

District Regulations Of General Applicability

ARTICLE IX

PART I-A

ACCESSORY AND TEMPORARY STRUCTURES AND USES

9-101 ACCESSORY STRUCTURES AND USES

9-101 A. Authorization. Subject to the limitations of this Section 9-101, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district.

9-101 B. Definition. An accessory structure or use is a structure or use that:

1. Is subordinate in area, extent and purpose to, and serves, a principal structure or use;
2. Is customarily found as an incident to such principal structure or use;
3. Contributes to the comfort, convenience or necessity of those occupying, working at or being served by such principal structure or use;
4. Is, except as otherwise expressly authorized by the provisions of this Code, located on the same zoning lot as such principal structure or use; and
5. Is under the same ownership and control as the principal structure or use.

9-101 C. Certificate of Zoning Compliance Required. When required by Subsection 11-401 C of this Code, a Certificate of Zoning Compliance evidencing the compliance of the accessory use or structure with the provisions of this Code shall be obtained before any such accessory use or structure is established or constructed.

9-101 D. Special Regulations Applicable to Particular Accessory Structures and Uses.

1. Storage. Except as otherwise expressly permitted by this Code, outdoor storage shall not be allowed as an accessory use; where so permitted, such storage shall be screened as required by Subsection 9-107 of this Article.

Accessory storage structures, other than garages, shall not exceed 200 square feet in gross floor area if accessory to a residential use or ten percent (10%) of either the floor area or the volume of the principal structure if accessory to any other type of principal structure.

2. Residential Recreational Facilities.

- a) Use. Residential recreational facilities shall be limited to use by the occupants of the principal residential use and their guests.

- b) Landscaping and Screening. See Subsection 9-107 of this Article for landscaping and screening requirements applicable to such facilities.
- c) Pools. No pool, or any equipment appurtenant thereto, shall be located:
 - (1) In any required front yard;
 - (2) In any required corner side yard; or
 - (3) Less than six (6) feet from any property line if located in any required rear yard or required interior side yard. See also Chapter 6 of the Northbrook Municipal Code for pool fence requirements.
- 3. Accessory Parking Lots in Single Family Residential Districts. Except when approved as part of a special permit, parking lots shall not be permitted as an accessory use in any single family residential district.
- 4. Off-Street Storage of Vehicles. The provisions of Subparagraphs (a) through (e) of this Paragraph shall govern the off-street storage of all vehicles in all residential districts and the provisions of Subparagraph (f) of this Paragraph shall govern the off street storage of all vehicles in all districts:
 - a) Storage Defined. For purposes of this Paragraph, the term storage shall mean the parking of a vehicle for a continuous period of longer than twelve (12) hours.
 - b) Storage of Vehicles in Garages. Any vehicle may be stored in a garage in a residential district provided that said garage complies with all applicable provisions of this Code.
 - c) Storage of Vehicles in Parking Lots. Any vehicle, except a commercial vehicle, may be stored in any lawfully existing parking lot in any multiple family residential district (or any such lot approved as part of a special permit) provided that such storage is in compliance with the provisions of Subsection (f) below. No such vehicle shall be stored so as to reduce the availability of off-street parking spaces below the minimum number of spaces required pursuant to Subsection 9-104 F of this Code. For purposes of this Subparagraph, a common parking area provided pursuant to Subparagraph 9-104 B2(b) shall be treated as a parking lot.
 - d) Storage of Vehicles in Parking Areas. Any vehicle, except a commercial vehicle, may be stored in a parking area provided that such storage is in compliance with the provisions of Subparagraph (f) below.
 - e) Parking and Storage of Commercial Vehicles in Residential Districts. The parking and storage of commercial vehicles in residential districts shall comply with the following restrictions:
 - (1) Class I Commercial Vehicles. No Class I commercial vehicle shall be parked or stored in any unenclosed parking lot or parking area on any lot, except for the period necessary for the reasonable expeditious loading or unloading of such vehicle or in conjunction with the performance of a service or delivery for the benefit of the lot or its owners or occupants.
 - (2) Class II Commercial Vehicles.
 - (i) Number. Not more than one Class II commercial vehicle may be stored in any unenclosed parking lot or parking area on any lot. Any other Class II commercial vehicle parked or stored on such lot shall be located on such lot only for the period necessary for the reasonable expeditious loading or

unloading of such vehicle or in conjunction with the performance of a service or delivery for the benefit of the lot or its owners or occupants.

- (ii) Signs. Any Class II commercial vehicle with a sign area in excess of six (6) square feet on any one side of such vehicle shall be stored in an enclosed garage.

The Village Manager may, upon written request, for good cause shown and following notice pursuant to Subparagraph 11-303 B3(a) of this Code, waive the application of any of the restrictions set forth in this Subparagraph (e).

- (f) General Regulations and Standards. The following standards and regulations shall apply to the storage of vehicles in parking lots and parking areas all districts:
 - (1) Location on Lot. Parking lots and parking areas shall comply with yard requirements applicable in the district in which they are located, except that parking areas for residential uses in Single-Family Residential Districts may be located in any required yard.
 - (2) Surface. No vehicle shall be stored except on an all-weather asphalt or concrete pavement surface.
 - (3) Permanent Location Prohibited. No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its ready removal.
 - (4) Residential Use Prohibited. No vehicle shall be used for living, sleeping or housekeeping purposes while parked or stored in the Village.
 - (5) Utility Hookups. No vehicle shall be connected to any public utility except for required servicing.
 - (6) Unsafe Conditions. No vehicle shall be parked or stored so as to create a dangerous or unsafe condition. The ground under or surrounding the location wherein a vehicle is stored shall be free of noxious weeds, debris and combustible material.
- 5. Storage of Inoperable or Unlicensed Vehicles. No vehicle, other than a vehicle awaiting timely repair at an automotive repair shop, gasoline station or new or used car dealer, incapable of being driven or used for the purpose or use for which it was designed, or without all required licenses, shall be stored in any parking lot or parking area in the Village. The lack of a current state or village vehicle license or a current state emissions test sticker shall create a rebuttable presumption that the vehicle is unlicensed.
- 6. Stables. Private stables shall not be allowed as an accessory use except in compliance with the following restrictions:
 - a) Lot Area. A minimum lot area of two (2) acres shall be provided.
 - b) Fenced Pasture Area. A minimum fenced pasture area of one (1) acre shall be provided for each horse. The fence shall be sufficient to contain the pastured horses.
 - c) Location. The stable shall not be located within 100 feet of any property line.
 - d) Sanitation. All feed shall be stored in rodent-proof containers. Manure in excess of ten (10) cubic yards shall be removed and properly disposed of. No manure shall be stored within 100 feet of any property line. All nuisance-causing conditions shall be immediately abated.

7. Antenna With Surface Areas of Ten (10) Square Feet or Less. Antenna and antenna support structures having a combined surface area not greater than ten (10) square feet, and no single dimension exceeding twelve (12) feet, shall be permitted as an accessory use.
8. Antenna, other than Amateur Radio Facilities, With Surface Areas Exceeding Ten (10) Square Feet. Except for amateur radio facilities permitted pursuant to Paragraph 9-101 D8 of this Section, antenna and antenna support structures having a combined surface area greater than ten (10) square feet, or having any single dimension exceeding twelve (12) feet, shall be permitted as an accessory use only in compliance with the following regulations:
 - a) Number Limited in Residential Districts. No more than one (1) such antenna and antenna support structure may be located on any zoning lot in any residential district.
 - b) Height Limited. Unless attached to a building pursuant to Subparagraph (c) below, no such antenna or antenna support structure shall exceed 65 feet in height in the Industrial Districts or twelve (12) feet in height in any other district; provided, however, that such antenna or antenna support structure may alone or in combination exceed these height limits only if so authorized by special permit where such a special permit is allowed by applicable zoning district regulations.
 - c) Attachment to Buildings Limited. No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
 - (1) Size. The antenna and antenna support structure shall not exceed fifteen (15) square feet in area or twelve (12) feet in any dimension.
 - (2) Height. The antenna and antenna support structure shall not extend more than three (3) feet above the highest point of the building on which it is mounted or the maximum permissible building height, whichever is less.
 - (3) Mounting. The antenna and antenna support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and antenna support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and antenna support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
 - (4) Color. The antenna and antenna support structure shall be of a color that blends with the roof or building side on which it is mounted.
 - (5) Grounding. The antenna and antenna support structure shall be bonded to a grounding rod.
 - (6) Other Standards. The antenna and antenna support structure shall satisfy such other design and construction standards as the Village Manager reasonably determines are necessary to ensure safe construction and maintenance of the antenna and antenna support structure.
 - d) Setback from Street. No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

- e) Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna or support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.
9. Amateur Radio Facilities with Surface Area Exceeding Ten (10) Square Feet. Any antenna and antenna support structure having a combined surface area greater than ten (10) square feet or having any single dimension exceeding twelve (12) feet that is capable of transmitting as well as receiving signals and is licensed by the Federal Communications Commission as an amateur radio facility must satisfy each of the following conditions:
- a) Number Limited. No more than one (1) such antenna support structure with a surface area greater than ten (10) square feet or any single dimension exceeding twelve (12) feet may be located on any zoning lot.
- b) Height Limited. No such antenna or antenna support structure shall, if ground-mounted, exceed 70 feet in height, or if attached to a building pursuant to Subparagraph (c) below, the height therein specified.
- c) Attachment to Buildings Limited. No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
- (1) Height. The antenna and antenna support structure shall not extend more than 25 feet above the highest point of the building on which it is mounted.
- (2) Mounting. The antenna and antenna support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and antenna support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and antenna support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
- (3) Grounding. The antenna and antenna support structure shall be bonded to a grounding rod.
- (4) Other Standards. The antenna support structure shall satisfy such other design and construction standards as the Village Manager reasonably imposes.
- d) Setback from Street. No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.
- e) Setbacks from Adjacent Buildings. No such antenna or its support structure shall be located in any required side yard or nearer than one-half the height of the antenna and support structure to any habitable building on any adjacent property.
10. Uses Accessory to Hotels. Notwithstanding anything in this Code to the contrary, the following uses shall be deemed to be accessory to hotels; provided that such uses are located entirely within the hotel building and with no principal exterior access:
- a) Gift shops
- b) Barber shops
- c) Beauty shops

11. Uses Accessory to Uses in the Institutional Buildings District. Notwithstanding anything in this Code to the contrary, the following uses shall be deemed to be accessory to uses in the Institutional Buildings District:
- a) That are permitted uses in that district; or
 - b) For which a special permit has been lawfully issued and is in full force and effect; provided that in every case, such uses shall be located entirely within the institutional building and with no principal exterior access:
 - (1) Eating places
 - (2) Outdoor seating accessory to permitted eating places
 - (3) Carryout eating places
 - (4) Drinking places accessory to permitted eating places
 - (5) Florists
 - (6) Tobacco stores and stands
 - (7) News dealers and newsstands
12. Uses Accessory to Open Space Uses. Notwithstanding anything in this Code to the contrary, the following uses shall be deemed to be accessory to uses in the Open Space uses:
- a) That are permitted uses in that district; or
 - b) For which a special permit has been lawfully issued and is in full force and effect; provided that such uses shall be located entirely within the open space and with no principal exterior access:
 - (1) Eating places
 - (2) Outdoor seating accessory to permitted eating places
 - (3) Carryout eating places
 - (4) Drinking places accessory to permitted eating places.
13. Accessory Child Day Care Services in the Commercial, Office and Industrial Zoning Districts. Notwithstanding anything in this Code to the contrary, child day care services shall be considered permitted accessory uses in all Commercial, Office, and Industrial Districts subject to the following limitations:
- a) The accessory child day care service shall be for the exclusive use of employees of the principal use. Child day care services serving those not employed on the premises shall be deemed a separate principal use, and so regulated in accordance with this Code.
 - b) All requisite state and local licenses and permits regarding child day care services shall be required for such operations.
 - c) All regular child day care service activities, including any outdoor play areas, shall be located within the building setbacks for the district in which the principal use is located.
 - d) The persons or organization operating the accessory child day care service need not be employed by the owners or operators of the principal use.

14. Accessory Child Day Care Services in the IB Zoning District. Notwithstanding anything in this Code to the contrary, child day care services shall be considered permitted accessory uses in the IB, Institutional Building District subject to the following limitations:
- a) No building additions shall be permitted for such accessory child day care service, except as authorized for the principal structure in the IB District.
 - b) All requisite state and local licenses and permits regarding child day care services shall be required for such operations.
 - c) All regular child day care service activities, including any outdoor play areas, shall be located within the building setbacks for the IB District.
 - d) The persons or organization operating such accessory child day care service need not be employed by the owners or operators of the principal use.
15. Independent Senior Living Facilities, Assisted Living Facilities, and Nursing Home Facility Accessory Uses in the RS District. Notwithstanding anything in this Code to the contrary, the following uses shall be deemed to be accessory uses subject to the following standards:
- a) Types of Uses. The following accessory uses are permitted on the same zoning lot as the principal independent senior living facility, assisting living facility, or nursing home facility provided that they are complementary and related to such uses:
 - (1) Medical offices, including physical therapy and related uses;
 - (2) Pharmacy services;
 - (3) Barber shops/beauty salons;
 - (4) Recreational services;
 - (5) Convenience stores;
 - (6) Automated teller machines and similar banking facilities;
 - (7) Nonprofit/charitable organization offices, including religious organizations; and
 - (8) Similar support services as may be approved as a part of the special permit for Independent Senior Living, Assisted Living, and/or Nursing Home Facilities.
 - b) Minimum Lot Size. The accessory uses in this subsection shall only be permitted on zoning lots that are a minimum of 100,000 square feet.
 - c) Primarily Resident Use. Accessory uses shall be for the benefit of residents of the facility. While non-residents may be permitted to intermittently utilize an accessory use, the accessory use is intended for utilization by on-site residents.
16. Exterior Lighting. Any permitted accessory lighting fixtures shall be so designed, arranged and operated as to prevent direct rays of light from being cast onto any adjacent property or street and so as not to produce excessive sky-reflected glare. Except for street lights, no exterior light in or adjacent to any residential district shall be so designed, arranged or operated to produce an intensity of light exceeding one-half foot candle at any residential lot line.
17. Uses Subject to Special Restrictions. Where the District Regulations of this Code require compliance with any procedures or standards with respect to a specific use, such use shall not be established as an accessory use except in compliance with those procedures and standards.

18. Uses Accessory to Membership Organizations, including Religious Organizations. Notwithstanding anything in this Code to the contrary, the following not-for-profit uses shall be deemed to be accessory to membership organizations, including religious organizations. These accessory uses need not be under the same ownership and control as the principal use, but shall be located entirely within the membership organization's building, and shall have no separate principal exterior access:

- a) Community educational programs.
- b) Community social service programs.
- c) Civic, social, and religious organizations.

19. Restrictions on the Use of Dwelling as a Short-Term Rental.

- a) Only residential dwelling units may be used or offered as short-term rentals. No exclusively commercial, office, industrial or institutional property or portion thereof may be used or offered as a short-term rental.
- b) No dwelling unit may be used or offered as a short-term rental as its principal use.
- c) No dwelling unit may be used or offered as a short-term rental unless the owner or long-term tenant of the dwelling units resides on the premises for the entire duration of any short-term rental.
- d) No short-term rental may be rented for a period shorter than two consecutive nights.
- e) No more than two bedrooms within a dwelling unit may be used or offered as a short-term rental at any one time. Notwithstanding this limit, at no time may all bedrooms within a dwelling unit be offered as short-term rentals simultaneously.
- f) No bedroom used or offered as a short-term rental may be rented and occupied by more than two adults simultaneously.
- g) Accessory or secondary dwelling units on a lot may not be used or offered as short-term rentals.
- h) All overnight parking for persons renting a short-term rental must be provided on the same zoning lot as the short-term rental and must be located on an improved hard surface. Street parking may not be used by persons renting a short-term rental.
- i) No dwelling unit may be used for a short-term rental unless the owner or long-term tenant of the dwelling unit has registered with the Village their intent to offer and use the dwelling unit as a short-term rental.
- j) Prior to the first rental of a short-term rental in any calendar year, the owner or long-term tenant of the dwelling unit must deliver written notice by mail or personal delivery to the owners of all parcels that abut the property on which the short-term rental will be located of the owner's or long-term tenant's intent to offer their dwelling unit as a short-term rental. The written notice must include the rental registration number of the property, as provided by the Village Manager, and contact information for the owner or long-term tenant of the short-term rental.
- k) All short term rentals must incorporate and contain all fire protection equipment and systems required pursuant to Chapter 6 of the Village Code in an operable manner.
- l) All garbage and refuse must be stored in compliance with the requirements of the Village Code. Refuse containers may not be placed outdoors, except on the designated day for garbage and refuse collection.

m) Advertising and Signage.

- 1) Notwithstanding any provision of this code to the contrary, no sign advertising or otherwise promoting a short-term rental may be installed or erected on the premises.
 - 2) All online advertising regarding short-term rentals, including listings on short-term rental platforms, must:
 - i) List a valid short-term rental registration number issued by the Village; and
 - ii) Only advertise a short-term rental that complies with all of the short-term rental regulations and restrictions set forth in this Section.
- n) Penalty. Any person who violates any of the provisions of this Section will be fined in the amount set forth in Section 11-803 of this Code. Each day that a violation exists constitutes a separate offense.

9-101 E. Special Bulk, Yard and Space Regulations.

1. General Rule. Except as otherwise provided in this Subsection E, all accessory structures and uses shall comply with, and be included in calculating compliance with, all bulk, yard and space requirements applicable in the district in which they are located.
2. Distance from Principal Structures. No detached accessory structure, except an air conditioning unit, antenna or antenna support structure, shall be located within ten (10) feet of any principal structure unless such accessory structure is protected by a fire separation wall in compliance with the Northbrook Building Code.
3. Special Height Limitation.
 - a) General. No accessory structure shall exceed fifteen (15) feet in height measured from grade when located in any yard or setback required for any principal structure.
 - b) Flagpoles. Notwithstanding the otherwise applicable height limitations in the district, flagpoles may extend to a height of ten (10) feet above the highest point of the roof of the principal structure.
 - c) Antennas. Notwithstanding the otherwise applicable height limitations in the district, the height of any antenna with a surface area in excess of ten (10) square feet shall be governed by Paragraph 9-101 D of this Section.
4. Special Side and Rear Yard Regulations for Residential Recreational Facilities. Notwithstanding the otherwise applicable side and rear yard regulations established for principal structures and uses by the district regulations of this Code, residential recreational facilities shall be governed by the special landscaping and screening requirements in Subsection 9-107 of this Article.

9-101 F. Use Limitations.

1. Every accessory structure or use shall comply with the use limitations applicable in the zoning district in which it is located.
2. No accessory structure or use shall be constructed, established or maintained on any lot prior to the substantial completion of construction of the principal structure to which it is accessory.

9-102 HOME OCCUPATIONS

9-102 A. Authorization. Subject to the limitations of this Section 9-102, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.

9-102 B. Definition. A home occupation is a business, profession, occupation or trade that:

1. Is conducted for gain or support by a full-time occupant of a dwelling unit;
2. Is incidental and secondary to the use of such dwelling unit for dwelling purposes; and
3. Does not change the residential character of such dwelling unit.

9-102 C. Use Limitations.

1. Employee, Client, and Independent Contractor Limitations.

- a) The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted. In addition, where a day care nursery is operated as a home occupation, the principal provider of day care shall be domiciled in the dwelling where such day care nursery is operated.
- b) No more than four persons who are employees, clients, or independent contractors of the home occupation and are not domiciled in the dwelling unit where a home occupation is conducted shall be present in such dwelling unit at one time, except a day care nursery operated as a home occupation shall be allowed attendance of up to eight children, including family members, at any one time. This limitation shall not apply to employees or independent contractors who do not work at, or clients that do not visit, the dwelling unit devoted to such occupation. The presence of more than four persons who are employees, clients, or independent contractors at one time and are not domiciled in the dwelling unit where a home occupation is conducted shall only be allowed by special permit issued pursuant to Section 11-602 of this Code.

2. Structural Limitations.

- a) No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.
- b) No separate entrance shall be provided in connection with the conduct of any home occupation in a principal structure.

3. Operational Limitations.

- a) No activity associated with a home occupation, except for the parking of employee, client, and independent contractor vehicles, shall be conducted on a residential lot unless it is conducted wholly within a principal dwelling unit or permitted accessory structure.
- b) No more than a total of 500 square feet of floor, or 25% of floor area, whichever is less, of any dwelling unit or any permitted accessory structure (including the attic, basement, and cellar floor areas but excluding the garage floor area devoted to permissible parking of a vehicle used in connection with the home occupation) shall be devoted to the conduct of all home occupations.

- c) No stock in trade shall be displayed or sold on the premises of any home occupation except as part of a garage sale, and subject to the garage sale regulations in Paragraph 9-103 D1 of this Code.
 - d) No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
 - e) No outdoor storage shall be allowed in connection with any home occupation.
 - f) No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
 - g) Employees and independent contractors of the home occupation who are not domiciled in the dwelling unit, and clients who visit the home occupation, shall only be present in the dwelling unit for the purpose of conducting the home occupation during the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday and 10:00 a.m. to 3:00 p.m. Saturday and Sunday. Day care nurseries shall be exempt from this requirement.
4. Signage and Visibility.
- a) No sign other than as permitted pursuant to Paragraph 9-106 F3 shall advertise the presence or conduct of the home occupation.
 - b) Except for the identification sign permitted in Subparagraph C 4(a) above, no home occupation shall be in any manner visible or apparent from any public or private street.
5. Traffic and Parking Limitations. No home occupation shall generate more traffic than is typical of residences in the area.
- a) Vehicles delivering or picking-up supplies or products associated with a home occupation shall be allowed at the dwelling unit between 8:00 a.m. and 8:00 p.m. Deliveries and pick-ups, other than mail and parcel delivery and pick-up typically found in a residential neighborhood, shall be limited to two times a day.
 - b) Other than for deliveries and pick-ups, the operation of a home occupation shall not result in more than two vehicles visiting the site of a home occupation at any one time or exceed eight vehicle visits to the site per day; however, additional vehicle visits shall only be allowed by special permit issued pursuant to Section 11-602 of this Code. Day care nurseries shall be exempt from this requirement.
 - c) Vehicles used in connection with any home occupation shall be subject to the requirements of Paragraph 9-101 D4 of this Article.
 - d) Home occupations shall not serve as a dispatch center where employees come to the site and are dispatched or directed to other locations.
6. Nuisance-causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause any nuisance or be noxious, offensive or hazardous.
7. Licensing Requirements. Every home occupation shall be subject to applicable business licensing and inspection requirements.

8. Registration of Day Care Nurseries Operated as Home Occupations. Every day care nursery operated as a home occupation shall register with the Village Manager.

9-103 TEMPORARY USES

9-103 A. Authorization. Subject to the limitations of this Section 9-103, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified.

9-103 B. Definition. A temporary use is a use that:

1. Is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and
2. Does not involve the construction or alteration of any permanent structure.

9-103 C. Certificate of Zoning Compliance Required; Special Standards for Issuance and Revocation.

1. Certificate Required. Except as provided in Paragraphs D1 and D13 below, no temporary use shall be established or maintained unless a Certificate of Zoning Compliance evidencing the compliance of such use with the provisions of this Code shall have first been issued in accordance with Section 11-401 of this Code; provided, however, that permitted temporary uses of publicly owned or leased buildings and property, other than those included in Paragraph D13 below, shall be exempt from this requirement.
2. Bases for Certificate Denial. Such a Certificate may be denied if the Village Manager determines that the applicant has failed to comply with the standards, conditions or terms of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of all Village Ordinances regulating the development, use and maintenance of the property. Such a certificate shall be denied if the Village Manager determines that the public health, safety or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.
3. Conditions on Certificate. Such a Certificate may be conditioned upon such special requirements as the Village Manager may determine are necessary to achieve the purposes of this Code and to protect the public health, safety, and welfare.
4. Revocation of Certificate. Such a Certificate shall be revoked if any of the standards and conditions imposed pursuant to this Section 9-103, or such certificate, are violated.

9-103 D. Permitted Temporary Uses. Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified:

1. Garage Sales. In any residential district, but only in compliance with the following terms and conditions:
 - a) Garage Sale Defined. The term “garage sale” includes all general sales of goods open to the public, conducted from a residential premises including, but not limited to all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “flea market,” “rummage,” “estate,” or “moving” sale.
 - b) Permit Required. It shall be unlawful for any person to conduct or allow a garage sale involving the sale of multiple new items of the same description without applying

- for and obtaining a permit therefor. Such permit shall be without charge and in a form acceptable to the Village Manager.
- c) Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be required for garage sales authorized pursuant to this Paragraph 1.
 - d) Frequency. Garage sales shall be limited to a period not to exceed three consecutive days. No more than four garage sales shall be conducted from the same dwelling unit in any calendar year, and no more than one such sale shall occur in any 30-day period.
 - e) Hours of Operation. No garage sales shall operate before 7:30 a.m. or after sunset on any day.
 - f) Sign Limitations. Notwithstanding the provisions of Section 9-106 of this Code, only off-site directional signs not to exceed four square feet in area shall be permitted for the purpose of advertising garage sales. Such signs shall not be erected in excess of 24 hours prior to the commencement of the garage sale and shall be removed within two (2) hours after the termination of the sale.
 - g) Location of Sale. No portion of any garage sale shall take place on any public or private landscaped area, on any public sidewalk, or on any public right-of-way.
2. Indoor and Outdoor Art, Craft and Plant Shows. In any commercial, open space or institutional building district, or on any zoning lot containing a religious organization; provided, however, that any such use shall require the specific prior approval of the Village Manager on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Any such sale shall be limited to a period not to exceed three consecutive days. In addition to the foregoing, indoor and outdoor art, craft and plant shows shall be permitted in any residential district as part of a garage sale and subject to the garage sale regulations in Paragraph 9-103 D1 of this Code.
 3. Holiday Decorations Sales. In any commercial or manufacturing district and, when conducted by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization, in any open space or institutional buildings district or in a residential district where the religious organization otherwise operates on the same zoning lot; provided, however, that any such use in any residential, open space or institutional buildings district shall be conducted solely by the officers, directors, members, and employees of any such group or organization, and any proceeds of such holiday decorations shall accrue solely to such group or organization. All holiday decorations sales shall require the specific prior approval of the Village Manager on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed 45 days. Display of holiday decorations need not comply with the yard requirements of this Code, except that no decoration shall be displayed within the sight triangle defined in Subsection 12-206 S of this Code.
 4. Contractors' Offices and Equipment Sheds. In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.
 5. Real Estate Offices, Including Model Units. In any district when such use is accessory to a new development. No such use shall contain any sleeping or cooking

accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.

6. Carnivals and Circuses. In any non-residential district, but only when sponsored by a not-for-profit religious, philanthropic or civic group or organization; provided, however, that any such use shall require the specific prior approval of the Village Manager on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days. Such use need not comply with the yard requirements of this Code except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the sight triangle defined in Subsection 12-206 S of this Code. Such use need not comply with the maximum height requirements of this Code. The concessionaire responsible for the operation of any such carnival or circus shall:
 - a) Submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles; and
 - b) Provide for a thorough clean-up of the site upon termination of the event.
7. Sales of Overstock, Seconds and Similar Goods in Districts Where Not a Permitted Use. In the ICS, I-1 and I-2 Districts when accessory to any use permitted or specially permitted in such district; but only in compliance with the following conditions:
 - a) Existing Inventory Only. No products shall be sold except such products as are manufactured, warehoused or distributed in the normal course of business of the principal use operated on the zoning lot in question. No products shall be brought in from other sources for purposes of the temporary sale.
 - b) No Outdoor Sales. Any area in which such a temporary retail use takes place, including the sale and display of products, shall be fully enclosed.
 - c) Number and Duration of Sales Limited. Not more than four (4) such temporary uses shall be conducted on the same premises in any calendar year, or more than one (1) such sale in any calendar quarter. In each calendar quarter, one (1) such sale may be for a period of not more than three (3) successive days.
8. Tents. In any district, in connection with any permitted, accessory, temporary or special permit use no tent shall be allowed to remain for a period of more than four (4) days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten (10) days. Unless waived in writing by the Village Manager, every tent shall comply with bulk, yard and space requirements applicable to accessory uses pursuant to Subsection 9-101 E of the Article.
9. Civic Uses of Public Property. In the IB District or OS District, any civic use of any public building or property when authorized by the governmental agency owning or controlling such property; provided that no such use shall impose an undue adverse effect on neighboring streets or property.
10. Temporary Signs. In any commercial, office, industrial, open space or institutional buildings district, or on any zoning lot in a residential district on which a religious organization is operating; provided, however, that any such use shall require the specific prior approval of the Village Manager on the basis of need, impact on surrounding

properties, and impact on pedestrian and vehicular traffic. Such use shall be limited to a period not to exceed thirty (30) days in any 365-day period.

11. Unique Events. In any district for a period not to exceed seven (7) consecutive days; subject to such conditions and security requirements as the Village Manager determines are necessary. Unique events shall include motion picture, video and television filming.
12. Electrical Substations. In any district; provided, however, that any such use shall require the specific prior approval of the Village Manager on the basis of need and impact on surrounding properties.
13. Temporary Location of Local Government Uses. Activities conducted by or on behalf of units of local government and public school districts may be temporarily located in any non-residential district, but only during periods of construction, reconstruction, renovation or expansion of facilities owned or operated by such units of government. No such temporary use shall be allowed without the prior approval by the corporate authorities by resolution duly adopted. The corporate authorities may, but shall not be required to, hold a public hearing prior to adoption of such approval resolution. Such approval by the corporate authorities shall be in lieu of any Certificate of Zoning Compliance and shall be subject to the special standards contained in Subsection C of this Section and the use limitations contained in Subsection F of this Section, all as determined and imposed by the corporate authorities, in its sole discretion.

9-103 E. Bulk, Yard and Space Regulations. Except as expressly provided otherwise in Subsection D above, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.

9-103 F. Use Limitations.

1. General Limitations. Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary use by Subsection D above. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area as a whole.
2. Hours and Days of Operation. No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Village Manager, in the certificate required by Subsection C of this Section, on the basis of the nature of the temporary use and the character of the surrounding area.
3. Public Safety. No temporary use shall be permitted unless the Fire and Police Departments shall have first certified that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said Departments may require in connection with such certification. If required by the Village Manager, operator of the temporary use shall employ a fire watch team and appropriate security personnel.
4. Traffic. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
5. Conflicts With Other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
6. Sign Limitations. Except as otherwise expressly authorized by Section 9-106 of this Code, signs shall be located only on the same zoning lot as the temporary use; be

limited to no more than one (1) per street frontage; be set back at least six (6) feet from the front lot line; be no larger than six (6) square feet in area in any residential district or twenty (20) square feet in area in any other district; be of sturdy construction and not be detrimental to the character of the area. Such signs shall not be erected sooner than 24 hours before the commencement of the temporary use and shall be removed within 24 hours following the termination of the temporary use.

7. Parking. Before approving any temporary use, the Village Manager shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Village Manager, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.
8. Additional Conditions. Every temporary use shall, in addition, comply with, and the Village Manager may impose, such other conditions as may reasonably be necessary to achieve the purposes of this Code or to protect the public health, safety, and welfare.