting a special event or sale.

SIGN, REAL ESTATE. A sign located for purposes of advertising a parcel of land, building, or dwelling unit as available for sale, rental, or lease.

SIGN, ROOF. A sign erected, maintained or displayed above the parapet or placed or mounted on any roof surface or any surface constructed at an angle of more than eight (8) degrees from the horizontal.

Commentary: The allowance of signs where the roof is at an angle of eight (8) degrees or less is intended to accommodate signs on mansard roofs.

SIGN, SIDEWALK. A temporary sign placed near the sidewalk in front of a business that is used to advertise the business (e.g. menu items, daily specials, promotions, sales, etc.)

SIGN, SNIPE. A sign fastened to a stick, tree, light, or utility pole and is not a banner.

SIGN, SPECIAL EVENT: A temporary sign (excluding a banner) displaying a special event sponsored by a church, school, or any other community service organization; or a special event held by any business or organization, which event is associated with a temporary outdoor use that has been approved by the Village president and board of trustees in accordance with section 9-27(1)(c).

SIGN, SUBDIVISION ENTRANCE. A ground sign at the street entrance to a subdivision.

SIGN, TEMPORARY. A sign installed, affixed, or maintained on a premise for a short, fixed, period of time.

SIGN, TRAILER-MOUNTED (a.k.a. "wheel-mounted sign"). A temporary sign, usually mounted on wheels or a trailer, installed and displayed for a short, fixed, period that is designed for easy transport from one location to another by motor vehicle.

SIGN, WALL. A sign affixed against or painted on the outside surface of a wall or building in a plane parallel to that of the supporting wall, but not including window signs.

SIGN, WINDOW. A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise or displays located in a window.

SITE. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, demolished, or vanished, where the location itself possesses historic, cultural, agricultural, environmental, or archaeological value regardless of the value of any existing structure.

SODA FOUNTAIN. An establishment primarily offering ice cream and non-alcoholic, carbonated beverages, and where light refreshments and limited menu meals may also be sold, and where the refreshments can be consumed on the premises.

SPECIAL USE. A zoning device which enables the zoning authorities to place into a zoned district, in addition to the uses permitted there as of right, certain other designated uses, subject to the zoning authorities' specific approval.

SPECIFIED ANATOMICAL AREAS. These areas are (1) Less than completely and opaquely covered human genitals or pubic region or buttock or female breast below a point immediately above the top of the areola; and (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. (1) Human genitals in a state of sexual stimulation or arousal; or (2) Acts of human masturbation, sexual intercourse or sodomy; or (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STABLE. A structure or land used, designed, or arranged for the sheltering and keeping of horses.

STORY. That part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is four and one-half (4½) feet above the level from which the height of the building is measured.

STREET, LOCAL. A street primarily for access to abutting properties.

STREET, MINOR COLLECTOR. A street which carries traffic from local streets to the major street system. Minor collector streets include the principal entrance streets of subdivisions and streets intended for circulation within subdivisions.

STRIP MALL. Linear commercial development, usually one store deep, that fronts on a major street, with shallow on-site parking between the stores and the street.

STRUCTURE. That functional construction (e.g. bridge, statue, railroad grade, canal, corn crib) made for a purpose other than creating shelter.

SUPERMARKET. A retail establishment primarily for the sale of foodstuffs and with a floor area of thirty thousand (30,000) square feet or more.

TAVERN. An establishment in which the primary business is the retail sale of alcoholic beverages for consumption on the premises and where sandwiches and snacks may be served or sold as an accessory use. Also sometimes referred to as a bar, pub, or lounge.

THEATER. An outdoor or indoor area, building, or part of a building, devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

THROUGH LOT. Single family lots that have exposure to two (2) streets as seen from the front and rear elevations. An out lot at the rear of the lot does not remove it's through lot designations.

TOWNHOUSE. Three (3) or more dwelling units that are attached to each other by vertical party walls. The party walls extend from the uppermost ceiling or roof to the ground, or to the roof of a common garage if it is located below the units. The front and rear walls are typically perpendicular to the party wall, are totally exposed, and provide access, light, and ventilation. Used interchangeably with "Townhome."

TREE, ORNAMENTAL. Deciduous trees generally smaller in stature than shade trees and ranging in size between fifteen (15) and thirty-five (35) feet.

TREE, SHADE. Deciduous (Hardwood) tree having a mature height of twenty-five (25) feet or greater and having a broad spread of branches with leaves providing shade during summer months and shedding leaves each autumn.

UNIFIED BUSINESS CENTER. A group of commercial establishments, planned, constructed, and managed as a total entity with customer and employee parking provided on-site. Shopping malls, strip malls, and lifestyle centers are all examples of a unified business center.

UNIFIED SHOPPING CENTER. A multi-tenant building occupied by service commercial, retail commercial, and/or office uses, also referred to as a "commercial retail center."

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

USE, PERMITTED. A use which may be lawfully established in a zoning district or districts, provided it conforms with all requirements, regulations and standards of this ordinance.

USE, PRINCIPAL. The primary purpose or function of a building, structure, or parcel of land. A principal use may be either a permitted use or a special use.

USE, SPECIAL. Permission for an owner to use his or her property in a manner contrary to the zoning district in which the property is found, provided that the intended use is one of those specifically listed in this ordinance and provided the use is approved only after special consideration of its impact upon neighboring land and of the public need for the use at the particular location.

VARIANCE. Dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure or property, which, because of unusual or unique circumstances, is denied by the terms of this ordinance.

VEHICLE, INOPERABLE. An inoperable vehicle is:

a.

A motor vehicle that does not have a valid license plate and does not have a valid Village registration sticker; or

b.

A motor vehicle incapable of moving under its own power.

VEHICLE STORAGE AND TOWING. An establishment, building or land primarily engaged in the removal and temporary storage of vehicles but does not include the dismantling or demolition of vehicles (see "JUNKYARD").

VETERINARY CLINIC. See "ANIMAL HOSPITAL".

VILLAGE. The Village of Antioch.

VILLAGE BOARD. The President and the Board of Trustees of the Village of Antioch.

VIOLATION. The act of disregarding, disobeying, neglecting, omitting or refusing to comply with the regulations or enforcement of this chapter.

VISION TRIANGLE. A triangular area starting from the intersection two (2) right-of-way lines at a corner of the intersection of two (2) roadways extending twenty (20) feet from the corner along both right-of-way lines in which signage is prohibited.

WAREHOUSE. A facility for the storage and distribution of manufactured products, supplies, and equipment, but not involving the manufacture of such products, and characterized by frequent heavy trucking or rail transportation activity. Also see "FREIGHT TERMINAL, RAIL" and "FRIEGHT TERMINAL, TRUCK".

WHOLESALE ESTABLISHMENT. A commercial activity, building, or land primarily engaged in or used for the display, storage, and sale of goods to other firms for resale, or an off-price and/or a retail/warehouse establishment exceeding thirty thousand (30,000) square feet of floor area and offering a range of general merchandise to the public.

WINDOW. An opening in the wall of a building containing transparent or translucent material such as glass.

YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure, except as otherwise provided in this zoning ordinance. See Figure XVI-5.

YARD DEPTH, MINIMUM. The closest distance between a lot line and the principle structure that occupies the lot. See also "SETBACK".

YARD, FRONT. A yard extending across the full length of the front lot line between the side lot lines. See Figure XVI-5.

YARD, CORNER SIDE. A yard located on a corner lot, immediately adjacent to a street or public right-of-way, occupying an area that extends from the front yard the entire length of the street to the rear lot line. See Figure XVI-5.

YARD, INTERIOR SIDE. A side yard located immediately adjacent to another lot or to an alley or other public right-of-way other than a street separating such side yard from another lot. See Figure XVI-5.

YARD, REAR. A yard extending across the full length of the rear lot line between the side lot lines, except on corner lots, where the rear yard's width extends from the interior side lot line to a line that extends from the corners of the building nearest the street and continuing to the rear lot line. See Figure XVI-5.

YARD, SIDE. A yard extending along a side lot line. There are two (2) types of side yards: "INTERIOR SIDE YARDS" and "CORNER SIDE YARDS". See Figure XVI-5.

ZBA. Abbreviation for the zoning board of appeals.

