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Mary Konrad, Clerk
Christine McKinley, Treasurer



Trustees:
Allena Barbato
Scott Bartlett
Glenn McCollum
Jeff Nielsen
Tom O'Reilly
Doug Savell

The Village of Lake Villa

**Zoning Board of Appeals – Special Meeting Agenda
Tuesday, December 12, 2023
Village Hall, 65 Cedar Avenue**

7:00 pm

1. Call to Order & Roll Call
2. Pledge of Allegiance
3. **Approval:**
 - a. Minutes of May 18, 2023 Zoning Board of Appeals Meeting
4. **Public Hearing:** Relative to a Zoning Variation Request at 766 Frontage Road
5. **Discussion:** Review of Zoning Code Text Amendments Relative to Permitted and Conditional Uses and Bulk Standards in Certain Zoning Districts
6. **Discussion:** Review of Zoning Code Text Amendments Relative to Solar Energy System Uses
7. **Approval:** Review and Approval of 2024 Meeting Dates
8. Public Comment
9. Adjournment

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are required to contact Village Hall at (847) 356-6100 promptly to allow the Village to make reasonable accommodations for those persons.

The Village of Lake Villa
Zoning Board of Appeals Meeting
DRAFT Proceedings of the Thursday, May 18, 2023
Zoning Board of Appeals Meeting – Village Hall
65 Cedar Avenue, Lake Villa, IL 60046

1. CALL TO ORDER AND ROLL CALL

A Meeting of the Zoning Board of Appeals of the Village of Lake Villa was held on May 18, 2023, at the Village Hall, 65 Cedar Ave., and was called to order by Zoning Board of Appeals Chair Kressner at 7:01 pm.

Present:	Members: Jerry Coia, Dan Lincoln, Tracy Lucas and Steve Smart; and Chair Craig Kressner
Absent:	Member Mary Meyer
Also Present:	Village Administrator Michael Strong, Village Attorney James Bateman, Village Planner Scott Goldstein and approximately 8 members of the public

2. PLEDGE OF ALLEGIENCE

3. APPROVAL OF MINUTES

Member Coia made a motion to approve the minutes of the February 21, 2023 Zoning Board of Appeals meeting. The motion was seconded by Member Lucas and approved unanimously by voice vote.

4. PUBLIC HEARING – REZONING OF PROPERTY COMMONLY KNOWN AS 0 PARK AVENUE

Member Smart made a motion to open a public hearing at 7:03pm relative to the Rezoning of the subject properties at 0 Park Avenue. The motion was seconded by Member Lucas. The following voted “Aye”: Chairman Kressner and Members Coia, Lincoln, Smart and Lucas. The following voted “Nay”: None. 5-Ayes, 0 Nays, motion carried.

Village Administrator Michael Strong presented a request that was filed to rezone the property located at 0 Park Avenue. He stated that the Property Owner has expressed intent to sell the subject property and that they were interested in rezoning the parcel for marketing purposes. He stated that the subject property was currently zoned Residential, and that rezoning to Limited Industrial would be consistent with the Village’s Comprehensive Plan. Mr. Strong introduced a representative from Lake Development Company who discussed the intent to rezone the property and potential uses they have investigated for the site.

Members of the Zoning Board of Appeals asked Village Staff questions regarding the different allowable uses, TIF potential, and questions relative to buffer requirements for

future redevelopment.

Chairman Kressner opened the hearing to public testimony. Public comments and testimony were provided relative to the request and included questions/concerns regarding the impacts development will have on the residential properties to the north. Additional comments related to traffic concerns redevelopment of the site would pose, along with impacts the current IDOT projects are having on traffic and safety. Members of the public also asked about potential development uses under limited industrial zoning, and whether considerations would be made to assist with drainage and stormwater impacts that are currently impacting the site.

After discussions by the members of the Zoning Board of Appeals relative to the request, it was the consensus of the Zoning Board of Appeals to close the public hearing. A motion was made by Member Coia to close the Public Hearing at 7:39pm. The motion was seconded by Member Smart. The following voted "Aye": Chairman Kressner and Members Coia, Smart, Lincoln and Lucas. The following voted "Nay": None. 5-Ayes, 0 Nays, motion carried.

After deliberation by the Board it was recommended that the property be rezoned from Residential to Limited Industrial. A motion was made by Member Coia to close the Public Hearing at 8:36pm. The motion was seconded by Member Smart.

Member Coia made a motion to approve a recommendation to the Village Board consistent with the recommendations provided by the Zoning Board of Appeals during their deliberation. The motion was seconded by Member Smart. The following voted "Aye": Chairman Kressner and Members Coia, Smart, Meyer and Lucas. The following voted "Nay": None. 5-Ayes, 0 Nays, motion carried.

5. PUBLIC COMMENT

No public comment was presented to the Plan Commission on non-agenda items.

6. ADJOURNMENT

There being no further business Chairman Kressner asked for a motion to adjourn. Member Meyer made a motion to adjourn, seconded by Member Lucas. The motion carried unanimously by voice vote at 8:38 p.m.

Respectfully submitted,
Michael Strong, Village Administrator

**Zoning Variation Request – 766 Frontage Road
(Cover Transmittal)**



DATE: December 7, 2023
TO: Chairman Craig Kressner and Members of the Zoning Board of Appeals
FROM: Michael Strong, Village Administrator
RE: **766 Frontage Road Setback Variations (the “Subject Property”)**

<u>Property Owner</u>	<u>Property Location</u>	<u>Zoning District</u>
Pro Services c/o Brian Waszak 766 Frontage Road Lake Villa, IL 60046	766 Frontage Road	Community Business CB

Project Representatives: Brian Waszak, Pro Services (Developer)

Summary of Request:

This is a request for approval of variations from the required front yard and rear yard setbacks to allow the construction of a new indoor contractor storage building on the Property (“Project”).

The property consists of a corner lot located on the west side of Route 83 (Milwaukee Avenue) at the intersection of Frontage Road and Route 83. The parcels today are developed with a split-level residence and attached garage. The existing structure/use is an existing non-conforming use and structure that is also not in conformance with the required setbacks within the Community Business (CB) zoning district.

Statements of Fact Relative to the Request

Compliance/Non-Compliance with Key Code Requirements

- The existing lot is considered a corner lot that has two front yards, a side yard, and rear yard.
- The existing single-family residence is an existing non-conforming structure and use within the Community Business (CB) Zoning District.
- The existing house does not comply with the rear yard setback along the western property line or front yard setback along the northern and eastern property lines.
- The new proposed structure (indoor contractor storage building) requires a variation from the 30-foot required front yard and rear yard setbacks.

Physical, Natural or Practical Difficulties

- The existing residential structure was constructed prior to the present day setback requirements and other zoning regulations.
- The property is located in a special flood hazard zone, which encompasses approximately 40% of the lot.

Petition Evaluation

As noted above, the property is in the CB Community Business Zoning District, which has a minimum lot size of 10,000 square feet and minimum width of 50 feet. The property is a corner lot comprised of two

separate planning parcels, that has a cumulative lot size of roughly 26,000 square feet and width of approximately 187 feet. The property is surrounded by Suburban Business (SB) to the north, Limited Industrial (LI) to the east, and Community Business (CB) to the south. As the Property is located along the periphery of the Village’s planning jurisdiction, adjacent property to the west is unincorporated and currently zoned General Commercial (GC) and Estate Residential (R1).

Figure 1 Property Located at 766 Frontage Rd



Under the Village’s current Zoning Code regulations, properties zoned Community Business (CB) must meet the following setback requirements for new development at this Property:

Yard	Distance
Front/Yard Abutting a Street	30’
Side	12’
Setback (if abutting Residential)	30’

The existing structure is approximately 2,500 square feet in size and is located 2’4” from the rear (west) property line at the closest point as measured from the west wall of the residence. The existing structure’s garage also encroaches into the required front yard by approximately 18 feet. The home is also

approximately 12 feet from the northern property line on the property.

The Property abuts Deep Lake, and therefore, has a significant volume of special flood hazard area (See Figure 1). Based on information provided by the Petitioner, approximately 43% of the property is in the flood hazard zone. The setback requirements for this Property and presence of flood zone on the lots present unique planning challenges that complicate the buildable area and the lot’s redevelopment potential.

The proposed new structure is planned to have a northwest to southeast orientation, rather than north-south, in order to avoid the flood hazard zone areas. The Petitioner is proposing to maintain the existing rear yard setback (2’6”) (west property line), which requires a variation from the current setback requirements, and increase the front yard setback (north property line) from approximately 12 feet to 16 feet. The Petitioner would require variations from the required front and rear yards to allow the new structure to be built in the location proposed.

The Petitioner has provided evidence of practical difficulty and hardship in adding to and/or renovating the existing home in compliance with current zoning regulations. Since the existing building was constructed in 1924, the Village adopted zoning requirements creating this nonconformity with respect to setbacks. Additionally, the existing footprint of the building does not currently meet the needs of the Developer and their intended use of the lot. The uniqueness of the lot and its site characteristics and its

shape present unique challenges for the Petitioner which are further outlined in the attached application packet.

Public Comment

Standard public notice of this request was provided by the Village to surrounding property owners in accordance with the Village’s Zoning Code for notice requirements. Notice was also provided in the Daily Herald and the agenda was posted in accordance with the Open Meetings Act. As of the date of this memorandum, Village staff received a handful of phone calls pertaining to this request with positive feedback relative to the proposed Project on the Property. However, no physical correspondence has been received by Village Staff relative to the petition.

Procedural Review for Variation Request

Pursuant to Section 10-7-4 of the Village Code, a variation from the Zoning Code may be granted in accordance with the standards and procedures set forth in the Code. An application for variation must first be submitted to the Village, which will then be forwarded to the Zoning Board of Appeals for a required public hearing, after which the Board of Trustees will review such report or recommendation of the Board. During the Public Hearing, the Zoning Board of Appeals will hear the evidence presented by Village Staff, Applicant/Developer, and any individuals in the audience wishing to provide public comment, present evidence, and/or cross-examine witnesses relative to the proposed variation request. At the conclusion of the public hearing, the Board shall, with the aid and advice of Village Staff, transmit its findings and recommendations as to whether a variation should be approved, approved subject to modifications, or not approved.

Based on the information and analysis presented herein, the Zoning Board of Appeals may recommend approval to the Village Board of:

- A front yard variation to allow for the construction of an indoor contractor storage facility no closer than 12’ to the front (north) property line.
- A rear yard variation to allow for the construction of an indoor contractor storage facility no closer than 2’6” to the rear (west) property line.

All consistent with the site plan submitted to the Board.

Recommendation by Village Staff

Based on review and information submitted by the Petitioner, a site visit, and an analysis of the request based on applicable portions of the Zoning Code, Village Staff submits the following analysis relative to the standards and conditions imposed by Section 10-7-4 of the Village Code:

- The Property is a corner lot, and the existing residence does not conform to the current 30-foot front yard or 30-foot rear yard setback requirements. Therefore, the practical difficulty and hardship in conforming to the required setbacks is the result of changes to the applicable zoning regulations over time.
- The physical condition of the Property is unique due to its location on a corner lot within the Village’s CB Zoning District, the extent and location of the special flood hazard zone, and general geometric characteristics of the lot. These exceptional features place an unreasonable burden on

the Petitioner to develop the site in accordance with the Village's current Zoning Regulations, all of which significantly reduce the building envelope area on the parcels.

- The Zoning Code requires that two sides of the Property each have a 30-foot yard setback. Therefore, the strict application of these regulations would deprive the Petitioner of substantial rights commonly enjoyed by owners of other properties subject to the same provisions and impose substantial limitations on the Petitioner's ability to construct almost anything on the property, including the proposed indoor contractor storage facility.
- The Petitioner is seeking to improve the viability of a Property which is currently underutilized as a vacant residence located within the Village's CB Zoning District. Given the extraordinary physical conditions and characteristics of the Property, there is no other reasonable alternative for the location of the proposed indoor contractor storage building on the Property.
- The variation and the resulting modifications on the Property will not impair light or ventilation to adjacent properties, increase congestion, endanger public safety, or diminish property values. The proposed improvements, additions and/or replacement, are intended to upgrade the value and usability of the Property.

Should the Zoning Board of Appeals be inclined to recommend to the Board of Trustees the approval of the requested variation required for the Project, Village Staff recommends the following conditions be included as part of such recommendation of the Zoning Board of Appeals to the Village Board as outlined below:

- 1) Granting of variation does not authorize commencement of any work on the Property, except only after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable laws and regulations.
- 2) For the variations as being expressly recommended by the Zoning Board of Appeals, all Village Code requirements relative to building and construction, subdivisions, zoning, and all other applicable Ordinances and regulations of the Village shall continue to apply to the Property, and the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- 3) Prior to the issuance of any building permit, or other permits for the project, a plan for staging and storage of construction and demolition materials and a plan for parking construction vehicles shall be submitted and will be subject to review and approval by the Village Administrator.

Action Requested

Village Staff requests that the Zoning Board of Appeals hold a public hearing to consider the Petitioner's request for setback variations required for the proposed Project and recommend approval, approval with modifications, or disapproval to the Village Board of Trustees.

Attachments

- Exhibit 1 – Aerial Photograph
- Exhibit 2 - Zoning Map with Subject Property Outlined
- Exhibit 3 – Petitioner's Application Packet and Submittals
- Exhibit 4 – Copy of Public Hearing Notice and Notification Area

**VILLAGE OF LAKE VILLA
APPLICATION FOR ZONING RELIEF**

ZONING CHANGE, CONDITIONAL USE PERMIT, PLANNED UNIT
DEVELOPMENT, AND VARIATION APPLICATION

Please print or type all information:

- I. _____ Zoning change
- _____ Conditional Use Permit (CUP)
- _____ Planned Unit Development (PUD)
- _____ Variation from the zoning ordinance

II. Now come _____

and represent that they are the (owner) (contract purchaser) (lessee) of the following described real estate to-wit: (Legal description): _____

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 46 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID QUARTER SECTION, SAID POINT BEING 33 FEET SOUTH OF THE CENTER OF PETITE LAKE ROAD; THENCE RUNNING EAST 57.0 FEET TO AND INTERSECTING THE WEST LINE OF FOX RIVER ROAD (SO CALLED); THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID FOX RIVER ROAD, 135.6 FEET; THENCE SOUTHWESTERLY, 186.9 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID QUARTER SECTION, WHICH POINT IS 223.6 FEET SOUTH OF THE PLACE OF BEGINNING AND THENCE NORTH ON SAID QUARTER SECTION LINE, 223.6 FEET TO THE PLACE OF BEGINNING, *N LAKE COUNTY, ILLINOIS.

III. Commonly known as (street address): _____

IV. Physical location of the property:

Located on the _____ side of _____, approximately
(direction) (street name)
_____ feet _____ from _____.
(direction) (street name)

V. Permanent Real Estate Tax (PIN) Number: _____

Assessed Valuation for the last three years:

20____ \$ _____

20____ \$ _____

20____ \$ _____

VI. That said premises are now classified under the Lake Villa Zoning Ordinance as the _____ zone, and are presently:

(insert vacation, or a description of the present use of the property)

VII. That under said current classification, the petitioner(s) are prohibited from installing and operating therein the following uses, of which they are desirous. (Make a brief statement as to the proposed use.)

VIII. That petitioner(s) feel that their request is justified in _____

(Make a statement as to why you believe the requested change is desirable.)

WHEREFOR, your petition(s) pray that your Honorable Body, pursuant to your rules and regulations, will hold a public hearing as provided by ordinance and as a result of said hearing recommend to the Village Board of Lake Villa, that the Village amend, or modify the use(s) to which the above described premises may be put; that said premises be:

A. _____ Rezoned from the present _____ zone to the _____ zone.

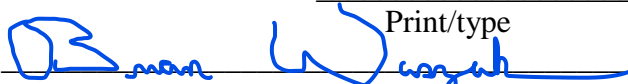
B. _____ Issued a Conditional Use Permit.

C. _____ Issued a Planned Unit Development

D. _____ Issued a variation from Ordinance.

E. _____

IX. PETITIONER'S NAME _____



Print/type
Signature

Address

Phone number

X. Some of the items required may be waived depending upon the nature and scope of this application.

1. If petitioner is a corporation, a counsel at the public hearing must represent you.
2. Petitioner must present with this petition the following:
 - i. Current evidence of title to property, purchase contract or lease agreement.
 - ii. Plat of Survey with square footage of property
 - iii. Plat of Survey with all existing buildings and structures shown and specifically located.
 - iv. Photographs of the area for which the change is requested.
 - v. Sketch drawn to scale of subject property with proposed changes, and all property and improvements within 300 feet of subject property (include North arrow.)
 - vi. Legal description of the property.
3. Indicated which portion, if any of subject property, is in flood plain.
4. Letter of Concurrence from present property owner if different from petitioner(s). Letter from owner must show owner's name, address, and present phone number.
5. If requested for a Conditional Use Permit, requirements of the Lake Villa Zoning Ordinance Article Four, Section IV.

For office use only

Zoning change fee: \$ _____
Variation fee: \$ _____
CUP fee: \$ _____
PUD fee: \$ _____
Escrow: \$ _____
Total amount received: \$ _____

Date payment received: _____ Cash Check# _____

Village Code: 10-7-4 Variations:

E. Findings Of Fact For Variations: A variation from the provisions of these zoning regulations shall not be granted unless the zoning board of appeals and/or the village board, as the case may be, makes specific written findings of fact directly based on the standards and conditions imposed by this section and any conditions imposed by the reviewing authority.

1. Practical Difficulty: No variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of these zoning regulations would create a particular hardship or a practical difficulty.

-The property at 766 Frontage Rd has a unique shape and terrain to build upon a new structure within the zoning codes adopted. The property currently has an existing historic structure on it that was built prior to the adopted zoning code classifying the property as nonconforming. To follow the strict letter of the law to build upon the property within the current setback standards would severely limit the buildable footprint of the parcel creating a particular hardship to my business.

2. Unique Physical Condition: The subject property is exceptional as compared to other properties subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming, irregular or substandard shape or size, exceptional topographical features, or other extraordinary physical conditions peculiar to, and inherent in, the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the property rather than the personal situation of the current owner of the property.

-The unique physical shape of the property as compared to other properties is that the lot dimensions do not allow for standardized rectangular or square building construction due to the lot being triangular. Also, due to the lot orientation of it being a corner lot and it being triangular a case could be made that my rear of building setback could also be considered the adjacent lots side yard. So, based on my rear yard it could also be identified as a side yard and in doing that based on the CB zoning code there is no set side yards required code 10-3c-2 note 3 stating "Side yards are not required in this zone if the proposed construction meets fire codes and if the lot line is not a zoning boundary line abutting a residential zone or streets, and provided there is acceptable access to the rear of the property". The abutting Zoning is CB not residential and there will be acceptable access to the rear of the property.

3. *Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of these zoning regulations.*

-The existing nonconforming condition of the property was not the result of action or inaction of myself or previous owners and exists solely due to the adoption of these zoning regulations.

4. *Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provision.*

-I would be denied substantial rights by carrying out the strict letter of the provisions from which my variation is sought. Current ordinances do not take into consideration the unique characteristics of my property as compared to owners of properties that fit the standard of what the ordinance provisions are based on.

5. *Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject property.*

-The Variation sought is not merely a special privilege due to the special circumstances of my particular lot. Substantial engineering and cost would need to go into the construction of an odd, shaped building to conform to the standard lot dimensions and be able to build to the bulk standard that other property owners are awarded. The additional cost and complexity to do that would never return the investment to do so. Building code and community development is based on a grid pattern where Buildings and lots typically have square corners and this variance sought is not to grant special privilege but to allow my property the same privilege as the properties that the codes standards were developed around.

6. *Ordinance And Plan Purposes: The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this chapter, and the provision from which a variation is sought, were enacted or the general purpose and intent of the comprehensive plan.*

-The Ordinance and plan Purpose all fall within the “Permitted By Right ” specified in the Community Business zoning district.

7. *No Other Remedy: There is no means other than the requested variation by which the alleged hardship or practical difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.*

-There is not a remedy other than the requested variation to alleviate the hardship or remedy the practical difficulty. Initially I had received written authorization from Karl Warwick through plan review dated 11/5/2020 stating that “ The building would fall within the permitted building footprint allowance and the village setback requirements” Since then I have moved forward with Architectural, Engineering, and Surveying to produce a full set of Building plans that have been through multiple rounds of plan review that not until recently was I informed Karl was not authorized, or correct in stating that the building falls within village setback requirements. By not authorizing or granting the setback variance would require the work all done to this point to be completely redone causing a financial hardship.

8. *Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or practical difficulty presented by the strict application of this chapter.*

-Through many revisions to the property layout and design the setback variance we are requesting are the minimum measure of relief necessary to alleviate the hardship and presented by the strict application of this chapter

9. *Other Required Findings: In considering all proposed variations from the zoning regulations, the zoning board of appeals and/or the board of trustees, as the case may be, will also, before recommending the approval of or granting any variation from the provisions of these zoning regulations in a specific case, determine and make findings of fact that the following conditions have been met:*

a. *The variation will not impair an adequate supply of light and air to adjacent property.*

-In actuality we will be reducing the overall percentage of structure that is in a non-conforming state by over 80% therefore adding to the supply of light and air to the adjacent property.

b. *The variation will not unreasonably increase the congestion in public streets.*

-The variation will have no impact to congestion in public streets

c. *The variation will not increase the danger of fire or endanger the public safety.*

-The variation will not increase the danger of fire or endanger the public safety

d. *The variation will not unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the inhabitants of the village.*

-The variation will not unreasonably diminish established property values but should have a positive impact and in no way impair the public health, safety, comfort, morals and welfare of the inhabitants of the village.

e. *The variation will not permit a use otherwise excluded from the particular zone in which requested.*

-The variation is not for anything other than the CB zoning designated for the rights of the property.

f. *Special circumstances or conditions such as exceptional narrowness, topography or siting, fully described in the report of the zoning board, apply to the land for which the variation is sought, and that those conditions do not apply generally in the applicable zoning district.*

-Please review included documents and information to illustrate the Special circumstances associated to this property.

g. The special circumstances or conditions of the variation have not resulted from any act of the applicant subsequent to the adoption of these zoning regulations, whether or not in violation of the provisions thereof.

-It is my statement to the board that the special circumstances of the property are not a result of my actions and solely due to the adoption of these zoning regulations.

**AFFIDAVIT OF TITLE
COVENANT AND WARRANTY**

STATE OF ILLINOIS)
) **SS.**
COUNTY OF LAKE)

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the grantee hereinafter named:

Pro Services+, Inc.

That affiant has an interest in the premises described below or in the proceeds thereof or is the grantor in the deed dated 17 July, 2020 to **Pro Service+, Inc.**, grantee, conveying the following described premises:

Parcel 1:

That part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 46 North, Range 10, East of the Third Principal Meridian, described as follows, to-wit: Commencing at a point on the West line of said Quarter Section, said point being 33 feet South of the center of the Petite Lake Road; thence running East 57.0 feet to and intersecting the West line of Fox River Road (so called) thence Southeasterly along the south Westerly line of said Fox River Road, 135.6 feet; thence Southwesterly, 186.9 feet more or less, to a point in the West line of said Quarter Section, which point is 223.6 feet South of the place of beginning and thence North on said Quarter Section line, 223.6 feet to the place of beginning, in Lake County, Illinois.

Parcel 2:

Lot 2 in the Charles R. Thorne North Cedar Lake Subdivision, being a Subdivision of that part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 46 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof, recorded August 11, 1928 in Book "T" of Plat, Page 17, as document 322769, in Lake County, Illinois.

That no labor or material has been furnished for premises within the last four months, that is not fully paid for.

That since the title date of 06/16/2020, in the report on title issued by Chicago Title, affiant has not done or suffered to be done anything that could in any way affect the title to premises, and no proceedings have been filed by or against affiant, nor has any judgment or decree been rendered against affiant, nor is there any judgment, note or other instrument that can result in a judgment or decree against affiant within five days from the date hereof.

That the parties, if any, in possession of premises are bona fide tenants only, and have paid promptly and in full their rent to date, and are renting from N/A to N/A, and not for any longer term, and have no other or further interest whatsoever in premises.

That all water taxes, except the current bill, have been paid, and that all the insurance policies assigned have been paid for.

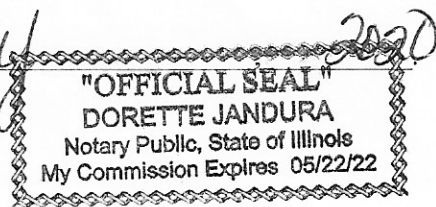
That this instrument is made to induce, and in consideration of, the said grantee's consummation of the purchase of premises.

Rick Kuehn (SEAL) _____ (SEAL)
Rick Kuehn

(SEAL) _____ (SEAL)

Subscribed and sworn to before me this 17 day of July 2020

Dorette Jandura
Notary Public



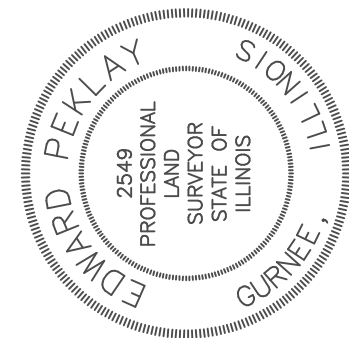
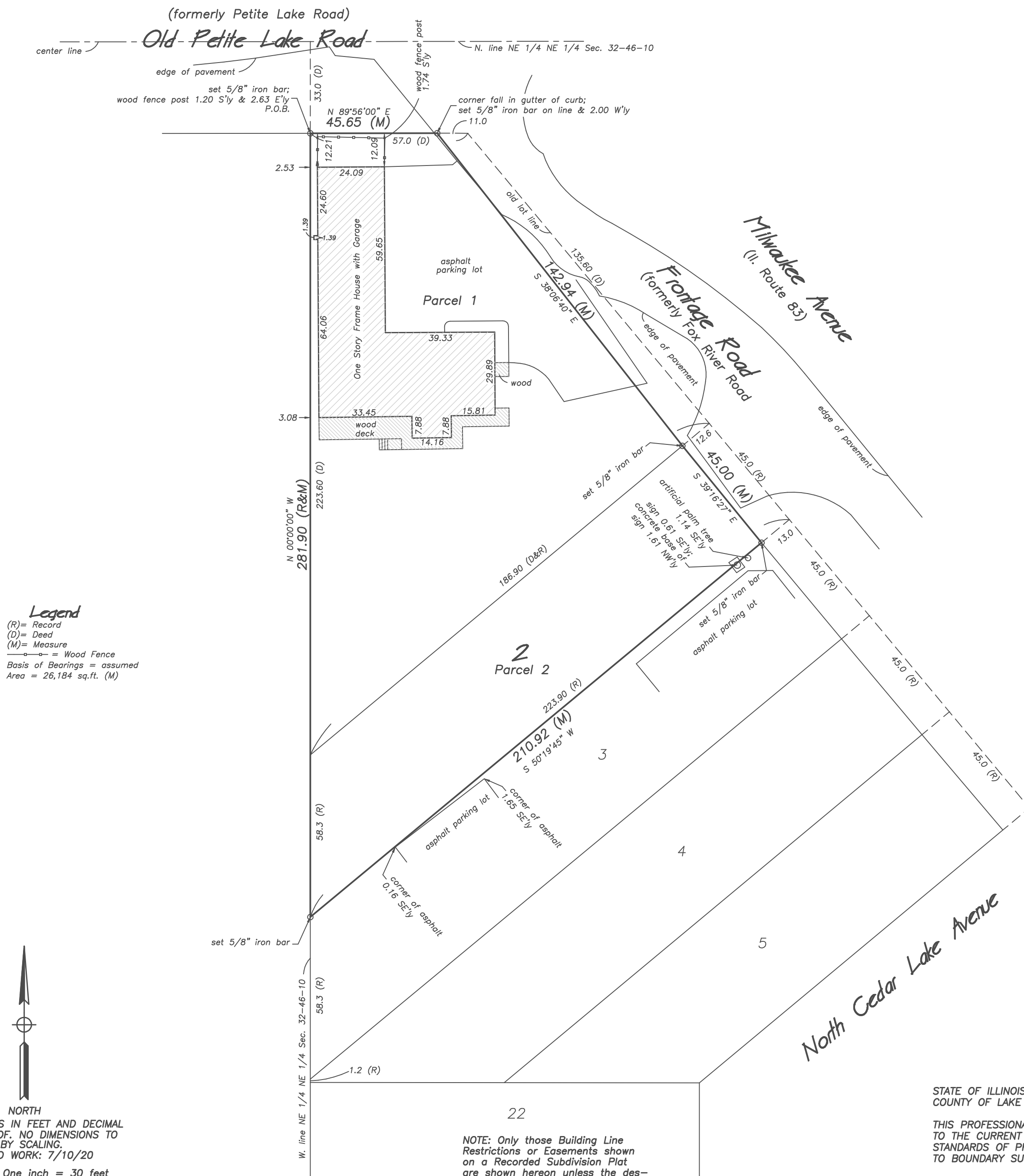
(847) 336-0059 phone
 (847) 336-8753 fax

PEKLAY SURVEYING CO., LTD.
PLAT OF SURVEY

163 N. GREENLEAF ST.
 SUITE 1
 GURNEE, IL. 60031-3344

PARCEL 1:
 THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 46 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID QUARTER SECTION, SAID POINT BEING 33 FEET SOUTH OF THE CENTER OF PETITE LAKE ROAD; THENCE RUNNING EAST 57.0 FEET TO AND INTERSECTING THE WEST LINE OF FOX RIVER ROAD (SO CALLED); THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID FOX RIVER ROAD, 135.6 FEET; THENCE SOUTHWESTERLY, 186.9 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID QUARTER SECTION, WHICH POINT IS 223.6 FEET SOUTH OF THE PLACE OF BEGINNING AND THENCE NORTH ON SAID QUARTER SECTION LINE, 223.6 FEET TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL 2:
 LOT 2 IN CHARLES R. THORNE NORTH CEDAR LAKE SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 46 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 11, 1928 IN BOOK "T" OF PLAT, PAGE 17, AS DOCUMENT 322769, IN LAKE COUNTY, ILLINOIS.



STATE OF ILLINOIS
 COUNTY OF LAKE S.S.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO BOUNDARY SURVEYS.

GURNEE, IL. 7/10 A.D. 20 20
 PEKLAY SURVEYING CO., LTD.
 PROFESSIONAL DESIGN FIRM NO. 2981

BY Edward Peklay
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2549. MY LICENSE EXPIRES 11/30/2020
 Revised 7/11/20

NORTH

ALL DISTANCES IN FEET AND DECIMAL PARTS THEREOF. NO DIMENSIONS TO BE ASSUMED BY SCALING.
 DATE OF FIELD WORK: 7/10/20

SCALE: One inch = 30 feet

FILE NO. 20-192

ORDERED BY: Merit Law Group

PROPERTY ADDRESS: 766 Frontage Road, Lake Villa, Il.

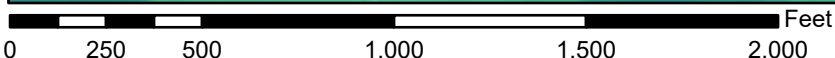
NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the descriptions ordered to be surveyed contains a proper description of the required building lines or easements.

Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

National Flood Hazard Layer FIRMMette



88°5'33"W 42°26'N



1:6,000

88°4'55"W 42°25'34"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

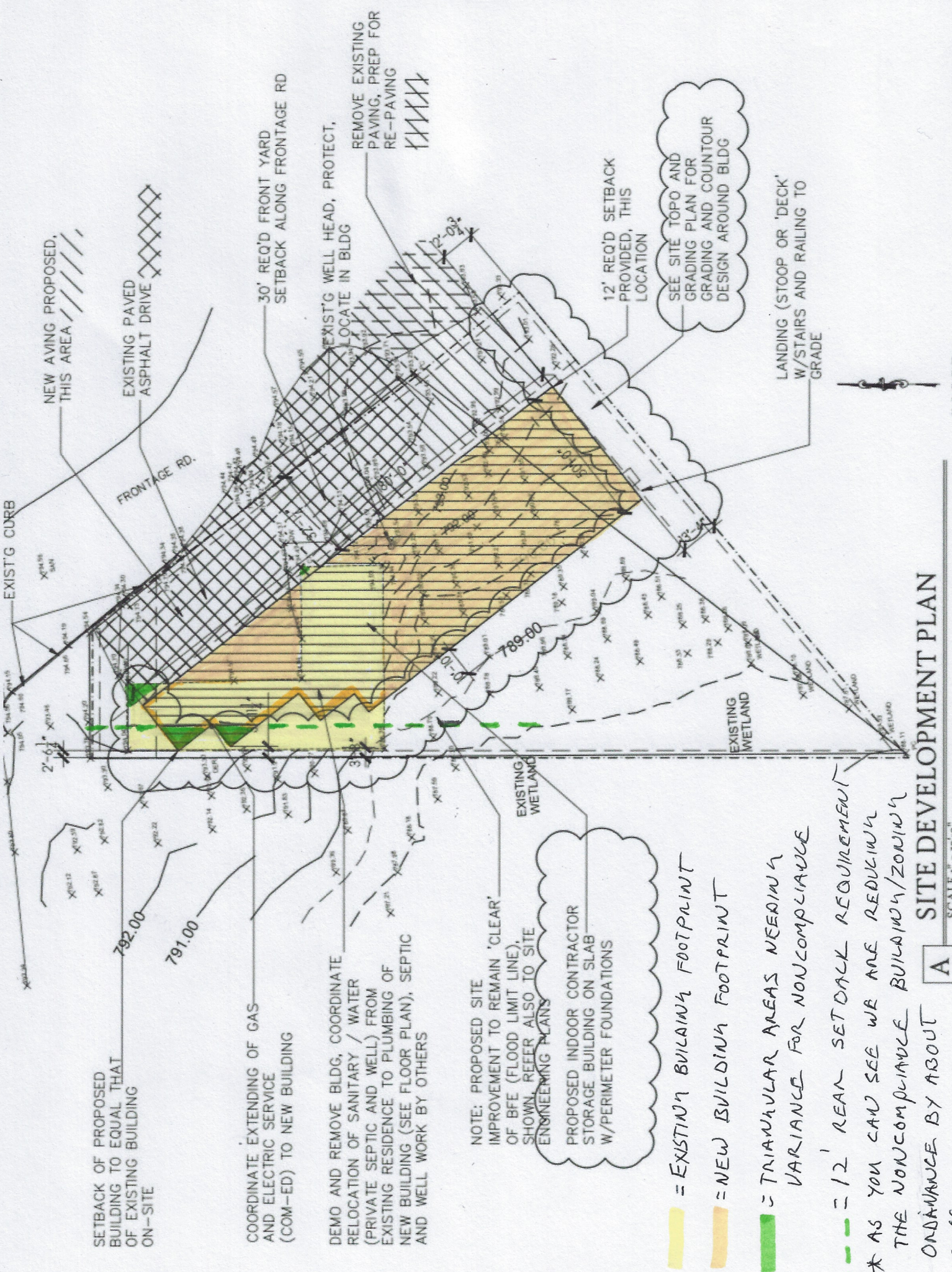
SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/13/2023 at 12:16 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



NEW AVING PROPOSED, THIS AREA

EXISTING PAVED ASPHALT DRIVE

FRONTAGE RD.

EXIST'G CURB

30' REQ'D FRONT YARD SETBACK ALONG FRONTAGE RD

REMOVE EXISTING PAVING, PREP FOR RE-PAVING

EXIST'G WELL HEAD, PROTECT, LOCATE IN BLDG

12' REQ'D SETBACK PROVIDED, THIS LOCATION

SEE SITE TOPO AND GRADING PLAN FOR GRADING AND COUNTOUR DESIGN AROUND BLDG

LANDING (STOOP OR 'DECK' W/STAIRS AND RAILING TO GRADE

SETBACK OF PROPOSED BUILDING TO EQUAL THAT OF EXISTING BUILDING ON-SITE

COORDINATE EXTENDING OF GAS AND ELECTRIC SERVICE (COM-ED) TO NEW BUILDING

DEMO AND REMOVE BLDG, COORDINATE RELOCATION OF SANITARY / WATER (PRIVATE SEPTIC AND WELL) FROM EXISTING RESIDENCE TO PLUMBING OF NEW BUILDING (SEE FLOOR PLAN), SEPTIC AND WELL WORK BY OTHERS

NOTE: PROPOSED SITE IMPROVEMENT TO REMAIN 'CLEAR' OF BFE (FLOOD LIMIT LINE), SHOWN, REFER ALSO TO SITE ENGINEERING PLANS

PROPOSED INDOOR CONTRACTOR STORAGE BUILDING ON SLAB W/PERIMETER FOUNDATIONS

792.00

791.00

789.80

EXISTING WETLAND

EXISTING WETLAND

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PROPOSED INDOOR CONTRACTOR STORAGE BUILDING ON SLAB W/PERIMETER FOUNDATIONS

= EXISTING BUILDING FOOTPRINT

= NEW BUILDING FOOTPRINT

= TRIANGULAR AREAS NEEDING VARIANCE FOR NONCOMPLIANCE

= 12' REAR SETBACK REQUIREMENT

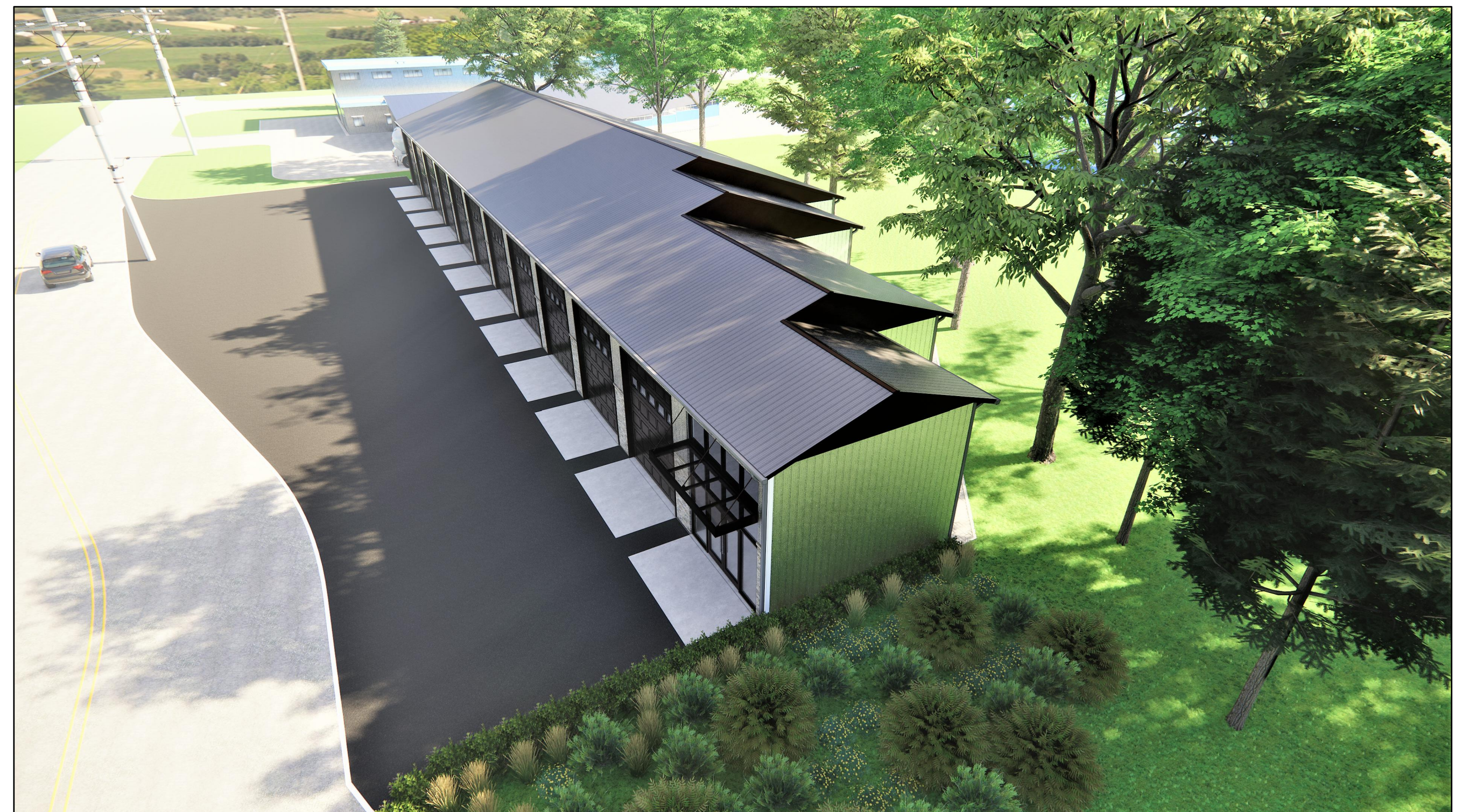
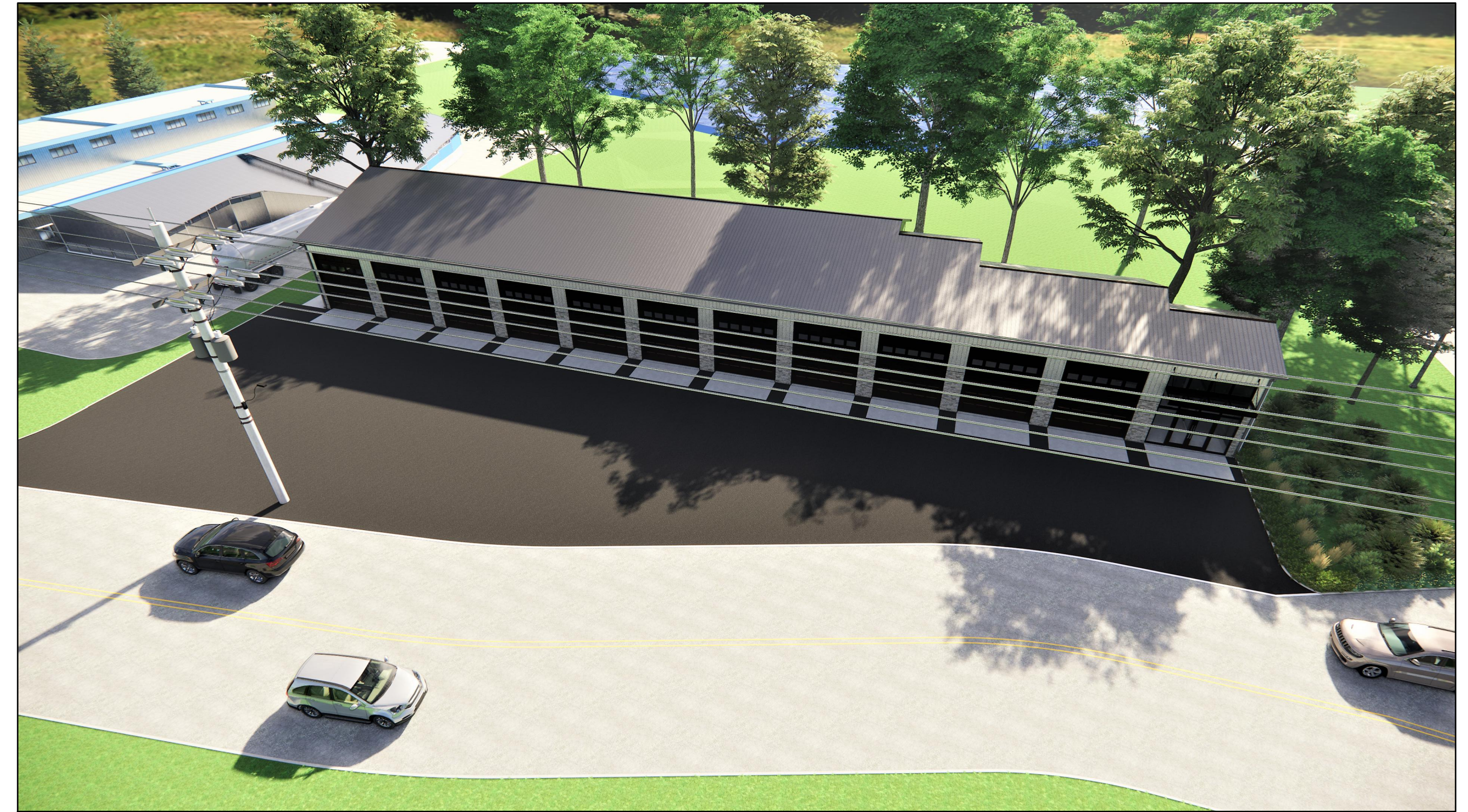
* AS YOU CAN SEE WE ARE REDUCING THE NONCOMPLIANCE BUILDING/ZONING VARIANCE BY ABOUT 80%

SCALE 1" = 30'-0"

NOTE: INFORMATION CONTAINED IN THE ABOVE SITE PLAN, INCLUDED ON PLAT OF SURVEY, PROVIDED BY CLIENT

A SITE DEVELOPMENT PLAN

NORTH



A Private Cold Storage Building
PRO-SERVICES PLUS
 766 Frontage Rd.
 in Lake Villa, IL

DESIGN PROFESSIONAL: ADAM LYONS
 PLAN DESIGNER: K. HODNY / A. LYONS
 DRAWN BY: AL
 ISSUE DATE: 080620
 SCALE: AS NOTED
 SHEET TITLE:

A6.o

LEGAL NOTICE
VILLAGE OF LAKE VILLA ZONING BOARD OF APPEALS
PUBLIC HEARING RELATIVE TO A ZONING VARIATION

NOTICE IS HEREBY GIVEN of a public hearing to be held by the Zoning Board of Appeals of the Village of Lake Villa for the purpose of considering an Application for a Variation from the Zoning Regulations of the Village of Lake Villa as follows:

HEARING DATE AND TIME: Tuesday, December 12, 2023, at 7:00 p.m. or as soon thereafter as the agenda permits.

PLACE OF HEARING: Village of Lake Villa Village Hall, 65 Cedar Avenue, Lake Villa, Illinois 60046.

NATURE OF REQUEST AND PROPOSED USE: The Petitioner is requesting the approval of an Application for Variations from the Village of Lake Villa Zoning Regulations relative to required setbacks for the Subject Property. The Petitioner proposes to demolish the existing deteriorating commercial structure on the Subject Property and is requesting permission to construct and maintain a new commercial structure on the Subject Property, for use as an indoor storage warehouse which is a permitted use in the Community Business (CB) Zoning District in which the Subject Property is located, which structure would be of substantially the same size as the existing structure which will be demolished but which new structure may encroach into one or more of the minimum setbacks otherwise required by the Zoning Regulations of the Village.

SUBJECT PROPERTY: The Subject Property is located in the Village's CB Community Business Zoning District, is commonly known as 766 Frontage Road, Lake Villa, IL (P.I.N. 02-32-203-002 and 02-32-200-006) (the "Subject Property"), and is legally described as follows:

PARCEL 1:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 46 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT A POINT ON THE WEST LINE OF SAID QUARTER SECTION, SAID POINT BEING 33 FEET SOUTH OF THE CENTER OF THE PETITE LAKE ROAD; THENCE RUNNING EAST 57.0 FEET TO AND INTERSECTING THE WEST LINE OF FOX RIVER ROAD (SO CALLED) THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID FOX RIVER ROAD, 135.6 FEET, THENCE SOUTHWESTERLY, 186.9 FEET MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID QUARTER SECTION, WHICH POINT IS 223.6 FEET SOUTH OF THE PLACE OF BEGINNING AND THENCE NORTH ON SAID QUARTER SECTION LINE, 223.6 FEET TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL 2:

LOT 2 IN THE CHARLES R. THORNE NORTH CEDAR LAKE SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 46 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 11, 1928 IN BOOK "T" OF PLATS, PAGE 17, AS DOCUMENT 322769, IN LAKE COUNTY, ILLINOIS.

OWNER OF RECORD AND PETITIONER: The owner of record of the Subject Property is Pro Services+, Inc., 25380 Dering Lane, Lake Villa, IL 60046, and the Petitioner is Brian M. Waszak, President of Pro Services+, Inc.

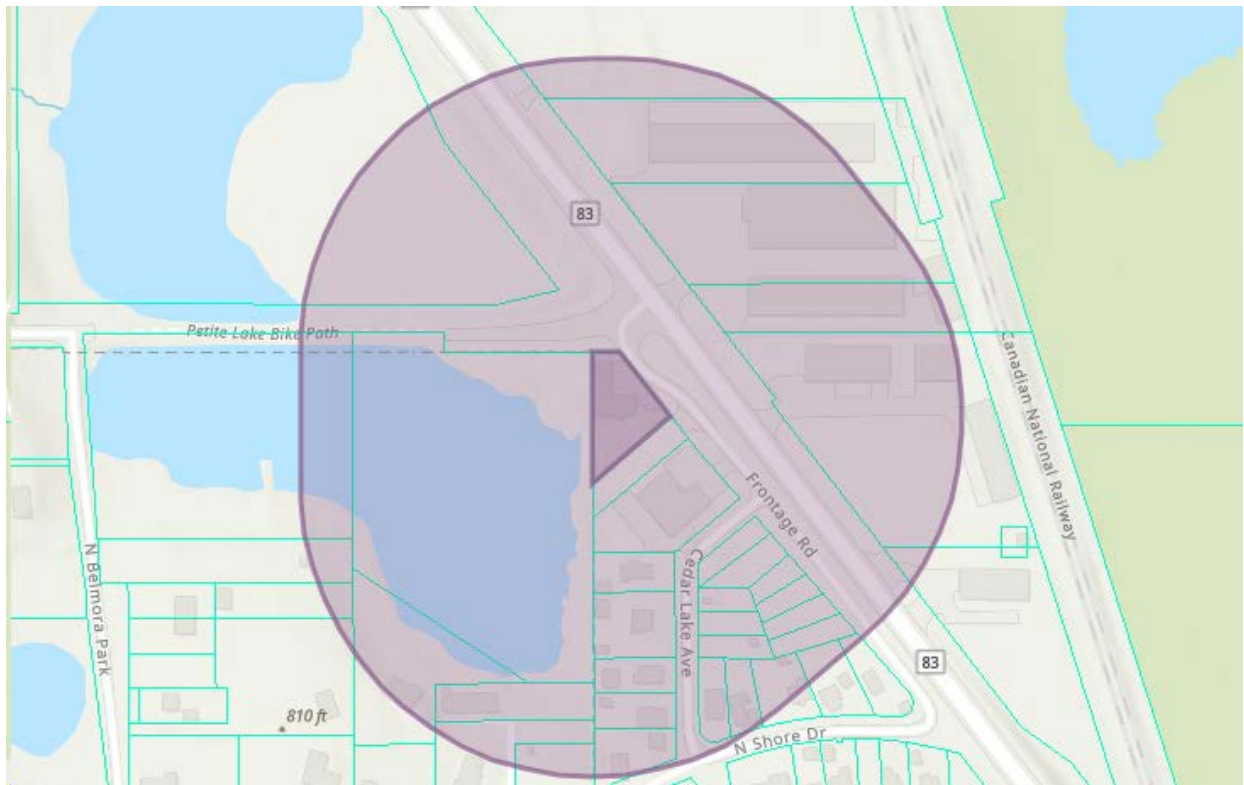
A copy of the application for variation is available at the office of the Village Clerk at the Village of Lake Villa Village Hall, 65 Cedar Avenue, Lake Villa, IL, 60046.

All interested persons are invited to attend the hearing and will be given an opportunity to be heard.

The Village of Lake Villa is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, are requested to contact the Village's ADA Coordinator at (847) 356-6100 promptly to allow the Village to make reasonable accommodations for those persons.

/s/ Michael Strong
Village Administrator,
Village of Lake Villa

EXHIBIT B – REQUIRED TAX MAPS FOR PUBLIC HEARING NOTIFICATION AREA





DATE: December 7, 2023

TO: Chairman Craig Kressner and Members of the Zoning Board of Appeals

FROM: Michael Strong, Village Administrator

RE: **Discussion Item – Zoning Code Text Amendments Relative to Permitted & Conditional Uses, and Bulk Standards in Various Zoning Districts**

Background

During its regular meeting on November 14, 2023, the Plan Commission reviewed a presentation prepared by Teska Associates, the Village’s Land Planner relative to mixed-use zoning, and current opportunities to amend the Village’s Zoning Code to reflect desired development patterns. Specifically, the Plan Commission reviewed staff recommendations relative to potential conditional uses that could be acceptable in certain zoning districts, including UR4, along with adjusting setback requirements for commercial and industrial zoning districts.

In response to the discussion, and direction provided by the PCZBA, Village staff has prepared a redline of various sections of the Village Code and is requesting that the Zoning Board of Appeals review the drafted amendments to ensure they reflect the direction of the Board.

Action Requested

Village Staff is seeking Zoning Board of Appeals direction on the draft amendments, and direction on whether a formal Ordinance and public hearing notice should be prepared for formal consideration and recommendation at a future meeting.

Attachments

Exhibit 1 – Copy of Draft Zoning Code Text Amendments

General Setback & Landscape/Buffers DRAFT Zoning Code Text Amendments

10-3B-2: PERMITTED, CONDITIONAL, TEMPORARY AND PROHIBITED USES:

Use	AG	NC	SR	UR1	UR2	UR3	UR3A	UR4	CR	CBD	CA	CB	SB	LI	LI-2	RD ¹
Adult respite care center	C	C	C	C	C	C	C	C	C	C		C	C			
Adult Use Cannabis Business Establishment(s)																
Adult Use Cannabis Craft Grower													C ¹	C ¹	C ¹	
Adult Use Cannabis Cultivation Center																
Adult Use Cannabis Dispensing Organization													C ²	C ²	C ²	
Adult Use Cannabis Infuser Organization Or Infuser													C ³	C ³	C ³	
Adult Use Cannabis Processing Organization Or Processor																
Adult Use Cannabis Transporting Organization Or Transporter																
Advertising agency										X		X	X			X
Advertising agency (if restricted to second floor and above)											X					
Advertising display construction														X	X	C

Agricultural implement sales and service (see subsection 10-4-3B3 of this title)															S	S	
Agricultural uses	X																
Airport (see subsection 10-4-4B21 of this title)	C														C	C	
Amusement park								C									
Antique sales							C		X	X	X	X	X	X	X	X	X
Appliance, sales, repair or service							C		X		X	X	X	X	X	X	X
Arboretum or botanical garden (5 acre minimum)	C																
Archery range, indoor								C			C	C					
Archery range, outdoor (see subsection 10-4-4B16 of this title)	C							C									
Art gallery, commercial							C		X	X	X	X					X
Art supply store							C		X	X	X	X					X
Automobile and/or truck body shop														X	X		
Automobile parking garage or lot									X		X	X	X	X	X	X	X
Automobile sales and rental (see subsection 10-4-3B3 of this title)											S	S					
Automobile service and repairs, excluding auto body repairs (see subsection 10-4-3B3 of this title)											S	S	S	S			
Automobile washing (see subsection 10-4-3B3 of this title)											S	S					

Bakery, retail								C		X	X	X	X			X
Bank								C		X		X	X			X
Barbershop								C		X	X	X	X			X
Batch plant for road construction	T	T	T	T	T	T	T	T	T	T	T		T	T	T	T
Beauty salon/tanning salon								C		X	X	X	X			X
Beverage distribution, sales														X	X	
Bicycle sales								C		X	X	X	X			X
Blueprinting and photostat shop												X	X	X	X	X
Boat rental (see subsection 10-4-3B5 of this title)	C								C							
Boat sales and service (see subsection 10-4-3B3 of this title)												S	S	X	X	
Bookstore (except no adult bookstore permitted)								C		X	X	X	X			X
Bowling alley									X	X		C	X			X
Building material sales yard (see subsection 10-4-4B12 of this title)														C	C	
Bulk materials storage (see subsection 10-4-4B26 of this title)														C	C	
Bus maintenance shop and bus parking lot (see subsection 10-4-3B3 of this title)														S	S	
Business machine repair, servicing and sales												X	X	X	X	X
Cabinetmaker													X	X	X	C
Camera shop								C		X	X	X	X			X

Camp, commercial recreational (see subsection 10-4-4B16 of this title)									C								
Camp, day or youth (see subsection 10-4-4B16 of this title)	C								C								
Candy store								C		X	X	X	X				X
Carnival or circus	T								T	T		T	T				
Carpet and rug cleaning plant														S	S		
Catalog sales office or mail order store												X	X	X	X	X	
Catering service												X	X	X	X	X	
Cemetery (see subsection 10-4-4B5 of this title)	C	C	C	C	C	C	C	C									
Childcare facility (see subsections 10-4-3B1 and 10-4-4B6 of this title)	S	S	S	S	S	S	S	S	C	C		C	C	C	C		
Christmas tree sales	T								T			T	T	T	T	T	
Church, or other place of worship	X	X	X	X	X	X	X	X	X	C		C	X	X	X	X	
Clothing store								C		X	X	X	X				X
Commercial center (see subsection 10-4-4B10 of this title)								C	C	C	C	C	C	C	C	C	
Community center for public use (except for Village uses)	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	
Compressed gas distribution, sales														X	X	X	

Computer sales, retail								C		X	X	X	X			
Contractor's equipment storage, indoor												X	X	X	X	
Contractor's equipment storage, yard														C	C	
Contractor's model home	T	T	T	T	T	T	T	T	T							T
Contractor's project office and sheds	T	T	T	T	T	T	T	T	T			T	T	T	T	T
Crematory (see subsection 10-4-4B30 of this title)															C	
Currency exchange										X		X	X			X
Dance and/or fitness studio (instructional)								C		X	X	X	X	X	X	X
Dance hall (instructional)								C	C	C		C	C			C
Department store										X	X	X	X			X
Discount store										X	X	X	X			X
Drive-in theater (see subsection 10-4-4B17 of this title)		C							C							
Drive-up sales, rental or service (see subsection 10-4-4B11 of this title)										C		C	C			C
Drugstore								C		X	X	X	X			X
Dry cleaning, pressing, repair								C		X		X	X			X
Dwelling, apartments								X				C	C			
Dwelling, group								X								
Dwelling, single-family	X	X	X	X	X	X	X	X	X							
Dwelling, townhouse								X								

Dwelling, two-family		X						X								
Dwelling unit (if restricted to owner occupied, single family condominium, second floor and above)										C	C	C	C			
Elderly housing (see subsection 10-4-4B25 of this title)								C								
Electronic equipment sales (not installation)								C		X	X	X	X	X	X	X
Emergency care, trauma center (see subsection 10-4-3B2 of this title)	S							C				S	S			
Employment office										X		X	X			X
Employment office (if restricted to second floor and above)											X					
Engineering office										X	X	X	X			X
Exterminating and fumigating shop													X	X	X	C
Feed and grain sales														S	S	
Floodplain uses (see subsection 10-4-4B27 of this title)	C	C	C	C	C	C	C	C	C			C	C	C	C	C
Floor covering sales										X	X	X	X	X	X	X
Florist sales								C		X	X	X	X	X	X	X
Food processing and packing														X	X	C
Fruit and vegetable market, retail								C		T	T	X	X	S	S	X
Fuel: oil, coal, and wood sales														C	C	
Funeral home													X			X

Furnace, HVAC, and water heater sales, display, service													X	X	X	X	X
Furniture cleaning, refinishing															X	X	C
Furniture sales									X	X	X	X	X	X	X	X	X
Furrier, retail only									X	X	X	X					X
Garden center, greenhouse, nursery											S	S	S	S			
Gas, butane and propane sales (bulk and refilling, when not limited to consumer use)														X	X	X	
Gasoline service station											S	S					
Gift store								C	X	X	X	X	X	X	X	X	X
Go-kart racetrack								C									
Golf course	C							C									
Golf driving range	C							C									
Golf, miniature								C									
Greenhouse and/or nursery center													S	S	S		
Grocery store or supermarket								C	X	X	X	X					X
Hair salon								C	X	X	X	X					X
Hardware store, retail								C	X	X	X	X					X
Health club or gymnasium								C	X			X	X	X	X	X	X
Health food store								C	X	X	X	X					X
Hobby shop, retail								C	X	X	X	X					X
Hospital (see subsection 10-4-4B7 of this title)												C	C				
Hotel, motel									X			X	X				X

Landscape contractor's storage yard															C	C	
Laundry, nonretail															X	X	C
Laundry, retail												X	X				X
Leather goods sales								C		X	X	X	X				X
Library, public (except for village uses)	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C
Liquor store (see section 3-8-6 of this code)										X	X	X	X				
Locksmith								C				X	X	X	X	X	X
Lumber, retail sales												C	C	C	C		
Machinery storage yard	C														C	C	
Massage establishment (only if currently licensed pursuant to Chapter 7 fo Title 3 of the Lake Villa Village Code)										C	C	C	C	C	C		
Meat market, retail								C		X	X	X	X				X
Meatpacking															X	X	
Medical cannabis cultivation center (see subsection 10-4-4B28 of this title)																C	
Medical cannabis dispensing organization (see subsection 10-4-4B29 of this title)													C	C	C		
Medical clinic, or office								C		X	C	X	X	X	X	X	X
Medical laboratory												X	X	X	X	X	X

Park or playground, public			X	X	X	X	X	X	X	X		X	X	X	X	X
Paint and wallpaper sales								C		X	X	X	X	X	X	X
Park, commercial recreation									C							
Pet store and grooming								C		X		X	X	X	X	X
Photography studio								C		X	X	X	X	X	X	X
Picnic grove									X							
Planned development (see chapter 9 of this title)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Playground	X	X	X	X	X	X	X	X	X	X		X				
Plumbing supplies and fixture sales, retail										X		X	X	X	X	X
Post office (United States)										X	X	X	X	X	X	X
Printing and photocopying service								C		X		X	X	X	X	X
Professional office								C		X	X	X	X	X	X	X
Radio and TV sales or repair								C				X	X	X	X	X
Real estate project sales office	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T
Recreation center, public	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X
Recreational accessory uses (see subsection 10-4-4B15 of this title)	C		C	C	C	C	C	C	C	C		C	C			
Recreational uses, outdoor (see subsection 10-4-4B16 of this title)										C						
Recreational vehicle park										C						
Recreational vehicle sales, service and rental												S	S	S	S	

Recreational vehicle storage															S	S	
Rental of equipment and supplies, indoor storage															X	X	
Resort									C								
Restaurant								C	X	X	X	X	X	C	C	X	
Retail sales as an accessory use								C						X	X		
Savings and loan association								C		X		X	X				X
Schools:																	
Business										X		X	X				
College, university or junior college										C		X	X				
Commercial school, trade, or other school offering specialized courses of study including personal training center															X	X	C
Elementary, high or junior high	X	X	X	X	X	X	X	X									
Fine arts									C	C							
General education	X	X	X	X	X	X	X	X									
Industrial															X	X	
Primary or secondary	X	X	X	X	X	X	X	X		C		X	X				X
Seminary, theological										C		X	X				
Scientific research laboratory including, but not limited to, pure research, product development, pilot plants, and research manufacturing facilities (see subsection 10-4-4B19 of this title)												C	C	X	X		

Seasonal sale of farm produce	T								T	T		T	T	T	T	T
Secondhand store/resale shop										X	X	X	X	X	X	X
Septic tank sales, service (see subsection 10-4-4B20 of this title)														C	C	
Sewing machine shop								C		X	X	X	X	X	X	X
Shelter, temporary	T	T	T	T	T	T	T	T								T
Sheltered care home (see subsection 10-4-4B2 of this title)	C	C	C	C	C	C	C	C								
Shoe repair shop								C				X	X	X	X	X
Shoe store								C		X	X	X	X			X
Shooting range, indoor									C			C	C	C	C	
Shooting range, outdoor (5 acres required)	C								C							
Shopping center (see Commercial center)									C	C	C	C	C	C	C	C
Sign shop										C		X	X	X	X	X
Signs (see Lake Villa sign ordinance) (chapter 6, article D of this title)	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X
Skating rink (ice, roller, or rollerblade)									C					C	C	
Solid waste disposal sites (not permitted)																
Souvenir, curio sales								C	X	X	X	X	X			X
Spectator sports facility, private and public, not including these accessories - primary and									C			C	C	C	C	

secondary schools (see subsection 10-4-4B9 of this title)																	
Sporting goods, sales								C		X	X	X	X	X	X	X	X
Sports arena								C				C	C	C			
Stable, commercial (see subsection 10-4-4B4 of this title)	C							C									
Stable, private (see subsection 10-4-4B4 of this title)	C																
Stationery store, retail sales								C		X	X	X	X	X	X	X	
Swimming pool, commercial (not permitted)																	
Tattoo Studio													S				
Tavern (sometimes also referred to as a "bar" or "cocktail lounge" or "nightclub")								C	C	X	X	X					
Taxicab garage (see subsection 10-4-3B3 of this title)														S	S		
Teen club								C	C	C	C	C	C	C	C	C	
Temporary sales	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T	
Theater									X	X		X	X	X	X		
Ticket office										X		X	X	X	X	X	
Toy store								C		X	X	X	X	X	X	X	
Travel agency								C		X		X	X	X	X	X	
Truck parking (see subsection 10-4-3B3 of this title)														S	S		
Truck sales, repair (see subsection 10-4-3B3 of this title)														S	S		

Truck, trailer rental (see subsection 10-4-3B3 of this title)															S	S	
Upholstery shop								C		X		X	X	X	X	X	X
Utility installation and service (see subsection 10-4-4B23 of this title)															C	C	
Utility service yard or garage															C	C	
Veterinary clinic (indoor only)												X	X	X	X	X	X
Village buildings, structures and other Village uses	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Warehouse															C	C	
Water softening equipment sales, rental, service										X		X	X	X	X	X	X
Welding shop															X	X	
Well drilling service															X	C	
Wholesaling and storage of goods or materials															X	X	
Wildlife refuge or preserve (5 acre minimum)	C																

10-3C-2: LOT AREA, YARD AND BULK REGULATIONS TABLE:

Zone	Use	Lot Size		Yards					
		Min. Area	Min. Width	Min. Front	Min. Rear	Total Side Yard Min.	Min. Side Yard	Min. Setback Abutting A Street	Min. Setback Abutting A Residential Or AG Zone

	At least 25% of required lot size mix	13,490 ¹	95 ⁶	30 ¹¹	25	25	10	30 ¹⁵	9
	At least 25% of required lot size mix	12,070 ¹	85 ⁶	30 ¹¹	25	22	9	30 ¹⁵	8
		10,650 ¹	75 ⁶	30 ¹¹	25	19	8	30 ¹⁵	7
UR3A	Any permitted school	200,000 ⁸	300	30	19	48	19	30	19
	Any permitted health- medical use	200,000 ⁸	300	75	100	200	100	75	100
	Single-family dwelling:								
	At least 15% of required lot mix	10,200 ^{1,10,14}	73 ⁶	30 ¹¹	25	18 ¹	9	30	10
	At least 15% of required lot mix	9,300 ^{1,10,14}	65 ⁶	30 ¹¹	25	16 ¹	8	30	9
	Not more than 50% of the required lot mix	8,000 ^{1,10,14}	55 ⁶	30 ¹¹	25	12 ¹	6	30	7
UR4	Any permitted school	200,000 ⁸	300	30	19	48	19	30	19
	Any permitted health- medical use	200,000 ⁸	300	75	100	200	100	75	100
	Group dwelling	20,000 ¹	90	30	25	23	9	30 ¹⁵	9
	Single and two-family dwelling	13,500 ¹	90	30	25	15	6	30 ¹⁵	6
	Any permitted townhouse or apartment:								
	First du	8,500 ¹	60	30	6	15	6	30 ¹⁵	6
	Second du	+5,000	+25	30	+4	+8	+4	30 ¹⁵	+4
	Each additional du	+3,000	+5	30	+1	+2	+1	30 ¹⁵	+1
NC	Any permitted school	200,000 ⁸	300	30	19	48	19	30	19

	Any permitted health- medical use	200,000 ⁸	300	75	100	200	100	75	100
	Single and two-family dwelling	13,500 ¹	90	30	25	15	6	30 ¹⁵	6
CR	Single-family dwelling:								
	With Village sewer	20,000 ¹	90 ²	30 ¹¹	25	23	9	30 ¹⁵	9
	Without Village sewer	40,000	100	30	25	20	10	30	10
	Any other permitted use ¹⁰	40,000 ⁸	190	30	20	40	20	30	20
SB	Suburban Business	40,000 ⁸	150	50	20	30	15	50	5030
CB	With Village sewer	10,000 ¹	50	30	12	24 ³	12	30 ¹⁵	30
	Without Village sewer ^{1,2,3,6,8}	20,000	100	30	12	24 ³	12	30 ¹⁵	30
CBD	Central Business District	-	-	- ¹²	- ¹³	- ³	- ³	- ¹²	- ¹³
LI	Light Industrial ^{4,6,8}	40,000	130	50	20 ⁵	40	20	50	2050
LI-2	Light Industrial ^{2,3,4}	20,000	90	50	20 ⁵	20	10	50	2050
RD	Railroad District	10,000 ¹	50	30	12 ⁵	15	6	30 ¹⁵	6

Zone	Use	Bulk			Max. Height Of Accessory Use		
		Max. Lot Coverage	Max. FAR	Max. Height Of Principal Use	Story	Ft.	Story
		%	%	Ft.			
1	2	11	12	13	14	15	16
AG	Health-medical use or veterinary clinic	10	-	35	2.5	25	1
	Commercial or private stable	10	-	35	2.5	25	1

	Single-family dwelling	10	-	35	2.5	25	1
SR	Any permitted school	20	-	35	2.5	25	1
	Health-medical use	20	-	35	2.5	25	1
	Single-family dwelling	20	-	35	2.5	25	1
UR1	Any permitted school	30	-	50	3	25	1
	Any permitted health- medical use	30	-	50	3	25	1
	Single-family dwelling ¹⁰	30	-	35	2.5	25	1
UR2	Any permitted school	30	-	50	3	25	1
	Any permitted health- medical use	30	-	50	3	25	1
	Single-family dwelling ¹⁰	35	-	35	2.5	25	1
UR3	Any permitted school	30	40	50	3	25	1
	Any permitted health- medical use	30	40	50	3	25	1
	Single-family dwelling ¹⁰ :						
	At least 25% of required lot size mix	30	40	35	2.5	25	1
	At least 25% of required lot size mix	30	40	35	2.5	25	1
		30	40	35	2.5	25	1
UR3A	Any permitted school	30	40	50	3	25	1
	Any permitted health- medical use	30	40	50	3	25	1
	Single-family dwelling:						

	At least 15% of required lot mix	30	40	35	2.5	25	1
	At least 15% of required lot mix	35	40	35	2.5	25	1
	Not more than 50% of the required lot mix	40	45	35	2.5	25	1
UR4	Any permitted school	30	40	50	3	25	1
	Any permitted health- medical use	30	40	50	3	25	1
	Group dwelling	30	40	35	2.5	25	1
	Single and two-family dwelling	30	-	35	2.5	25	1
	Any permitted townhouse or apartment:						
	First du	30	40	50	3	25	1
	Second du	30	40	50	3	25	1
	Each additional du	30	40	50	3	25	1
	<u>Any permitted apartment:</u>						
	<u>First du</u>	<u>30</u>	<u>50</u>	<u>50</u>	<u>4</u>	<u>25</u>	<u>1</u>
	<u>Second du</u>	<u>30</u>	<u>50</u>	<u>50</u>	<u>4</u>	<u>25</u>	<u>1</u>
	<u>Each additional du</u>	<u>30</u>	<u>50</u>	<u>50</u>	<u>4</u>	<u>25</u>	<u>1</u>
NC	Any permitted school	30	40	50	3	25	1
	Any permitted health- medical use	30	40	50	3	25	1
	Single and two-family dwelling	30	-	35	2.5	25	1
CR	Single-family dwelling:						
	With Village sewer	30	-	35	2.5	25	1
	Without Village sewer	30	-	35	2.5	25	1

	Any other permitted use ¹⁰	30	-	35	2.5	25	1
SB	Suburban Business	70	80	40	3	25	1
CB	With Village sewer	30	60	40	3	25	1
	Without Village sewer ^{1,2,3,6,8}	30	60	40	3	25	1
CBD	Central Business District	50	200	50	4	25	1
LI	Light Industrial ^{4,6,8}	60	80	40 ⁹	3	30	
LI-2	Light Industrial 2 ^{1,2,3,4}	40	80	40 ⁹	3	25	
RD	Railroad District	40	80	40	3	25	1

Notes:

12. CBD 2 foot front yard from Cedar Avenue; ~~25~~12 feet from all other streets in CBD.

10-4-6: LANDSCAPING:

G. Buffer Yards: Buffer yards are intended to mitigate the impacts associated with land uses of differing intensity on abutting properties. The standards require landscape buffer yards between such uses to minimize the harmful impacts of dust, debris, litter, glare, noise, signs, unsightly buildings and other objectionable features.

1. Standards: The buffer yard standards apply to all development or redevelopment.

2. Requirements: Buffer yards are required in accordance with the following table. To determine the type of buffer yard required, first identify the zoning of the site that is being developed (the first column of the table) and the abutting site's zoning (along the top of the table). Find where the zoning of the developing site and the abutting site intersect on the table. If a buffer yard is required, a letter designation will indicate the type of buffer yard required. See below for descriptions of buffer yards. (Ord. 2004-01-01, 1-14-2004)

	Abutting Site's Zoning
--	-------------------------------

Developing Site's Zoning (Developing Land Use)	AG	NC/SR	UR1-3A	UR4	Commercial	Industrial
AG	-	-	-	-	-	-
NC/SR (residential use)	-	-	-	-	-	-
NC/SR (nonresidential use)	-	B	B	A	-	-
UR1-3A (residential use)	-	-	-	-	-	-
UR1-3A (nonresidential use)	-	B	B	A	-	-
UR4	-	B	B	-	-	-
Commercial	-	C	C	B	-	-
Industrial	-	D	D	C	B	-
Any zoning (parking lots and vehicular use areas with 5 or more parking spaces)	-	C	C	C	-	-

(Ord. 2004-01-01, 1-14-2004; amd. Ord. 2014-07-01, 7-9-2014)

3. Buffer Yards For Abutting Property Outside Village: For purposes of determining buffer yards for property lines abutting properties which lie outside of the village of Lake Villa, the zoning of such properties shall be assigned the most equivalent district from the village of Lake Villa ordinance. In cases where the equivalent zone is unclear, the zoning officer shall determine this assignment.

4. Landscape Screening: Except as provided in Section 10-3E-4(K)(f), all buffer yards shall include screen and barrier sufficient to protect residential and all other environments from adverse effects, such as noise, lighting, odors and dust, of more intensive adjacent uses and contribute to improved community appearance and property values while preserving and enhancing the mature "established" character of Village neighborhoods. To determine the type of screening intensity required, first identify the zoning of the site that is being developed (the first column of the table) and the abutting site's zoning (along the top of the table). Find where the zoning of the developing site and the abutting site intersect on the table.

Developing Site's Zoning (Developing Land Use)	Abutting Site's Zoning					
	AG	NC/SR	UR1-3A	UR4	Commercial	Industrial
AG	-	-	-	-	-	-
NC/SR (residential use)	-	-	-	-	-	-
NC/SR (nonresidential use)	-	-	Medium	Light	-	-
UR1-3A (residential use)	-	-	-	-	-	-
UR1-3A (nonresidential use)	-	Medium	Medium	Light	-	-
UR4	-	Medium	Medium	-	-	-
Commercial	-	Heavy	Heavy	Medium	-	-
Industrial	-	Maximum	Maximum	Heavy	Medium	-
Any zoning (parking lots and vehicular use areas with 5 or more parking spaces)	-	Heavy	Heavy	Heavy	-	-

	Screening Intensity			
	Light	Medium	Heavy	Maximum
Height in feet ^{a,b}	–	2.5	4	6
Year-round Opacity ^c	–	50%	75%	75%

All requirements 1 through 4 are mandatory; all figures are minimums.

^a At time of installation.

^b Fence height as defined herein.




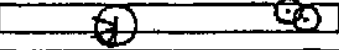


^c By the end of the second growing season after installation, if a screen composed of landscaping is used.

-45. Buffer Yard Types: The following tables list the requirements for the various types of buffer yards and their development options. A graphic depiction of each option is provided to illustrate the approximate projected density of required plantings five (5) years after installation. Landscape standards are based on the minimum requirements per one hundred (100) linear feet. Any fractional plant units must be rounded up to the nearest whole plant unit. Where the

minimum required setback width is less than the minimum required buffer yard width, the buffer yard may be reduced to that setback width provided there is no change in the total number of plants provided.




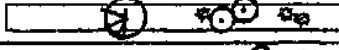



a. Type A:

Type A

	Width (feet)	Required per 100 Linear Feet				Example Canopy  Understory  Shrub* 
		Canopy Trees	Understory Trees	Shrubs	Fence	
Option 1	10	1	2	0	-	
Option 2	20	1	1	0	-	
Option 3	25	0	1	0	-	

b. Type B:

Type B

	Width (feet)	Required per 100 Linear Feet				Example Canopy  Understory  Shrub* 
		Canopy Trees	Understory Trees	Shrubs	Fence	
Option 1	10	1	2	3	-	
Option 2	15	1	2	2	-	
Option 3	20	1	1	2	-	
Option 4	25	0	1	1	-	

c. Type C:

Type C

	Width (feet)	Required per 100 Linear Feet				Example Canopy ☉ Understory ☉ Shrub *
		Canopy Trees	Understory Trees	Shrubs	Fence	
Option 1	1	0	0	0	6' opaque	
Option 2	10	2	4	6	-	
Option 3	15	2	4	5	-	
Option 4	20	2	3	5	-	
Option 5	25	1	2	4	-	
Option 6	30	1	2	2	-	

d. Type D:

Type D

	Width (feet)	Required per 100 Linear Feet				Example Canopy ☉ Understory ☉ Shrub *
		Canopy Trees	Understory Trees	Shrubs	Fence	
Option 1	1	0	0	0	6' opaque	
Option 2	10	3	5	8	44" picket	
Option 3	15	3	6	10	-	
Option 4	20	3	6	9	-	
Option 5	25	2	5	9	-	
Option 6	30	2	5	5	-	



DATE: December 7, 2023

TO: Chairman Craig Kressner and Members of the Zoning Board of Appeals

FROM: Michael Strong, Village Administrator

RE: **Discussion Item – Zoning Code Text Amendments Relative to Solar Energy Systems**

Background

The need for solar energy systems regulations arises from the increased technical advancement, popularity, and government incentives that are available and associated with installing and operating these systems. In Illinois, the State’s adoption of Senate Bill 2814, the Future Energy Jobs Act, that was signed into law in 2016 laid the groundwork for supporting community solar systems by removing obstacles and providing incentives to utility companies for establishing and supporting renewable energy systems as a means for power generation.

The Future Energy Jobs Act not only provides funding to incentivize the installation of commercial and utility-scale ground-mounted and building-mounted solar arrays, but also enforces new state renewable energy portfolio standards for ComEd. Under the law, ComEd is mandated to ensure that twenty-five percent (25%) of its power comes from renewable sources by the year 2025. This means that more investment in renewable energy systems will not only bring down the price of electricity and reduce our reliance on coal and nuclear energy but will also create many new renewable energy jobs across the State.

The Act also recognizes that many people may wish to participate or support solar energy deployment on their properties, but they may not have the money, space, or site conditions to install and operate a solar energy system or array on their own roof. Through the Act, solar developers can benefit from State incentives to install commercial-scale “community solar” gardens that allow residents to subscribe to power that is generated at these sites through net-metering credits that reduce the amount of electricity charged to their account yielding monthly cost savings to subscribers.

The Village of Lake Villa, given the amount of agricultural and vacant greenfield development opportunities, is well situated to host such renewable energy investments. However, the Village’s current Zoning Code does not contemplate these types of uses and therefore, expressly prohibits such community scale renewable energy systems within the Village. Over the past several months, Village Staff has received multiple development proposal requests from solar energy developers, however, current zoning regulations do not currently allow for these types of uses.

During their regular meeting on November 6, 2023, the Village Board heard a presentation by ECA Solar, a national solar developer, on a conceptual proposal for a community-scale solar project in Lake Villa. After the presentation, the Village Board directed Staff to engage the Zoning Board of Appeals in a discussion to review potential regulations relative to renewable energy systems.

Attached to this memorandum is a draft text amendment which seeks to provide guidance for the installation and operation of renewable energy systems whether an individual homeowner is installing solar panels on his/her roof or a commercial enterprise is building and maintaining a large scale wholesale solar energy production system.

Action Requested

Village Staff is seeking Zoning Board of Appeals direction on the draft amendments, and direction on whether a formal Ordinance and public hearing notice should be prepared for formal consideration and recommendation at a future meeting.

Attachments

Exhibit 1 – Copy of Draft Zoning Code Text Amendments

Renewable Energy Systems

DRAFT Zoning Code Text Amendments

****NEW DEFINITIONS****

GEOHERMAL ENERGY SYSTEM: A system which utilizes renewable energy generated from the interior of the Earth and used to produce energy for heating buildings or serving building commercial or industrial processes. A Geothermal Energy System does not include systems that use energy independent of the geothermal source to raise the temperature of the extracted heat, such as heat pumps.

LARGE WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower or mounting, and associated control or conversion electronics, which is intended primarily to generate utility power at a commercial scale.

NET METERING: An arrangement by which excess energy generated by a Renewable Energy System is distributed back to the electrical utility grid.

RENEWABLE ENERGY SYSTEM: A system that generates energy from natural resources such as sunlight, wind, and geothermal heat. As used herein, the term “Renewable Energy System” refers to Large Wind Energy Systems, Small Wind Energy Systems, Geothermal Energy Systems, and Solar Energy Systems only.

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower or mounting, and associated control or conversion electronics, which is intended primarily to reduce on-site consumption of utility power. All small wind energy systems, whether ground-mounted or building-mounted, are prohibited in all of the Village’s zoning districts, except within the CB, SB, LI, LI-2 Zoning Districts where each shall require specific authorization by a conditional use permit approved by Village ordinance.

SMALL WIND ENERGY SYSTEM, GROUND-MOUNTED: A Small Wind Energy System that is not attached to another structure and is affixed to the ground, or that is attached to an antenna, light pole or other utility facility.

SMALL WIND ENERGY SYSTEM, BUILDING-MOUNTED: A Small Wind Energy System affixed to a building or other principal structure.

SOLAR ENERGY SYSTEM: A system that uses the power of the sun to capture, distribute, and/or store energy for on-site consumption of utility power within a principal or accessory structure.

SOLAR ENERGY SYSTEM, BUILDING-MOUNTED: A Solar Energy System affixed to either the principal or accessory structure. A building-mounted solar energy system shall be a permitted use within any zoning district of the Village.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED: A Solar Energy System that is not attached to another structure and is affixed to the ground, or that is attached to an antenna, light pole or other utility facility. A ground-mounted solar energy system shall not be permitted by right in any zoning district of the Village, but may be authorized by a conditional use in the AG, LI, LI-2 Zoning Districts of the Village.

TOTAL SYSTEM HEIGHT: The total height of the tower and the wind turbine of a Small Wind Energy System, as measured from the average grade at the base of the system to the top of the blade or rotor.

****AMENDED USE TABLE FOR NEW RENEWABLE ENERGY SYSTEM USES****

Use	Large Wind Energy System	Small Wind Energy System, Ground-Mounted	Small Wind Energy System, Building-Mounted	Solar Energy System, Ground-Mounted	Solar Energy System, Building-Mounted
AG				C	X
NC					X
SR					X
UR1					X
UR2					X
UR3					X
UR3A					X
UR4					X
CR					X
CBD					X
CA					X
CB			C		X
SB			C		X
LI			C	C	X
LI-2			C	C	X
RD¹					X

****NEW SUBSECTION IN SUPPLEMENTARY ZONE REGULATIONS (10-4-1)****

RENEWABLE ENERGY SYSTEMS:

A. **PURPOSES:** The purposes of this Section are to:

1. Establish zoning regulations relative to the installation and operation of renewable energy systems permitted to be installed within the Village, i.e., Small Wind Energy Systems and Solar Renewable Energy Systems.

2. Accommodate sustainable energy production from renewable energy sources.
3. Preserve the character and aesthetics of the Village's zoning districts in the interest of maintaining property values, and promoting the public health, safety and welfare of Village residents and businesses.

B. **GENERAL REQUIREMENTS:** The requirements set forth in this Section shall govern the Renewable Energy Systems which may be installed within the Village.

1. **Applicability:** The provisions of this Section are intended to establish zoning regulations for Solar Energy Systems and Small Wind Energy Systems which may be installed in the Village. Geothermal Energy Systems and Large Wind Energy Systems are not permitted within any zoning district of the Village. Renewable energy installations not explicitly addressed herein may be authorized by a special use permit issued by the Village subject to compliance with the applicable provisions of this Village Code.
2. **Use:** Except as authorized by the Board of Trustees of the Village for public utility purposes, a Renewable Energy System shall be accessory to the principal permitted use of a site.
3. **Approvals:** No approval granted for a Renewable Energy System under the provisions of this Section shall be construed to prevent ordinary or permitted building, landscaping, or other accessory improvements on adjacent properties.
4. **Permitting and Installation:**
 - (a) A building permit is required to be obtained from the Village prior to commencement of any construction activity relative to the installation of any Renewable Energy System.
 - (b) The owner of a Renewable Energy System shall ensure that it is installed and maintained in good condition and in compliance with all applicable provisions of this Village Code and the laws, statutes, codes, and regulations enforced by any State or Federal agency of competent jurisdiction.
 - (c) All Small Wind Energy Systems shall be equipped with manual and/or automatic controls to limit rotation of blades to a speed below the manufacturer's designed limits.
 - (d) All wiring associated with a Renewable Energy System shall be underground or contained within a raceway that complements the building materials of the principal structure.

- (e) Interconnection: Energy produced by a Renewable Energy System shall be utilized on-site, except for Net Metering as authorized by the appropriate regulatory agencies required by law.
- (f) Illumination of a Renewable Energy System shall be prohibited, except to accommodate co-installation of parking lot lighting luminaries, where applicable.
- (g) Signage: No commercial signage or attention-getting device is permitted on any Renewable Energy System. A sign of a plain white background with black lettering not exceeding four (4) square feet in size shall be provided on each Small Wind Energy System which indicates the emergency contact information of the property owner or operator.
- (h) Screening: There shall be no required mechanical screening for Renewable Energy Systems.

C. SMALL WIND ENERGY SYSTEMS:

1. Authorization of Use:

(a) Building-Mounted Small Wind Energy System:

- (1) Conditional Use: Building-Mounted Small Wind Energy Systems shall be permitted as a conditional use in the CB, SB, LI, and LI-2 Zoning Districts and shall be installed in compliance with the requirements of this Section and the other applicable provisions of this Village Code.
- (2) Maximum Permitted Height: The maximum total permitted height of a Building-Mounted Small Wind Energy System shall not exceed ten feet (10') above the peak roof height of the building upon which said System is installed, or ten feet (10') above the maximum building height permitted in the respective zoning district in which said System will be located, whichever is less.
- (3) Location:
 - (i) Building-Mounted Small Wind Energy Systems shall be affixed to the roof deck of a flat roof or to the ridge or slope of a pitched roof and may not be affixed to the parapet or chimney of any structure.
 - (ii) Such systems shall be set back a minimum of five feet (5') from the edge or eave of the roof.

- (b) Ground-Mounted Small Wind Energy System: Ground-mounted Small Wind Energy Systems shall be prohibited in all Zoning Districts of the Village.
- 2. Noise: Sound levels for any Building-Mounted Small Wind Energy System shall not exceed the maximum decibels established in Section 10-4-1-3 (Performance Standards) of this Title. The Village may, at its discretion, require a professional sound measurement by a third party expert at the expense of the property owner, to confirm that the performance of such a wind energy system complies with said Performance Standards.
- 3. Color: Building-Mounted Small Wind Energy Systems shall be monochromatic in color, finished with a neutral and non-reflective coating, such as white or light grey. Ground equipment, such as cabinets and associated facilities, shall be factory-finished to match or complement the color of other structures on the respective property.

D. SOLAR ENERGY SYSTEMS:

- 1. Authorization of Use:
 - (a) Permitted Use: Building-Mounted Solar Energy Systems may be authorized administratively by a building permit in all zoning districts in accordance with the requirements of this Section and the other applicable provisions of this Village Code and shall be subject to prior review of the plans therefor and written approval thereof by the Zoning Enforcement Officer and the Building Commissioner, or their designees.
 - (b) Conditional Use: Any Ground-Mounted Solar Energy System must be specifically authorized by a conditional use, but such systems shall only be located within the Village's AG, LI, or LI-2 Zoning District.
- 2. Height:
 - (a) Building-Mounted Solar Energy System:
 - (1) When installed on a flat roof, a Building-Mounted Solar Energy System shall not exceed a maximum height of six feet (6') as measured from the roof surface of the building on which the system will be mounted to the highest point of the system as installed;
 - (2) When installed on a pitched roof, a Building-Mounted Solar Energy System shall be mounted parallel to the pitch of the roof and not extend more than one (1) foot off of the roof surface;
 - (3) In any event, the height of a Building-Mounted Solar Energy System

shall not exceed five feet (5') above the peak roof height of said building or five feet (5') above the maximum permitted building height of the respective zoning district, whichever is less.

- (b) Ground-Mounted Solar Energy System: The maximum height of a Ground-Mounted Solar Energy System shall be twelve feet (12') as measured from the average grade at the base of the system to the highest edge of the system as installed.
3. Location of Ground-Mounted Solar Energy Systems:
- (a) All Ground-Mounted Solar Energy Systems shall be subject to and shall require a conditional use permit authorizing installation and maintenance thereof by an ordinance approved by the Corporate Authorities of the Village after a required public hearing thereon, which conditional use permit shall require and include, but not be limited to, the Applicant's submission to the Village of a landscape screening plan and a plan for the decommissioning of such System, including a performance guarantee, all of which shall be approved by the special use ordinance.
 - (b) Ground-Mounted Solar Energy Systems shall not be located within any portion of the required front yard or corner side yard of any lot or parcel or in any utility, water, sewer, or other type of public or Village easement.
 - (c) All parts of any Ground-Mounted Solar Energy System shall be set back at least fifteen feet (15') from any interior side lot line(s) and at least fifteen feet (15') from any rear property line(s) of any lot or parcel, and a clear, brush-free and vegetation-free area not less than ten feet (10') in width, which area shall be required and maintained between the System and any property line, except for any property lines that abut a residential zoning or residential use, which shall be subject to fifty foot (50') set back.
 - (d) To the extent the respective requirements of Subparagraphs (2) and (3) are inconsistent, the more restrictive requirement of such Subparagraphs shall prevail and control.
 - (e) Each ground-Mounted Solar Energy System shall be located on a lot or parcel so that no portion of the System is visible from any street. Where the Village Administrator determines that it is necessary to accomplish the foregoing requirement of this Subparagraph 5, any Ground-Mounted Solar Energy System shall be effectively screened by fencing or landscaping in a manner approved in advance by the Village Administrator in order that no portion of said System is visible from any street(s) adjacent to the subject property.
4. Size of Ground-Mounted Solar Energy Systems: Ground-mounted, large-scale

solar energy systems may not exceed 25 acres in size or five megawatts a/c in capacity.

E. MAINTENANCE AND REMOVAL OF RENEWABLE ENERGY SYSTEMS

1. The owner(s) and/or occupant(s) of the property upon which a Renewable Energy System-is located shall be responsible to maintain said System: (1) in good repair and proper operating condition, (2) in compliance with this Village Code, including compliance with all applicable standards to ensure structural integrity of such facilities, (3) in compliance with (i.e., not exceeding) the noise level standards set from time to time by the Illinois Pollution Control Board for noise emissions from Class C land to Class A land and such other noise regulations as set forth in this Village Code, as amended from time to time, and (4) in compliance with the special use granted by the Village to authorize such system at all times. If a system becomes inoperable or damaged, operation of such system must cease and be promptly and properly remedied, or such system shall be removed.
2. If the Village determines that a Renewable Energy System fails to comply with the applicable provisions of this Village Code, the Village shall provide written notification to the property owner. The property owner shall have a period of sixty (60) days from the date of notification to either restore the Renewable Energy System to proper operating condition and to a condition of compliance with the applicable provisions of this Village Code, or remove the system.
3. In the event such Renewable Energy System is not brought into compliance with this Village Code within the specified time period, the Village may, and shall have the authority to remove or to cause the removal of said system at the property owner's expense and record a lien against the respective property for the Village's costs incurred relative to removal thereof, including but not limited to attorneys' fees.
4. The Village may pursue any and all available legal remedies to ensure that a Renewable Energy System which fails to comply with this Village Code or which constitutes a danger or a nuisance to persons or property is brought into compliance or removed.
5. Any delay by the Village in taking enforcement action against the owner of a Renewable Energy System and the owner of the property upon which such system is located, if such owner is different from the owner of such system, shall not constitute any waiver of the Village's right to take any action thereon at a later time.
6. The Village may seek to have the Renewable Energy System removed regardless of the owner's or operator's intent to repair or remove said system,

and regardless of any permits that may have been issued or granted therefor.

7. After the Renewable Energy System is removed, the owner and occupant of the subject property shall be jointly and severally obligated to promptly restore the subject property to a condition reasonably consistent with such property's condition prior to the installation of said system."

F. PROHIBITED RENEWABLE ENERGY SYSTEMS:

1. Geothermal Energy Systems shall be prohibited within all Zoning Districts of the Village as they present a risk to the aquifer which is relied upon by the Village for its potable water supply reserves.
2. Large Wind Energy Systems and ground-mounted small wind energy systems shall be prohibited within all Zoning Districts of the Village as they are inconsistent with the character and/or the scale of permitted uses within each of the Village's Zoning Districts.

G. STANDARDS FOR CONDITIONAL USES:

1. Standards for Granting a Certain Conditional Use for
 - (a) The proposed Renewable Energy System shall provide demonstrable benefits in furthering the intent of this Section and providing renewable energy to the property on which it is proposed; and
 - (b) The proposed Renewable Energy System is located in such a manner as to minimize intrusions on adjacent residential uses through siting on the lot, selection of appropriate equipment, and such other appropriate means; and
 - (c) The establishment of the proposed Renewable Energy System will not prevent the normal and orderly use, development, or improvement of the adjacent property for uses permitted in the respective zoning district.



**Plan Commission/Zoning Board of Appeals
2024 Meeting Schedule**

<u>NAME</u>	<u>DATE</u>	<u>TIME</u>
Regular Meeting	1/18/2024	7:00 P.M.
Regular Meeting	2/15/2024	7:00 P.M.
Regular Meeting	3/21/2024	7:00 P.M.
Regular Meeting	4/18/2024	7:00 P.M.
Regular Meeting	5/16/2024	7:00 P.M.
Regular Meeting	6/20/2024	7:00 P.M.
Regular Meeting	7/18/2024	7:00 P.M.
Regular Meeting	8/15/2024	7:00 P.M.
Regular Meeting	9/19/2024	7:00 P.M.
Regular Meeting	10/17/2024	7:00 P.M.
Regular Meeting	11/21/2024	7:00 P.M.
Regular Meeting	12/19/2024	7:00 P.M.

All of the above meetings will be held in the Village Hall located at 65 Cedar Avenue, Lake Villa, Illinois or via electronic means if permitted by the Opens Meeting Act.