



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

PLAN COMMISSION

AGENDA • APRIL 6, 2021

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Mar 2, 2021 7:00 PM
2. Plan Commission - Regular Meeting - Mar 16, 2021 7:00 PM

III. PUBLIC HEARING

1. Northwest Trucks INC. -2200 N. Rand Road Special Use for a Unique Use to allow for trailer and truck sales, common and contract carrier, truck parts' sales, truck and trailer repairs, and related uses
2. Various text amendments to Appendix A of the Village of Palatine Code of Ordinances, including Article 3 - Rules and Definitions, Section 3.02 Specific Definitions, Article 6 - Section 6.01 (accessory structures), Article 7, Section 7.04 - design and maintenance of off-street parking areas; manufacturing and business district screening, Article 11, Sections 11.03 (d) and 11.06 (e) Special Uses in the B-2 and B-5 districts, and Article 12, Section 12.01 (f) permitted uses in the manufacturing district, all of the Village of Palatine Zoning Ordinance

IV. COMMUNICATIONS

V. ADJOURNMENT



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

PLAN COMMISSION MINUTES • MARCH 2, 2021

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Conrad Hansen	Plan Commissioner	Present	
Dennis Dwyer	Chairman	Present	
Jane Robins	Plan Commissioner	Absent	
Patrick Noonan	Plan Commissioner	Present	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Present	
Robert Kolososki	Plan Commissioner	Absent	
Stephen Fedota	Plan Commissioner	Present	

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Dec 8, 2020 7:00 PM - **Accepted**

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Teri Williams, Plan Commissioner
SECONDER:	Patrick Noonan, Plan Commissioner
AYES:	Hansen, Dwyer, Noonan, Williams, Friedman, Bettenhausen, Fedota
ABSENT:	Robins, Kolososki

Minutes Acceptance: Minutes of Mar 2, 2021 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING

1. Various text amendments to Appendix A of the Village of Palatine Code of Ordinances, including Article 3 - Rules and Definitions, Section 3.02 Specific Definitions, Article 6 - Section 6.01 (accessory structures), Article 7, Section 7.04 - design and maintenance of off-street parking areas; manufacturing and business district screening, and Article 12, Section 12.01 (f) permitted uses in the manufacturing district, all of the Village of Palatine Zoning Ordinance - **Recommended to Approve**

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on February 11, 2021.

The following petitioner's exhibits were introduced:

1. Draft Text Amendments
2. NWMC Garage Survey
3. Other Municipal Accessory Structure Ordinances
4. Public Notice

Sworn in staff - Mr. Vyverberg

Mr. Vyverberg states that this hearing is in regards to proposed text amendments to Appendix A of the Village of Palatine Code of Ordinances. Periodically, on an as needed basis, staff completes review of what are deemed to be necessary text amendments due to unforeseen occurrences within the zoning ordinance that was not contemplated previously. In this instance, the ability to clarify existing language as it relates to that.

Mr. Vyverberg discusses Article 3 Rules and Definitions and relates that there was a discussion with village council in regards to detached structures that exceeds square footage.

Mr. Vyverberg explains that in all instances that were reviewed over the past 5-7 years, when a request for a detached structure exceeds height limitation or square footage it was always in conjunction with another form of relief that was necessary such as lot coverage variation or setbacks that didn't meet requirements. Also, Staff found themselves in discussion with Village Council adding conditions to prohibit habitation in a detached structure. There is nothing specific in our code that prohibits habitation in a detached structure. The goal is to unify the language in the zoning ordinance that prohibits habitation or performing home occupation activities in detached structures. The thought is to add the language to the existing zoning ordinance.

Mr. Vyverberg talked through existing zoning ordinance related to Accessory Structures/detached structures.

Mr. Vyverberg stated in the year 2000, Village staff worked on many requests for detached garages. These requests did not have a square foot limitation for detached structures. Code now states that the height of the detached structure cannot exceed the height of the principal structure. The goal is to bring clarity to proposed amendments.

Mr. Vyverberg talks about the relevant definitions in the Village of Palatine Zoning Ordinance.

Mr. Vyverberg suggests to clarify the code and instead of having a maximum measure to a midpoint height, it would be measured as indicated in the suggested definition of maximum height.

Mr. Vyverberg noted another review in 2007 amended the lot coverage of building requirements in residential districts. The definition of story and half-story was inserted and clarification added to eliminate the (1) story and clarify the maximum height that was intended to be measured to a midpoint. It was suggested that the mean height would have a maximum accessory height of 23'.

Mr. Vyverberg noted that the Community Services Department was surveyed on the number of detached structure building permits that had been issues in recent years. It was discovered, depending on if it was an 8' garage door height (which is typical) and in some instances there was a 7' garage door, having a maximum height of 23' encompassed the majority of the garages that were built and constructed and part of the review. There is no form base code that staff operates under within the village.

In instances, for purposes of design where they are looking to have a roof pitch that aligns with the principal structure - if you want to exceed the height, you would go through special use process and check if the special use standards are not impacting surrounding properties.

Mr. Vyverberg discusses language from the Barrington ordinance that contemplates, based on the pitch of the roof, different maximum heights for garages as it relates to that structure. One item noted under accessory limitation within the Village of Palatine under residential properties there is lot coverage restrictions, building cover restrictions, set back and bulk standards as it relates to that.

Mr. Vyverberg also discusses that one thing common from review is NW Municipal Conference information regarding garages and accessory structures. It seemed typical that there was a limitation of one garage, whether it's attached or detached, permitted on a single residential lot. This is attempting to not rely on the lot coverage calculation to prohibit that.

Mr. Friedman asks if there are circumstances where an existing attached garage is part of the home but not an accessory structure? If an individual has a home with a single attached garage and they don't have the width to add a 2nd car is the rule that they cannot do a detached garage behind them because they

already have 1 garage? Is that the intent?

Mr. Vyverberg replies that as written, in this circumstance, it would need to be reviewed as to whether it's a substandard garage.

Mr. Hanson talks about a neighbor being a car collector that took the back wall out of his garage and built an attachment - not freestanding but a deeper garage.

Mr. Vyverberg states he is aware of permits issued for building a tandem garage.

Mr. Vyverberg is ready to move to next section of addendum and ask Mr Dwyer if he would like to move to next topic or discuss.

Mr. Dwyer asks if there are any questions about accessory structures. None noted - discussion about typo and wording on document.

Mr. Vyverberg talks about next item on Agenda that relates to the addendum which is gazebo's and pergola's. He states that residents are purchasing these items from big box stores. Code states it must be placed 10' from the main structure. One way to address this is to go through a minor special use request. It has been an economical and straight forward process and these structures seem to be a common item. There was also a discussion with the Director of Fire Prevention and it was determined that there is not a fire impact relative to the structures and has gone through a building department review.

Mr. Vyverberg states that there is no present definition of gazebo's and pergola's. The article now adds standard definition that indicates they are not required to provide a setback for open air gazebo's from the principal structure. It also eliminates anyone from having to go through the process of a building permit.

Mr Fedota asks if the gazebo's are completely covered. He also states that outdoor structure notes that 12, 16 or 24 on center would be a pergola.

Mr. Friedman asks if the 2 definitions can be combined. Is there a need to distinguish from a zoning stand point that a gazebo having a solid roof and a pergola open to above with open slats. He asks if there is any risk or impact of visual massing?

Mr. Vyverberg states that it was not taken into consideration and noted that he looked at other examples of the municipal ordinance that were combined as it relates to this. If plan commission would like it further evaluated he states he would be happy to do that. The bigger point was the disconnect in the code that requires the structure to be 10' away from the principal structure and the fact that it's not useable.

Mr. Fedota states that he is surprised that fire safety wasn't a concern for a wooden structure located next to building and refers to a BBQ

Mr. Bennenhausen also talks about owners having a BBQ in the gazebo and the risk it could pose.

Mr. Vyverberg responds and states that having a gazebo on the patio next to the house did not raise concerns but adding different elements to the structure like fire pits or grills would then have to be reviewed under building permits.

Mr. Vyverberg moves to next item on the amendment. States that code changed several years ago in regards to commercial properties that directly abutt to residential properties. Text amendment was approved to allow commercial properties to have an 8' fence for additional aesthetic screening and noise control. They did not contemplate at the time that if you're in an existing commercial use perhaps permitted by right or new fence as it relates to that is only 6'. This code did not allow the same deference for the residential property that it abutts against. The amendment is intended to clean up the language to allow residential properties that are abutting a commercial property to have the same allowance that a commercial property has which is to allow an 8' fence on residential property rear yard or interior side yard which is the same limitations afforded to the commercial property.

Mr. Vyverberg presents Addendum - Article 6 - Section 6.03. Fences
Code clean up in manufacturing district aligning the manufacturing district and commercial properties to 8' for screening and fencing which is allowed by code. Clean up so code is not different in 2 different places.

Mr. Fedota asks if it is limited to solid board on board fences or could it also be a chain link fence.

Mr. Vyverberg notes circumstance of new development. Current code contemplates if you are abutting a residential property or if you have a commercial parking lot abutting a residential property it would have to be a solid screening. Chain link fence would not provide a barrier.

Mr. Vyverberg states there is last bit of clean up and refers to Article 12 - Section 12.01 - Manufacturing District (Permit Uses)

He states that if there is a manufacturing property that wanted to do a special event, staff would look at amending the zoning ordinance to be consistent with other business properties. He notes that there is not an abundance of parking at manufacturer properties and businesses would have to go through process that they could provide parking. This is a reasonable request from staff perspective.

Mr. Fedota notes that it could be any temporary use. He asks if there needs to be more clarification.

Mr. Vyverberg states it is being reviewed under umbrella and the event has to be related to the underlying use.

Mr. Dwyer asks about storage principal structure.

Mr. Vyverberg worked with director of community services to put definitions together. Can clarify question with him.

Mr. Dwyer - Point 1 is unnecessary and Point 2 establishes when a basement will be a story.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text amendments to Appendix A (Village of Palatine Zoning Ordinance) of the Village of Palatine Code of Ordinances - Article 3 - Rules and Definitions - Section 3.02 Specific Definitions; Article 6 - Section 6.01 Accessory Structures and Section 6.03 Fences; Article 7 - Section 7.04 Design and Maintenance of Off-Street Parking Areas - Manufacturing and Business District Screening; and Article 12 - Section 12.01 (f) Permitted Uses in the Manufacturing District.

Mr. Hansen made a motion to close the public hearing; seconded by Mr. Noonan. The motion was unanimously approved

DISCUSSION:

Chairman Dwyer notes the items remaining to address at the next meeting is the definition of "story" related to the basement.

Mr. Vyverberg states that he will review the original amendment for clarification and check with the Director of Community Services.

Mr. Noonan states that language is to be reviewed in regards to separation of Pergola and Gazebo

Mr. Vyverberg states that this will need to be further reviewed and will clarify the language at the next meeting.

Mr. Noonan made a motion to accept Case #21-08 with (2) contingencies, seconded by Mr. Fedota.

The motion was unanimously approved.

Chairman Dwyer summarized that this request has met the standards and was unanimously approved by a vote of 8-0.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Stephen Fedota, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Friedman, Bettenhausen, Fedota
ABSENT:	Kolososki

IV. ADJOURNMENT

Minutes Acceptance: Minutes of Mar 2, 2021 7:00 PM (Approval of Minutes)



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

PLAN COMMISSION MINUTES • MARCH 16, 2021

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Conrad Hansen	Plan Commissioner	Present	
Dennis Dwyer	Chairman	Present	
Jane Robins	Plan Commissioner	Excused	
Patrick Noonan	Plan Commissioner	Present	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Present	
Robert Kolososki	Plan Commissioner	Excused	
Stephen Fedota	Plan Commissioner	Present	

II. APPROVAL OF MINUTES

III. PUBLIC HEARING

1. Preliminary and Final Plat of Subdivision; Vacation of Sellstrom Drive, east of the Subject Property, (approximately 500 feet); Final Planned Development; Rezoning from Manufacturing to Planned Development, for the property located at 200 E. Daniels Road, 300 E. Daniels Road, 350 E. Daniels Road, 200 S. Hicks Road, and 1 S. Sellstrom Drive (former Weber Stephen's location) - **Recommended to Approve**

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on February 25, 2021 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Preliminary Planned Development approval
2. Project Narrative Revised 02.05.2021
3. Final Engineering Plans
4. Final Stormwater Report
5. Existing Storm Sewer design
6. Final Plat of Subdivision
7. Revised Site Plan_Palatine_10.23.20
8. Palatine Corporate Center Building Elevations_8.31.2020
9. Concept Rendering_Corner_06-15-2020
10. Dock Seal Exhibit

Minutes Acceptance: Minutes of Mar 16, 2021 7:00 PM (Approval of Minutes)

11. Traffic Impact Addendum - 19-087 Helen Road Evaluation in Palatine 11-30-2020
12. Traffic Impact Study - 20-126 Warehouse in Palatine 6-30-2020 ep maw
13. Final Landscape Plans
14. Tree Survey Rating Schedule
15. Existing Tree Location Plan
16. Wetland ACOE JD-Approved 2020-07-31
17. Wetland Delineation Report_20265
18. Wetland Map
19. Cross Section
20. Preliminary Photometric plan
21. Site Lighting Fixture Submittal_09.25.2020
22. MIF Site Noise Narrative
23. 2007 Aerial (noise narrative exhibit)
24. 2010 Aerial (noise narrative exhibit)
25. ALTA Survey
26. MIF - Final Planned Development application
27. Public Notice

Chairman Dwyer explains that tonight's meeting is a final plan development meeting and is a continuation from a previous meeting that was held in December, 2020.

Sworn in Petitioner Mr. Pat Shaner - Director of Development for Midwest Development

Sworn in staff - Mr. Ben Vyverberg

Mr. Vyverberg provides a review of the previous December meeting. He explained that after the December public hearing the Village Council reviewed and approved the preliminary plan development for the 25 acre former Weber-Stevens property. As part of the review approval there was a series of conditions that were outlined relative to the engineering plans, architectural plans and storm water management plan. Mr. Vyverberg states that in review of the plans and setbacks, building heights are all consistent with exactly what has been approved by the Village Council. He addressed that the Engineering plans that were conditionally approved by the Village Engineer for final planned development and confirmed that they have been reviewed and approved with a few minor conditions. The Petitioner has accepted those conditions. Architectural plans will always remain a condition of plan development for final review.

Mr. Vyverberg reviews conditions 1 thru 20. He states that subsequent to plan commission review, the plans were revised, in response to questions raised at the previous public hearing, to add an additional 130' of 8' fencing on the north side of the property in response to resident concerns. He addresses the photo metric plans submitted and reviewed by Engineering. The west property line exceeds the maximum foot candle and will require a revision. This item will remain a condition of the final plan development.

Mr. Vyverberg also addresses the W. Helen Road traffic addendum and traffic signs that will be aligned with the needs of the site.

He calls out conditions #14, #15 & #16 and confirms the developer has addressed the conditions. Condition #18 is regarding dumpster locations and that information has not been identified. Condition #19 is regarding screening of rooftop and this will be called out to avoid any confusion. Condition #20 will be addressed once tenants are identified and a business plan is submitted.

The developer has addressed all conditions put forward as part of the preliminary plan development.

Mr. Hanson asks for more information about final landscaping.

Mr. Vyverberg explains that it has been addressed in the original plan of development. Plan Commission is aware of significant evergreen installation and 8' fence. The plans reflect that the installed height will be 8 feet.

Mr. Hanson questions the monotony code on condition #17 and asks who decides the harmony and continuity of the village requirements.

Mr. Vyverberg responds and clarifies that this is determined by the Director of Community Services.

Mr. Hanson asks if Condition #18 will be addressed prior to building.

Mr. Vyverberg responds and advises that the garbage location will be determined by end user

Mr. Hanson refers to Condition #20 and asks if there is anything in the code for future tenants.

Mr. Vyverberg responds and advises that the village will determine a response when a business license is applied for and a business plan is submitted.

Mr. Bettenhausen asks if hours of operation have been addressed.

Mr. Vyverberg responds and explains that Village Code and Traffic Code has limitations. These have been discussed with the developer and it has been determined that the primary truck access is the southerly access. There will be an emergency gate but trucks will not be traveling on the west side of the property. The intention is to use the southerly entrance and access docks. The trucks would leave the same way they come in. The Village would address any conflicts prior to occupancy.

Mr. Bettenhausen asks if lights will stay on all night for security.

Mr. Vyverberg talks about photo metrics and the final lighting plan has not been approved. Staff added a condition that added a light shield requirement for lights that are proximate to residential properties.

Mr. Friedman asks if conditions put forth will apply to any and all future tenant improvement applications.

Mr. Vyverberg confirms that due to size and impact of development a thorough traffic impact study was conducted. Conditions will remain in the final plan development. This will ensure that future tenants will adhere to initial requirements and if tenant ends up creating traffic that is contrary to the impact

study the Village can link to it accordingly.

Mr. Friedman asks if there are any plans that show the intended roof top units.

Mr. Vyverberg states that a review by community services suggested that the condition be made so that every tenant would have to comply with screening requirements.

Mr. Fedota asks about the truck traffic on Sellstrom Drive and what will prevent trucks from accessing from the north. He also points out that the 1st half of the southern border would be property of one parcel and asks how will the western building still have egress?

Mr. Shaner addresses this question and states that there will be various easements that will be granted between properties. The properties will have shared utilities, shared storm water and basically the easement on the southern and north drive along lot #1 will be an easement for user of lot #2 to use. There will be cost sharing language included in the documents.

Mr. Fedota asks if parking will be adequate on each property were they to stand alone?

Mr. Shaner responds that there is.

Mr. Bettenhausen sites a 6'high wall at parking area and asks if there are any safety concerns. He suggests a rail should be added to final drawings.

Mr. Shaner advises that these are land parking spaces and will probably not be needed. They are shown on the drawing and would only be added if there was an extreme need by the potential end user. If developed, a guard rail would be installed.

Mr. Vyverberg also states that if the spaces were added a building permit would be required.

Mr. Bettenhausen calls out the 72" sewer outlet and asks if there should be a rail installed for maintenance personnel.

Mr. Vyverberg responds that the village engineer did identify minor items on engineer plans and he will check if this has been addressed.

Mr. Dwyer states that clarification needs to be addressed on the conditions for final approval. The conditions should be separated for planned development ordinances that are to be addressed by village council for approval. A separate section for items that should continue as requirements of the Plan Development Ordinance. This would benefit the Petitioner as well as council.

Mr. Vyverberg agrees and will summarize at end of meeting.

Mr. Shaner clarified the dumpster/trash locations and this will be addressed. He talked about the Village stating that there must be a central location for dumpster. The position of the developer is that dumpster location would be addressed when tenant is identified and a business plan submitted.

Mr. Fedota requests confirmation that the dumpster location, once identified,

would have screening from public streets, neighboring properties or pedestrian areas.

Mr. Vyverberg confirms that it would be screened per village code.

Mr. Dwyer asks if anyone in the audience would like to speak.

Mr. Barry Levitus, a resident that resides at 325 E Parallel Street is sworn in and inquires if screening on the North side is sufficient. He also questions if there was an asbestos study provided prior to the current building tear down.

Mr. Vyverberg states that the screening on the North side was addressed in the December meeting and approved. The asbestos and its removal are regulated by the State and County and he stated that the findings were discussed with the resident earlier today.

Mr. Shaner states that there was an asbestos study that was conducted by state and cook county regulators. In the report submitted by those agencies it was noted that two areas came back showing asbestos. Those areas were within the floor tile mastic and pipe wrap. A company was hired to remove all the asbestos and a report was submitted to Cook County and IITA. Those reports were in hand to the required agencies prior to demolition.

Mr. Levitus asks if residents would have any input on hours of operation once new tenants have been identified.

Mr. Vyverberg states that there are standards in place for the manufacturing district. If the standards are maintained it would be deemed to permit the business license.

Mr. Vyverberg moves to review the conditions and clarifies which conditions will remain, which will be struck or which will go to further village council review.

Mr. Dwyer asks Mr. Shaner if he is clear on remaining conditions and does he foresee any issues with complying.

Mr. Shaner states that they are clear and will be able to comply

Mr. Vyverberg states that final review by Village Council will be scheduled for 4/5 or 4/12, the date is still to be determined.

STAFF RECOMMENDATION:

The Final Planned Development submission is consistent with the Preliminary Planned

Development approval. The stormwater management improvements will benefit the

Subject and surrounding properties in the area. The proposed uses, linked to the Manufacturing District uses list and requirements, are consistent with the existing zoning classification and future land use recommendations of the

Comprehensive Plan.

Therefore, Staff recommends of approval, subject to the following conditions:

1. The development shall substantially conform to the Final Site Improvement Plans prepared by Spaceco Engineering Inc., dated 09/03/2020, last revised 01/22/21, the Cross Section Exhibit prepared by Spaceco Engineering Inc., dated 10/13/20, the Architectural Site Plan prepared by Harris Architects, Inc. dated 07/07/2020, last revised 10/23/2020, Preliminary Architectural Elevations prepared by Harris Architects, Inc., dated 07/07/2020, last revised on 08/31/2020, the Preliminary Conceptual Architectural Rendering Elevation prepared by Harris Architects, Inc., KLOA Traffic Impact Study (dated June 30, 2020), KLOA Helen Road Traffic Evaluation (dated November 30, 2020), revised project narratives, and the Landscaping Plans prepared by IRG Group, Inc., dated 07/08/2020, last revised on 02/05/21 except as such plans may be revised to conform to Village Codes and Ordinances.
2. Uses and all performance standards shall be governed by the Manufacturing district use lists in the Palatine Zoning Ordinance and Village Code. Sign plans shall follow the Manufacturing district sign regulations and the Village Sign Code for each building and based upon the frontage along Sellstrom Drive and acreage of each lot.
3. The Final Plan Review fees in the amount of 1.5% of total project improvement costs shall be submitted in a manner acceptable to the Village Engineer.
4. As a condition of the Final Planned Development, a Final Planned Development letter of credit in an amount acceptable to the Village Council shall be submitted in a manner acceptable to the Director of Planning and Zoning.
5. A Public Improvement Letter of Credit shall be submitted to insure the completion of all public improvements, as defined within the Village Code, for an amount of 115% of the approved EEOC, along with a cash bond of 10% for the required one-year maintenance period.
6. The final landscape plan and screening plans shall be revised in a manner acceptable to the Director of Planning and Zoning.
7. The final photometric and lighting plan shall be revised in a manner acceptable to the Village Engineer. Light shields shall be required for all lights proximate to residential properties, at the determination of the Village Engineer. The revisions should include the following:

The photometric shall be resubmitted showing the light levels at the

property lines are in accordance with Village code below:

- a. APPENDIX A 7.04(b) *[Lighting.]* All open off-street parking areas shall be illuminated and lighting shall be arranged so as to provide glareless illumination and to reflect the light away from adjoining properties, according to the standards as stated in the Building Code.
- b. 6-8.1(3) *Illumination.* All open off-street parking areas covered under this article shall be illuminated and such illumination shall be so shielded or otherwise optically controlled so as to provide glareless illumination in such manner as not to create a nuisance on adjacent properties or roadways. (Ord. No. 0-30-10, §1, 4/5/10)
1. Illumination of parking areas shall limit light spillage onto adjacent property to a maximum horizontal footcandle value at the perimeter of the property that is being illuminated in accordance to the following:

Adjacent Property Use	Maximum Footcandles at Perimeter
Single-family residential....	0.1
Multiple-family residential....	0.2
Business....	2.0
Industrial....	5.0
Park, school and institutional....	5.0

8. The Petitioners shall submit a Subdivision Improvement Agreement in a manner acceptable to the Village Attorney.
9. MWRD/WMO, IEPA, and CCDD report, NCS& W permits shall be submitted in a manner acceptable to the Village Engineer. Wetlands - A USACoE permit shall be required pursuant to the jurisdiction determination letter LRC-2020-00573 dated July 31, 2020. A WMO permit shall also be required prior to any excavation in the determined wetland areas.
10. The final traffic directional signage and wayfinding sign plan within the site plan shall be submitted in a manner acceptable to the Village Engineer.
11. The Plat of Subdivision shall be revised in a manner acceptable to the Village Engineer and Director of Planning and Zoning.
12. Cross access easements, declarations and a Reciprocal Easement Agreement for the entire property governing the maintenance of access points, stormwater areas and any other common areas shall be submitted in a manner acceptable to the Village Attorney and Village Engineer as part of the Final Planned Development application process.
13. A Plat of Vacation for the portion of Sellstrom Drive adjoined with the Subject Property shall be submitted in a manner acceptable to the Village

Engineer. If required, a Plat of Easement Vacation shall be submitted in a manner acceptable to the Village Engineer and Village Attorney, as part of the Final Planned Development application process.

14. The monotony code shall apply to all building elevations:

Sec. 6-42.1 Exterior Building Design: When rear and side elevations are visible from public streets or neighboring properties, exterior building design and detail on all elevations shall be coordinated with regard to color, types of materials, number of materials, architectural form, and detailing to achieve harmony and continuity of design.

15. The final dumpster locations and required screening materials shall be submitted in compliance with Village Code, pursuant to Sec. 6-42.2 Screening: (a) Trash containers and outdoor storage areas shall be screened from public streets, pedestrian areas, and neighboring properties. The screens should be designed to be compatible with the architectural character of the development. Trash screens shall also meet the requirements of Chapter 12 of this code. These screens shall be constructed of durable materials similar to those of the building and shall have solid (opaque) walls and doors, as part of the Final Planned Development application process. The final locations could also require the submission of a revised auto-turn, in a manner acceptable to the Director of Fire Prevention.

16. All rooftop equipment shall be screened in compliance with Code:

(b) Roof-top equipment screening: 1. New Construction. All mechanical equipment and other similar devices located on any roof shall be visually and acoustically screened on all sides. Design and detail of such screening on all elevations shall be coordinated with regard to color, types of materials, number of materials, architectural form, and detailing to achieve harmony and continuity of design with the major portions of the building.

17. Pursuant to the revised project narrative, the Petitioner shall submit the proposed business and operations' plans (identified tenants) for Staff review for compliance with the manufacturing use list and standards.

Mr. Hanson made a motion to close the public hearing: seconded by Mr. Noonan. The motion was unanimously approved subject to conditions

DISCUSSION:

Chairman Dwyer summarized that this request has met the standards and is subject to conditions as noted. This item will tentatively go to the Village Council on 4/5/21 or 4/12/21 - date is still to be finalized

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Stephen Fedota, Plan Commissioner
AYES:	Hansen, Dwyer, Noonan, Williams, Friedman, Bettenhausen, Fedota
ABSENT:	Robins, Kolososki

IV. COMMUNICATIONS

V. ADJOURNMENT

VILLAGE OF PALATINE
Plan Commission

SCHEDULED 04/06/21 07:00 PM

CASE STAFF STATEMENT (ID # 6667)

Northwest Trucks INC. -2200 N. Rand Road Special Use for a Unique Use to allow for trailer and truck sales, common and contract carrier, truck parts' sales, truck and trailer repairs, and related uses

CASE NUMBER: 21-07

PETITIONER: Northwest Trucks INC. - Kurt Kassulat (President)



LOCATION: 2200 N. Rand Road

PROPOSAL:

Special Use for a Unique Use to allow for truck and trailer sales, truck and trailer parts' sales, common and contract carrier, truck and trailer repairs, and related uses, pursuant to Section 11.06 (e) 27 of the Village of Palatine Zoning Ordinance.

ZONING AND LAND USE: The Subject Property is zoned B-5 (Highway business district associated with all lots with frontage on Rand Road/U.S. Route 12) and is improved with an approximately 17,000 square foot commercial building and an associated parking lot. The Zoning Ordinance defines *unique use* as follows:

Unique Uses. A use not otherwise listed as a Permitted Use or Special Use within any zoning district. (Ord. 0-72-07, §3, 5/14/07; Ord. 0-85-12, §2, 6/18/12)

SURROUNDING CONDITIONS:

North:	B-2 (general business) and R-1 single-family residential (annexed from unincorporated Cook County)
South:	Planned Development - UPS distribution location
East:	IDOT access road - B-5 (Northwest Trucks INC. location - 2120 N. Rand Road
West:	Planned Development - UPS distribution location

COMPREHENSIVE PLAN:

The Future Land Use map recognizes a continued business use for the Subject Property.

BACKGROUND:

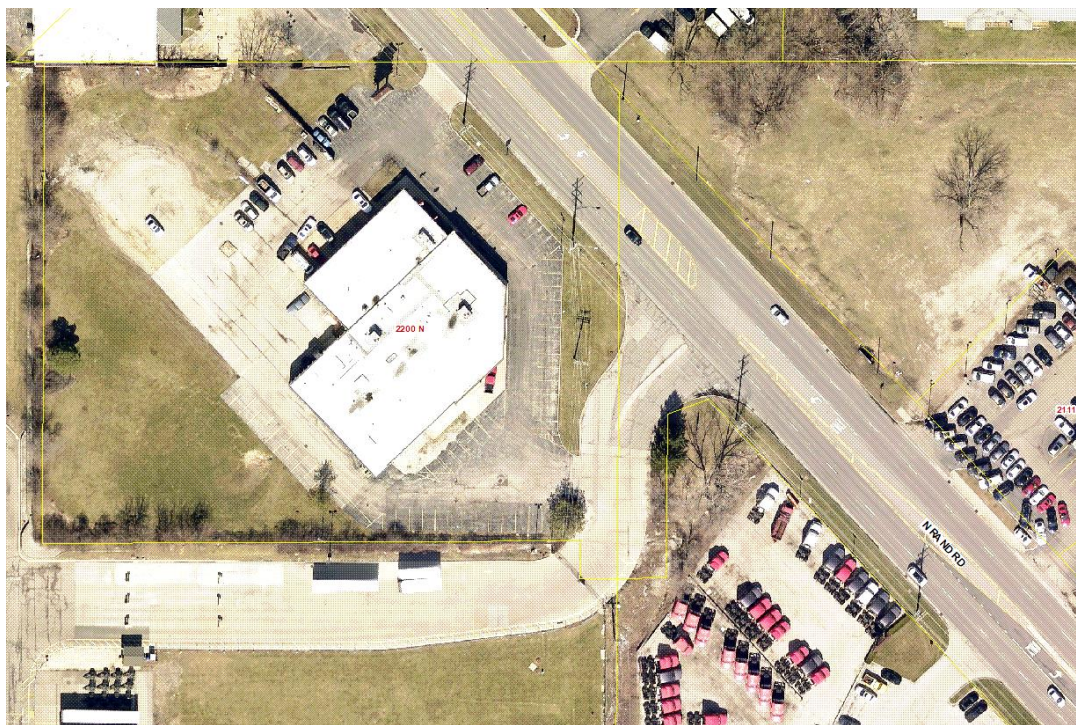
The Petitioner - Northwest Trucks INC. is seeking to expand an existing business (located on the adjacent property at 2120 N. Rand Road) into the building located at 2200 N. Rand Road.

Northwest Trucks INC. currently operates within a Special Use for a Unique Use at the 2120 N. Rand Road. This Special Use was approved in 1989, in conjunction with the annexation agreement and rezoning of the property. Northwest Trucks Inc.'s current uses and operations are not identified as permitted or special uses in the B-5 District or within the Zoning Ordinance, therefore the zoning ordinance proscribes that a Special Use for a Unique Use is the appropriate review process. Therefore, the Petitioner is requesting a Special Use for a Unique Use in the B-5 district, pursuant to Section 11.06 (e) (27) of the Village of Palatine Zoning Ordinance.

ANALYSIS:

- The Subject Property is zoned B-5 and is approximately 2.75 acres. It is located along the Rand Road corridor and improved with an approximately 17,000 square foot one-story building. Northwest Trucks INC. operates a full service truck dealership and includes truck and trailer repair, sales, part sales, service, and common and contract carrier for class 6-8 commercial and municipal trucks.
- The legislative intent of the B-5 District is to provide for intensive retail or wholesale sales with appeal on a regional basis.
- The Subject Property was previously occupied by Suburban Harley Davidson, prior to its acquisition, relocation, and redevelopment at 2015 N. Rand Road as City Limits Harley Davidson. Since City Limits departure, the Subject Property has contained various commercial uses including a temporary auto sales use and most recently the location of Rumi Maki Boxing and Martial Arts School and a Top Notch Auto repair location.

Rumi Maki has since relocated, but the auto repair use remains on the northern 4,000 square feet of the building will continue its operations in conjunction with the proposed Special Use.



- The site is served by two separate access points. There is a full access curb cut onto Rand Road and a secondary access onto an IDOT controlled access road,

which also serves the adjacent UPS location.

- The business plan indicates that Northwest Trucks current location (2120 N. Rand Road) was built in 1984 and completed a building addition in 1992. It is presently operating at its maximum functional capacity, with respect to its parts storage and counter sales areas. The expansion into the 2200 N. Rand Road will allow Northwest Trucks to increase the parts inventory and also expand the parts fulfillment abilities.
- Presently, Northwest Trucks has about 30 parts and service employees. With the expansion into the 2200 N. Rand Road building, the business will be able to expand their parts' inventory by approximately 12,000 square feet. The expansion will also provide for the ability add a parts accessory showroom and increase additional truck sales' offices and a conference room.
- Northwest Trucks service area includes companies and municipalities throughout the Chicago region. The proposed hours of operation would be similar to their existing parts' department, which operates from 7 AM through 12 AM, Monday through Friday and 7 AM through 4 PM Saturday and Sunday.
- The property is fully developed and all of the required engineering improvements and utility accesses remain in place:



- In conjunction with the Petitioner's acquisition of the property, the existing parking lot would be repaved and restriped through the building permit process. Also, the interior space would be retrofitted to accommodate new offices and a parts' storage area. The planned uses do not include truck repair at this time, as the existing building height and clearance area do not afford the space to complete these activities. Nevertheless, the proposed Special Use includes truck repair, if in the future such building modifications are completed. Per Code, these activities are required to be completed wholly within the building.
- There are no immediate alterations to the exterior of the building planned at this time. The Petitioner does plan to add fencing and a gate to the southern side of the property to segment and screen the vehicle storage in the future. This would be processed through a building permit. Nevertheless, if the Special Use is approved, vehicles for sale may be displayed on the property, excepting those in disrepair.
- The auto repair use would continue on the northern side of the building. It is subdivided through a block wall and provides separate entrances for that tenant.

As the proposed Special Use is for the entire property, Northwest Trucks could expand into that area in the future, if the current plans changed moving forward.

RECOMMENDATION:

STANDARDS FOR SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected and that the Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is located. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

The Petitioner would occupy a vacant building previously used for motorcycle sales, repairs, and parts distribution and has a thirty-two year operational history within the Village, Staff does not have any concerns with the existing or proposed business operations. The vehicle and parts' sales uses are directly comparable to many of the other sales tax producing uses along the Rand Road corridor. Also, the adjacency of the existing business will likely provide operational efficiencies. Therefore, Staff recommends approval of the Special Use, subject to the following condition:

1. The Special Use shall substantially conform to the business plan, site plan, and floor plan submitted by the Petitioner, Northwest Trucks INC., except as such plans may be changed to conform to Village Codes and Ordinances.

ATTACHMENTS:

- Aerial Map - 2200 N Rand Road
- Plat of Survey - 2200 N. Rand Road
- Revised Floorplan - 2200 N. Rand Road - Northwest Trucks INC
- NTI business plan - 2200 N Rand Road
- O-031-89 Annexation Agreement
- ORD #0-34-89 - Special Use Ordinance - Northwest Trucks INC. -2120 N. Rand Road (current location)
- Special Use application
- Public Notice - 2200 N. Rand Road - Special Use for a Unique Use - Northwest Trucks, INC.

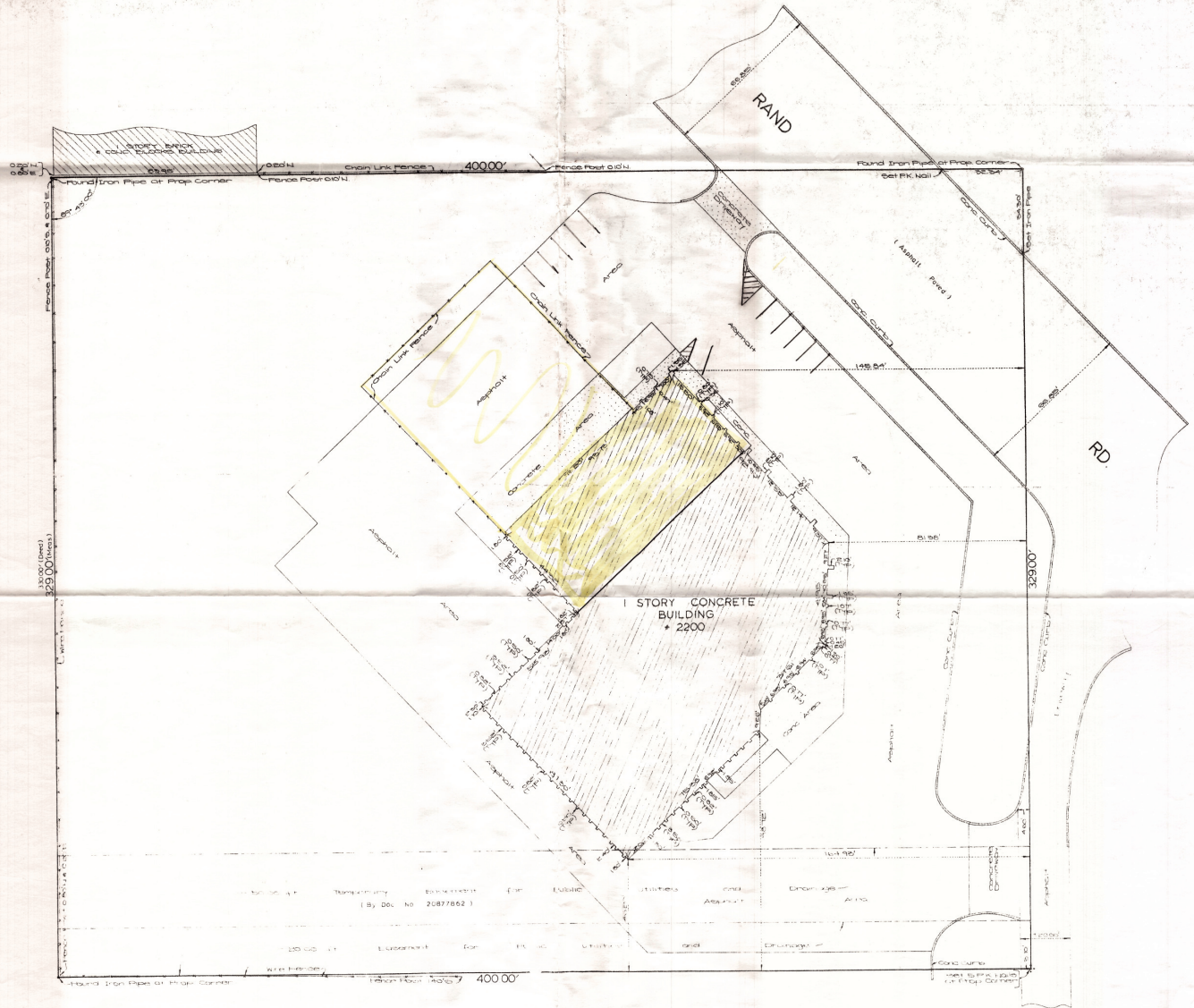
Village of Palatine GIS Viewer

3.1.a



PROFESSIONALS ASSOCIATED
Property - Condo - Mortgage Surveys
1510 Old Deerfield Rd, Highland Park, Illinois 60035
Tel. 831-1200
PLAT OF SURVEY
OF

THE EAST 400.00 FEET OF THE NORTH QUARTER OF THE EAST 1/2 OF LOT 1 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH,
RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



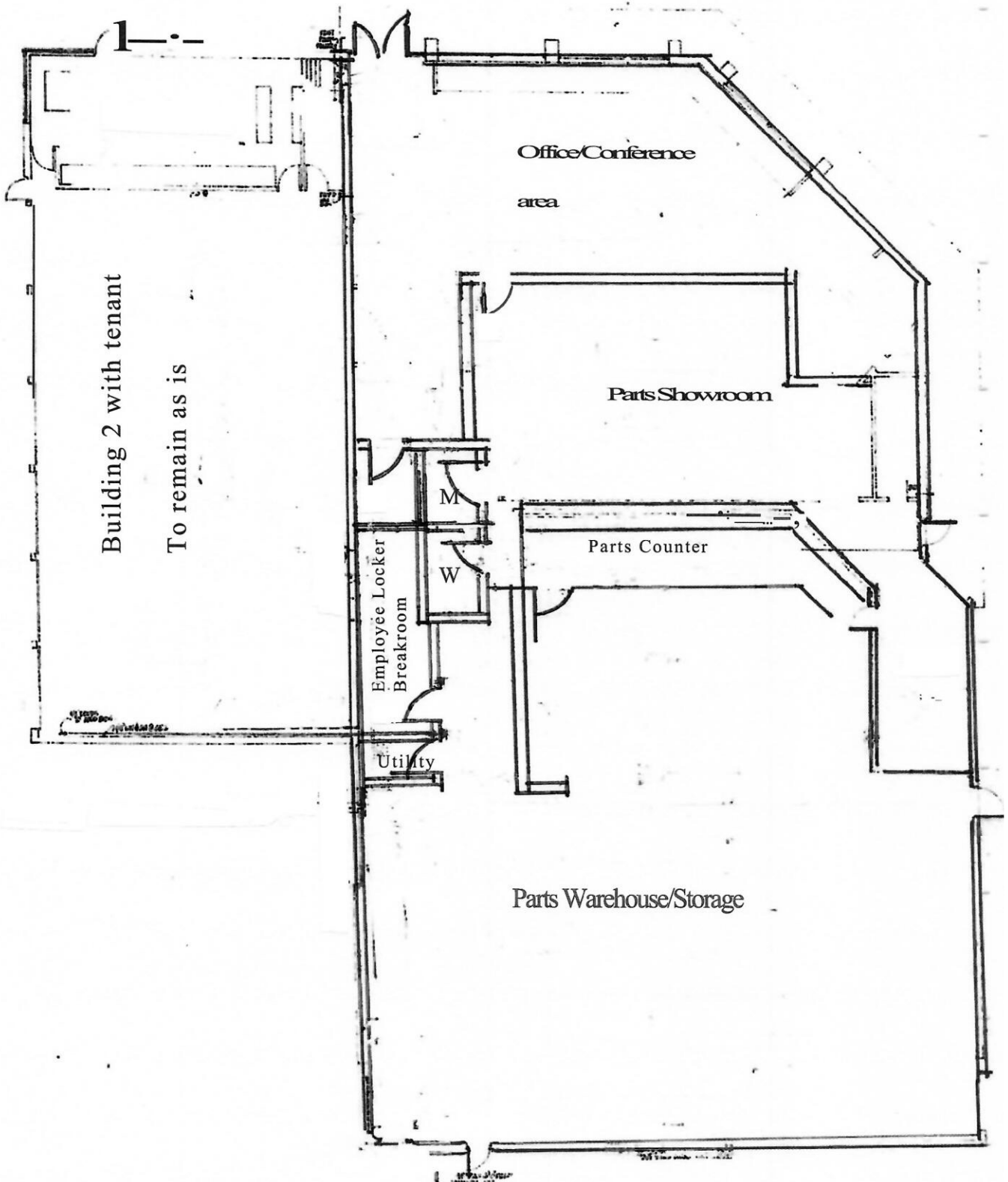
*CHECK * IN BOX MEANS THAT SURVEY HAS BEEN
MADE FOR USE IN CONNECTION WITH A REAL ESTATE
OR MORTGAGE LEND TRANSACTION AND IS NOT TO BE
USED FOR CONSTRUCTION.
DIMENSIONS ARE NOT TO BE ASSURED FROM SCALES.
Order No. 89-04063-D
Scale: 1 inch = 20 feet
Date: March 14, 1989
Surveyed by: JOSEPH D. PALMISANO, P.C.
Attorneys at Law

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO
RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.
State of Illinois)
County of Lake)
We, PROFESSIONALS ASSOCIATED, do hereby certify that we have
located the building on the above property.

R. P. Davis
R. P. Davis, Land Surveyor



COMPARE ALL POINTS BEFORE BUILDING BY SASH AND AT ONCE REPORT
ANY DIFFERENCE.
State of Illinois)
County of Lake)
We, PROFESSIONALS ASSOCIATED, do hereby certify that we have
surveyed the above described property and that the plat here
drawn is a correct representation of said survey.
R. P. Davis
R. P. Davis, Land Surveyor





2120 Rand Road • Palatine, IL 60074
847-991-0900 • FAX 847-991-9768



DETROIT DIESEL

January 2021

Re: Business Plan

Proposed Property: 2200 N. Rand Rd., Palatine, IL.

Northwest Trucks, Inc. (NWT) is located at 2120 Rand Rd., Palatine, IL. 60074, corner of Rand Rd. and Hicks Rd. We operate a full-service truck dealership which includes parts sales, service sales and new/used truck sales for class 6, 7 and 8 commercial and municipal trucks. The facility was built in 1984 with an addition added in 1992 to help with continued growth in our business. NWT employs about 30 parts and service personnel, with parts and service sales roughly \$13,000,000 annually. We sell between 150 and 200 trucks annually with truck sales around \$20,000,000 annually. Our customer base for all services includes several companies and municipalities throughout the Chicagoland area. Our offices are open from 7:00AM – 5:00PM Monday thru Friday and 9:00AM – 12:00PM Saturday with parts and service hours 7:00AM – Midnight Monday thru Friday and 7:00AM – 4:00PM Saturday and Sunday.

NWT currently is operating at maximum capacity for our current facility in respect to our parts storage and counter sales areas. We have no more office space to add sales personnel workstations and currently have no conference room areas. Our plan to purchase the property adjacent to us at 2200 N. Rand Rd., would benefit us the community and would utilize a current empty unused building in Palatine. This addition to our current operation would allow us to expand our operation in the following manner:

- Increase parts inventory square footage by almost 12,000 square feet
- Room to increase parts sales counter and add sales personnel
- Add a small parts accessory showroom
- Room to add additional truck sales offices and staff with conference room

The proposed facility use to be a motorcycle dealership that had a service department, parts department with a parts sales counter, small accessory showroom area and some offices. The building is ideal for us to utilize it almost in the same manner minus the service area; this area would be used for parts storage instead. With the ability to increase inventory we will have the ability to sell to a larger base of truck operators and hopefully give these companies in the surrounding areas a place to fulfill more of their parts and accessory needs without having to purchase elsewhere. We feel that this Additional parts store could increase parts sales by around \$2.5-\$3 million a year. Planned hours of operations would be the same as current parts department hours.

Currently there is a tenant in the north end of the building utilizing about 4000 square feet for automotive repair and used car sales. The building is subdivided with a block wall with separate entrances for this tenant. Currently the plan would be to keep the tenant leasing the space.

Kurt R. Kassulat,
President

(Hicks/Rand)

ORDINANCE NO. 0-31-89

89198353

AN ORDINANCE
AUTHORIZING THE EXECUTION OF
AN ANNEXATION AGREEMENT
NORTHWEST TRUCKS - 2120 RAND ROAD

WHEREAS, it is in the best interests of the Village of Palatine that a certain Annexation Agreement, a copy of which is attached hereto and made a part hereof, be entered into; and

WHEREAS, the owners of record of the land which is the subject of such agreement are ready, willing and able to enter into such agreement and to perform the obligations as required thereunder; and

WHEREAS, the statutory procedures provided in Division 15.1 of Article II of the Illinois Municipal Code, as amended, for the execution of said annexation agreement have been fully complied with:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Palatine, Cook County, Illinois, as follows:

SECTION 1: The President is authorized and directed to execute and the Clerk is directed to attest the Annexation Agreement, a copy of which is attached hereto and made a part hereof.

SECTION 2: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

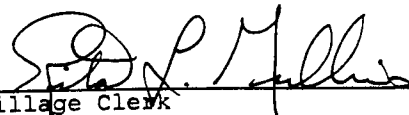
PASSED: This 27 day of March, 1989

AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

APPROVED by me this 27 day of March, 1989


President of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this 27 day
of March, 1989


Village Clerk

Attachment: O-031-89 Annexation Agreement (2200 N Rand Road - Northwest Trucks INC.)

0-31-89

ANNEXATION AGREEMENT
NORTHWEST TRUCKS, INC.

THIS AGREEMENT, made and entered into this 19 day of Dec., 1988, by and between the VILLAGE OF PALATINE a municipal corporation of Cook County, Illinois, 200 E. Wood Street, Palatine, IL., 60067 (hereinafter called the "VILLAGE") and LA SALLE NATIONAL BANK, as Trustee under Trust Agreement dated October 28, 1985 and known as Trust No. 110476 ^{and not personally} (hereinafter called the "Owner").

W I T N E S S E T H

WHEREAS, the OWNER is the holder of legal title to the real estate which is legally described on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the OWNER desires that the subject property, which is contiguous to the Village, but not included within the corporate limits of any other municipality, be annexed to the VILLAGE on the terms and conditions hereafter set forth and that the subject property be rezoned from "R-1" to "B-5" Highway Business District classification under the VILLAGE'S Zoning Ordinance and be granted a Special Use for trailer and truck sales, common and contract carrier, truck and trailer repairs, and related uses as a Unique Use; and

WHEREAS, the parties hereto wish to enter into a binding agreement with respect to the annexation of the subject property, and provide for various other matters to be contingent upon said annexation, pursuant to the provisions of Illinois Revised Statutes (1985), c.24, Secs. 11-15-1 et.seq.; and

WHEREAS, there are no electors residing upon the subject property; and

WHEREAS, there has been filed with the Village Clerk of the Village of Palatine an annexation petition signed by the owners of record of all land within the subject property included in said annexation petition, and covered by this agreement, and

89198353

Attachment: O-031-89 Annexation Agreement (2200 N Rand Road - Northwest Trucks INC.)

which petition has been signed by at least 51% of the electors residing upon said land; and

WHEREAS, the OWNER proposes that the subject property be annexed with any non-conforming building, uses, or signs that may exist on said property at the time of annexation, regarding compliance with the Village Building Code and Zoning Ordinance; and

WHEREAS, the OWNER proposes to construct an addition to the building on the subject property, which addition will be constructed pursuant to the codes, ordinances, and regulations of the VILLAGE, as amended, and pursuant to the preliminary plan attached hereto as Exhibit "B" and made a part hereof.

WHEREAS, the OWNER proposes to be subject to the terms and conditions hereinafter contained in this Agreement; and

WHEREAS, the VILLAGE is agreeable to the use of the subject property in such manner; and

WHEREAS, the corporate authorities of the VILLAGE have heretofore held a public hearing on the application of the OWNER to rezone the subject property to "B-5" Highway Business District classification, with a special use as aforesaid, and due notice of said public hearing was published in the manner required by law and said public hearing was held in all respects in a manner conforming to law; and

WHEREAS, all other matters in addition to those specifically referred to above which are included by this Annexation Agreement have been duly considered by the parties hereto, and the annexation of the subject will inure to the benefit and improvement of the VILLAGE and its residents and will promote the sound planning and development of the VILLAGE and will otherwise enhance and promote the general welfare of the people of the VILLAGE;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants herein contained, the parties agree as follows:

RECEIVED

(1) Subject to the provisions of the Illinois Revised Statutes (1985) , c. 24, Secs. 11-15-1 et seq., the OWNER and the VILLAGE respectively agree to do all things necessary or appropriate to cause the subject property to be duly and validly annexed to the VILLAGE and upon the occurrence of such annexation, the remaining provisions of this Agreement shall apply.

(2) The subject property shall be rezoned to a "B-5" Highway Business District classification in accordance with the Zoning Ordinance of the Village, and granted a Special Use for trailer and truck sales, common and contract carrier, truck and trailer repairs, and related uses as a Unique Use. The subject property shall be annexed with any non-conforming buildings, uses, and signs that may exist on said property at the time of annexation, regarding compliance with the Village Building Code and Zoning Ordinance. The Special Use shall include the proposal to construct an addition to the building on said property pursuant to the preliminary plan attached hereto as Exhibit "B" and pursuant to the codes, ordinances, and regulations of the VILLAGE, as amended.

(3) The OWNER shall be permitted to continue use of the well on the subject property, and shall be responsible for maintenance of the existing sanitary sewer service line from said property into the interceptor of the Metropolitan Sanitary District of Chicago. The VILLAGE agrees to vacate a portion of the right-of-way adjacent to the subject property along the west property line subject to easements for any existing utilities, and to permit, but not require, the OWNER to enclose the ditch adjacent to said right-of-way with a storm sewer, provided that maintenance of said storm sewer across the subject property shall be the OWNER'S responsibility. The OWNER also agrees to grant an easement to the VILLAGE, upon request, for a future extension of utilities across the subject property at a location that is mutually acceptable to the parties.

(4) For a period of ten (10) years from the date of this Agreement, the VILLAGE agrees to exercise the home rule power and authority granted under Illinois Revised Statutes, Chapter 120, Section 643, to abate or reduce its real estate tax levy on the Subject Property in an amount equal to the differential amount between the total Village of Palatine tax levy for the preceding year on the Subject Property, minus the taxes that would have been levied for said year by the Long Grove Rural Fire protection District (and by a special water district if one is created in the future) had the Subject Property remained unincorporated. In making said calculation, actual tax rates for the preceding year shall be used, together with equalized assessed valuation of the Subject Property for the preceding year. It is understood that the Village may elect to implement this provision by annual payments on or before December 1 of each year and by such procedures as meets the intent of this paragraph through its normal budget process.

(5) The OWNER agrees to utilize a scavenger company licensed by the Village for regular refuse collection. If the OWNER has a contract in effect with another scavenger company at the time of annexation, the Village agrees to honor said contract, provided that a copy of said contract or a side letter indicates the last day of service under said contract. The OWNER also agrees to notify the scavenger company in writing and in advance that the contract will be terminated at its expiration. If said contract does not have an expiration date, the OWNER agrees to terminate said contract as soon as possible but in no event later than one (1) year after the effective date of the annexation.

(6) The VILLAGE agrees to enact such ordinances and resolutions as are necessary to effect the terms of this Agreement. The OWNER agrees to annex all of the subject property to the Palatine Park District within three (3) years after annexation to the Village.

(7) Except as provided in this Agreement, the OWNER shall comply with all ordinances, codes and other regulations of the

VILLAGE and pay all fees, and charges as provided by the VILLAGE ordinances from time to time in force and effect.

(8) If any provision of this Agreement is held invalid, such provision shall be deemed to be excised herefrom and the invalidity thereof shall not affect any of the other provisions contained herein.

(9) This Agreement shall inure to the benefit of and be binding upon the successors in title of the OWNER and upon the Corporate Authorities of the VILLAGE and successor municipalities. This Agreement shall be valid and binding for a period of twenty (20) years from the date of execution. A true copy of this Agreement shall be filed in the Office of the Recorder of Deeds of Cook County, Illinois, as notice of said requirement of all future owners. This Agreement may be amended from time to time with the consent of the OWNER and the VILLAGE pursuant to the statutes in such case made and provided.

IN WITNESS WHEREOF, the parties hereto have caused this Annexation Agreement to be executed the day and year first above written.

VILLAGE OF PALATINE

By Frank R. Munch
President

ATTEST:

[Signature]
Village Clerk

SEE RIDER ATTACHED HERETO AND MADE A PART HEREOF;
LA SALLE NATIONAL BANK, as Trustee
under Trust Agreement dated October
28, 1985 and known as Trust No. 11047
and not personally

By [Signature]
ASSISTANT VICE PRESIDENT

~~WITNESSES~~ ATTEST

[Signature]
ASSISTANT SECRETARY

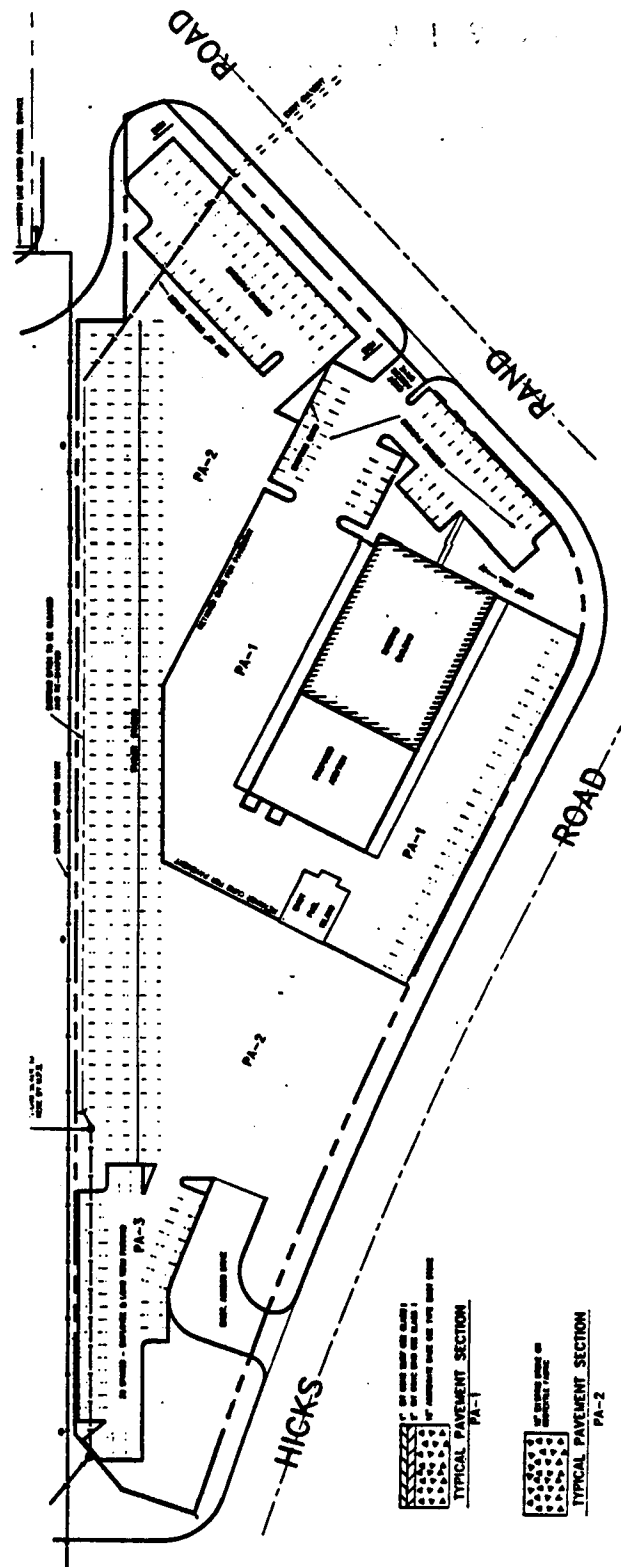


EXHIBIT "B"

89198353

STATE OF ILLINOIS)
)
 COUNTY OF COOK)

I, MARGARET R. DUER, do hereby certify that I am the duly elected, qualified and acting Clerk of the Village of Palatine, Cook County, Illinois, and that I am the keeper of the records, journals, entries, ordinances and resolutions of the said Village of Palatine.

I do further certify that the foregoing Ordinance is a true and correct copy of an ordinance passed and adopted by the Board of Trustees of the Village of Palatine as a Regular meeting held on the 27 day of March 1989, and that said ordinance as aforesaid was deposited and filed in the office of the Village Clerk on the 27 day of March, 1989.

I do further certify that the original, of which the foregoing is a true copy, is entrusted to my care for safekeeping and that I am the keeper of the same.

I further certify that the vote of the Board of Trustees on the motion to adopt said ordinance was as follows:

AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

BY WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Palatine this 2nd day of May 1989.

Margaret R. Duer

Margaret R. Duer
 Palatine Village Clerk

(S E A L)

DEPT-09
 143333 TRAN 9160 05/03/89 10:05:00
 153333 C *--89-198353
 COOK COUNTY RECORDER

\$1.60

89-198353

89198353
 2000

Attachment: O-031-89 Annexation Agreement (2200 N Rand Road - Northwest Trucks INC.)

ORDINANCE NO. 0-34-89

AN ORDINANCE
GRANTING A SPECIAL USE FOR TRAILER AND TRUCK SALES,
COMMON AND CONTRACT CARRIER, TRUCK AND TRAILER REPAIRS
AND RELATED USES AS A UNIQUE USE
2120 RAND ROAD

WHEREAS, pursuant to a petition and public hearing, held on March 13, 1989, of which public notice was given as required by law, the President and Board of Trustees of the Village of Palatine in accordance with the Municipal Code of the Village of Palatine, in such case made and provided, has held such public hearing regarding a proposal to grant a special use for trailer and truck sales, common and contract carrier, truck and trailer repairs and related uses as a Unique Use on the following legally described property:

See Legal Description - Exhibit "A" attached hereto.

commonly known as 2120 Rand Road (hereinafter sometimes called the "subject property")

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power, that:

SECTION 1: A Special Use for trailer and truck sales, common and contract carrier, truck and trailer repairs and related uses as a Unique Use is hereby granted solely to Northwest Trucks, Inc., and is not assignable.

SECTION 2: That the petition for amendment, a copy of the public notice and the Public Hearing Minutes be attached hereto and form a part of this ordinance.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This 27 day of March, 1989

AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

APPROVED by me this 27 day of March, 1989

Frank R. Munch
President of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this 27
day of March, 1989

John P. Yellman
Village Clerk

LEGAL DESCRIPTION:

That part of the East 1/2 of Section 2, Township 42 North, Range 10 East of the 3rd Principal Meridian lying Southwesterly of the Southwesterly right of way line of Rand Road and lying Westerly of the Westerly right of way line of Hicks Road, excepting therefrom the West 33.0 feet thereof and except those parts thereof conveyed by trustees deed recorded as Document No. 23283510, Cook County, Illinois.

also described as

That part of the East 1/2 of Section 2, Township 42 North, Range 10 East of the 3rd Principal Meridian (except the West 33.0 feet thereof), lying Southwesterly of the Southwest right of way line of Rand Road and lying Westerly of the Westerly right of way line of Hicks Road as said roads are dedicated by Document No. 11200340, except those parts thereof bounded and described as follows: Beginning at the point of intersection of the West line of Hicks Road as dedicated by Document No. 11200340 and the East line of Hicks Road (Keys Road) by Township prescription dated February 12, 1884; thence North along said East line of Hicks Road (Keys Road), 200.0 feet to a point; thence Southeasterly to a point, said point being on the West line of Hicks Road as dedicated by Document No. 11200340 and 190.0 feet (as measured along said West line of Hicks Road) from the point of beginning; thence Southwesterly along said West line to the point of beginning and also except that part described as beginning at the point of intersection of the West line of Rand Road as dedicated by Document No. 11200340 and the East line of Hicks Road (Keys Road) by Township prescription dated February 12, 1884; thence South along said East line of Hicks Road (Keys Road) 40.0 feet to a point; thence Northeasterly to a point, said point being on the West line of Rand Road as dedicated by Document 11200340 and 40.0 feet (as measured along said West line of Rand Road) from the point of beginning; thence Northwesterly along said West line to the point of beginning, all in Cook County, Illinois.

EXHIBIT A

DEPT. OF COMMUNITY DEVELOPMENT
VILLAGE OF PALATINE

PETITION FOR HEARING

LEAVE BLANK

3.1.f

Zoning Docket # _____

Property recorded in Torrens _____

Filing fee \$ _____

PLEASE CHECK APPLICABLE PROCEEDING:

X Rezoning

X Special Use

____ Variation

PLEASE PRINT OR TYPE IN INK

____ Planned Development

1. Name of Petitioner(s): RICHARD A. KASSULAT

Address: 2120 RAND RD. PALATINE, IL 60074

City, State, Zip

Telephone No: _____ Business Telephone No: 991-0900

2. Authorized Agent of petitioner (if different):

Name: _____

Address: _____

City, State, Zip

Telephone No: _____

3. Property interest of Petitioner(s) OWNER

Owner, Lessee, Contract Purchaser et

4. Address of the property for which this application is being filed.

2120 RAND RD. Palatine, Illinois 60074

5. All existing land uses on the property are:

TRUCK LEASING, SALES AND REPAIRS

6. The proposed use(s) on the property, if this petition is approved is (are):

TRUCK LEASING, SALES AND REPAIRS

7. Current zoning of property in question: C-8 INTENSIVE COMMERCIAL DISTRICT
(COOK COUNTY)

8. State the specific action requested. Cite ordinance numbers and distances where applicable. (Examples: Variation from Section 5.02 Variation to permit a four (4) foot side yard, or zoning change to B-1 Shopping Center District, etc.). APPROVAL OF ANNEXATION AGREEMENT REZONING FROM R-1 TO B-5 HIGHWAY BUSINESS DISTRICT, AND SPECIAL USE FOR TRAILER & TRUCK SALES, COMMON & CONTRACT CARRIER, TRUCK AND TRAILER REPAIRS, AND ALL OTHER USES REQUIRED TO OPERATE ABOVE NAMED BUSINESS.

9. The applicant's signature below indicates that the information contained in this application and on any accompanying documents is true and correct to the best of his (her) knowledge.

5/31/88

Date

Richard A. Kassulat

SUBSCRIBED and SWORN to
before me this 31 day
of May, 1988.

Carol D. Seifert
Notary Public

" OFFICIAL SEAL "
CAROL D. SEIFERT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 1/12/92

VILLAGE OF PALATINE
REAL ESTATE INTEREST DISCLOSURE FORM

(Please check applicable proceeding)

X Annexation X Rezoning X Special Use
 Variation Condemnation X Other ANNEXATION AGREEMENT

1. Name of Disclosing Party (individual, business firm, partnership, corporation, etc.)

RICHARD A. KASSULAT

2. Address of Disclosing Party

2120 RAND RD.
PALATINE, ILLINOIS 60074

3. Brief description of the petition
APPROVAL OF ANNEXATION AGREEMENT REZONING FROM R-1 TO B-5 HIGHWAY BUSINESS DISTRICT, AND SPECIAL USE FOR TRAILER & TRUCK SALES, COMMON & CONTRACT CARRIER, TRUCK AND TRAILER REPAIRS, AND ALL OTHER USES REQUIRED TO OPERATE ABOVE NAMED BUSINESS.

4. Common street address of real estate or general description

2120 RAND RD.
PALATINE, ILLINOIS 60074

5. Legal description of real estate

SEE ATTACHED LEGAL DESCRIPTION.

- 5a. PLEASE PROVIDE PROOF AS TO WHETHER OR NOT THIS PROPERTY IS REGISTERED UNDER TORRENS ACT.

6. The name, address, legal nature, and extent of interests of any persons deriving an interest from or through the disclosing or filing party

Name	Address	Legal Nature and Extent of Interest
(a) <u>RICHARD A. KASSULAT</u>	<u>2120 RAND RD.</u> <u>PALATINE, IL</u>	<u>BENEFICIARY</u>
(b) <u>INGRID KASSULAT</u>	<u>2120 RAND RD.</u> <u>PALATINE, IL</u>	<u>BENEFICIARY</u>
(c) <u>KASSULAT ENTERPRISES</u> <u>NORTHWEST TRUCKS, INC.</u>	<u>2120 RAND RD.</u> <u>PALATINE, IL</u>	<u>TENANTS</u>
(d) <u>MID-STATES TRUCK LEASING CO., INC.</u> <u>WHEELING TRANSPORTATION CO.</u>		

(If additional space is required, please use reverse side or attach rider)

7. "I swear (or affirm) that there are no other persons deriving any interest from or through me or from or through any other person or entities above set forth in the property which is the subject of the contract or application for which I am filing this disclosure notice whom I have not disclosed. I understand that if there are any changes in the interest disclosed in this disclosure notice during the terms of the subject contract or before the Village has taken final action on the matter for which this disclosure notice is filed, I shall file a subsequent disclosure notice disclosing such changes."

SUBSCRIBED and SWORN to
before me this 31 day
of May, 1988.

Carol D. Seifert
Notary Public

" OFFICIAL SEAL "
CAROL D. SEIFERT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 1/12/90

STATE OF ILLINOIS)
COUNTY OF COOK) SS

AFFIDAVIT

RICHARD A. KASSULAT (an individual or
the _____ of _____)
title of office name of firm or corporation

being first duly sworn, on oath, deposes and says:

1. RICHARD A. KASSULAT has filed with the
Village of Palatine, concurrently herewith, a petition for _____*
APPROVAL OF ANNEXATION AGREEMENT REZONING FROM R-1 TO B-5 HIGHWAY BUSINESS DISTRICT,
AND SPECIAL USE FOR TRAILER & TRUCK SALES, COMMON & CONTRACT CARRIER, TRUCK AND
TRAILER REPAIRS, AND ALL OTHER USES REQUIRED TO OPERATE ABOVE NAMED BUSINESS.
with respect to the property located at _____
2120 RAND RD. PALATINE, IL 60074

2. Affiant is the _____ of
title
_____ (for corporations, firms or
name of firm or corporation
partnerships only).

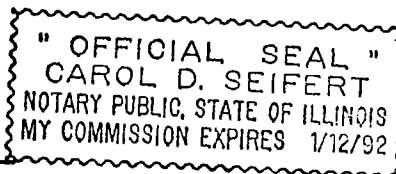
3. Affiant has received and examined a true copy of Sec.
2-442 of the Village of Palatine Code of Ordinances entitled
"Disclosure statements and conflict of interest disclaimers."

4. Affiant understands said Section of the Code of
Ordinances and states that he (or his corporation) has not
retained, nor will be represented by, any person in violation of
said Section.

Richard A. Kassulat

SUBSCRIBED and SWORN to
before me this 31 day
of May, 19 88.

Carol D. Seifert
Notary Public



*state the purpose of the petition, i.e., rezoning, variation,
zoning change, special use, planned development, etc.

LEGAL DESCRIPTION:

That part of the East 1/2 of Section 2, Township 42 North, Range 10 East of the 3rd Principal Meridian lying Southwesterly of the Southwesterly right of way line of Rand Road and lying Westerly of the Westerly right of way line of Hicks Road, excepting therefrom the West 33.0 feet thereof and except those parts thereof conveyed by trustees deed recorded as Document No. 23283510, Cook County, Illinois.

also described as

That part of the East 1/2 of Section 2, Township 42 North, Range 10 East of the 3rd Principal Meridian (except the West 33.0 feet thereof), lying Southwesterly of the Southwest right of way line of Rand Road and lying Westerly of the Westerly right of way line of Hicks Road as said roads are dedicated by Document No. 11200340, except those parts thereof bounded and described as follows: Beginning at the point of intersection of the West line of Hicks Road as dedicated by Document No. 11200340 and the East line of Hicks Road (Keys Road) by Township prescription dated February 12, 1884; thence North along said East line of Hicks Road (Keys Road), 200.0 feet to a point; thence Southeasterly to a point, said point being on the West line of Hicks Road as dedicated by Document No. 11200340 and 190.0 feet (as measured along said West line of Hicks Road) from the point of beginning; thence Southwesterly along said West line to the point of beginning and also except that part described as beginning at the point of intersection of the West line of Rand Road as dedicated by Document No. 11200340 and the East line of Hicks Road (Keys Road) by Township prescription dated February 12, 1884; thence South along said East line of Hicks Road (Keys Road) 40.0 feet to a point; thence Northeasterly to a point, said point being on the West line of Rand Road as dedicated by Document 11200340 and 40.0 feet (as measured along said West line of Rand Road) from the point of beginning; thence Northwesterly along said West line to the point of beginning, all in Cook County, Illinois.

EXHIBIT A

Northwest Trucks

FOR: Administration FROM: Community Development *DFK* DATE: 3/6/89

3.1.f

X OF FINANCE DESCRIPTION: Consider an Ordinance granting a Special Use for
RESOLUTION trailer and truck sales and leasing, common and contract carrier,
MOTION truck and trailer repair, and related uses, all as a Unique Use,
PUBLIC HEARING for Northwest Trucks, Inc. (Kassulat). DISTRICT (after annexation)
DISCUSSION ONLY 3

COMMITTEE ACTION:

UNANIMOUS APPROVAL

DATE: 3/6/89

BACKGROUND: Northwest Trucks Inc. is located at the southwest corner of Hicks Road and Rand Road, adjacent to the UPS property. The business sells and leases semi trucks and trailers. They are also the base for a contract and common carrier trucking operation, as well as performing service and repairs on trucks and trailers. The property consists of 4.2 acres and is contiguous to the Village via its west and southeast property lines.

DISCUSSION: The Annexation Agreement calls for annexation and rezoning to "B-5" Highway Business District. It also grants a Special Use for trailer and truck sales, common and contract carrier, truck and trailer repairs, and related uses as a Unique Use. The Agreement also accepts any non-conforming buildings, uses, and signs, and includes a proposal to construct an addition to the building as an attachment to the Agreement. The owner is permitted to continue use of the well on the subject property and will continue to be responsible for the maintenance of the sanitary sewer line from the subject property to the MSD Interceptor in Hicks Road. The owner agrees to grant an easement to the Village to construct any future utility extensions across the property. The owner also agrees to utilize the scavenger company under contract to the Village. The Annexation Ordinance, rezoning to "B-5" and granting of the Special Use are separate items on tonight's agenda.

ALTERNATIVES:

1. Approve the Ordinance granting a Special Use for the requested Unique Use.
2. Do not approve the Ordinance.

RECOMMENDATION OR CONCLUSION: Staff recommends that the Special Use Ordinance be approved. The use meets the standards required for the granting of a Special Use. The annexation and rezoning of this property conforms to Village policy regarding annexation of adjacent commercial properties. The required public hearing on the Annexation Agreement, rezoning, and Special Use has been scheduled for the Village Board meeting on March 13, 1989 at 7:30 PM.

BUDGET IMPACT: \$6,300 estimated annual Village real estate tax revenue; \$120,000 estimated annual Village sales tax revenue.

ACTION REQUIRED: Motion to recommend approval of the Ordinance granting a Special Use for Northwest Trucks, Inc., subject to the results of the March 13th public hearing.

Attachment: ORD #0-34-89 - Special Use Ordinance - Northwest Trucks INC. - 2120 N. Rand Road (current location) (2200 N Rand Road -

PUBLIC NOTICE

A public hearing will be held before the Palatine Village Board on Monday, March 13, 1989, at 7:30 PM, in the Palatine Community Center, 200 East Wood Street, regarding a proposed Annexation Agreement and a proposal to rezone property from "R-1" Single Family to "B-5" Highway Business District, after annexation, and to grant a Special Use for trailer and truck sales, common and contract carrier, truck and trailer repairs and related uses as a Unique Use. The property is legally described as follows:

SEE EXHIBIT A (Attached)

The property is commonly known as 2120 Rand Road (Northwest Trucks, Inc.)

The above petition has been filed by the LaSalle National Bank as Trustee under Trust No. 110476, and is available for examination in the office of the Village Clerk, 200 East Wood Street.

ZONING DOCKET: P-89-18

VILLAGE OF PALATINE

Michael D. Kadlecik
Village Manager

DATED: This 25th day of February, 1989.

HAND DELIVERED: Steve Long 2/23/89

That part of the east 1/2 of Section 2, Township 42 North, Range 10 east of the third principal meridian (except the west 30 feet thereof), lying southwesterly of the south west right of way line of Rand Road and lying westerly of the westerly right of way line of Hicks Road in Cook County, Illinois.

Except:

Those parts of the east 1/2 of Section 2, Township 42 North, Range 10 East of the Third Principal Meridian (except the west 33 feet thereof) lying southwesterly of southwest right of way of Rand Road as dedicated by document 11200340 bounded and described as follows:

Beginning at the point of intersection of the west line of Hicks Road as dedicated by document 11200340 and the east line of Hicks Road (Keys Road) by township prescription dated February 12, 1884, thence north along said east line of Hicks Road (Keys Road) 200 feet to a point; thence southeasterly to a point said point being on the west line of Hicks Road as dedicated by document 11200340 and 190 feet (as measured along said west line of Hicks Road) from the point of beginning; thence southwesterly along said west line to the point of beginning, all in Cook County, Illinois and beginning at the point of intersection of the west line of Rand Road as dedicated by document 11200340 and the east line of Hicks Road (Keys Road) by township prescription dated February 12, 1884 thence south along said east line of Hicks Road (Keys Road) 40 feet to a point; thence northeasterly to a point said point being on the west line of Rand Road as dedicated by document 11200340 and 40 feet (as measured along said west line of Rand Road) from the point of beginning; thence northwesterly along said west line to the point of beginning, all in Cook County, Illinois,



SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
 200 E. Wood Street • Palatine, IL • 60067-5339
 Telephone: (847) 359-9047 • Fax (847) 963-6247

CONTACT INFORMATION WORKSHEET

PETITIONER(S) Kurt Kassulat		Business Name (If applicable) Northwest Trucks, Inc.	
Address 2120 Rand Rd.,		City/State/Zip Code Palatine, IL 60074	
Telephone 847-991-0900	Fax 847-991-9756		
Email kkassulat@northwestfreightliner.com			
Subject Property Address 2200 N. Rand Rd., Palatine, IL 60074			
AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
Address		City/State/Zip Code	
Telephone	Fax		
Email			

Attachment: Special Use application (2200 N Rand Road - Northwest Trucks INC.)



SPECIAL USE

Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

1. The use is deemed necessary for the public convenience at that location

This would allow addition ability to provide more variety and increased supply of parts to the surrounding communities.

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

This property has been used in the past as a dealership in the past and there would be no change that would cause any negative safety or health to the public in the area.

3. The use will not cause substantial injury to nearby property values

Property is currently and has been vacant for some time, so full utilization with proper maintenance and upkeep to the property would do nothing but help surrounding property values.

4. With respect to live entertainment uses, the use shall not:
- a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
 - b. Impose undue health, sanitation or safety burdens on the village
 - c. Create excessive demands on the Village of Palatine Police Department
 - d. Be of a nature otherwise prohibited by law or village ordinance
5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

PUBLIC NOTICE

A public hearing will be held before the Palatine Plan Commission on Tuesday, April 6, 2021 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
 Special Use to permit a unique use for truck and trailer sales, truck and trailer parts' sales, common and contract carrier, truck and trailer repairs, and related uses, pursuant to Section 11.06 (e) (27) of the Palatine Zoning Ordinance.
 The property is commonly known as
 2200 N. Rand Road (02-02-104-002).
 The Petitioner is proposing to expand various aspects of Northwest Trucks Inc., into the existing building at 2200 N. Rand Road.
 The above petition has been filed by Kurt Kassulat (Northwest Trucks Inc. 2120 N. Rand Road - (www.northwestfreightliner.com/)) and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 21-07 VILLAGE OF PALATINE
 Dennis Dwyer, Chair
 Palatine Plan Commission
 DATED: This 22nd day of March, 2021
 Published in Daily Herald March 22, 2021 (4560467)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

 Northwest Suburbs
Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Northwest Suburbs DAILY HERALD**. That said **Northwest Suburbs DAILY HERALD** is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of: Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Grove, Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates, Inverness, Melrose Park, Morton Grove, Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, Streamwood, Wheeling, Wilmette

County(ies) of Cook

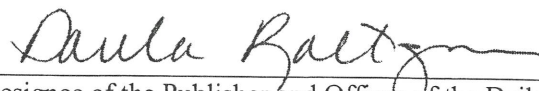
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is in general circulation throughout said Village(s), County(ies) and State.

I further certify that the Northwest Suburbs DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a copy, was published 03/22/2021 in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, its authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
 DAILY HERALD NEWSPAPERS

BY



Designee of the Publisher and Officer of the Daily Herald

Control # 4560467

Attachment: Public Notice - 2200 N. Rand Road - Special Use for a Unique Use - Northwest Trucks, INC. (2200 N Rand Road - Northwest Trucks

VILLAGE OF PALATINE
Plan Commission

SCHEDULED 04/06/21 07:00 PM

CASE STAFF STATEMENT (ID # 6683)

Various text amendments to Appendix A of the Village of Palatine Code of Ordinances, including Article 3 - Rules and Definitions, Section 3.02 Specific Definitions, Article 6 - Section 6.01 (accessory structures), Article 7, Section 7.04 - design and maintenance of off-street parking areas; manufacturing and business district screening, Article 11, Sections 11.03 (d) and 11.06 (e) Special Uses in the B-2 and B-5 districts, and Article 12, Section 12.01 (f) permitted uses in the manufacturing district, all of the Village of Palatine Zoning Ordinance

CASE NUMBER: 21-08

PETITIONER: Village of Palatine

PROPOSAL: **Text amendments to the Village of Palatine Zoning Ordinance:**

Article 3 Rules and Definitions - Section 3.02 Specific Definitions; Article 6 - Section 6.01 Accessory Structures and Section 6.03 Fences; Article 7 - Section 7.04 Design and Maintenance of Off-Street Parking Areas - Manufacturing and Business District Screening, Article 11, Sections 11.03 (d) and 11.06 (e) Special Uses in the B-2 and B-5 districts, and Article 12 - Section 12.01 Permitted Uses in the Manufacturing District.

BACKGROUND:

- Staff periodically reviews and presents recommended updates to the Zoning Ordinance, to either address a previously unforeseen issue or respond to an existing code related clarification, in consideration of the Zoning Ordinance remaining consistent and relevant to changing conditions. Therefore, Staff will present recommended amendments to the following sections to the Village of Palatine Zoning Ordinance:

**Article 3 Rules and Definitions - Section 3.02 Specific Definitions;
Article 6 - Section 6.01 Accessory Structures and Section 6.03**

Fences; Article 7 - Section 7.04 - design and maintenance of off-street parking areas; manufacturing and business district screening, Article 11, Sections 11.03 (d) and 11.06 (e) Special Uses in the B-2 and B-5 districts, and Article 12 - Section 12.01 (f) permitted uses in the manufacturing district.

ANALYSIS:

Article 6 - Section 6.03 Fences:

- The proposed residential fencing amendments would allow up to an 8-foot tall fence for residential properties (interior side or rear yards) adjacent to or adjoining commercial or manufacturing properties.
- In 2020, the Village Council approved a text amendment to Section 6.03 (c) to allow fencing in the rear and interior side yards in the business districts to have fencing up to 8 feet in height (the manufacturing district presently allows 8-foot fences), for properties proximate to residential properties. This allows additional noise and aesthetic screening for the residential properties, from commercial uses within the rear and interior side yards. When the amendment was processed, the focus was upon allowing commercial properties to have a taller fence to provide a visual and noise barrier for the residential properties. As the commercial corridors adjacent to residential properties continue to redevelopment (Dundee and Rand Roads and Northwest Highway), many developments are and will be required to install 8-foot tall fences, proximate to residential properties. Conversely, there are existing commercial properties with 6-foot fences, which are not required to install a taller fence or additional screening. As fences may be placed on the adjoining or proximate property line of a residential property, Staff agrees that the same 8-foot tall fences should be allowed to be install on the residential properties proximate to the commercial or manufacturing uses, in the interior side or rear yards.
- Conversely, a residential property proximate or abutting a commercial property is not afforded the same ability to install a taller 8-foot fence in the residential property interior side yard or rear yard, as the maximum height in the residential district remains 6 feet.
- In 2020, a residential property, with a rear yard abutting an existing commercial use and parking lot (with a 6-foot fence on the commercial property), completed a Variation process to replace the 6-foot residential fence with an 8-foot fence on the residential property. The Variation was unanimously approved and Staff indicated to the Village Council that a text amendment would be drafted to

address this circumstance.

- The previously amended text is listed below:

6.03 (c) *Business districts*. All fencing in business districts is subject to review and approval by the administrator to ensure promotion of the health, safety and general welfare of the village. No fence shall exceed six (6) feet in height, eight (8) feet in rear and interior side yards, which are proximate to residential properties, unless otherwise specified in this ordinance. (Ord. No. O-19-20, 3/9/20)

- Therefore, Staff is recommending the following amendment:

6.03 (b) *Residential districts*. All fencing in residential districts shall comply with the following requirements: (1) Height. All fencing shall not exceed six (6) feet in height unless otherwise specified, except that fencing in residential a rear and interior side yard, which are proximate to commercial or manufacturing properties shall not exceed 8 feet in height.

Article 7 - Section 7.04 Design and Maintenance of off-street parking areas - Screening:

- The manufacturing and business districts screening amendments would align the allowable height of screening devices for manufacturing and business district properties, with the maximum allowable height elsewhere in the Zoning Ordinance.
- To further clarify, Staff is also recommending a text amendment and clarification to Section 7.04 (g) to reconcile circumstances where the Code allows an 8-foot fence elsewhere in the Zoning Ordinance. It can be confusing to understand the maximum allowable fencing heights, when there are multiple sections identifying apparently different thresholds. Therefore, Staff is recommending the following clarification amendment:

(g) *Screening*.

- (1) Manufacturing and business districts. All open off-street commercial and industrial parking areas which abut residential properties (including lots across the street) shall be effectively screened along the entire boundary of the residential property by a densely planted hedge, solid masonry wall, or solid fence.
 - a. Said screening device shall be at least four (4) feet in height and

shall not exceed six (6) feet in height, or up to eight (8) feet in an interior side or rear yard which are proximate to residential properties.

- b. Said screening device shall not exceed a height of three (3) feet within twenty-five (25) feet of driveways, approachways, or intersections.

Sections 11.03 (d) and 11.06 (e) Special Uses in the B-2 and B-5 districts:

Ahlgrim Funeral home applied for a building permit to install an alkaline hydrolysis or water based cremation equipment at their location on N. Northwest Highway. This use or process is not recognized within the zoning ordinance. The only reference to cremation is within the definition section:

Funeral home or undertaking establishment. Shall mean a facility where ceremonies are held in connection with the embalming and burial of deceased persons and shall not include as a service provided, the cremation of corpses.

This is a newer type of cremation service that is allowed by law in approximately 20 states, with numerous others reviewing their laws for an inclusion amendment. The State of Illinois amended its laws in 2012 to recognize and allow this new technology in the crematory regulation act.

This type of cremation is more efficient, uses less energy, and does not have any of the mercury emissions, or soot or odor emissions associated with traditional cremation services.

[Alkaline hydrolysis \(body disposal\) - Wikipedia](https://en.wikipedia.org/wiki/Alkaline_hydrolysis_(body_disposal))
<[https://en.wikipedia.org/wiki/Alkaline_hydrolysis_\(body_disposal\)](https://en.wikipedia.org/wiki/Alkaline_hydrolysis_(body_disposal))>

This exclusion in the Zoning Ordinance references the traditional form of cremation and not contemplative of water based cremation. The process uses a potassium-hydroxide and water solution, in order to dissolve over a period of hours. In addition to being permitted and regulated by the State, this type of cremation does not impact the sewer system and is permitted in compliance with the discharge limitations of Section 2 of the User Charge Ordinance, as regulated by MWRD.

These types of cremation units are allowed in numerous other municipalities.

Staff is recommending that water cremation or Alkaline Hydrolysis be permitted as an accessory use to a funeral home and would follow the typical building permit review process for completion.

Article 12 - Section 12.01 Manufacturing District (Permitted Uses):

- The amendment in the manufacturing district will allow temporary uses of special events for a period not to exceed 72 hours, with Village Council approval, prior to the event.
- Within all of the commercial districts, as a permitted use category, there is a category, which allows the following:
 - *Temporary uses of special events, for a period not to exceed seventy-two hours; as approved by the Village Council, at least ten (10) days before the event.*
- The same consideration is not provided to the manufacturing district. While the intensity of uses within the manufacturing district and access to available parking for such temporary events may preclude the frequency of application, those are both evaluations that would occur through Staff review of the event application.
- A manufacturing district business contacted Staff about the ability to have a limited special event and as that use is not contemplated, it could not be reviewed, as requested. Therefore, Staff is recommending the following amendment to Section 12.01:

12.01 (f): Permitted uses

(26) Temporary uses of special events; for a period not to exceed seventy-two (72) hours, as approved by the Village Council, at least ten (10) days before the event.

Article 3 Rules and Definitions - Section 3.02 Specific Definitions and Article 6 - Section 6.01 Accessory Structures:

- The proposed text amendments include a definition of gazebo/pergola and removing the required setback for open-air gazebos from principal structures. As there are no fire safety considerations for such structures, within 10 feet of the principal structure, and their design and function are counterintuitive to a 10-foot separation from the home, Staff is recommending that this requirement should be eliminated.

- The proposed text amendments will also amend the definitions associated with accessory structure (s) and garages and clarify the maximum height limitations for accessory structures. Through the Village Council and Staff review of zoning relief for accessory structures (typically detached garages), Staff is proposing amendments to further clarify the regulation of accessory structures in the Zoning Ordinance. There are various sections of the Zoning Ordinance, which are collectively taken into account when regulating accessory structures on residential properties.
- Also, in many instances, where an accessory structure received zoning relief, there is a recommended condition which prohibits the use of the garage in association with either a dwelling unit or for use in a home occupation (not including the parking of a commercial vehicle within a garage). It is appropriate to include these limitations within the Zoning Ordinance for all accessory structures, rather than a condition on a Special Use or Variation Ordinance.
- Staff is recommending including dwelling unit and home occupation use restrictions in the definitions for accessory structure, detached, and accessory structure, attached. Staff is also recommending that the number of garages, whether attached or detached, is limited to one for any lot used for a single-family residential dwelling.
- Within the accessory structure section of the Code, there are separate height components of regulation. Section 6.01 (a) outlines the initial bulk and location regulations for accessory structures, and was adopted as a text amendment in 2000:

ARTICLE VI. ACCESSORY STRUCTURES AND USES

6.01. Accessory structures and pools, hot tubs, and spas. (Ord. #0-115-10, §1, 9/20/10)

(a) *Regulations.* The following regulations shall apply to all accessory structures, except for Village-operated facilities and above ground public utility appurtenances as noted in Section 6.01(b). If an accessory structure is attached to a principal structure, it shall follow all applicable standards of that zoning district for the principal structure. (Ord. #0-52-08, §6, 4/21/08; Ord. #0-29-15, §4, 4/13/15)

(1) Maximum height: One (1) story, not to exceed Fifteen (15) feet, except as a special use. The highest point of an accessory structure shall not exceed the highest point of the principal structure. (Ord. 0-31-00, § 1, 4-24-00)

- (2) Minimum distance requirements:
 - a. From principal building: Ten (10) feet.
 - b. From side lot line: Five (5) feet.
 - c. From rear lot line: Five (5) feet.

- (3) Location. All accessory structures shall be located in rear yards or side yards, subject to the minimum distance requirements in Section 6.01(a)(2). For the purposes of Section 6.01(a), rear yard shall be defined as the area between the rear of the principal structure and the rear lot line, extending between the side lot lines, and side yard shall mean the area between the side of the principal structure and the side lot line, extending between the front and rear building lines.
 - a. Where the side lot line of a rear yard abuts the side lot line of a front yard of an adjacent lot, all accessory structures, except fences, shall be set back from the rear lot line a distance equal to the required front yard setback of said adjacent lot.

 - b. Corner Lots. Accessory structures shall not encroach upon a side yard abutting a street. For the purposes of Section 6.01(a), a side yard abutting a street shall be defined as the area between side of the principal structure and the side lot line abutting the street, extending between the front lot line and the rear lot line. (Ord. 0-60-06, §2, 4/3/06)

 - c. No portion of any accessory structure shall overhang or be located in any easement.
(Ord. #0-52-08, §7, 4/21/08)

- (4) Ground floor area.
 - a. Rear yards. The ground floor area of all accessory structures located in a rear yard shall not exceed the lesser of:
 - i. Twenty (20) percent of the area of such rear yard or;
 - ii. Seven hundred (700) square feet.
 - iii. Fifty percent (50%) of the floor area of the principal structure.
(Ord. 0-31-00, § 1, 4-24-00)

 - b. Side yards. The ground floor area of all accessory structures located in a side yard shall not exceed one hundred fifty (150) square feet in size.

The current relevant definitions existing in the Village of Palatine Zoning Ordinance:

Height of roof measurement. The vertical length from ground level to the mean height between the eaves and ridges of a roof or the coping of a flat roof.

Height of single-family residential structure. The vertical length from the ground level to the mean height between the eaves and ridges of a roof or the coping of a flat roof as determined by the mean height of the two corners of the residence closest to the front lot line. (Ord. 0-54-07, §4, 4/16/07)

Height of structure, measurement. The vertical length from ground level to the mean height between the eaves and ridges of a roof or the coping of a flat roof.

Garage, private. An accessory building or an accessory portion of the principal building intended for and used to restore the private passenger vehicles of the families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on, and provided that not more than one-half (1/2) of the space may be rendered for the private vehicles of persons not resident on the premises, except that all of the space in a garage of one-or two-car capacity may be so rented. Such garage shall not be used for more than one commercial vehicle per family resident upon the premises, but no such commercial vehicle shall exceed six thousand (6,000) pounds gross vehicle weight.

- In addition to the accessory structure bulk standards, residential accessory structures are further limited by the specific lot and building coverage limitations of the applicable zoning district in which the property is located.
- The 2000 amendments were addressing larger accessory structures being constructed on existing properties with smaller principal structures. Prior to that amendment, the Zoning Ordinance would not have prevented a detached garage, which was taller than the principal structure from being built on a residential lot.
- The amendments also established a maximum square footage of 700 square feet, 20% area of the rear yard, or 50% of the floor area of the principal structure. In order to regulate the height, that amendment included a maximum dimension of 15 feet, except through a Special Use. The definition of height of roof measurement, structure, and single-family residential structure, were all written and included in the Code, identifying the mean height between the eaves and ridges of the roof or coping of a flat roof were all components of the dimension, not to exceed 15 feet.
- Staff is recommending clarifying the mean measurement reference in Section 6.01, as Staff believes that this could be more clearly defined here, rather than

having to refer back to multiple sections. This will also clarify any questions about have a maximum height tied to a mean measurement. In addition to referencing the mean height in Section 6.01, Staff is also recommending a maximum peak height of 23 feet, which is consistent with a review of numerous building permits for detached accessory structures with a mean roof height of 15 feet.

For the consideration of the Plan Commission and Village Council, Staff would also recommend an exception for a maximum height of 25 feet, in situations where the existing roof pitch on the existing principal structure is greater than or equal to 12:12 and the roof pitch on the garage matches the roof pitch on the principal structure. This is the only roof pitch reviewed which exceeds the proposed maximum height and could allow for a consistency in design, without undertaking a Special Use application process.

- When the 2000 amendment was added to the Zoning Ordinance, there was not a separate definition of story included in the Ordinance. The generally accepted definition would be applied, similar to this example:
 - “That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including basements used for principal use.”
- In 2007, the Village included definitions of story and half-story, when the maximum heights of single-family residential principal structures were further refined. This was done in conjunction with lot and building coverage amendments. The amendments added several definitions to the Zoning Ordinance:
 - **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof, excepting the following:
 1. A basement shall not be considered as a story where the finished surface of the floor above the basement is twelve (12) inches or less above the finished grade.
 2. A basement shall be considered a story where the finished surface of the floor above the basement is fifty-four (54) inches or greater above the finished grade.

(Ord. 0-54-07, §7, 4/16/07)

- ***Half story.* A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of said story. A basement shall be considered as a half story where the finished surface of the floor above the basement is greater than twelve (12) inches, but less than fifty-four (54) inches above the finished grade. (Ord. 0-54-07, §3, 4/16/07)**
- These amendments did not review or amend any aspect of the accessory structure regulations. Staff is recommending eliminating the reference to story in Section 6.01 and clarify the maximum allowable mean and peak height for accessory structures. To further clarify, Staff is recommending the alignment of the definition of story to the principal structure. The inclusion of a peak height in the accessory structure amendments would eliminate the concept of proposing a 30-foot “A” frame detached garage from consideration.

RECOMMENDATIONS:

Staff recommends approval of the proposed text amendments to Appendix A (Village of Palatine Zoning Ordinance) of the Village of Palatine Code of Ordinances - Article 3 - Rules and Definitions - Section 3.02 Specific Definitions; Article 6 - Section 6.01 Accessory Structures and Section 6.03 Fences; Article 7 - Section 7.04 Design and Maintenance of Off-Street Parking Areas - Manufacturing and Business District Screening; Article 11, Sections 11.03 (d) and 11.06 (e) Special Uses in the B-2 and B-5 districts, and Article 12 - Section 12.01 (f) Permitted Uses in the Manufacturing District.

ATTACHMENTS:

- 03-02-21 and 04-06-21 Plan Commission meetings - Text Amendment Exhibit
- NWMC - Garage Size Survey, Schaumburg
- NWMC shed Survey
- Accessory Building and Structures Guide_Arlington Heights
- Village of Barrington - Accessory Buildings & Structures 19-01213
- Fire Prevention - SPK requirements overhangs open structures
- Mount Prospect - accessory structure regulations
- 410 ILCS 18_ Crematory Regulation Act_
- Public Notice - April 6, 2021 Plan Commission meeting

Case Staff Statement (ID # 6683)
Meeting of April 6, 2021

- Public Notice - Village of Palatine Text Amendments

EXHIBIT: PROPOSED TEXT AMENDMENTS TO EXHIBIT A – (VILLAGE OF PALATINE ZONING ORDINANCE) OF THE VILLAGE OF PALATINE CODE OF ORDINANCES:

Article 3 – Section 3.02 Specific Definitions:

Accessory structure, detached. A subordinate structure which is located on the same zoning lot as the principal building, the use of such subordinate structure may include the storage of motor vehicles and accessory storage or uses which are incidental and customary to that of the principal building including above ground public utility appurtenances and recreational equipment. ~~Where an accessory structure is attached to and made part of the principal building, such accessory structure shall comply in all respects with the requirements of this ordinance applicable to the principal building.~~ No detached accessory structure shall be used or occupied as a dwelling unit or for home occupation or such related activities, with the exception of the parking of a commercial vehicle.

Accessory structure attached. A subordinate structure which is located on the same zoning lot and is attached to and made part of the principal building. An attached accessory structure shall comply in all respects with the requirements of this ordinance applicable to the principal building.

Garage, private. An accessory building or an accessory portion of the principal building intended for and used to store the private passenger vehicles of the families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on, and provided that not more than one-half (1/2) of the space may be rendered for the private vehicles of persons not resident on the premises, except that all of the space in a garage of one-or two-car capacity may be so rented. Such garage shall not be used for more than one commercial vehicle per family resident upon the premises, but no such commercial vehicle shall exceed six thousand (6,000) pounds gross vehicle weight. No private garage shall be used or occupied as a dwelling unit or for home occupation or such related activities, with the exception of the parking of a commercial vehicle.

Gazebo / pergola. – An open-air accessory structure that is covered and freestanding. Gazebos and pergolas are not required to provide a setback from the principal structure.

Funeral home or undertaking establishment. Shall mean a facility where ceremonies are held in connection with the embalming and burial of deceased persons and shall not include as a service provided, the cremation of corpses, unless otherwise permitted within the Zoning Ordinance.

Story, principal structure. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof, excepting the following:

1. A basement shall not be considered as a story where the finished surface of the floor above the basement is twelve (12) inches or less above the finished grade.
2. A basement shall be considered a story where the finished surface of the floor above the basement is fifty-four (54) inches or greater above the finished grade.

(Ord. 0-54-07, §7, 4/16/07)

6.01. Accessory structures and pools, hot tubs, and spas. (Ord. #0-115-10, §1, 9/20/10)

(a) *Regulations.* The following regulations shall apply to all accessory structures, *except* for Village-operated facilities and *above ground public utility appurtenances as noted in Section 6-01(b)*. If an accessory structure is attached to a principal structure, it shall follow all applicable standards of that zoning district for the principal structure. (Ord. #0-52-08, §6, 4/21/08; Ord. #0-29-15, §4,

4/13/15)

(1) Maximum height: One (1) story, Not to exceed Fifteen (15) feet, as determined by the vertical length from ground level to the mean height between the eaves and ridges of a roof or the coping of a flat roof, except as allowed by approval of a special use. The peak height of an accessory structure shall not exceed 23 feet, unless the following condition is met: the existing roof pitch on the existing principal structure is greater than or equal to 12:12 and the roof pitch on the garage matches the roof pitch on the principal structure, in which case the maximum permitted height may be twenty-five (25) feet. The highest point of an accessory structure shall not exceed the highest point of the principal structure. (Ord. 0-31-00, § 1, 4-24-00)

(2) Minimum distance requirements:

- a. From principal building: Ten (10) feet
- b. From side lot line: Five (5) feet.
- c. From rear lot line: Five (5) feet.

(3) Location. All accessory structures shall be located in rear yards or side yards, subject to the minimum distance requirements in Section 6.01(a)(2). For the purposes of Section 6.01(a), rear yard shall be defined as the area between the rear of the principal structure and the rear lot line, extending between the side lot lines, and side yard shall mean the area between the side of the principal structure and the side lot line, extending between the front and rear building lines.

- a. Where the side lot line of a rear yard abuts the side lot line of a front yard of an adjacent lot, all accessory structures, except fences, shall be set back from the rear lot line a distance equal to the required front yard setback of said adjacent lot.
- b. Corner Lots. Accessory structures shall not encroach upon a side yard abutting a street. For the purposes of Section 6.01(a), a side yard abutting a street shall be defined as the area between side of the principal structure and the side lot line abutting the street, extending between the front lot line and the rear lot line. (Ord. 0-60-06, §2, 4/3/06)
- c. No portion of any accessory structure shall overhang or be located in any easement. (Ord. #0-52-08, §7, 4/21/08)

(4) Ground floor area.

- a. Rear yards. The ground floor area of all accessory structures located in a rear yard shall not exceed the lesser of:
 - i. Twenty (20) percent of the area of such rear yard or;
 - ii. Seven hundred (700) square feet.
 - iii. Fifty percent (50%) of the floor area of the principal structure. (Ord. 0-31-00, § 1, 4-24-00)
- b. Side yards. The ground floor area of all accessory structures located in a side yard shall not exceed one hundred fifty (150) square feet in size.

(5) Accessory structure limitation.

- a. Only one (1) garage, whether attached or detached, shall be permitted on any lot used for a single-family residential dwelling.

6.03. Fences.

(b) *Residential districts.* All fencing in residential districts shall comply with the following requirements:

- (1) Height. All fencing shall not exceed six (6) feet in height unless otherwise specified, except that fencing in residential rear and interior side yard, which are proximate to commercial or manufacturing properties, shall not exceed 8 feet in height.

(c) *Business districts.* All fencing in business districts is subject to review and approval by the administrator to ensure promotion of the health, safety and general welfare of the village. No fence shall exceed six (6) feet in height, eight (8) feet in rear and interior side yards which are proximate to residential properties, ~~unless otherwise~~ unless otherwise specified in this ordinance. (Ord. No. O-19-20, 3/9/20)

7.04 (g) Screening.

- (1) Manufacturing and business districts. All open off-street commercial and industrial parking areas which abut residential properties (including lots across the street) shall be effectively screened along the entire boundary of the residential property by a densely planted hedge, solid masonry wall, or solid fence.
- a. Said screening device shall be at least four (4) feet in height and shall not exceed six (6) feet in height, or up to eight (8) feet for interior side or rear yard, which are proximate to residential properties.
 - b. Said screening device shall not exceed a height of three (3) feet within twenty-five (25) feet of driveways, approachways, or intersections.
 - c. Said wall or fence, if painted, shall be one color.
 - d. All screening and/or landscaping along the periphery of parking lots with over twenty (20) spaces shall not constitute more than twenty-five (25) percent of the total landscaping requirement.
 - e. All screening and/or landscaping along the periphery of parking lots with twenty (20) or fewer spaces may be applied toward the total landscaping requirement.

Article 11, Sections 11.03 (d) and 11.06 (e) Special Uses in the B-2 and B-5 districts

B-2 District - 11.03 (d) *Special uses.* The following uses are permitted as special uses when authorized by the village council subject to the standards set forth in section 14.05 of this ordinance: (Ord. No. O-19-20, 03/09/20)

- (1) Animal hospitals and kennels.

- (31) Undertaking establishments and funeral home parlor; with- which may include one attached residential unit.-Water based cremation or alkaline hydrolysis is also permitted as an accessory use to the funeral home.

Highway business district - 11.06 (e)

(e) *Special uses.* The following uses are permitted as special uses when authorized by the village board subject to the standards set forth in section 14.05 of this ordinance:

- (1) Animal hospital or kennels.

- (18) Undertaking establishments and funeral home parlor; with- which may include one attached residential unit.-Water based cremation or alkaline hydrolysis is also permitted as

an accessory use to the funeral home.

ARTICLE XII. MANUFACTURING DISTRICTS

12.01. General requirements of all manufacturing districts.

(f) *Permitted uses.* The following uses are permitted:

- (1) Artists Studios, with accessory sales (Ord. No. 0-82-11, §1, 7/18/11)
- (2) Automotive sales; for the sale of new and used automobiles when accessory to an automotive repair facility (Ord. No. 0-82-11, §1, 7/18/11)
- (3) Boat building and repair; for boats less than forty (40) feet in length.
- (4) Building and material sales.
- (5) Cameras and other photographic equipment; except film.
- (6) Cartage or express establishments.
- (7) Car washes; with a minimum 200 foot separation from any residentially zoned use, as measured from the property line of the residential parcel (Ord. No. 0-82-11, §1, 7/18/11)
- (8) Catering Establishments. (Ord. 0-18-07, §2, 3/5/07)
- (9) Commercial/trade school
- (10) Contractor's shops.
- (11) Equipment rental (Ord. No. 0-82-11, §1, 7/18/11)
- (12) Fuel and ice sales; bulk.
- (13) Garages for storage, repair and servicing of motor vehicles; including body repairs, painting and engine rebuilding.
- (14) Greenhouses and nurseries.
- (15) Indoor recreational facilities (health clubs, bowling alleys, indoor soccer fields, training facilities for athletes, and other similar uses) (Ord. No. 0-82-11, §1, 7/18/11)
- (16) Laboratories, research, experimental and testing, for testing and research, including medical and dental, including labs (Ord. No. 0-82-11, §1, 7/18/11)
- (17) Lawn care/landscaping (Ord. No. 0-82-11, §1, 7/18/11)

- (18) Machinery sales.
- (19) Medical/Dental clinic (Ord. No. 0-82-11, §1, 7/18/11)
- (20) Mini-warehouse.
- (21) Nursery, truck garden or greenhouse.
- (22) Offices; business, governmental, professional (Ord. No. 0-82-11, §1, 7/18/11)
- (23) Photographic studio and equipment sales/service including film development (Ord. No. 0-82-11, §1, 7/18/11)
- (24) Printing, commercial.
- (25) Public garages and parking lots.
- (26) Temporary use for special events; for a period not to exceed seventy-two (72) hours; as approved by the village council, at least ten (10) days before the event.**
- ~~(276)~~ Towing services, with a minimum 200 foot separation from any residential use, as measured from the property line of the residential parcel (Ord. No. 0-82-11, §1, 7/18/11)
- ~~(287)~~ Upholstering.
- ~~(298)~~ Village Operated Facilities (Ord. 0-14-10, §1, 2/16/10)
- ~~(3029)~~ Any manufacturing, fabricating processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products, and related office uses that conform to the performance standards of this article, with or without accessory showroom.

Municipality	Does your community limit the square footage of detached garages?	Does your community limit the square footage of attached garages?	Are attached or detached garages included in lot coverage and/or FAR calculations?	Attachments / Comments
Arlington Heights	Yes - 720 Square Feet.	No square footage limitation, but limited to six parking spaces.	Lot Coverage - Yes FAR - Yes, in excess of 400 square feet. For lots having a detached garage and no other garage, 100% of the floor area of the detached garage shall be excluded from the FAR calculation. A FAR bonus for a detached garage is only allowed if there are no other garages on site, if the structure is architecturally compatible with the principal dwelling unit, and if 50% or more of the existing homes that both front on the same side of the street, between two adjacent streets which intersect that street, also have detached garages.	See attached.
Barrington	Yes - 800 square foot maximum.	No.	Attached garages are included in both lot coverage and FAR. Detached garages are included in lot coverage.	
Bartlett	3,000 Square feet or not greater than the primary structure on the same lot. Would have to comply with our existing impervious surface ordinance for impervious surface area percentage of the total lot coverage.	No, would have to comply with the existing setbacks and comply with impervious surface lot area percentage.	Yes, not greater than .20	
Buffalo Grove	Not specifically but rear yard coverage is limited at 20% of the required rear yard.	No.	Yes.	
Carpentersville	Yes.	Yes.	Yes, both included in lot coverage and FAR.	See attached.
Elk Grove Village	Yes, 600 square feet with no dimension exceeding 25'.	Yes, per zoning code setbacks, ground coverage and floor area ratios.	Yes for both.	
Fox Lake	Yes. No more than 2 accessory structures may be erected on any residential zoning lot with a combined total floor area not to exceed 834 square feet. When 2 accessory structures are installed, one accessory structure shall not exceed 120 square feet of floor area.	No, but must not exceed lot coverage and be no taller than 15'.	Yes.	

Municipality	Does your community limit the square footage of detached garages?	Does your community limit the square footage of attached garages?	Are attached or detached garages included in lot coverage and/or FAR calculations?	Attachments / Comments
Grayslake	Yes - by setbacks, height, FAR, structural coverage. An accessory structure may not exceed 40% of the floor area of the principal structure.	Yes by setback, height, FAR, and structural coverage.	Yes - both.	
Hanover Park	Yes. Not to exceed 720 square feet in area and located a minimum of 10 feet from the rear lot line and a minimum of 5 feet from the side lot line (see section 110-6.6).	As required in residential building code, but otherwise no. 4 parking spaces are required for single family homes of which 2 need to be enclosed.	Yes. Included in lot coverage. We do not use FAR for residential.	See attached.
Lincolnshire	Only attached garages are allowed.	Their size is limited by the building floor area ratio and impervious surface ratio. There is no specific garage size limitation.	Yes. Detached garages are not allowed.	
Mount Prospect	Yes; based on lot coverage, set backs of accessory structure, FAR.	Yes; maximum of 672 square footage, setbacks bulk regs, FAR.	Lot coverage and FAR.	Chapter 14 of Village code.
Niles	Yes.	No.	Yes.	
Park Ridge	Yes. 720 square feet.	No. Not restricted in area, but restricted in door width, number of automobile bays, and lot placement relative to the rest of the principal structure.	Yes, both, but detached garages are only included above 400 sq ft (so a 500 sq ft garage counts as 100 toward FAR).	
Prospect Heights	Yes. Detached garages may not exceed 720 sq. ft. in area. (The City has 1/2 acre minimum lot size.)	No.	Yes.	See attached.
Rolling Meadows	Yes.	Yes, by lot coverage.	Yes.	
Streamwood	Yes 600 sq ft max.	No.	Yes based on zoning ordinance requirements.	
Vernon Hills	Yes.	No.	No.	
Wilmette	Yes, 600 sf for lots less than 15,000 sf and 800 sf for lots 15,000 or more sf. To exceed is a special use.	Not specifically.	Both attached and detached garages are included in both lot coverage and floor area. We also have lot coverage and floor area bonuses for garages (whether attached or detached).	

Municipality	Does your community limit the square footage of detached garages?	Does your community limit the square footage of attached garages?	Are attached or detached garages included in lot coverage and/or FAR calculations?	Attachments / Comments
Winnetka	Not specifically. However, the maximum vehicle capacity is limited to four.	Not specifically. However, the maximum vehicle capacity is limited to four.	Yes, however, there is a 200 square foot "Roofed Lot Coverage" allowance for one-story detached garages located in the rear quarter of the lot depth for homes built prior to 1989 in the R5 & R4 zoning districts. For FAR (or GFA), there is a 400 square foot GFA allowance for one-story detached garages located in the rear quarter of the lot depth. For attached garages, up to 200 square feet can be deducted from the GFA if the garage is located in the rear of the house and, provided that no part of the garage forms any part of the front building line or the building line exposed to a corner lot line.	

Municipality	What are your setback regulations for storage sheds?	What are your height and area restrictions for storage sheds?	Do you allow storage sheds located next to the principle structure?	Do you allow storage sheds in addition to other detached accessory structures?	Do you have any landscaping requirements that pertain to storage sheds?	Do you have any regulations pertaining to portable / plastic sheds?	How do you measure height? Lowest adjacent grade, highest adjacent grade, average grade?
Arlington Heights	3' from the side PL & 5' from the rear PL (rear yard only).	15' high & 300 sf.	Yes.	Yes, no more than 3 accessory structures on a zoning lot less than 10,000 sf. and no more than 4 on a lot greater than 10,000 sq.ft.	No.	Must comply with shed regulations.	No portion of the shed may extend more than 15' above grade.
Barrington	3'-0" interior side; 5'-0" rear; corner side per zoning district.	18'-0"; 100 sq.ft.	Yes.	Yes, maximum of one type of structure. Example, 1 garage, 1 shed, 1 playset.	No.	Portable storage devices can be located on your property for a maximum of 30 days and require a temp. permit.	Average pre-development grade to peak.
Buffalo Grove	5 ft. from rear lot line; 3 ft. from interior lot line; Not located on any easement and not located closer to the front yard than the midpoint of any given side of the principal building.	Shall not exceed one story or 15 ft. whichever is less. Shall not exceed the height of the principal building. All accessory buildings/ structures combined cannot exceed 20% of rear yard.	Yes.	Yes.	No.	Same regulations as other sheds. Plastic storage containers used for patio storage are not considered sheds.	Average grade.
Cary	8' from property line 15' from house.	Max height 10', max size 120 sq. ft.	No, 15' from house.	No.	No.	Yes, all sheds must meet 90 mph wind load for a three second gust.	Average grade.
Des Plaines	5 ft. from side and rear property lines, not allowed in front of primary structure.	Maximum 150 sq.ft., 15' high to midpoint of rafter, shorter than primary structure.	Yes.	Yes, one storage shed and one accessory garage.	No.	Manufactured vinyl storage cabinets under 36 sq.ft. are not regulated.	Adjacent grade at front of structure (side closest to front of property).

Municipality	What are your setback regulations for storage sheds?	What are your height and area restrictions for storage sheds?	Do you allow storage sheds located next to the principle structure?	Do you allow storage sheds in addition to other detached accessory structures?	Do you have any landscaping requirements that pertain to storage sheds?	Do you have any regulations pertaining to portable / plastic sheds?	How do you measure height? Lowest adjacent grade, highest adjacent grade, average grade?
Hoffman Estates	See attached ordinance (Table, Page 1).	12 ft., 150 sq.ft.	No - see attached ordinance.	Yes in addition to.	No.	One story not exceeding 50 square feet are exempt from building permit.	Average height within 20 feet.
Lake Zurich	10', 5' if located at rear 25% of property.	12', 120 sq. ft.	Yes.	Yes.	No.	a) If adjacent to house shed must be fire rated. b) If 18 sq.ft. or less no permit required.	Average.
Mount Prospect	5' from rear & side lot line, not allowed in front yard.	10' tall, 200 sq.ft.	3' minimum separation.	Yes. 2 accessory structures permitted.	No.	No.	Average grade.
Palatine	Sheds shall be located 5 feet from the rear and side property lines.	One story, not to exceed 15 feet at the midpoint of the roof and not to exceed the height of the principal structure.	No, there is minimum setback of 10 feet between the principal structure and a shed.	Yes, there is a maximum total of 700 square feet for all accessory structures, or 20% of the required rear yard, or 50% of the floor area of the principal structure, which ever is lesser.	No.	Yes, they shall comply with the same regulations as permanent sheds.	Measured to the midpoint of the roof, average grade.
Park Ridge	In the rear 30 ft., side 10% of lot width, rear 5 ft.	12 feet.	No, 10 ft. separation.	2 detached accessory structures allowed.	No - can not alt grading/drainage/eng.	Same as permanent.	Adjacent grade.

Municipality	What are your setback regulations for storage sheds?	What are your height and area restrictions for storage sheds?	Do you allow storage sheds located next to the principle structure?	Do you allow storage sheds in addition to other detached accessory structures?	Do you have any landscaping requirements that pertain to storage sheds?	Do you have any regulations pertaining to portable / plastic sheds?	How do you measure height? Lowest adjacent grade, highest adjacent grade, average grade?
Schaumburg	Our setback requirements are 5 ft. from property line in rear yard. 10% of the width of the lot in side yards.	Maximum height is 15 ft, maximum of 200 sq.ft. in rear yard, 100 sq.ft. in side yard.	Yes, but they are required to be 2 ft. from primary structure.	We allow one 200 sq. ft. shed and detached garage in the rear yard up to a maximum rear yard coverage of 40% including sheds, garages, pools, driveways, patios, decks, sidewalks and any permanent coverage excluding landscaping.	At the rear of the shed if more than 30" of foundation is showing landscaping screening is required.	Portable sheds shall be no more than 25 sq.ft. in size. They can be located in rear or side yards and be up against primary or detached structures.	The height of shed is measured at the front of shed, from grade to the top of ridge. A maximum of 15 ft. in height is allowed.
Skokie	See attached.						
Streamwood	5 feet from lot lines, not on an easement, 10 feet from house.	168 sq.ft. max size. 12 feet high but not higher than principal structure only one story.	Yes with Directors approval.	Yes only one shed is permitted though. Max lot coverage must be met.	No.	They're treated as regular sheds.	Average.
Wheeling	10 feet from rear of house, 6 feet from side or rear lot line, not in easement.	Maximum height is 16 ft – may not exceed the height of the primary structure.	Must be 10 feet from house, may not be located in side yard.	Maximum 1 (not including detached garage) accessory structure per lot (residential).	No. However, we do suggest an adequate distance between a garage and shed to allow a lawnmower or trimmer access to keep weeds and grass in check.	Same requirements as non-portable sheds.	Lowest adjacent grade.

Municipality	What are your setback regulations for storage sheds?	What are your height and area restrictions for storage sheds?	Do you allow storage sheds located next to the principle structure?	Do you allow storage sheds in addition to other detached accessory structures?	Do you have any landscaping requirements that pertain to storage sheds?	Do you have any regulations pertaining to portable / plastic sheds?	How do you measure height? Lowest adjacent grade, highest adjacent grade, average grade?
Wilmette	Like most accessory structures, they are not permitted in the front yard or side yard adjoining a street; if located in the rear yard, they may be up to 3' from the lot line, otherwise they must meet the minimum side yard setback for the property (generally, 10% of lot width, not less than 5')	15' maximum height. If less than 100 s.f., no permanent foundation, and less than 10' in height, no permit is needed. Over 100 s.f., the shed is counted for lot coverage and floor area, and impervious coverage if in the rear yard.	Ordinance requires a 10' separation between principal building and accessory structures; also requires a minimum 4' separation between roofed accessory structures.	Yes, on lots less than 15,000 s.f., 2 accessory structures are permitted; lots 15,000 s.f. or larger may have 3 accessory structures; structures counted include detached garages sheds, gazebos, coach homes, beach houses/cabanas, boat equipment sheds and similar.	No.	Same setback and height limits as more permanent sheds. We generally have not enforced the separation requirement for portable/plastic sheds.	Computer average of the elevations of the surrounding ground abutting the structure.



ACCESSORY BUILDINGS AND STRUCTURES – FACT SHEET –



An Accessory Building/Structure is one which:

- Is subordinate to and serves a principal building; and
- Is subordinate in area, extent, or purpose to the principal building served; and
- Contributes to the comfort, convenience or necessity of occupants of the principal building; and
- Is located in the rear yard or side yards, and on the same zoning lot as the principal building served, except as otherwise indicated in this code.

If an accessory structure is attached to a principal (i.e. attached garage), it is required to conform to the code requirements for said principal structure.

Location

An accessory building may not be located in a front yard. An accessory tool shed, storage building, and detached garage shall only be located in a rear yard. In the rear yard an accessory building may be located no less than three-feet from an interior lot line and no less than five-feet from the rear lot line.

On a reversed corner lot, no accessory building shall be located in the front yard, if extended, of the adjacent property to the rear. When this requirement will make it impossible to build, it will be permitted to construct an accessory building no closer to the side lot line abutting the street than two-thirds the required front yard on the adjoining lot. In no case shall it be permitted to construct an accessory building beyond the building line established for the main building.

Maximum Size and Height of Accessory Buildings

Detached Garage: 720-sq. ft.

Shed: 300-sq. ft.

Height: No accessory building or portion thereof located in a rear yard shall extend more than 15-feet above grade.

Other Requirements for Detached Garages

- Floor Area in excess of 400 square feet shall be included in the Maximum Floor Area Ratio.
- Floor Area Bonus for Detached Garages. In determining the floor area ratio for lots having a detached garage and no other garage, 100% of the floor area of the detached garage shall be excluded from the FAR calculation. A FAR bonus for a detached garage shall only be allowed if there are no other garages on site, if the structure is architecturally compatible with the principal dwelling unit, and if 50% or more of the existing homes that both front on the same side of the street and are contained between two adjacent streets which intersect that street also have detached garages.
- Where a detached garage is located in the rear yard, the side drive shall be a minimum of ten feet wide as measured from the exterior wall of the house to the lot line.

Other Requirements

- No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- No accessory building or buildings shall occupy more than 40% of the area of a required rear yard.

This fact sheet is not intended to be a complete summary of zoning information nor is it intended to replace the Zoning Ordinance. Please refer to the Zoning Ordinance for more information, which can be found on the Village's website at www.vah.com. Whenever there might be a discrepancy between the information provided on the fact sheet and the information found in the Zoning Ordinance, the information in the Zoning Ordinance shall apply.

VILLAGE OF ARLINGTON HEIGHTS - 33 SOUTH ARLINGTON HEIGHTS ROAD
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
ARLINGTON HEIGHTS, ILLINOIS 60005
Phone: (847) 368-5200 – Fax: (847) 368-5988



Accessory Buildings, Uses and Structures (Detached Garages, Sheds, etc.)

Zoning Ordinance Section 4.4 Accessory Buildings, Uses and Structures

A. General Provisions

1. Authorization. All Accessory Buildings, Uses and Structures shall conform to the applicable requirements of this Ordinance. The provisions set forth below establish additional requirements and restrictions for particular accessory buildings, uses and structures. Except as otherwise provided in this Chapter, no accessory building, use or structure shall be approved, established or constructed before the principal use or structure is approved, established or constructed. In addition, an accessory building, use or structure shall be under the same ownership or control as the principal building use or structure, and shall be, except as expressly authorized by the provisions of this Ordinance, located on the same lot as the principal building, use or structure.
2. Area Limitations for Accessory Buildings, Uses and Structures.
 - a. Accessory Buildings shall be counted toward the total permitted lot coverage, per the zoning district regulations. The gross floor area of all Accessory Buildings located on a single property shall not exceed ten (10) percent of the total lot area.
 - b. Accessory Buildings, Uses and Structures shall not comprise more than thirty-five (35) percent of the rear yard of a lot in a Residential District.
 - c. Accessory Buildings exceeding 800 square feet of gross floor area are considered a Special Use in the R-1, R-2, R-3, R-4, R-5 and R-6 Zoning Districts.
 - d. Accessory Buildings in the R-7 and R-8 Districts shall only exceed 800 square feet if they service multiple dwelling units.
 - e. Sheds shall not exceed 100 sq. ft.
3. Height Limitation. Except where specifically authorized elsewhere in this Ordinance, the height of accessory buildings shall conform to the following regulations:
 - a. In all Zoning Districts, except those districts specified in subparagraph (b) below, the height of Accessory Buildings or Structures shall not exceed the maximum permitted height of principal buildings in the Zoning District.
 - b. In Residential Districts and the B-R Mixed Business Residential District, the height of Accessory Buildings shall not exceed eighteen feet (18'), unless the following conditions are met, in which case, the maximum permitted height as specified below shall be applicable:
 - i. Twenty-five (25) feet, provided the existing roof pitch on the existing principal structure is greater than or equal to 12:12 and the roof pitch on the garage matches the roof pitch on the principal structure.
 - ii. Twenty-two (22) feet, provided the existing roof pitch on the existing principal structure is greater than or equal to 10:12 and less than 12:12 and the roof pitch on the garage matches the roof pitch on the principal structure.
 - iii. Twenty (20) feet, proved the existing roof pitch on the principal structure is greater than to equal to 8:12 and less than 10:12 and the roof pitch on the garage matches the roof pitch on the principal structure.
 - c. Dormers in the roofs of Accessory Buildings shall be exempt from height limitations provided the following criteria are met:
 - i. The ridge height of the dormer shall not exceed the ridge height of the roof from which the dormer

- projects
- ii. The width of the dormer shall not exceed eight (8) feet as measured from the exterior framing dimensions of the vertical edges of the dormer.
- iii. The aggregate width of all dormers projecting from any roof face shall not exceed fifty percent (50%) of the width of the roof face.
- iv. The aggregate width of all dormers projecting from any roof face shall not exceed twenty-four (24) feet as measured from the exterior framing dimensions of the vertical edges of the dormers.

Dormers in the roofs of Accessory Buildings not meeting the above criteria shall be subject to the height limitations of this Zoning Ordinance.

4. Setbacks for Accessory Buildings

- a. No Accessory Buildings, except as otherwise provided in Section 4.2 (Allowable Obstructions) or elsewhere in this Ordinance, shall be located in a required front yard, corner side yard, nor between the front of the principal building and front lot line.
- b. Accessory Buildings shall also be required to meet the required minimum interior side yard setback, except that Accessory Buildings located in the rear yard may be located no closer than three (3) feet to the interior side lot line and no closer than five (5) feet to the rear lot line. Accessory buildings located in the rear yard of a corner lot shall be required to meet the corner side yard requirement.

5. Proximity to Other Buildings. No Accessory Building shall be located within five (5) feet of the nearest wall of any principal building.

6. Occupancy Limitation. No Accessory Building shall contain living quarters except as may be herein provided.

7. Accessory Structure Limitation.

- a. Only one (1) garage, whether attached or detached, shall be permitted on any lot used for a Single Family Dwelling, provided, however, split garages attached to the primary structure are permitted, but only if all such split garages are accessed from the same driveway, and for the purpose of this Ordinance, such split garages accessed from the same driveway shall be considered one (1) garage. No additional driveways or curb cuts are permitted for the purpose of accommodating split garages attached to the primary structure.
- b. Only one (1) Accessory Structure of each type shall be permitted on any lot used for a Single Family Dwelling. (Example: one (1) shed, one (1) arbor, one (1) playground structure, etc...)

8. Refuse Containers.

- a. Location. In every zoning district other than single family residential districts, refuse containers shall be located only in the rear of the building. No refuse containers shall be located between a building and a corner side lot line.
- b. Screening. All refuse containers shall be fully enclosed by walls not less than the height of the containers, and provided with gates to contain trash. The materials used for the walls shall complement the architecture of the building, and shall be constructed of wood, brick or stone.
- c. Shared dumpsters with adjacent properties are encouraged

9. Free Little Library.

- a. Location. Front yard or corner side yard.
- b. Setback. None, provided no portion of the structure shall be located within or overhang any public right-of-way.
- c. Height. The height of the book enclosure and support structure(s) shall not exceed five (5) feet in height
- d. Size. Book enclosures shall not exceed two (2) feet in height, two (2) feet in width and two (2) feet in depth. Enclosures shall be sized and arranged such that no person or child is able to enter;
- e. Materials. Book enclosures shall be constructed of wood.

8.2.6.2 The minimum barrel length shall be measured from the face of the fitting to which the dry sprinkler is installed to the inside surface of the insulation, wall, or ceiling leading to the cold space, whichever is closer to the fitting.

8.3 Location of Sprinklers.

8.3.1 Sprinklers shall be installed in all areas except where omission is permitted by 8.3.2 through 8.3.8.

8.3.2 Sprinklers shall not be required in bathrooms of 55 ft² (5.1 m²) and less.

8.3.3 Sprinklers shall not be required in clothes closets, linen closets, and pantries that meet all of the following conditions:

- (1) The area of the space does not exceed 24 ft² (2.2 m²).
- (2) The shortest dimension does not exceed 3 ft (0.9 m).
- (3) The walls and ceilings are surfaced with noncombustible or limited-combustible materials as defined in NFPA 220.

8.3.4* Sprinklers shall not be required in garages, open attached porches, carports, and similar structures.

8.3.5 Sprinklers shall not be required in attics with or without storage, penthouse equipment rooms, elevator machine rooms, concealed spaces dedicated exclusively to and containing only dwelling unit ventilation equipment, floor/ceiling spaces, elevator shafts, crawl spaces, and other concealed spaces that are not used or intended for living purposes.

8.3.5.1 Such spaces that contain fuel-fired equipment shall also comply with 8.3.5.1.1 or 8.3.5.1.2.

8.3.5.1.1 Where the fuel-fired equipment is above all of the occupied areas of the dwelling unit, no sprinkler protection shall be required in the concealed space.

8.3.5.1.2 Where fuel-fired equipment is below or on the same level as occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment or at the wall separating the space with the fuel-fired equipment from the occupied space.

8.3.6 Sprinklers shall not be required in covered, unheated projections of the building at entrances/exits as long as the dwelling unit has another means of egress.

8.3.7 Sprinklers shall not be required for ceiling pockets that meet the following conditions:

- (1) The total volume of all unprotected ceiling pockets in a compartment does not exceed 100 ft³ (2.83 m³).
- (2) The entire floor under the unprotected ceiling pocket is protected by the sprinklers at the lower ceiling elevation.
- (3)*The interior finish of the unprotected ceiling pocket excluding decorative treatments is noncombustible or limited-combustible material.
- (4) Skylights not exceeding 32 ft² (2.97 m²) shall be permitted to have a plastic cover.

8.3.8 Sprinklers shall not be required in closets in garages and exterior closets (regardless of size) located on exterior balconies, exterior breezeways/corridors, or accessed from outdoors where the closet does not have doors or unprotected penetrations directly into the dwelling unit.

8.3.9 Sprinklers shall be installed in any closet used for heating and/or air-conditioning equipment, washers and/or dryers, or water heaters except as allowed by 8.3.8.

Chapter 9 Protection from Freezing

9.1 System Types. Systems shall be permitted to be wet pipe, dry pipe, or preaction.

9.1.1* Wet Pipe Systems in Areas Above 40°F (4°C). A wet pipe system shall be permitted to be used where all piping is installed in areas maintained above 40°F (4°C), including areas properly insulated to maintain 40°F (4°C).

9.1.2 Systems in Areas Below 40°F (4°C) Where system piping is located in areas not maintained above 40°F (4°C), the pipe shall be protected against freezing by use of one of the following methods:

- (1) Dry pipe system and preaction systems in accordance with Section 9.3
- (2) Antifreeze system in accordance with Section 9.2
- (3) Listed standard dry pendent or dry sidewall sprinklers extended from pipe in heated areas into unheated areas not intended for living purposes
- (4)*Listed heat tracing provided that it is installed and insulated in accordance with manufacturer's instructions, specifically heat tracing used on branch lines is listed for branch lines of fire sprinkler systems
- (5) Listed residential dry pendent or dry sidewall sprinklers extended from pipe in heated areas into unheated areas

Section 9.2 was revised by a tentative interim amendment (TIA). See page 1.

9.2* Antifreeze Systems.

9.2.1* Conformity with Health Regulations. The use of antifreeze solutions shall be in conformity with any state or local health regulations.

9.2.2* Antifreeze Solutions.

9.2.2.1 Except as permitted in 9.2.2.3, antifreeze solutions shall be listed for use in new sprinkler systems.

9.2.2.1.1 For existing systems, antifreeze solutions shall be limited to premixed antifreeze solutions of glycerine (chemically pure or United States Pharmacopoeia 96.5 percent) at a maximum concentration of 50 percent by volume, propylene glycol at a maximum concentration of 40 percent by volume, or other solutions listed specifically for use in fire protection systems.

9.2.2.2* Premixed solutions of glycerine (chemically pure or United States Pharmacopoeia 96.5 percent at a maximum concentration of 48 percent by volume or propylene glycol at a maximum concentration of 38 percent by volume shall be permitted to protect piping that is supplying sprinklers in a specific area of the dwelling unit, where acceptable to the authority having authority.

9.2.2.2.1* Documentation shall be presented to the AHJ to substantiate the use of the antifreeze solution.

9.2.2.3 The concentration of antifreeze solutions shall be limited to the minimum necessary for the anticipated minimum temperature.

9.2.2.4* The specific gravity of the antifreeze solution shall be checked by a hydrometer with a scale having 0.002 subdivisions.

Mount Prospect:

14.306: ACCESSORY STRUCTURES:

A. General Requirements: The following restrictions on accessory buildings, structures and uses apply to all zoning districts:

1. Time Of Construction: No accessory building or structure shall be constructed on any lot prior to the time of construction of a principal building.

2. Yard Requirements: No accessory building, structure or use shall be located in a required front yard, required side yard or exterior side yard, unless otherwise provided for in this chapter.

3. Height Requirements:

a. Residential And Commercial Districts: No detached garage or gazebo shall exceed a maximum height of fifteen feet (15'). No other accessory building/structure shall exceed ten feet (10') in height.

b. Industrial, Office Research And Conservation Recreation Districts: No accessory building/structure shall exceed twenty feet (20') in height.

4. Separation Between Buildings:

a. A detached accessory building or structure shall be located no closer to the principal building than three feet (3'). Detached garages located between three feet (3') and ten feet (10') from a principal building shall be provided with a five- eighths inch ($\frac{5}{8}$ ") drywall finish on the interior walls and ceiling.

b. Any structure permanently attached to the principal structure is no longer considered an accessory structure pursuant to article XXIV of this chapter and shall meet the bulk requirements of the zoning district for principal structures, unless otherwise listed as a permitted obstruction in section [14.319](#) of this article.

c. Aboveground swimming pools are permitted to attach to a deck if all required rear and side yard setbacks are met and the deck is designed with a gate between the deck and pool and access is provided to the yard from the deck.

d. Pergola support columns shall be located no closer to the principal building than three feet (3').

5. Number Of Accessory Structures: The maximum number of accessory structures shall not exceed two (2) such structures per zoning lot. Swimming pools and structures listed as permitted obstructions in section [14.319](#) of this article are exempt from the total number of accessory structures.

6. Shed Restrictions: A shed shall not be utilized to store motor vehicles or as office, work or living space. The storage of household items, equipment to maintain the property and small recreational equipment is permitted.

7. Roof Pitch: No accessory structure shall have a roof pitch of less than three to twelve (3:12). Pergolas, arbors, and accessory structures in the I-1 Limited Industrial, C-R Conservation Recreation, and O/R Office Research zoning districts shall be exempt from this requirement.

B. Restrictions In Residential Districts:

1. Maximum Size:

- a. A detached private garage may be no larger than six hundred seventy two (672) square feet.
- b. A shed, gazebo, pergola, greenhouse, or other similar accessory structure may be no larger than the smaller of the following:
 - (1) Two percent (2%) of the lot area; or
 - (2) Two hundred (200) square feet.

2. Bulk Restrictions:

- a. On lots fifty five feet (55') in width or less, detached accessory structures shall be set back three feet (3') from any interior side or rear lot line.
- b. On lots greater in width than fifty five feet (55'), detached accessory structures shall be set back five feet (5') from any interior side or rear lot line.
- c. No accessory structure shall be placed on any right of way or village utility or easement without prior consent from the director of community development.
- d. All solid roofed accessory structures, including gazebos, shall be included in any Floor Area Ratio calculation.

3. Lot Coverage: Accessory structures shall be included in any maximum lot coverage calculation.

C. Restrictions In Business And Industrial Districts:

- 1. Maximum Area: Detached accessory building(s) or structure(s) shall occupy no more than thirty percent (30%) of the area of a required yard.
- 2. Yard Requirements: Accessory structures shall be set back six feet (6') from any side or rear lot line. No accessory structure shall be placed on any right of way or village utility or easement without prior consent from the director of community development.

HABITABLE ROOM: A room designed and intended for use and/or occupied by one or more persons for living, sleeping, eating or cooking; includes kitchens serving dwelling units, but does not include bathrooms, water closet compartments, laundries, pantries, storage rooms or below grade recreation rooms.

HEIGHT OF BUILDING: The vertical distance of a building or structure as measured in feet, from the average finished grade to the highest point of the roof or parapet, if a flat roof, or the peak if a hip, gable, mansard, or gambrel roof. The average of the finished grade shall be measured from the two (2) corner points of the building closest to the front lot line, and exterior side lot line if applicable, excluding open stoops, stairs or porches. Mechanical penthouses, chimneys and steeples shall not be included in measuring the height of buildings.

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as [Public Acts](#) soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the [Guide](#).

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

PUBLIC HEALTH (410 ILCS 18/) Crematory Regulation Act.

(410 ILCS 18/1)

(Section scheduled to be repealed on January 1, 2022)

Sec. 1. Short title. This Act may be cited as the Crematory Regulation Act.

(Source: P.A. 87-1187.)

(410 ILCS 18/5)

(Section scheduled to be repealed on January 1, 2022)

Sec. 5. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Comptroller in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the Comptroller of any change of address within 14 days, and such changes must be made either through the Comptroller's website or by contacting the Comptroller. The address of record shall be the permanent street address of the crematory.

"Alternative container" means a receptacle, other than a casket, in which human remains are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (i) composed of readily combustible or consumable materials suitable for cremation, (ii) able to be closed in order to provide a complete covering for the human remains, (iii) resistant to leakage or spillage, (iv) rigid enough for handling with ease, and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

"Authorizing agent" means a person legally entitled to order the cremation and final disposition of specific human remains. "Authorizing agent" includes an institution of medical, mortuary, or other sciences as provided in Section 20 of the Disposition of Remains of the Indigent Act.

"Body parts" means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.

"Burial transit permit" means a permit for disposition of a dead human body as required by Illinois law.

"Casket" means a rigid container that is designed for the encasement of human remains, is usually constructed of wood, metal, or like material and ornamented and lined with fabric, and may or may not be combustible.

"Comptroller" means the Comptroller of the State of Illinois.

"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains.

"Cremation" means the technical process, using heat and flame, or alkaline hydrolysis that reduces human remains to bone fragments. The reduction takes place through heat and evaporation or through hydrolysis. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

"Cremation chamber" means the enclosed space within which the cremation takes place.

"Cremation interment container" means a rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground, and which is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

"Cremation room" means the room in which the cremation chamber is located.

"Crematory" means the building or portion of a building that houses the cremation room and the holding facility.

"Crematory authority" means the legal entity which is licensed by the Comptroller to operate a crematory and to perform cremations.

"Final disposition" means the burial, cremation, or other disposition of a dead human body or parts of a dead human body.

"Funeral director" means a person known by the title of "funeral director", "funeral director and embalmer", or other similar words or titles, licensed by the State to practice funeral directing or funeral directing and embalming.

"Funeral establishment" means a building or separate portion of a building having a specific street address and location and devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body and may contain facilities for funeral or wake services.

"Holding facility" means an area that (i) is designated for the retention of human remains prior to cremation, (ii) complies with all applicable public health law, (iii) preserves the health and safety of the crematory authority personnel, and (iv) is secure from access by anyone other than authorized persons. A holding facility may be located in a cremation room.

"Human remains" means the body of a deceased person, including any form of body prosthesis that has been permanently attached or implanted in the body.

"Licensee" means an entity licensed under this Act. An entity that holds itself as a licensee or that is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Niche" means a compartment or cubicle for the memorialization and permanent placement of an urn containing cremated remains.

"Person" means any person, partnership, association, corporation, limited liability company, or other entity, and in the case of any such business organization, its officers, partners, members, or shareholders possessing 25% or more of ownership of the entity.

"Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

"Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation process to granulated particles by manual or mechanical means.

"Scattering area" means an area which may be designated by a cemetery and located on dedicated cemetery property or property used for outdoor recreation or natural resource conservation owned by the Department of Natural Resources and designated as a

scattering area, where cremated remains, which have been removed from their container, can be mixed with, or placed on top of, the soil or ground cover.

"Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered.

"Urn" means a receptacle designed to encase the cremated remains.

(Source: P.A. 100-97, eff. 1-1-18; 100-526, eff. 6-1-18; 100-863, eff. 8-14-18.)

(410 ILCS 18/7)

(Section scheduled to be repealed on January 1, 2022)

Sec. 7. Powers and duties of the Comptroller. Subject to the provisions of this Act, the Comptroller may exercise any of the following powers and duties:

(1) Authorize standards to ascertain the qualifications and fitness of applicants for licensing as licensed crematory authorities and pass upon the qualifications of applicants for licensure.

(2) Examine and audit a licensed crematory authority's records, crematory, or any other aspects of crematory operation as the Comptroller deems appropriate.

(3) Investigate any and all unlicensed activity.

(4) Conduct hearings on proceedings to refuse to issue licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline licensees and to refuse to issue licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline licensees.

(5) Formulate rules required for the administration of this Act.

(6) Maintain rosters of the names and addresses of all licensees, and all entities whose licenses have been suspended, revoked, or otherwise disciplined. These rosters shall be available upon written request and payment of the required fee.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/10)

(Section scheduled to be repealed on January 1, 2022)

Sec. 10. Establishment of crematory and licensing of crematory authority.

(a) Any person doing business in this State, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity, may erect, maintain, and operate a crematory in this State and provide the necessary appliances and facilities for the cremation of human remains in accordance with this Act.

(b) A crematory shall be subject to all local, State, and federal health and environmental protection requirements and shall obtain all necessary licenses and permits from the Department of Financial and Professional Regulation, the Department of Public Health, the federal Department of Health and Human Services, and the Illinois and federal Environmental Protection Agencies, or such other appropriate local, State, or federal agencies.

(c) A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment, or at any other location consistent with local zoning regulations.

(d) An application for licensure as a crematory authority

shall be in writing on forms furnished by the Comptroller. Applications shall be accompanied by a fee of \$50 and shall contain all of the following:

- (1) The full name and address, both residence and business, of the applicant if the applicant is an individual; the full name and address of every member if the applicant is a partnership; the full name and address of every member of the board of directors if the applicant is an association; and the name and address of every officer, director, and shareholder holding more than 25% of the corporate stock if the applicant is a corporation.
- (2) The address and location of the crematory.
- (3) A description of the type of structure and equipment to be used in the operation of the crematory, including the operating permit number issued to the cremation device by the Illinois Environmental Protection Agency.
- (4) Any further information that the Comptroller reasonably may require.
- (e) Each crematory authority shall file an annual report with the Comptroller, accompanied with a \$25 fee, providing (i) an affidavit signed by the owner of the crematory authority that at the time of the report the cremation device was in proper operating condition, (ii) the total number of all cremations performed at the crematory during the past year, (iii) attestation by the licensee that all applicable permits and certifications are valid, (iv) either (A) any changes required in the information provided under subsection (d) or (B) an indication that no changes have occurred, and (v) any other information that the Comptroller may require. The annual report shall be filed by a crematory authority on or before March 15 of each calendar year. If the fiscal year of a crematory authority is other than on a calendar year basis, then the crematory authority shall file the report required by this Section within 75 days after the end of its fiscal year. If a crematory authority fails to submit an annual report to the Comptroller within the time specified in this Section, the Comptroller shall impose upon the crematory authority a penalty of \$5 for each and every day the crematory authority remains delinquent in submitting the annual report. The Comptroller may abate all or part of the \$5 daily penalty for good cause shown.
- (f) All records required to be maintained under this Act, including but not limited to those relating to the license and annual report of the crematory authority required to be filed under this Section, shall be subject to inspection by the Comptroller upon reasonable notice.
- (g) The Comptroller may inspect crematory records at the crematory authority's place of business to review the licensee's compliance with this Act. The inspection must include verification that:
 - (1) the crematory authority has complied with record-keeping requirements of this Act;
 - (2) a crematory device operator's certification of training is conspicuously displayed at the crematory;
 - (3) the cremation device has a current operating permit issued by the Illinois Environmental Protection Agency and the permit is conspicuously displayed in the crematory;
 - (4) the crematory authority is in compliance with local zoning requirements;
 - (5) the crematory authority license issued by the Comptroller is conspicuously displayed at the crematory; and
 - (6) other details as determined by rule.

(h) The Comptroller shall issue licenses under this Act to the crematories that are registered with the Comptroller as of on March 1, 2012 without requiring the previously registered crematories to complete license applications.

(Source: P.A. 97-679, eff. 2-6-12; 97-813, eff. 7-13-12; 98-463, eff. 8-16-13.)

(410 ILCS 18/11)

(Section scheduled to be repealed on January 1, 2022)

Sec. 11. Grounds for denial or discipline.

(a) In this Section, "applicant" means a person who has applied for a license under this Act including those persons whose names are listed on a license application in Section 10 of this Act.

(b) The Comptroller may refuse to issue a license, place on probation, reprimand, or take other disciplinary action that the Comptroller may deem appropriate, including imposing fines not to exceed \$5,000 for each violation, with regard to any license under this Act, or may suspend or revoke a license issued under this Act, on any of the following grounds:

(1) The applicant or licensee has made any misrepresentation or false statement or concealed any material fact in furnishing information to the Comptroller.

(2) The applicant or licensee has been engaged in business practices that work a fraud.

(3) The applicant or licensee has refused to give information required under this Act to be disclosed to the Comptroller or failing, within 30 days, to provide information in response to a written request made by the Comptroller.

(4) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(5) As to any individual listed in the license application as required under Section 10, that individual has conducted or is about to conduct any cremation business on behalf of the applicant in a fraudulent manner or has been convicted of any felony or misdemeanor an essential element of which is fraud.

(6) The applicant or licensee has failed to make the annual report required by this Act or to comply with a final order, decision, or finding of the Comptroller made under this Act.

(7) The applicant or licensee, including any member, officer, or director of the applicant or licensee if the applicant or licensee is a firm, partnership, association, or corporation and including any shareholder holding more than 25% of the corporate stock of the applicant or licensee, has violated any provision of this Act or any regulation or order made by the Comptroller under this Act.

(8) The Comptroller finds any fact or condition existing that, if it had existed at the time of the original application for a license under this Act, would have warranted the Comptroller in refusing the issuance of the license.

(9) Any violation of this Act or of the rules adopted under this Act.

(10) Incompetence.

(11) Gross malpractice.

(12) Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(13) Directly or indirectly giving to or receiving

from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(14) A finding by the Comptroller that the licensee, after having its license placed on probationary status, has violated the terms of probation.

(15) Willfully making or filing false records or reports, including, but not limited to, false records filed with State agencies or departments.

(16) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(17) Practicing under a false or, except as provided by law, an assumed name.

(18) Cheating on or attempting to subvert this Act's licensing application process.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/11.5)

(Section scheduled to be repealed on January 1, 2022)

Sec. 11.5. License revocation or suspension; surrender of license.

(a) (Blank).

(b) Upon the revocation or suspension of a license issued under this Act, the licensee must immediately surrender the license to the Comptroller. If the licensee fails to do so, the Comptroller may seize the license.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/12)

(Section scheduled to be repealed on January 1, 2022)

Sec. 12. Surrender of license; effect on licensee's liability. A licensee may surrender a license issued under this Act by delivering to the Comptroller a written notice stating that the licensee thereby surrenders the license, but such a surrender does not affect the licensee's civil or criminal liability for acts committed before the surrender.

(Source: P.A. 92-675, eff. 7-1-03.)

(410 ILCS 18/13)

(Section scheduled to be repealed on January 1, 2022)

Sec. 13. License; display; transfer; duration.

(a) Every license issued under this Act must state the number of the license, the business name and address of the licensee's principal place of business, and the licensee's parent company, if any. The license must be conspicuously posted in the place of business operating under the license.

(b) After initial licensure, if any person comes to obtain at least 51% of the ownership over the licensed crematory authority, then the crematory authority shall apply for a new license in the required time as set out by rule.

(c) Every license issued under this Act shall remain in force until it has been surrendered, suspended, or revoked in accordance with this Act. Upon the request of an interested person or on the Comptroller's own motion, the Comptroller may issue a new license to a licensee whose license has been revoked under this Act if no factor or condition then exists which would have warranted the Comptroller in originally refusing the issuance of the license.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/14)

(Section scheduled to be repealed on January 1, 2022)

Sec. 14. Display of cremation device permit. A crematory authority must conspicuously display in its place of business the operating permit issued to its cremation device by the Illinois Environmental Protection Agency and the license issued by the Comptroller under this Act. All rulemaking authority in connection with operating permits issued by the Illinois Environmental Protection Agency shall be vested with the Illinois Environmental Protection Agency and all rulemaking authority in connection with licenses issued by the Comptroller under this Act shall be vested with the Comptroller.

(Source: P.A. 97-679, eff. 2-6-12.)

(410 ILCS 18/15)

(Section scheduled to be repealed on January 1, 2022)

Sec. 15. Authorizing agent. The priority of the person or persons who have the right to serve as the authorizing agent for cremation is in the same priority as provided for in Section 5 of the Disposition of Remains Act.

(Source: P.A. 94-561, eff. 1-1-06.)

(410 ILCS 18/19)

(Section scheduled to be repealed on January 1, 2022)

Sec. 19. Cremation only in crematory. An individual or a person, cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization, or other entity may cremate human remains only in a crematory operated by a crematory authority licensed for this purpose and only under the limitations provided in this Act.

(Source: P.A. 92-675, eff. 7-1-03.)

(410 ILCS 18/20)

(Section scheduled to be repealed on January 1, 2022)

Sec. 20. Authorization to cremate.

(a) A crematory authority shall not cremate human remains until it has received all of the following:

(1) A cremation authorization form signed by an authorizing agent. The cremation authorization form shall be provided by the crematory authority and shall contain, at a minimum, the following information:

(A) The identity of the human remains and the time and date of death.

(B) The name of the funeral director and funeral establishment, if applicable, that obtained the cremation authorization.

(C) Notification as to whether the death occurred from a disease declared by the Department of Health to be infectious, contagious, communicable, or dangerous to the public health.

(D) The name of the authorizing agent and the relationship between the authorizing agent and the decedent.

(E) A representation that the authorizing agent does in fact have the right to authorize the cremation of the decedent, and that the authorizing agent is not aware of any living person who has a superior priority right to that of the authorizing agent, as set forth in Section 15. In the event there is another living person who has a superior priority right to that of the authorizing agent, the form shall contain a representation that the authorizing agent has made all reasonable efforts to contact that person, has been

unable to do so, and has no reason to believe that the person would object to the cremation of the decedent.

(F) Authorization for the crematory authority to cremate the human remains.

(G) A representation that the human remains do not contain a pacemaker or any other material or implant that may be potentially hazardous or cause damage to the cremation chamber or the person performing the cremation.

(H) The name of the person authorized to receive the cremated remains from the crematory authority.

(I) The manner in which final disposition of the cremated remains is to take place, if known. If the cremation authorization form does not specify final disposition in a grave, crypt, niche, or scattering area, then the form may indicate that the cremated remains will be held by the crematory authority for 30 days before they are released, unless they are picked up from the crematory authority prior to that time, in person, by the authorizing agent. At the end of the 30 days the crematory authority may return the cremated remains to the authorizing agent if no final disposition arrangements are made; or at the end of 60 days the crematory authority may dispose of the cremated remains in accordance with subsection (d) of Section 40.

(J) A listing of any items of value to be delivered to the crematory authority along with the human remains, and instructions as to how the items should be handled.

(K) A specific statement as to whether the authorizing agent has made arrangements for any type of viewing of the decedent before cremation, or for a service with the decedent present before cremation in connection with the cremation, and if so, the date and time of the viewing or service and whether the crematory authority is authorized to proceed with the cremation upon receipt of the human remains.

(L) The signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form, except as set forth in paragraph (M) of this subsection.

(M) If a cremation authorization form is being executed on a pre-need basis, the cremation authorization form shall contain the disclosure required by subsection (b) of Section 140.

(N) The cremation authorization form, other than pre-need cremation forms, shall also be signed by a funeral director or other representative of the funeral establishment that obtained the cremation authorization. That individual shall merely execute the cremation authorization form as a witness and shall not be responsible for any of the representations made by the authorizing agent, unless the individual has actual knowledge to the contrary. The information requested by items (A), (B), (C) and (G) of this subsection, however, shall be considered to be representations of the authorizing agent. In addition, the funeral director or funeral establishment shall warrant to the crematory that the human remains delivered to the crematory authority are the human remains identified on the cremation authorization form.

(2) A completed and executed burial transit permit indicating that the human remains are to be cremated.

(3) Any other documentation required by this State.

(b) If an authorizing agent is not available to execute a cremation authorization form in person, that person may delegate that authority to another person in writing, or by sending the crematory authority a facsimile transmission that contains the name, address, and relationship of the sender to the decedent and the name and address of the individual to whom authority is delegated. Upon receipt of the written document, or facsimile transmission, telegram, or other electronic telecommunications transmission which specifies the individual to whom authority has been delegated, the crematory authority shall allow this individual to serve as the authorizing agent and to execute the cremation authorization form. The crematory authority shall be entitled to rely upon the cremation authorization form without liability.

(c) An authorizing agent who signs a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth on the cremation authorization form, including that person's authority to order the cremation; except for the information required by items (C) and (G) of paragraph (1) of subsection (a) of this Section, unless the authorizing agent has actual knowledge to the contrary. An authorizing agent signing a cremation authorization form shall be personally and individually liable for all damages occasioned by and resulting from authorizing the cremation.

(d) A crematory authority shall have authority to cremate human remains upon the receipt of a cremation authorization form signed by an authorizing agent. There shall be no liability for a crematory authority that cremates human remains according to an authorization, or that releases or disposes of the cremated remains according to an authorization, except for a crematory authority's gross negligence, provided that the crematory authority performs its functions in compliance with this Act.

(e) After an authorizing agent has executed a cremation authorization form, the authorizing agent may revoke the authorization and instruct the crematory authority to cancel the cremation and to release or deliver the human remains to another crematory authority or funeral establishment. The instructions shall be provided to the crematory authority in writing. A crematory authority shall honor any instructions given to it by an authorizing agent under this Section if it receives the instructions prior to beginning the cremation of the human remains.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/22)

(Section scheduled to be repealed on January 1, 2022)

Sec. 22. Performance of cremation service; training. A person may not perform a cremation service in this State unless he or she has completed training in performing cremation services and received certification by a program recognized by the Comptroller. The crematory authority must conspicuously display the certification at the crematory authority's place of business. Any new employee shall have a reasonable time period, not to exceed one year, to attend a recognized training program. In the interim, the new employee may perform a cremation service if he or she has received training from another person who has received certification by a program recognized by the Comptroller and is under the supervision of the trained person. For purposes of this Act, the Comptroller may recognize any training program that provides training in the operation of a cremation device, in the maintenance of a clean facility, and in the proper handling of human remains. The Comptroller may recognize any course that is conducted by a death care trade association in Illinois or the United States or by a

manufacturer of a cremation unit that is consistent with the standards provided in this Act or as otherwise determined by rule.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/25)

(Section scheduled to be repealed on January 1, 2022)

Sec. 25. Recordkeeping.

(a) The crematory authority shall furnish to the person who delivers human remains to the crematory authority a receipt signed at the time of delivery by both the crematory authority and the person who delivers the human remains, showing the date and time of the delivery, the type of casket or alternative container that was delivered, the name of the person from whom the human remains were received and the name of the funeral establishment or other entity with whom the person is affiliated, the name of the person who received the human remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(b) Upon its release of cremated remains, the crematory authority shall furnish to the person who receives the cremated remains from the crematory authority a receipt signed by both the crematory authority and the person who receives the cremated remains, showing the date and time of the release, the name of the person to whom the cremated remains were released and the name of the funeral establishment, cemetery, or other entity with whom the person is affiliated, the name of the person who released the cremated remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(c) A crematory authority shall maintain at its place of business a permanent record of each cremation that took place at its facility which shall contain the name of the decedent, the date of the cremation, and the final disposition of the cremated remains.

(d) The crematory authority shall maintain a record of all cremated remains disposed of by the crematory authority in accordance with subsection (d) of Section 40.

(e) Upon completion of the cremation, the crematory authority shall file the burial transit permit as required by the Illinois Vital Records Act and rules adopted under that Act and the Illinois Counties Code, and transmit a photocopy of the burial transit permit along with the cremated remains to whoever receives the cremated remains from the authorizing agent unless the cremated remains are to be interred, entombed, inurned, or placed in a scattering area, in which case the crematory authority shall retain a copy of the burial transit permit and shall send the permit, along with the cremated remains, to the cemetery, which shall file the permit with the designated agency after the interment, entombment, inurnment, or scattering has taken place.

(f) All cemeteries shall maintain a record of all cremated remains that are disposed of on their property, provided that the cremated remains were properly transferred to the cemetery and the cemetery issued a receipt acknowledging the transfer of the cremated remains.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/30)

(Section scheduled to be repealed on January 1, 2022)

Sec. 30. Cremation containers.

(a) No crematory authority shall make or enforce any rules requiring that any human remains be placed in a casket before

cremation or that human remains be cremated in a casket. No crematory authority shall refuse to accept human remains for cremation because the remains are not in a casket.

(b) No crematory authority shall accept human remains unless they are delivered to the crematory authority in a casket or an alternative container. If the human remains are delivered to the crematory authority in an alternative container, the alternative container shall comply with all aspects of the definition of "alternative container" set forth in Section 5.

(Source: P.A. 87-1187.)

(410 ILCS 18/35)

(Section scheduled to be repealed on January 1, 2022)

Sec. 35. Cremation procedures.

(a) Human remains shall not be cremated within 24 hours after the time of death, as indicated on the Medical Examiner's/Coroner's Certificate of Death. In any death, the human remains shall not be cremated by the crematory authority until a cremation permit has been received from the coroner or medical examiner of the county in which the death occurred and the crematory authority has received a cremation authorization form, executed by an authorizing agent, in accordance with the provisions of Section 15 of this Act. In no instance, however, shall the lapse of time between the death and the cremation be less than 24 hours, unless (i) it is known the deceased has an infectious or dangerous disease and that the time requirement is waived in writing by the medical examiner or coroner where the death occurred or (ii) because of a religious requirement.

(b) Except as set forth in subsection (a) of this Section, a crematory authority shall have the right to schedule the actual cremation to be performed at its own convenience, at any time after the human remains have been delivered to the crematory authority, unless the crematory authority has received specific instructions to the contrary on the cremation authorization form.

(c) No crematory authority shall cremate human remains when it has actual knowledge that human remains contain a pacemaker or any other material or implant that may be potentially hazardous to the person performing the cremation.

(d) No crematory authority shall refuse to accept human remains for cremation because such human remains are not embalmed.

(e) Whenever a crematory authority is unable or unauthorized to cremate human remains immediately upon taking custody of the remains, the crematory authority shall place the human remains in a holding facility in accordance with the crematory authority's rules and regulations. The crematory authority must notify the authorizing agent of the reasons for delay in cremation if a properly authorized cremation is not performed within any time period expressly contemplated in the authorization.

(f) A crematory authority shall not accept a casket or alternative container from which there is any evidence of the leakage of body fluids.

(g) The casket or the alternative container shall be cremated with the human remains or destroyed, unless the crematory authority has notified the authorizing agent to the contrary on the cremation authorization form and obtained the written consent of the authorizing agent.

(h) The simultaneous cremation of the human remains of more than one person within the same cremation chamber, without the prior written consent of the authorizing agent, is prohibited except for common cremation pursuant to Section 11.4 of the Hospital Licensing Act. Nothing in this subsection, however,

shall prevent the simultaneous cremation within the same cremation chamber of body parts delivered to the crematory authority from multiple sources, or the use of cremation equipment that contains more than one cremation chamber.

(i) No unauthorized person shall be permitted in the holding facility or cremation room while any human remains are being held there awaiting cremation, being cremated, or being removed from the cremation chamber.

(j) A crematory authority shall not remove any dental gold, body parts, organs, or any item of value prior to or subsequent to a cremation without previously having received specific written authorization from the authorizing agent and written instructions for the delivery of these items to the authorizing agent. Under no circumstances shall a crematory authority profit from making or assisting in any removal of valuables.

(k) Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process shall be removed from the cremation chamber.

(l) If all of the recovered cremated remains will not fit within the receptacle that has been selected, the remainder of the cremated remains shall be returned to the authorizing agent or the agent's designee in a separate container. The crematory authority shall not return to an authorizing agent or the agent's designee more or less cremated remains than were removed from the cremation chamber.

(m) A crematory authority shall not knowingly represent to an authorizing agent or the agent's designee that a temporary container or urn contains the cremated remains of a specific decedent when it does not.

(n) Cremated remains shall be shipped only by a method that has an internal tracing system available and that provides a receipt signed by the person accepting delivery.

(o) A crematory authority shall maintain an identification system that shall ensure that it shall be able to identify the human remains in its possession throughout all phases of the cremation process.

(Source: P.A. 96-338, eff. 1-1-10.)

(410 ILCS 18/40)

(Section scheduled to be repealed on January 1, 2022)

Sec. 40. Disposition of cremated remains.

(a) The authorizing agent shall be responsible for the final disposition of the cremated remains.

(b) Cremated remains may be disposed of by placing them in a grave, crypt, or niche, by scattering them in a scattering area as defined in this Act, or in any manner whatever on the private property of a consenting owner.

(c) Upon the completion of the cremation process, and except as provided for in item (I) of paragraph (1) of subsection (a) of Section 20, if the crematory authority has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the individual specified on the cremation authorization form, or if no individual is specified then to the authorizing agent. The delivery may be made in person or by registered mail. Upon receipt of the cremated remains, the individual receiving them may transport them in any manner in this State without a permit, and may dispose of them in accordance with this Section. After delivery, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains.

(d) If, after a period of 60 days from the date of the cremation, the authorizing agent or the agent's designee has not instructed the crematory authority to arrange for the final

disposition of the cremated remains or claimed the cremated remains, the crematory authority may dispose of the cremated remains in any manner permitted by this Section. The crematory authority, however, shall keep a permanent record identifying the site of final disposition. The authorizing agent shall be responsible for reimbursing the crematory authority for all reasonable expenses incurred in disposing of the cremated remains. Upon disposing of the cremated remains, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains. Any person who was in possession of cremated remains prior to the effective date of this Act may dispose of them in accordance with this Section.

(e) Except with the express written permission of the authorizing agent, no person shall:

(1) Dispose of cremated remains in a manner or in a location so that the cremated remains are commingled with those of another person. This prohibition shall not apply to the scattering of cremated remains at sea, by air, or in an area located in a dedicated cemetery and used exclusively for those purposes.

(2) Place cremated remains of more than one person in the same temporary container or urn.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/45)

(Section scheduled to be repealed on January 1, 2022)

Sec. 45. Limitation of liability.

(a) A crematory authority that has received an executed cremation authorization form that complies with paragraph (1) of subsection (a) of Section 20 and has received any additional documentation required by Section 20 shall not be liable for cremating the human remains designated by the cremation authorization form if the cremation is performed in accordance with this Act.

(b) A crematory authority shall not be liable for refusing to accept human remains or to perform a cremation until it receives a court order or other suitable confirmation that a dispute has been settled, if:

(1) it is aware of any dispute concerning the cremation of the human remains;

(2) it has a reasonable basis for questioning any of the representations made by the authorizing agent; or

(3) it refuses to accept the human remains for any other lawful reason.

This provision shall not be construed as placing any affirmative obligation, not otherwise required by law, on any crematory authority to accept any human remains for cremation.

(c) No cemetery shall be liable for any cremated remains that are dumped, scattered, or otherwise deposited on the cemetery in violation of this Act, if that action is taken without the cemetery's consent.

(d) If a crematory authority is aware of any dispute concerning the release or disposition of the cremated remains, the crematory authority may refuse to release the cremated remains until the dispute has been resolved or the crematory authority has been provided with a court order directing the release or disposition of the cremated remains. A crematory authority shall not be liable for refusing to release or dispose of cremated remains in accordance with this Section.

(e) A crematory authority shall not be responsible or liable for any valuables delivered to the crematory authority with human remains, unless the crematory authority has received written instructions in accordance with item (K) of paragraph

(1) of subsection (a) of Section 20.
(Source: P.A. 87-1187.)

(410 ILCS 18/50)

(Section scheduled to be repealed on January 1, 2022)

Sec. 50. Pacemakers and hazardous implants. If an authorizing agent informs the funeral director and the cremation authority on the cremation authorization form of the presence of a pacemaker in the human remains, then the funeral director shall be responsible for ensuring that all necessary steps have been taken to remove the pacemaker before delivering the human remains to the crematory. Should the funeral director who delivers the human remains to the crematory fail to ensure that the pacemaker has been removed from the human remains prior to delivery, and should the human remains be cremated with the pacemaker, then the funeral director who delivered the human remains to the crematory and anyone else covered by this Section shall be liable for all resulting damages.

(Source: P.A. 87-1187.)

(410 ILCS 18/55)

(Section scheduled to be repealed on January 1, 2022)

Sec. 55. Penalties. Violations of this Act shall be punishable as follows:

(1) Performing a cremation without receipt of a cremation authorization form signed by an authorizing agent shall be a Class 4 felony.

(2) Signing a cremation authorization form with the actual knowledge that the form contains false or incorrect information shall be a Class 4 felony.

(3) A Violation of any cremation procedure set forth in Section 35 shall be a Class 4 felony.

(4) Holding oneself out to the public as a crematory authority, or the operation of a building or structure within this State as a crematory, without being licensed under this Act, shall be a Class A misdemeanor.

(4.5) Performance of a cremation service by a person who has not completed a training program as defined in Section 22 of this Act shall be a Class A misdemeanor.

(4.10) Any person who intentionally violates a provision of this Act or a final order of the Comptroller is liable for a civil penalty not to exceed \$5,000 per violation.

(4.15) Any person who knowingly acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(5) A violation of any other provision of this Act shall be a Class B misdemeanor.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/60)

(Section scheduled to be repealed on January 1, 2022)

Sec. 60. Failure to file annual report. Whenever a crematory authority refuses or neglects to file its annual report in violation of Section 10 of this Act, or fails to otherwise comply with the requirements of this Act, the Comptroller shall impose a penalty as provided for by rule for each and every day the licensee remains delinquent in submitting the annual report. Such report shall be made under oath and shall be in a form determined by the Comptroller.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/62)

(Section scheduled to be repealed on January 1, 2022)

Sec. 62. Injunctive action; cease and desist order.

(a) If any person violates the provisions of this Act, the Comptroller, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the Comptroller, a person violates any provision of this Act, the Comptroller may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Comptroller and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Comptroller. Failure to answer to the satisfaction of the Comptroller shall cause an order to cease and desist to be issued.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/62.5)

(Section scheduled to be repealed on January 1, 2022)

Sec. 62.5. Service of notice. Service by the Comptroller of any notice requiring a person to file a statement or report under this Act shall be made: (1) personally by delivery of a duly executed copy of the notice to the person to be served or, if that person is not a natural person, in the manner provided in the Civil Practice Law when a complaint is filed; or (2) by mailing by certified mail a duly executed copy of the notice to the person at his or her address of record.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/62.10)

(Section scheduled to be repealed on January 1, 2022)

Sec. 62.10. Investigations; notice and hearing. The Comptroller may at any time investigate the actions of any applicant or of any person, persons, or entity rendering or offering to render cremation services or any person or entity holding or claiming to hold a license as a licensed crematory. The Comptroller shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 11 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the accused applicant or licensee to file a written answer to the charges with the Comptroller under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Comptroller may consider proper.

At the time and place fixed in the notice, the Comptroller shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any

pertinent statements, testimony, evidence, and arguments. The Comptroller shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action with regard to a license. The hearing officer shall have full authority to conduct the hearing. The Comptroller may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Comptroller, be suspended, revoked, placed on probationary status, or the Comptroller may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice may be served by personal delivery or by certified mail to the address specified by the accused in his or her last notification with the Comptroller.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/62.15)

(Section scheduled to be repealed on January 1, 2022)

Sec. 62.15. Compelling testimony. Any circuit court, upon application of the Comptroller or designated hearing officer may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/62.20)

(Section scheduled to be repealed on January 1, 2022)

Sec. 62.20. Administrative review; venue; certification of record; costs.

(a) All final administrative decisions of the Comptroller are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.

(c) The Comptroller shall not be required to certify any record of the court, file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless and until the Comptroller has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Comptroller. Failure on the part of the plaintiff to make such payment to the Comptroller is grounds for dismissal of the action.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/65)

(Section scheduled to be repealed on January 1, 2022)

Sec. 65. Pre-need cremation arrangements.

(a) Any person, or anyone who has legal authority to act on behalf of a person, on a pre-need basis, may authorize his or her own cremation and the final disposition of his or her cremated remains by executing, as the authorizing agent, a cremation authorization form on a pre-need basis. A copy of this form shall be provided to the person. Any person shall have the right to transfer or cancel this authorization at any time prior to death by destroying the executed cremation authorization form and providing written notice to the crematory authority.

(b) Any cremation authorization form that is being executed by an individual as his or her own authorizing agent on a pre-need basis shall contain the following disclosure, which shall be completed by the authorizing agent:

"() I do not wish to allow any of my survivors the option of cancelling my cremation and selecting alternative arrangements, regardless of whether my survivors deem a change to be appropriate.

() I wish to allow only the survivors whom I have designated below the option of cancelling my cremation and selecting alternative arrangements, if they deem a change to be appropriate:....."

(c) Except as provided in subsection (b) of this Section, at the time of the death of a person who has executed, as the authorizing agent, a cremation authorization form on a pre-need basis, any person in possession of an executed form and any person charged with making arrangements for the final disposition of the decedent who has knowledge of the existence of an executed form, shall use their best efforts to ensure that the decedent is cremated and that the final disposition of the cremated remains is in accordance with the instructions contained on the cremation authorization form. If a crematory authority (i) is in possession of a completed cremation authorization form that was executed on a pre-need basis, (ii) is in possession of the designated human remains, and (iii) has received payment for the cremation of the human remains and the final disposition of the cremated remains or is otherwise assured of payment, then the crematory authority shall be required to cremate the human remains and dispose of the cremated remains according to the instructions contained on the cremation authorization form, and may do so without any liability.

(d) Any pre-need contract sold by, or pre-need arrangements made with, a cemetery, funeral establishment, crematory authority, or any other party that includes a cremation shall specify the final disposition of the cremated remains, in accordance with Section 40. In the event that no different or inconsistent instructions are provided to the crematory authority by the authorizing agent at the time of death, the crematory authority shall be authorized to release or dispose of the cremated remains as indicated in the pre-need agreement. Upon compliance with the terms of the pre-need agreement, the crematory authority shall be discharged from any legal obligation concerning the cremated remains. The pre-need agreement shall be kept as a permanent record by the crematory authority.

(e) This Section shall not apply to any cremation authorization form or pre-need contract executed prior to the effective date of this Act. Any cemetery, funeral establishment, crematory authority, or other party, however, with the written approval of the authorizing agent or person who executed the pre-need contract, may designate that the cremation authorization form or pre-need contract shall be subject to this Act.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/70)

(Section scheduled to be repealed on January 1, 2022)

Sec. 70. Employment of funeral director by crematory authority.

(a) A crematory authority shall be permitted to enter into a contract with a funeral director or funeral business for the purpose of arranging cremations on an at-need basis with the general public, transporting human remains to the crematory, and

processing all necessary paperwork.

(b) No aspect of this Act shall be construed to require a licensed funeral director to perform any functions not otherwise required by law to be performed by a licensed funeral director. (Source: P.A. 87-1187.)

(410 ILCS 18/75)

(Section scheduled to be repealed on January 1, 2022)

Sec. 75. Scope of Act. This Act shall be construed and interpreted as a comprehensive cremation statute, and the provisions of this Act shall take precedence over any existing laws containing provisions applicable to cremation, but that do not specifically or comprehensively address cremation. (Source: P.A. 87-1187.)

(410 ILCS 18/80)

(Section scheduled to be repealed on January 1, 2022)

Sec. 80. Record of proceedings; transcript. The Comptroller, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. Any notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, the report of the hearing officer, and orders of the Comptroller shall be in the record of the proceeding. The Comptroller shall furnish a transcript of such record to any person interested in such hearing upon payment of a reasonable fee.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/85)

(Section scheduled to be repealed on January 1, 2022)

Sec. 85. Subpoenas; depositions; oaths. The Comptroller has the power to subpoena documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Comptroller, the designated hearing officer, or any qualified person the Comptroller may designate has the power to administer oaths to witnesses at any hearing that the Comptroller is authorized to conduct, and any other oaths authorized in any Act administered by the Comptroller.

Every person having taken an oath or affirmation in any proceeding or matter wherein an oath is required by this Act, who shall swear willfully, corruptly and falsely in a matter material to the issue or point in question, or shall suborn any other person to swear as aforesaid, shall be guilty of perjury or subornation of perjury, as the case may be and shall be punished as provided by State law relative to perjury and subornation of perjury.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/87)

(Section scheduled to be repealed on January 1, 2022)

Sec. 87. Findings and recommendations. At the conclusion of the hearing, the hearing officer shall present to the Comptroller a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The hearing officer shall specify the nature of any violations or failure to comply and shall make recommendations to the Comptroller. In making recommendations for any disciplinary actions, the hearing

officer may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including but not limited to, previous discipline of the accused by the Comptroller, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the hearing officer shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation. The report of findings of fact, conclusions of law, and recommendation of the hearing officer shall be the basis for the Comptroller's order refusing to issue, restore, place on probation, fine, suspend, revoke a license, or otherwise disciplining a licensee. If the Comptroller disagrees with the recommendations of the hearing officer, the Comptroller may issue an order in contravention of the hearing officer's recommendations. The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act. (Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/88)

(Section scheduled to be repealed on January 1, 2022)

Sec. 88. Rehearing. At the conclusion of the hearing, a copy of the hearing officer's report shall be served upon the applicant or licensee by the Comptroller, either personally or as provided in this Act. Within 20 days after service, the applicant or licensee may present to the Comptroller a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. The Comptroller may respond to the motion for rehearing within 20 days after its service on the Comptroller. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon denial, the Comptroller may enter an order in accordance with recommendations of the hearing officer except as provided in Section 89 of this Act.

If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

(Source: P.A. 97-679, eff. 2-6-12; 98-463, eff. 8-16-13.)

(410 ILCS 18/89)

(Section scheduled to be repealed on January 1, 2022)

Sec. 89. Comptroller; rehearing. Whenever the Comptroller believes that substantial justice has not been done in the revocation, suspension, or refusal to issue or restore a license or other discipline of an applicant or licensee, he or she may order a rehearing by the same or other hearing officers.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/90)

(Section scheduled to be repealed on January 1, 2022)

Sec. 90. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Comptroller and purporting to be signed by the Comptroller, is prima facie proof that:

(a) the signature is the genuine signature of the Comptroller;

(b) the Comptroller is duly appointed and qualified;
and

(c) the hearing officer is qualified to act.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/91)

(Section scheduled to be repealed on January 1, 2022)

Sec. 91. Civil action and civil penalties. In addition to the other penalties and remedies provided in this Act, the Comptroller may bring a civil action in the county of residence of the licensee or any other person to enjoin any violation or threatened violation of this Act. In addition to any other penalty provided by law, any person who violates this Act shall forfeit and pay a civil penalty to the Comptroller in an amount not to exceed \$5,000 for each violation as determined by the Comptroller. The civil penalty shall be assessed by the Comptroller in accordance with the provisions of this Act.

Any civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. All moneys collected under this Section shall be deposited with the Comptroller.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/92)

(Section scheduled to be repealed on January 1, 2022)

Sec. 92. Consent order. At any point in any investigation or disciplinary proceedings as provided in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Comptroller.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/93)

(Section scheduled to be repealed on January 1, 2022)

Sec. 93. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention or continuation of the license, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is considered sufficient when mailed to the address of record.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/94)

(Section scheduled to be repealed on January 1, 2022)

Sec. 94. Summary suspension of a license. The Comptroller may summarily suspend a license of a licensed crematory without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Comptroller finds that evidence in the Comptroller's possession indicates that the licensee's continued practice would constitute an imminent danger to the public. In the event that the Comptroller summarily suspends the license of a licensed crematory without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical. In the event of a summary suspension, the county coroner or medical examiner responsible for the area where the crematory is located shall make arrangements to dispose of any

bodies in the suspended licensee's possession after consulting with the authorizing agents for those bodies.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/95)

(Section scheduled to be repealed on January 1, 2022)

Sec. 95. Home rule. The regulation of crematories and crematory authorities as set forth in this Act is an exclusive power and function of the State. A home rule unit may not regulate crematories or crematory authorities. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/100)

(Section scheduled to be repealed on January 1, 2022)

Sec. 100. Effective date. This Act takes effect January 1, 1993.

(Source: P.A. 87-1187.)

PUBLIC NOTICE

A public hearing will be held before the Palatine Plan Commission on Tuesday, April 6, 2021 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Text amendments to Article 3 – Rules and Definitions – Section 3.02 Specific Definitions; Article 6 – Section 6.01 (accessory structures); Section 6.03 (fences); and Article 7; Section 7.04 – design and maintenance of off-street parking areas; manufacturing and business district screening; Article 11 Sections 11.03 (d) and 11.06 (e) Special Uses in the B-2 and B-5 District, and Article 12 Section 12.01; 12.01 (f) Permitted uses in the manufacturing district.

These amendments are all of Appendix A (Village of Palatine Zoning Ordinance) of the Village of Palatine Code of Ordinances.

The proposed text amendments to the Village of Palatine Zoning Ordinance will amend the definitions associated with accessory structure (s) and garages. The amendments will also clarify the maximum height limitations of accessory structures. The residential fencing amendments would allow up to an 8-foot tall fence for residential properties adjacent to or adjoining non-residential properties. The manufacturing and screening amendments would align the allowable height of screening devices for manufacturing and business district properties, with the maximum allowable height elsewhere in the Zoning Ordinance. The amendment to special uses for funeral parlors in the B-2 and B-5 districts will permit alkaline hydrolysis system or water based cremation, as a permitted accessory use, associated the operation of a funeral parlors. The amendment in the manufacturing district will allow temporary uses of special events for a period not to exceed 72 hours, with Staff review and Village Council approval, prior to the event.

The above petition has been filed by the Village of Palatine and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 21-08 VILLAGE OF PALATINE

Dennis Dwyer, Chair

Palatine Plan Commission

DATED: This 22nd day of March 2021.

Published in Daily Herald March 22, 2021 (4560476)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Northwest Suburbs Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the Northwest Suburbs DAILY HERALD. That said Northwest Suburbs DAILY HERALD is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of: Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Grove, Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates, Inverness, Melrose Park, Morton Grove, Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, Streamwood, Wheeling, Wilmette

County(ies) of Cook

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and in general circulation throughout said Village(s), County(ies) and State

I further certify that the Northwest Suburbs DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notice as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a copy, was published 03/22/2021 in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, its authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY



Designee of the Publisher and Officer of the Daily Herald

Control # 4560476

Attachment: Public Notice - April 6, 2021 Plan Commission meeting (Text Amendments - Articles 3, 6, 7, 11, and 12 of Appendix A)

PUBLIC NOTICE

A public hearing will be held before the Palatine Plan Commission on Tuesday, March 2, 2021 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Text amendments to Article 3 – Rules and Definitions – Section 3.02 Specific Definitions; Article 6 – Section 6.01 (accessory structures); Section 6.03 (fences); and Article 7; Section 7.04 – design and maintenance of off-street parking areas; manufacturing and business district screening; and Article 12 Section 12.01; 12.01 (f) Permitted uses in the manufacturing district.

These amendments are all of Appendix A (Village of Palatine Zoning Ordinance) of the Village of Palatine Code of Ordinances.

The proposed text amendments to the Village of Palatine Zoning Ordinance will amend the definitions associated with accessory structure (s) and garages. The amendments will also clarify the maximum height limitations of accessory structures. The residential fencing amendments would allow up to an 8-foot tall fence for residential properties adjacent to or adjoining non-residential properties. The manufacturing and screening amendments would align the allowable height of screening devices for manufacturing and business district properties, with the maximum allowable height elsewhere in the Zoning Ordinance. The amendment in the manufacturing district will allow temporary uses of special events for a period not to exceed 72 hours, with Staff review and Village Council approval, prior to the event.

The above petition has been filed by the Village of Palatine and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 21-08
VILLAGE OF PALATINE
Dennis Dwyer, Chair
Palatine Plan
Commission

DATED: This 15th day of
February 2021.
Published in Daily Herald
February 15, 2021 (4558661)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the **DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 02/15/2021 in said **DAILY HERALD**.

IN WITNESS WHEREOF, the undersigned, the said **PADDOCK PUBLICATIONS, Inc.**, has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Authorized Agent

Control # 4558661

Attachment: Public Notice - Village of Palatine Text Amendments (Text Amendments - Articles 3, 6, 7, 11, and 12 of Appendix A)