

AN ORDINANCE  
AMENDING VARIOUS SECTIONS OF  
TITLE 19 OF THE ELGIN MUNICIPAL CODE, ENTITLED "ZONING"

WHEREAS, a written application has been made to amend various chapters of Title 19 of the Elgin Municipal Code, entitled "Zoning"; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing concerning said application on May 5, 2025 following due notice including by publication; and

WHEREAS, the Community Development Department and the Planning and Zoning Commission have submitted their Findings of Fact concerning said application; and

WHEREAS, the Community Development Department and the Planning and Zoning Commission recommend approval of said application, subject to the conditions articulated below; and

WHEREAS, the City Council of the City of Elgin, Illinois, has reviewed the findings and recommendations of the Community Development Department and the Planning and Zoning Commission; and

WHEREAS, the City of Elgin is a home rule unit and as a home rule unit may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, zoning, including but not limited to, regulations in the city's zoning ordinance relating to land use, pertain to the government and affairs of the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That Section 19.14.600 of the Elgin Municipal Code entitled "Standards and consideration" be and is hereby further amended to read as follows:

**“19.14.600. Standards and consideration.**

In passing upon application for architectural review permits, the development administrator, the planning and zoning commission and the city council shall consider and evaluate the propriety of issuing said permit in terms of its effect on the stated purpose and goals of architectural review and design. To that end, the development administrator, the planning and zoning commission and the city council shall consider the appearance of a proposed construction, alteration, enlargement, or remodeling project in terms of the quality of its design and the relationship to its surroundings. A proposed project should harmonize with and support the city's character, with special consideration accorded the preservation and enhancement of landmarks and the preservation and enhancement of natural features, including, without limitation, existing trees and landscaping. Furthermore, a project should be consistent with all of the ordinances and regulations of the city,

including, without limitation, the city zoning ordinance, comprehensive plan and historic preservation ordinance. In addition, the development administrator, the planning and zoning commission and the city council shall consider, among other factors, the following particulars:

A. *Landmarks.*

1. The quality of landmarks should be preserved by avoiding excessively similar or dissimilar nearby buildings that detract from a landmark's uniqueness.
2. Landmarks should not be dwarfed or obstructed from view by nearby buildings.

B. *Site plan.*

1. The site should be planned to meet, if not exceed, setbacks and to establish, protect, and enhance buffer yards between properties and to minimize disturbance to the natural landscaping on the site. Further, the project should be designed to preserve and enhance natural features on the site, including, without limitation, existing trees, wooded areas, buffer yards, and landscaping.
2. Front and side yard setbacks should respect the setbacks found along the block on which the building is sited.
3. Access to the site and circulation thereon should be safe and convenient for pedestrians, cyclists, and vehicles.
4. The location, relationship and orientation of the primary and accessory buildings and access driveways should be consistent with the established pattern on the block and in the surrounding area.
5. Driveways should be located to maintain adequate space between cuts in the streetscape.
6. Driveway and parking areas should be screened to reduce visual intrusions into surrounding properties.
7. Screening or fencing should be consistent in design and materials with the principal buildings on the subject and adjacent properties.
8. Monotony should be avoided.
9. Exterior lighting should be designed at a minimum to comply with the lighting restrictions contained in this title.

C. *Elevations.*

1. The scale and height of the project should be visually compatible with the landscaping and topography of the site and with buildings on the site and in the surrounding area.
2. The relationship of solids to voids in the front facade of a project should be visually compatible with buildings, public ways and places to which it is visually related.

3. The visual continuity of roofs and their contributing elements (such as parapet walls, coping, and cornices) shall be maintained in building development or redevelopment.
4. Monotony should be avoided.
5. Garage doors should be located or oriented, whenever possible, so that the doors are not facing the front yard of the site.
6. New buildings thirty (30) feet or less in height shall provide screening or enclosure for all rooftop mechanical equipment, including but not limited to heating, air conditioning, ventilating, or other mechanical equipment, at a height equal to or greater than the height of the mechanical equipment. Construction of the screening or enclosure shall comply with the building code and be of the same character and design as the new building. A building permit shall not be issued for any building unless the screening or enclosure is included on plans submitted with the building permit application.

D. *Landscaping.*

1. Landscaping plans should be consistent with the natural environment of the site, adjacent properties, and the surrounding area, provided that, when a site is open, suitable landscaping consistent with the wooded nature of the city should be provided.
2. Existing natural features should be appropriately preserved and integrated into the project. Under appropriate circumstances, a conservation strip consisting of landscaping and natural growth but excluding lawns and any impervious surface between adjacent properties would promote this objective.
3. The project should be designed to meet, if not exceed, the buffer yard requirements of this title to maximum screening and buffering in order to protect neighboring properties from the project.

E. *Type, color and texture of materials.*

1. Materials should be new. If salvaged materials are proposed to be utilized, such salvaged materials should be in excellent condition and of first-rate quality.
2. Materials should be selected for both their durability and beauty.
3. Exterior materials should be consistent with those in the area, or those originally intended for use in the area. The use of corrugated plastic siding or corrugated plastic or fiberglass roofing panels is prohibited. This section is not intended and shall not be construed to prohibit the use of substitute materials for doors, windows and trim (e.g., replacement aluminum or vinyl windows).
4. A project that is obviously incongruous with its surroundings or unsightly and grotesque should be avoided.

5. A project whose design or color may be distracting to vehicular traffic so as to cause a safety hazard should be avoided.

F. *Vicinity map.*

1. Except in the CC1 Center City Zoning District, the building layout should maximize the distance between buildings on the site and buildings on adjacent properties.
2. The building layout should maintain appropriate distances between buildings on the site itself.
3. The size, scale, and nature of a building or project should not be inconsistent with the planned city character for the area as expressed in the comprehensive plan. Nor shall such building or project cause a substantial depreciation in the property values of adjacent buildings, the neighborhood, or the city.
4. The project should not unduly detract from the natural environment of the site, adjacent properties, or the surrounding area.

These criteria are not intended to restrict imagination, innovations, or variety, but rather to seek to preserve and enhance the city's unique character.”

Section 2. That Section 19.50.090 of the Elgin Municipal Code entitled "Special street graphics," Subsection I entitled "Electronic changeable copy graphic," be and is hereby further amended to read as follows:

**“19.50.090. Special street graphics.**

- I. *Electronic changeable copy graphic.* An electronic changeable copy graphic may be located only in compliance with the provisions of this section and the other provisions of this chapter.
  1. *Type.* All electronic changeable copy graphics shall be part of a monument graphic.
  2. *Zoning district districts and maximum number.* Electronic changeable copy graphics shall be allowed only in the CF Community Facility District, the RB Residential Business District on a zoning lot [SR] containing four (4) or more acres, the NB Neighborhood Business District, the AB Area Business District, the ORI Office Research Industrial District, CC2 Center City District, the GI General Industrial District and the CI Commercial Industrial District, as well as the like planned development districts.
  3. *Maximum size.* The maximum size of the total electronic display panel of an electronic changeable copy graphic shall be the lesser of:
    - a. No more than fifty (50) percent of the total allowable maximum surface area for the monument graphic in which the electronic display area is to be located;
    - b. Forty (40) square feet for a monument graphic; or

- c. One hundred (100) square feet for a shopping center identification monument graphic.

Said panel is not limited to, a specific height or length, except that one (1) measure cannot be less than twenty-five (25) percent of the other measure.

- 4. *Location.* No electronic changeable copy graphic shall be located within a street yard adjoining a local street, or a collector street, where the property located directly opposite the public right-of-way is located within a residence district or residence conservation district identified within section 19.07.300B and C, respectively.
- 5. *Restrictions.* An electronic changeable copy graphic shall be operated in compliance with the following standards:
  - a. Electronic changeable copy graphics shall display static messages only with no animation, effects simulating animation or video. No continuous traveling, scrolling, flashing, spinning, revolving, or shaking, or any other type of movement or motion of an image shall be allowed.
  - b. The rate of change for any image shall be a minimum of ten (10) seconds, i.e., each image displayed shall be displayed for a minimum period of ten (10) seconds.
  - c. Any message change sequence shall be accomplished immediately with no transition by changing from one (1) screen to another by means of fade, dissolve, roll, or other like transitional feature.
  - d. Maximum brightness levels for electronic changeable copy graphics shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours, and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset. Electronic changeable copy graphics shall include a fully operational light sensor that automatically adjusts the intensity of the graphic according to the amount of ambient light.
  - e. Be designed to either freeze a display in one (1) static position, display a black screen, or turn off in the event of a malfunction.
  - f. An electronic changeable copy graphic shall not be operated, in whole or in part, as an off-premises street graphic.
  - g. All freestanding graphics upon the associated zoning lot, including directional graphics, shall be in compliance with all applicable requirements of this chapter and other applicable requirements of law unless those requirements have been previously varied by city council approval of a planned development or an area of special character. The monument graphic in which the electronic display area is to be located shall include a masonry base.
- 6. *Limited to conforming graphics.* An electronic changeable copy graphic may be located only as part of a monument graphic which is in compliance with all applicable requirements of this chapter and other applicable requirements of law. No electronic changeable copy graphic may be located as part of a nonconforming street graphic or nonconforming street graphic structure.

Section 3. That the definition for “Residential occupations” within Section 19.90.015 of the Elgin Municipal Code entitled "Definitions and regulations" be and is hereby further amended to read as follows:

**“19.90.015. – Definitions and regulations.**

*Residential occupations* means a business [SR] which is accessory [SR] to a dwelling unit [SR]. Residential occupations shall be subject to the following supplementary regulations:

A. *Operation; generally.* The operation of a residential occupation shall be limited to the persons residing in the dwelling unit.

B. *Use of land and structures.* Residential occupations shall be conducted entirely within a dwelling unit.

No residential occupation shall utilize any process or equipment with a potential for creating a life/safety hazard, as may be determined by the code official.

The floor area of the residential occupation within the principal building shall be limited to twenty-five (25) percent of the residential floor area [SR]. Residential occupations which exceed ten (10) percent of the fire area shall be subject to the provisions for accessory areas of title 16, as may be amended. No residential occupation shall be located within an accessory building [SR].

No merchandise shall be stored on the premises, except such that can be produced on the premises. Other merchandise may be kept on the premises temporarily while waiting to be distributed to the consumer. No merchandise, goods, supplies, equipment, or materials shall be displayed or stored outdoors.

C. *Prohibited alterations.* No alterations, exterior or interior of structures, temporary or permanent, that change the essential residential character of the land or structures of a zoning lot [SR] with a residential occupation shall be allowed, including, but not limited to, additional entrances and exits, additional bathrooms, accessible doorways and ramps, etc. No signs other than those allowed in residence districts and in residence conservation districts by chapter 19.50 shall be allowed on a zoning lot with a residential occupation.

D. *Traffic and parking.* No merchandise, goods, supplies, or materials associated with a residential occupation shall be received or delivered at the dwelling unit unless conducted entirely by U.S. Postal Service, similar parcel delivery service, or private passenger motor vehicle.

No dwelling unit with a residential occupation shall generate more demand for off-street parking than exists on the zoning lot or in excess of the number of off-street parking stalls that may be assigned to a dwelling unit.

No more than five (5) persons shall be allowed to visit the premises of a dwelling unit with a residential occupation for the purpose of conducting business each day. Such visitations shall be limited to Monday through Friday from the hours of 8:00 a.m. to 6:00 p.m.

E. *Public nuisance.* No residential occupation shall be operated in such a manner as to cause a public nuisance, including, but not limited to, interference with broadcast radio and television reception; offensive noise, vibration, smoke, dust, heat, glare, or odor; excessive pedestrian or vehicular traffic; or aesthetic problems.

F. *Prohibited residential occupations.* No residential occupation shall involve the detailing, servicing, or repairing of motor vehicles. No residential occupation shall involve the grooming, treatment, boarding, or propagation of animals, poultry, or livestock. With the exception of home child day care services [SR], which are regulated otherwise, no residential occupation shall involve the in-person personal or medical care or treatment of persons. Personal or medical care or treatment of persons that is provided entirely virtually, remotely, or otherwise electronically (e.g. telehealth or e-health, telemedicine, remote patient care, virtual visits or diagnosis, teletherapy, or e-therapy, online counseling or e-counseling, and other like entirely remote patient care) is permitted as a residential occupation in so long as no persons come to the residence to receive said services. No residential occupation shall involve the handling or preparation of food, except as may be allowed by the cottage food operation provisions of the Illinois Food Handling Regulation Enforcement Act (410 ILCS 625/0.01 et seq.).

Section 4. That the definition for “Residential occupations, conditional” within Section 19.90.015 of the Elgin Municipal Code entitled "Definitions and regulations" be and is hereby further amended to read as follows:

**“19.90.015. – Definitions and regulations.**

*Residential occupations, conditional*, means a business [SR] which is accessory [SR] to a dwelling unit [SR]. Conditional residential occupations shall be subject to the provisions of chapter 19.65. The planning and zoning commission may recommend, and the city council may require such conditions and restrictions on the impact, location, design, construction, and operation of the conditional residential occupation as may be deemed necessary to promote the purpose and intent of this title. Conditional residential occupations shall be subject to the following supplementary regulations:

A. *Operation; generally.* The operation of a conditional residential occupation shall be limited to the persons residing in the dwelling unit, plus one (1) additional employee or subcontractor, working on the premises, who is not a resident.

B. *Use of land and structures.* All conditional residential occupations shall be conducted wholly within an enclosed building [SR].

Conditional residential occupations may utilize specialized processes and equipment in the performance of the residential occupation, which require building, HVAC, plumbing,

or electrical installations which are not customarily found within a dwelling unit. However, no conditional residential occupation shall utilize any process or equipment with any potential for a life/safety hazard, as may be determined by the code official.

The floor area of the conditional residential occupation within the principal building shall be limited to thirty (30) percent of the residential floor area [SR]. Residential occupations which exceed ten (10) percent of the fire area shall be subject to the provisions for accessory areas of title 16, as may be amended.

No merchandise shall be stored on the premises, except such that can be produced on the premises. Other merchandise may be kept on the premises temporarily while waiting to be distributed to the consumer. No merchandise, goods, supplies, equipment, or materials shall be displayed or stored outdoors.

C. *Prohibited alterations.* No alterations, exterior or interior of structures, temporary or permanent, that change the essential residential character of the land or structures of a zoning lot [SR] with a conditional residential occupation shall be allowed, including, but not limited to, additional entrances and exits, additional bathrooms, accessible doorways and ramps, etc. No signs other than those allowed in residence districts and in residence conservation districts by chapter 19.50 shall be allowed on a zoning lot with a conditional residential occupation.

D. *Traffic and parking.* No merchandise, goods, supplies, or materials associated with a conditional residential occupation shall be received or delivered on a zoning lot with a conditional residential occupation unless conducted entirely by U.S. postal service, similar parcel delivery service, or private passenger motor vehicle.

No dwelling unit with a conditional residential occupation shall generate more demand for off-street parking than exists on the zoning lot or in excess of the number of off-street parking stalls that may be assigned to a dwelling unit.

No more than ten (10) persons shall be allowed to visit the premises of a dwelling unit with a conditional residential occupation for the purpose of conducting business each day. Such visitations shall be limited to Monday through Saturday from the hours of 8:00 a.m. to 6:00 p.m., and Sunday from the hours of 12:00 noon to 5:00 p.m.

E. *Public nuisance.* No conditional residential occupation shall be operated in such a manner as to cause a public nuisance, including, but not limited to, interference with broadcast radio and television reception; offensive noise, vibration, smoke, dust, heat, glare, or odor; excessive pedestrian or vehicular traffic; or aesthetic problems.

F. *Prohibited conditional residential occupations.* No conditional residential occupation shall involve the detailing, servicing, or repairing of motor vehicles. No conditional residential occupation shall involve the grooming, treatment, boarding, or propagation of animals, poultry, or livestock. No conditional residential occupation shall involve the handling or preparation of food, except as may be allowed by the cottage



food operation provisions of the Illinois Food Handling Regulation Enforcement Act (410 ILCS 625/0.01 et seq.).

With the exception of certified massage therapists, which shall be regulated as a conditional residential occupation, and with the exception of home child day care services [SR], which are regulated otherwise, no conditional residential occupation shall involve the in-person personal or medical care or treatment of persons. Certified massage therapists are further regulated by title 6. Home child day care services [SR] are regulated separately from the provisions of this section. Personal or medical care or treatment of persons that is provided entirely virtually, remotely, or otherwise electronically (e.g. telehealth or e-health, telemedicine, remote patient care, virtual visits or diagnosis, teletherapy, or e-therapy, online counseling or e-counseling, and other like entirely remote patient care) is permitted as a residential occupation in so long as no persons come to the residence to receive said services.

G. *Certificate of occupancy and compliance.* Conditional residential occupations shall obtain a certificate of occupancy and compliance from the code administration department prior to starting the conditional residential occupation.

Section 5. That the definition for “Vehicle use area” within Section 19.90.015 of the Elgin Municipal Code entitled "Definitions and regulations" be and is hereby further amended to read as follows:

**“19.90.015. – Definitions and regulations.**

*Vehicle use area* means any land or improvements on which motor vehicles [SR] are driven, parked, or stored. The term "vehicle use area," for the purpose of calculating maximum vehicle use area, shall also be subject to the following:

A. Vehicle use areas shall include the sum of the gross horizontal land area measured in square feet, whether or not improved with an approved surface, and designed, intended, or used for the storage, parking, or driving of motor vehicles , except as otherwise exempted from this definition and supplementary regulation.

B. Vehicle use areas within parking structures [SR] or parking garages [SR] shall not be considered vehicle use areas for the purpose of determining the maximum vehicle use area of a zoning lot [SR].

C. Notwithstanding the site design limitations within Chapters 19.20 and 19.25 of this Title 19, or any site design limitations within a planned development district, the vehicle use area for a single-family detached dwelling shall not include a finished surface that is different from the surface material of the driveway and intended to provide a finished edge to the driveway. Allowable surfaces for the purpose of this exception shall be no wider than two (2) feet on each side of the driveway. Allowable surfaces for the purpose of this exception shall not include gravel, but may include masonry pavers, concrete edging, or a similar finished material as approved by the development administrator.

Section 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed to the extent of any such conflict.

Section 7. That this ordinance shall be in full force and effect upon its passage and publication in the manner provided by law.

s/ David J. Kaptain  
David J. Kaptain, Mayor

Presented: June 25, 2025  
Passed: June 25, 2025  
Omnibus Vote: Yeas: 8 Nays: 0  
Recorded: June 25, 2025  
Published: June 25, 2025

Attest:

s/ Kimberly Dewis  
Kimberly Dewis, City Clerk