

CHAPTER 6
GENERAL REQUIREMENTS

Section

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§10-6-1: SEWER AND WATER SERVICES REQUIRED:

- (A) Community sewerage and water supply systems are required in all A-2 and B-1 zones. However, lands in the A-2 zones may be developed prior to the establishment of the required sewer and water systems subject to the regulations contained in this Section.
(Ord. 66-7, 12-19-1966; amd. Ord. 2004-011, 11-15-2004)
- (B) Unsubdivided lands in the A-2 zones may be developed using septic tanks, provided that each parcel meets the on-site sewage disposal requirements of the Village and provided, further, that no lot shall be less than forty thousand (40,000) square feet in area.
(Ord. 66-7, 12-19-1966)

§10-6-2: NONCONFORMING USES AND BUILDINGS:

- (A) Continuance of Use:

Except as otherwise expressly provided in this Section, any lawfully established or existing use of a building, other structure or land existing at the effective date of this Title (the Village of Tower Lakes Zoning Ordinance), or of amendments thereto, or on the date of annexation thereof to the Village, that does not conform to the use regulations for the zoning district in which it is located, shall be deemed to be a legal nonconforming use and may be continued provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein. A building or other structure for a nonconforming use under construction on the date of adoption of this Title or on the date of adoption of a later amendment creating the nonconformity or on the date of annexation thereof shall be completed within one year.

- (B) Discontinuance of Use:

Whenever the use of any part of any building, other structure or land occupied is changed to or replaced by a use conforming to the provisions of this Title, such premises shall not thereafter be used or occupied by a nonconforming use. Whenever a nonconforming use of such building, other

structure or land, or part thereof, has been discontinued for a period of twelve (12) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of this Zoning Title. Where no building is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment.

(C) Change of Use:

A nonconforming use of a building, other structure or land or part thereof, may be changed to a use of the same or of a more restricted character, but may not thereafter be changed to any less restricted use, more intensive or lower class of use.

No part of any building, other structure or land occupied by a nonconforming use which is changed to or replaced by a use conforming to the provisions of this zoning title shall thereafter be used or occupied for a nonconforming use. Once changed to a conforming use, no such building, other structure or land shall be permitted to revert to a nonconforming use. A nonconforming use shall not be substituted or added to another nonconforming use.

(D) Repairs, Alterations:

Normal maintenance of a building, other structure or land containing a nonconforming use may be performed, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

No structural alterations shall be made in such a building, other structure, or land containing a nonconforming use except as hereinafter provided or except in the following situations:

1. When the alteration is required by law.
2. When the alteration will actually result in eliminating the nonconforming use, i.e., the entire building, other structure or land shall thereafter be devoted to a conforming use, and will be in compliance with and conforming to all the regulations applicable to the zoning district in which it is located.
3. The entire area of such structural alteration, enlargement, extension, or remodeling shall be in compliance with and conform to the requirements of the regulations applicable to the zoning district in which the building or other structure is located.
4. The building or other structure is remodeled structurally but without enlarging or extending the existing nonconforming building's exterior dimensions and without enlarging, extending, or increasing the degree of the nonconforming use in any manner.

(E) Damage and Destruction:

If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure may be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of this Title, or in compliance with any zoning variation previously granted for the building or structure. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original

condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. In either event, restoration or repair of the building or other structure must be started within a period of one year and diligently prosecuted to completion.

(F) Contiguous Lots of Record:

If two (2) or more contiguous lots (or combinations of lots or portions of lots) in single ownership are of record at the time of passage hereof, and if all or part of the lots do not meet the requirements for lot width or area as established by this Title, the land shall be considered an undivided parcel for the purpose of this Title, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Title, nor shall any division of the parcel be made which leaves remaining any lot or lots with width or area below the requirements stated herein, although the entire parcel may be used as one nonconforming use. Nothing herein shall prevent the conveyance of any parcel or any portion of any parcel to an adjoining owner, if after said conveyance, the portion of said parcel not so conveyed (in the event of a conveyance of a portion of a parcel) meets the width and area requirements of this Title. For the purpose of this Section, single ownership of separate lots includes ownership by a spouse or child or by land trust of which there is a common beneficial owner, or a land trust as to which a child or spouse is a beneficial owner. (Ord. 2005-102, 4-18-2005)

§10-6-3: MINIMUM FLOOR AREA; MAXIMUM LOT COVERAGE RATIOS:

(A) Minimum Floor Area:

Every dwelling hereafter erected in the following zoning districts shall have not less than the floor areas as set by the respective zoning districts, said floor areas being measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes:

Zoning District	1-Story	More Than 1-Story
F (Farming)	1,800 sq. ft.	2,100 sq. ft., with not less than 1,225 sq. ft. on the first floor
A-1 (40,000 sq. ft.)	1,800 sq. ft.	2,100 sq. ft. with not less than 1,225 sq. ft. on the first floor
A-2 (20,000 sq. ft.)	1,800 sq. ft.	2,100 sq. ft. with not less than 1,225 sq. ft. on the first floor
A-3 (5 acres)	1,800 sq. ft.	2,100 sq. ft. with not less than 1,225 sq. ft. on the first floor
A-4 (2 acres)	1,800 sq. ft.	2,100 sq. ft. with not less than 1,225 sq. ft. on the first floor

(B) Maximum Lot Coverage Ratios:

The lot coverage ratio is that numerical value obtained as a result of dividing the sum of the gross horizontal area of the footprint of all buildings and structures located on a lot or parcel by the area of the lot or parcel on which the buildings are located or intended to be located. Lot coverage

includes, but is not limited to, the area of the lot or parcel covered by the house, garage, porch, deck, gazebo and any other structure. The maximum lot coverage ratios shall be:

Actual Area Of Lot Or Parcel (In Sq. Ft.)	Maximum Lot Coverage Area
10,000 or less	34% of the area of the lot
15,000 or less, but greater than 10,000	30% of the area of the lot, up to a maximum of 4,500 sq. ft.
20,000 or less, but greater than 15,000	25% of the area of the lot, up to a maximum of 5,200 sq. ft.
25,000 or less, but greater than 20,000	22% of the area of the lot, up to a maximum of 5,500 sq. ft.
30,000 or less, but greater than 25,000	20% of the area of the lot, up to a maximum of 6,000 sq. ft.
35,000 or less, but greater than 30,000	18% of the area of the lot, up to a maximum of 6,300 sq. ft.
40,000 or less, but greater than 35,000	16% of the area of the lot, up to a maximum of 6,400 sq. ft.
Greater than 40,000	6,400 sq. ft., plus 5% of the area of the lot in excess of 40,000 sq. ft.

Any existing residence and/or other existing structure on a zoning lot or parcel with a lot area of twenty thousand (20,000) square feet or greater with lot coverage in excess of the otherwise applicable maximum lot coverage restriction(s) as set forth above may continue to exist as a legal nonconforming use, notwithstanding the foregoing maximum lot coverage restrictions; any new or replacement structure on any zoning lot or parcel with a lot area of twenty thousand (20,000) square feet or greater shall comply with maximum lot coverage restriction(s) as set forth above and with the other applicable provisions of this Zoning Ordinance; and no new residence or other structure shall be constructed or maintained on any zoning lot or parcel where the zoning lot or parcel has a lot area of less than twenty thousand (20,000) square feet, provided, however, that in such cases where there is an existing residence or other structure on such a nonconforming zoning lot or parcel, only a replacement residence complying with the maximum lot coverage restrictions as set forth above and with the other applicable provisions of this Zoning Ordinance shall be allowed.

(Ord. 2008-006, 8-18-2008)

§10-6-4: MINIMUM SETBACK FROM ROAD OR STREET, BODIES OF WATER, AND YARD SETBACKS:

- (A) Every part of a building or structure (front, rear or side) hereafter created or relocated shall be located or set back: 1) at least fifty feet (50') from any lot line which abuts any federal aid, State bond issue, State aid or county road or street; and 2) at least thirty feet (30') or twenty percent (20%) of the average depth of the lot or parcel, whichever is less, from a Village road right-of-way, street right-of-way, or other Village right-of-way.
- (B) In addition to the requirements of subsection (A) of this Section, any building or structure or part thereof hereafter erected in any zoning district shall be provided with a minimum front yard, minimum side yard and minimum rear yard as follows:

Front and rear yards	30 feet from the respective front and rear lot lines, or 20 percent of the average depth of the lot or parcel, whichever is less, but in no event closer to the front lot line than the average setback of the 2 houses on either side of the lot or parcel in question
Side yards	10 feet or 12 percent of the average width of the lot or parcel, whichever is greater

(C) Exceptions to setback and minimum yard restrictions are as follows:

1. Steps, open terraces, swimming pools and underground structures.
2. Eaves, chimneys, bay windows and other ordinary building projections may extend into the required yards for not more than twenty four inches (24").
3. Hedges and shrubbery, provided that such obstructions located on land at road or street corners within the vision triangle provided by the required building setback and side yard shall preserve a clear view between points two and one-half feet ($2\frac{1}{2}'$) above the crown of each intersecting roadway.

(D) Every part of a building or structure hereafter constructed, relocated, or altered shall be located or set back at least fifty feet (50') from the ordinary high water mark of any pond, lake, creek, river, stream, or other body of water. No building or any structure shall be constructed, relocated, or altered unless it is either in compliance with the foregoing setback requirements of this subsection or unless such structure is no closer at any point to the ordinary high water mark than the preexisting structure.

(E) If, in the application of this Section to a specific case, there should be conflict between any provision of this Section and any other provision of this Section, or between any provision of this Section with any other provision of this Chapter, the higher or more restrictive of the requirements of the conflicting provisions shall govern.

(F) The measurement of the minimum yard(s) and/or setback(s) as required by this Section is illustrated below:

§10-6-5: HEIGHTS OF BUILDINGS AND STRUCTURES:

- (A) The height of any building or other structure shall not exceed:
1. In the A-2 residential zoning district, twenty seven feet (27’); and
 2. In all other zoning districts, two and one-half (2.5) stories above a basement story, or thirty five feet (35’) in height, whichever is lower;
 3. Notwithstanding the foregoing restrictions, in any zoning district, antennas serving a single building may be up to sixty feet (60’) in height; provided, however, all such antennas and supports shall be of metal or synthetic material and shall be permanently affixed to and mounted upon the main building on the premises.
 4. Chimneys shall not exceed the building height by more than five feet (5’).

(Ord. 2004-011, 11-15-2004)

§10-6-6: ONE RESIDENCE PER LOT; DIVISION OF LOTS PROHIBITED:

Except as may be permitted by the President and Board of Trustees in a specific case, no single lot or parcel in a platted subdivision of record in any single-family residential zone may hereafter be used for more than one single-family residence and no such lot in a recorded subdivision shall be divided or subdivided, and no part less than the whole thereof shall be sold or conveyed except to the owner of contiguous property. (Ord. 76-125, 9-20-1976; amd. 2014 Code)

§10-6-7: VEHICLE PARKING REQUIREMENTS:

- (A) Parking Space Required:

No building, land or premises in any district shall be used for any purpose unless there is provided on the premises adequate parking space, off the street, to avoid traffic congestion.

- (B) Space Required For Specific Purposes:

Where a multiple-family dwelling or dwelling facility is constructed on any lot there shall be provided and maintained parking space for two (2) automobiles for each family unit.

Wherever a structure is erected or reconstructed for any of the commercial purposes permitted in a business district, there shall be provided not less than three (3) square feet of parking area for each square foot of building area used for business purposes. (Ord. 66-7, 12-19-1966)

- (C) Parking of Commercial Vehicles, Trailers, Recreational Vehicles, Boats and Similar Vehicles:

1. Commercial vehicles, truck tractors, buses, hauler trailers, travel trailers, camping trailers, campers, motor homes, mini-motor homes, van campers, truck campers, house trailers, mobile homes, recreational vehicles, farm tractors, or other implements of husbandry and/or landscaping maintenance equipment (but this shall not prohibit a lawn tractor or a small garden trailer and/or similar equipment designed or intended to be towed by such lawn tractors), boats

and boat trailers, personal watercraft and snowmobiles, and/or trailers for same, horse trailers or carriers, construction equipment or machinery, or any other similar vehicles, trailers or equipment (all hereinafter collectively referred to as “restricted vehicles and/or equipment”) shall be parked, maintained, or permitted to remain within the Village of Tower Lakes only in accordance with the provisions and restrictions of this Section but shall not otherwise be parked, used, occupied, maintained, or permitted to remain for any other purpose or in any other manner. All terms used in this Section shall have those respective definitions provided in the Illinois vehicle code, as amended from time to time, except as otherwise modified herein. For the purposes of this Zoning Ordinance, a vehicle shall be considered a “commercial vehicle”:

- (a) If the owner or lessee of such vehicle is someone other than one of the owners or beneficial owners of the private property on which such vehicle is parked; or
 - (b) If such vehicle exceeds eight thousand (8,000) pounds gross weight, whether unladen or with a load; or
 - (c) If such vehicle is or is intended to be operated “for hire”; or
 - (d) If such vehicle is carrying cargo which is not within the closed interior of the vehicle; or
 - (e) Any truck or other vehicle operated for the transportation of persons or property in the furtherance of any commercial, industrial, or institutional enterprise, but not including pickup trucks and sports utility vehicles.
2. Except as specifically provided below, no restricted vehicle and/or equipment shall be parked within the Village of Tower Lakes anywhere other than within a fully enclosed garage.

The foregoing notwithstanding, restricted vehicles and/or equipment may be parked on certain premises as follows:

- (a) When said restricted vehicles and/or equipment are owned, leased, and utilized by someone other than an owner or occupant of the premises, and only if such restricted vehicles are on the premises, for the present and immediate purposes of either making deliveries to the premises or rendering service to the owners or occupants of such premises; or
 - (b) For the purposes of loading or unloading for a period of not more than forty eight (48) hours within a thirty (30) day period (said period commencing with the first day during which a vehicle is so parked); or
 - (c) Boats which utilize only sail or human power and which do not exceed sixteen feet (16’) in length may be stored on the property on which they are utilized, on the property of a community association on which they are utilized, or on private residential property which is part of such a community association, but such storage shall not occur on residential property within the front yard of a vacant lot nor between the established building line of the principal structure and the front right-of-way line of improved premises.
- (Ord. 00-448, 3-21-2000)

(D) Inoperative Vehicles: (Repealed by 2001 Code)

(E) Enforcement:

This Section shall be administered and enforced by the enforcing officer and/or such other Village officers who shall be designated by the Village President, with the advice and consent of the Board of Trustees, and such person(s) may but need not be the same officer appointed as the enforcing officer for the other provisions of this Zoning Ordinance pursuant to Section 10-10-1 of this Title. (Ord. 00-448, 3-21-2000; Amd. 2014 Code)

§10-6-8: INCIDENTAL USES; HOME OCCUPATIONS; OCCASIONAL SALES:

(A) Incidental Uses of Existing Residence:

Unless otherwise prohibited or restricted herein, a permitted use also allows uses of the existing residence and structures incidental thereto if located on the same site or building plot. However, such incidental uses and structures shall not be established or erected prior to the establishment or construction of the principal use. Garages and accessory buildings, except playhouses and play equipment in conformity with Section 10-6-11 of this Chapter, in any residential A district must be attached to the residence and shall be considered part of the dwelling unit. (Ord. 2003-023, 9-15-2003)

(B) Compliance:

Only such home occupations and occasional sales in compliance with the regulations contained in this Section shall be permitted as an incidental use in connection with any residence.

(C) Home Occupations Standards:

Home occupations shall be permitted as long as they are uses that conform to the standards of this Section. The following standards shall govern the operation of a home occupation:

1. In general, a home occupation is a permitted incidental use only if it is so located and conducted so that:
 - (a) It is unobtrusive, subordinate and incidental to the residential use of the subject property;
 - (b) It does not alter the residential character of the subject property;
 - (c) It remains compatible with other permitted uses and with the residential character of the subject property, of the neighborhood, and of the Village;
 - (d) It does not in any manner detract from the residential character of the subject property, of the neighborhood, or of the Village;
 - (e) It does not detract from the peace, quiet and tranquility of the neighborhood or of the Village; and
 - (f) The average neighbor, under normal circumstances, would not be aware of its existence.
2. A home occupation in compliance with this Section may be conducted within a dwelling unit in any zoning district in which dwelling units are permitted.
3. The residence in which a home occupation is located shall be fully subject to the regulations of the zoning district in which it is located.
4. A home occupation shall be conducted completely within the dwelling unit.
5. In general, only the permanent residents of the dwelling unit shall be employed in a home occupation, and no other persons shall be employed or involved with a home occupation activity on the premises other than members of the immediate family residing in the dwelling unit, and not more than one other person who is not a resident of the dwelling unit shall be employed on the premises in such home occupation.

6. A home occupation shall be subordinate and incidental to the principal use of the building or structure for residential purposes. Not more than fifteen percent (15%) of the gross floor area of the dwelling unit shall be devoted to the home occupation.
7. The outside display or storage of goods, articles, products, commodities, supplies, and/or materials, equipment, machinery and/or other items utilized in a home occupation is prohibited.
8. The delivery of goods, articles, products or commodities sold or offered for sale directly to the consumer from or at the premises is prohibited and, in any event, the sale of firearms by a dealer shall not be permitted as part of any home occupation. Delivery or distribution of goods, articles, products, commodities, supplies, and/or materials, equipment, machinery and/or other items utilized in a home occupation to or from the premises to or by independent contractors, employees, or others is also prohibited.
9. Daycare facilities which require a license from the Illinois Department of Children and Family Services shall not be permitted as a home occupation.
10. No mechanical or electrical equipment shall be installed or maintained in a home occupation which is not customarily incidental to domestic or household use, but this shall not prohibit the use of telephones, microcomputers and connected peripherals, facsimile machines, and/or photocopy machines.
11. Home occupations shall not in any event generate noise, vibration, glare, smoke, fumes, odors, particulate matter or electrical interference beyond that which normally occurs in the residential zoning district in which it is located, or otherwise constitute a nuisance or a fire or safety hazard to the occupants of nearby properties.
12. A home occupation shall cause no discharge of any odors, fluids, gases, particulate or solid waste or material into the air or water or onto the land or any septic system or storm drain, swale or sewer, other than those normally occurring in residential use.
13. A home occupation shall include no storage of any pollutant, toxic chemical, poison, accelerant, acid or any other chemical not normally found on the premises of a residence.
14. No exterior indication of a home occupation or variation from the residential character of the dwelling shall be permitted. No alteration of any dwelling shall be made in connection with a home occupation which changes the character of such dwelling as a residential structure.
15. There shall be no exterior display and no exterior signs related to any home occupation. There shall be no interior display or interior signs related to any home occupation which are visible from the exterior of the residence.
16. A home occupation shall not create any appreciable increase in vehicular or pedestrian traffic in the neighborhood or in the Village.
17. The conduct of any home occupation shall not:
 - (a) Obstruct or impede traffic;
 - (b) Interfere with ordinary street maintenance;
 - (c) Reduce or render unusable areas provided for required off street parking; or
 - (d) Prevent the ordinary number of cars intended to be parked in a garage from doing so.

(D) Occasional Sales:

1. General: As used herein “occasional sales” shall mean those sales of goods, wares and merchandise owned by the occupant of the premises or owned by a group of persons having a common sale generally known as garage sales, basement sales, house sales, estate sales, yard sales and/or rummage sales conducted on an infrequent and irregularly scheduled basis on premises zoned or used for residential purposes.
2. Time Limitation: It shall be unlawful for any person to conduct or to allow to be conducted, an occasional sale as defined herein on premises zoned or used for residential purposes, over a period of time in excess of two (2) days or to conduct more than one such occasional sale on the same premises, by the same household, within any six (6) month period. It is further provided that no occasional sale as defined herein shall begin before nine o’clock (9:00) A.M. nor continue later than six o’clock (6:00) P.M. Signs for any such occasional sale shall comply with subsection 10-7-4 (A)8 of this Title.
3. Display of Merchandise: It shall be unlawful for any person to display for sale any goods, wares or merchandise under the provisions of this Section beyond the property lines of his or her lot, or on their own lot on a continuing basis.

(Ord. 95-387, 5-15-1995)

§10-6-9: FENCES; DEBRIS:

- (A) Fences: No fences shall be permitted in any A district (residential).
- (B) Debris: No garbage, ashes, paper, miscellaneous waste, rubbish, manure, or other substance that may contain disease germs, or be scattered by the wind, or decompose or become filthy, noxious, or unhealthful shall be dumped or deposited or allowed to remain anywhere within the Village, on either public or private property. (Ord. 92-342B, 9-21-1992)

§10-6-10: SKATEBOARD RAMPS:

- (A) “Skateboard Ramps” Defined:

“Skateboard ramps” shall refer to all outdoor structures, commonly known as “ramps” or “pipes”, designed and principally intended to permit persons on skateboards, on in-line skates, or on bicycles to move from one side to the other.

- (B) Generally:

It has been determined that the unregulated use and construction of skateboard ramps in the Village can be detrimental to the health, safety, and welfare of residents of the Village, and regulation of these ramps is essential.

- (C) Use on Public Streets or Property Prohibited:

It shall also be unlawful for any person to use a skateboard ramp on any public property, public street, alley, sidewalk, or within any public right-of-way.

(D) Prohibited in Certain Zoning Districts:

Notwithstanding anything in this Section to the contrary, skateboard ramps shall not be considered a permitted incidental (or accessory) use or structure, and the construction, use, and/or maintenance of such ramps shall be and is hereby prohibited within any private recreational (PR), residential (A) or any public use zoning district.

(E) Applicability of Provisions; Compliance:

In order to protect the health, safety, and welfare of the citizens of this Village, the provisions set forth in this Section shall apply to any skateboard ramp constructed, erected, placed or maintained within the Village of Tower Lakes on or after the effective date of this Section and shall also apply to any skateboard ramp currently in existence within the Village of Tower Lakes as of the effective date of this Section although such skateboard ramp may have been constructed, erected, placed, or maintained prior to the effective date of this Section. In the case of existing skateboard ramps, any skateboard ramp owner or property owner upon which any such skateboard ramp is located shall have a period of thirty (30) days from the effective date of this Section to remove said skateboard ramp or otherwise bring it into compliance with this Section.

(Ord. 97-414, 6-16-1997)

§10-6-11: PERMITTED PLAYHOUSES AND PLAY EQUIPMENT:

(A) For the purposes of this Chapter, a “playhouse” shall mean an accessory building or outbuilding structure designed and intended for recreational use by children, and not used for storage, not exceeding five feet (5’) in height and not exceeding twenty five (25) square feet in ground (i.e., footprint) area.

(B) For the purposes of this Chapter “play equipment” shall mean accessory structures consisting of an outdoor play station, tower, and/or swing set, or any combination thereof, designed and intended for use by children and not used for storage, not exceeding ten and one-half feet (10.5’) in height and not exceeding one hundred twenty (120) square feet within its ground (i.e., footprint) or shadow area.

(C) No playhouse or play equipment shall be located on any zoning lot closer to any road, street, or cul-de-sac than any part of the residence located on such lot.

(D) Playhouses and play equipment complying with this Section may be located within a rear yard setback as otherwise required by this Chapter and/or within a side yard setback as otherwise required by this Chapter, provided, however, that no such permitted exceptions shall be within such setback(s) unless they are at least ten feet (10’) from any lot line, and the roof(s) thereof is and remains of subdued natural wood or earth toned material.

(E) Playhouses and play equipment shall not be used for storage.

(Ord. 2003-023, 9-15-2003)