

ARTICLE IX

ACCESSORY USES AND STRUCTURES; HOME OCCUPATIONS; TEMPORARY USES;  
BUFFERS AND LANDSCAPING; FENCES; PERSONAL WIRELESS SERVICES

9-101 ACCESSORY USES AND STRUCTURES

- A. Authorization. Subject to the limitations of this Section, accessory uses and structures are permitted in any zoning district in connection with any principal use lawfully existing within such district.
- B. Definition. An accessory use or structure is a use or structure that:
1. Is subordinate in extent and purpose to, and serves, a principal use or structure; and
  2. Is customarily found as an incident to such principal use or structure; and
  3. Contributes to the comfort, convenience, or necessity of those occupying, working at, or being served by such principal use or structure; and
  4. Except as otherwise expressly authorized by the provisions of this Code, is located on the same zoning lot as such principal use or structure; and
  5. Is under the same ownership and control as such principal use or structure.
- C. Special Regulations Applicable to Particular Accessory Uses and Structures.
1. Antennas With Surface Areas of 10 Square Feet or Less. Antennas and antenna support structures having a combined surface area not greater than 10 square feet, and no single dimension exceeding 12 feet, shall be permitted as an accessory use. See Subsection 9-104F of this Code for landscaping and screening requirements applicable to ground mounted antennas.
  2. Antennas, other than Amateur Radio Facilities, with Surface Areas Exceeding 10 Square Feet. Except for amateur radio facilities permitted pursuant to

Paragraph C7 of this Section, antennas and antenna support structures having a combined surface area greater than 10 square feet, or having any single dimension exceeding 12 feet, shall be permitted as an accessory use only in compliance with the following regulations:

- (a) Number Limited. No more than one such antenna and antenna support structure may be located on any zoning lot.
- (b) Height Limited. No such antenna or antenna support structure shall exceed 12 feet in height unless such antenna and antenna support structure is attached to a building pursuant to Subparagraph C6(c) of this Section.
- (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:
  - (i) Size. The antenna and its support structure shall not exceed 15 square feet in area or 12 feet in any dimension.
  - (ii) Height. The antenna and its support structure shall not extend more than three feet above the highest point of the building on which it is mounted or the maximum permissible building height, whichever is less.
  - (iii) Mounting. The antenna and its support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and its 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 its support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.

- (iv) Color. The antenna and its support structure shall be a color that blends with the roof or building side on which it is mounted.
  - (v) Grounding. The antenna and its support structure shall be bonded to a grounding rod.
  - (vi) Other Standards. The antenna and its support structure shall satisfy such other design and construction standards as the Village Manager determines are necessary to ensure safe construction and maintenance of the antenna and its 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 its 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.
  - (f) Screening. See Subsection 9-104F of this Code for landscaping and screening requirements applicable to ground mounting antennas.
3. Donation Collection Bins. Donation collection bins must satisfy all the following conditions:
- (a) Locations. A donation collection bin may be placed only on a lot that (1) is classified in the C-3, C-4, O-1, I-1 Districts of the La Grange Zoning Code, or (2) is classified in the IB Institutional Buildings District and is occupied and used primarily for religious purposes, or (3) is used by a unit of state or local government.
  - (b) Relationship to principal use. The donation collection bin must relate directly and

specifically to the current principal use on the lot on which the donation bin is placed.

- (c) Location. No donation collection bin may be placed such that it faces an abutting zoning lot classified in a single family residential zoning district.
- (d) Non-operational use. No donation collection bin may be placed on any lot on which there is no operational principal use.
- (e) Off-Street Parking Spaces. No donation collection bin may be placed in any off-street parking space required under the La Grange Zoning Code or any Village ordinance or regulations.
- (f) Public Rights-of-Way. No donation collection bin may be placed within any public right-of-way.
- (g) Required Yards. No donation collection bin may be placed within any required yard except the rear yard no closer than 3 feet from the rear lot line.
- (h) Obstruction. No donation collection bin may be placed in any manner that creates an obstruction or sight obstruction for pedestrians or motorists
- (i) Front Facades. No donation collection bin may be placed against or along the front façade of any building.
- (j) Dimension. No donation collection bin may exceed the following dimensions: In the IB Institutional Buildings District: L72"x W72"x H74". In other authorized districts: L48"x W44"x H74".
- (k) Identification. Every donation collection bin must have the name and telephone number of the donation collection bin licensee affixed permanently to its front.
- (l) Maintenance Service. Every donation collection bin must be, at all times (1) maintained in good condition and appearance, (2) kept free of rust

and graffiti, and (3) regularly emptied to prevent the overflow of donations.

4. Garages as Dwelling Units. No garage or other accessory structure shall be used or occupied as a dwelling unit in any residential district.
5. Gazebos. Gazebos must satisfy all of the following conditions:
  - (a) Size. No gazebo in any single family residential district may exceed the following gross floor area maximums:
    - (i) Lots 6,500 square feet or less in total lot area: 120 square feet;
    - (ii) Lots 6,501 to 10,000 square feet in total lot area: 144 square feet;
    - (iii) Lots greater than 10,000 square feet in total lot area: 250 square feet.
  - (b) Height. No gazebo may exceed 12 feet in maximum height.
  - (c) Number Limited. No more than one gazebo may be located on any zoning lot.
  - (d) Other Standards. Each vertical surface of the gazebo must be at least 50 percent open.
6. Greenhouses. Greenhouses must satisfy all of the following conditions:
  - (a) Size. No greenhouse in any single family residential district may exceed the following gross floor area maximums:
    - (i) Lots 6,500 square feet or less in total lot area: 120 square feet;
    - (ii) Lots 6,501 to 10,000 square feet in total lot area: 144 square feet;
    - (iii) Lots 10,001 to 15,000 in total lot area: 250 square feet.

- (iv) Lots greater than 15,000 square feet in total lot area: 400 square feet.
  - (b) Height. No greenhouse may exceed 12 feet in maximum height.
7. Exterior Lighting. Any permitted accessory lighting fixtures shall be so designed, arranged, and operated as to prevent glare and direct rays of light from being cast onto any adjacent public or private 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.
8. Outdoor Kitchens. Outdoor kitchens must satisfy all of the following conditions:
- (a) Height. No outdoor kitchen or any of its structures, including without limitation any awning, canopy, or other covering, may exceed eight feet in height, with the exception of a chimney or flue for a wood burning stove which in no event may exceed 15 feet in height.
  - (b) Setback from Lot Lines. Outdoor kitchens may be located no closer than (i) 10 feet from the rear lot line and (ii) a distance equal to 20 percent of the lot width from any side lot line.
  - (c) Other Standards. Outdoor kitchens must comply with all standards in Chapter 98 of the La Grange Code of Ordinances.
9. Playhouses. A playhouse must satisfy all of the following conditions:
- (a) Height. The maximum height of a playhouse is 10 feet above grade at any point.
  - (b) Location. A play house may not be located in any required yard except the rear yard.
  - (c) Separation from Principal Structure. A playhouse must be separated from the principal structure

(house) by a minimum of 10 feet. A playhouse may not be physically connected to the principal structure.

- (d) Habitation. A playhouse may not be constructed or used as a dwelling unit.

Playhouses are prohibited as a principal use everywhere within the Village.

10. Accessory Parking in Single Family Residential Districts. Parking lots shall not be permitted as an accessory use in any single family residential district.

11. Amateur Radio Facilities With Surface Area Exceeding 10 Square Feet. Any antenna and antenna support structure having a combined surface area greater than 10 square feet or having any single dimension exceeding 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 such antenna support structure with a surface area greater than 10 square feet or any single dimension exceeding 12 feet may be located on any zoning lot.

- (b) Height Limited. No such antenna support structure shall, if ground mounted, exceed 75 feet in height or, if attached to a building pursuant to Subparagraph C7(c) of this Section, the height therein specified.

- (c) Attachment to Buildings Limited. No such antenna or its support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:

- (i) Height. The antenna and its support structure shall not extend more than 20 feet above the highest point of the building on which it is mounted.

- (ii) Mounting. The antenna and its support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and its 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 its support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
  - (iii) Grounding. The antenna and its support structure shall be bonded to a grounding rod.
  - (iv) Other Standards. The antenna support structure shall satisfy such other design and construction standards as the Building Commissioner reasonably determines are necessary to ensure safe construction and maintenance of the antenna and its 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) 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.
12. Residential Recreational Facilities. Residential recreational facilities shall be limited to use by the occupants of the principal residential use and their guests. See Subsection 9-104E of this Code for landscaping and screening requirements applicable to such facilities.



13. Solar Energy Systems, Roof Mounted. Solar panels when mounted on the roof of a single family residence must satisfy each of the following conditions:
  - (a) Each solar panel must be located so it does not reflect light onto abutting residential lots.
  - (b) A solar panel may not extend above the peak of the roof to which it is attached.
  - (c) No solar panel may be mounted facing or within a 60-degree angle of the front lot line, except if the front lot line is the southerly lot line of the zoning lot in which case this limitation does not apply.
  
14. Storage. Except as otherwise expressly permitted by this Code, outdoor storage shall not be allowed as an accessory use. When so permitted, such storage shall be screened as required by Subsection 9-104D of this Code. The total gross floor area of all accessory storage structures, other than garages, on a lot shall not exceed 100 square feet in gross floor area if accessory to a residential use nor 10 percent of either the floor area or the volume of the principal structure if accessory to any other type of principal structure.
  
15. Off Street Storage of Vehicles in Residential Districts. The following provisions shall govern the off street storage of all vehicles in all residential 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 eight hours.
  - (b) Classification of Vehicles. For purposes of this Code, vehicles shall be classified as follows according to size, regardless of the use to which the vehicle is put or intended or designed to serve and regardless of any other classification system made applicable to vehicles by any other governmental body:

- (i) Class I Vehicle: A vehicle, other than a recreational vehicle, that does not exceed 20 feet in length, seven feet in width, or eight feet in height.
  - (ii) Class II Vehicle: A vehicle that is not a Class I vehicle and that does not exceed 23 feet in length, eight feet in width, or 10 feet in height and that, if used in commerce, does not exceed 8,000 pounds in gross weight, including vehicle and maximum load.
  - (iii) Class III Vehicle: A vehicle that is neither a Class I vehicle nor a Class II vehicle.
- (c) Storage of Vehicles in Garages: Any number of Class I, Class II, or Class III vehicles may be stored in a garage in a residential district provided (1) that said garage complies with all applicable provisions of this Code, and (2) that Class III vehicles shall be stored only in a completely enclosed garage, and (3) that the door openings on a front-loading garage that is not a detached garage shall not exceed a total width of 18 feet on any lot zoned in a single family residential district that is 50 feet or less in lot width, and (4) no detached garage in any single family residential district shall exceed the following gross floor area maximums:
- (i) Lots 6,500 square feet or less in total lot area: 484 square feet;
  - (ii) Lots 6,501 to 10,000 square feet in total lot area: 600 square feet;
  - (iii) Lots greater than 10,000 square feet in total lot area: 660 square feet.

No more than one garage, whether detached or attached to the principle structure on the lot, shall be permitted on any lot in a residential district.

- (d) Storage of Vehicles in Parking Lots. Any number of Class I or Class II vehicles may be stored in lawfully existing parking lots in any district in which multiple family dwellings are permitted as of right or by special use permit; provided, however, that no 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 10-101F of this Code. No Class III vehicle shall be stored in any parking area or lot in a residential district. For purposes of this Subparagraph, a common parking area provided pursuant to Subparagraph 10-101B2 (b) of this Code shall be treated as a parking lot.
  
- (e) Storage of Vehicles in Parking Areas.
  - (i) Maximum Number Permitted. The maximum number of vehicles permitted to be stored in all parking areas on any lot in a single family residential district at any one time shall be as follows:
    - (A) Total Vehicles: four
    - (B) Class I Vehicles: four
    - (C) Class II Vehicles: one
    - (D) Class III Vehicles: none
  
  - (ii) Location on Lot. Vehicles may be stored in parking areas only in compliance with the provisions of Subparagraph C4 (f) of this Section and only in the following locations on a lot in a residential district:
    - (A) Class I Vehicle: Anywhere on the lot except in any required front or side yard.
  
    - (B) Class II Vehicle: Anywhere on the lot except in any required front or side yard.
  
    - (C) Class III Vehicle: Nowhere on the lot.
  
- (f) General Regulations and Standards: The following standards and regulations shall apply to the

storage of vehicles in parking lots and parking areas on a lot in a residential district:

- (i) Distance from Lot Line, Public Sidewalk. No Class II vehicle shall be stored within three feet of any lot line or any vehicular or pedestrian right-of-way.
- (ii) Surface. No motorized vehicle shall be stored except on an all weather, durable, and dustless pavers or asphaltic or cement pavement surface.
- (iii) Screening. See Section 9-104 of this Code for landscaping and screening requirements applicable to the storage of Class II vehicles on a lot in a residential district.
- (iv) Permanent Location Prohibited. No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its ready removal.
- (v) Residential Use Prohibited. No vehicle shall be used for living, sleeping, or housekeeping purposes.
- (vi) Utility Hookups. No vehicle shall be connected to any public utility except for required servicing.
- (vii) 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.
- (viii) Commercial Identification Prohibited. No vehicle with any exterior marking in excess of two square foot in area, measured as provided in Subsection 11-105L of this Code, identifying or advertising a commercial enterprise shall be stored in any parking area on any lot in a residential district.

- (g) Inoperable Vehicles. No vehicle incapable of being driven or used for the purpose or use for which it was designed, other than a vehicle awaiting timely repair at an automotive repair shop, gasoline service station, or new or used car dealer, shall be stored in any parking lot or parking area.
  - (h) Temporary Storage. Notwithstanding any other provision of this Paragraph C4, any vehicle may be stored at any location on a lot in a residential district except any required front yard for a temporary period not to exceed 48 hours; provided, however, that, unless authorized by the Village Manager based on special circumstances, no more than one such temporary period shall occur in any 30-day period. No Certificate of Zoning Compliance shall be required for such temporary storage.
16. Tree houses. A tree house is authorized as an accessory use only if all of the following standards are met:
- (a) Support. No tree house may be supported in any way directly by the ground.
  - (b) Location. A tree house may not be located in any required yard except the rear yard.
  - (c) Habitation. A tree house may not be constructed or used as a dwelling unit.
  - (d) Tree houses are prohibited as a principal use everywhere within the Village.
17. Uses Subject to Special Restrictions. When 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.
- D. Use, Bulk, Space, and Yard Regulations. Except as expressly provided otherwise in this Section, every accessory use and structure shall comply with the use, bulk, space, and yard

regulations made applicable to them by the regulations of the district in which they are located.

- E. Use Limitation. No accessory use or structure 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

- 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.
- 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; and
  - 2. Is incidental and secondary to the use of such dwelling unit for dwelling purposes; and
  - 3. Does not change the essential residential character of such dwelling unit.
- C. Certificate of Zoning Compliance Required. No home occupation shall be established or maintained unless a Certificate of Zoning Compliance shall have first been issued in accordance with the provisions of Section 14-201 of this Code.
- D. Use Limitations.
  - 1. General Limitations. Every home occupation shall comply with the use limitations applicable in the district in which it is located.
  - 2. Employee Limitations.
    - (a) The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted.

- (b) No more than one person who is not domiciled in the dwelling unit where a home occupation is conducted shall be employed in connection with, or otherwise participate in the operation of, such occupation. This limitation shall not apply to employees who do not work at the dwelling unit devoted to such occupation.

3. 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.

4. Operational Limitations.

- (a) Except for the operation of a day care home, every home occupation shall be conducted wholly within a principal dwelling unit or permitted accessory structure.
- (b) Except for the operation of a day care home, no more than a total of 600 square feet of floor area (exclusive of garage floor area devoted to permissible parking of vehicle used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be specially designed and set aside exclusively for the conduct of a home occupation.
- (c) Stock in trade shall not be routinely displayed or sold on the premises of any home occupation.
- (d) No routine attendance of patients, clients, subcontractors, or employees associated with any home occupation shall be allowed at the premises of the home occupation except that attendance of up to eight children at any one time may be allowed at a day care home operated as a home occupation and that the attendance of up to two

persons at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. "Routine attendance" means that the conduct of the home occupation requires non-domiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.

- (e) No mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the dwelling unit that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
  - (f) No outdoor storage shall be allowed in connection with any home occupation.
  - (g) No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
  - (h) Vehicles used in connection with any home occupation shall be subject to the requirements of Paragraph 9-101C4 of this Code.
5. Hours of Operation. No day care home shall accept the attendance of children except between the hours of 6:00 a.m. and 9:00 p.m.
6. Signage and Visibility.
- (a) No sign shall advertise the presence or conduct of a home occupation.
  - (b) No home occupation shall be in any manner visible or apparent from any public or private street.
7. Traffic Limitations. No home occupation shall generate more traffic than is typical of residences in the area.



8. Nuisance Causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause any nuisance or be noxious, offensive, or hazardous.
9. Licensing Requirements. Every home occupation shall be subject to applicable business licensing and inspection requirements, and shall comply with all applicable State and local laws and regulations, including licensing and permitting requirements.

9-103 TEMPORARY USES

- A. Authorization. Subject to the limitations of this Section, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified.
- 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.
- C. 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. House, Apartment, Garage, and Yard Sales: In any residential district, but only when limited to the personal possessions of the owner-occupant of the dwelling unit at which such sale is being conducted. Such use shall be limited to a period not to exceed three consecutive days, and no more than one such sale shall be conducted from the same residence in any 12-month period.
  2. Indoor and Outdoor Art, Craft, and Plant Shows, Exhibits, and Sales: In any commercial, office, health services, open space, or institutional building district; 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, and traffic access and the absence of undue adverse impact on other properties. Every such sale shall be limited to a period not to exceed three days.

3. Farm Product Sales: In any commercial, office, or industrial district, but only in compliance with the following conditions:
  - (a) Seller Produced Goods Only. No product may be exhibited or offered for sale except those products grown or produced by the person offering them for sale.
  - (b) Number and Duration of Sales Limited. Not more than one such farm product sale shall be conducted on the same premises in any 7-day period. Every such sale shall be limited to a period not to exceed eight consecutive hours.
4. Christmas Tree Sales: In any commercial or industrial 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 office, health services, open space, or institutional building district; provided, however, 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, and 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 Christmas trees need not comply with the yard requirements of this Code.
5. 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.

6. Real Estate Offices, Including Model Units: In any district when 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.
  
7. Carnivals and Circuses: In any 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, and traffic access and the absence of undue adverse impact, including noise, on other properties. Such use shall be limited to a period not to exceed two days in any R-1, R-2, R-3, R-4, R-5, or R-6 District or on any lot abutting any one of these districts or 10 days on any other lot. No such use shall be permitted to operate after 11:00 p.m. or such earlier time established by the Village Manager. 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 16-102S 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 fire extinguishers of a type and at site locations approved by the Village Manager; and
  - (c) Provide and service metal refuse containers in the number and locations required by the Village Manager; and

- (d) Provide for a thorough clean-up of the site upon termination of the event; and
  - (e) Upon written notice from the Village Manager, immediately terminate the use of any amusement device or structure found by the Manager to pose a threat to the public safety.
8. Sales of Overstock, Seconds, and Similar Goods in Districts where not a Permitted Use: In the C-1 Central Commercial District when accessory to any use permitted or specially permitted in that district, but only in compliance with the following conditions:
- (a) Existing Inventory Only. No products shall be sold except such products as are sold 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. Except as provided in Paragraph 9 of this Subsection below, 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 such temporary sales shall be conducted on the same premises in any calendar year, nor more than one such sale in any calendar quarter. In each calendar year, one such sale may be for a period of not more than nine successive days which must include two weekends; the remaining sales allowed in such year shall be limited to weekend periods (Saturday, Sunday, and holiday if applicable).
9. Sidewalk Sales. In the C-1 Central Commercial, the C-2 Limited Service Commercial, and the C-3 General Service Commercial Districts when organized as an area-wide sidewalk sale with all merchants on all abutting lots zoned in the C-1, C-2, or C-3 Districts, but no more than four such sales in any 12-month period and no sale may be for a period in excess of two successive days.

10. Tents: In any district, in connection with any permitted, accessory, temporary, or special use. No tent shall be allowed to remain for a period of more than two 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, 10 days. Unless waived in writing by the Village Manager, every tent shall comply with the bulk, yard, and space requirements applicable to accessory uses pursuant to Subsection 9-101D of this Code.
11. Civic Uses of Public Property: In any open space or institutional buildings district, any civic use of any public building or property when authorized by the governmental agency owning or controlling such property; provided, however, that no such use shall impose an undue adverse effect on neighboring streets or property.
12. Campaign Office: In any commercial or office district, subject to the conditions that no such office shall be opened or occupied more than 180 prior to the election for which the campaign is being conducted or more than 60 days after such election.
13. Outdoor Café: In any commercial district accessory to an authorized restaurant immediately adjacent to such outdoor café, subject to the specific prior written approval of the Village Manager and to compliance with all conditions established therefore by code, ordinance, and administrative policy.
- 13.1 Live Entertainment: Accessory to a full-service restaurant or other retail trade use in any zoning district in which live entertainment accessory to such restaurant or retail trade use is specifically authorized as a special use; provided, however, that any such use shall require the specific prior approval of, and issuance of a permit by, the Village Manager and shall be subject to all of the following conditions:
  - (a) The person desiring such temporary use shall submit an application to the Village Manager, which shall specify all performance dates, times,

and locations, available parking and the adequacy or inadequacy thereof, the adequacy of adjacent streets and parking lots to accommodate traffic, whether any performance will be audible outside of the premises, and such other information that is required by the Village Manager.

- (b) The Village Manager may disapprove any or all of the requested performances in the exercise of her or his sound discretion for any lawful reason based on an analysis of conditions and circumstances affecting the use and of potential adverse impacts on adjacent property, the vicinity, or the public health, safety, and welfare.
- (c) No performance shall be authorized for a date more than six months after approval of the Village Manager.
- (d) Not more than eight dates for performances shall be authorized within any calendar year for any one premise.
- (e) No performance shall be permitted between the hours of 12:00 a.m. and 9:00 a.m. on any day.
- (f) No performance or series of performances shall extend or continue on a premise for more than four hours on any single calendar day.
- (g) The Village Manager may specify the maximum number of persons authorized to perform simultaneously at any performance, based on the conditions and circumstances at and adjacent to the location of the use.
- (h) No amplified sound shall be used in any performance unless approved in advance by the Village Manager.
- (i) No performance may be conducted outdoors unless approved in advance by the Village Manager.
- (j) The owners of the subject property and the entity hosting the performance shall be jointly and

severably responsible for enforcing any occupancy limit and for complying with every regulation and condition applicable to the use.

(k) The Village Manager may revoke any authorization granted hereunder at any time for any failure to comply with any regulation or condition applicable to the use.

14. Tent and Truck Sales: In any commercial district, subject to the specific prior written approval of the Village Manager on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on adjacent properties. Every such sale shall be conducted entirely within the approved tent or truck, and not more than two such sales shall be conducted on the same premises in any calendar year.
15. Temporary Use of Building in Planned Development. In any commercial, office, or institutional buildings district, the continued use of a building in a planned development that does not satisfy the applicable building spacing requirement provided in Subparagraph 14-505B7(b) of this Code; provided that the construction or maintenance of, and the temporary use of, the building has been approved by the Board of Trustees as part of a planned development and the owner of the building (i) has entered into a written recordable agreement with the Village to demolish the building, or another building in the planned development, so that, after such demolition, the building spacing requirement will be satisfied, which agreement shall provide that such demolition will be complete within a maximum of 36 months after the date that the building spacing non-conformity first exists, and (ii) has submitted to the Village an irrevocable letter of credit, in a form approved by the Village Manager, securing such demolition.
16. Other Temporary Uses: In any district, provided that such other temporary use is consistent with the purposes and intents of this Section and the district in which it is located and provided further that any such other temporary use shall require the specific prior approval of the Board of Trustees.

- D. Bulk, Yard, and Space Regulations. Except as expressly provided otherwise in Subsection C of this Section, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.
- E. Use Limitations.
1. General Limitations. Every temporary use shall comply with the limitations made applicable to specified temporary uses by Subsection C of this Section. 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, in which it is located.
  2. Public Safety. No temporary use shall be permitted that causes or threatens to cause an on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as the La Grange Fire and Police Departments may require. If required by the Village Manager, the operator of the temporary use shall employ a fire watch team and appropriate security personnel.
  3. Traffic. No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
  4. Conflicts with Other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
  5. Sign Limitations. Signs shall be permitted only upon the specific prior approval of the Village Manager on the basis of need for such sign and a showing by the applicant that no adverse impact on the area will result from such sign. Signs shall be located only on the same zoning lot as the temporary use; be limited to no more than one per street frontage; be set back at least six feet from the front lot line or the setback of the principal structure on the lot, whichever is less; be no larger than six square feet



in area in any residential district. (See Section 11-106M Temporary Use Signs)

6. Parking. The Village Manager may make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with a 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 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.
7. 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.

#### 9-104 BUFFERS AND LANDSCAPING

- A. Perimeter Landscaped Open Space. Except expressly provided otherwise in the regulations requiring a perimeter landscaped open space, perimeter landscaped open space shall extend along the entire length of the lot line in question and shall have a width equal to 10 feet or the depth of the yard required along the lot line in question, whichever is less. The Board of Trustees may by resolution reduce the required minimum perimeter landscaped open space by not more than 50 percent. Perimeter landscaped open space shall be broken only by required access drives. Such perimeter landscaped open space shall be suitably surfaced with grass, groundcover, or decorative paving material, or a combination thereof; and shall contain landscaping such as ornamental trees and shrubs or appropriate screening devices such as decorative walls, fences, or berms, or a combination thereof. The landscaping and screening treatment of such space shall be so designed and maintained as to preserve unobstructed vision of the street and sidewalk at points of access and as not to interfere with, or be damaged by, work within any public or utility ease-

ment unless the Village Manager shall determine that no other location is reasonably feasible.

B. Parking Lots and Garages.

1. Parking Lot Screening. Every parking lot, except any parking lot owned or leased by the Village, shall, to the extent hereinafter specified, be buffered and screened by a perimeter landscaped open space having a width of at least 5 feet. The landscaping and screening treatment of such space shall be designed and maintained to a height of at least six feet above the surface of the parking lot along every yard of such lot that lies immediately next to a residential district and to a height of at least three feet above the surface of the parking lot in every other yard.

The provisions of this Paragraph B1 shall apply to parking lots developed prior to the effective date of this Code only to the extent that such parking lots have, on said effective date, unpaved areas abutting them in which landscaping and screening may be installed.

2. Parking Garage Design. Every parking garage constructed after the effective date of this Code, other than garages accessory to single family dwellings or garages constructed or maintained by any governmental agency, shall comply with the following design standards:
3. Parking of Class II Vehicles in Residential Districts. Every parking space used for storage of a Class II vehicle in any residential district shall be screened on all sides visible from any neighboring public or private property by an opaque fence, wall, or densely planted hedge of at least six feet in height, except as necessary for access to such parking space. See Subsection 9-101C of this Code for additional requirements applicable to such vehicles.

- C. Loading Spaces. Every loading space visible from any lot zoned for residential use, whether or not such residential use is within the Village, shall be screened on all sides visible from any such lot by an opaque fence, wall, or

densely planted evergreen hedge of not less than six feet in height, except as necessary for access.

D. Refuse Containers; Outdoor Storage.

1. Screening. All refuse containers and all areas of permitted outdoor storage shall be fully enclosed by an opaque fence, wall, or densely planted evergreen hedge of a height sufficient to completely screen such containers or storage areas from view from adjoining properties and public or private streets.
2. Location. No refuse containers or storage areas shall be located between any principal structure and either its front or corner side lot line.
3. Exemption. The requirements of the preceding Paragraph D1 shall not apply either to standard receptacles permitted for use by single family dwellings. None of the requirements of this Subsection D shall apply to receptacles placed and maintained for use by the general public to avoid littering.

E. Residential Recreational Facilities. Outdoor residential recreational facilities accessory to any dwelling located in any single family residential district shall be buffered and screened by a perimeter landscaped open space equal in width to the applicable required yard or 10 feet, whichever is less, and consisting of an opaque fence, wall, or densely planted evergreen hedge of not less than six feet in height in combination with other landscaping materials. Such screening shall be provided on all sides of such facility visible from any adjoining property or any public or private street. See Paragraph 9-101C2 of this Code for additional requirements applicable to such facilities.

F. Antennas and Antenna Support Structures. Ground-mounted antennas and antenna support structures, except such antennas and antenna support structures as are permitted pursuant to Paragraph 9-101C7 of this Code, shall be buffered and screened by a perimeter landscaped open space equal in width to the applicable required yard or 10 feet, whichever is more, and consisting of a densely planted evergreen hedge of not less than six feet in height, in

combination with other landscaping materials. Such screening shall be provided between any such ground-mounted antenna or antenna support structure and each lot line of the property on which such antenna or antenna support structure is located so as to provide the maximum reasonably achievable screening, as determined by the Village Manager, of such antenna and antenna support structure from view from adjacent properties and public or private streets. See Paragraphs 9-101C6 and C7 of this Code for additional requirements applicable to antennas and antenna support structures.

- G. Roof Top Mechanical Equipment. Except for antennas and antenna support structures mounted on roofs pursuant to the provisions of this Code, all mechanical equipment installed on the roof of any building after January 28, 1991, shall be fully screened by a parapet wall or other screening structure constructed of the same materials as the principal building facade, or other materials as approved by the Village Manager, to the height of such equipment.
- H. Nondwelling Uses Abutting Residential District. In any case where a lot to be devoted to any use other than use as a dwelling abuts or is across a right-of-way from any lot zoned in any residential district, regardless of whether such residential district is within the Village, the use and development of the lot to be devoted to the non-dwelling use shall be subject to the following requirements:
1. Building Setback. All buildings more than 15 feet in height shall be set back from any front or corner side yard line facing a residential district a distance equal to the setback normally required or to the front yard required in the adjacent residential district whichever is greater and from any other yard line a distance equal to the yard normally required or 25 feet, whichever is greater.
  2. Landscaping and Screening. Any front or corner side yard or setback required pursuant to the preceding Paragraph shall be treated as a perimeter landscaped open space. Any side or rear lot line abutting a residential district shall be buffered by a perimeter landscaped open space of at least five feet in width

along such lot line, which shall be sufficient to provide a total visual screen at least six feet in height along the entire length of such line.

3. Outdoor Activity Areas. Any area of permitted outdoor activity likely to produce visual or auditory disturbance or annoyance on any abutting residential lot shall be separated from said lot by a perimeter landscaped open space at least 20 feet wide or by a buffer found by the Village Manager to be reasonably sufficient to create a visual barrier, to absorb and diffuse noise, and to ensure the private enjoyment of said lot.

The provisions of this Subsection H shall not apply to any use established prior to the effective date of this Code.

- I. I-1 District. All lots zoned in the I-1 Light Industrial District that abut any lot zoned in any residential district shall be buffered and screened by a perimeter landscaped open space equal in width to the applicable required yard along each lot line abutting such residential district.
- J. General Landscaping and Maintenance Requirements. Except for accessory uses expressly permitted to be located in required yards, all yards and open space between and about structures and off-street parking and loading areas and lots shall be landscaped and kept free of accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance creating materials. All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds and debris. Undeveloped areas shall be mowed and kept free of accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance creating materials until developed.
- K. Screening and Landscaping within Sight Triangles. Notwithstanding any other provision of this Section to the contrary, no landscaping, fencing, or other screening shall be erected or maintained in violation of the standards established in Chapter 154 of the La Grange Municipal Code.

- L. Driveway Clear Sight Areas. Any other provision of this Code to the contrary notwithstanding, nothing may be erected, placed, planted, allowed to grow, or maintained on any lot in any residential district above a height of three feet above grade within the area of a driveway clear sight area as defined in Section 16-102D of this Code.

9-105

FENCES

- A. Permit Required. No fence shall be erected, enlarged, expanded, altered, relocated, maintained, or repaired unless a Fence Permit shall have first been issued by the Village Manager.
- B. Prohibited Materials. No fence shall be constructed of the following materials:
1. Any electrically charged element.
  2. Barbed wire, razor wire, or concertina wire.
  3. Chain link if located between the building line and a corner side lot line, or front lot line.
  4. Woven mesh.
  5. Temporary or incomplete structural members, such as non-rigid plastic, stakes, or un-framed chained link.
- C. Wind Pressure Design. Every fence shall be designed and constructed to resist a horizontal wind pressure of not less than 30 pounds per square foot.
- D. Prohibited Locations. No fence shall be constructed or maintained (1) between the front building line of the principal structure and the front lot line or (2) in the corner side yard except under the following circumstances:
1. on a residential lot abutting a school, church, parking lot, commercial use, or industrial use. Such fence shall be an open fence, shall be located only along the common lot line, and shall not exceed three and one half feet in height above the grade of the abutting lot.

2. along the corner side lot line of any corner lot. Such fence shall not exceed the following height above the grade of the property abutting such corner side lot line:
  - (a) six feet, in the area along the corner side lot line between the rear lot line and the point on the principal building closest to the point of intersection of the rear yard line and the corner side yard line; and
  - (b) three and one-half feet, in all other areas along the corner side lot line.

If the lot abuts an alley or a driveway at the intersection of the rear lot line and the corner side lot line, then no fence shall be permitted within 10 feet of such intersection. A solid fence not exceeding six feet in height shall be permitted along the diagonal line created by such required 10-foot open area.

3. at the intersection of the front lot line and the corner side lot line of any corner lot. Such fence may extend not more than 10 feet from said intersection along the front lot line and the corner side lot line. Such fence shall be an open fence, shall be constructed of decorative or ornamental materials such as wrought iron or split wooden rail, and shall not exceed 30 inches in height above the lowest grade of the property abutting either said lot line. Solid fences of all types, and concrete block, chain-linking, stone, and other non-decorative and non-ornamental materials, are prohibited.
4. on double frontage lots, where the rear of the principal structure located thereon faces a street, and the principal structures on the properties on either side of the subject property are oriented in the same direction, for the purposes of this section only fences shall be allowed in the yard of such frontage subject to the same provisions applicable to fences in rear yards. If abutting an alley, or driveway, at the juncture of the corner side lot line and the rear lot line of any corner lot, there shall

be an open area ten (10) feet in each direction from the juncture. For privacy purposes, a solid fence, not exceeding six feet in height, may be installed along the diagonal of the ten foot open area.

E. Height. No fence shall exceed the following height limitations:

1. Residential Districts: six feet, six inches as depicted in Figure 9-1.
2. Commercial and Industrial Districts:
  - (a) combustible fences: six feet, six inches as depicted in Figure 9-1.
  - (b) noncombustible fences: eight feet, six inches as depicted in Figure 9-2.

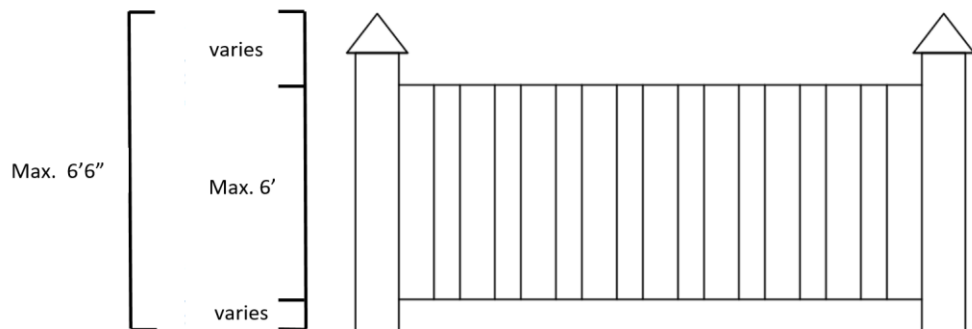


Figure 9-1

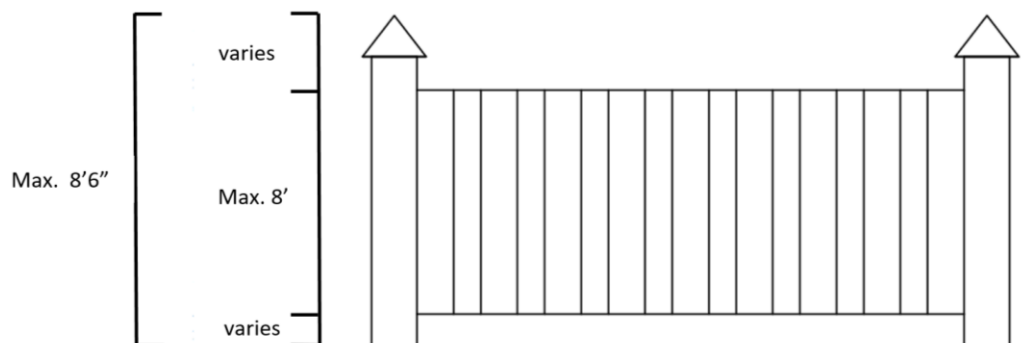


Figure 9-2



- F. Fences Abutting Lots in Separate Zoning Classifications. Every fence constructed or maintained on a lot abutting a lot zoned in a more restrictive district shall comply with the regulations applicable in such more restrictive district.
- G. Visibility Across Corners. Notwithstanding any provision of this Section to the contrary, no fence shall be erected, enlarged, expanded, altered, relocated, or maintained on any corner lot in violation of the standards established in Chapter 154 of the La Grange Municipal Code.
- H. Maintenance. Every fence shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence shall be repaired or replaced immediately.
- I. Nonconforming Fences. The regulations concerning the use and termination of nonconforming fences appear in Section 12-107 of this Code.
- J. Construction. Every fence in every zoning district must be erected with the finished side facing outward from the lot on which the fence is erected, so that the construction posts and other supports face into the lot on which the fence is erected.

9-106 PERSONAL WIRELESS SERVICES

All personal wireless services antennas and antenna support structures shall comply with the regulations made applicable to them by the district within which they are located and shall comply with the following regulations:

- A. Location. Personal wireless services antennas shall be located on lawfully pre-existing antenna support structures or other lawfully pre-existing building or structures wherever possible. No permits authorizing construction of a new antenna support structure, or authorizing an addition to or expansion of an existing antenna support structure or existing building or structure, shall be authorized unless the applicant is able to demonstrate that no lawfully pre-existing antenna support structure or lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an

antenna necessary for the provision of personal wireless services.

- B. Design of New Antenna Support Structures for Co-Location. Unless otherwise authorized by the Board of Trustees for good cause shown, every new personal wireless services antenna support structure constructed in the I-1 Light Industrial District shall be designed, constructed, and installed to be of a sufficient size and capacity to allow the location of additional personal wireless services antennas sufficient to accommodate at least two additional personal wireless service providers on such structure in the future. Any permit for such a support structure may be conditioned on the agreement of the applicant to allow co-location of other personal wireless service providers on commercially reasonable terms specified in such permit.
- C. Tower Design. Every new personal wireless services antenna support structure that is of a tower design shall: (i) be a monopole rather than latticework, unless otherwise authorized by the Board of Trustees for good cause shown; and (ii) not be illuminated or have any signs installed thereon unless otherwise required by federal law or regulations.
- Any deck on such tower shall be centered on the tower and shall have not more than 3 sides, with each side having dimensions that do not exceed 5 feet vertically and 12 feet horizontally.
- D. Sizes of Antennas on Buildings. Antennas located on a lawfully pre-existing building shall not exceed the following dimensions: (1) omni directional or whip antennas shall not exceed 4 feet in diameter, and shall not exceed 25 feet vertically or the limitation set by the district, whichever is less; and (2) directional or panel antennas shall not exceed 3 feet horizontally and 6 feet vertically.
- E. Protection Against Climbing. Every personal wireless services antenna and antenna support structure shall be protected against unauthorized climbing or other access by the public.
- F. Color. Every personal wireless services antenna and antenna support structure shall be of neutral colors that are

harmonious with, and that blend with, the natural features, buildings and structures surrounding such antenna and antenna support structures; provided, however, that directional or panel antennas and omni directional or whip antennas located on the exterior of a building that will also serve as an antenna support structure shall be of colors that match, and cause the antenna to blend with, the exterior of the building.

- G. Equipment. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services antenna shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.
- H. Other Licenses and Permits. The operator of every personal wireless services antenna shall submit to the Village Manager copies of all licenses and permits required by all other agencies and governments with jurisdiction over the design, construction, location, and operation of such antenna and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.
- I. Plan Compliance. Every personal wireless services antenna and antenna support structure shall comply with all plans approved by the Village.
- J. Limited to Applicant. Every ordinance granting approval of a special use permit for a personal wireless services antenna or antenna support structure shall state that any assignment or transfer of the special use permit or any of the rights thereunder may be made only with the approval of the Board of Trustees.
- K. Term Limitation. Every permit for a personal wireless services antenna or antenna support structure may provide that, when the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the use of the personal wireless services antenna or antenna support structure shall be

limited to the term of the lease or other agreement granting rights to use the land.

- L. Abandonment and Removal of Facilities. When one or more antennas, an antenna support structure, or related equipment are not operated for the provision of personal wireless services for a continuous period of 12 months or more, such antenna, antenna support structure, or related equipment may be deemed by the Village to be abandoned. The owner of such an antenna, antenna support structure, or related equipment shall remove such items within 90 days after the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the Village to such owner at the last known address of such owner. If two or more providers of personal wireless services use the antenna support structure or related equipment to provide personal wireless services, then the period of non-use under this provision shall be measured from the cessation of operation at the location of such antenna support structure or related equipment by all such providers.
- M. Buffers and Landscaping. Ground-mounted personal wireless services antennas and antenna support structures and related electronic equipment and equipment structures shall be buffered and screened by a perimeter landscaped open space of not less than 10 feet in width, consisting of a densely planted evergreen hedge of not less than 6 feet in height and other landscaping materials. Such screening shall be provided between any such ground-mounted personal wireless services antenna or antenna support structure and each lot line of the property on which such personal wireless services antenna or antenna support structure is located so as to provide the maximum reasonably achievable screening, as determined by the Board of Trustees, of such personal wireless services antenna and antenna support structure from view from adjacent properties and public or private streets. Such screening requirements may be waived by the Board of Trustees where the operator of such personal wireless services antenna demonstrates that such screening will substantially interfere with the provision of personal wireless services, in which case the operator shall provide the maximum reasonably achievable screening as is approved by the Board of Trustees.