

# CHAPTER 4

## REGULATIONS OF GENERAL APPLICABILITY

### PART I: GENERAL REGULATIONS

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#### 4.1 USE OF LAND AND BUILDINGS

In each zoning district the following restrictions shall control the use of land and buildings:

- A. All business activity, service, storage, merchandise, display and, where permitted, repair and processing, shall be conducted wholly within an enclosed building except where specifically provided otherwise. Permitted off-street parking lots, off-street loading facilities, and permitted outdoor sales lots need not be enclosed.
- B. With the exception of in the R-8 General Residential District, not more than one (1) principal building shall be located on any zoning lot in a residential district.
- C. Unless otherwise provided by this Ordinance, all lots or parcels shall abut upon a public street or a private street, where permitted.
- D. The regulations of this Zoning Ordinance shall apply except where an alternative regulatory requirement supersedes or preempts the application of the Zoning Ordinance, such as, for example, but not by way of limitation, a planned development ordinance, another special use ordinance, or a plat of subdivision.

#### 4.2 ALLOWABLE OBSTRUCTIONS

Accessory uses and structures, and projections of the principal structure, may only be located in a required yard as indicated in the following table. An “X” indicates that the obstruction is permitted, subject to any applicable conditions included in the Table or within this Chapter.

**Table 4.2 Allowable Obstructions (Required Yards)**

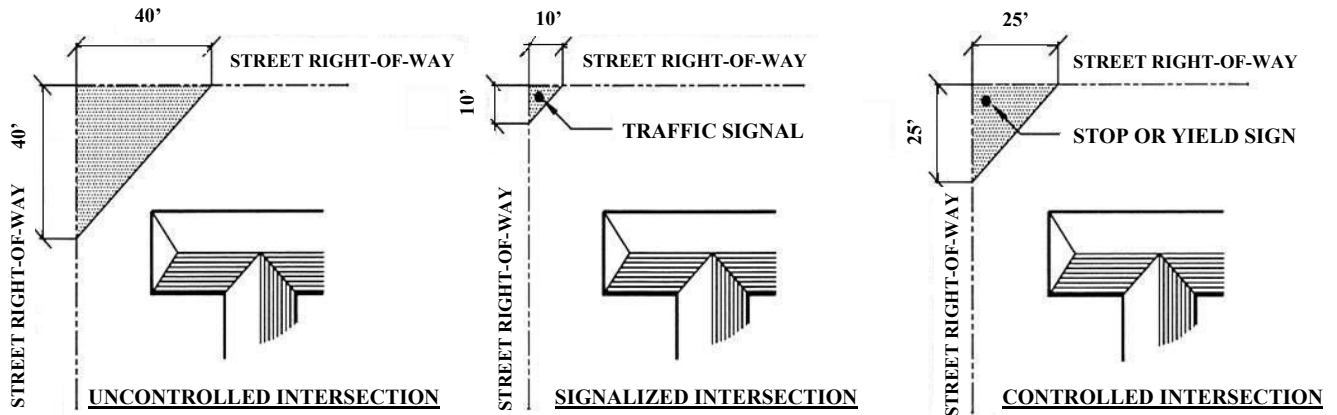
<b>Type of Structure or Use Obstruction</b>	<b>Front Yards/Corner Side Yard</b>	<b>Interior Side Yard</b>	<b>Rear Yard</b>
Air conditioners (window units)	X, provided they do not project more than eighteen (18) inches into any required yard	X, provided they do not project more than eighteen (18) inches into any required yard	X, provided they do not project more than eighteen (18) inches into any required yard
Antennas (Subject to Section 4.7)			X
Arbors and trellises	X	X, provided they are no closer than three (3) feet to the interior side property line	X, provided they are no closer than five (5) feet to the rear property line
Awnings and Canopies (Subject to Chapter 4, Part IV)	X, provided they do not project more than five (5) feet from an exterior wall	X, provided they do not project more than five (5) feet from an exterior wall	X, provided they do not project more than five (5) feet from an exterior wall
Balconies	X, provided they do not project more than five (5) feet from an exterior wall		X, provided they do not project more than five (5) feet from an exterior wall
Bay windows, except they may not exceed one-story in height	X, provided they do not project more than three (3) feet from an exterior wall into a required front yard	X, provided they do not project more than eighteen (18) inches into a required side yard	X
Ground-mounted/building mounted central air conditioning, heating, ventilating, compressors, generators, pool and filtering equipment			X, provided they are not within ten (10) feet of any property line
Chimneys/Fire boxes (not including outdoor fireplaces)		X, provided they do not project more than eighteen (18) inches into a required side yard	X, provided they do not project more than eighteen (18) inches into a required rear yard
Compost pile/structures			X, provided they are not within ten (10) feet of any property line
Decks (attached, uncovered, elevated from ground level)		X, provided they are less than two (2) feet in height and are a minimum of three (3) feet from the side property line	X, provided they are no closer than the applicable required side yard setback and no closer than ten (10) ft to the rear property line
Dog Houses/Dog Runs			X
Eaves, including gutters and downspouts, provided, however, the provisions of BVC Section 9-8-4 shall remain applicable and control	X, provided they do not project more than eighteen (18) inches into the required front/corner side yard	X, provided they do not project more than eighteen (18) inches into the required interior side yard	X, provided they do not project more than eighteen (18) inches into the required rear yard
Fences or walls (Subject to Section 4.5)	X	X	X
Fire escapes (open)		X	X
Fireplace, Outdoor			X, provided they are no closer than the applicable required side yard setback and no closer than ten (10) ft to the rear property line.
Flag poles	X	X	X
Free Little Library	X, provided such structure is not located within and does not overhang the public right-of-way		
Garages, detached (Subject to Section 4.4)		X, provided they are no closer than three (3) feet to the interior side property line	X, provided they are no closer than five (5) feet to the rear property line
Garbage cans, residential		X, provided they are at least five (5) feet from the interior side lot line and no closer than the front wall of the primary structure	X, provided they are at least five (5) feet from rear lot line and the required side yard distance from any side lot line
Gazebos (Subject to Section 4.4)			X
Laundry drying equipment (clothes lines and poles)			X
Ornamental lighting standards and permanently anchored lawn furniture & decorations such as benches, sundials,	X	X	X

**Table 4.2 Allowable Obstructions (Required Yards)**

Type of Structure or Use Obstruction	Front Yards/Corner Side Yard	Interior Side Yard	Rear Yard
statues, bird bathes, sculptures, etc.			
Parking (open, off-street) (Subject to Chapter 4, Part II)	X	X	X
Pergolas			X, provided they are no closer than the applicable required side yard setback and no closer to the rear property line than ten (10) ft.
Playground equipment and playhouses		X, provided they are located no closer than five (5) feet to the interior side property line	X, provided they are located no closer than five (5) feet to the rear property line
Porches (attached, covered, and unenclosed)	X, provided they do not project more than five (5) feet into the required front yard, but shall not be closer than fifteen (15) feet to the front lot line. Encroachment into the corner side yard is not permitted.		X, provided they are no closer than the applicable required side yard setback and no closer than ten (10) feet to the rear property line
Recreational equipment with the exception that basketball standards and backboards shall be permitted in all yards			X
Satellite dish antennae, unless exempt by law from municipal regulation (Subject to Section 4.7)			X
Signs (Subject to Chapter 4, Part IV)	X	X	X
Sheds/Storage structures not exceeding 100 sq. ft. (Subject to Section 4.4)		X, provided they are no closer than three (3) feet to the interior side property line	X, provided they are no closer than five (5) feet to the rear property line
Solar Equipment, ground mounted			X, provided they are no closer than the applicable required side yard setback and no closer than ten (10) feet to the rear property line
Steps, open and not exceeding four (4) feet in height	X	X	X
Stoop	X, provided they do not project more than five (5) feet into the required front yard, but shall not be closer than fifteen (15) feet to the front lot line. Encroachment into the corner side yard is not permitted.		X, provided they are no closer than the applicable required side yard setback and no closer than ten (10) feet to the rear property line
Swimming pool, exterior (all interior swimming pools shall meet the setbacks applicable to the primary structure within which they are located)			X, provided they are not closer than ten (10) feet from any property line
Sport Court, Residential			X, provided that they are no closer than ten (10) feet from any property line
Terraces and Patios, at ground-level (does not include permanently roofed-over terrace, deck, or porch)	X, provided they do not project more than fifteen (15) feet into the required front yard. Encroachment into the corner side yard is not permitted.	X	X
Transformers		X, non-residential districts only	X
Walkways	X	X	X
Window wells		X, provided that they do not project more than three (3) ft into the required interior side yard	X, provided that they do not project more than three (3) feet into the required rear yard

### 4.3 VIEW OBSTRUCTIONS

No person shall plant, construct, or maintain upon any land or premises within the Village any hedge, wall, fence, or other structure or object which will interfere with, obstruct the view of or create a safety hazard for any motor vehicle being driven on a public street, whether such obstruction is on public or private property. In addition, no person shall plant, construct, or maintain upon any land or premises within the Village any hedge, wall, fence or other structure or object above three (3) feet in height, as measured from the adjacent roadway, within a Sight Distance Zone as defined in this Ordinance.



### 4.4 ACCESSORY BUILDINGS, USES, AND STRUCTURES

#### A. General Provisions

1. Authorization. All Accessory Buildings, Uses and Structures shall conform to the applicable requirements of this Ordinance. The provisions set forth below establish additional requirements and restrictions for particular accessory buildings, uses and structures. Except as otherwise provided in this Chapter, no accessory building, use or structure shall be approved, established or constructed before the principal use or structure is approved, established or constructed. In addition, an accessory building, use or structure shall be under the same ownership or control as the principal building use or structure, and shall be, except as expressly authorized by the provisions of this Ordinance, located on the same lot as the principal building, use or structure.
2. Area Limitations for Accessory Buildings, Uses and Structures.
  - a. Accessory Buildings shall be counted toward the total permitted lot coverage, per the zoning district regulations. The gross floor area of all Accessory Buildings located on a single property shall not exceed ten (10) percent of the total lot area.
  - b. Accessory Buildings, Uses and Structures shall not comprise more than thirty-five (35) percent of the rear yard of a lot in a Residential District.
  - c. Accessory Buildings exceeding 800 square feet of gross floor area are considered a Special Use in the R-1, R-2, R-3, R-4, R-5 and R-6 Zoning Districts.
  - d. Accessory Buildings in the R-7 and R-8 Districts shall only exceed 800 square feet if they service multiple dwelling units.
  - e. Sheds shall not exceed 100 sq. ft.
3. Height Limitation. Except where specifically authorized elsewhere in this Ordinance, the height of accessory buildings shall conform to the following regulations:

- a. In all Zoning Districts, except those districts specified in subparagraph (b) below, the height of Accessory Buildings or Structures shall not exceed the maximum permitted height of principal buildings in the Zoning District.
- b. In Residential Districts and the B-R Mixed Business Residential District, the height of Accessory Buildings shall not exceed eighteen feet (18'), unless the following conditions are met, in which case, the maximum permitted height as specified below shall be applicable:
  - i. Twenty-five (25) feet, provided the existing roof pitch on the existing principal structure is greater than or equal to 12:12 and the roof pitch on the garage matches the roof pitch on the principal structure.
  - ii. Twenty-two (22) feet, provided the existing roof pitch on the existing principal structure is greater than or equal to 10:12 and less than 12:12 and the roof pitch on the garage matches the roof pitch on the principal structure.
  - iii. Twenty (20) feet, provided the existing roof pitch on the principal structure is greater than or equal to 8:12 and less than 10:12 and the roof pitch on the garage matches the roof pitch on the principal structure.
- c. Dormers in the roofs of Accessory Buildings shall be exempt from height limitations provided the following criteria are met:
  - i. The ridge height of the dormer shall not exceed the ridge height of the roof from which the dormer projects
  - ii. The width of the dormer shall not exceed eight (8) feet as measured from the exterior framing dimensions of the vertical edges of the dormer.
  - iii. The aggregate width of all dormers projecting from any roof face shall not exceed fifty percent (50%) of the width of the roof face.
  - iv. The aggregate width of all dormers projecting from any roof face shall not exceed twenty-four (24) feet as measured from the exterior framing dimensions of the vertical edges of the dormers.

Dormers in the roofs of Accessory Buildings not meeting the above criteria shall be subject to the height limitations of this Zoning Ordinance.

4. Setbacks for Accessory Buildings

- a. No Accessory Buildings, except as otherwise provided in Section 4.2 (Allowable Obstructions) or elsewhere in this Ordinance, shall be located in a required front yard, corner side yard, nor between the front of the principal building and front lot line.
- b. Accessory Buildings shall also be required to meet the required minimum interior side yard setback, except that Accessory Buildings located in the rear yard may be located no closer than three (3) feet to the interior side lot line and no closer than five (5) feet to the rear lot line. Accessory buildings located in the rear yard of a corner lot shall be required to meet the corner side yard requirement.

5. Proximity to Other Buildings. No Accessory Building shall be located within five (5) feet of the nearest wall of any principal building.

6. Occupancy Limitation. No Accessory Building shall contain living quarters except as may be herein provided.

7. Accessory Structure Limitation.

- a. Only one (1) garage, whether attached or detached, shall be permitted on any lot used for a Single Family Dwelling, provided, however, split garages attached to the primary structure are permitted, but only if all such split garages are accessed

from the same driveway, and for the purpose of this Ordinance, such split garages accessed from the same driveway shall be considered one (1) garage. No additional driveways or curb cuts are permitted for the purpose of accommodating split garages attached to the primary structure.

- b. Only one (1) Accessory Structure of each type shall be permitted on any lot used for a Single Family Dwelling. (Example: one (1) shed, one (1) arbor, one (1) playground structure, etc...)

8. Refuse Containers.

- a. Location. In every zoning district other than single family residential districts, refuse containers shall be located only in the rear of the building. No refuse containers shall be located between a building and a corner side lot line.
- b. Screening. All refuse containers shall be fully enclosed by walls not less than the height of the containers, and provided with gates to contain trash. The materials used for the walls shall complement the architecture of the building, and shall be constructed of wood, brick or stone.
- c. Shared dumpsters with adjacent properties are encouraged

9. Free Little Library.

- a. Location. Front yard or corner side yard.
- b. Setback. None, provided no portion of the structure shall be located within or overhang any public right-of-way.
- c. Height. The height of the book enclosure and support structure(s) shall not exceed five (5) feet in height
- d. Size. Book enclosures shall not exceed two (2) feet in height, two (2) feet in width and two (2) feet in depth. Enclosures shall be sized and arranged such that no person or child is able to enter;
- e. Materials. Book enclosures shall be constructed of wood.

## 4.5 FENCES

### A. Permitted Height of Fences in R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and B-R Districts

- 1. Front Yards. In R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and B-R Districts, fences located between the front property line and front face of the primary structure shall not exceed three (3) feet in height, as measured from the ground adjacent to the top horizontal elements of the fence. Pickets, posts, and other vertical elements may exist beyond the top horizontal element by no more than six (6) inches.
- 2. Corner Side Yards. Fences in required corner side yards shall not exceed four (4) feet in height, as measured from the ground adjacent to the top element of the fence.
- 3. Rear and Side Yards. In R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and B-R Districts, rear and side yard fences shall be a maximum of six (6) feet in height, as measured from the grade at the base to the top of the fence. Fences greater than three (3) feet in height and less than 33% open across the face of the fence shall be set back a minimum of five (5) feet behind the vertical plane of the front wall of the primary structure.
- 4. Lots Directly Abutting Arterial Roads. In R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and B-R Districts on the affected property line(s) only:

- a. Where the subject property directly abuts an arterial road, as defined by the Village's Development Regulations, or Lake Zurich Road, such fences and walls in rear yards and/or corner side yards shall be permitted up to a maximum of six (6) feet in height, as measured from the grade at the base to the top of the fence. Corner side yard fences shall not extend past the front face of the primary structure. However, the appearance, structure and design of such fences shall be compatible and in harmony with the neighborhood and adjacent and contiguous property, subject to the approval of the Zoning Official.
  - b. Where the subject property directly abuts a Strategic Regional Arterial route, as defined by the Illinois Department of Transportation, such fences and walls in rear yards and corner side yards shall be permitted up to a maximum of eight (8) feet in height, as measured from the grade at the base to the top of the fence. Corner side yard fences shall not extend past the front face of the primary structure. However, the appearance, structure and design of such fences shall be compatible and in harmony with the neighborhood and adjacent and contiguous property, subject to the approval of the Zoning Official.
5. Lots Directly Abutting Railroad Property. In R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and B-R Districts, where the subject property directly abuts railroad property in the rear and/or side yard, such fences and walls, on the affected property line(s) only:
- a. Shall be permitted up to a maximum of eight (8) feet with no variance required.
  - b. Shall be permitted to reverse the more finished appearance as otherwise required, to construct the more finished side on the inside.
6. Other Accessory Structures:
- a. Any privacy screening panel, privacy wall, arbor, trellis, or other accessory structure designed to provide screening or privacy in side yards or rear yards which is located behind the front face of the primary structure, located within all required building setbacks and which does not create a full enclosure shall not be subject to the restrictions of Section 4.5-A. Other accessory structures are also subject to Section 4.5-C.
  - b. Any fence and/or any of the aforesaid accessory structures which creates a full enclosure is subject to the same regulations as fences.
- B. Permitted Height of Fences in B-1, B-2, B-3, B-4, B-5, A-1, M-A, M-1, O-R, P-L, O-S, R-C Districts**
1. Front Yards. In B-1, B-2, B-3, B-4, B-5, A-1, M-A, M-1, O-R, P-L, O-S, R-C Districts, decorative fences or screen walls in front yards shall not exceed three (3) feet in height, unless increased height is required by a special use or planned development ordinance, to ensure adequate screening.
  2. Corner Side Yards. Fences in required corner side yards shall not exceed four (4) feet in height, as measured from the ground adjacent to the top element of the fence.
  3. Rear and Side Yards. In B-1, B-2, B-3, B-4, B-5, A-1, M-A, M-1, O-R, P-L, O-S, R-C Districts, rear and side yard fences and walls shall be a maximum of six (6) feet in height. Fences greater than three (3) feet in height and less than 33% open across the face of the fence shall be set back a minimum of five (5) feet behind the vertical plane of the front wall of the primary structure.

4. Lots Directly Abutting Railroad Property. In B-1, B-2, B-3, B-4, B-5 A-1, M-A, M-1, O-R, P-L, O-S, R-C Districts, where the subject property abuts a railroad property in the rear or side yard, such fences and walls, on the affected property line(s) only, shall be permitted up to a maximum height of eight (8) feet with no special use or planned development ordinance required.

**C. Location, Construction, and Maintenance of Fences, Walls, and Hedges and Certain Other Accessory Structures**

1. All fences shall be constructed of wood, brick, stone, stick built solid core vinyl, stick built solid core composite, wrought iron or powder coated aluminum to mimic the design of wrought iron fencing. Fences and other accessory structures which include chain link shall not be permitted in any zoning district with the exception that fences located on railroad rights-of-way may be chain link and fences located in the P-L or R-C Districts may be chain link provided they are black in color. All permitted chain link fences are subject to the maximum height regulated in Section 4.5-B above except existing chain link fences used as sports field fencing in the P-L or R-C Districts may be replaced in the same location and at the same height as the existing sports field fence.
2. Fences located within the Historic Overlay District shall be subject to the Historic District Design Guidelines.
3. In front and corner side yards, fences shall be open a minimum of thirty-three (33) percent across the gross surface area from one end of the fence to another.
4. In front yards, an opening or gate not less than two and one-half (2.5) feet in width shall be provided to permit access to the front yard.
5. In front yards, the fence shall be parallel to the front and side lot line of the front yard, except where such placement would create a safety hazard, as reasonably determined by the Zoning Official.
6. Except as otherwise provided in this Section 4.5, fences may be constructed up to the property line.
7. If the material to be utilized in the construction of any fence or screening panel is designed so that one (1) side has a more finished appearance, such fence or screening panel shall be constructed so that the more finished side is on the outside, and if a screen fence is designed with posts, the posts shall be placed on the inside of the fence or centered on the plane of the screening; except as specifically permitted in Section 4.5-A.5b.
8. No wire or barbed wire shall be permitted on fences or other accessory structures in the Village, unless approved by special use or planned development ordinance.
9. No fence, wall, or hedge shall be erected or planted within a public right-of-way.
10. All hedges shall be planted and maintained so as not to overhang or interfere with the use of the public way such as a sidewalk, alley or street.
11. All fences, walls, hedges, and other accessory structures shall be maintained in good, structurally sound repair and in a neat, clean and attractive condition.
12. For aesthetic purposes, as well as to maintain property values, it is desirable that the appearance, structure and design of front yard fences shall be compatible and in harmony with other front yard fences in the Village, particularly in the neighborhood and on adjacent and contiguous property. The Zoning Official may suggest changes or recommendations to achieve that objective, upon review of a fence permit application.



## **4.6 HOME OCCUPATIONS**

### **4.6-1 Purpose**

### **4.6-2 Definitions**

### **4.6-3 General Requirements and Performance Criteria**

### **4.6-4 Specific Requirements**

### **4.6-5 Prohibited Home Occupations**

### **4.6-6 Short-Term Rentals Restricted**

### **4.6-7 Violation and Penalty**

#### **4.6-1 PURPOSE**

The purpose of this Chapter is to permit the establishment of Home Occupations that are compatible with the residential districts in which they are located.

#### **4.6-2 DEFINITIONS**

- A.** A Home Occupation is an accessory use of a dwelling unit that is:
  - 1. Used for gainful employment that involves the provision, assembly, processing or sale of goods and/or services.
  - 2. Incidental and secondary to the residential use of the structure and does not change the essential residential character of the dwelling unit.
- B.** “Rental Premises” means all or part of a dwelling unit or related accessory structure being rented or otherwise let to person(s) other than the owner of the subject property.
- C.** “Short-Term Rental” means the accessory use and/or occupancy for a period of less than one (1) month of a dwelling unit or related accessory structure pursuant to a written or oral agreement which permits and/or provides for occupancy of all or part of such structure by any person other than the owner thereof, or an immediate family member of the owner thereof, and whether or not the permission of such occupancy is in exchange for consideration therefor.

#### **4.6-3 GENERAL REQUIREMENTS AND PERFORMANCE CRITERIA**

All Home Occupations shall comply with the following standards:

- A.** The operator of every Home Occupation shall reside in the dwelling unit in which the home occupation operates.
- B.** The Home Occupation use shall be conducted entirely within a completely enclosed structure.
- C.** The Home Occupation shall not interfere with the delivery of utilities or other services to the area.
- D.** The Home Occupation shall not generate any noise, vibrations, smoke, dust, odor, heat, glare, or electrical interference with radio or television transmission in the area that would exceed that which is normally produced by a dwelling unit in a zoning district used solely for residential purposes.
- E.** No toxic, explosive, flammable, radioactive or other restricted or hazardous material shall be used, sold or stored on the site.

- F.** There shall be no alteration of the residential appearance of the premises, including the creation of a separate, or exclusive, business entrance(s).
- G.** Signs for Home Occupations shall be prohibited.
- H.** No clients/pupils shall be permitted between the hours of 9 p.m. and 7 a.m.
- I.** No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.
- J.** The Home Occupation shall, at all times, comply with all other applicable laws and ordinances.

#### **4.6-4 SPECIFIC REQUIREMENTS**

In addition to the general conditions set forth in Section 4.6-3, the following specific conditions shall be met.

- A.** The total area used for the Home Occupation shall not exceed fifteen (15) percent or four hundred (400) square feet (whichever is less) of the habitable floor area of the dwelling.
- B.** The direct sale of products off display shelves or racks shall be prohibited.
- C.** No more than one (1) person, other than a resident of the dwelling unit, shall be employed on premises in connection with the operation of the Home Occupation.
- D.** No more than three (3) clients shall, at one time, avail themselves to a product and/or service provided by a Home Occupation nor shall more than six (6) clients avail themselves to a product and/or service during a twenty-four (24) hour period.
- E.** Off-street parking shall be required for all employees of a Home Occupation. Off-street parking for Home Occupations shall comply with Section 4.10-4 (Parking Restrictions for Single Family Dwellings).
- F.** Deliveries pertaining to the Home Occupation shall be limited to such deliveries as would be normal and incidental to a residential use. Further, traffic circulation shall not be restricted or disturbed as a result of a delivery to a Home Occupation.
- G.** Permitted Home Occupations shall include, but shall not be limited to, the following:
  1. Attorney, CPA, Salesman, Architect/Landscape Architect, Engineer, Interior Designer, Graphic Artist, Word Processor and Consultant.
  2. Art Studios provided no retail business is conducted on the premises.
  3. Work processing and typing services.
  4. Therapists, social workers, human service professionals.
  5. Mail order businesses, for receipt of mail order only.
  6. Telephone sales.
  7. Teaching, instructing, tutoring, or counseling.
  8. Other uses similar to those listed in this Section 4.6, as determined by the Zoning Official, subject to the provisions of Section 3.16 (Appeals).

#### **4.6-5 PROHIBITED HOME OCCUPATIONS**

Certain uses by their nature of investment or operation have a pronounced tendency, once commenced, to expand beyond the scope of activity permitted for Home Occupations, and thereby impair the integrity of the residential district in which they are located. For this reason, the following uses, regardless of their compliance with the standards in Sections 4.6-3 and/or 4.6-4, are prohibited as Home Occupations.

- A.** Any repair of motorized vehicles such as repair or painting of autos, trucks, trailer, boats and lawn equipment.
- B.** Animal hospitals, Animal rescue uses, Kennels, stables, Animal breeding, raising of Animals for sale, bird keeping facilities or bee keeping facilities.
- C.** Clubs, including fraternities and sororities.
- D.** Firearms Sales and Services.
- E.** Funeral Homes.
- F.** Medical Cannabis Cultivation Center
- G.** Medical Cannabis Dispensing Organization
- H.** Nursing Homes.
- I.** Offices, Medical/Dental.
- J.** Personal Services Establishments.
- K.** Restaurants.
- L.** Warehousing.
- M.** Welding or machine shops.
- N.** Short term rentals as defined in Section 4.6-6.
- O.** Other uses similar to those listed in this Section 4.6-5, as determined by the Zoning Official, subject to the provisions of Section 3.18 (Appeals).

#### **4.6-6 SHORT TERM RENTALS RESTRICTED**

- A.** Except as otherwise provided herein, leasing, renting, offering or inviting the leasing or renting, or otherwise permitting the rental and/or occupancy of any dwelling and/or accessory structure located within the Village for less than one (1) month at a time shall be prohibited (sometimes referred to as a “short-term rental”), with the exception of (1) one or more than one consecutive lease extension(s) of any length immediately following any lease between the same parties where the original lease did not constitute a short-term rental; or (2) a hotel, or motel, or bed and breakfast, or similar establishment duly licensed by the Village. Such short-term rental(s) shall be prohibited, whether engaged in or participated in by the owner(s) of the property, one or more agent(s) of the property owner(s), and/or by any person(s) leasing, or seeking to lease as a lessor(s), or renting or seeking to rent as lessee(s) and/or otherwise occupy a premises as tenant(s) and/or temporary occupant(s) thereof.
- B.** The restrictions of this Section shall be applicable whether the rental premises comprise(s) all or a part of the principal structure, or all or part of any accessory structure.

- D. Whether or not consideration is exchanged for the lease and/or rental of a premises shall not affect the fact that the occupancy thereof is treated as a short term rental for the purposes of this Section if the definition thereof is otherwise applicable to such activity.
- E. The property owner shall remain responsible for compliance with all applicable provisions of this Zoning Ordinance and the Barrington Village Code during the term of any rental and/or occupancy agreement and/or during the term of any occupancy of the rental premises by persons other than the property owner.
- F. No temporary or accessory structure shall be permitted to be used for a short-term rental.
- G. Notwithstanding anything contained in this definition to the contrary, a short-term rental shall not include any of the following: (1) any occupancy of a residence by an immediate family member or by a regular member of the household of the owner(s), or (2) any occupancy by a “house-sitter” where all of the following conditions are applicable: such arrangement was or is initiated by the owner(s) of the residence for the purpose of maintaining the safety and security of the residence and/or to provide for the care of one or more pet(s) of the owner(s) while the owner(s) are out of town, and the owner(s) of the residence receive no rent or other compensation from the house-sitter(s) other than such house-sitting services; or (3) when the immediately preceding owner of a property maintains possession of the dwelling unit after closing on a real estate transaction for the sale thereof and leases said property back from the successor owner for a period of time pursuant to a written agreement.
- H. Each day a principal structure or any accessory structure in the Village is offered for rent as a short term rental, is leased or rented as a short-term rental, and/or each day a principal structure or any accessory structure is occupied as a short-term rental, as that term is defined herein, shall constitute a separate violation of this Section.

#### **4.6.7 VIOLATION AND PENALTY**

Violation of any of the provisions set forth in this Section 4.6, “Home Occupations”, shall be deemed as a violation of this Ordinance and shall be subject to penalties as prescribed in Section 3-20 (Violations and Penalties) of this Zoning Ordinance.

#### **4.7 ANTENNAS, SATELLITE DISH ANTENNAS AND SOLAR EQUIPMENT**

This Section shall only apply to ground-mounted or building-mounted antennas, satellite dishes and solar equipment. For purposes of this section the term “antenna” shall also be applicable to satellite dishes, except as otherwise specifically provided herein. Except as otherwise provided in Subparagraph 4.7(D)(2) hereof, the applicable zoning district regulations shall dictate the location and height of telecommunications facilities, including their antenna and support structures.

##### **A. Antennas and Solar Equipment Subject to Administrative Review**

A permit must be obtained from the Village prior to installation of any antennas or solar equipment within the Village, except as otherwise provided in Subparagraph 4.7(D)(2). Antennas and solar equipment meeting the following standards shall be subject to administrative review by the Zoning Official:

1. Building-Mounted Antennas and Solar Equipment.

- a. No building mounted antenna or solar equipment shall create more than seventy (70) pounds of resistance to winds having a velocity of eighty (80) miles per hour except as provided in Paragraph 4.7(B) and Subparagraph 4.7 (D)(2) of this Section.
- b. All building-mounted antennas and solar equipment shall be installed in all respects in compliance with the manufacturer's specifications, instructions and standards. As evidence of such compliance, a certificate in a form specified by the Village shall be executed by the installer and delivered to the Village.
- c. Except as otherwise provided in Subparagraph 4.7(D)(2) hereof, the height of a building-mounted antenna or any solar equipment shall not exceed the height limitation for structures for the zoning district in which the antenna is located under the Barrington Zoning Ordinance.
- d. Building-mounted (pitched roof or wall mounted) solar equipment shall be limited to fixed, flush panels only regardless of the maximum height restriction for the underlying zoning district. No tilted or moveable solar equipment shall be installed on any pitched roof or wall.

2. Ground-Mounted Antennas and Solar Equipment.

- a. No ground-mounted antenna shall create more than three hundred (300) pounds of resistance to winds having a velocity of eighty (80) miles per hour except as provided in Paragraph 4.7(B) and Subparagraph 4.7(D)(2) of this Section.
- b. All ground-mounted antenna or solar equipment shall be installed in all respects in compliance with the manufacturer's specifications, instructions and standards. As evidence of such compliance, a certificate in a form specified by the Village shall be executed by the installer and delivered to the Village.
- c. All parts of the antenna or solar equipment, including attachments and wires shall be located within the required setback lines specified in this Ordinance.
- d. All guy or support wires shall be marked and protected to reduce the possibility of personal injury and property damage.
- e. All electronic cables leading from a ground-mounted antenna or solar equipment to any building shall be underground.
- f. The location and design characteristics of the proposed installation of the antenna or solar equipment must be capable of being safely maintained. The location and design characteristics of the installation must not present an attractive nuisance to children.

3. Aesthetic Considerations. The Village is desirous of maintaining the unique community character so highly valued by its residents and strives to promote a harmonious relationship with the environment. Furthermore, the Village endeavors to minimize the impact of antennas on adjacent properties. Therefore, the following regulations and aesthetic review guidelines shall apply to antennas or solar equipment placed on property within the Village:

- a. The design characteristics and installation of either a ground- or roof-mounted antenna or solar equipment shall be compatible with the appearance and character of the neighboring properties, to the greatest degree practicable.
- b. All antennas or solar equipment shall be designed and installed so as to reduce to the greatest degree practicable the visual impact upon surrounding property as viewed by an observer from street level on any adjacent properties and/or from any adjacent Village streets in the vicinity of the subject property.

- c. All antenna or solar equipment installations must comply with all other provisions of the Village Code.
- d. No ground-mounted antenna shall be installed in a front yard. No roof-mounted antenna shall be installed on a wall, side or roof of a building which faces the front yard of the property.
- e. Building-mounted (pitched roof or wall mounted) solar equipment may be installed on any roof or wall surface provided they are fixed and installed flush with the pitched roof plane or wall surface. No solar equipment of any kind can protrude from the flat surface of any type of pitched roof plane or wall surface. Solar equipment in the Historic District shall be subject to the Historic District Design Guidelines.
- f. Roof-mounted solar equipment on a flat roof may be oriented to achieve maximum sun exposure but shall not exceed three (3) feet in overall height or extend above the building parapet, whichever is less. If no parapet exists, screening which is architecturally compatible, as determined by the Zoning Official, may be required. Any screening must be installed a minimum of the distance equal to the height of the screening from the edge of the roof. The Zoning Official may refer review of the screening to the Architectural Review Commission.
- g. No ground-mounted solar equipment shall be installed in any front yard, corner side yard or interior side yard. Ground-mounted solar equipment shall only be installed in rear yards.
- h. No antenna or solar equipment, except as provided in Subparagraph 4.7(3)(f) and Subparagraph 4.7(D)(2) below, shall exceed the height limitations for structures within the zoning district in which the antenna or solar equipment is located; nor shall the lowest point of any ground-mounted antenna or solar equipment, exclusive of its base, be more than two (2) feet above the average elevation of the yard in which such antenna is located. No ground-mounted antenna or solar equipment shall be installed or erected on any ground or surface that has been raised, filled or landscaped for the purpose of circumventing the height restrictions of this Section. Ground mounted solar equipment shall be limited to eight (8) feet in height as measure from grade to the top of the equipment at its tallest point.
- i. Notwithstanding the provisions of Subparagraph 4.7(3)(e) of this Section, the Zoning Official shall grant an exception for antennas be granted up to seventy (70) feet in height for antennas owned and operated by amateur radio operators holding current, valid Federal communication stations licenses, but only during such time as such license remains in effect and said antenna is owned and operated by such licensee. Any antenna which is not owned or operated by a valid licensee for more than ninety (90) days is no longer exempt from this provision and shall conform with all Sections of this Ordinance.

## **B. Antennas Subject to Review as a Special Use**

Antennas exceeding the wind resistance limits of Subparagraphs 4.7(A)(1) and 4.7(A)(2) of this Section shall be subject to special use review in accordance with the procedures outlined in Chapter 3 for special use permits except as provided in Subparagraph 4.7(D)(2) below. The following standards shall apply upon reviewing such antennas:

1. General. All roof-mounted antennas which will create more than seventy (70) pounds of resistance to winds having a velocity of eighty (80) miles per hour and all ground-mounted antennas which will create more than three hundred (300) pounds of resistance to winds having a velocity of eighty (80) miles per hour shall require review and approval by the Architectural Review Commission, Zoning Board of Appeals and Board of

Trustees prior to installation thereof and issuance of a permit therefore. All permit applications for installation of an antenna covered under this Paragraph 4.7(B) shall be on forms provided by the Village and shall be submitted to the Zoning Official accompanied by plans showing the following:

- a. The proposed location of the antenna.
  - b. All structures on the subject property.
  - c. All structures on lots contiguous to the subject property.
  - d. All existing and proposed landscaping.
  - e. Manufacturer's specifications for the proposed installation.
2. All applications shall be made in writing and shall be accompanied by an applicable fee, as required by the Village. Application shall be reviewed by the Architectural Review Commission, Zoning Board of Appeals and Board of Trustees at public hearings held in accordance with Section 3.7 of this Ordinance. The Board of Trustees shall approve only those special use permit applications which meet the applicable standards listed below.
3. Roof-Mounted Antennas.
- a. A roof-mounted antenna permitted under this Subparagraph 4.7(B)(3) shall be inconspicuous from the view of a ground observer from any viewing direction because of existing architectural or structural features of the building, or modifications which will be made to the existing building.
  - b. A registered structural engineer shall certify that the building is capable of supporting the antenna and building modifications under Subparagraph 4.7(B)(1) of this Section and that such structure is designed and mounted so as to safely withstand wind and other stresses to which it may be subject.
  - c. Whenever possible, the highest point of any roof-mounted antenna, including mounting structure, shall not be higher than the highest point of the roof upon which the antenna is to be mounted. If it is necessary, due to building design or other factors, for the antenna to exceed the highest point of the roof structure, the highest point of the antenna shall not exceed the highest point of the roof by more than ten (10) feet. The antenna shall be screened from view on all sides, in a manner consistent with the architectural style of the building.
  - d. No antenna shall be installed which produces a flat-plane load of greater than two thousand one hundred (2,100) pounds of resistance in an eighty (80) mile per hour wind.
  - e. No antenna shall be attached to or supported by a chimney which creates more than seventy (70) pounds of resistance to winds having a velocity of eighty (80) miles per hour except as provided in this Section.
  - f. In order for the Village to review the proposed roof-mounted antenna, the applicant shall supply the Village with three (3) copies of the following information:
    - 1) Wind loading calculations.
    - 2) Details of the bracket and base configuration of the antenna.
    - 3) Size of the proposed antenna, including its height from the base and its maximum width.
    - 4) Weight of the proposed antenna.
    - 5) Complete drawings of the structure on which the antenna is to be mounted.
    - 6) A letter from a structural engineer certifying that the roof will withstand torque loading at one hundred (100) mile per hour winds.

4. Ground-Mounted Antennas.

- a. A registered structural engineer shall certify that the antenna is designed and mounted so as to safely withstand wind and other stresses to which it may be subjected. In order for the Village to review the proposed ground-mounted antenna, the applicant shall supply the Village with three (3) copies of the following calculations:
  - 1) Wind loading calculations.
  - 2) Details of the bracket and base configuration of the antenna.
  - 3) Size of the proposed antenna, including its height from the base and its maximum width.
  - 4) Weight of the proposed antenna.
  - 5) Complete drawings of the mounting and foundation structure on which the antenna is to be mounted.
  - 6) Topographical drawing showing the location of the antenna on the property and elevations of the property.
  - 7) A letter from a structural engineer certifying that the strength of the mounting and foundation structure will withstand torque loading on the antenna in one hundred (100) mile per hour winds.
- b. The installation of an antenna will be such as to minimize its overall visibility from neighboring properties and public ways during all seasons of the year. In order to minimize the visibility of ground-mounted antennas, the Architectural Review Commission, Zoning Board of Appeals and Village Board may require that a natural screen or fence be erected. The natural screen shall be a minimum of four (4) feet tall, with the plantings spaced two (2) to three (3) feet apart. If a fence is required, it shall also be a minimum of four (4) tall. However, any required screening shall not interfere with the antenna's ability to send and/or receive signals.
- c. No antenna shall be installed which produces a flat-plane load of greater than two thousand one hundred (2,100) pounds of resistance in an eighty (80) mile per hour wind.
- d. In considering whether to grant permits for antennas which exceed the resistance limits of Subparagraphs 4.7(A)(1) and 4.7(A)2 of this Section, the Zoning Board of Appeals and Village Board shall take into account the number of existing antennas on the subject property. In order to control the proliferation of duplicate antennas upon the community, the Zoning Board of Appeals and Village Board shall also consider minimizing and coordinating antennas that perform similar functions.

**C. Mobile Antennas**

A mobile dish antenna may be utilized in any nonresidential district of the Village for no longer than one (1) week without the approval of the Village Board. Such antennas shall be subject to the following requirements:

1. The antenna shall be immediately movable and not affixed to the ground or improvement in any way.
2. The written approval of the owner of the property on which the dish is to be located must be provided to the Village seven (7) days in advance of its utilization.
3. The location of the antenna must be approved in advance by the Zoning Official, or his/her designee, who shall take into account aesthetic and public safety factors.



4. The owner of the property and the owner of the antenna shall jointly execute a release and indemnity agreement in form satisfactory to the Village, releasing the Village from, and holding it harmless, against any claims or liabilities that might arise out of the use of the antenna.

**D. Special Regulations Applicable to Satellite Dish Antennas**

1. Purpose and Applicability. The purpose of this Paragraph 4.7(D) is to ensure that satellite dish antennas, whether accessory to principal uses, or as principal uses, are compatible in character and appearance with the surrounding neighborhood or area of the zoning districts in which they are located. Notwithstanding the other provisions of this Section to the contrary, the provisions of this Section apply to every satellite dish antenna greater than one (1) meter (3 feet 3 ¼ inches) in diameter, or such other dimensions as may be established by 47 CFR 1.4000, installed or modified after the effective date hereof.
2. Exemption. Satellite dish antennas equal to or less than one (1) meter (i.e., 3 feet 3 ¼ inches) in diameter located in all zoning districts shall be exempt from the provisions of this Section 4.7.
3. Satellite Dish Antennas Authorized. Satellite dish antennas, accessory to permitted uses, are permitted in the residential and nonresidential districts. Any satellite dish antenna, however, that is proposed to be installed or modified as an accessory use to an existing or proposed special use, or which as proposed does not comply with the requirements of this Section, shall require the Village's written approval of a special use therefor, prior to commencement of installation thereof, pursuant to the provisions of Section 3.15, "Special Uses," of this Zoning Ordinance.
4. Residential Districts. In all residential zoning districts one (1) ground mounted satellite dish antenna accessory to a permitted use and having a diameter equal to or less than two meters (i.e., 6 feet 6½ inches) shall be permitted to be installed on each lot or parcel, in the rear yard only, up to a maximum height of ten feet (10') (i.e., maximum height of the ground mount and the satellite dish in the aggregate) above the adjacent ground level and no closer than ten feet (10') from any lot line shall be permitted. The antenna and ground mount shall be neutral in color and, to the extent possible, compatible in character and appearance with the surrounding neighborhood.
5. All Nonresidential Districts; Ground- or Roof-Mounted Antennas. In all nonresidential zoning districts, roof-mounted satellite dish antennas accessory to permitted uses having a diameter of equal to or less than two meters (i.e., 6 feet 6½ inches), may be erected on the ground or on the roof of the principal building located on the respective zoning lot or parcel up to a maximum height of ten feet (10') above the ground, in the case of a ground-mounted antenna (i.e., the maximum height of the ground mount and the satellite dish in the aggregate), or up to a maximum height of ten feet (10') above the highest point of the building on which it is located, provided, however:
  - a. In all non-residential zoning districts such antennas shall not be located between a building and a front lot line;
  - b. Such antennas and their support structures shall be neutral in color and, to the extent possible, compatible with the appearance and character of the neighborhood in which they are located.
  - c. Prior to commencement of installation of any satellite dish antenna, the visual impact of such antenna(s) shall be reduced by the property owner's installation

and maintenance in good condition of screening approved in advance in writing by the Zoning Official.

6. Nonresidential Ground Mounted Satellite Dish Antennas on Lot Abutting Residential District. Any ground-mounted satellite dish antennas installed and/or proposed to be installed in a non-residential zoning district located on a lot or parcel that abuts a residential district shall be placed a minimum of ten feet (10') from any lot line and effectively screened by a solid fence, wall, or dense landscape screening to a minimum height of two meters (i.e., 6 feet 6½ inches). Such fence, wall, or landscape screening shall be located on or near the lot line abutting the residential district, shall be maintained in good condition, and shall otherwise comply with the applicable zoning requirements of this Section governing its location.
7. Except as provided in Subparagraph 4.7(D)(2) above, the other provisions of this Section shall be applicable to satellite dish antennas.

#### **4.8 TEMPORARY USES**

- A. Temporary Uses, as defined in this Ordinance, shall be permitted in all Zoning Districts, subject to the restrictions and standards established in this Ordinance. No Temporary Use or structure shall continue for such a length of time that it constitutes a permanent use.
- B. Restrictions on occasional sales (e.g. garages sales, rummage sales, estate sales, or yard sales) on private residential property are outlined in the Barrington Village Code, and are exempt from the standards of this Section.
- C. Temporary Uses and Structures Subject to Administrative Review. The following Temporary Uses and structures are permitted in any zoning district if they meet the requirements of this Ordinance and the Barrington Building Code, and receive a Temporary Use permit from the Zoning Official:
  1. Construction trailers, storage sheds and yards used for construction equipment and material, excluding bulk storage of hazardous or flammable materials, and portable lavatories provided that:
    - a. The trailer, shed, storage area or portable lavatory is incidental to the construction of a building development.
    - b. The trailer, shed, storage area or portable lavatory is located on the same lot as the building development, or an abutting lot with the written consent of the property owner.
    - c. The trailer, shed, storage area, or portable lavatory shall remain on the property no longer than the time of construction.
    - d. The trailer, shed, storage area or portable lavatory shall be located no closer than twenty (20) feet from any other property located in a residential district.
  2. Mobile home for Temporary Use as office and/or exhibition, provided that:
    - a. The structure under construction is on the same property.
    - b. It is not moved to the site more than thirty (30) days prior to construction and is removed no later than thirty (30) days after construction has been completed.
    - c. It is not used for any purpose other than that connected with on-site construction.

- d. It is justified by the size and nature of the construction project.
  - e. It remains for a period not to exceed twenty-four (24) months.
  - f. It is utilized only incidental to on-site construction during daylight hours and not for residential living quarters.
  - g. It is parked in a location approved in advance by the Zoning Official.
  - h. It is skirted in a manner approved in advance by the Zoning Official.
  - i. If it is to be utilized as a sales office, it shall provide adequate designated customer parking, as determined appropriate by the Zoning Official.
3. Christmas tree sales lots, provided that:
- a. The use is located on a lot that fronts a collector or arterial street.
  - b. The use is located on a vacant lot or parking area.
  - c. The trees are located at least fifty (50) feet from any structure on another lot.
  - d. Trees and temporary structures remaining on hand after December 25 shall be removed from the premises no later than December 31 of the same year.
4. Temporary miscellaneous outdoor sales including, but not limited to, art, craft, bake, and book sales not subject to the regulations set forth in the Barrington Village Code.
5. Sidewalk sales, provided that a minimum six (6) foot accessible path shall be maintained for pedestrians.
6. Temporary tents, provided that:
- a. Tents shall not be erected for more than 30 days in any calendar year.
  - b. Tents shall be located on private property, and shall be erected only with the prior written permission of the property owner. Tents may be located on Village of Barrington property only with the prior written permission of the Village of Barrington.
  - c. No more than one sign shall be permitted on the exterior of the tent. (Such sign shall not be counted against other temporary signs permitted on the premises.)
  - d. A permit to erect the tent shall be obtained from the Zoning Official, who shall require such information as deemed necessary for issuance of the permit.
  - e. The height and setbacks of the tent shall conform to the regulations of the zoning district in which the premises is located, unless otherwise deemed appropriate and approved by the Village Manager.
  - f. The use conducted in the tent shall be a use permitted in the zoning district in which the premises is located, unless otherwise deemed appropriate and approved by the Village Manager.
7. Portable Storage Units, provided that:
- a. A portable storage unit shall be permitted for ninety (90) days when issued in conjunction with a valid building permit. A ninety (90) day extension may be granted by the Zoning Official if such extension is deemed necessary.
  - b. A portable storage unit shall be permitted for fifteen (15) days when not in conjunction with a valid building permit. A fifteen (15) day extension may be granted by the Zoning Official if such extension is deemed necessary.
  - c. A permit to erect a portable storage unit shall be obtained from the Zoning Official, who shall require such information as deemed necessary for issuance of the permit.

- d. Portable Storage Units shall be located on private property.
8. Dumpsters (not in conjunction with a valid building permit), provided that:
- a. A dumpster shall be permitted in conjunction with a valid building permit.
  - b. A dumpster shall be permitted for fifteen (15) days when not in conjunction with a valid building permit. A fifteen (15) day extension may be granted by the Zoning Official if such extension is deemed necessary.
  - c. A permit to erect a dumpster not in conjunction with a valid building permit shall be obtained from the Zoning Official, who shall require such information as deemed necessary for issuance of the permit.
  - d. Dumpsters shall be located on private property.
9. Other such Temporary Uses as may be deemed necessary by the Village Manager, to address emergency or special situations. Such Temporary Uses shall be valid for a maximum of ninety (90) days, with a maximum renewal of an additional ninety (90) days, if deemed appropriate by the Village Manager. Such Temporary Uses shall not constitute a threat to the health, safety or welfare of occupants and users of the Temporary Use, or to adjacent properties or persons.

**D. Temporary Uses and Structures Subject to Review by the Village Board**

The following Temporary Uses and structures are permitted in any zoning district if they meet the requirements of this Ordinance and receive a Temporary Use permit from the Village Board:

- 1. Carnivals, outdoor festivals, or other public interest and special events, provided that:
  - a. Trailers and other equipment do not block driveways or other points of emergency vehicular access to any property, or any portion of the public way.
  - b. The operation will be located entirely within the private or public property designated for the event.
  - c. The event will only be permitted during hours when the facility's parking would not be used for the primary use's high traffic generation activities.
  - d. If deemed necessary by the Police Chief or Fire Chief, property access and security may be controlled by special personnel paid for by the applicant. Prior to receiving a permit, the applicant must provide written communication from the Police Chief and Fire Chief that adequate provisions have been made.
  - e. The Health Department shall approve the sanitary provisions. Prior to receiving a permit, the applicant must provide written communication from the Health Department that adequate provisions have been made.
  - f. The Building Official shall approve all electrical and lighting facilities. Prior to receiving a permit, the applicant must provide written communication from the Building Official that adequate provisions have been made.
  - g. Maximum noise levels or hours of operation may be established by the Village. The levels or hours of operation may be based on the distance of the site to adjoining residential uses and any history of complaints about similar events, or other factors deemed relevant by the Village.
  - h. The applicant shall provide surety for complete site restoration upon the event's conclusion or should the permit be revoked, if required by the Village Board.
- 2. Produce and farmers markets.
- 3. Public or Employee/Employer Parking.

## **4.9 SITE LIGHTING**

### **A. Intent**

Exterior lighting is regulated to eliminate spill-over and glare on adjacent properties, motor vehicle operators, and pedestrians within the light source's proximity. Safety considerations are the basis for these regulations, especially with respect to motor vehicles. In addition, the regulations are developed to protect against both nuisance and hazard aspects of glare or excess light.

### **B. Applicability**

This Section shall apply to all uses except the following:

1. Public street lighting shall conform to standards set by the State Department of Transportation, Lake and Cook County Departments of Transportation, and the Village of Barrington Public Works Department.
2. Residential uses are permitted to use low-intensity {forty (40) watts or less per bulb} incandescent or fluorescent lighting mounted on the buildings or as landscape or entrance accents. Any high-intensity {more than forty (40) watts per bulb} incandescent, fluorescent, mercury vapor, metal halide or high pressure sodium lighting shall be prohibited on residential property unless a lighting plan is submitted and approved, per Subsection C. below.
3. Holiday lighting under five (5) watts per bulb.
4. Residential lighting that has a light level of one-half (1/2) foot-candle or less at the property line.

### **C. Exterior Lighting Plan**

Any time exterior lighting is installed or substantially modified, and whenever a site undergoes site plan review, a lighting plan shall be required. The exterior lighting plan shall consist of the following information:

1. Photometric plan which shows proposed intensity of illumination in foot-candle values distributed across the entire site in a grid-like fashion. This grid shall be overlaid on the site plan.
2. Proposed lighting fixture details which show the height, design, method of shielding and proposed candlepower of the light source.

### **D. Lighting Standards Applying to All Light Sources**

The following standards are required of all exterior lighting:

1. All cut-off light fixtures shall be designed with a hood that shields the light source and is directed downwards at all times.
2. No flickering or flashing lights shall be permitted, other than holiday lighting exempted under Section 4.9(B)(3).
3. Flood lights are not permitted in front yards.
4. Lighting levels shall be measured in foot-candles with a direct-reading, portable light meter. Readings shall be taken at heights between six (6) feet above the ground and six (6) inches above the ground, at a position facing the light source. Readings shall be taken only after the meter has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question in operation, and then turned off. The difference between the two (2) readings shall be compared to

the maximum permitted illumination. This procedure eliminates the effects of moonlight and other ambient light.

5. The Zoning Official may require cut-off shielding beyond the amount necessary to meet property line foot candle maximum limits, in order to reduce point source nuisances.

#### **E. Standards for Building Mounted Lights**

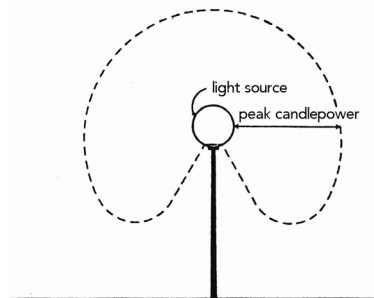
Building mounted lights shall be cut-off. The light sources shall be hooded and directed downward at all times. Non-shielded light sources shall only be permitted for security purposes, provided that illumination at the nearest property line(s) does not exceed the maximum permitted under 4.9(F)(1)(a) and 4.9(F)(1)(b) below.

#### **F. Standards for Pole Lights**

The maximum permitted light pole height is dependent upon the amount of cut-off provided in order to minimize glare onto adjacent properties and the public right-of-way.

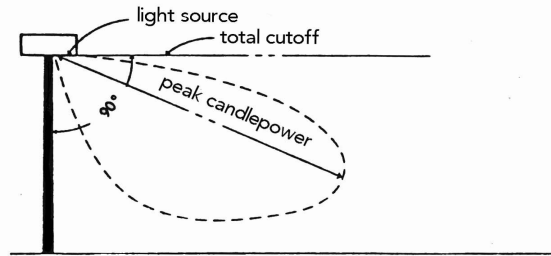
1. When the light source has no cut-off:
  - a. Maximum permitted illumination as measured at property lines abutting residential districts shall be one-quarter (0.25) footcandle.
  - b. Maximum permitted illumination as measured at property lines abutting nonresidential districts or the public right-of-way shall be one-half (0.50) footcandle.
  - c. Maximum permitted pole height shall be ten (10) feet. (See Figure 4.9-A).

**Figure 4.9-A No Cut-Off Light Source**



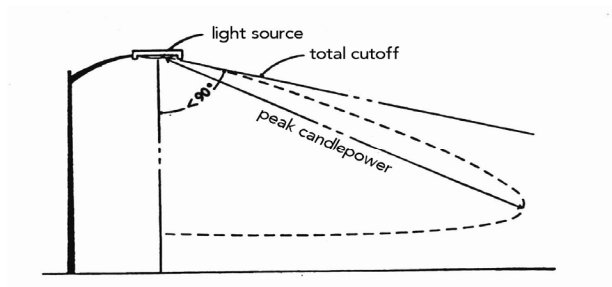
2. When the light source has total cut-off of an angle greater than, or equal to, ninety (90) degrees:
  - a. Maximum permitted illumination as measured at property lines abutting residential districts shall be one-half (0.50) footcandles.
  - b. Maximum permitted illumination as measured at property lines abutting nonresidential districts or the public right-of-way shall be one (1) footcandle.
  - c. Maximum permitted pole height shall be fifteen (15) feet. (See Figure 4.9-B)

**Figure 4.9-B 90 Degree Light Source**



3. When a light source has a total cut-off of an angle less than ninety (90) degrees and the light source is completely shielded from the direct view of an observer at a point five (5) feet above the ground, at the point where the cut-off angle intersects the ground:
  - a. Maximum permitted illumination as measured at property lines abutting residential and nonresidential districts or the public right-of-way shall be one (1) footcandle.
  - b. Maximum permitted pole height shall be twenty (20) feet. (See Figure 4.9-C)

**Figure 4.9-C Light Source with Less than 90 Degree Cut-Off**



## 4.10 DEMOLITION

### A. Intent

Demolition of structures is regulated to ensure that properties are properly restored or redeveloped following all demolition activity.

### B. Demolition Standards

The demolition of all residential and non-residential structures shall require either a site restoration plan or an approved redevelopment plan. Site restoration plans shall be submitted as part of the building permit application for demolition and shall meet the following requirements:

1. The entire building, including foundation must be removed. Any basement areas must be infilled with structurally sound clean soil fill;
2. All driveways and parking areas must be removed;
3. All drive aisles, aprons and or depressed curbs located on Village streets shall be removed and replaced with standard curb;
4. All utility stubs shall be fully removed to the main lines of the Village system;

5. The entire site shall be restored, at a minimum, with a seed blanket and erosion control measures. A grading plan may be required when determined necessary by the Director of Development Services or his designee;
6. A landscape plan shall be submitted for review and approval by the Director of Development Services or his designee; and
7. A maintenance plan shall be submitted for review and approval by the Director of Development Services or his designee, which plan shall describe how the site will be maintained as a vacant lot.

#### **4.11 UNATTENDED COLLECTION BOXES**

- A. Unattended collection boxes are only allowed to be located in one of the following Zoning Districts: B-1, B-3, M-1, M-A, A-1, and O-R.
- B. Unattended collection boxes shall only be permitted in accordance with and when and if in full compliance with Chapter 8, “Unattended Collection Boxes”, of Title 4 of the Barrington Village Code.”

#### **4.12 ADULT USE CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED**

Pursuant to the authority reserved to municipalities under Section 55-25 of the Cannabis Regulation and Tax Act, the following adult use cannabis business establishments are hereby prohibited in all Zoning Districts of the Village:

Adult Use Cannabis Cultivation Center,  
Adult Use Cannabis Craft Grower,  
Adult Use Cannabis Dispensing Organization,  
Adult Use Infuser Organization or Infuser,  
Adult Use Cannabis Processing Organization or Processor,  
Adult Use Cannabis Transporting Organization or Transporter, and  
Any other Adult Use Cannabis Business Establishment(s).