

CHAPTER 6
GENERAL REQUIREMENTS

Section

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§10-6-1: MUNICIPAL WATER SERVICES REQUIRED:

- (A) Municipal potable water supply system service is required in all A-2 Zoning Districts and B-1 Zoning Districts. However, lands in the A-2 Zoning Districts developed prior to the establishment or extension of the required municipal water system may continue to be developed subject to the regulations contained in this Chapter.

(Ord. 66-7, passed 12-19-1966; Amd. Ord. 2004-011, passed 11-15-2004; Amd. Ord. 2009-005, passed 07-20-2009)

- (B) Unsubdivided lands in the A-2 Zoning Districts 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 hereafter developed shall be less than forty thousand (40,000) square feet in area.

(Ord. 66-7, passed 12-19-1966; Amd. Ord. 2009-005, passed 07-20-2009)

§10-6-2: NONCONFORMING LOTS, USES AND/OR BUILDINGS:

- (A) Continuance of Nonconforming 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 Nonconforming 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(s) to a Nonconforming 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, Destruction, and/or Demolition:

If a building or other structure containing a nonconforming use is damaged, destroyed, and/or demolished by any means in the aggregate 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, destruction, and/or demolition is in the aggregate less than fifty percent (50%) of its replacement value, based upon prevailing construction costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued to that 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) Nonconforming Lots of Record: Contiguous Nonconforming Lots of Record:

- (1) No vacant contiguous nonconforming lot of record, nor any combination of two (2) or more vacant nonconforming lots of record, or portions thereof, held in common ownership which does not or do not, taken as a whole, meet the minimum required lot area for the Zoning District in which such subject property is located shall not hereafter be improved with a new single-family residence (excluding tents or trailers) unless a variation has first been granted by a specific ordinance of the Village for such lot of record or for such combination of two (2) or more contiguous nonconforming lots of record held in common ownership to allow the construction of a new single-family residence on the subject property, provided, however, notwithstanding the foregoing, this paragraph shall not serve as a limitation or restriction on any lot of record, or any combination of two (2) or more nonconforming and contiguous lots of record, which is or are improved with an existing single-family residence as specifically provided, and to the extent allowed in Paragraphs E, F, and/or G of this Section as set forth below.
- (2) 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 minimum requirements for lot width or lot 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.
- (3) Notwithstanding anything contained in this Title to the contrary:
 - (a) If any single lot or a combination of lots is nonconforming in that it does not meet the minimum requirements for lot area for the zoning district in which the subject property is located as established by this Title; and

- (b) Such lot or lots is or are improved with an existing single-family residence which existing residence is proposed to be modified by alteration, enlargement, extension, and/or remodeling; and
- (c) The entire area of such alteration, enlargement, extension, and/or remodeling of such residence shall be in compliance with and conform to the requirements of the regulations applicable to the zoning district in which the subject property is located,

such alteration, enlargement, extension, and/or remodeling may occur without the necessity of the approval by the Board of Trustees of a variation relative to such nonconforming lot area, even though the lot or combination of lots does not otherwise meet the lot area requirements of this Title.

(Ord. 2005-102, passed 04-18-2005; Amd. Ord. 2009-005, passed 07-20-2009; Amd. Ord. 2020-05, passed 05-18-2020)

§10-6-3: MINIMUM FLOOR AREA; MAXIMUM LOT COVERAGE RATIOS, AND IMPERVIOUS SURFACE AREA 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, any ground-mounted solar energy system, 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 or parcel
15,000 or less, but greater than 10,000	30% of the area of the lot or parcel, 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 or parcel, 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 or parcel, 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 or parcel, 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 or parcel, 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 or parcel, 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 or parcel in excess of 40,000 sq. ft.

Any existing residence and/or other existing structure on a 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 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 lot or parcel where the 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 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.

(C) Impervious Surface Area Ratio:

The impervious surface ratio is that numerical value obtained as a result of dividing the sum of the gross horizontal area of all impervious surface or surfaces on a lot or parcel added together by the area of the lot or parcel on which the impervious surface is located. An impervious surface is any hard surface or man-made surface or area, which surface or area does not readily absorb or retain water, including but not limited to any building roof, porch, gazebo, parking and/or driveway area, graveled area, sidewalk, animal enclosure, and/or recreation area. The maximum permitted impervious surface area ratio on any lot or parcel shall be calculated as follows:

A	B	C
Actual Lot Area (in square feet)	Maximum Lot Coverage Area	Maximum Impervious Surface Area Ratio
10,000 sq. ft. or less	34% of the area of lot or parcel.	40%
15,000 sq. ft. or less, but greater than 10,000 sq. ft.	30% of the area of lot or parcel, up to maximum of 4,500 sq. ft.	36%
20,000 sq. ft. or less, but greater than 15,000 sq. ft.	25% of the area of lot or parcel, up to maximum of 5,200 sq. ft.	31%
25,000 sq. ft. or less, but greater than 20,000 sq. ft.	22% of the area of lot or parcel, up to maximum of 5,500 sq. ft.	28%
30,000 sq. ft. or less, but greater than 25,000 sq. ft.	20% of the area of lot or parcel, up to maximum of 6,000 sq. ft.	26%
35,000 sq. ft. or less, but greater than 30,000 sq. ft.	18% of the area of lot or parcel, up to maximum of 6,300 sq. ft.	24%
40,000 sq. ft. or less, but greater than 35,000 sq. ft.	16% of the area of lot or parcel, up to maximum of 6,400 sq. ft.	22%
Greater than 40,000 sq. ft.	6,400 sq. ft., plus 5% of the area in excess of 40,000 sq. ft.	22%, plus 1.86% of area of lot or parcel in excess of 40,000 sq. ft.

In the event the building(s) and structure(s) on any lot or parcel, including but not limited to any recreation area, are less than the maximum permitted lot coverage ratio as set forth above, additional impervious area may be added to such lot or parcel up to the maximum permitted impervious surface area ratio for the size of such lot or parcel as set forth above.

(Ord. 2008-006, passed 08-18-2008; Amd. Ord. 2009-005, passed 07-20-2009; Amd. Ord. 2022-06, passed 11-21-22)

§10-6-4: MINIMUM SETBACKS FROM ROAD OR STREET, AND BODIES OF WATER, AND FRONT YARD, SIDE YARD AND REAR 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 base flood elevation 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 Paragraph (D) or unless such structure is no closer at any point to the base flood elevation 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:

MEASUREMENT OF MINIMUM YARD(S) AND SETBACK(S)

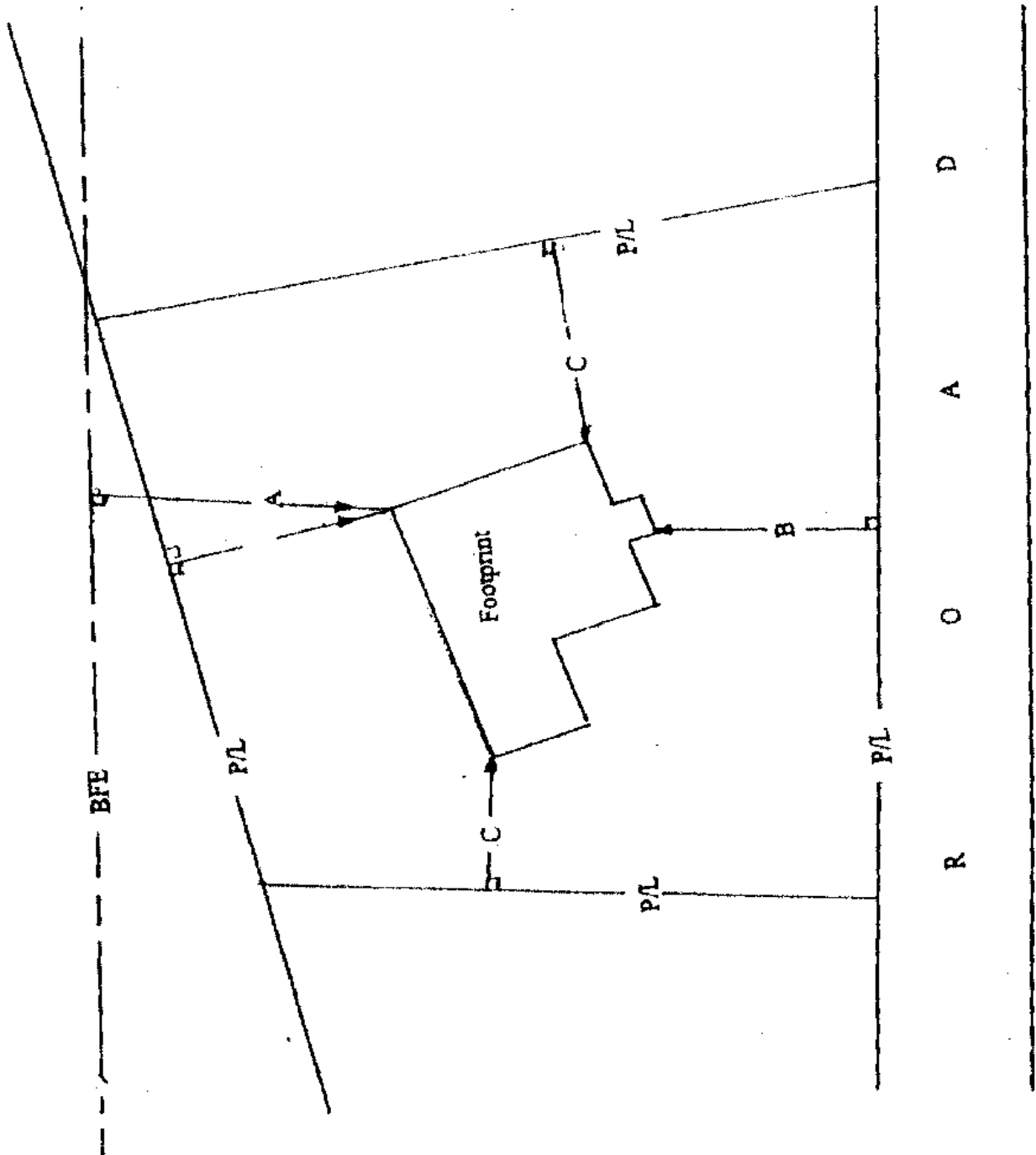


EXHIBIT A

(Ord. 2008-011, passed 1-19-2008; Amd. Ord. 2009-005, passed 07-20-2009)

§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, passed 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, passed 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, passed 3-21-2000)

(D) Inoperative Vehicles: (See Title 8, Chapter 5 of this Code)

(E) Enforcement; Fines:

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.

Any person violating any of the provisions of this Section shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation continues shall constitute a separate offense.

(Ord. 00-448, passed 3-21-2000; Amd. Ord. 2009-005, passed 07-20-2009; Amd. 2014 Code)

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

(A) Purpose: The purposes of this Section are as follows:

1. To establish certain regulations relative to the establishment and operation of certain incidental uses such as home occupations, occasional sales, and short-term rentals within the Village, but only on the condition that such uses are compatible with the residential districts in which they are proposed to be located; and
2. To protect and preserve the quiet enjoyment of residential properties and neighborhoods within the Village and to mitigate and/or eliminate adverse secondary effects the Village and its residents have experienced by reason of short term rental(s) of residential structure(s) within the Village, including but not limited to gatherings by attendees who have little connection to or consideration for Village neighborhoods or neighbors.

(B) Incidental Uses of Existing Residence:

Except as otherwise prohibited and/or restricted by this Title, uses and/or structures accessory or incidental to a residence are permitted but only on the condition that any such use or structure is located on the same lot or parcel upon which a residence is located. However, such an accessory or incidental use and structure shall not be constructed, established, and/or operated on any property within the Village prior to the establishment or construction of the residence. Any garages or other accessory buildings or other accessory structure constructed in any residential A Zoning District shall be attached to the residence in such a manner so as to be part of the dwelling unit, with the exception of: (1) playhouses and play equipment when in full compliance with Section 10-6-11 of this Chapter, and (2) chicken coops and runs when in full compliance with Section 8-3-10 of this Code. Solar energy systems shall be permitted as an attached accessory structure, but only when roof-mounted on a single-family residence and when in full compliance with Section 10-6-13 of this Chapter.

(C) Compliance:

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

(D) Home Occupations Standards and Restrictions:

A home occupation shall be permitted as long as it is a use that is incidental to the primary use of the property in question as a residence and is established and operated in compliance with the standards of this Paragraph D. 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 Paragraph D 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.

(E) Occasional Sales Restricted:

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 Chapter 7 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 Paragraph E beyond the property lines of his or her lot, or on their own lot on a continuing basis.

(F) Short-Term Rental Restricted:

1. Except as otherwise provided herein, leasing, renting, offering or inviting the leasing or renting, or otherwise permitting the short-term rental and/or occupancy of any dwelling unit and/or accessory structure located within the Village for less than three (3) months at a time shall be prohibited, with the exception of a hotel or similar establishment duly licensed by the Village, and such conduct shall be prohibited, whether engaged in or participated in by the owner(s) of

the property, one or more agent(s) of the property owner(s), and/or by any person(s) leasing, or seeking to lease as a lessor(s), or renting or seeking to rent as a lessee(s) and/or otherwise occupy a premises as tenant(s) and/or as temporary occupant(s) thereof.

2. The restrictions of this Paragraph F shall be applicable whether the rental premises comprise(s) all or a part of the principal structure, or all or part of any accessory structure.
3. Whether or not consideration is exchanged for the lease and/or rental of a premises shall not in and of itself be determinative as to whether an occupancy is a short-term rental for the purposes of this Paragraph F if the definition thereof is otherwise applicable to such activity.
4. The property owner(s) shall remain jointly and severally responsible for compliance with all applicable provisions of these Zoning Regulations and the Village of Tower Lakes Village Code during the term of any rental and/or occupancy agreement during the term of any occupancy of the rental premises by any person(s) other than the property owner(s).
5. No temporary or accessory structure shall be permitted to be used for any short-term rental.
6. The restriction on short-term rentals as herein provided shall not apply when the immediately preceding owner(s) of a property maintains possession of the dwelling unit after closing on a real estate transaction for the sale thereof and leases said property back from the successor owner for a period of time pursuant to a written agreement.
7. Each day a principal structure or any accessory structure in the Village is offered for rent as a short-term rental, is leased or rental as a short-term rental, and/or each day a principal structure or any accessory structure is occupied as a short-term rental, as that term is defined herein, shall constitute a separate violation of this Paragraph F.
8. Notwithstanding any of the provisions of this Paragraph F to the contrary, this Paragraph F shall not be applicable to any short-term rental agreement entered into between the owner(s) of property in question and lessee(s) which was entered into and executed before June 20, 2017 where the intended period of occupancy relative to any residence within the Village is on or before December 1, 2017.

(Ord. 2017-06, passed 06-19-2017; Amd. Ord. 2019-12, passed 12-16-2019; Amd. Ord. 2022-06, passed 11-21-2022)

§10-6-9: FENCES; DEBRIS:

- (A) Fences: Except for those structures specifically excluded from the definition of a “Fence” contained in Section 10-1-3, “Definitions”, of this Title, 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, passed 9-21-1992; Amd. Ord. 2018-09, passed 08-20-18)

§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, passed 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, passed 9-15-2003)

§10-6-12: ADULT USE CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED:

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

- Adult Use Cannabis Cultivation Center,
- Adult Use Cannabis Craft Grower,
- Adult Use Cannabis Dispensing Organization,
- Adult Use Infuser Organization or Infuser,
- Adult Use Cannabis Processing Organization or Processor,
- Adult Use Cannabis Transporting Organization or Transporter, and
- Any other Adult Use Cannabis Business Establishment(s) as defined in this Title 10.

(Ord. 2019-11, passed 12-16-2019)

§10-6-13: SOLAR ENERGY SYSTEMS:

- (A) Scope/Applicability: This Section regulates the location, installation, operation, and maintenance of solar energy systems within the Village. All systems installed after the effective date of adoption of this Chapter shall be located, installed, operated, and maintained in compliance with this Chapter.
- (B) Purpose/Intent:
 - (1) The regulations set forth in this Section are intended to encourage the efficient and effective development and use of solar energy systems located within the corporate limits of the Village of Tower Lakes while protecting the public health, safety, and welfare.
 - (2) Solar energy is a valuable economic resource that can be utilized throughout the Village for purposes which include but are not limited to:
 - (a) To implement the following objectives of the Village's Official Comprehensive Plan by:
 - (i) encouraging the use of local solar energy resources;
 - (ii) promoting sustainable building design and practices;
 - (iii) encouraging economic development while preserving the community's semi-rural character;

- (b) To decrease the community's reliance on fossil fuel power sources and reduce greenhouse gas emissions and achieve carbon reduction goals;
- (c) To enhance the reliability and resiliency of the local power grid and make more efficient use of the local electric distribution infrastructure;
- (d) To promote consumer choice and allow residents and businesses to use local, solar energy while displacing fossil fuel generation;
- (e) To improve air quality and protect public health;
- (f) To establish reasonable and uniform regulations for the location, installation, operation and maintenance of solar energy systems;
- (g) To assure that development and production of solar energy systems is safe and to minimize adverse effects on the community and adjacent properties;
- (h) To facilitate energy cost savings for the residents of the Village of Tower Lakes; and
- (i) To promote solar energy resources in support of national and state goals.

(C) General Requirements Applicable to Solar Energy Systems:

- (1) Zoning: A roof-mounted solar energy system shall be authorized in any Zoning District of the Village as an attached accessory use provided that such system and the location, installation and operation thereof is in compliance with this Section and all other applicable provisions of this Village Code.
- (2) Height: A roof-mounted solar energy system shall not exceed the maximum height otherwise permitted in the respective zoning district in which the system is located. For purposes of this Section, the term "height" shall be as defined and measured in accordance with the definition of "height" as set forth in Section 10-1-3, "Definitions", of this Title.
- (3) Accessory Use: A solar energy system shall be considered a permitted accessory use, the primary purpose of which shall be to produce energy to support the permitted use(s) on the subject property.
- (4) Sale of Surplus Power: It is permissible to sell excess energy that is produced by a solar energy system to the local electric utility company in accordance with all applicable federal, state and local laws and regulations.
- (5) Industry Standards: Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), and the Institute of Electrical and Electronics Engineers (IEEE).
- (6) Building Permit Required:
 - (a) No solar energy system shall be installed without first obtaining a building permit issued by the Village. The fee for such a Village permit shall be as determined by the Corporate Authorities of the Village from time to time.
 - (b) Installation of any solar energy system within the Village shall be subject to all inspections as required by this Village Code.

- (7) Building Permit Application Requirements: An application for a building permit for the installation of all solar energy systems shall be submitted to the Village for the Village's review and approval, shall be executed by the record owner(s) of the subject property, and shall contain the following information as well as be accompanied by the documentation set forth below:
- (a) Name, address and telephone number of both the applicant as well as the owner(s) of record of the subject property;
 - (b) Name, address and telephone number of the person, firm or corporation installing the solar energy system, as well as the Contractor's License number.
 - (c) Manufacturer specifications of the solar energy devices, including, wattage capacity, dimensions of collectors, mounting mechanisms and/or and structural requirements.
 - (d) For a roof-mounted solar energy system, plans identifying the existing roof structure, location of panels, the size of the system and design details and the anchorage details, as well as dimensions of the installation components, along with setbacks from the edge of the roof;
 - (e) A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency;
 - (f) Written consent of the owner of the building on which the solar energy system is to be installed;
 - (g) Information evidencing full compliance by the respective solar energy system with this Section and any other applicable ordinances of the Village.
- (8) Compliance with Building Codes: Solar energy systems must comply with the Building Regulations of the Village (Title 4 of this Village Code) as well as with all other applicable ordinances of the Village.
- (9) Adjacent Property: Any and all solar energy system(s) installed within the Village shall be installed so as not to restrict or limit the use and/or development of any adjacent properties or other properties within the Village.
- (10) Indemnification: The owner(s) of a solar energy system shall execute and submit to the Village a Hold Harmless and Indemnification Agreement which shall be in the following form: The undersigned hereby agree, to the greatest extent permitted by law, to defend, indemnify and hold harmless the Village of Tower Lakes and its elected and appointed officers, officials, employees, agents, and volunteers from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including but not limited to attorney's fees and costs of defense arising out of and/or resulting from the installation, operation, and/or maintenance of the solar energy system of the undersigned arising out of and/or resulting from any act(s) or omission(s) of the owner(s) relative to the subject solar energy system.

(D) Roof-Mounted Solar Energy System Requirements:

- (1) Solar energy systems shall comply with all applicable provisions of this Village Code.

- (2) No roof-mounted solar energy system shall exceed the height limitations for structures within the zoning district in which the solar energy system will be located.
- (3) Any roof used to support a roof-mounted solar energy system shall be designed and constructed to support the roof, snow loads, and the solar energy system load.
- (4) Penetrations of the roof covering shall be flashed and sealed or self-sealing fasteners used.
- (5) A roof-mounted solar energy system may be installed on any pitched roof provided they are fixed and installed parallel with the plane of a pitched roof. No solar energy system, nor any part thereof, shall protrude from the plane or surface of any type of pitched roof, except as otherwise authorized in this Section.
- (6) A roof-mounted solar energy system on a flat roof may be oriented to achieve maximum sun exposure but shall not exceed three (3) feet in overall height or extend above the building parapet, whichever is less. If no parapet exists, screening which is architecturally compatible shall be installed. Any screening must be installed a minimum of the distance equal to the height of the screening from the edge of the roof.
- (7) A solar energy system shall not obstruct any plumbing, mechanical or building roof vents.
- (8) Solar panels for solar energy systems shall be installed on rooftops so as to be as unobtrusive as possible from the street level.
 - (a) Solar panels shall be installed on a rail or frame system parallel to the roof or shall be integrated directly into the roof deck. Panels raised at an angle above the roof are prohibited, except on a flat roof where such panels shall not exceed three (3) feet above the plane of the flat roof.
 - (b) Total height of panels from the plane of the roof to the top of the panels must not exceed eight inches (8") on a pitched roof.
 - (c) No portion of a solar energy, including but not limited to the respective solar panels, shall extend beyond any existing roof line or beyond the building façade of the building on which the system is mounted.
 - (d) Solar panels may not be installed on the facing portions of mansard or gambrel roofs if these roofs are visible from the street.
- (9) On each roof plane, a minimum eighteen inch (18") wide pathway from the lowest roof edge to ridge shall be provided on the same roof plane as the PV array.
- (10) For each roof plane on which a PV array is to be installed, an eighteen inch (18") wide pathway shall be provided on each side of the roof ridge.
- (11) Any emergency escape window(s) located on the second floor of a structure must have a clear thirty-six inch (36") wide path from the window(s) to an eave of the roof.
- (12) A Direct Current (DC) disconnect switch must be mounted at eye level near the electric meter with access for the Fire Department. The switch must be labeled to show that it disconnects the PV array.

- (13) PV frame modules, electrical equipment and conductor enclosures shall each be grounded.
- (14) A double-pole Alternating Current (AC) disconnect must be provided in the circuit breaker box of the building to disconnect the inverter from the main power supply.
- (E) Ground-Mounted Solar Energy Systems Prohibited: No ground-mounted solar energy system shall be allowed within the Village, and such ground-mounted solar energy systems are hereby specifically prohibited.
- (F) Requirements for Battery Storage Systems for Solar Energy Systems:
- (1) Such battery storage system shall be utility interactive with an auto disconnect feature in the event of a power failure.
 - (2) Such battery storage system shall include a Battery Management System (BMS) to prevent overcharging and thermal runaway.
 - (3) Such battery storage system shall not be installed in any living area(s).
 - (4) Such battery storage system shall have a certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency is required.
 - (5) Such battery storage system shall be installed away from sources of heat and in a well-ventilated area.
 - (6) Such battery storage system shall be enclosed.
 - (7) Such battery storage system shall have a separate disconnect switch located in close proximity or as a part of the system.
 - (8) Such battery storage system shall be installed by a licensed contractor, solar contractor or licensed electrician.
- (G) Disposal of Solar Energy Systems:
- (1) A solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner(s) of the subject property and the operator of the system shall be and are jointly and severally obligated to physically remove the installation no more than one hundred eighty (180) days after the date the operation of the system has ceased. The owner(s) and operator(s) of the system shall be and are jointly and severally obligated to notify the Village's Building Department of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (a) Physical removal of all solar energy systems, structures, equipment, and electrical wiring lines from the site.
 - (b) Disposal or recycling of all solid and hazardous waste related to the system in accordance with local, state, and federal waste disposal and recycling regulations.

(Ord. 2022-06, passed 11-21-22)