

ARTICLE 2
GENERAL PROVISIONS

2.00 CONTROL OVER USE

2.00-A Establishment of New Uses

The use of a structure or lot established after the effective date of this Ordinance shall be for a use which is herein specified as a Permitted, Special Accessory or Temporary use in the district regulations applicable to the district in which such structure or lot is located.

2.00-B Existing Building Permits

Where a building permit for a structure has been issued in accordance with law prior to the effective date of this Ordinance and where construction has commenced within six (6) months of such effective date and is completed within two (2) years of such effective date, the structure may be completed in accordance with the approved plans, and further, may upon completion be occupied under a certificate of occupancy for the use originally designated subject thereafter to the provisions of Article 10, Nonconformities.

2.00-C Existing Uses

1. Where the use of a structure or lot existing at the time of the adoption of this Ordinance is rendered nonconforming under the provisions of this Ordinance, the provisions of Article 10, Nonconformities, shall apply to such use, except as otherwise provided herein.
2. Where a structure and the use thereof or use of a lot lawfully exists on the effective date of this Ordinance, and is classified by this Ordinance as a special use in the district in which it is located, such use shall be considered a lawful Special Use. A Special Use permit issued in accordance with procedures herein set forth shall be required for any expansion or change of such existing legal structure or Special Use.
3. Multiple Use Unified Development shall be classified as a special use planned unit development in the C-2 Outlying Commercial District, and shall be considered a lawful special use planned unit development, Application for a Multiple Use Unified Development shall be permitted in accordance with the procedures set forth herein for special uses, except that the standards and required findings shall be the same as the standards and required findings set forth for a special use planned unit development. Approval

of a Multiple Use Unified Development for a tract of land shall not affect the rights of a property owner to develop the property in conformance with the provisions of the underlying zoning district; however, an applicant or property owner who has applied for and obtained the approval of a Multiple Use Unified Development shall forfeit its rights to develop the property in conformance with the provisions of the underlying zoning district and shall have the obligation to complete the Multiple Use Unified Development as set forth by the ordinance approving the application for a Multiple Use Unified Development. An amendment to a Multiple Use Unified Development shall be required for any expansion or change of any structures or uses existing as part of the Multiple Use Unified Development. An amendment to a Multiple Use Unified Development shall be permitted in accordance with the procedures set forth herein for amendments to a special use planned unit development. (Ord. 0-18-05)

2.00-D Existing Unlawful Uses

Any unlawful use existing at the time of the adoption of this Ordinance which is also in conflict with the requirements of this Ordinance shall remain unlawful hereunder.

2.00-E Number of Buildings on a Zoning Lot

Not more than one (1) principal detached building shall be located on any zoning lot, except in the case of Planned Unit Developments and Multiple Use Unified Developments.

2.00-F Open Use

Where a lot is to be utilized for a permitted use without structures, the required yards for such lot shall be provided and maintained as set forth in this Ordinance.

2.00-G Uses Not Specifically Permitted in Districts

When a use is not specifically listed as a Permitted, Special or Temporary use, such use is hereby expressly prohibited, unless by application and authorization as provided for under Unique Uses, Article 13.12.

2.00-H Number of Principal Uses on a Zoning Lot

Not more than one principal use shall be permitted on a zoning lot unless otherwise provided for in this Ordinance.

2.00-I Single Family Residences Constructed on Illegally Created
Parcels. (Ord. 0-94-04)

If prior to the adoption of this amendatory ordinance a single-family residence had been constructed pursuant to a building permit and thereafter the portion of the lot on which the single family residence was constructed was separated from the original lot in contravention of Village Ordinances, the single family residence shall be considered to be legally constructed and shall be subject to the provisions regulating expansion and restoration just as properties qualifying as a lot of record. A single family residence may receive such treatment only if:

1. The single family residence was constructed pursuant to a building permit issued on the basis of including the entire lot to satisfy the minimum bulk requirements of the governing zoning district;
2. Subsequent to issuance of the building permit, the portion of the lot on which the single family residence was constructed was separated from the entire lot in contravention of the Village ordinances;
3. Both the single family residence parcel and the remaining portion of the lot are under separate and distinct ownership.

In no event shall a building permit be issued for the undeveloped portion of the lot which resulted from the separation of the single family residence parcel from the entire lot. If the single family residence parcel does not meet the zoning district bulk requirements and/or the single family residence encroaches into any required setback, any expansion, redevelopment or restoration of the single family residence shall conform to the provisions of Article 10 hereof.

2.00-J Erroneously Issued Permits (0-94-04)

In the event a single family residence has been constructed and:

1. The building permit applicant believed the property qualified as a buildable lot; and
2. The Village issued a building permit; and
3. Subsequent to the completion of the single family residence and the issuance of an occupancy permit it was determined that the property did not qualify as a buildable lot and was not entitled to building permit, said single family residence shall nonetheless be deemed to be legally

constructed. All zoning district regulations and provisions governing single family residences shall apply including, but not limited to, those provisions governing bulk, setbacks, use, restoration in the event of casualty loss, redevelopment and expansion; said single family residence shall nonetheless be deemed to be legally constructed. All zoning district regulations and provisions governing single family residences shall apply including, but not limited to, those provisions governing bulk, setbacks, use, restoration in the event of casualty loss, redevelopment and expansion.

2.01 CONTROL OVER BULK

2.01-A New Buildings or Structures

Each new building or structure shall conform with the bulk regulations established herein for the district in which such building or structure is located.

2.01-B Existing Building or Structures

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

2.01-C Previously Approved Lots of Record

All previously approved lots of record may be improved subject to the requirements of Sec. 10.02-A of this Ordinance.

2.01-D Building Height

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the maximum building height of the zoning district in which it is located except for:

1. Building Appurtenance and Accessory Structures

a. Group A

Chimneys, commercial radio and television broadcasting towers, fire towers and water towers may exceed the maximum building height by not more than twenty-five (25) feet.

b. Group B

Bell towers, spires, scenery lofts and steeples may exceed the maximum building height of the district in which they are located by not more than twenty-five (25) feet. Amateur and citizen band antennas may be erected to a height not to exceed sixty (60) feet as measured from grade, except those made of wood which shall not be more than twenty (20) feet high, measured from grade.

c. Group C (Ord. O-12-09)

Cooling towers, elevator bulkheads, flagpoles, mechanical appurtenances, parapet walls, radio and television receiving antennas, recreational facilities, roof gardens and skylights may exceed the maximum building height by not more than twelve (12) feet except as provided for in Group B.

d. Group D (Ord. O-06-08)

Golf ball netting structures located on golf course property consisting of poles with a height not to exceed 58 feet and including netting suspended between poles designed to stop driving range golf balls from entering adjacent property.

2. Planned Unit Developments

Buildings in Planned Unit Developments may not exceed the maximum building height established for the district in which the structure is located except as provided for in Article 12, Planned Unit Development.

2.02 CONTROL OVER YARDS, OPEN SPACE AND LOT AREA

2.02-A Continued Conformity with Yard Regulations

The maintenance of yards, other open spaces and minimum lot area legally required for a building within a zoning district shall be a continuing obligation upon the owner of such building or property. Furthermore, no legally required yard, other open space or minimum lot area allocated to any building shall by virtue of change of ownership or for any other reason be used to satisfy yard, other open space or minimum lot area requirements for any other building.

2.02-B Division of Zoning Lot (Ord. 0-90-43) (Ord. 0-94-04)

No zoning lot shall be hereafter divided into two (2) or more zoning lots unless all zoning lots resulting from such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located. If a lot is built upon under one building permit, then divided, it can only be so divided if each newly created lot, or portion of the original lot, is platted as a numbered lot in a recorded subdivision and conforms to the Subdivision Regulations of the Village of Deerfield. No zoning lot within a residential district shall be hereinafter divided so as to create a Lot-in-Depth as that term is defined in Article 14.

2.02-C Location of Required Yards and Open Space

All yards and other open spaces allocated to a structure or use shall be located on the same zoning lot as such structure or use, except as otherwise provided in this Ordinance.

2.02-D Determination of Yards in Particular Cases

1. Established Setbacks

Where lots comprising forty (40) percent or more of the frontage on a block are developed with buildings having front yards of greater depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

2. Corner Lots

On corner lots, the front yard shall face the shortest street dimension of the lot.

3. Through Lots

a. On through lots the front lot line shall be determined by the Director of Building and Zoning. However, when a front lot line has been established on one or more lots in the same block and all have front lot lines established along the same street right-of-way line, that right-of-way line shall be the front lot line on all remaining through lots in that block.

- b. On through lots, all front yard requirements shall apply to the required rear yard unless such rear yard is properly screened by a screening fence or landscaped screening at least five (5) feet in height.

4. Setbacks Along Streets and Thoroughfares

a. Existing Structures

Minimum setbacks for existing structures on lots abutting a street or thoroughfare shall be the distance required for a front yard, or corner side yard, in the district in which such lots are located, measured from the existing right-of-way line of the street or thoroughfare.

b. New Structures

Minimum setbacks for new structures on lots abutting a street or thoroughfare shall be the distance required for a front yard, or corner side yard in the districts in which such lots are located, measured from the existing right-of-way line as designated on the official map of the Village, or as duly established by other Ordinances and recorded or established setbacks of the Village, or as established by the Director of Building and Zoning, or as established by county or state highway authorities, whichever has the greatest right-of-way width requirements.

2.02-E Permitted Obstructions in Required Yards

Required yards shall be unobstructed from the ground level to the sky except for the following permitted obstructions when located in the required yard specified and in conformance with the sight-line regulations of the Village:

1. In All Yards

- a. (Ord. 0-87-67)
At grade patios but not including a permanent roofed over patio or porch;
- b. Awnings and canopies, projecting four (4) feet or less into the yard;

- c. Steps or ramps four (4) feet or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street;
 - d. Chimneys, projecting eighteen (18) inches or less into the yard;
 - e. Arbors and trellises;
 - f. Flagpoles;
 - g. Window unit air conditioners, projecting not more than eighteen (18) inches into the yard;
 - h. Fences and Walls, subject to applicable restrictions;
 - i. Signs, subject to the applicable restrictions of Article 9;
 - j. Ornamental Light Standards;
 - k. Trees, Shrubbery and Other Plantings;
 - l. Temporary Uses and structures subject to Article 11.
2. In Front Yards
- a. One Story Bay Windows, projecting three (3) feet or less into the yard;
 - b. Overhanging Eaves and Gutters, projecting three (3) feet or less into the yard.
3. In Side Yards
- a. Overhanging Eaves and Gutters, projecting eighteen (18) inches or less into the yard;
 - b. Parking of Recreational Vehicles, subject to the applicable restrictions of Article 2.
4. In Rear Yards
- a. One-Story Bay Windows, projecting three (3) feet or less into the yard;
 - b. Overhanging Eaves and Gutters; projecting three (3) feet or less into the yard;
 - c. Permitted Accessory Structures, subject to the applicable restrictions of Article 2;

- d. Attached heating and cooling compressor units projecting not more than four (4) feet into the yard;
- e. (Ord. 0-87-67)
 Raised decks, swimming pools and their accessory structures, and tennis courts may be located in required rear yards but in no event shall they be located closer than eight (8) feet from any lot line.

5. Control Over Specific Obstructions (Ord. 0-87-67)

- a. Raised decks, swimming pools and their accessory structures, and tennis courts shall be located in relation to side lot lines as provided for under the applicable district regulations but in no event shall they be located closer than eight (8) feet from any lot line.

2.02-F Exclusion of Drainage District Easements

Where a lot line is subject to an easement to a drainage district for maintenance or improvement of a ditch or waterway for surface water drainage, the area subject to such easement shall not be considered in meeting the requirement of this Ordinance for minimum lot area, maximum lot coverage and minimum yards.

2.02-G Exclusion of Easements for Private Road Rights-of-Way

Where a lot is subject to an easement for a private road right-of-way, the area subject to such easement shall not be considered in meeting the requirements of the Ordinance for minimum lot area, maximum lot coverage and minimum yards.

2.03 CONTROL OVER ACCESSORY USES AND STRUCTURES

2.03-A Standards

Accessory Uses are permitted in any zoning district in connection with any use which is permitted within such district. An Accessory Use is a building, structure or use which:

1. Is customarily incidental and subordinate to and serves a principal use;
2. Is subordinate in area, extent and purpose to the principal building or principal use served;
3. Contributes to the comfort, convenience, or necessity of occupants in the principal building or principal use served; and

4. Is located on the same zoning lot as the principal building or principal use served.

2.03-B Time of Establishment

An accessory use shall not be established on any lot prior to the establishment of the principal use to which it is accessory.

2.03-C Attached Accessory Structure

An attached accessory structure shall comply with all district regulations applicable to the principal structure.

2.03-D Detached Accessory Structures (Ord. 0-86-22)

Detached Accessory Structures:

1. Shall not be located in the required front or side yards;
2. Shall not occupy more than thirty (30) percent of the required rear yard;
3. Shall be at least ten (10) feet from the principal structure;
4. Shall not exceed the height of the principal structure or twenty (20) feet in height, measured from the grade level of the principal structure, whichever is less, except that an accessory antenna shall not exceed sixty (60) feet measured from the grade level of the principal structure;
5. Shall be located in relation to lot lines as provided for in the applicable district regulations, except that, irrespective of the foregoing, raised decks, swimming pools and their accessory structures and tennis courts shall be located no closer than eight(8) feet from any lot line;
6. Shall not be located in the required rear yard in the C and I districts. If any property line in a C or I district abuts a residential district, an accessory structure shall not be located within twenty-five (25) feet of said property line.

2.04 CONTROL OVER SPECIFIC USES

2.04-A Home Occupations (Ord.0-99-05)

There are permitted in all residential districts, home occupations which are businesses or occupations of the type which will be compatible with the character of the residential districts. Only those home occupations which will comply with the following standards, as well as all other regulations of the Village, will be permitted.

1. Standards

A permitted home occupation is limited to a business, profession, occupation, or trade that:

- a. Is conducted for gain or support by a member(s) of the family domiciled in the dwelling unit who is also domiciled in the dwelling unit;
- b. Is incidental and secondary to the use of such dwelling unit for dwelling purposes and the total area devoted to such home occupation shall not exceed 25 percent of the total habitable floor area of all permitted structures; and
- c. Does not change the residential character of such dwelling unit or the neighborhood in which the property is located.

2. Employees

- a. The person conducting the home occupation shall be domiciled in the dwelling unit where such occupation is conducted.
- b. The maximum number of employees who work at the dwelling unit who are not domiciled in the dwelling unit shall not exceed two. "Employee" shall include anyone who comes to the residence to participate in the operation or conduct of the permitted home occupation but shall not include persons such as vendors and service providers who come to the residence to perform a specific service or deliver goods in the furtherance of the home occupation.

3. General Limitations

- a. No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit.
- b. Public utility services of the type generally associated with non-residential uses such as electrical services in excess of 400 amps and transformers and switching equipment associated with telephone services shall not be allowed.
- c. No dwelling unit may be altered so as to provide a separate entrance for the home occupation.
- d. There shall be no special structural alterations, or construction features made to the dwelling or permitted

accessory structures, nor shall the installation of special equipment attached to walls, floors, or ceilings be permitted.

- e. Where child day care is provided, a fenced outdoor play area is permitted in the rear yard only.

4. Operational Limitations

- a. No activity shall be conducted on a residential lot unless it is conducted wholly within a principal structure or a permitted accessory structure, except as specifically permitted in conjunction with child day care.
- b. Any wholesale, jobbing, or retail business which is conducted entirely by phone, mail, or by a parcel service which would typically deliver items to residences shall be permitted.
- c. No stock in trade shall be displayed or sold on the premises of any home occupation so that it is visible from the street or from adjacent properties.
- d. There shall be no signs, display, or activity that will indicate from the exterior that the building is being used, in part, for any purpose other than that of a dwelling.
- e. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
- f. No outdoor storage shall be allowed in connection with any home occupation.
- g. No refuse in excess of the amount allowable for regular residential pickup shall be generated by any home occupation.
- h. Vehicles used in connection with any home occupation must be garaged when not being used in the occupation. When an automobile, pickup truck, or utility vehicle is used for both business and personal use, said vehicle need not be garaged if there is nothing on or about the vehicle which would indicate its business usage.

- i. In-home instruction may only be conducted by the resident of the dwelling unit. Attendance of a maximum of four persons at any one time shall be permitted. In-home instruction for more than four persons at any one time may not be established unless authorized pursuant to a Special Use permit.
- j. An in-home child day care facility serving more than four children may not be established unless authorized pursuant to a Special Use permit. Any use of an outdoor play area shall be supervised by the care provider. Children will not leave the day care provider's property unless supervised by an adult.

5. Signage and Visibility

- a. No sign shall advertise the presence or conduct of the home occupation except as otherwise required by law and permitted as allowed by Article 9, Signs.
- b. No home occupation shall be in any manner visible or apparent from any public or private street.

6. Traffic Limitations

No home occupation shall generate more traffic than is typical of residences in the area.

7. Nuisance-causing Activities

In addition to the foregoing specific limitations, no home occupation shall cause any nuisance, be noxious, offensive or create traffic hazards in the public streets.

8. Licensing Requirements

Every home occupation shall be subject to applicable licensing and inspection requirements.

9. Prohibited Activities

Clinics, doctor and dentist offices, health care and rehabilitation facilities, barber and beauty shops, dress and millinery shops, tea rooms, restaurants, tourist homes, animal hospitals, manufacturing, motor vehicle repair business of any type, and any type of repair businesses which would alter the residential character of the dwelling unit, and any other type of occupation which would alter

the residential character of the dwelling unit and/or the neighborhood in which it is located are prohibited.

10. Garage Sales

Garage sales and home sales shall not be considered home occupations but shall be regulated as Temporary Uses in accordance with the provisions of Article 11, Temporary Uses and Structures.

11. Nonconforming Home Occupation

A home occupation which exists lawfully at the time of the adoption of this Ordinance but which employs more than two employees shall become a nonconforming use subject to Article 10 of the Zoning Ordinance upon the adoption of this Ordinance. Such nonconforming home occupation may not be renewed after the person owning and operating the business ceases operating said home occupation.

12. Registration of Nonconforming Home Occupation

To permit the continued operation of existing home occupations as described in the immediately preceding paragraph, the operator of any such business shall register the operation of said business with the Village of Deerfield in the manner provided by the Village no later than six months after the effective date of this Ordinance. Following registration the operator of any such business will be prohibited from increasing the number of employees at the dwelling in excess of the number then currently employed.

13. Special Use Lawful Home Occupation

Where a home occupation lawfully exists at the time of the adoption of this Ordinance, and is classified by this Ordinance as a Special Use, such a home occupation shall be considered a lawful home occupation pursuant to Article 2.04-A

14. Non-renewable Special Use Home Occupation

Any Special Use authorizing a home occupation shall become null and void and may not be renewed after the person owning and operating the business ceases operating.

2.04-B AIR RIGHTS

The development of air rights above land utilized for expressways, highways, railroads, streets and drainage channels,

shall be in accordance with Article 12, Planned Unit Developments.

2.04-C RECREATIONAL VEHICLES AND BOATS

1. Standards

- a. At no time shall a parked or stored recreational vehicle or boat be used for living, sleeping, or housekeeping purposes. No recreational vehicle shall be connected to gas, water or sanitary sewer service. Temporary electrical hookup shall be permitted.
- b. Recreational vehicles shall not be used as accessory structures in any district.
- c. Recreational vehicles shall not have their wheels removed or be affixed to the ground so as to prevent ready removal of the vehicle.
- d. Recreational vehicles and boats shall not be parked or stored in such a way as to create a dangerous or unsafe condition.
- e. No major repair shall be performed on any recreational vehicle or boat except within a garage or accessory structure.

2. Parking and Storage Restrictions

- a. Only one recreational vehicle or one boat conforming to the size restrictions stated below may be parked or stored in the open on a lot in a residential district. Recreational vehicles or boats exceeding the size restrictions below shall not be stored or parked in a residential district.
- b. Recreational vehicles and boats may be parked or stored in the interior side yards, rear yard and required front yard on the driveway.

3. Size Restrictions

No recreational vehicle or boat parked in a residential district shall exceed:

- a. Ten (10) feet in height excluding mast.

2.04-D TENTS

Except as otherwise provided herein under Temporary Uses, tents shall not be erected, used or maintained on a lot except such tents as are customarily used for recreational purposes. Such recreational tents shall be located on the same lot as a dwelling and shall not be allowed within the required front or side yard. All uses of tents other than recreational shall be regulated as Temporary Uses in accordance with Article 11, Temporary Uses and Structures.

2.04-E STORAGE OF REFUSE

The open storage of refuse, scrap or building debris is prohibited in all zoning districts. All such material shall be kept in enclosed containers while awaiting removal and stored as follows:

1. In Residential Districts

a. Location

All containers shall be in conformance with the Municipal Code restrictions on refuse removal and shall be kept to the rear or side of the principal structure or within a garage or accessory structure, except at those times designated for removal.

2. In Non-Residential Districts

a. Location

All containers shall be in conformance with the Municipal Code restrictions pertaining to refuse removal. Such containers shall be stored in a neat and orderly fashion and properly secured so as not to interfere with or be hazardous to pedestrian or vehicular traffic.

b. Screening

All refuse containers shall be fully enclosed by a screening fence or landscaped screening of a height sufficient to screen such containers from view from adjoining properties and public or private ways.

2.04-F Storage of Building Materials

The storage of building materials and equipment shall be allowed only on a lot where a building permit has been lawfully issued by the Director of Building and Zoning. Such materials and equipment shall be stored in a neat and orderly fashion, and shall be removed as soon as they are no longer required for the permitted construction.

2.04-G Storage of Disabled Motor Vehicles

1. In Residential Districts

Disabled or damaged motor vehicles may be stored in the open within a required front yard in a residential district for a period not to exceed thirty (30) days. Major repairs shall not be made on such vehicles except within a garage or accessory structure.

2. In Non-Residential Districts

Disabled or damaged motor vehicles awaiting or under repair may be stored in the open in a non-residential district only on a lot where such storage and repair is customary in the operation of a lawfully established principal use. Such vehicles shall be removed or placed within an enclosed structure within thirty (30) days.

2.04-H Fences

This Article is intended to regulate the construction, placement and maintenance of fences and screenings as required or allowed in this Ordinance. Fences or screenings will be allowed as permitted or special uses which are not detrimental to the health, safety or welfare of the Village, and in addition do not diminish the rights of citizens to sufficient air and light and safety of travel and access throughout the Village. Fences or screenings will be required that are deemed necessary to insure the rightful enjoyment of all properties, to protect property values, to insure the safety of the public rights-of-way and to protect the public from dangerous or potentially dangerous uses.

1. General Regulations

a. Fences in the Right-of-Way

No fence shall be erected or maintained in any public right-of-way except those fences erected for the purpose of insuring the public safety by a public body having proper authority.

b. Barbed Wire and Electrically Charged Fences

The use of barbed wire or electrically charged fences is prohibited on all land used for residential purposes. The use of barbed wire or electrically charged fences may be approved as a special use on land used for other than residential purposes, but then only above a height of seven (7) feet.

All electrically charged fences shall be properly identified.

c. Maintenance of Fences and Screening

Any fence or landscaped screening used to satisfy the requirements of this Article or required as a condition of approval for a special use permit shall be continually maintained for the duration of the use involved.

d. Obstructions to Line of Sight

In no event shall any wall, fence or other structure or planting be placed or maintained in a location relative to a public or private street, alley, driveway or other means of ingress or egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such means of ingress and egress in accordance with regulations contained in the Municipal Code.

2. Fence Certificate Required

Anyone wishing to erect a fence within the Village of Deerfield shall obtain a fence certificate from the department of Building and Zoning.

3. Height Regulations

a. Front Yard Fences

No fence shall be erected or maintained in a front yard of any lot adjoining a public street in any district to a height greater than three (3) feet except as provided for in Article 2.04-I,2 or as a special use, below.

b. Side Yard and Rear Yard Fences

No fence shall be erected or maintained in a side yard or a rear yard in any district to a height greater than seven (7) feet except as provided for as a modification in Article 13, Administration and Enforcement.

4. Special Uses

The following are special uses which may be granted in accordance with the provisions contained in Article 13, Administration and Enforcement.

- a. Front yard fences in any district over a height of three (3) feet.

- b. Side or rear yard fences in any district over a height of seven (7) feet.
- c. Barbed wire or electrically charged fences, but only above a height of seven (7) feet.

2.04-I Landscaped Screening

1. Non-Residential Uses

Where a non-residential use abuts property in a residential district at a side or rear lot line, or is separated from such property only by an alley along the side or rear lot line, such non-residential use shall be effectively screened along such lot line(s) by a screening fence or landscaped screening as defined in this Ordinance not less than seven (7) feet in height.

2. Off-Street Parking - Non-Residential Areas and Certain Multi-Family Residential Uses (Ord. 0-85-09)

The following landscaped and planted areas shall be provided for all parking areas for non-residential areas and multi-family uses providing parking for four (4) or more vehicles:

a. Front Yards

Permanent screening at least four (4) feet high shall be constructed and maintained in front yard areas adjacent to permitted side yard parking. This screening may consist of a planted earth berm, densely planted evergreen shrubs or trees or a combination of both.

b. Side and Rear Yards

Permanent peripheral screening at least five (5) feet high shall be constructed in side and rear yards adjacent to parking areas. This screening may consist of a planted earth berm, densely planted evergreen shrubs or trees, or a combination of both. In side and rear yards, the screening shall be so located and constructed as to not interfere or conflict with the use of any utility easements or utility installations existing or planned to be installed in these easement areas.

2.05 CONTROL OVER DEVELOPMENT IN THE FLOOD PLAIN

All new and existing uses and structures shall be subject to the provisions of the Municipal Code related to development in the flood plain.

2.06 PERFORMANCE STANDARDS

Any use in any district shall be subject to and adhere to the performance standards which govern noise, smoke, particulate matter, toxic or noxious matters, odors, fire and explosive hazards, vibration, glare or heat which are contained in the following Village Codes and Ordinances as well as other applicable Ordinances, Codes and Standards:

1. Deerfield Municipal Code.
2. Deerfield Building Code.
3. Deerfield Fire Prevention Code.
4. Deerfield Subdivision Code.

No use already established on the effective date of this Ordinance shall be altered or modified so as to conflict with such standards.

2.07 EXEMPTED USES

The following uses are exempted by this Ordinance and permitted in any district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distribution equipment for telephone or other communications and electric power, gas, water and sewer lines; provided that the installation shall conform with the rules and regulations of all authorities having jurisdiction over the public utility involved.

2.08 TELECOMMUNICATION SERVICE FACILITIES (Ord.0-98-30)

2.08-A Preamble/Purposes. The purposes of this Ordinance are to:

1. Provide for the appropriate location and development of TCSF to serve the citizens and businesses of the Village;
2. Minimize adverse visual impacts of TCSF through careful design, siting, landscape screening and innovative camouflaging techniques;
3. Maximize the use of existing TCSF so as to minimize the need to construct new TCSF;
4. Maximize and encourage the use of disguised support structures and lesser input facilities so as to ensure the architectural integrity of all areas within the Village in which TCSF are located or are to be located;
5. Encourage the location of TCSF in non-residential areas;

6. Minimize the total number of TCSF throughout the Village.
7. Strongly encourage the co-use of new and existing TCSF and lesser impact facilities.
8. Encourage users of TCSF to locate same, to the extent possible, in areas where the adverse impact on the Village is minimal.
9. Enhance the ability of the providers of telecommunications services to provide such services to the Village quickly, effectively, and efficiently.

2.08-B Definitions

As used in this Article 2.08 the following terms shall have the following meanings:

1. Antenna: Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communication purposes including, but not limited to television, AM/FM radio, microwave, cellular telephone and similar forms of communications, but excluding satellite earth stations less than six (6) feet in diameter, any receive-only home television antennas and any antenna supported by a structure not greater than sixty (60) feet in height which is owned and operated by an amateur radio operator licensed by the FCC.
2. Antenna Support Structure: Any structure designed and constructed for the support of antennas, including any tower or disguised support structure, but excluding those support structures not greater than sixty (60) feet in height owned and operated by an amateur radio operator licensed by the FCC. For purposes of this Article the term antenna support structure shall also include any related and necessary cabinet or shelter.
3. Applicant: Any person, entity, association, partnership, corporation, trust, or title holder (as hereinafter defined) making application to the Village for the siting, construction, installation, or modification of telecommunication service facilities. The applicant shall include the telecommunication service provider and the titleholder of the property which is the subject of the application.
4. Building: A structure, other than a residence or residential facility, not constructed primarily for the support of antennas but which may be utilized for such purpose in accordance with the provisions of this Article.

5. Cabinet: A casing or console, not to include a shelter, used for the protection and security of communications equipment associated with one or more antennas, where direct access to equipment is provided from the exterior and the horizontal dimensions of which do not exceed four (4) feet by six (6) feet.
6. Co-Use: The location and use of two (2) or more antennas on a single antenna support structure.
7. Director: The Director of Community Development of the Village of Deerfield or his or her authorized designee.
8. Disguised Support Structure (DSS): Any free standing, man-made structure designed for the support of one or more Antenna, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include, but are not limited to, clock towers, campaniles, water towers, artificial trees, light standards, or similar alternative design mounting structures that camouflage or conceal the presence of TCSF.
9. FAA: The Federal Aviation Administration.
10. FCC: The Federal Communications Commission.
11. Free Standing Tower: A tower designed and constructed to stand alone on its own foundation and free of architectural or supporting frames or attachments, including but not limited to self-supporting (lattice) towers and monopoles.
12. Height: The vertical distance measured from the base of a structure at ground level to its highest point, including the main structure and all attachments thereto.
13. IEPA: Illinois Environmental Protection Agency.
14. Lesser Impact Facility: These facilities have antennas which are mounted on the roof deck of an existing building, or are installed on the existing building in a concealed fashion. The equipment required for such a facility would be located within the building on which the antenna is mounted, on the roof deck on the building, or on the ground adjacent to building.
15. Shelter: A structure for the protection and security of communications equipment associated with one or more antenna where access to equipment is gained from the interior of the structure.

16. TCSF: The collective use of the terms antenna, antenna support structure, cabinet, disguised support structure, free standing tower, shelter and tower to describe telecommunication service facilities.
17. Title Holder: The Trust holding title to the property upon which the TCSF is located, the beneficial owner of such Trust, the person with the power of direction over such Trust, or any other person or entity holding title to the property upon which the TCSF is located or the designated representative or agent of any of the foregoing.
18. Tower: A structure designed for the support of one or more antennas, including self-supporting (lattice) towers, monopoles or other free standing towers, but not disguised support structures, buildings or lesser input facilities.
19. Village: The Village of Deerfield, an Illinois home-rule municipality.
20. Public Sites: Any parcel or parcels of property owned or controlled by the Village of Deerfield, or by a federal, state or local governmental entity, and which is classified in the P-1 Public Lands District, but not including highway, street or road rights-of-way, drainage easements, utility easements or other parcels that do not constitute a Zoning lot. (Ord.0-01-22)
21. Site Search Ring: The geographic areas determined by Applicant as technologically feasible for the location of Applicant's TCSF to provide, fill in or increase the coverage of Applicant's wireless telecommunications services.(Ord.0-01-22)

2.08-C Applicability

Deleted by ordinance 0-01-17

2.08-D Special Policies - Site Selection

1. Public sites are preferred as TCSF sites. (Ord.0-01-22)
2. TCSF shall not be cited in any of the Village's zoning districts on any property which is used residentially.
3. Subject to the requirement as set forth for TCSF, locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening are preferred for the siting of TCSF.

4. TCSF must be architecturally and visually (color, bulk, size) compatible with surrounding existing buildings, structures, vegetation, and/or uses in the area or those likely to exist under the regulations of the underlying zoning district.
5. TCSF must be located to minimize any adverse effect they may have on neighboring property values.
6. TCSF must be located to avoid a dominant silhouette on ridge lines.
7. Preservation of view corridors of surrounding residential areas must be considered.

2.08-E General Criteria and Preferences

1. Building Codes and Safety Standards. To ensure the structural integrity of TCSF, the owner or operator of same shall ensure they are maintained in compliance with the standards contained in all applicable Village codes, including, but not limited to, the Building Code, and the applicable standards for TCSF that are published by the Electronic Industries Association, as amended from time to time. The more stringent of the codes shall apply. If, upon inspection, the Director concludes that a TCSF fails to comply with any one or more of such codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner or operator of the TCSF and to the title holder of the property upon which the TCSF is located, the owner, operator or title holder shall have thirty (30) days to bring such TCSF into compliance with such standards. If the owner, operator or title holder fails to bring such TCSF into compliance within said thirty (30) days, the village may cause such TCSF to be removed at the expense of the owner, operator or title holder, as the case may be.
2. Regulatory Compliance. All TCSF must meet the current standards and regulations of the IEPA, if applicable, FAA, the FCC, and any other agency of the state or federal government with the authority to regulate TCSF. If such standards and regulations are changed, then the owners or operators of the TCSF governed by this ordinance shall bring such TCSF into compliance with such revised standards and regulations within one hundred twenty (120) days of the effective date of such change in standards and regulations, unless a more stringent compliance schedule is mandated by the controlling agency. Failure to bring TCSF into compliance with such revised standards and regulations shall constitute grounds for the removal of the TCSF at the

expense of the owner, operator or title holder, as the case may be. All Applicants for installation of TCSF must provide the Director of Community Development Department with a certificate of compliance from each agency, federal or otherwise, having jurisdiction over the owner or operator for the siting, construction, installation or modification of the TCSF that the TCSF meets current standards and regulations of the IEPA, if applicable, the FAA, the FCC, or any other agency of the state or federal government with authority to regulate TCSF.

3. Security. All TCSF shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any application to site, construct, install or modify TCSF. Additional measures may be required as a condition of the issuance of any building permit as deemed necessary by the Director.
4. Lighting. TCSF shall not be lighted unless required by the FAA or other federal or state agency with authority to regulate TCSF, in which case a description of the required lighting scheme must be made a part of the application for the siting, construction, installation or modification of TCSF.
5. Advertising. Siting, construction or installation of advertising on TCSF is prohibited.
6. ID Plate. All TCSF equipment which is located at grade shall have the name of the provider and an emergency phone number (non-business hours) either lettered directly on the equipment or on a plate attached to the equipment.
 - a. The overall area of this sign shall not exceed two square feet.
 - b. Said sign must be appropriately located to provide information to emergency service provider and the Village.
7. Fire and Police Review. No TCSF antenna, antenna support structure, related electronic equipment and equipment enclosure shall be authorized unless the Police Department and the appropriate Fire Department having jurisdiction have issued a letter indicating that the location of all of the above will not impede the provision of emergency services to the property or the Village as a whole and the proposed location is acceptable.
8. Utility Services. All utility service lines required for the operation of a TCSF shall be installed under ground or,

if not feasible, shall be installed in such a manner so as to create the least visual impact possible.

9. Compliance with Plans. Every TCSF antenna and antenna support structure shall comply with all plans approved by the Village.
10. Limited to Applicant. Every ordinance granting approval of a special permit for a free-standing TCSF antenna or antenna support structure shall state that any assignment or transfer of the special permit or any rights thereunder may be made only with the approval of the Board of Trustees.
11. Term Limitation. Every ordinance granting approval of a Special Use permit for a TCSF antenna or antenna support structure may provide that:
 - a. Where the provider is not the owner of the land on which such antenna or structure is located, the term of the special permit is limited to the term of the lease or other agreement granting rights to use the land; and
 - b. The special permit shall be subject to review by the Board of Trustees, at ten-year intervals, to determine whether the technology in the provision of wireless services has changed such that the necessity for the special permit at the time of its approval has been eliminated or modified, and whether the special permit should be modified or terminated as a result of any such change.
12. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any TCSF shall, whenever possible, be located within a lawfully pre-existing structure on a roof deck, inside of the principal building on the property, or completely below grade. When a new structure is required to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings, and structures surrounding such structure. Such a new structure shall not exceed fifteen (15) feet in height except as otherwise provided.
13. Public Sites. Public sites within the Applicant's Site Search Ring shall be considered by the Applicant for the proposed TCSF. Any application to locate proposed TCSF on a non-Public Site shall be accompanied by a written report identifying Applicant's Site Search Ring, identifying the Public Site(s) considered by the Applicant, and detailing

the reasons that the Public Site(s) were found to be not feasible. (Ord.0-01-22)

2.08-F Miscellaneous

1. Vehicle or outdoor storage on the site of any TCSF is prohibited.
2. Temporary on-site parking for periodic maintenance and service shall be provided at all locations of TCSF.
3. Any TCSF no longer used for its original purpose shall be removed at the expense of the owner, operator or title holder. The owner or operator and applicable co-users, if any, shall provide the Village with a copy of any notice to the FCC of intent to cease operations and shall have ninety (90) days from the date of ceasing operations to remove the TCSF and any related facilities. In the case of Co-Use, this provision shall not become effective until all users cease operations. Any TCSF not in use for a period of one hundred Twenty (120) days shall be deemed a public nuisance and may be removed by the Village at the expense of the owner, operator or title holder.
4. Any application for a Special Use shall include information on how the proposed site fits into the Applicant's overall telecommunications network in the Village and surrounding areas within a two (2) mile radius of the corporate limits of Deerfield.
5. Prior to the issuance of a building permit for the siting, construction, installation or modification of TCSF pursuant to a Special Use permit, the Village requires that the owner or operator must post a letter of credit acceptable to the Village as attached hereto in order to ensure the faithful performance of all conditions required of the owner or operator, including, but not limited to, the removal of the TCSF.
6. On the first day of January of each year after a building permit is issued for a TCSF, each owner or operator of a TCSF must provide the Director of Community Development Department with a certificate of continuing compliance from each agency, federal or otherwise, having jurisdiction over the owner or operator for the continued operation of the TCSF that the TCSF meets the standards and regulations of the IEPA, if applicable, the FAA, the FCC, or any other agency of the state or federal government with authority to regulate TCSF.

7. In the event that the owner or operator either refuses to obtain a certificate of compliance in accordance with the above or the certifying agency is unable to issue a certificate because of non-compliance, the owner or operator shall immediately cease provision of services until compliance is achieved.
8. If the owner or operator is not able to achieve compliance as described within one hundred (100) days from the date a certificate of continuing compliance is due, then and in that event, the owner, operator or title holder shall cause the TCSF to be removed, at its expense, from the siting location within thirty (30) days thereafter. If the TCSF is not removed, the Village shall have the option to remove same in accordance with the above.
9. If the owner or operator does not file a certificate of continuing compliance within thirty (30) days from the date set forth above it shall be conclusively presumed that the owner or operator is not in compliance with the standards and regulations of the IEPA, if applicable, the FAA, the FCC, or any other agency of the state or federal government with authority to regulate TCSF.
10. TCSF shall be governed by the above provisions and shall not be considered "Exempted Uses" as governed by Article 2.07.

2.08-G Free Standing TCSF

1. Siting Free standing telecommunication antennas shall be located on lawfully pre-existing antenna support structures or other lawfully pre-existing antenna support structures wherever possible. No special use permits authorizing construction of a new antenna support structure or addition to or expansion of an existing antenna support structure or existing building or structure shall be authorized unless the applicant is able to demonstrate that no lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services.
2. I-1, I-2B. and C-2 districts. In the I-1 Office, Research, Restricted Industrial District, the I-2B Outlying Industrial District, and C-2 Outlying Commercial District, free-standing TCSF may only be approved in accordance with the following:
 - a. Free-standing TCSF may not be located on any properties or buildings which are used for residential purposes.

- b. Free-standing TCSF may only be established as secondary use of the property on which it is to be located.
- c. Free-standing TCSF may only be located on those properties which abut the railroad right-of-way, the Tollway Spur right-of-way, or the Tollway right-of-way.
- d. Such facilities may only be located on those properties for which a Special Use for a Planned Unit Development has been granted.
- e. Setback and location
 - (1) Free-standing TCSF may only be located in those portions of the perimeter setback which abut the railroad right-of-way, the Tollway Spur right-of-way, or the Tollway right-of-way.
 - (2) Such facilities shall be set back from adjacent properties which are not part of the Planned Unit Development in which the facility is to be located a distance equal to the required perimeter setback plus one foot for every foot of height of the free-standing tower.
 - (3) Where the property on which the TCSF is to be located abuts residentially zoned and used land, the tower shall be set back from such land a minimum distance equal to the required perimeter setback plus a distance equal to 300 percent of the height of the tower.
- f. The maximum height of a free-standing TCSF may not exceed 100 feet as measured from the base of the facility, except as may be otherwise authorized in accordance with Article 2.08-F Co-Use/Free Standing TCSF and/or it is satisfactorily demonstrated that it is technologically unfeasible for the system to operate within the permitted height.

2.08-H Public Lands District

- 1. Free standing TCSF shall only be allowed pursuant to a Special Use in the P-1 District. (Ord.0-01-17)
- 2. Free-standing TCSF may only be established as the secondary use of the property on which it is to be located.
- 3. The maximum height of a free-standing TCSF may not exceed 60 feet as measured from the base of the facility unless the facility is to be a co-use facility and/or it is

satisfactorily demonstrated that it is technologically unfeasible for the system to operate within the permitted height.

4. TCSF shall be painted a neutral color consistent with the natural or built environment of the area surrounding the site.

2.08-I Co-use/Free-standing TCSF

1. Unless otherwise authorized by the Board of Trustees for good cause shown, every freestanding TCSF antenna support structure shall be designed, constructed and installed to be of a sufficient size and capacity to allow the location of additional antennas or at least one additional provider in the future. Any special permit for such a support structure may be conditioned upon the agreement of the applicant to allow co-location of other providers on commercially reasonable terms specified in such special permit.

All Applicants for a Special Use to allow for a siting, construction, installation or modification of a free-standing TCSF shall:

- a. Submit a notarized statement agreeing to make the proposed TCSF available for use by other telecommunications providers, subject to reasonable technical limitations.
 - b. Furnish an inventory of all known TCSF and potential building sites located within one-half mile of the proposed TCSF, identifying the owner of same as well as the TCSF type and reference name or number, if applicable, and the street location, height, type and mounting height of existing antennas and an assessment of available space for the placement of additional antennas, shelters and/or cabinets. The Applicant shall further demonstrate that request has been made for co-use of each existing building or TCSF from the owner thereof and/or shall indicate why such co-use is inappropriate or was otherwise not allowed.
 - c. The Applicant shall demonstrate how the proposed site fits into the Applicant's overall telecommunications network in the Village and surrounding communities within a two (2) mile radius thereof.
2. Prior to the adoption of the ordinance authorizing the Special Use for the siting, construction, installation or modification of TCSF the Applicant shall:

- a. Notify in writing any other known potential telecommunication service providers in the area that the structure is available for co-use. Copies of said notices and proof of mailing must be placed on file with the Village.
 - b. The notice shall allow potential co-users thirty (30) days within which to express any interest in co-use, during which time the Applicant shall not commit to a design for the structure which precludes co-use, and the Village shall not adopt the Special Use ordinance.
3. The willful and knowing failure of an Applicant to agree to co-use or to negotiate in good faith with potential co-users may be cause for either the denial of a pending application, the revocation of an existing, Special Use, and/or the withholding of future permits.
 4. A free-standing TCS antenna support structure may be constructed or modified to exceed height limitations to accommodate co-use, provided however, that the Applicant may request an extension of twenty (20) additional feet per co-user, whether actual or anticipated, up to a limit of forty (40) additional feet. The Village may also require the Applicant of new construction to exceed the applicable height limitation, regardless of whether a co-user is immediately available to share space with the Applicant.

2.08-J Design

1. Guyed Towers and lattice work towers are prohibited
2. Human occupancy in a shelter for office or other uses or storage of materials and equipment not in direct support of TCSF is prohibited.
3. TCF shall be painted a neutral color consistent with the natural or built environment of the area surrounding the site.
4. Shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the area surrounding the site, and other reasonable design guidelines as may be applicable.
5. Screening TCF which are located on the ground shall be surrounded by a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet. Said landscaping strip shall be exterior to any security

fencing. In lieu of the required landscape strip, a minimum of six (6) foot high decorative fence or wall may be approved upon demonstration by the Applicant that an equivalent degree of visual screening is achieved.

6. Color. Every free-standing TCSF antenna shall be of neutral colors that are harmonious with, and blend with, the natural features, buildings and structures surrounding such antenna and antenna support structures.
7. Protection against Climbing. Every TCSF antenna and antenna support structure shall be protected against unauthorized climbing or other access by the public.

2.08-K Disguised Support Structures (DSS)

1. Disguised support structures shall be permitted as a Special Use in all districts on property which is not used residentially, except that such facilities are prohibited in the C-1 Village Center District and the C-3, Limited Commercial District. (Ord.0-01-17)
2. The minimum setback for a DSS from the property line shall be that required for principal structures in the applicable zoning district, plus three (3) feet for every one (1) foot in height of the DSS unless otherwise authorized.
3. DSS may only be established as a secondary use of the property on which it is to be located.
4. The maximum height of a DSS may not exceed the following:
 - a. On those properties which are zoned P-1, Public Lands District or are residentially zoned but are not residentially used, the maximum height may not exceed sixty (60) feet as measured from the base of the structure unless the facility is to be a co-use facility and/or it is satisfactorily demonstrated that it is technologically unfeasible for the system to operate within the permitted height.(Ord.0-01-17)
 - b. On those properties which are zoned C-2, Outlying Commercial District, I-1, Office, Research, Restricted Industrial District, or I-2, Limited Industrial District, the maximum height allowed for DSS may not exceed 100 feet as measured from the base of the facility, except as otherwise authorized by Article 2.08-I. (Ord.0-01-17)

2.08-L Guyed towers and lattices towers are prohibited

2.08-M Lesser Impact Facilities (LIF)

1. The Village strongly encourages the use of LIF whenever technologically possible.
2. Lesser impact facilities (LIF) shall be considered a permitted use in the C-2, Outlying Commercial District, the I-1, Office, Research, Restricted Industrial District, and the I-2, Limited Industrial District. LIF may not be constructed on any property or building which is used for residential purposes.
3. LIF shall be permitted in the C-1, Village Center District, the C-3, Limited Commercial Office District, the P-1, Public Lands District, and on those properties which are zoned residentially but are used for non-residential purposes when authorized as a Special Use only. LIF may not be constructed on any property or building which is used for residential purposes.(Ord.0-01-17)
4. LIF may only be established as a secondary use of the property or building on which it is located.
5. Lesser impact facilities antennas attached to a building shall be of a color identical to or closely compatible with the surface to which they are mounted.
6. Antennas mounted on buildings must be made to appear as unobtrusive as possible. Such antennas may be located on the roof no closer than ten (10) feet from the edge of the building and must be painted a color consistent with the natural or built environment of the site.
7. Antennas mounted on the roof deck of a building or on a penthouse or other similar structure located on the roof deck may not extend more than twenty (20) feet above the deck. Antennas may extend more than twenty (20) feet above the deck if approved as a Special Use.

2.08-N Antennas

Roof mounted antennas shall be located on a pre-existing building and shall conform with the following unless otherwise provided in this ordinance:

1. Omnidirectional or whip antennas shall not exceed six (6) inches in diameter and twelve (12) feet vertically, and
2. Directional or panel antennas shall not exceed three (3) feet horizontally and six (6) feet vertically.

2.08-O Equipment Enclosures and Support Structures

1. All electronic and other related equipment and appurtenances necessary for the operation of any TCS antenna shall be located within the pre-existing building on which the antenna is located.
2. If it is demonstrated that it is not feasible to locate the equipment within the building, said equipment may be mounted on the roof deck of the pre-existing building on which the antenna is mounted.
 - a. All such equipment and antenna support structures shall be shielded from view from any point located off the zoning lot on which the building is located to the greatest extent possible
 - b. All roof mounted equipment and support structures shall be of neutral colors that are harmonious with, and that blend with the natural features, buildings and structures surrounding such antenna and antenna support structures. However, directional or panel antennas and omnidirectional or whip antennas located on the exterior of the building that will also serve as an antenna support structure shall be of colors that match, and cause the antenna to blend with, the exterior of the building.
3. If it is demonstrated that it is not feasible to locate the equipment within the building or on the building, the equipment may be located on the ground adjacent to the building in the least conspicuous location possible from the front of the property.
 - a. All equipment which is to be located in accordance with the above shall be of neutral colors that are harmonious with, and that blend with the natural features, buildings, and structures surrounding such equipment. The colors should match and cause the equipment to blend with the exterior of the building.
 - b. In no event may the equipment located adjacent to the building exceed the height of the building.
 - c. Screening. All equipment which is located at grade shall be screened in accordance with requirements.

2.09 BICYCLE FACILITIES (Ord.0-02-09)

Where appropriate, all multi-family developments in the R-5 General Residence District, and all developments in the C-1 Village Center District, the C-2 Outlying Commercial District, the C-3 Limited Commercial Office District, the I-I Office,

Research, Restricted Industrial District, and the P-1 Public Lands District shall provide for the following (0-02-09):

1. Bicycle Storage

Facilities for the storage of bicycles as appropriate for the development.

2. Internal Circulation

Safe and smooth circulation of bicycle traffic throughout the development.

3. Access

Connections to adjacent developments and bike paths.

2.10 ALTERNATIVE ENERGY SYSTEMS (Ord. 0-12-09)

2.10-A Purpose and Intent

1. To establish reasonable and uniform regulations for the location, installation, operation, and maintenance of wind, solar, and geothermal energy systems.
2. To assure that any development and production of wind, solar, and geothermal generated electricity in the Village of Deerfield is safe and to minimize any potentially adverse effects on the community.
3. To promote the supply of sustainable and renewable energy resources, in support of national, state, and local goals.
4. To facilitate energy cost savings and economic opportunities for Deerfield residents and businesses.

2.10-B Definitions

As used in this Article 2.10 the following terms shall have the following meanings:

1. Abandonment: Any Wind Energy System (WES) that has not been repaired to operating condition within the reasonable timeframe identified by the Village of Deerfield, as provided in this ordinance.
2. Ambient Sound: The all-encompassing sound at a given location, usually a composite of sounds from many sources near and far. For the purpose of this ordinance, the "ambient sound level" shall mean the quiescent background level, that is, the quietest of ten 10-second average sound levels measured when there are no nearby or distinctly

audible sound sources (e.g., dogs, cars in line-of-sight, or jets).

3. Applicant: The Owner, who is in the process of submitting or has submitted an application to install an Alternative Energy System project in the Village of Deerfield.
4. Building-Integrated Solar Energy System: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.
5. Building-Mounted Solar Energy System: A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.
6. Building-Mounted Wind Energy Systems (BWES): Wind Energy Systems that are structurally attached either onto the roof of or to the side of a building.
7. Decibel (dB): The unit of sound level based on a reference where 0 dB represents the threshold of hearing at 1000 Hz for a healthy young adult.
8. Decommissioning: Once a WES has been deemed inoperable or abandoned its components must be disassembled and removed from the premises, including the foundation. Upon removal, the site shall be restored to its original pre-construction condition.
9. FAA: The Federal Aviation Administration of the United States Department of Transportation.
10. FCC: The Federal Communications Commission.
11. Flush-Mounted Solar Energy System: A solar energy system that is mounted flush with a finished surface, at no more than six (6) inches in height above that surface.
12. Geothermal Energy System: A sealed, watertight loop of pipe buried outside of a building foundation, intended to re-circulate a liquid solution through a heat exchanger. This includes but is not limited to: vertical closed loop, horizontal closed loop and body of water closed loop systems.

13. Ground-Mounted Solar Energy System: A solar energy system not attached to another structure and which is ground mounted.
14. High Quality Aquatic Resource: Waters of the United States or Isolated Waters of Lake County that are determined to be critical due to their uniqueness, scarcity, function and/or value.
15. Horizontal Axis Wind Turbine (HAWT): A wind turbine with a main rotor shaft and generator at the top of the tower, and which must be pointed into the wind. A HAWT typically has a gearbox, which turns the slow rotation of the blades into a quicker rotation that is more suitable to drive an electrical generator.
16. IDNR: The Illinois State Department of Natural Resources.
17. Nacelle: The part containing the shaft, gear box, and generator in a typical horizontal axis turbine.
18. Nameplate Wattage: The amount of energy produced from a Wind Energy System at maximum or optimum wind speeds within one hour, as indicated by the manufacturer.
19. Neighboring Property: Any property within 500 feet of a BWES or SWES.
20. Nonparticipating Property: A property that is not owned by the Owner of the property on which the WES is proposed or installed.
21. Photovoltaic Cell: A semiconductor device that converts solar energy into electricity.
22. Operational condition: WES facilities being capable of operating at full capacity while meeting all sound, shadow flicker and other permit conditions.
23. Owner: The person(s), who hold(s) title of the property on which an alternative energy facility is installed.
24. Participating Property: A property that is owned by the Owner of the property on which the WES is proposed or installed.
25. Professional Engineer: A qualified individual who is licensed as a professional engineer in the State of Illinois.

26. Shadow Flicker: The on-and-off strobe light effect caused by the shadow of moving blades cast by the sun passing above the turbine. Shadow flicker intensity is defined as the difference or variation in brightness at a given location in the presence and absence of a shadow.
27. Silhouette: The widest diameter of a building-mounted WES, including the area covered by moving blades, as viewed from the front elevation, described in square feet.
28. Small Wind Energy Systems (SWES): Free-standing, tower-mounted wind energy systems with a system height measuring 75 feet or less from the ground. SWES facilities are accessory structures that generate power for local distribution and consumption.
29. Solar Energy System: An active or passive system for which the primary purpose is to convert solar energy into thermal, mechanical or electrical energy for storage and use.
30. Solar Panel: A group of photovoltaic cells are assembled on a panel. Panels are assembled on-site into solar arrays.
31. Sound Level: The A-weighted sound pressure level in decibels (dB) (or the C-weighted level if specified) as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to ANSI S1.4. The "average" sound level is time-averaged over a suitable period (say 1-minute) using an integrating sound level meter that meets the requirements of ANSI S12.43.
32. Structural Engineer: An engineer who is licensed and registered to practice structural engineering in the State of Illinois under the Illinois Structural Engineering Act and whose principal professional practice is in the field of structural engineering.
33. Sun Glint: The reflection of sunlight off of a surface of the blades, tower, or other component of the WES.
34. System Height: The distance from the ground to the highest point of the WES, including the highest reach of the blades.
35. Vertical Axis Wind Turbine (VAWT): A small scale wind turbine, in which the main rotor shaft is arranged vertically. The generator and gearbox are located near the ground so the tower does not have to support it and it is more accessible for maintenance.

36. Wind Energy System (WES): A wind energy production, conversion and distribution system consisting of a wind turbine, tower, and associated electronics equipment.
37. Tower: The structure on which the WES is mounted.
38. Turbine: The parts of a WES including the blades, nacelle and tail.

2.10-C Wind Energy Systems

1. Requirements for Building-Mounted Wind Energy Systems (BWES)

a. Building-Mounted Wind Energy Systems (BWES) Building Permit Application Requirements

(1) Zoning Districts

- i. A BWES shall be a Special Use in all residential zoning districts.
- ii. A BWES shall be allowed as a Permitted Use in any non-residential zoning district, provided that all building permit requirements and general regulations are met including the Building Code, Zoning Ordinance and the requirements referenced herein.
- iii. On a property that is used for residential purposes, BWES shall be only Vertical Axis Wind Turbines (VAWT), and Horizontal Axis Wind Turbines (HAWT) shall be prohibited.

(2) Zoning Districts

Building-Mounted Wind Energy Systems (BWES)

(3) Project Proposal

- i. Name, address and phone number of Owner and Applicant.
- ii. Project summary including the manufacturer information and number of proposed turbines.
- iii. Photos of the proposed location of BWES.
- iv. A front elevation depiction of the building showing location and proposed height of the top of the turbine from the top of the building.

(4) Engineering

- i. Manufacturer's engineering specifications of the turbine, nameplate wattage capacity, dimensions of the turbine unit, mounting mechanisms, expected load and expected sound level production that must fit within the Sound Level standards below.

- ii. All BWES facilities shall be designed to withstand a minimum wind velocity of one hundred (100) miles per hour, with an impact pressure of forty (40) pounds per square foot.
- iii. Each BWES shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from one of the following: Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

(5) Braking Systems

- i. BWES facilities shall be equipped with automatic and manual braking systems.
- ii. The Owner shall be required to immediately cease operations as reasonably requested by the Village of Deerfield.

(6) Insurance

Proof of homeowner or business liability insurance, as appropriate.

(7) Electric Utility

Approval letter from the local electric utility company, if the system is to be tied to the energy grid.

b. Additional Standards for Building-Mounted Wind Energy Systems (BWES)

(1) Installation

- i. BWES facilities must be installed according to manufacturer specifications.
- ii. BWES devices may be structurally attached either on the roof or on the side of a building, in accordance with the Village of Deerfield's Building Code.
- iii. Electrical connections must be made by a licensed electrician.
- iv. The blade tip, at its lowest point, shall have ground clearance of not less than fifteen (15) feet.
- v. No support structure tower used for a BWES shall be either a lattice tower or supported by guy wires.

(2) Height

BWES facilities shall be allowed at the height of fifteen (15) feet above the highest point of the building structure, but in no case shall exceed forty-five (45) feet above the ground in a residentially zoned district.

(3) Sound Levels

- i. The average sound level from a BWES shall not exceed fifty (50) dB(A) at any point within neighboring, residentially zoned or used property. For neighboring industrial properties the sound level limit is sixty-five (65) dB(A) and for other neighboring non-residential properties, the sound level limit is sixty (60) dB(A) at any time of the day.
- ii. No BWES shall operate with an average sound level more than 5 dB(A) above the non-operational ambient level, as measured within any neighboring residentially zoned or used property.
- iii. If more than one (1) WES is located on a property, the average sound level shall be cumulative, and the total sound from all WES on the property shall not exceed the allowable decibel level.
- iv. To limit the level of low-frequency sound, the average C-weighted sound level during BWES operation shall not exceed the A-weighted ambient sound level by more than twenty (20) dB.
- v. Sound level meters used for sound measurement must be a Type 2 or better grade per ANSI S1.4 and must have an integrating feature that meets ANSI S1.43. Procedures must meet the applicable portions of ANSI S12.9. Measurements must be made when ground level winds do not exceed 5 miles per hour.
- vi. The Village of Deerfield may require, at the Owner's expense, field tests or sound propagation modeling, conducted by or supervised by an acoustics specialist certified by the Institute of Noise Control Engineering as may be necessary, to determine whether a violation of said sound regulations is occurring or has occurred. The Owner shall be required to promptly remedy any such violations or discontinue operation.

(4) Shadow Flicker

- i. The BWES shall be sited such that shadow flicker will not fall on any window of an existing residential dwelling of an abutting nonparticipating property for more than one hour a day.
 - ii. The Applicant may commit to a schedule for turning BWES turbines off during periods when shadow flicker would affect any nonparticipating residential dwelling.
 - iii. Subsequently constructed or modified residences shall not compromise the existing approval and operation of the BWES, as a legal non-conforming use, subject to the applicable regulations.
- (5) Silhouette
- i. The diameter of the BWES shall not exceed twenty (20) percent of the width of the building's front elevation, for residential buildings and non-residential buildings abutting residentially used properties.
 - ii. The diameter of the BWES shall not exceed fifty (50) percent of the width of the building's front elevation for a non-residential building, not abutting residentially used properties.
- (6) Color and Sun Glint
- BWES facilities shall be finished in a neutral color, as approved by the Village of Deerfield zoning code administrator. The finish shall be flat or matte, so as to reduce incidence of sun glint. The required coloration and finish shall be maintained throughout the life of the system.
- (7) Electronic Interference
- BWES facilities shall not operate so as to cause electromagnetic degradation in performance of microwave, television, radio, internet or other wireless transmissions, including public emergency communications systems, contrary to Federal Communication Commission (FCC) or other state or local laws.
- (8) Signage
- No BWES shall have any advertising material, writing, picture, or signage, other than warning information or manufacturer identification.
- (9) Accessory Use
- i. The primary purpose of the BWES shall be the production of energy for consumption on the same property.

- ii. It is permissible to sell excess energy that is produced by a BWES to the local electric utility company.

c. Maintenance, Complaints, and Decommissioning

(1) Maintenance and Complaints

- i. BWES facilities shall be maintained in Operational Condition at all times, except for reasonable maintenance and repair outages.
- ii. Should a BWES become inoperable, or should any part of the BWES become damaged, or should a BWES violate a permit condition, the Owner shall cease operations immediately and remedy the condition promptly.

(2) Decommissioning Plan

- i. For any BWES that has not been in Operable Condition within the above timeframe, the Village of Deerfield zoning compliance officer shall notify the Owner of the finding of Abandonment. The Owner shall remove all BWES structures within ninety (90) days of receipt of the finding of Abandonment.
- ii. If such abandoned facility is not removed within ninety (90) days, the Village of Deerfield may remove all structures at the Owner's expense. In the case of such removal the Village of Deerfield has the right to file a lien for reimbursement, or any and all expenses incurred the Village of Deerfield without limitation, including attorney fees and accrued interest.
- iii. Upon removal, the site shall be restored to its original pre-construction condition. See photos presented with Project Proposal.

2. Requirements for Small Wind Energy Systems (SWES)

a. Small Wind Energy Systems (SWES) Building Permit Application Requirements

(1) Zoning Districts

- i. An SWES shall be a Special Use in all zoning districts.
- ii. In residential zoning districts, there shall be limit of one (1) SWES.
- iii. On a property that is used for residential purposes, SWES shall be only Vertical Axis Wind Turbines (VAWT), and Horizontal Axis Wind Turbines (HAWT) shall be prohibited.

(2) Project Proposal

- i. Name, address and phone number of Owner and Applicant.
- ii. Photos of existing conditions for proposed SWES tower.
- iii. Project summary including the manufacturer information, number of proposed turbines, and proposed height to the top of the turbine.

(3) Engineering

- i. Manufacturer's engineering specifications of the tower, turbine and foundation, detailed drawing of electrical components and installation details, and expected sound level production are required (see Sound Level standards below).
- ii. For turbines greater than twenty (20 kW) kilowatts of nameplate capacity, an Illinois licensed structural engineer's seal shall be required.
- iii. All SWES facilities shall be designed to withstand a minimum wind velocity of one hundred (100) miles per hour, with an impact pressure of forty (40) pounds per square foot.
- iv. Each SWES shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from one of the following: Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

(4) Braking Systems

- i. SWES facilities shall be equipped with automatic and manual braking systems.
- ii. The Owner shall be required to immediately cease operations as reasonably requested by the Village of Deerfield.

(5) Insurance

Proof of homeowner or business insurance, as appropriate.

(6) Electric Utility

Approval letter from the local electric utility company, if the system is to be tied to the energy grid.

b. Site Planning and Site Capacity (SWES)

- (1) Site plan, drawn to scale, including:
 - i. Existing and proposed contours, at a minimum of two foot intervals.
 - ii. Location, setbacks, exterior dimensions and square footage of all structures on the owner's property and abutting properties within one hundred (100) ft.
 - iii. Location and size of existing waterways, wetlands, one hundred-year floodplains, sanitary sewers, storm sewer systems, and water distribution systems.
 - iv. Location of any overhead or underground power lines and utility easements.
 - v. The locations and the expected duration of shadow flicker caused by the SWES facility.

(2) Setbacks

- i. Setbacks shall be measured from the base of the SWES tower.
- ii. SWES facilities may not be constructed within or over (including the blades) any utility, water, sewer, or other type of recorded easement.
- iii. SWES facilities may not be constructed within 50 ft. of all water bodies and wetlands and 100 ft. of High Quality Aquatic Resources.
- iv. In residential zoning districts, SWES shall not be located in any front yard or corner side yard.
- v. SWES facilities shall be set back a distance equal to one hundred ten percent, or 1.1 times the system height, from the base of the tower to all property lines, third party transmission lines, and communication towers.
- vi. SWES located on a non-residential property abutting a property used for residential purposes shall be set back a distance equal to one hundred fifty percent, or 1.5 times the system height, and in no case may be less than 100 feet from the base of the tower to all property lines, third party transmission lines, and communication towers.
- vii. The blade tip, at its lowest point, shall have ground clearance of not less than fifteen (15) feet.
- viii. No tower used for a SWES shall be either a lattice tower or supported by guy wires.

(3) Height

- i. In residentially zoned districts the system height for SWES shall be limited to a maximum of forty-five (45) feet.

- ii. In non-residentially zoned districts the system height for SWES shall be limited to a maximum of seventy-five (75) feet.

(4) Accessory Use

- i. The primary purpose of the SWES shall be the production of energy for consumption on the same property.
- ii. It is permissible to sell excess energy that is produced by a SWES to the local electric utility company.

c. Additional Standards for Small Wind Energy Systems (SWES)

(1) Installation

- i. SWES facilities must be installed according to manufacturer specifications.
- ii. Electrical connections must be made by a licensed electrician.

(2) Sound Levels

- i. The average sound level from a BWES shall not exceed fifty (50) dB(A) at any point within neighboring, residentially zoned or used property. For neighboring industrial properties the sound level limit is sixty-five (65) dB(A) and for other neighboring non-residential properties, the sound level limit is sixty (60) dB(A) at any time of the day.
- ii. No SWES shall operate with an average sound level more than 5 dB(A) above the non-operational ambient level, as measured within any neighboring residentially zoned or used property.
- iii. If more than one (1) WES is located on a property, the average sound level shall be cumulative, and the total sound from all WES on the property shall not exceed the allowable decibel level.
- iv. To limit the level of low-frequency sound, the average C-weighted sound level during SWES operation shall not exceed the A-weighted ambient sound level by more than twenty (20) dB.
- v. Sound level meters used for sound measurement must be a Type 2 or better grade per ANSI S1.4 and must have an integrating feature that meets ANSI S1.43. Procedures must meet the applicable portions of ANSI S12.9. Measurements must be made

when ground level winds do not exceed 5 miles per hour.

- vi. The Village of Deerfield may require, at the Owner's expense, field tests or sound propagation modeling, conducted or supervised by an acoustics specialist certified by the Institute of Noise Control Engineering as may be necessary, to determine whether a violation of said sound regulations is occurring or has occurred. The Owner shall be promptly remedy any such violations or discontinue operation.

(3) Shadow Flicker

- i. The SWES facility shall be sited such that shadow flicker will not fall on any existing residential building of a nonparticipating property within five hundred (500) feet of the SWES property for more than one hour a day.
- ii. The Applicant may commit to a schedule for turning SWES turbines off during periods when shadow flicker would affect any nonparticipating residential dwelling.
- iii. Subsequently constructed or modified residences shall not compromise the existing approval and operation of the SWES, as a legal non-conforming use, subject to the applicable regulations.

(4) Color and Sun Glint

- i. SWES facilities shall be finished in either off white, light gray, other neutral color, or a color as approved by the Village of Deerfield zoning compliance officer.
- ii. The finish shall be flat or matte, so as to reduce incidence of sun glint.
- iii. The required coloration and finish shall be maintained throughout the life of the system.

(5) Electronic Interference

SWES facilities shall not operate so as to cause electromagnetic degradation in performance of microwave, television, radio, internet or other wireless transmissions, including public emergency communications systems, contrary to Federal Communication Commission (FCC) or other state or local laws.

(6) Signage

- i. No SWES shall have any advertising material, writing, picture, or signage other than warning, turbine tower identification, or manufacturer or ownership information.

- ii. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, but not including meteorological/weather devices.
- iii. One (1) warning sign, no less than eighteen (18) square inches and no greater than two (2) square feet in area, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and 911 and the phone number of the Owner to call in case of emergency.
- iv. Manufacturer's identification or ownership information signs shall be no larger than one (1) square foot.

(7) Climb Prevention

The base of the tower shall not be climbable for a vertical distance of fifteen (15) feet from the base, unless enclosed with a seven (7) foot tall locked fence.

(8) Lighting

- i. SWES facilities shall comply with all applicable Federal Aviation Administration (FAA) and any other Federal, State or local requirements.
- ii. SWES facilities shall not be artificially lighted unless required by the FAA or appropriate authority.
- iii. Any required lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

d. Maintenance, Complaints and Decommissioning (SWES)

(1) Maintenance and Complaints

- i. SWES facilities shall be maintained in Operational Condition at all times, except for reasonable maintenance and repair outages.
- ii. Should a SWES become inoperable, or should any part of the SWES become damaged, or should a SWES violate a permit condition, the Owner shall cease operations immediately and remedy the condition promptly.

(2) Decommissioning Plan

- i. For any SWES that has not been in Operable Condition within the above timeframe, a Deerfield zoning compliance officer shall notify the Owner of the finding of Abandonment. The Owner shall

remove all SWES structures within ninety (90) days of receipt of notice.

- ii. If such abandoned facility is not removed within ninety (90) days, the Village of Deerfield may remove all structures at the Owner's expense. In the case of such removal the Village of Deerfield has the right to file a lien for reimbursement, for any and all expenses incurred by the Village of Deerfield without limitation, including attorney fees and accrued interest.
- iii. Upon removal, the site shall be restored to its original pre-construction condition. See photos presented with Project Proposal.

3. Indemnification

The Owner of the BWES or SWES project shall defend, indemnify and hold harmless the Village of Deerfield and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney's fees arising out of the acts or omissions of the Owner concerning the operation of the WES project without limitation, whether said liability is premised on contract or on tort.

2.10-D Solar Energy Systems

1. General Requirements

- a. Solar Energy Systems are a Permitted Use in any zoning district, provided that all building permit requirements and general regulations are met including the Building Code, Zoning Ordinance and the requirements referenced herein.
- b. No Solar Energy System shall be constructed or installed without first obtaining a Deerfield building permit.

2. Application Requirements

- a. An application for permit for all active Solar Energy Systems shall contain the following information, as applicable:
 - (1) Name, address and telephone number of the applicant.
 - (2) Name, address and telephone number of the person, firm or corporation constructing and installing the solar energy system.

- (3) Elevation drawing(s) (and/or photographs) and site plan showing location, size and design details of proposed system(s).
- (4) Manufacturer specifications of the solar collectors and devices including: wattage capacity, dimensions of collectors, mounting mechanisms and/or foundation details and structural requirements.
- (5) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
- (6) A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
- (7) Any other information to show full compliance with this and other applicable ordinances.

b. An application for permit for all passive Solar Energy Systems shall contain the following information, as applicable:

- (1) Name, address and telephone number of the applicant.
- (2) Name, address and telephone number of the person, firm or corporation constructing and installing the solar energy system.
- (3) Elevation drawing(s) (and/or photographs) and site plan showing location, size and design details of proposed system(s).
- (4) Manufacturer specifications of the solar collectors and devices including: dimensions of collectors, mounting mechanisms and/or foundation details and structural requirements.
- (5) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
- (6) A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
- (7) Any other information to show full compliance with this and other applicable ordinances.

3. Accessory Use

- a. The primary purpose of Solar Energy Systems shall be the production of energy for consumption on the same property.
- b. It is permissible to sell excess energy that is produced by a Solar Energy System to the local electric utility company.

4. Building-Mounted Solar Energy Systems

a. Location

- (1) Building-mounted solar energy systems are allowed on permitted principal and accessory structures.
- (2) Only building-integrated and/or flush-mounted solar energy systems shall be used when installed on the front building elevation.

b. Horizontal Projection

- (1) Solar Energy Systems shall not extend four (4) feet beyond the exterior perimeter of the building on which the system is mounted or built, as measured horizontally from the façade or roof edge on which the panel is mounted.
- (2) All setback restrictions shall apply, as regulated by the respective zoning district.

c. Height

- (1) Height shall be measured vertically from the lowest edge of the panel to the highest edge of the system.
- (2) Shall not extend more than five (5) feet above the highest point on the roof line, provided the maximum height in the respective zoning district is not exceeded.

5. Ground-Mounted Solar Energy Systems

a. In addition to the application requirements in Section 2.10-D,2 above, the applicant shall also submit a scaled Site Plan drawing(s) which includes the following information:

- (1) Existing and proposed contours, at a minimum of two foot intervals.
- (2) Location, setbacks, exterior dimensions and square footage of all existing and proposed structures.
- (3) Location and size of existing waterways, wetlands, one hundred-year floodplains, sanitary sewers, storm sewers, drain tiles and water distribution systems.
- (4) Location of any overhead or underground utilities and easements.

b. Setback

- (1) In residential zoning districts, systems shall not be located in any front yard or corner side yard.
- (2) In all zoning districts, systems shall comply with the respective setback requirements, as measured from the property line to the closest edge of the system.

c. Lot Coverage

The total solar panel surface area shall be included in the lot coverage calculations for the respective zoning district.

d. Height

Shall not exceed the height limits for accessory structures in the respective zoning district, as measured from adjoining grade at base to the highest elevation of the equipment.

2.10-E Geothermal Energy Systems

1. General Requirements

- a. Geothermal Energy Systems shall be allowed as a Permitted Use in any zoning district, provided that a building permit is obtained and all permit requirements and general regulations are met, including: the Building Code, the Zoning Ordinance, the Lake or Cook County Health Ordinance (whichever is applicable based on the property's location), and the requirements referenced herein.
- b. Geothermal Energy System components shall conform to applicable industry standards including those of the American National Standards Institute (ANSI). Applicants shall submit certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.

2. Application Requirements

- a. An application for permit for all Geothermal Energy Systems shall contain the following information:
- b. Name, address and telephone number of the applicant. Name, address and telephone number of the person, firm or corporation installing and constructing the Geothermal Energy System.
- c. Project summary including site plan and manufacturer information with specifications of materials and devices.

3. Setback

- a. Above-ground equipment shall comply with the setback requirements of the respective zoning district.
- b. Equipment, piping and devices shall not be located in any easement or right-of-way.

4. Accessory Use

- a. The primary purpose of the Geothermal Energy System shall be the production of energy for consumption on the same property.
- b. It is permissible to sell excess energy that is produced by a Geothermal Energy System to the local utility company.

2.10-F Alternative Energy Systems As Permitted Uses

1. Notwithstanding Article 7.01, Building-mounted Wind Energy Systems (BWES), Solar Energy Systems, and Geothermal Energy Systems shall be a Permitted Use in the P-1 Public Lands District in accordance with Articles 2.10-C,1; 2.10-D; and 2.10-E.
2. Notwithstanding Article 12.09-G, Building-mounted Wind Energy Systems (BWES), Solar Energy Systems, and Geothermal Energy Systems shall be a Permitted Use in Planned Unit Developments (PUDs) in accordance with Articles 2.10-C,1; 2.10-D; and 2.10-E.

2.11 Additional Regulations for Medical Cannabis Dispensaries
(Ord. 0-15-11)

2.11-A Application for Special Use

In addition to the requirements set forth in Article 13 of this Ordinance relating to applications for a Special Use, the application of a registered dispensing organization for a Special Use to permit a medical cannabis dispensary within the Village must include all of the following information and documents:

- (1) The legal name and, if different than the legal name, the trade name of the proposed dispensing organization for which the special use is sought.
- (2) The proposed commonly known address of the proposed medical cannabis dispensary.
- (3) The legal name of the applicant, if different than the proposed dispensing organization.
- (4) The address, telephone number and e-mail address of the dispensing organization's and applicant's principal place of business, if different than the common address of the proposed dispensary. A post office box may not be submitted as the address of the applicant's principal place of business.
- (5) The legal names, addresses, telephone numbers, and e-mail addresses of: (a) all business entities with a financial interest in the dispensing organization, and all officers, directors, partners, managers, and owners thereof; (b) sole proprietors and other individuals with a financial interest in the dispensing organization; and (c) each proposed dispensing organization agent. For all officers, directors, partners, managers, and owners of the business entities, and for all sole proprietors and

other individuals with a financial interest in the dispensing organization, the applicant must also provide their dates of birth and social security numbers and a detailed statement of their qualifications and experience related to the operation of a medical cannabis business or related occupation. A post office box may not be submitted as the address of any entity or individual with a financial interest in the dispensing organization. Pursuant to 410 ILCS 130/145(a), this information, if clearly marked as confidential and submitted separately, shall be maintained by the Village as confidential information not subject to disclosure under the Illinois Freedom of Information Act.

- (6) The proposed hours of operation of the proposed dispensary.
- (7) If the proposed dispensing organization or the applicant is a business organization other than a sole proprietorship, the following information regarding the dispensing organization and applicant entity:
 - a. The type of business organization, the date of formation, and an affirmation that the organization is authorized to conduct the business of a dispensing organization in the State of Illinois.
 - b. If a limited liability company or a corporation, a copy of (i) its certificate of good standing issued by the Secretary of State no more than seven days prior to the date the application for a special use is filed with the Village; and (ii) if the limited liability company or corporation uses an assumed name, a copy of the corporation's assumed name registration issued by the Secretary of State.
- (8) A description of any additional training and education that will be provided to the proposed dispensing organization agents.
- (9) A copy of a business plan for the proposed dispensing organization that includes, without limitation, the following information:
 - a. A description of the products and services that the proposed dispensing organization desires to offer; and
 - b. A description of the procedures the proposed dispensing organization will implement to ensure the

secure transfer of medical cannabis from restricted access areas to limited access areas.

- (10) A security plan that describes how the proposed dispensing organization will comply with the security and recordkeeping regulations set forth in Sections 1290.400 - 1290.460 of Title 28 of the Illinois Administrative Code, 28 Ill. Admin. Code 1290.400 - 1290.460, as those sections may be amended from time to time, shall be submitted to the Chief of Police for review and recommendation. The security plan shall be kept confidential to the extent permitted by law. Without limitation, the security plan must include the following information:
- a. A description of the procedures that the proposed dispensing organization will implement to prevent the diversion, theft, or loss of cannabis during the delivery of cannabis to the proposed dispensing organization by a cultivation center, including, without limitation, the use of delivery manifests;
 - b. A description of the procedures that the proposed dispensing organization will implement to: (i) monitor the activities conducted within the proposed dispensing organization; (ii) secure the dispensing organization, including, without limitation, the dispensing organization agents, qualifying patients, and cannabis and currency stored at the dispensing organization; and (iii) prevent the diversion, theft or loss of cannabis; and
 - c. A description of the procedures that the proposed dispensing organization will implement to restrict access to limited access areas and restricted access areas.
- (11) A written statement that the applicant owns the property on which it proposes to operate the dispensary or, if the applicant does not own the property, a written statement from the property owner certifying the owner's consent to the use of the property as a dispensary.
- (12) A map of the area surrounding the location of the proposed dispensary: (a) showing that no part of the property on which the proposed dispensary is located within 1,000 feet, measured from property line to property line, of any part of the property line of any existing public or private preschool, elementary school, secondary school, day care center, day care home, group day care home, or part-day child care facility; (b)

showing that no part of the property on which the dispensary is located within 500 feet, measured from property line to property line, of any public park; (c) showing that the proposed location for the dispensing organization is not zoned for residential use; and (d) identifying the businesses, and the nature of each business, located within 1,000 of any part of the property line of the proposed dispensing organization in existence at the time that the application of a special use permit is filed with the Village.

- (13) Floor plans and elevations of the proposed dispensary building that must include, without limitation, the following information:
- a. The location, layout, floor area, name, and function of each room, including, without limitation, patient counseling areas, restricted access areas, limited access areas, rooms in which cannabis will be stored when the proposed dispensing organization is open for business, and rooms in which cannabis will be stored when the proposed dispensing organization is not open for business;
 - b. The total floor area of the proposed dispensing organization building;
 - c. The doorways or pathways between rooms;
 - d. The means of ingress and egress to and from the building of the proposed dispensing organization, including, without limitation, fire exits;
 - e. The location of all safes or vaults that will be used to store cannabis, cannabis products, and currency;
 - f. The locations of bullet-proof glass;
 - g. The location of each toilet facility;
 - h. The location of each video camera;
 - i. The location of each panic button;
 - j. The location of each natural and artificial lighting source;
 - k. The location of enclosed and secured loading and trash handling and disposal facilities.

- (14) A description of how the proposed dispensing organization will comply with the Americans with Disabilities Act and similar state and local laws and regulations.
- (15) A plan to prevent patient overflow in waiting rooms and patient care areas.
- (16) An attestation that the proposed dispensary will have safes or vaults with sufficient capacity to safely store the anticipated quantities of cannabis and currency on the premises.
- (17) Evidence acceptable to the Zoning Administrator that the proposed dispensary building complies with all applicable State and local building and fire regulations, and all other applicable local ordinances and regulations.
- (18) A sign plan for the proposed dispensary, consistent with the requirements set forth in Paragraph B(4) of this Ordinance, that describes and depicts all proposed signs related to the proposed dispensing organization, including, without limitation, the type of each proposed sign, the sign area and sign height of each proposed sign, the content of each proposed sign, the location of each proposed sign, and the illumination of each proposed sign, if any.
- (19) A comprehensive site plan drawn to scale of the proposed dispensary, which site plan must depict the following features, if applicable and without limitation: streets, traffic direction, sidewalks, trees, alleys, property lines, buildings, parking areas, handicapped parking spaces, fences, exterior walled areas, garages, vehicle delivery access doors, hangars, security features, garbage enclosure areas, and outdoor areas.
- (20) A demonstration that the proposed location is suitable for public access, the layout promotes safe dispensing of medical cannabis, it is sufficient in size, power allocation, lighting, parking, handicapped accessible parking spaces, ADA-accessible entry and exits, product handling, and storage.
- (21) Any other information or document that the Zoning Administrator determines is reasonably necessary to consider the application for a special use permit.

2.11-B Operational Standards

The establishment, development, and operation of any dispensary located within the Village must comply with all conditions and

restrictions set forth in the ordinance granting the special use for the dispensary and with the following standards and requirements:

- (1) Medical cannabis dispensaries shall be subject to Special Use review and approval under this Ordinance.
- (2) All medical cannabis dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act and with all rules and regulations adopted in accordance thereto.
- (3) Medical cannabis dispensaries shall be a minimum of one thousand (1,000) feet from all other medical cannabis dispensaries measured from property line to property line.
- (4) Signage and advertising:
 - a. All signage for medical cannabis dispensaries shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area which can only include the dispensary address. Such signs shall not be directly illuminated. Exterior signs on the dispensary building shall not obstruct the entrance or windows on the dispensary.
 - b. Electronic message boards and temporary signs are not permitted in connection with a dispensary.
 - c. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or any language terms referencing cannabis, or any slang or street terms commonly associated with cannabis.
 - d. A sign shall be posted in a conspicuous place at or near all dispensary entrances and shall include the following language: "Only cardholders, designated care givers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering." The required text shall be no larger than one inch in height. To the extent permitted by Compassionate Use of Medical Cannabis Pilot Program Act, the age restriction on entry to the premises shall not be required text.
 - e. Any additional merchandise packaging provided by the dispensary, such as bags, sacks, totes or boxes shall be opaque without text or graphics advertising or identifying the contents of the products contained within.

- (5) Medical cannabis dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.) and the Compassionate Use of Medical Cannabis Pilot Program Act.
- (6) Unless expressly authorized by the Compassionate Use of Medical Cannabis Pilot Program, it shall be unlawful for any medical cannabis dispensary to allow any person who is not at least 18 years of age on the premises. Dispensaries shall not employ anyone under the age of 18. Access shall be limited exclusively to dispensary staff, cardholders, designated care givers, local and state officials, and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act.
- (7) Medical cannabis dispensaries may not have a drive-through service window.
- (8) Any cannabis, cannabis-infused products, or cannabis waste on the premises of the dispensing organization must be stored within secure refuse containers located within a restricted access area of the dispensing organization at all times prior to the destruction and disposal thereof, which destruction and disposal must be performed pursuant to the requirements of 68 Ill. Admin. Code 1290.450, as may be amended.
- (9) All waste other than cannabis waste must be stored within dumpsters or garbage cans located within areas of a fully enclosed building, with operable doors closed at all times other than during loading and unloading.
- (10) All dispensing organizations must be equipped with a secure unloading space for the reception of deliveries of medical cannabis and medical cannabis infused products, which space must be: (a) located within an enclosed area of the principal structure in which the dispensing organization operates; (b) secured by doors that are closed and locked during all times that deliveries of medical cannabis or medical cannabis infused products are unloaded; and (c) a restricted access area.
(Ord. 0-15-11)

2.12 Consideration of Public Art in Development Applications
(Ord. 0-15-22)

All development applications for commercial developments in the Village Center shall give due consideration to providing public art on the property. Development plans shall consider

opportunities for providing public art in their developments and provide a public art plan if appropriate for the proposed development. (Ord. 0-15-22)