

TITLE 9

ZONING

PREFACE

This Zoning Code of the Village of Lake Zurich, as supplemented, contains ordinances up to and including ordinance 2020-07-371, passed July 6, 2020. Ordinances of the Village adopted after said ordinance supersede the provisions of this code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

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CHAPTER 1

TITLE AND PURPOSES

SECTION:

9-1-1: Title

9-1-2: Authority And Purposes

9-1-1: TITLE:

This title shall be known, and may be referred to, as the *LAKE ZURICH ZONING CODE*. (Ord., 10-2004)

9-1-2: AUTHORITY AND PURPOSES:

This zoning code is adopted pursuant to the authority granted to the village of Lake Zurich by the Illinois municipal code for the following purposes:

- A. Overall Purpose: The overall purpose of this zoning code is to maintain Lake Zurich as a community comprised principally of well maintained single-family residential neighborhoods and separately located, thriving business areas.
- B. Land Use Patterns: The purposes of this zoning code related to land use patterns are to:
 1. Implement and foster the goals and policies of the village's official comprehensive plan; and
 2. Establish a rational pattern of land uses and encourage the most appropriate use of individual parcels of land in the village; and
 3. Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible uses; and
 4. Encourage and promote detached single-family homes as the principal land use in the village; and
 5. Provide for the gradual elimination of nonconforming uses that adversely affect the character and value of permitted development; and
 6. Protect the public from harm from the loss of natural resources by encouraging and enhancing the preservation of natural resources, aesthetic amenities, and natural features, including, among other things, the preservation of lowland and upland soils, wetlands, and natural existing views of the lake of Lake Zurich; and
 7. Secure adequate natural light, clean air, privacy, a safe environment, and convenience of access to property; and
 8. Promote and protect the public health, safety, morals, and the general welfare of the village.
- C. Public Infrastructure: The purposes of this zoning code related to public infrastructure are to:
 1. Facilitate the most efficient use of existing and planned public facilities and utilities; and
 2. Protect existing public facilities and utilities from being overloaded due to excess development or development incompatible with the capabilities of the village's utility systems; and
 3. Protect and enhance a pattern of interconnected streets and highways that is unified, integrated, safe, effective, and efficient; and
 4. Reduce congestion and promote safety on streets and highways by limiting traffic generation through the control of land use intensity; and
 5. Avoid or lessen the hazards of flooding and stormwater accumulation and runoff; and
 6. Establish and regulate setback and yard lines along streets and highways and property lines.
- D. Justifiable Expectations And Taxable Value: The purposes of this zoning code related to justifiable expectations and taxable value are to:
 1. Protect and respect the justifiable reliance of existing residents, businesspeople, and taxpayers on the continuation of existing, established land use patterns; and
 2. Protect and enhance the taxable value of land and buildings, including, among other things, the value and use of publicly owned land and buildings.
- E. Administration: The purposes of this zoning code related to administration are to:
 1. Define the powers and duties of administrative officers and bodies necessary to administer this zoning code; and
 2. Establish procedures for the efficient and effective use of the provisions of this zoning code; and

3. Establish standards for the review of applications filed pursuant to this zoning code; and
4. Prescribe penalties for the violation of the provisions of this zoning code. (Ord., 10-2004)

CHAPTER 2

ZONING DISTRICTS AND OFFICIAL DOCUMENTS

SECTION:

9-2-1: Establishment Of Zoning Districts

9-2-2: Interpretation Of District Sequence

9-2-3: Annexed Land

9-2-4: Zoning Map

9-2-5: Official Comprehensive Plan

9-2-1: ESTABLISHMENT OF ZONING DISTRICTS:

To carry out the purposes of this zoning code, the village of Lake Zurich is hereby divided into the following zoning districts:

A. Residential Districts (Chapter 3 Of This Title):

R-1/2	Single-family residential district
R-3	Single-family residential district
R-4	Single-family residential district
R-5	Single-family residential district
R-6	Multiple-family residential district

B. Business Districts (Chapter 4 Of This Title):

B-1	Local and community business district
B-2	Central business district
B-3	Regional shopping district

C. Office Districts (Chapter 5 Of This Title):

O-1	Office/residential district
O-2	Limited office district
O-3	Office campus district

D. Industrial District (Chapter 6 Of This Title):

I	Industrial district
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E. Special Districts And Overlay Districts (Chapter 7 Of This Title):

OS	Open space district
IB	Institutional buildings district
LP	Lake protection district
DR	Downtown redevelopment overlay district

(Ord. 2013-12-944, 1-6-2014)

9-2-2: INTERPRETATION OF DISTRICT SEQUENCE:

A. General Rule: This zoning code rejects as outdated and inappropriate the concept of hierarchical and cumulative zoning districts and, except as noted below, is based on the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development, and to protect that development from being encroached

upon by incompatible types of development.

B. Special Rule: Within the foregoing philosophy, however, it is recognized that when different districts are juxtaposed, their differing characters may require special treatment to ameliorate incompatibilities that might otherwise result. For this limited purpose, this zoning code recognizes the concept of "more restrictive" and "less restrictive" districts. And for this limited purpose, the districts established by this zoning code shall be considered "more restrictive" or "less restrictive" in accordance with the following rules:

1. The open space district shall be deemed to be more restrictive than any other district.
2. The residential districts shall be deemed to be more restrictive than any nonresidential district except the open space district.
3. The R-1/2 district shall be deemed to be the most restrictive residential district and the R-6 district shall be deemed to be the least restrictive residential district, and the residential districts shall be deemed to become less restrictive as the district number increases.
4. The institutional buildings district shall be deemed to be more restrictive than the business and office districts but less restrictive than any residential district.
5. The business and office districts shall be deemed to be more restrictive than the industrial districts, and all of them shall be deemed to become less restrictive as the district number increases.
6. Except in the DR downtown redevelopment overlay district, overlay districts shall not be considered in determining the restrictiveness of the underlying district. (Ord., 10-2004)

9-2-3: ANNEXED LAND:

A. Annexation Of Land: All land annexed to the village after the effective date of this zoning code shall be classified automatically after such annexation in the R-1/2 single-family residential district. The owner of any land proposed to be annexed to the village shall file, with the petition for annexation, an application for a certificate of zoning compliance pursuant to chapter 13 of this title. In the case of an involuntary annexation, the village manager shall complete the required application.

B. Application For Different Classification: When any land is classified pursuant to this section, it shall remain so classified unless and until an application to amend such classification is filed and granted pursuant to section 9-14-1 and chapter 18 of this title. Such application may be filed prior to or contemporaneously with the annexation of the land in question. (Ord., 10-2004)

9-2-4: ZONING MAP:

A. Map Incorporated: The location and boundaries of the zoning districts established by this zoning code are as shown on a map titled "zoning map of the village of Lake Zurich, Illinois", hereafter referred to as the zoning map, which is by this reference incorporated as part of this zoning code. All notations, references, and other information shown on the zoning map, and all amendments to it, shall be as much a part of this zoning code as if specifically set forth and literally described herein.

B. Omitted Land: It is the intent of this zoning code that the entire area of the village, including all land and water areas, be included in the districts established by this zoning code. Any area lying within the village but not shown on the zoning map as being included in such a district shall be deemed to be, and it is hereby, classified in the R-1/2 single-family residential district.

C. District Boundaries: In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. The district boundaries are the centerlines of expressways, highways, streets, alleys, waterways, railroads, and other rights of way unless otherwise indicated. When the designation of a boundary line on the zoning map coincides with the location of any such right of way, then the centerline of that right of way shall be construed to be the boundary of such district.
2. When a district boundary does not coincide with the location of the centerline of any right of way but does coincide with a lot line, then that lot line shall be construed to be the boundary of such district.
3. When a district boundary does not coincide with the location of the centerline of any right of way or with a lot line, then the district boundary shall be determined by the use of the scale shown on the zoning map.

D. Maintenance And Availability Of Zoning Map: The official copy of the zoning map shall be maintained by the village manager and shall be available for public inspection during village business hours at the village hall. Any amendment to zoning district boundaries or any change in any other information shown on the zoning map made by amendment to this zoning code shall be indicated on the official copy of the zoning map.

E. Mapping Of Parcels Affected By Court Decrees: Parcels of land affected by court decrees shall be shown on the zoning map in accordance with the provisions of subsection 9-23A-6B of this title. (Ord., 10-2004)

9-2-5: OFFICIAL COMPREHENSIVE PLAN:

A. Definition: The "official comprehensive plan" of the village shall be defined as a compilation of policy statements; goals; standards; maps; recommended planning, regulatory, fiscal, and public works programs; pertinent data relative to the past,

present, and future trends of the village with respect to its population, housing, economic, social, and environmental development patterns and its land, water, and natural resources and use and its transportation facilities, public facilities, and utilities; and any other matter relative to the present and future patterns of life within the village or within the unincorporated areas lying within one and one-half ($1\frac{1}{2}$) miles of its boundaries as they may from time to time exist, prepared and recommended by the plan commission with the advice and assistance of the village manager and the village manager's staff and adopted by the board of trustees by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time. The term "official comprehensive plan" also shall refer to any internally consistent and complete portion of such a compilation relating to any one or more of the aforesaid subjects or to any specific portion of the aforesaid geographical area. As of the effective date of this zoning code, the term "official comprehensive plan" shall be understood to refer to the following documents:

1. The Lake Zurich 2003 comprehensive land use plan.
2. This zoning code.
3. The Lake Zurich land development code, as amended, set forth in title 10 of the Lake Zurich municipal code.
4. Sections 3, 4, and 5 of the "Transportation Plan And Redevelopment Strategy For The Village Center", prepared by Trkla, Pettigrew, Allen & Payne, Inc., related to potential redevelopment of downtown Lake Zurich.

B. Purpose: The official comprehensive plan shall be considered an official statement of the policy of the village with respect to the existing and developing character of the various areas of the village and its vicinity; the proper objectives, standards, and direction for future maintenance, growth, development, and redevelopment of the village; the means to be employed to protect existing character or development and to encourage future development that will be in the best interests of the village; and the actions and programs to be undertaken by the village with respect to its future maintenance and development.

C. Effect: After the adoption of the official comprehensive plan or a part thereof, no ordinance, regulation, or official map relating to the physical maintenance, development, or redevelopment of the village or any land within it shall be enacted, established, amended, or varied and no right of way, street, utility, or public structure or land shall be authorized, established, developed, redeveloped, or modified in location or extent except in accordance with the policies, goals, objectives, principles, and standards of the official comprehensive plan or relevant part thereof unless the board of trustees shall first make a specific finding that the facts and circumstances affecting the particular matter justify a departure from the official comprehensive plan.

D. Procedures:

1. Plan Development: The plan commission, with the assistance of the village manager and the village manager's staff, shall oversee the continuing development and revision of the official comprehensive plan. The plan commission and the village manager, in developing a plan, shall make all reasonable efforts to obtain the views, comments, and criticisms of interested persons. In addition, the plan commission, prior to making any recommendation for the adoption or amendment of a plan or part thereof to the board of trustees, shall set, notice, and conduct a public hearing thereon in accordance with the provisions of section 9-14-3 of this title.

The board of trustees, at any time, may refer a plan to the plan commission for consideration and recommendation. In the case of such referral, the plan commission shall return its recommendation to the board of trustees not later than ninety (90) days after the receipt of the referral. If such recommendation is not so delivered, then the board of trustees may proceed to consider the amendment without such recommendation.

When satisfied that a plan or a part thereof is adequate for adoption as, or as an amendment of, the official comprehensive plan of the village or a part thereof, the plan commission shall transmit such plan or part thereof to the board of trustees together with its recommendations for adoption of such plan as well as any reports or statements deemed necessary to a full consideration of such plan or part thereof. Such reports or statements may include majority and minority positions. Such transmittal shall be made not later than fifteen (15) days after the close of the public hearing concerning such plan.

2. Plan Adoption: After receiving any recommendation of the plan commission with respect to the adoption or amendment of any plan or a part thereof, the board of trustees, by ordinance duly enacted, may adopt such plan in whole or in part, with or without amendments; or may refer such plan or any part thereof back to the plan commission for further consideration; or may reject such plan. The board of trustees shall take such action not later than ninety (90) days after the close of the plan commission public hearing on such plan. The failure of the board of trustees to act within such period shall be deemed to be a rejection of the plan. Upon the adoption of any such plan or part thereof, it shall be designated as the "official comprehensive plan of the village of Lake Zurich" and, if less than a total comprehensive plan, shall carry a subheading designating its specific contents.

3. Plan Amendment: The official comprehensive plan, or any part thereof, may be amended at any time in accordance with the provisions of this subsection D3. Such an amendment may be initiated by the board of trustees, the plan commission, the village manager, or by any owner of property affected by the provisions of such plan sought to be amended. Amendments initiated by the board of trustees, the plan commission, or the village manager shall require no formal application and shall be processed as provided in subsections D1 and D2 of this section. Amendments initiated by the owner of affected property shall be initiated by an application filed pursuant to section 9-14-1 of this title, except that the time limits specified in subsections D1 and D2 of this section shall apply.

4. Plan Filing And Notice Of Adoption: The ordinance adopting the official comprehensive plan, or any part thereof,

shall provide that the village manager shall cause a certified copy thereof to be placed on file in the office of the village clerk and shall cause a notice evidencing the adoption of such plan, or part thereof, to be filed with all municipalities adjacent to the village and with the Lake County recorder of deeds. (Ord., 10-2004)

CHAPTER 3

RESIDENTIAL DISTRICTS

SECTION:

9-3-1: Purposes

9-3-2: Permitted Uses

9-3-3: Special Uses

9-3-4: Accessory Structures And Uses

9-3-5: Temporary Uses

9-3-6: Home Occupations

9-3-7: Parking And Loading Requirements

9-3-8: Sign Regulations

9-3-9: Landscaping And Lighting

9-3-10: Exterior Appearance Review In R-6 District

9-3-11: Bulk, Space, And Yard Requirements

9-3-1: PURPOSES:

Five (5) zoning districts are provided for all types of residential development.

Four (4) zoning districts are provided for single-family residential development. The single-family districts provide for a limited range of single-family detached housing densities consistent with the village's established single-family residential neighborhoods. The R-1/2 and R-3 districts allow for lower density residential use and larger lot sizes. The R-4 and R-5 districts allow for somewhat higher density residential use and smaller lot sizes.

One zoning district is provided for townhouse, two-family, and multiple-family residential development. The R-6 district is intended to function principally as a transition between single-family detached houses and other zoning districts and to provide for lower density townhouse and two-family building types, which may result in higher densities than in single-family developments. The existing multiple-family development in the village is mapped in the R-6 district.

Taken as a whole, the residential district regulations are intended to preserve established neighborhoods and encourage new residential development, but only in a manner consistent with the overall character of the village. (Ord., 10-2004)

9-3-2: PERMITTED USES:

The following uses and no others are permitted as of right in the residential districts:

- A. Single-family detached dwellings.
- B. Townhouse (single-family attached) dwellings, but only in the R-6 district.
- C. Two-family dwellings, but only in the R-6 district.
- D. Multiple-family dwellings, but only in the R-6 district in areas shown on the zoning map adopted on the effective date of this zoning code. (Ord., 10-2004)

9-3-3: SPECIAL USES:

- A. Senior housing in the R-6 district, subject to the following additional standards:
 - 1. Community Need: No special use permit for senior housing shall be granted except on evidence satisfactory to the board of trustees that there is, and will for the foreseeable future continue to be, a ready market demand among current area residents for all of the dwelling units in the senior housing development.
 - 2. Location: Every senior housing development shall be located in an area of the village that is conducive to the special needs of senior citizens. This typically will require a location with convenient access to public transportation, retail stores, and medical services.
 - 3. Facilities And Staff: Every senior housing development shall provide such on site facilities and staff as may be necessary and appropriate to satisfy the social, cultural, recreational, and, when appropriate, medical needs of its residents, including walkways, ramps, benches, special lighting, and the like. The name and telephone number of at least one person having direct responsibility for the operation of the development shall be kept on file with the village manager and shall be listed in the Lake Zurich telephone directory under the name of the development.

4. Required Approvals: No senior housing development shall be established without the prior licensing, certification, or other approval of every public agency charged with the regulation or supervision of any facet of the activity of the proposed facility. Every application for a special use permit for a senior housing development shall set forth each agency that must approve the establishment or operation of the facility and shall be accompanied by a formal acknowledgement of approval from each such agency; provided, however, that in the event any such approval has been delayed, the application shall set forth the status of each such application and shall state any facts known to the applicant that might have contributed to the delay of any required approval that has not been obtained as of the time of the filing of the application for a special use permit.

5. Financial Stability: No special use permit for a senior housing development shall be granted unless the applicant therefor shall establish, to the satisfaction of the board of trustees, that there exists a reasonably certain source of continuous and sufficient funds to provide for the operation and maintenance of such facility in accordance with the representations of the application and the various standards applicable to such facility by reason of this zoning code and other laws and regulations.

6. Fire Protection: Every senior housing development shall be equipped with a fire suppression system, a fire protection signaling system, and an automatic fire detection system in accordance with the requirements of the Lake Zurich municipal code.

B. Nursing and personal care facilities in the R-6 district, subject to the following additional standards:

1. Supervision: Every nursing or personal care facility shall provide qualified and experienced supervisory personnel in sufficient numbers, and during sufficient and appropriate hours of the day, to meet all standards of any agency responsible for the licensing or regulation of the nursing or personal care facility and such additional services as may be required by the board of trustees. The special use permit shall specifically establish minimum standards for supervision. The name and telephone number of at least one person having direct responsibility for the operation of the facility shall be kept on file with the village manager and shall be listed in the Lake Zurich telephone directory under the name of the facility.

2. Availability Of Facilities: Every nursing and personal care facility shall be provided with, or have ready access to, facilities and services necessary and appropriate to the needs of its residents for active and passive recreation; medical care; educational, cultural, and religious activities; consumer goods and services; and public transportation.

3. Required Approvals: No nursing or personal care facility shall be established without the prior licensing, certification, or other approval of every public agency charged with the regulation or supervision of any facet of the activity of the proposed facility. Every application for a special use permit for a nursing or personal care facility shall set forth each agency that must approve the establishment or operation of the facility and shall be accompanied by a formal acknowledgement of approval from each such agency; provided, however, that in the event any such approval has been delayed, the application shall set forth the status of each such application and shall state any facts known to the applicant that might have contributed to the delay of any required approval that has not been obtained as of the time of the filing of the application for a special use permit.

4. Financial Stability: No special use permit for a nursing or personal care facility shall be granted unless the applicant therefor shall establish, to the satisfaction of the board of trustees, that there exists a reasonably certain source of continuous and sufficient funds to provide for the operation and maintenance of such facility in accordance with the representations of the application and the various standards applicable to such facility by reason of this zoning code and other laws and regulations.

5. Fire Protection: Every nursing or personal care facility shall be equipped with a fire suppression system, a fire protection signaling system, and an automatic fire detection system in accordance with the requirements of the Lake Zurich municipal code.

C. Transitional service facilities for up to six (6) transitional service facility residents in the R-6 district, subject to the following additional standards:

1. Supervision: Every transitional service facility shall provide qualified and experienced supervisory personnel, in sufficient numbers and during sufficient and appropriate hours of the day and night, to meet all standards of any agency responsible for the licensing or regulation of the transitional service facility and such additional services as may be required by the board of trustees. The special use permit shall specifically establish minimum standards for supervision. The name and telephone number of at least one person having direct responsibility for the operation of the facility shall be kept on file with the village manager.

2. Concentration: No transitional service facility shall be located within one-fourth ($\frac{1}{4}$) mile of any other existing transitional service facility, whether or not such existing facility is located within the village.

3. Structure Type: Every transitional service facility shall be located in a dwelling of the type permitted in the district where the facility is located. No alteration of any dwelling that would prevent its future use as a dwelling shall be permitted.

4. Availability Of Facilities: Every transitional service facility shall be provided with, or have ready access to, facilities and services necessary and appropriate to the needs of its residents for active and passive recreation; medical care; educational, cultural, and religious activities; consumer goods and services; and public transportation.

5. Required Approvals: No transitional service facility shall be established without the prior licensing, certification, or other approval of every public agency charged with the regulation or supervision of any facet of the activity of the proposed

facility. Every application for a special use permit for a transitional service facility shall set forth each agency that must approve the establishment or operation of the facility and shall be accompanied by a formal acknowledgement of approval from each such agency; provided, however, that in the event any such approval has been delayed, the application shall set forth the status of each such application and shall state any facts known to the applicant that might have contributed to the delay of any required approval that has not been obtained as of the time of the filing of the application for a special use permit.

6. Financial Stability: No special use permit for a transitional service facility shall be granted unless the applicant therefor shall establish, to the satisfaction of the board of trustees, that there exists a reasonably certain source of continuous and sufficient funds to provide for the operation and maintenance of such facility in accordance with the representations of the application and the various standards applicable to such facility by reason of this zoning code and other laws and regulations.

D. Public utility stations in any district, subject to the following additional standards:

1. Structure Appearance And Screening: All buildings and structures shall have exteriors which give the appearance of a structure permitted in the district where located.

2. Safety Fencing: All such uses shall be fenced where any hazard to the safety of human or animal life is present.

3. Service And Storage Prohibited: No service or storage yard or building shall be permitted except as permitted for other uses in the district.

E. Planned unit developments in any district.

F. Bed and breakfast establishments in the R-5 district, subject to the following additional standards:

1. Location Restricted: A special use permit for a bed and breakfast establishment may be granted only for property that abuts property classified in the B-2 central business district.

2. Standards: In addition to satisfying all of the standards set forth in section 9-19-3 of this title applicable to special use permits, every bed and breakfast establishment also shall meet all of the following standards:

a. Every bed and breakfast establishment shall comply with the standards set forth in sections 4, 5, and 6 of the Illinois bed and breakfast act, 50 Illinois Compiled Statutes 820/4, 820/5, and 820/6.

b. Every bed and breakfast establishment shall comply with the regulations of the Lake County health department.

c. Every bed and breakfast establishment shall maintain certification and membership in good standing with the Illinois Bed And Breakfast Association or a similar association approved by the village manager.

3. Owner Operated And Occupied Only: Every bed and breakfast establishment shall be managed and operated by its owner, which owner also shall be the owner of the property on which the establishment is located and which owner shall occupy the establishment as the owner's principal place of residence.

4. Maximum Number Of Guestrooms: The maximum number of guestrooms for rent in any bed and breakfast establishment shall be five (5).

5. Meals: No meals may be served at a bed and breakfast establishment except only breakfast, which may be served only to registered guests of the establishment.

6. Maximum Length Of Stay: The maximum continuous length of stay for any guest in a bed and breakfast establishment shall be limited to thirty (30) days.

7. Minimum Annual Days In Operation: An approved bed and breakfast establishment shall be open to the public for business and in operation not fewer than one hundred eighty (180) days in any twelve (12) month time period.

8. Signage: Notwithstanding any other code, ordinance, or regulation of the village, no signage of any kind shall be allowed for a bed and breakfast establishment except only one ground sign. The ground sign may consist of two (2) sign faces, with each sign face not exceeding six (6) square feet in area. The ground sign message shall be restricted to the name and address of the establishment and no other message. The ground sign shall be made with materials, style, and lettering appropriate to the architecture of the establishment and in compliance with applicable village sign regulations.

9. Lighting: Except as may be specifically approved by the board of trustees at the time of approval of the special use permit for the bed and breakfast establishment, no exterior lighting shall be permitted at any bed and breakfast establishment except only small accent lighting of the type and quantity that may be typically found accessory to a single-family detached dwelling. All exterior lighting shall be depicted on the site plans approved by the village.

10. Exterior Statuary, Decorations: No exterior statuary, fountains, or similar attention getting devices shall be permitted except only of the type and quantity that may be typically found accessory to a single-family detached dwelling. All such statuary, fountains, and other attention getting devices shall be depicted on the site plans approved by the village.

11. Trash Containers: Trash containers shall be located only within a fully enclosed area. All trash containers shall be depicted on the site plan approved by the village.

12. Special Events Prohibited: No special events of any kind, including, without limitation, receptions, weddings, and

the like, and no meetings of religious, political, business, fraternal, governmental, civic, or social organizations, and no events for which a fee is charged or remuneration is received, shall be permitted at a bed and breakfast establishment at any time, except only events conducted for registered guests of the establishment and to which only those registered guests are invited and permitted to attend.

13. Exterior Appearance Review Required: No construction or development of a bed and breakfast establishment shall be permitted except after approval of the building permit application therefor pursuant to chapter 21 of this title.

14. Compliance With Lakefront Corridor Development Guidelines: Every bed and breakfast establishment shall comply with the Lakefront corridor development guidelines, including, without limitation, compliance with regulations pertaining to architectural design, parking, and signage.

15. Landscape And Tree Preservation Plans: No construction or development of a bed and breakfast establishment shall be permitted except after approval of a landscape plan and a tree preservation plan, which plans shall include, without limitation, depictions of the proposed screening of vehicular and pedestrian areas and of adjacent properties.

16. Compliance With Village Codes And Ordinances: Except only as specifically provided otherwise in this subsection F, every bed and breakfast establishment shall comply with all applicable provisions of the Lake Zurich municipal code and the provisions of this zoning code, including, without limitation, the provisions of section 9-9-1 of this title related to accessory uses and structures, section 9-9-2 of this title related to temporary uses, sections 9-10-1 and 9-10-2 of this title related to parking and loading. (Ord., 10-2004)

9-3-4: ACCESSORY STRUCTURES AND USES:

Accessory structures and uses are permitted in all residential districts subject to the provisions of section 9-9-1 of this title. (Ord., 10-2004)

9-3-5: TEMPORARY USES:

Temporary uses are permitted in all residential districts subject to the provisions of section 9-9-2 of this title. (Ord., 10-2004)

9-3-6: HOME OCCUPATIONS:

Home occupations are permitted in all residential districts subject to the provisions of section 9-9-3 of this title. (Ord., 10-2004)

9-3-7: PARKING AND LOADING REQUIREMENTS:

The parking and loading requirements applicable in all residential districts are set forth in sections 9-10-1 and 9-10-2 of this title. (Ord., 10-2004)

9-3-8: SIGN REGULATIONS:

The sign regulations applicable in all residential districts are set forth in title 8 of the Lake Zurich municipal code. (Ord., 10-2004)

9-3-9: LANDSCAPING AND LIGHTING:

Landscaping and lighting standards for uses and structures in the residential districts are set forth in chapter 8 of this title. (Ord., 10-2004; amd. Ord. 2016-6-137, 6-6-2016)

9-3-10: EXTERIOR APPEARANCE REVIEW IN R-6 DISTRICT:

A. Exterior Appearance Review In R-6 District: No construction or development requiring a building permit and affecting the exterior appearance of any structure shall be permitted in the R-6 district except after approval of the building permit application pursuant to chapter 21 of this title.

B. Compliance With DR Downtown Redevelopment Overlay District: All construction and development on property within the DR downtown redevelopment overlay district (see section 9-7D-1 of this title) shall comply with all standards and requirements set forth in that overlay district. (Ord., 10-2004)

9-3-11: BULK, SPACE, AND YARD REQUIREMENTS:

The building height, lot, yard, and landscaped surface requirements applicable in the residential districts are set forth in the following table:

		R-1/2	R-3	R-4	R-5		R-6
			R-1/2	R-3	R-4	R-5	R-6
A.	Maximum Height:						
	1. Principal structures (whichever is less):						
	a. Feet		35	35	35	30	30
	b. Stories		2.5	2.5	2.5	2.5	2.5
	2. Accessory structures* (feet)		25	25	25	25	25
B.	Minimum Lot Area And Dimensions: ^{1,2}						
	1. Minimum lot area (square feet):						
	a. Lots platted prior to 1991 ³		n/a	n/a	n/a	8,700	n/a

		b. All other lots	40,000	20,000	15,000	10,000	10,000
	2.	Minimum lot area per unit (square feet) 9,10	40,000	20,000	15,000	10,000	5,000
	3.	Minimum lot width (feet) ¹³	150	100	90	75	75
C.	Minimum Yards: 1,4,5,6,11,12						
	1.	Front and corner side (feet): ⁷					
		a. Lots developed prior to 1991 ³	n/a	n/a	n/a	As established by plat or 25', whichever is greater	n/a
		b. All other lots	30	30	30	30	25
	2.	Side (feet): ⁸					
		a. Lots platted prior to 1991 ³	n/a	n/a	n/a	As established by plat or 7', whichever is greater	n/a
		b. All other lots	15	10	10	10	7
	3.	Rear (feet) ⁸	50	30	30	30	30
D.	Minimum Landscaped Surface Area (Percent): ²		75	70	60	60	60

* Accessory structures are also subject to the provisions of subsection 9-9-1C of this title and applicable provisions of title 8 of the Lake Zurich municipal code.

E. Exceptions And Explanatory Notes:

1. Nonconforming Lots: See section 9-11-5 of this title for requirements with respect to legal nonconforming lots of record.

2. Minimum Lot Area: Water areas and land areas with natural resource restrictions including floodplains, wetlands, and lowland conservancy soils are not included as part of the calculation of the required minimum lot area.

3. Lot Areas In R-5 District: Many lots in the R-5 district were platted and developed at times when applicable regulations permitted lot areas smaller than 10,000 square feet. Subsections B1a, C1a, and C2a of this section establish such lots as permitted in the R-5 district. The regulations of subsections B1a, C1a, and C2a of this section shall not be interpreted, construed, or applied in any way to authorize the creation of any lot, whether by subdivision or any other means, the area of which is less than 10,000 square feet; provided, however that the minimum lot area shall be 5,400 square feet for lots that, as of January 1, 2006, abut South Shore Lane and are classified in the R-5 district. No alteration or addition of any kind shall be allowed to encroach into any established required front, corner side, or side yard/setback lines.

4. Visibility Across Corners: Any other provision of this zoning code to the contrary notwithstanding, nothing shall be erected, placed, planted, allowed to grow, or maintained on any corner lot in any residential district in violation of the provisions of subsection 4-2-1-3C of the Lake Zurich municipal code.

5. Special Setbacks For Signs: Special setbacks established for some signs in the Lake Zurich municipal code shall control over the yard requirements established in the table.

6. Specified Structures And Uses In Required Yards: The following structures and uses, except as limited below, may be located in any required yard:

a. Statuary, arbors, trellises, and ornamental light standards having a height of 8 feet or less, but not in any side yard in the LP district; and

b. Eaves and gutters projecting not more than 2 feet from an exterior wall; and

c. Awnings, canopies, bay windows, and balconies projecting not more than 3 feet into a front or rear yard from an exterior wall for a distance not more than $\frac{1}{3}$ of the length of such wall, projecting not more than 2 feet into a side yard from an exterior wall for a distance not more than $\frac{1}{4}$ of the length of such wall; and

d. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and the like projecting not more than 2 feet from an exterior wall, but not in any side yard in the LP district; and

e. Outside stairways that extend from an exterior wall, but not more than 3 feet into the required yard, not greater than a height of 4 feet or less, and not in any side yard in the LP district, and provided that such exterior wall shall be located outside of the required yard; and

f. Flagpoles, but not in any side yard in the LP district; and

g. Clotheslines, except in any front, side, or corner side yard; and

h. Terraces, but not within 20 feet of any front, corner side, or rear lot line, and not within 5 feet of any interior side lot line; and

i. Recreational devices, but only freestanding basketball standards and no other recreational devices in any front yard and not in any side yard in the LP district; and

j. Fences, walls (except in corner side yards), and hedges, subject to the limitations of the Lake Zurich municipal code; and

k. Driveways, subject to the limitations of subsection 9-10-1C of this title, but not within 3 feet of any side lot line on the lot on which such driveway is located, including, without limitation, any unimproved (dirt, gravel, or other) driveway that is paved and any driveway that is substantially rebuilt or that is removed and replaced. However, an existing residential driveway that encroaches on the required 3 foot side lot line may be maintained, repaired, and replaced at its current location if, but only if, the driveway complied at the time of its original installation with applicable provisions of this zoning code; and

l. Decks, swimming pools, swimming pool equipment, and gazebos in any residential district, but not in any front, corner side, or interior side yard and not within 23 feet of any rear lot line. Swimming pools shall not be located closer to the front lot line than any part of the principal building and shall not be located in any required front yard or corner side yard.

7. Front And Corner Side Yard Adjustment Next To Existing Structures: When a lot abuts, on both sides, lots that have already been developed, the front yard applicable to such lot shall be determined by taking the average of the setbacks of the buildings on the 2 abutting lots; provided, however, that no such front yard shall be less than 20 feet. When a lot abuts a lot that has already been developed on 1 side and a vacant lot or street is on the other side, the front or corner side yard applicable to such lot shall be determined by taking the average of the setback of the building on the abutting developed lot and the required front or corner side yard in the zoning district; provided, however, that no such front or corner side yard shall be less than 20 feet, except as provided in subsection E8 of this section.

8. Side And Rear Yard Regulations For Accessory Structures And Uses: Parking areas wherever located, and other detached accessory structures and uses when located within the rear 25 percent of the depth of the lot, shall not be required to maintain an interior side or rear yard in excess of 5 feet; provided, however, that this exception shall not apply to residential recreational facilities, antennas, or antenna support structures. No accessory structure or use, or combination of such structures or uses, located within an otherwise required side or rear yard pursuant to this subsection E8 shall occupy more than 30 percent of such required yard.

9. Density Adjustment For Senior Housing:

a. Authority To Approve Increased Density: The plan commission may recommend and the board of trustees may authorize an increase in the overall density of development when approving a special use permit for a senior housing development in the R-6 district, by reducing the required minimum lot area per unit.

b. Maximum Permissible Adjustment; Maximum FAR: No such adjustment shall reduce the lot area per dwelling unit requirement to less than 2,000 square feet. The maximum floor area ratio for senior housing and all related support service areas shall be 0.40 excluding all areas devoted to enclosed parking areas or lots, and 0.45 including all such areas.

c. Standard For Adjustment: No such adjustment shall be recommended or authorized except on the basis of a finding that the adjustment will not result in any undue congestion in or adverse impact on the surrounding area. In determining the amount of any such adjustment to be recommended or authorized, consideration shall be given to:

(1) The development's excellence in satisfying the standards set forth in subsection 9-3-3A of this chapter; and

(2) The extent to which public or private subsidies are provided to allow some or all of the proposed dwelling units to be occupied by individuals of low or moderate income within the meaning of section 103(b)(4)(A) of the internal revenue code of 1954, as amended.

10. Calculation Of Nursing Or Personal Care Facility Density: Every patient room in a nursing or personal care facility, whether private or semiprivate, shall be counted as 1 dwelling unit. For patient rooms able to accommodate more than 2 patient beds, each patient bed more than 2 shall be counted as a separate dwelling unit. In addition, any dwelling unit occupied or available for occupancy by staff of the nursing or personal care facility shall be counted as a dwelling unit. The maximum floor area ratio for a nursing or personal care facility including all related support service areas shall be 0.45.

11. Special Yard From Ela Road And Cuba Road: Notwithstanding any other provision of this section, all yards along every lot line abutting Ela Road or Cuba Road shall be not less than 40 feet.

12. Special Yard From Route 12 And Route 22: Notwithstanding any other provision of this section, all yards along every lot line abutting Route 12 or abutting Route 22 between Ela Road and the westernmost village limits shall be not less than 50 feet.

13. Minimum Lot Width In Grand Avenue Neighborhood: Notwithstanding the lot width requirements contained in subsection B3 of this section, the minimum lot width for any lot that: a) was located in that portion of the Grand Avenue neighborhood that was rezoned to the R-4 single-family residential district pursuant to ordinance 2002-01-147, and b) consists of at least 15,000 square feet in lot area, shall be not less than 75 feet.

(Ord., 10-2004; amd. Ord. 2006-06-423, 6-19-2006; Ord. 2016-4-122, 4-4-2016)

CHAPTER 4

BUSINESS DISTRICTS

SECTION:

9-4-1: Purposes

9-4-2: Permitted Uses

9-4-3: Special Uses

9-4-4: Accessory Structures And Uses

9-4-5: Temporary Uses

9-4-6: Parking And Loading Requirements

9-4-7: Sign Regulations

9-4-8: Landscaping And Lighting

9-4-9: Special Development And Use Regulations

9-4-10: Bulk, Space And Yard Requirements

9-4-1: PURPOSES:

Three (3) zoning districts are provided for business and commercial uses. When taken together, these districts are intended to permit development of property for the full range of business and commercial uses needed to serve the citizens of Lake Zurich and the surrounding suburban area.

The B-1 Local and Community Business District is intended to serve the everyday shopping needs of Village residents as well as to provide opportunities for specialty shops attractive to the wider suburban residential community around the Village. It permits uses that are necessary to satisfy most basic, frequently occurring shopping needs. It also permits compatible uses that, although not used as frequently, would be desirably located in close proximity to potential users. The district is located principally on primary or secondary thoroughfares, is relatively small in size, and has bulk standards that provide for compatibility with nearby residential uses.

The B-2 Central Business District is located in the center of the Village. It is intended to serve the entire Lake Zurich suburban community with a wide variety of retail and service uses. The bulk standards in this district are intended to reflect the generally more intense development of property existing in this area.

The B-3 Regional Shopping District is intended to provide locations for major retail centers. The regulations are designed to encourage a broad range of attractive retail and compatible service uses in those centers. (Ord., 10-2004)

9-4-2: PERMITTED USES:

The following uses and no others are permitted as of right in the Business Districts indicated in the following table. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual", the North American industry classification system, and chapter 15 of this title. SIC codes and NAICS codes, where applicable, are given in parentheses following each use listing.

		B-1	B-2	B-3		
				B-1	B-2	B-3
A.	Agricultural services:					
	1.	Landscape counseling and planning (0781)		P	P	P
B.	Printing, publishing, and allied industries:					
	1.	Commercial printing (275)		P	P	-
C.	Retail trade:					
	1.	Paint, glass, and wallpaper stores (523)		P	P	P
	2.	Hardware stores (525)		P	P	P
	3.	Department stores (531)		-	-	P
	4.	Variety stores (533)		P	P	P

	5.	Miscellaneous general merchandise stores (539)	P	P	P
	6.	Grocery stores (541)	P	P	P
	7.	Meat and fish markets (542)	P	P	P
	8.	Fruit and vegetable markets (543)	P	P	P
	9.	Candy, nut, and confectionery stores (544)	P	P	P
	10.	Dairy products stores (545)	P	P	P
	11.	Retail bakeries (546)	P	P	P
	12.	Miscellaneous food stores (549), except poultry dealers	P	P	P
	13.	Men's and boys' clothing and accessory stores (561)	P	P	P
	14.	Women's clothing stores (562)	P	P	P
	15.	Women's accessory and specialty stores (563)	P	P	P
	16.	Children's and infants' wear stores (564)	P	P	P
	17.	Family clothing stores (565)	P	P	P
	18.	Shoe stores (566)	P	P	P
	19.	Miscellaneous apparel and accessory stores (569)	P	P	P
	20.	Home furniture and furnishing stores (571)	P	P	P
	21.	Household appliance stores (572)	P	P	P
	22.	Radio, television, consumer electronics, and music stores (573)	P	P	P
	23.	Eating places (5812), but not including live entertainment or drive-in establishments	P	P	P
	24.	Drinking places (5813) accessory to permitted eating places or accessory to a special use granted at subsection 9-4-3J1 of this chapter	P	P	P
	25.	Drugstores and proprietary stores (591)	P	P	P
	26.	Sporting good stores and bicycle shops (5941)	P	P	P
	27.	Bookstores (5942)	P	P	P
	28.	Stationery stores (5943)	P	P	P
	29.	Jewelry stores (5944)	P	P	P
	30.	Hobby, toy, and game shops (5945)	P	P	P
	31.	Camera and photographic supply stores (5946)	P	P	P
	32.	Gift, novelty, and souvenir shops (5947)	P	P	P
	33.	Luggage and leather goods stores (5948)	P	P	P
	34.	Sewing, needlework, and piece goods stores (5949)	P	P	P
	35.	Florists (5992)	P	P	P
	36.	<p>Tobacco and Alternative Nicotine Product stores and stands (5993) but only subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The establishment and operation of such uses shall conform to the provisions of Sections 3-2-4 and 3-2-18. 2. Such uses shall not be located within one thousand five hundred feet (1,500 feet) of the property line of any residential property, school, daycare facility or property intended for use by minors for education or recreational purposes. 3. Such uses shall not be located within 1,000 feet of any other Principal Tobacco and Alternative Nicotine Product stores as defined in Section 9-24-2. 4. The on premise use of tobacco and alternative products shall only be conducted within designated lounges as defined in Section 9-24-2 and in conformance with the provisions of Section 3-2-18. 	P	P	P

	37.	<p>Lounges for the use of tobacco or alternative nicotine products, and only accessory to an approved tobacco and alternative nicotine product store and stand, but only subject to the following conditions:</p> <p>1. Such use shall not exceed the normal business hours of the principal use.</p> <p>2. Lounges shall only be permitted when the principal use is the sole occupant located within a freestanding building.</p> <p>3. Adequate ventilation shall be provided for the removal of all smoke and vapor generated as a result of the use of the lounge. The ventilation system shall also assure that smoke or vapor from the lounge is incapable of migrating into any other portion of the building operating the lounge or into any other building in the vicinity of the lounge.</p>	P	P	P
	38.	<p>Accessory Tobacco and Alternative Nicotine Product stores and stands (5993) but only subject to the following conditions:</p> <p>1. Such uses shall only be accessory to a land use that is otherwise permitted within Section 9-4-2: Permitted Uses: C. Retail Trade, OR Section 9-4-3: Special Uses: C. Retail Trade</p> <p>2. Such uses shall not occupy more than 10% of the floor area of the premises or 200 square feet, whichever is less</p> <p>3. Such uses shall be so designed, located, and advertised so as not to be visible or accessible except from the interior of such building and within view and control of the manager of the premises at all times.</p> <p>4. Such uses shall not include the establishment, operation or on-premise use of tobacco and alternative products within smoking lounges</p>	P	P	P
	39.	News dealers and newsstands (5994)	P	P	P
	40.	Optical goods stores (5995)	P	P	P
	41.	Miscellaneous retail stores (5999), but not including auction rooms, firework sales, gravestone sales, sales barns, or tombstone sales	P	P	P
	42.	Miscellaneous retail trade uses, not otherwise classified, if approved by the Village Manager; provided, however, that any such use shall be: a) compatible with and consistent with existing retail uses in the vicinity of the proposed use, b) consumer oriented, and c) Retail Sales Tax generating if located in the B-3 District. If the Village Manager approves such a use, then the Manager shall report such approval to the next regularly scheduled meeting of the Board of Trustees, which may, by majority vote of those present, overrule such approval. No such use shall be finally approved until after such meeting of the Board of Trustees	P	P	P
	43.	Computer and software stores (NAICS 443120)	P	P	P
D.	Finance, insurance, and real estate:				
	1.	Depository and nondepository credit institutions (60-61), but not including drive-in establishments, currency exchanges, or automatic teller machines, except automatic teller machines attached to the principal structure on the lot	P	P	P
	2.	Security and commodity brokers, dealers, exchanges, and services (62)	P	P	P
	3.	Insurance carriers, agents, brokers, and service (63-64)	P	P	P
	4.	Real estate offices (65)	P	P	P
	5.	Holding and other investment offices (67)	P	P	P
E.	Services:				
	1.	Garment pressing, and agents for laundries and dry cleaners (7212)	P	-	-

	2.	Photographic studios, portrait (722)	P	P	P
	3.	Beauty shops (723)	P	P	P
	4.	Barbershops (724)	P	P	P
	5.	Shoe repair shops and shoeshine parlors (725)	P	P	P
	6.	Tax preparation services (7291)	P	P	P
	7.	Advertising services (731)	P	P	P
	8.	Employment agencies (7361)	P	P	P
	9.	Computer programming, data processing, and other computer related services (737)	P	P	P
	10.	Photofinishing laboratories (7384)	-	P	P
	11.	Packaging and labeling service (not packing and crating), parcel packing service (packaging), and mailing service (7389)	-	P	P
	12.	Electrical repair shops (762), but not including refrigeration and air conditioning service and repair shops (7623)	-	P	-
	13.	Watch, clock, and jewelry repair (763)	P	P	P
	14.	Picture framing to individual order, not connected with retail art stores, and picture framing, custom (7699)	P	P	P
	15.	Videotape rental (784)	P	P	P
	16.	Offices and clinics of doctors of medicine, dentists, osteopaths, chiropractors, optometrists, podiatrists, and other health practitioners (801-804)	P	P	P
	17.	Legal services (81)	P	P	P
	18.	Engineering, architectural, and surveying services (871)	P	P	P
	19.	Accounting, auditing, and bookkeeping services (872)	P	P	P
	20.	Management and public relations services (874)	P	P	P
	21.	Miscellaneous services (89)	-	P	P
	22.	The following general office services: clerical services such as telephone, fax, copier, computer, scheduling, billing, administration, and other clerical work in support of a retail use or other permitted service use that is performed off site. Such general office services shall not include any use that is listed as a permitted or special use in the B-2 District and shall not include any delivery, distribution, or storage of materials	-	P	-
	23.	The following miscellaneous personal services, not elsewhere classified (7299): baby sitting bureaus, birth certificate agencies, buyers' clubs, car title and tag service, checkroom concessions or services, clothing rental (except industrial launderers and linen supply), college clearinghouses, computer photography or portraits, consumer buying service, costume rental, debt counseling or adjustment service to individuals, depilatory salons, diet workshops, dress suit rental, electrolysis, genealogical investigation service, hair weaving or replacement service, marriage bureaus, massage therapy, porter service, quilting for individuals, scalp treatment service, shopping service for individuals, tanning salons, tuxedo rental, valet parking wardrobe service (except theatrical)	P	P	P
		Massage therapy shall be subjected to the following conditions:			
		a. Such use shall be ancillary to a full service hairdressing and beauty salon (729), ancillary to a full service nail salon in the B-3 District only, or such use shall be ancillary to an office or clinic of doctors of medicine, osteopaths, chiropractors, podiatrists, and other health practitioners (801-804)			

		b. Such use shall be offered during normal business hours, and only when all other services of business are offered, and never before 8:00 A.M. or after 9:00 P.M. on any day			
		c. Massage therapy services shall be restricted to 2 rooms, not to exceed a total of 200 square feet. "Tune up" services shall be restricted to the reception area			
		d. Massage therapy services shall be performed only by trained and professionally certified massage therapists			
	24.	Physical fitness facilities (7991) including aerobic dance and exercise classes, health clubs, exercise salons, fitness salons, gymnasiums, physical fitness centers, reducing facilities-physical fitness (without lodging), slenderizing salons, spaces-health fitness (except resort lodges)	P	P	P
	25.	Computer programming (NAICS 541511)	P	P	P
	26.	Computer software analysis and design (NAICS 541512)	P	P	P
	27.	Personnel supply services (7360)	P	P	P
	28.	Photocopying and duplicating service (7334)	P	P	P
	29.	Party stores (454390)	P	P	P
	30.	Travel agencies (4724)	P	P	P
F.	Transportation and utility services:				
	1.	Office of local and suburban transit and interurban highway passenger transportation companies (41), but not including terminals, stations, vehicles yards, or garages and not on the first floor of any structure in the B-3 District	-	P	P

(Ord. 2019-01-291, 1-7-2019; amd. Ord. 2019-11-337, 11-4-2019)

9-4-3: SPECIAL USES:

Except as specifically limited, the uses listed in the following table may be permitted in the Business Districts indicated subject to the issuance of a special use permit as provided in chapter 19 of this title. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual", the North American industry classification system, and chapter 15 of this title. SIC codes and NAICS codes, where applicable, are given in parentheses following each use listing.

		B-1	B-2	B-3		
				B-1	B-2	B-3
A.	Agricultural services:					
	1.	Veterinary services for animal specialties (0742)		S	-	S
	2.	Grooming services for pets (0752)		S	S	S
	3.	Lawn and garden services (0782)		-	S	S
	4.	Ornamental shrub and tree services (0783)		-	S	S
B.	Construction, special trade contractors:					
	1.	Plumbing, heating, and air conditioning contractors (171), but not including outdoor storage of equipment or materials		S	S	-
	2.	Painting and paper hanging contractors (172), but not including outdoor storage of equipment or materials		S	S	-
	3.	Electrical work contractors (173), but not including outdoor storage of equipment or materials and not highway lighting and electrical signal construction		S	S	-
	4.	Masonry, stone setting, and other stone work contractors (1741), but not including outdoor storage of equipment or materials		S	S	-
	5.	Plastering, drywall, acoustical, and insulation work contractors (1742), but not including outdoor storage of equipment or materials		S	S	-
	6.	Terrazzo, tile, marble, and mosaic work contractors (1743), but not including outdoor storage of equipment or materials		S	S	-

	7.	Carpentry and floor work contractors (175), but not including outdoor storage of equipment or materials	S	S	-
	8.	Roofing, siding, and sheet metal work contractors (176), but not including outdoor storage of equipment or materials	S	S	-
	9.	Glass and glazing work contractors (1793), but not including outdoor storage of equipment or materials	S	S	-
	10.	Special trade contractors not elsewhere classified (1799), but not including outdoor storage of equipment or materials	S	S	-
C.	Retail trade:				
	1.	Lumber and other building materials dealers (521)	S	-	S
	2.	Retail nurseries, lawn, and garden supply stores (526)	-	-	S
	3.	New and used motor vehicle dealers (551)	-	-	S
	4.	Auto and home supply stores (553)	S	-	S
	5.	Gasoline service stations (554)	S	S	S
	6.	Boat dealers (44122)	S	-	S
	7.	Drive-in eating places (5812)	-	S	S
	8.	Live entertainment accessory to permitted eating places or accessory to a special use granted at subsection J1 of this section	S	S	S
	9.	Outdoor seating accessory to permitted eating places or accessory to a special use granted at subsection J1 of this section	S	S	S
	10.	Liquor stores (592)	-	S	S
	11.	Used merchandise stores (593), including used clothing stores	S	S	S
	12.	Antique stores (5932)	S	S	S
	13.	Pet shops (5999)	-	S	S
	14.	Drive-through facilities accessory to permitted eating places, grocery stores, and drugstores and proprietary stores	S	S	S
	15.	Cannabis dispensing organization	S	S	S
		Cannabis infuser organization or infuser (5912) and only subject to the following conditions:			
		a. The establishment and operation of such uses shall conform to the provisions of Title 3 "Business Licensing, Regulation, Taxation, and Fees."			
		b. Such uses shall not be located within five hundred feet (500 feet) of the property line of any school, daycare facility or group home			
		c. Such uses shall not be located within two hundred fifty feet (250 feet) of the property line of any parks or property intended for recreational purposes.			
		d. Such uses shall not be located within 1,500 feet (state law) of any other Cannabis Business Establishment as defined in Chapter 9-24-2.			
		e. Such uses may open for operation no earlier than 6:00 a.m. and close no later than 10:00 p.m.			
		f. Such Uses shall prohibit any person who is under the age of twenty-one (21) years of age from entering such facility, except for cardholders over eighteen (18) years of age who are granted medical access under the Compassionate Use of Medical Cannabis Act.			
		g. The on-premise use of cannabis and cannabis-related products shall be prohibited.			

		h. No cannabis related uses shall be maintained or operated in a manner that causes, creates, or allows the public viewing of cannabis, or cannabis-related products from any sidewalk, public or private right of way, or any property other than the lot on which such use is located. No portion of the exterior of the facility shall utilize or contain any flashing lights, search lights, right-of-way spot lights or any similar lighting system.			
		i. All cannabis related uses shall implement and maintain a security and surveillance plan in accordance with state statute 410 ILCS 705/15-100 for such businesses.			
		These express conditions and all other requirements and conditions of state statute shall apply to these Uses, in addition to any other conditions or considerations deemed appropriate by the Village, pursuant to the existing standards for the approval of a special use under this Zoning Code.			
D.	Finance, insurance, and real estate:				
	1.	Drive-in depository and nondepository credit institutions (60-61)	S	S	S
	2.	Automatic teller machines when not attached to the principal structure on the lot	S	S	S
E.	Services:				
	1.	Laundry, cleaning, and garment services (721)	-	S	S
	2.	Funeral homes or parlors (726)	S	-	-
	3.	Massage therapy services (7299), but only subject to the following conditions:	-	S	S
		a. Such use shall be permitted only during normal business hours and never before 8:00 A.M. or after 10:00 P.M. on any day			
		b. Such services shall be performed only by trained therapists professionally certified by the Illinois Department of Financial and Professional Regulation			
	4.	Mailing, reproduction, commercial art and photography, and stenographic services (733)	S	S	S
	5.	Services to dwellings and other buildings (734)	S	S	S
	6.	Medical and miscellaneous equipment rental and leasing (7352/7359)	S	S	S
	7.	Help supply services (7363)	S	S	S
	8.	Passenger car rental and leasing (7514-7515)	-	-	S
	9.	Sign printing and lettering shops (7389)	-	-	S
	10.	Automobile parking (752), but not tow-in parking lots	-	S	S
	11.	Automotive repair shops (753), but not including top, body, and upholstery repair and painting (7532) or tire retreading (7534)	S	S	S
	12.	Car washes (7542)	-	-	S
	13.	Automobile lubricating service (7549)	-	-	S
	14.	Electrical repair shops (762), but not including refrigeration and air conditioning service and repair shops (7623)	S	-	-
	15.	Reupholstery and furniture repair (764)	-	S	S
	16.	Motion picture theaters, except drive-in establishments (7832)	-	-	S
	17.	Dance studios, schools, and halls (7911)	S	S	S
	18.	Theatrical producers (except motion picture) (792)	-	S	-
	19.	Bowling centers (793)	-	-	S
	20.	Coin operated amusement devices (7993)	S	-	S
	21.	Membership sports and recreation clubs (7997)	-	S	S
	22.	Miniature golf (799)	S	-	S
	23.	Martial arts studios (7999)	-	-	S
	24.	Children's indoor recreational facilities (7999)	-	-	S

	25.	Medical and dental laboratories (807)	-	S	S
	26.	Correspondence and vocational schools (824)	-	S	S
	27.	Child daycare services (835)	S	S	S
	28.	Business associations (861)	-	S	S
	29.	Professional membership organizations (862)	S	S	S
	30.	Labor organizations (863)	S	S	S
	31.	Civic, social, and fraternal associations (864)	S	S	S
	32.	Political organizations (865)	S	S	S
	33.	Membership organizations not elsewhere classified (869)	S	S	S
	34.	Miscellaneous services (89)	S	-	-
	35.	Towing services including impoundment, but only as part of relocation of a towing service company in business in Lake Zurich as of June 1, 2004 (7549)	S	-	-
	36.	Truck leasing, but only as part of relocation of a truck leasing company in business in Lake Zurich as of June 1, 2004 (7513)	S	-	-
	37.	Boarding, daycare, massage therapy and grooming services for pets (0752)	-	-	S
	38.	Motor vehicle licensing and inspection office - government (9621)	-	-	S
F.	Transportation and utility services:				
	1.	Local and suburban passenger transportation terminals and stations (41), but not including vehicle yards or garages	-	S	S
	2.	Marinas (4493), as specifically defined in section 9-24-2 of this title, and pursuant to the standards and provisions within section 9-7C-3 of this title	S	S	-
G.	Miscellaneous:				
	1.	Hotels (7011)	S	S	S
	2.	Dwelling units, subject to the lot area per unit requirement applicable to the R-6 District; provided, however, that no dwelling unit shall be located on the first floor of any structure	S	S	S
H.	Schools and educational services, not elsewhere classified:				
	1.	Automobile drive instruction only (8299)	-	S	-
I.	Planned unit developments		S	S	S
J.	Manufacturing:				
	1.	Beverages (208), but not including malts (2083), bottled and canned soft drinks and carbonated waters (2086), and flavoring extracts and flavoring syrups, not elsewhere classified (2087)	S	S	S

(Ord. 2018-09-269, 9-4-2018; amd. Ord. 2020-07-372, 7-6-2020; Ord. 2020-12-394, 12-21-2020)

9-4-4: ACCESSORY STRUCTURES AND USES:

Accessory structures and uses are permitted in all business districts subject to the provisions of section 9-9-1 of this title. (Ord., 10-2004)

9-4-5: TEMPORARY USES:

Temporary uses are permitted in all business districts subject to the provisions of section 9-9-2 of this title. (Ord., 10-2004)

9-4-6: PARKING AND LOADING REQUIREMENTS:

The parking and loading requirements applicable in all business districts are set forth in sections 9-10-1 and 9-10-2 of this title. (Ord., 10-2004)

9-4-7: SIGN REGULATIONS:

The sign regulations applicable in all business districts are set forth in the Lake Zurich Municipal Code. (Ord., 10-2004)

9-4-8: LANDSCAPING AND LIGHTING:

Landscaping and lighting standards for uses and structures in the business districts are set forth in chapter 8 of this title. (Ord., 10-2004; amd. Ord. 2016-6-137, 6-6-2016)

9-4-9: SPECIAL DEVELOPMENT AND USE REGULATIONS:

A. Exterior Appearance Review: No construction or development requiring a building permit and affecting the exterior appearance of any structure shall be permitted in any business district except after approval of the building permit

application pursuant to chapter 21 of this title.

B. Manufacturing Limited: No manufacturing, processing, or treatment of products shall be conducted on any premises in any business district, except those that are incidental to a principal retail business use. At least seventy five percent (75%) of all products produced on the premises shall be sold at retail on the premises.

C. Storage Limited: No storage or warehousing of any product shall be permitted in any business district except such as is incidental to a principal retail use.

D. Compliance With Industrial Performance Standards: All uses in every business district shall comply with the standards established in subsections 9-6-9B through H of this title.

E. Compliance With DR Downtown Redevelopment Overlay District: All construction and development on property within the DR downtown redevelopment overlay district (see section 9-7D-1 of this title) shall comply with all standards and requirements set forth in that overlay district. (Ord., 10-2004)

9-4-10: BULK, SPACE AND YARD REQUIREMENTS:

The building height, lot, yard, floor area ratio, and landscaped surface requirements applicable in the business districts are set forth in the following table:

		B-1	B-2	B-3	
			B-1	B-2	B-3
A.	Maximum Height:				
	1.	Principal structures (whichever is less):			
		a. Feet	35	35	35
		b. Stories	2	3	3
	2.	Accessory structures (feet)	25	25	25
B.	Minimum Lot Area And Dimensions: ^{1,2}				
	1.	Minimum lot area (square feet)	20,000	n/a	43,560
	2.	Minimum lot width (feet)	100	n/a	150
C.	Minimum Yards: ^{1,3,4,5,6,7,8}				
	1.	Front and corner side (feet)	25	n/a	50
	2.	Side (feet)	10	n/a	15
	3.	Rear (feet)	25	n/a	30
D.	Maximum Floor Area Ratio:				
	1.	Retail uses:			
		a. 1 story	0.18	1.0	0.22
		b. More than 1 story	0.18	1.0	0.27
	2.	Office uses:			
		a. 1 story	0.25	1.0	0.27
		b. More than 1 story	0.25	1.0	0.34
	3.	Combined retail and office uses:			
		a. 1 story	0.22	1.0	0.24
		b. More than 1 story	0.27	1.8	0.35
	4.	All other uses:			
		a. 1 story	0.25	1.0	0.30
		b. More than 1 story	0.27	1.5	0.38
E.	Minimum Landscaped Surface Area (Percent):				
	1.	Retail uses	40	n/a	30
	2.	Office uses	45	n/a	35
	3.	Combined retail and office uses	40	n/a	40
	4.	All other uses	40	n/a	35

F. Exceptions And Explanatory Notes:

1. Nonconforming Lots: See section 9-11-5 of this title for lot requirements with respect to legal nonconforming lots of record.

2. Minimum Lot Area: Water areas and land areas with natural resource restrictions including floodplains, wetlands, and

low land conservancy soils are not included as part of the calculation of the required minimum lot area.

3. **Visibility Across Corners:** Any other provision of this zoning code to the contrary notwithstanding, nothing shall be erected, placed, planted, allowed to grow, or maintained on any corner lot in any business district other than the B-2 district in violation of the provisions of subsection 4-2-1-3C of the Lake Zurich municipal code.

4. **Special Setbacks For Signs:** Special setbacks established for some signs in the Lake Zurich municipal code shall control over the yards established in the table.

5. **Specified Structures And Uses In Required Yards:** The following structures and uses, except as limited below, may be located in any required yard:

- a. Statuary, arbors, trellises, and ornamental light standards having a height of 8 feet or less; and
- b. Awnings, canopies, eaves, and gutters projecting not more than 3 feet into the required yard; and
- c. Fire escapes when required pursuant to applicable codes and ordinances; and
- d. Bay windows and balconies projecting not more than 3 feet from an exterior wall for a distance not more than $\frac{1}{3}$ of the length of such wall; and
- e. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and the like projecting not more than 2 feet from an exterior wall; and
- f. Outside stairways projecting from an exterior wall not more than 3 feet and having a height of 4 feet or less; and
- g. Flagpoles; and
- h. Terraces; and
- i. Fences, walls, and hedges, subject to the limitations of the Lake Zurich municipal code; and
- j. Driveways, subject to the limitations of subsection 9-10-1C of this title.

6. **Rear Yard Regulation For Accessory Structures And Uses In The B-1 District:** Accessory parking areas and lots shall not be required to maintain a rear yard or setback in the B-1 district in excess of 10 feet if no part of such rear yard is contiguous to any property zoned in any residential district; provided, however, that this regulation shall not apply to antennas and antenna support structures.

7. **Special Yards Abutting Ela Road And Cuba Road:** Notwithstanding any other provision of this section, all yards along every lot line abutting Ela Road or Cuba Road shall be not less than 40 feet.

8. **Special Yards Abutting Route 12 And Route 22:** Notwithstanding any other provision of this section, all yards along every lot line abutting Route 12 or abutting Route 22 between Ela Road and the westernmost village limits shall be not less than 50 feet.

(Ord., 10-2004)

CHAPTER 5

OFFICE DISTRICTS

SECTION:

9-5-1: Purposes

9-5-2: Permitted Uses

9-5-3: Special Uses

9-5-4: Accessory Structures And Uses

9-5-5: Temporary Uses

9-5-6: Parking And Loading Requirements

9-5-7: Sign Regulations

9-5-8: Landscaping And Lighting

9-5-9: Special Development And Use Regulations

9-5-10: Bulk, Space, And Yard Requirements

9-5-1: PURPOSES:

Three (3) zoning districts are provided for office development. The office districts accommodate a range of suburban office space alternatives in keeping with the residential and local business atmosphere in the village.

The O-1 office/residential district is intended to provide for small offices in the older areas of the village adjacent to the central business areas where it is possible to retain the residential character and appearance of the village and at the same time promote limited office and service activity. The uses permitted are characterized by low traffic volume and limited outdoor advertising. The regulations of the O-1 district are designed to encourage the retention and renovation of sound existing structures and to ensure that the office uses remain compatible with the residential uses while permitting the area to maintain a distinctive residential character. Replacement structures in the O-1 district also must have a residential character and appearance. The O-1 district normally is small in size and located to provide a transition between residential areas and less restricted districts.

The O-2 limited office district is designed to provide for the general needs of business and professional offices and related business uses on small sites in scattered areas throughout the village. Bulk and height regulations encourage development that is architecturally consistent with smaller sites and compatible with nearby residential uses.

The O-3 office campus district is provided to accommodate the needs of business and professional offices and related business uses in a campus setting. These uses typically require a somewhat wider range of office space with a somewhat higher intensity of pedestrian and vehicular traffic movements. That increased intensity often can be accommodated better in a campus setting. Bulk and height regulations are consistent with a moderate amount of development. (Ord., 10-2004)

9-5-2: PERMITTED USES:

The following uses and no others are permitted as of right in the office districts indicated in the following table. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual", the North American industry classification system, and chapter 15 of this title. SIC codes and NAICS codes, where applicable, are given in parentheses following each use listing.

		O-1	O-2	O-3		
				O-1	O-2	O-3
A.	Transportation services and retail trade, as follows, but only when located in a building in which at least 80 percent of the net floor area is devoted to uses other than transportation services or retail trade, and only when so designed, located, and advertised so as not to be visible or accessible except from the interior of such building:					
	1.	Travel agencies (4724)	-	-	P	
	2.	Candy, nut and confectionery stores (544)	-	-	P	
	3.	Computer sales (5734)	-	-	P	
	4.	Eating places (5812), but not including live entertainment and drive-in establishments	-	-	P	
	5.	Drinking places (5813) accessory to permitted eating places	-	-	P	
	6.	Drugstores and proprietary stores (5912), but not more than 1,000 square feet	-	-	P	
	7.	Stationery stores (5943)	-	P	P	
	8.	Gift, novelty, and souvenir shops (5947)	-	P	P	
	9.	Florists (5992)	-	P	P	
	10.	Tobacco and Alternative Nicotine Product stores and stands (5993) but only subject to the following conditions: 1. The establishment and operation of such uses shall conform to the provisions of Sections 3-2-4 and 3-2-18. 2. Such uses shall not be located within one thousand five hundred feet (1,500 feet) of the property line of any residential property, school, daycare facility or property intended for use by minors for education or recreational purposes 3. Such uses shall not be located within 1,000 feet of any other Principal Tobacco and Alternative Nicotine Product stores as defined in Section 9-24-2. 4. The on premise use of tobacco and alternative products shall only be conducted within designated lounges as defined in Section 9-24-2 and in conformance with the provisions of Section 3-2-18	-	P	P	

	11.	Lounges for the use of tobacco or alternative nicotine products, and only accessory to an approved tobacco and alternative nicotine product store and stand, but only subject to the following conditions: 1. Such use shall not exceed the normal business hours of the principal use. 2. Lounges shall only be permitted when the principal use is the sole occupant located within a freestanding building. 3. Adequate ventilation shall be provided for the removal of all smoke and vapor generated as a result of the use of the lounge. The ventilation system shall also assure that smoke or vapor from the lounge is incapable of migrating into any other portion of the building operating the lounge or into any other building in the vicinity of the lounge.	-	P	P
	12.	Accessory Tobacco and Alternative Nicotine Product stores and stands (5993) but only subject to the following conditions: 1. Such uses shall only be accessory to a land use that is otherwise permitted within Section 9-5-2: Permitted Uses OR Section 9-5-3: Special Uses 2. Such uses shall not occupy more than 10% of the floor area of the premises or 200 square feet, whichever is less 3. Such uses shall be so designed, located, and advertised so as not to be visible or accessible except from the interior of such building and within view and control of the manager of the premises at all times. 4. Such uses shall not include the establishment, operation or on premise use of tobacco and alternative products within smoking lounges	-	P	P
	13.	News dealers and newsstands (5994)	-	P	P
	14.	Optical goods stores (5995)	-	-	P
	15.	Beauty shops (723)	-	P	P
	16.	Barbershops (724)	-	P	P
B.	Finance, insurance, and real estate:				
	1.	Depository and nondepository credit institutions (60-61), but not including drive-in establishments or automatic teller machines, except automatic teller machines attached to the principal structure on the lot	P	P	P
	2.	Security and commodity brokers, dealers, exchanges, and services (62)	P	P	P
	3.	Insurance carriers, agents, brokers, and service (63-64)	P	P	P
	4.	Real estate offices (65)	P	P	P
	5.	Holding and other investment offices (67)	P	P	P
C.	Printing, publishing, and allied industries:				
	1.	Commercial printing (275)	P	-	P
D.	Retail trade:				
	1.	Drugstores and proprietary stores (5912), but not more than 1,000 square feet	P	P	-
	2.	Optical goods stores (5995)	P	P	-
E.	Services:				
	1.	Landscape counseling and planning (0781)	P	P	P
	2.	Advertising services (731)	P	P	P
	3.	Mailing, reproduction, commercial art and photography, and stenographic services (733)	P	P	P
	4.	Commercial art and graphic design (7336)	P	P	P
	5.	Employment agencies (7361)	P	P	P
	6.	Help supply stores (7363)	P	P	P
	7.	Computer programming, data processing, and other computer related services (737)	P	P	P

	8.	Computer programming services (7371), but not including training services or programs	P	P	P
	9.	Offices of detective, guard, and armored car services (7381)	P	P	P
	10.	Offices of news syndicates (7383)	P	P	P
	11.	Interior design and decorating services (7389), but not including painters and paper hangers or showrooms or retail sales on the premises	P	P	P
	12.	Physical fitness facilities (7991), but not gymnasiums, reducing facilities, slenderizing salons, or spas	-	P	P
	13.	Offices and clinics of doctors of medicine, dentists, osteopaths, chiropractors, optometrists, podiatrists, and other health practitioners (801-804), but not emergency treatment as regular, advertised practice in the O-1 district	P	P	P
	14.	Medical and dental laboratories (807)	-	P	P
	15.	Home healthcare services (808)	-	P	P
	16.	Miscellaneous health and allied services not elsewhere classified (809)	-	P	P
	17.	Health and allied services not elsewhere classified (8099)	-	P	P
	18.	Legal services (81)	P	P	P
	19.	Correspondence and vocational schools (824)	P	P	P
	20.	Individual and family social services (832)	P	P	P
	21.	Job training and vocational rehabilitation services (833)	P	P	P
	22.	Child daycare services (835)	P	-	-
	23.	Social services not elsewhere classified (839)	P	P	P
	24.	Business associations (861)	P	P	P
	25.	Professional membership organizations (862)	P	P	P
	26.	Labor organizations (863)	P	P	P
	27.	Civic, social, and fraternal associations (864), but not including rental of meeting halls or banquet facilities	P	P	P
	28.	Political organizations (865)	P	P	P
	29.	Membership organizations not elsewhere classified (869)	P	P	P
	30.	Engineering, architectural, and surveying services (871)	P	P	P
	31.	Accounting, auditing, and bookkeeping services (872)	P	P	P
	32.	Management and public relations services (874)	P	P	P
	33.	Miscellaneous services (899)	P	P	P
	34.	Miscellaneous business and professional office uses not listed above	P	P	P
	35.	The following miscellaneous personal services, not elsewhere classified (7299), baby sitting bureaus, birth certificate agencies, buyers' clubs, car title and tag service, checkroom concessions or services, clothing rental (except industrial launderers and linen supply), college clearinghouses, computer photography or portraits, consumer buying service, costume rental, debt counseling or adjustment service to individuals, depilatory salons, diet workshops, dress suit rental, electrolysis, genealogical investigation service, hair weaving or replacement service, marriage bureaus, massage therapy, porter service, quilting for individuals, scalp treatment service, shopping service for individuals, tanning salons, tuxedo rental, valet parking, wardrobe service (except theatrical)	P	P	P
		Massage therapy shall be subjected to the following conditions:			
	a.	Such use shall be ancillary to a full service hairdressing and beauty salon (729), or such use shall be ancillary to an office or clinic of doctors of medicine, osteopaths, chiropractors, podiatrists, and other health practitioners (801-804)			

		b.	Such use shall be offered during normal business hours, and only when all other services of business are offered, and never before 8:00 A.M. or after 9:00 P.M. on any day			
		c.	Massage therapy services shall be restricted to 2 rooms, not to exceed a total of 200 square feet. "Tune up" services shall be restricted to the reception area			
		d.	Massage therapy services shall be performed only by trained professionally certified massage therapists			
F.	Transportation and utility services:					
	1.	Travel agencies (4724)		P	P	-
	2.	Offices of communications and utility companies (48-49), but not including antennas in excess of the district height limit		P	P	P

(Ord., 10-2004; amd. Ord. 2009-07-640, 7-6-2009; Ord. 2019-11-337, 11-4-2019)

9-5-3: SPECIAL USES:

Except as specifically limited, the uses listed in the following table may be permitted in the office districts indicated subject to the issuance of a special use permit as provided in chapter 19 of this title. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual", the North American industry classification system, and chapter 15 of this title. SIC codes and NAICS codes, where applicable, are given in parentheses following each use listing.

			O-1	O-2	O-3
			O-1	O-2	O-3
A.	Finance, insurance, and real estate:				
	1.	Drive-in depository and nondepository credit institutions (60/61)	-	S	S
	2.	Automatic teller machines when not attached to the principal structure on the lot	-	S	S
B.	Printing, publishing, and allied industries:				
	1.	Commercial printing (275)	-	S	-
C.	Services:				
	1.	Funeral homes or parlors (726), but not including crematories	S	-	S
	2.	Massage therapy services (7299), but only subject to the following condition:	-	S	-
	a.	Such services shall be performed only by trained therapists professionally certified by the Illinois department of financial and professional regulation			
	3.	Passenger car rental and leasing (7514/7515)	-	-	S
	4.	Physical fitness facilities (7991)	S	S	S
	5.	Membership sports and recreation clubs (7997)	-	-	S
	6.	Child daycare services (835)	-	S	S
	7.	Rental of meeting halls and banquet facilities by fraternal associations and lodges (864)	-	S	-
	8.	Research, development, and testing services	-	S	S
D.	Miscellaneous:				
	1.	Hotels (7011)	-	-	S
	2.	Administrative offices of religious organizations, but not including any nonadministrative functions such as worship services, prayer groups, and similar religious activities and events	-	S	-
	3.	Single-family detached, townhouse, and two-family dwelling units; provided, however, that there shall be no more than 2 dwelling units located on each zoning lot	S	S	-
	4.	Cannabis dispensing organization	-	S	S
		Cannabis infuser organization or infuser (5912) and only subject to the following conditions:			

		a. The establishment and operation of such uses shall conform to the provisions of Title 3 "Business Licensing, Regulation, Taxation, and Fees."			
		b. Such uses shall not be located within five hundred feet (500 feet) of the property line of any school, daycare facility or group home			
		c. Such uses shall not be located within two hundred fifty feet (250 feet) of the property line of any parks or property intended for recreational purposes.			
		d. Such uses shall not be located within 1,500 feet (state law) of any other Cannabis Business Establishment as defined in Chapter 9-24-2.			
		e. Such uses may open for operation no earlier than 6:00 a.m. and close no later than 10:00 p.m.			
		f. Such Uses shall prohibit any person who is under the age of twenty-one (21) years of age from entering such facility, except for cardholders over eighteen (18) years of age who are granted medical access under the Compassionate Use of Medical Cannabis Act.			
		g. The on-premise use of cannabis and cannabis-related products shall be prohibited.			
		h. No cannabis related uses shall be maintained or operated in a manner that causes, creates, or allows the public viewing of cannabis, or cannabis -related products from any sidewalk, public or private right of way, or any property other than the lot on which such use is located. No portion of the exterior of the facility shall utilize or contain any flashing lights, search lights, right-of-way spot lights or any similar lighting system.			
		i. All cannabis related uses shall implement and maintain a security and surveillance plan in accordance with state statute 410 ILCS 705/15-100 for such businesses.			
		These express conditions and all other requirements and conditions of state statute shall apply to these Uses, in addition to any other conditions or considerations deemed appropriate by the Village, pursuant to the existing standards for the approval of a special use under this Zoning Code			
E.	Planned unit developments		S	S	S

(Ord., 10-2004; amd. Ord. 2009-07-640, 7-6-2009; Ord. 2013-09-907, 9-3-2013; Ord. 2020-12-394, 12-21-2020)

9-5-4: ACCESSORY STRUCTURES AND USES:

Accessory structures and uses are permitted in all office districts subject to the provisions of section 9-9-1 of this title. (Ord., 10-2004)

9-5-5: TEMPORARY USES:

Temporary uses are permitted in all office districts subject to the provisions of section 9-9-2 of this title. (Ord., 10-2004)

9-5-6: PARKING AND LOADING REQUIREMENTS:

The parking and loading requirements applicable in all office districts are set forth in sections 9-10-1 and 9-10-2 of this title. (Ord., 10-2004)

9-5-7: SIGN REGULATIONS:

The sign regulations applicable in all office districts are set forth in the Lake Zurich municipal code. (Ord., 10-2004)

9-5-8: LANDSCAPING AND LIGHTING:

Landscaping and lighting standards for uses and structures in the office districts are set forth in chapter 8 of this title. (Ord., 10-2004; amd. Ord. 2016-6-137, 6-6-2016)

9-5-9: SPECIAL DEVELOPMENT AND USE REGULATIONS:

A. Exterior Appearance Review: No construction or development requiring a building permit and affecting the exterior appearance of any structure shall be permitted in any office district except after approval of the building permit application pursuant to chapter 21 of this title.

B. O-1 Specialty Office District:

1. Conversion Of Existing Structures: No permitted or specially permitted use shall be established in the O-1 district by

the conversion or rebuilding of any structure originally designed for a residential use, unless the existing residential character of the structure is retained. The quality of exterior design shall be equal on all facades of the structure, and the materials used shall be of the same or comparable quality on all facades of the structure.

2. New Structures: Any new structure constructed in the O-1 district shall be designed to be compatible in appearance with adjacent single-family residential structures. Flat roofs shall be prohibited. The quality of exterior design shall be equal on all facades of the structure, and the materials used shall be of the same or comparable quality on all facades of the structure.

3. Visual Compatibility: All conversions of existing structures or new construction shall be designed to be visually compatible in terms of the materials used, shapes, textures, colors, projections, proportions, and scale with the buildings, public ways, and places to which they are visually related.

C. Compliance With DR Downtown Redevelopment Overlay District: All construction and development on property within the DR downtown redevelopment overlay district (see section 9-7D-1 of this title) shall comply with all standards and requirements set forth in that overlay district. (Ord., 10-2004)

9-5-10: BULK, SPACE, AND YARD REQUIREMENTS:

The building height, lot, yard, floor area ratio, and landscaped surface requirements applicable in the office districts are set forth in the following table:

			O-1	O-2	O-3
			O-1	O-2	O-3
A.	Maximum Height:				
	1.	Principal structures (whichever is less):			
		a. Feet	35	35	35
		b. Stories	2.5	3	3
	2.	Accessory structures (feet): ¹	25	25	25
B.	Minimum Lot Area And Dimensions: ^{2,3}				
	1.	Minimum lot area (square feet)	n/a	10,000	43,560
	2.	Minimum lot width (feet)	n/a	75	150
C.	Minimum Yards: ^{2,4,5,6,7,8,9}				
	1.	Front and corner side (feet)	25	25	35
	2.	Side (feet)	10	10	15
	3.	Rear (feet)	25	25	30
D.	Maximum Floor Area Ratio:				
	1.	1 story	0.25	0.25	0.30
	2.	More than 1 story	0.30	0.30	0.35
E.	Minimum Landscaped Surface Area (Percent):				
	1.	1 story	35	40	45
	2.	More than 1 story	35	45	45

F. Exceptions And Explanatory Notes:

1. Height Exception For Flagpoles: Flagpoles may extend to a height of 10 feet above the highest point of the roof of the principal structure.

2. Nonconforming Lots: See section 9-11-5 of this title for lot requirements with respect to legal nonconforming lots of record.

3. Minimum Lot Area: Water areas and land areas with natural resource restrictions including floodplains, wetlands, and low land conservancy soils are not included as part of the calculation of the required minimum lot area.

4. Visibility Across Corners: Any other provision of this zoning code to the contrary notwithstanding, nothing shall be erected, placed, planted, allowed to grow, or maintained on any corner lot in any office district in violation of the provisions of subsection 4-2-1-3C of the Lake Zurich municipal code.

5. Special Setbacks For Signs: Special setbacks established for some signs in the Lake Zurich municipal code shall control over the yards established in the table.

6. Specified Structures And Uses In Required Yards: The following structures and uses, except as limited below, may be located in any required yard:

- Statuary, arbors, trellises, and ornamental light standards having a height of 8 feet or less; and

- b. Eaves and gutters projecting not more than 3 feet from an exterior wall; and
- c. Awnings, canopies, bay windows, and balconies projecting not more than 3 feet from an exterior wall for a distance not more than $\frac{1}{3}$ of the length of such wall; provided, however, that in side yards in the O-1 district such projections shall not exceed 2 feet for a distance not more than $\frac{1}{4}$ of the length of such wall; and
- d. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and the like projecting not more than 2 feet from an exterior wall; and
- e. Outside stairways projecting from an exterior wall not more than 3 feet and having a height of 4 feet or less; and
- f. Flagpoles; and
- g. Terraces; and
- h. Recreational devices accessory to daycare services; and
- i. Fitness trails; and
- j. Fences, walls, and hedges, subject to the limitations of the Lake Zurich municipal code; and
- k. Driveways, subject to the limitations of subsection 9-10-1C of this title.

7. Side And Rear Yard Regulations For Accessory Structures And Uses In The O-1 District: Accessory parking areas and lots wherever located and other detached accessory structures and uses when located within the rear 25 percent of the lot shall not be required to maintain an interior side or rear yard or setback in the O-1 district in excess of 8 feet if such interior side or rear yard is contiguous to any property zoned in any residential district or in excess of 5 feet if no part of such interior side or rear yard is contiguous to any property zoned in any residential district; provided, however, that this regulation shall not apply to antennas and antenna support structures and provided further, however, that no accessory structure or use, or combination of such structures or uses, located within an otherwise required side or rear yard pursuant to this subsection F7 shall occupy more than 30 percent of such required yard.

8. Special Yards Abutting Ela Road And Cuba Road: Notwithstanding any other provision of this section, all yards along every lot line abutting Ela Road or Cuba Road shall be not less than 40 feet.

9. Special Yards Abutting Route 12 And Route 22: Notwithstanding any other provision of this section, all yards along every lot line abutting Route 12 or abutting Route 22 between Ela Road and the westernmost village limits shall be not less than 50 feet.

(Ord., 10-2004)

CHAPTER 6

INDUSTRIAL DISTRICT

SECTION:

9-6-1: Purposes

9-6-2: Permitted Uses

9-6-3: Special Uses

9-6-4: Accessory Structures And Uses

9-6-5: Temporary Uses

9-6-6: Parking And Loading Requirements

9-6-7: Sign Regulations

9-6-8: Landscaping And Lighting

9-6-9: Special Development And Use Regulations

9-6-10: Bulk, Space, And Yard Requirements

9-6-1: PURPOSES:

The I industrial district is intended to provide for a range of nuisance free manufacturing, warehousing, transportation, wholesaling, and industrial uses that are compatible with the suburban residential character of the village. The industrial district is also meant to accommodate certain professional offices and similar uses that may provide services to the industrial users and are compatible with the industrial character of the district. It is the goal of these regulations to provide and preserve an area within the village for industrial uses that create employment and economic benefits for the village and the industrial district. (Ord. 2016-12-169, 12-19-2016)

9-6-2: PERMITTED USES:

The following uses and no others are permitted as of right in the industrial district as indicated in the following table. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual", the North American industry classification system, and chapter 15 of this title. SIC codes and NAICS codes, where applicable, are given in parentheses following each use listing.

		I
		I
A.	Agricultural services:	
	1. Cash grains (011)	P
	2. Soil preparation services (071)	P
	3. Crop services (072)	P
	4. Farm labor and management services (076)	P
	5. Landscape and horticultural services (078)	P
B.	Building construction:	
	1. General contractors and operative builders (15), not including outdoor storage	P
	2. Heavy construction contractors (16), not including outdoor storage	P
	3. Special trade contractors (17), not including outdoor storage	P
C.	Manufacturing:	
	1. Textile mill products (22), not including dyeing or finishing in any use category	P
	2. Apparel and other finished products made from fabrics and similar materials (23)	P
	3. Millwork, veneer, plywood, and structure wood members (243), not including hardwood veneer and plywood (2435) or softwood veneer and plywood (2436)	P
	4. Furniture and fixtures (25)	P
	5. Paper and allied products (26), not including pulp mills (261), paper mills (262), or paperboard mills (263)	P
	6. Printing, publishing, and allied industries (27), not including platemaking and related services (2796)	P
	7. Rubber and miscellaneous plastics products (30), not including tires and inner tubes (301)	P
	8. Leather and leather products (31), not including leather tanning and finishing (311)	P
	9. Aluminum extruded products (3354)	P
	10. Drawing and insulating of nonferrous wire (3357)	P
	11. Aluminum die castings (3363)	P
	12. Fabricated metal products (34), not including fabricated plate work (3443), iron and steel forgings (3462), nonferrous forgings (3463), automotive stampings (3465), or ordnance and accessories (348)	P
	13. Industrial and commercial machinery and computer equipment (35)	P
	14. Electronic and other electrical equipment and components, except computer equipment (36)	P
	15. Motor vehicle parts and accessories (3714), not including outdoor storage	P
	16. Motorcycles, bicycles, and parts (3751), not including outdoor storage	P
	17. Measuring, analyzing and controlling instruments; photographic, medical, and optical goods; watches and clocks (38)	P
	18. Miscellaneous manufacturing industries	P
D.	Transportation and public utilities:	
	1. Local transit stations (411)	P
	2. Trucking and courier services, except air (421)	P
	3. Public warehousing and storage (422), not including miniwarehouse warehousing or self-storage warehousing (4225) or special warehousing and storage, not elsewhere classified (4226)	P

	4.	United States postal service (431)	P
	5.	Arrangement of passenger transportation (472)	P
	6.	Communications (48), not including studios and antennas	P
	7.	Combination utilities not elsewhere classified (4939)	P
E.	Wholesale trade:		
	1.	Wholesale trade - durable goods (50), not including automobile auction (5012), motor vehicle parts, used (5015), meals and minerals (505), scrap and waste materials (5093), or ammunition, cord wood, firearms, firewood, logs, hewn ties, posts, and poles, machine guns, pulpwood, roundwood, timber products, rough, or wood chips (5099)	P
	2.	Wholesale trade - nondurable goods (51), not including farm product raw materials (515), or petroleum and petroleum products (517)	P
F.	Retail trade:		
	1.	Nonstore retailers if accessory to a principal use (596), not including mobile food carts, mobile food trucks, trucks, ice cream trucks, or any direct selling establishment (5963) where retail sales occur on the premises	P
G.	Finance, insurance, and real estate:		
	1.	Security and commodity brokers, dealers, exchanges, and services (62)	P
	2.	Insurance carriers (63)	P
	3.	Insurance brokers, and service (64), not including insurance agents and life insurance agents	P
	4.	Real estate (65) not including primarily residential real estate agents and managers	P
	5.	Holding and other investment offices (67)	P
H.	Services:		P
	1.	Power laundries, family and commercial, but not chemical or flammable solvents (7211)	P
	2.	Linen supply (7213)	P
	3.	Industrial launderers (7218)	P
	4.	Laundry and garment services not elsewhere classified (7219)	P
	5.	Business services (73), not including heavy construction equipment rental and leasing (7353)	P
	6.	Motion pictures (78), not including motion picture theaters (783) and videotape rental (784)	P
	7.	Medical and dental laboratories (807)	P
	8.	Business associations (861)	P
	9.	Engineering, accounting, research, management, and related services (87), not including jails, privately operated and correctional facilities, adult: privately operated (8744)	P
	10.	Miscellaneous industrial and business uses, not otherwise classified, if approved by the village manager; provided, however, that any such use: a) shall be compatible with and consistent with existing uses in the vicinity of the proposed use and shall be compatible with the general character of the industrial uses throughout the I district, b) shall not entail any use, process, or item that poses any threat of environmental injury to land, air, or water, c) shall not interfere with industrial traffic patterns, and d) shall not be substantially devoted to retail sales that are dependent on customer traffic to the premises. If the village manager approves such a use, then the manager shall report such approval to the next regularly scheduled meeting of the board of trustees, which may by majority vote of those present overrule such approval	P

(Ord. 2013-12-944, 1-6-2014)

9-6-3: SPECIAL USES:

Except as specifically limited, the uses listed in the following table may be permitted in the industrial district subject to the issuance of a special use permit as provided in chapter 19 of this title. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual", the North American industry classification system, and chapter 15 of this title. SIC codes and NAICS codes, where applicable, are given in parentheses following each use listing.

		I
		I
A.	Agricultural services:	
1.	Veterinary services for animal specialties (0742)	S
2.	Animal specialty services, except veterinary services, limited to the following uses (0752):	S
	Boarding kennels	
	Animal grooming	
	Shelter/pound for homeless/abandoned animals	
	Showing of pets and other animals	
	Training of pets and other animals	
3.	Cannabis craft grower Cannabis cultivation center Cannabis processing organization or processor (5912) and only subject to the following conditions:	S
	a. The establishment and operation of such uses shall conform to the provisions of Title 3 "Business Licensing, Regulation, Taxation, and Fees."	
	b. Such uses shall not be established in multiple use or tenant property or on a property that shares parking with other uses.	
	c. Such uses shall not be located within five hundred feet (500 feet) of the property line of any school, daycare facility or group home.	
	d. Such uses shall not be located within two hundred fifty feet (250 feet) of the property line of any parks or property intended for recreational purposes.	
	e. Such uses shall not be located within 1,500 feet (state law) of any other Cannabis Business Establishment as defined in Chapter 9-24-2.	
	f. Such uses may open for operation no earlier than 6:00 a.m. and close no later than 10:00 p.m.	
	g. Such Uses shall prohibit any person who is under the age of twenty-one (21) years of age from entering such facility, except for cardholders over eighteen (18) years of age who are granted medical access under the Compassionate Use of Medical Cannabis Act.	
	h. The on-premise use of cannabis and cannabis-related products shall be prohibited.	
	i. No cannabis related uses shall be maintained or operated in a manner that causes, creates, or allows the public viewing of cannabis, or cannabis-related products from any sidewalk, public or private right of way, or any property other than the lot on which such use is located. No portion of the exterior of the facility shall utilize or contain any flashing lights, search lights, right-of-way spot lights or any similar lighting system.	
	j. Cannabis uses related to craft growers, cultivation, processing and transportation shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, such facilities shall be ventilated with a system for odor control.	
	k. All cannabis related uses shall implement and maintain a security and surveillance plan in accordance with state statute 410 ILCS 705/15-100 for such businesses.	
	These express conditions and all other requirements and conditions of state statute shall apply to these Uses, in addition to any other conditions or considerations deemed appropriate by the Village, pursuant to the existing standards for the approval of a special use under this Zoning Code.	
B.	Construction:	
1.	General building contractors (15) with outdoor storage	S
2.	Heavy construction contractors (16) with outdoor storage	S

	3.	Special trade contractors (17) with outdoor storage	S
C.	Manufacturing:		
	1.	Dairy products (202)	S
	2.	Canned, frozen, and preserved fruits, vegetables, and food specialties (203)	S
	3.	Grain mill products (204), but not including dog and cat food (2047) or prepared foods and feed ingredients for animals, etc. (2048)	S
	4.	Bakery products (205)	S
	5.	Sugar and confectionery products (206), but not including cane sugar refining (2062)	S
	6.	Beverages (208)	S
	7.	Miscellaneous food preparations and kindred products (209)	S
	8.	Wood containers (244)	S
	9.	Wood products, not elsewhere classified (2499)	S
	10.	Chemicals and allied products (28), but not including agricultural chemicals (287) or explosives (2892)	S
	11.	Stone, clay, glass, and concrete products (32), but not including cement, hydraulic (324), concrete, gypsum, and plaster products (327), or asbestos products (3292)	S
	12.	Coating, engraving, and allied services (347)	S
D.	Transportation and public utilities:		
	1.	Local and interurban transit companies, yards, and maintenance facilities	S
	2.	Facilities and studios of communication services with permitted antennas	S
	3.	Miniwarehouse warehousing and self-storage warehousing (4225)	S
	4.	Miniwarehouse warehousing and self-storage warehousing with outdoor storage (4225), subject to the following standards:	S
	a.	The use of an outdoor storage yard shall only accompany the land use of miniwarehouse warehousing and self-storage warehousing, and be restricted to the storage of automobiles, recreational vehicles, boats and other similar vehicles as approved by the Development Administrator. Such vehicles must be maintained in good repair and a sightly condition and no vehicles shall be allowed to remain indefinitely or in an abandoned state within the storage area	
	b.	No storage of merchandise or equipment shall be permitted within such outdoor storage area	
	c.	The establishment of an outdoor storage yard accompanying miniwarehouse warehousing and self-storage warehousing shall be prohibited on properties with frontage along Route 12 and Route 22	
	d.	The outdoor storage area shall be located only within the side and rear interior yards of a property approved for such use	
	e.	The area proposed for outdoor storage shall be clearly defined by an area that is paved in compliance with the standards provided for in title 10 of the Lake Zurich Municipal Code	
	f.	Notwithstanding the provisions of subsection 9-6-10A of this chapter, the maximum height of permitted items stored, warehoused or placed within the designated outdoor storage area shall not exceed the height of the principal building on the zoning lot	
	g.	The designated outdoor storage area shall be screened on all sides with a fence in conformance with the provisions of subsection 8-11-1F4 of the Lake Zurich Municipal Code and with landscape material in conformance with the provisions of chapter 8, article A of this title. Such landscaping must be maintained and replaced as needed to conform to the requirements of the landscaping screening for the site	
	5.	Special warehousing and storage, not elsewhere classified (4226)	S
	6.	Cannabis transporting organization or transporter (5912) and only subject to the following conditions:	S

		a. The establishment and operation of such uses shall conform to the provisions of Title 3 "Business Licensing, Regulation, Taxation, and Fees."	
		b. Such uses shall not be established in multiple use or tenant property or on a property that shares parking with other uses.	
		c. Such uses shall not be located within five hundred feet (500 feet) of the property line of any school, daycare facility or group home.	
		d. Such uses shall not be located within two hundred fifty feet (250 feet) of the property line of any parks or property intended for recreational purposes.	
		e. Such uses shall not be located within 1,500 feet (state law) of any other Cannabis Business Establishment as defined in Chapter 9-24-2.	
		f. Such uses may open for operation no earlier than 6:00 a.m. and close no later than 10:00 p.m.	
		g. Such Uses shall prohibit any person who is under the age of twenty-one (21) years of age from entering such facility, except for cardholders over eighteen (18) years of age who are granted medical access under the Compassionate Use of Medical Cannabis Act.	
		h. The on-premise use of cannabis and cannabis-related products shall be prohibited.	
		i. No cannabis related uses shall be maintained or operated in a manner that causes, creates, or allows the public viewing of cannabis, or cannabis-related products from any sidewalk, public or private right of way, or any property other than the lot on which such use is located. No portion of the exterior of the facility shall utilize or contain any flashing lights, search lights, right-of-way spot lights or any similar lighting system.	
		j. Cannabis uses related to craft growers, cultivation, processing and transportation shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, such facilities shall be ventilated with a system for odor control.	
		k. All cannabis related uses shall implement and maintain a security and surveillance plan in accordance with state statute 410 ILCS 705/15-100 for such businesses.	
		These express conditions and all other requirements and conditions of state statute shall apply to these Uses, in addition to any other conditions or considerations deemed appropriate by the Village, pursuant to the existing standards for the approval of a special use under this Zoning Code.	
E.	Finance, insurance and real estate:		
	1.	Limited financial services facilities (see subsection 9-6-9J of this chapter)	S
	2.	Tax preparation services (7291)	S
F.	Services, as follows, but only if the maintenance of any such service does not require or actually include routine attendance of clients, customers, patients, patrons, or other clientele:		
	1.	Dry cleaning plants, except rug cleaning (7216)	S
	2.	Carpet and upholstery cleaning (7217)	S
	3.	Laundry and garment services, not elsewhere classified (7219)	S
	4.	Heavy construction equipment rental and leasing (7353)	-
	5.	Automotive repair, services, and parking (75)	S
	6.	Miscellaneous repair services (76)	S
	7.	Physical fitness facilities (7991)	S
	8.	Membership sports and recreation clubs (7997)	S
	9.	Gymnastics instructions (7999)	S
	10.	Legal services (811)	S
	11.	Vocational schools (824)	S
	12.	Schools and education services, not elsewhere classified (829)	S
	13.	Adult daycare centers (8322) as an accessory use	S
	14.	Childcare centers (8351) as an accessory use	S

	15.	Adult entertainment establishments	S
	16.	Cannabis dispensing organization	S
		Cannabis infuser organization or infuser (5912) and only subject to the following conditions:	
		a. The establishment and operation of such uses shall conform to the provisions of Title 3 "Business Licensing, Regulation, Taxation, and Fees."	
		b. Such uses shall not be established in multiple use or tenant property or on a property that shares parking with other uses.	
		c. Such uses shall not be located within five hundred feet (500 feet) of the property line of any school, daycare facility or group home	
		d. Such uses shall not be located within two hundred fifty feet (250 feet) of the property line of any parks or property intended for recreational purposes.	
		e. Such uses shall not be located within 1,500 feet (state law) of any other Cannabis Business Establishment as defined in Chapter 9-24-2.	
		f. Such uses may open for operation no earlier than 6:00 a.m. and close no later than 10:00 p.m.	
		g. Such Uses shall prohibit any person who is under the age of twenty-one (21) years of age from entering such facility, except for cardholders over eighteen (18) years of age who are granted medical access under the Compassionate Use of Medical Cannabis Act.	
		h. The on-premise use of cannabis and cannabis-related products shall be prohibited.	
		i. No cannabis related uses shall be maintained or operated in a manner that causes, creates, or allows the public viewing of cannabis, or cannabis-related products from any sidewalk, public or private right of way, or any property other than the lot on which such use is located. No portion of the exterior of the facility shall utilize or contain any flashing lights, search lights, right-of-way spot lights or any similar lighting system.	
		j. Cannabis uses related to craft growers, cultivation, processing and transportation shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, such facilities shall be ventilated with a system for odor control.	
		k. All cannabis related uses shall implement and maintain a security and surveillance plan in accordance with state statute 410 ILCS 705/15-100 for such businesses.	
		These express conditions and all other requirements and conditions of state statute shall apply to these Uses, in addition to any other conditions or considerations deemed appropriate by the Village, pursuant to the existing standards for the approval of a special use under this Zoning Code.	
G.	Miscellaneous:		
	1.	Land banking of required parking	S
H.	Planned unit developments		S

(Ord. 2016-12-169, 12-19-2016; amd. Ord. 2018-7-263, 7-2-2018; Ord. 2020-12-394, 12-21-2020)

9-6-4: ACCESSORY STRUCTURES AND USES:

Accessory structures and uses are permitted in all industrial districts subject to the provisions of section 9-9-1 of this title. (Ord. 2013-12-944, 1-6-2014)

9-6-5: TEMPORARY USES:

Temporary uses are permitted in all industrial districts subject to the provisions of section 9-9-2 of this title. (Ord. 2013-12-944, 1-6-2014)

9-6-6: PARKING AND LOADING REQUIREMENTS:

The parking and loading requirements applicable in all industrial districts are set forth in sections 9-10-1 and 9-10-2 of this title. All service uses shall meet the parking and loading requirements set forth in sections 9-10-1 and 9-10-2 of this title. (Ord. 2013-12-944, 1-6-2014)

9-6-7: SIGN REGULATIONS:

The sign regulations applicable in all industrial districts are set forth in the Lake Zurich municipal code. (Ord. 2013-12-944,

1-6-2014)

9-6-8: LANDSCAPING AND LIGHTING:

Landscaping and lighting standards for uses and structures in the industrial districts are set forth in chapter 8 of this title. (Ord. 2013-12-944, 1-6-2014; amd. Ord. 2016-6-137, 6-6-2016)

9-6-9: SPECIAL DEVELOPMENT AND USE REGULATIONS:

A. Exterior Appearance Review: No construction or development requiring a building permit and affecting the exterior appearance of any structure shall be permitted in any industrial district except after approval of the building permit application pursuant to chapter 21 of this title.

B. Noise: All noise (other than ordinary vehicular noise) from operations of any use in the industrial districts shall comply with limitations on noise and noise pollution standards established by state of Illinois law.

C. Odors: No continuous, frequent or repetitive emission of odors or odor causing substances in quantities which would be offensive beyond any property lines of any industrial use will be permitted. An odor emitted no more than fifteen (15) minutes in any one day shall not be deemed as continuous, frequent or repetitive within the meaning of these regulations. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. In determining such quantities of offensive odors, table III (Odor Thresholds) in chapter 5 of the "Air Pollution Abatement Manual" (copyright 1951) by Manufacturing Chemists Association, Inc., Washington, D.C., shall be used as a guide. The rules and regulations of the Illinois air pollution control board shall be complied with at all times.

D. Glare And Heat: No glare or heat from any operations of any use in the industrial districts shall be detectable at any point off the zoning lot on which the use is located.

E. Vibration: No earthborne vibration from any operations of any use in the industrial districts shall be detectable at any point off the zoning lot on which the use is located.

F. Electromagnetic Interference: Electromagnetic interference from any operations of any use in the industrial district shall not adversely affect the operation of any equipment located off the zoning lot on which interference originates.

G. Fire And Explosive Hazards: Materials that present potential fire and explosive hazards shall be transported, stored, and used only in conformance with all applicable federal, state of Illinois, and local laws.

H. Special Hazards: Hazardous, toxic, and radioactive materials shall be transported, stored, and used only in conformance with all applicable federal, state of Illinois, and local laws.

I. Safety Equipment: No research or development laboratory or commercial testing facility requiring a special use permit pursuant to section 9-6-3 of this chapter shall be established after the effective date of this zoning code unless and until the building in which such use is established shall be equipped with sprinkler systems, automatic fire detection and suppression systems, and class 1 electrical fixtures as required by the then current village codes for new construction.

J. Limited Financial Service Facilities: All limited financial service facilities shall comply with the following standards:

1. No such facility shall be advertised or held out as offering banking or financial services to the general public. Any banking or financial services provided by such facilities to businesses not within the contiguous area of the same zoning district or to any individuals must be incidental only and accessory to the limited financial services offered to businesses within the contiguous area of the district.

2. No such facility shall occupy more than six thousand (6,000) square feet of floor area.

3. No such facility shall have any interior or exterior tellers.

4. No such facility shall offer any drive-in service.

5. No such facility shall have any self-service, automatic, or remote units or machines.

6. No such facility shall be operated by more than a maximum of six (6) employees on the premises at any one time.

7. No such facility shall be open for business on Saturdays, Sundays, or banking holidays, or before the hour of eight o'clock (8:00) A.M. or after the hour of six o'clock (6:00) P.M.

K. Adult Entertainment Location Restrictions:

1. Minimum Distance From Other Adult Entertainment Establishments: No adult entertainment establishment shall be established, maintained, or operated on any lot that has a property line within one thousand feet (1,000') of the property line of any other lot on which any other adult entertainment establishment is located, established, maintained, or operated.

2. Minimum Distance From Protected Uses: No adult entertainment establishment shall be established, maintained, or operated on any lot that has a property line within one thousand five hundred feet (1,500') of the property line of any other lot on which a protected use is located, established, maintained, or operated.

3. Minimum Distance From Residential Property: No adult entertainment establishment shall be located, established, maintained, or operated on any lot that has a property line within one thousand five hundred feet (1,500') of the property line of any residential property.

4. Measurement: For the purposes of this subsection K, distances shall be measured in a straight line, without regard to

intervening structures or objects, from the nearest point on the property line of the lot on which the adult entertainment establishment is located to the nearest point on a property line of: a) any residential property or b) any lot on which a protected use or other adult entertainment establishment, as the case may be, is located, established, maintained, or operated.

5. Limited Exception For Subsequent Protected Uses And Residential Property: An adult entertainment establishment lawfully operating under this zoning code and under the Lake Zurich adult use ordinance shall not be deemed to be in violation of the location restrictions set forth herein solely because: a) a protected use subsequently locates within the minimum required distance of the adult entertainment establishment, or b) property within the minimum required distance subsequently becomes residential property. This subsection K5 shall not apply to an adult entertainment establishment at a time when an application for an "adult entertainment license" under the adult use ordinance for that establishment is submitted after the license has previously expired, has been revoked, or is at that time under suspension.

L. Screening Of Rooftop Mechanical Equipment: All mechanical equipment located on a roof shall be screened in accordance with the requirements of section 9-8A-3 of this title. (Ord. 2013-12-944, 1-6-2014)

M. Medical Cannabis Cultivation Center Restrictions:

1. Compliance With State Regulations And Rules: All medical cannabis cultivation centers shall comply with the compassionate use of medical cannabis pilot program act (Public Act 098-0122) and any rules adopted in accordance thereto.

2. Single Use Property: Medical cannabis cultivation center establishments shall not be established in multiple use or tenant property or on a property that shares parking with other uses.

3. Minimum Distance From Residential Property: No medical cannabis cultivation center shall be located, established, maintained, or operated on any lot that has a property line within two thousand five hundred feet (2,500') of the property line of any residential property.

4. Measurement: For the purposes of this subsection N, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the medical cannabis cultivation center is located to the nearest point on a property line of a residential property. (Ord. 2014-2-957, 2-4-2014)

9-6-10: BULK, SPACE, AND YARD REQUIREMENTS:

The building height, lot, yard, floor area ratio, and landscaped surface requirements applicable in the industrial districts are set forth in the following table:

I		I
A.	Maximum Height (Whichever Is Less):	
1.	Feet	55
2.	Stories	n/a
B.	Lot Area And Dimensions: ^{1,2}	
1.	Minimum lot area (square feet)	20,000
2.	Minimum lot width (feet)	100
C.	Minimum Yards: ^{3,4,5,6,7,8,9,10,11}	
1.	Front and corner side (feet)	35
2.	Interior side (feet)	20
3.	Rear (feet)	25
D.	Maximum Floor Area Ratio:	0.45
E.	Minimum Landscaped Surface Area (Percent):	20

F. Exceptions And Explanatory Notes:

1. Nonconforming Lots: See section 9-11-5 of this title for lot requirements with respect to legal nonconforming lots of record.

2. Minimum Lot Area: Water areas and land areas with natural resource restrictions including floodplains, wetlands, and low land conservancy soils are not included as part of the calculation of the required minimum lot area.

3. Visibility Across Corners: Notwithstanding any other provision of this zoning code nothing shall be erected, placed, planted, maintained, or allowed to grow on any corner lot in an industrial district in violation of the provisions of subsection 4-2-1-3C of the Lake Zurich municipal code.

4. Transitional Setbacks Abutting Residential Districts: Notwithstanding any other provision of this section, every building in any industrial district shall be set back at least 100 feet from every lot line adjacent to any residential district, unless land is to be used for boundary agreements.

5. Transitional Height Abutting Residential Districts: Notwithstanding any other provision of this section, every building

in any industrial district on a lot that directly abuts any residential zoning district shall not exceed a maximum height of 35 feet.

6. Transitional Landscaped Surface Area Abutting Residential Districts: Notwithstanding any other provision of this section, every lot in any industrial district that directly abuts any residential zoning district shall provide a minimum of 30 percent landscaped surface area.

7. Special Setbacks For Signs: Special setbacks established for some signs in the Lake Zurich municipal code shall control over the yards and setbacks established in the table.

8. Specified Structures And Uses In Required Yards: The following structures and uses, except as limited below, may be located in any required yard:

- a. Statuary, arbors, trellises, and ornamental light standards having a height of 8 feet or less; and
- b. Eaves and gutters projecting not more than 3 feet from an exterior wall; and
- c. Awnings, canopies, bay windows, and balconies projecting not more than 3 feet from an exterior wall for a distance not more than $\frac{1}{3}$ of the length of such wall; and
- d. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and the like projecting not more than 2 feet from an exterior wall; and
- e. Outside stairways projecting from an exterior wall not more than 3 feet and having a height of 4 feet or less; and
- f. Flagpoles; and
- g. Terraces; and
- h. Fitness trails; and
- i. Fences, walls, and hedges, subject to the limitations of the Lake Zurich municipal code; and
- j. Driveways, subject to the limitations of subsection9-10-1C of this title; and
- k. Parking spaces and access aisles in the interior side and rear yards only, but not closer than 10 feet from a lot line.

9. Special Setbacks And Yards Abutting East Route 22: Notwithstanding any other provision of this section, every building in any industrial district shall be set back at least 100 feet from the right of way of East Route 22 in the village. All yards along every lot line abutting East Route 22 shall be not less than 50 feet.

10. Special Yards Abutting Ela Road And Cuba Road: Notwithstanding any other provision of this section, all yards along every lot line abutting Ela Road or Cuba Road shall be not less than 40 feet.

11. Special Yards Abutting Route 12 And West Route 22: Notwithstanding any other provision of this section, all yards along every lot line abutting Route 12 or abutting West Route 22 between Ela Road and the westernmost village limits shall be not less than 50 feet.

(Ord. 2013-12-944, 1-6-2014)

CHAPTER 7

SPECIAL DISTRICTS AND OVERLAY DISTRICTS

ARTICLE A. OPEN SPACE DISTRICT

SECTION:

- 9-7A-1: Purposes
- 9-7A-2: Permitted Uses
- 9-7A-3: Special Uses
- 9-7A-4: Accessory Structures And Uses
- 9-7A-5: Temporary Uses
- 9-7A-6: Parking And Loading Requirements
- 9-7A-7: Sign Regulations
- 9-7A-8: Landscaping And Lighting

9-7A-9: Exterior Appearance Review

9-7A-10: Bulk, Space, And Yard Requirements

9-7A-1: PURPOSES:

The OS Open Space District is established to recognize the existence of major open space and recreational areas in the Village and is intended to apply to all public open space of notable quality and to major private open spaces such as golf courses and cemeteries. (Ord., 10-2004)

9-7A-2: PERMITTED USES:

The following uses and no others are permitted as of right in the Open Space District:

A. Publicly owned parks, recreational facilities, playgrounds, forest preserves, botanical and zoological gardens, arboreta, conservatories, recreational areas, and other open areas.

B. Common open space, when such property is voluntarily restricted by covenant, deed, or other agreement for use only as open space. (Ord., 10-2004)

9-7A-3: SPECIAL USES:

The following uses may be permitted in the Open Space District subject to the issuance of a special use permit as provided in chapter 19 of this title. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual", the North American industry classification system, and chapter 15 of this title. SIC codes and NAICS codes, where applicable, are given in parentheses following each use listing.

- A. Band shells and amphitheaters.
- B. Cemeteries, including associated structures such as mausoleums, columbariums, crematories, and chapels (6553).
- C. Public or private golf courses, including associated structures such as clubhouses, maintenance buildings, and pro shops (7992, 7997).
- D. Public sports and recreation buildings and facilities, including Village owned park and recreation office facilities.
- E. Commercial facilities, incidental to the operation of public or private recreational uses, but not including drive-in facilities.
- F. Marinas, as specifically defined in section 9-24-2 of this title and pursuant to the standards and provisions within section 9-7C-3 of this chapter (4493).
- G. Planned unit developments.
- H. Natural open space, subject to the following provisions:
 - 1. Definition Of Natural Open Space: Prairie land, woodlands, wetlands, and similar land areas comprised primarily of indigenous plants and animals in good, natural ecological relationship.
 - 2. Intent Of Special Use: This special use is intended to promote the preservation and maintenance of natural open space. The principal intent in the promotion of natural open space is to maintain biodiversity that acts as a buffer to certain types of vectorborne human diseases. This special use also may promote the development of natural open space. This special use is not intended for open spaces that have been disturbed, altered, or maintained other than for natural open space unless there is a specific plan for the conversion of such open space into natural open space.
 - 3. Village Owned Property: The Village may grant a special use permit for natural open space on property owned by the Village. The Village also may grant a special use permit for natural open space on other property, but only with the consent of the property owner and subject to a binding agreement between the Village and the owner in a form satisfactory to the Board of Trustees that the owner will properly maintain, or develop and maintain if appropriate, the natural open space. See subsection H6 of this section regarding development of natural open space.
 - 4. Minimum Area: The minimum required total area of property for a special use for natural open space shall be one hundred seventy five thousand (175,000) square feet.
 - 5. Limitation On Uses And Structures Within Natural Open Space Area: Uses and structures within a natural open space area shall be limited to public observation and education activities, passive recreation areas and similar, compatible uses specifically approved by the Board of Trustees.
 - 6. Development Of Natural Open Space Areas; Expiration Of Special Use If Not Developed: A special use for natural open space granted for an area that is not currently natural open space shall be conditioned by the Board of Trustees on development within the area of natural open space. If the area is not developed as natural open space within five (5) years or such longer period of time as the Board of Trustees may set specifically, then the special use for natural open space shall expire automatically and be null and void as of the five (5) years or other time set by the Board of Trustees.
 - 7. Proper Maintenance Of Natural Open Space: All natural open space shall be maintained in good, natural ecological relationship by the property owner. After a public hearing before the Board of Trustees or, at the Board of Trustees' option, the Plan Commission, the Board of Trustees may revoke a special use permit if the property subject to the permit has not been maintained properly. (Ord. 2018-09-269, 9-4-2018)

9-7A-4: ACCESSORY STRUCTURES AND USES:

Accessory structures and uses are permitted in the open space district subject to the provisions of section 9-9-1 of this title. (Ord., 10-2004)

9-7A-5: TEMPORARY USES:

Temporary uses are permitted in the Open Space District subject to the provisions of section 9-9-2 of this title. (Ord., 10-2004)

9-7A-6: PARKING AND LOADING REQUIREMENTS:

The parking and loading requirements applicable in the Open Space District are set forth in sections 9-10-1 and 9-10-2 of this title. (Ord., 10-2004)

9-7A-7: SIGN REGULATIONS:

The sign regulations applicable in the Open Space District are set forth in the Lake Zurich Municipal Code. (Ord., 10-2004)

9-7A-8: LANDSCAPING AND LIGHTING:

Landscaping and lighting standards for uses and structures in the Open Space District are set forth in chapter 8 of this title. (Ord., 10-2004; amd. Ord. 2016-6-137, 6-6-2016)

9-7A-9: EXTERIOR APPEARANCE REVIEW:

No construction or development requiring a building permit and affecting the exterior appearance of any structure shall be permitted in any open space district except after approval of the building permit application pursuant to chapter 21 of this title. (Ord., 10-2004)

9-7A-10: BULK, SPACE, AND YARD REQUIREMENTS:

The building height, lot, yard, floor area ratio, and landscaped surface requirements applicable in the Open Space District are set forth in the following table:

OS		OS
A.	Maximum Height (Feet):	
	1. Principal structures	30
	2. Accessory structures	25
B.	Minimum Lot Area And Dimensions: ^{1,2,3}	
	1. Minimum lot area (square feet)	15,000
	2. Minimum lot width (feet)	90
C.	Minimum Yards: ^{1,2,4,5,6,7,8,9}	
	1. Front and corner side (feet)	25
	2. Side (feet)	10
	3. Rear (feet)	25
D.	Maximum Floor Area Ratio:	0.20
E.	Minimum Landscaped Surface Area (Percent):	75

F. Exceptions And Explanatory Notes:

1. Applicability Of Certain Bulk Regulations: The regulations for lot area, lot dimensions, yards, and setbacks shall apply only to special uses and shall not apply to uses in the Open Space District permitted pursuant to section 9-7A-2 of this article.

2. Nonconforming Lots: See section 9-11-5 of this title for lot requirements with respect to legal nonconforming lots of record.

3. Minimum Lot Area: Water areas and land areas with natural resource restrictions including floodplains, wetlands, and low land conservancy soils are not included as part of the calculation of the required minimum lot area.

4. Visibility Across Corners: Any other provision of this Zoning Code to the contrary notwithstanding, nothing shall be erected, placed, planted, allowed to grow, or maintained on any corner lot in the Open Space District in violation of the provisions of subsection 4-2-1-3C of the Lake Zurich Municipal Code.

5. Special Setbacks For Signs: Special setbacks established for some signs in the Lake Zurich Municipal Code shall control over the yards established in the table.

6. Special Yard And Setback Requirements For Recreational Devices: Recreational devices and play fields shall be set back a distance of 50 feet from all property lines.

7. Side And Rear Yard Regulations For Accessory Structures And Uses: Parking areas wherever located and other detached accessory structures and uses when located within the rear 25 percent of the depth of the lot shall not be required to maintain an interior side or rear yard or setback in excess of 8 feet; provided, however, that this regulation shall not apply to antennas and antenna support structures and provided further, however, that no accessory structure or use, or combination of such structures or uses, located within an otherwise required side or rear yard pursuant to this subsection F7 shall occupy more than 30 percent of such required yard.

8. Special Yards Abutting Ela Road And Cuba Road: Notwithstanding any other provision of this section, all yards along every lot line abutting Ela Road or Cuba Road shall be not less than 40 feet.

9. Special Yards Abutting Route 12 And Route 22: Notwithstanding any other provision of this section, all yards along every lot line abutting Route 12 or abutting Route 22 between Ela Road and the westernmost Village limits shall be not less than 50 feet.

(Ord., 10-2004)

ARTICLE B. INSTITUTIONAL BUILDINGS DISTRICT

SECTION:

9-7B-1: Purposes

9-7B-2: Permitted Uses

9-7B-3: Special Uses

9-7B-4: Accessory Structures And Uses

9-7B-5: Temporary Uses

9-7B-6: Parking And Loading Requirements

9-7B-7: Sign Regulations

9-7B-8: Landscaping And Lighting

9-7B-9: Exterior Appearance Review

9-7B-10: Bulk, Space, And Yard Requirements

9-7B-1: PURPOSES:

The IB Institutional Buildings District is established to accommodate existing and future public buildings and buildings having purposes and impacts similar to public buildings. It is the intent of this Zoning Code, by this district, to avoid the problems inherent in treating such buildings as permitted or special uses in zoning districts characterized by uses and structures bearing no similarity to public and institutional uses and buildings. (Ord., 10-2004)

9-7B-2: PERMITTED USES:

The following uses and no others are permitted as of right in the Institutional Buildings District:

- A. Any Village owned or leased structure and any governmental activity or service conducted within a building owned or leased by a public body.
- B. Publicly owned parks, playgrounds, forest preserves, botanical and zoological gardens, arboreta, conservatories, recreational areas, and other open areas.
- C. Any use listed in section 9-7B-3 of this article, to the extent it existed on the effective date of this Zoning Code. Any change of such use or any lot or structure associated with it after such effective date shall comply with the regulations of this article, except as provided in chapter 11 of this title.
- D. Railroad telecommunications towers, antennas, and related equipment on property acquired from the Village of Lake Zurich specifically for that use. The standards of this article apply to this use, except as follows:
 1. Directional or panel antennas may extend from the structure to which they are attached to a distance approved by resolution of the Board of Trustees.
 2. Omnidirectional or whip antennas may extend above the highest point of the structure to which they are attached to a distance approved by resolution of the Board of Trustees.
 3. No railroad telecommunications tower may be located within three hundred feet (300') of any lot zoned in any residential district or in the OS Open Space District.
 4. The standards in section 9-7B-10 of this article apply to this use, except as provided in subsections D1, D2, and D3 of this section and except that the following standards will apply as specifically approved by resolution of the Board of Trustees:

- a. Maximum height as set forth in subsection 9-7B-10A of this article;
- b. Minimum lot area and dimensions as set forth in subsection 9-7B-10B of this article;
- c. Minimum yards as set forth in subsection 9-7B-10C of this article; and
- d. Minimum landscaped surface area as set forth in subsection 9-7B-10E of this article. (Ord., 10-2004; amd. Ord. 2010-03-702, 3-1-2010; Ord. 2018-7-263, 7-2-2018)

9-7B-3: SPECIAL USES:

The following private uses may be permitted in the Institutional Buildings District subject to the issuance of a special use permit as provided in chapter 19 of this title. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual", the North American industry classification system, and chapter 15 of this title. SIC codes and NAICS codes, where applicable, are given in parentheses following each use listing.

- A. Elementary and secondary schools (821).
- B. Colleges and universities (822).
- C. Libraries (8231).
- D. Youth centers (832).
- E. Child daycare services (835) operated by or for a membership organization.
- F. Museums and art galleries (8412).
- G. Business associations (861).
- H. Professional membership organizations (862).
- I. Civic, social, and fraternal associations (864).
- J. Religious organizations (866).
- K. Planned unit developments.
- L. Electronic equipment and equipment structures, but only: 1) when the antenna is fully enclosed, or 2) when the antenna is limited to an omnidirectional or whip antenna or a directional or panel antenna located on the roof of a lawfully preexisting building that will serve as an antenna support structure, or 3) when the antenna is located on a facility owned and operated by the Village, and 4) when all electronic equipment is fully enclosed in a structure otherwise permitted on the zoning lot, and subject to the following standards:
 - 1. Notwithstanding the provisions of subsection 9-7B-10A of this article, omnidirectional or whip antennas may extend to a height not exceeding fifteen feet (15') above the highest point of the roof of the building or structure to which they are attached; and
 - 2. Notwithstanding the provisions of subsection 9-7B-10A of this article, directional or panel antennas may extend not more than six feet (6') above the roof of, or six inches (6") out from, the building or structure to which they are attached.
 - 3. Notwithstanding any other provision of this Zoning Code, the regulations in the IB District related to antenna support structures shall not apply to the Village in constructing, operating, or maintaining such an antenna or antenna support structure for governmental purposes.
- M. Telephone exchange buildings.
- N. Massage therapy services (7299), but only subject to the following conditions:
 - 1. The use must be ancillary to a civic, social, or fraternal association; and
 - 2. The use is authorized only during the regular business hours of the business to which it is ancillary; and
 - 3. The use may be conducted only by trained therapists professionally certified by the Illinois Department of Financial and Professional Regulation. (Ord., 10-2004; amd. Ord. 2009-01-610, 1-19-2009; Ord. 2018-7-263, 7-2-2018)

9-7B-4: ACCESSORY STRUCTURES AND USES:

Accessory structures and uses are permitted in the Institutional Buildings District subject to the provisions of section 9-9-1 of this title. (Ord., 10-2004)

9-7B-5: TEMPORARY USES:

Temporary uses are permitted in the Institutional Buildings District subject to the provisions of section 9-9-2 of this title. (Ord., 10-2004)

9-7B-6: PARKING AND LOADING REQUIREMENTS:

The parking and loading requirements applicable in the Institutional Buildings District are set forth in sections 9-10-1 and 9-10-2 of this title. (Ord., 10-2004)

9-7B-7: SIGN REGULATIONS:

The sign regulations applicable in the Institutional Buildings District are set forth in the Lake Zurich Municipal Code. (Ord., 10-2004)

9-7B-8: LANDSCAPING AND LIGHTING:

Landscaping and lighting standards for uses and structures in the Institutional Buildings District are set forth in chapter 8 of this title. (Ord., 10-2004; amd. Ord. 2016-6-137, 6-6-2016)

9-7B-9: EXTERIOR APPEARANCE REVIEW:

No construction or development requiring a building permit and affecting the exterior appearance of any structure shall be

permitted in any Institutional Buildings District except after approval of the building permit application pursuant to chapter 21 of this title. (Ord., 10-2004)

9-7B-10: BULK, SPACE, AND YARD REQUIREMENTS:

The building height, lot, yard, floor area ratio, and landscaped surface requirements applicable in the Institutional Buildings District are set forth in the following table:

IB		IB
A.	Maximum Height (Feet):	
1.	Principal structure	30
2.	Accessory structures	25
B.	Minimum Lot Area And Dimensions: 1,2,3,6	
1.	Minimum lot area (square feet)	15,000
2.	Minimum lot width (feet)	90
C.	Minimum Yards: 1,2,4,5,7,8,9,11,12	
1.	Front and corner side (feet)	25
2.	Side (feet)	10
3.	Rear (feet)	25
D.	Maximum Floor Area Ratio: 10	0.35
E.	Minimum Landscaped Surface Area (Percent): 10	50

F. Exceptions And Explanatory Notes:

1. Exception For Residential Structures: When any residential structure is located in an IB District, it shall be subject to the bulk, space, yard, and floor area ratio regulations of the residential district to which it is nearest adjacent.

2. Height Limitation For Accessory Structures: Except as provided in subsection F3 of this section, no accessory structure shall exceed 15 feet in height measured from grade; provided, however, that flagpoles may extend to a height of 10 feet above the highest point of the roof of the principal structure.

3. Height Exceptions: Church spires and minarets may extend to a height of 70 feet, and publicly owned structures may extend to such height as the Village Manager may approve as necessary to carry out the public function in question.

4. No Application To Existing Uses: These requirements apply only to uses established after the effective date of this Zoning Code. A use established prior to the effective date of this Zoning Code shall not be considered to be a nonconformity by reason of its failure to comply with these requirements, but shall be allowed to continue on its existing zoning lot or any expansion thereof zoned or rezoned for institutional buildings use.

5. Nonconforming Lots: See section 9-11-5 of this title for lot requirements with respect to legal nonconforming lots of record.

6. Minimum Lot Area: Water areas and land areas with natural resource restrictions including floodplains, wetlands, and low land conservancy soils are not included as part of the calculation of the required minimum lot area.

7. Visibility Across Corners: Any other provision of this Zoning Code to the contrary notwithstanding, nothing shall be erected, placed, planted, allowed to grow, or maintained on any corner lot in the Institutional Buildings District in violation of the provisions of subsection 4-2-1-3C of the Lake Zurich Municipal Code.

8. Special Setbacks For Signs: Special setbacks established for some signs in the Lake Zurich Municipal Code shall control over the yard requirements established in the table.

9. Side And Rear Yard Regulations For Accessory Structures And Uses: Parking areas wherever located and other detached accessory structures and uses when located within the rear 25 percent of the lot depth of the lot shall not be required to maintain an interior side or rear yard or setback in excess of 8 feet; provided, however, that this regulation shall not apply to antennas and antenna support structures and provided further, however, that no accessory structure or use, or combination of such structures or uses, located within an otherwise required side or rear yard pursuant to this subsection F9 shall occupy more than 30 percent of such required yard.

10. No Application To Existing Structures: The maximum floor area ratio and minimum landscaped surface area regulations apply only to structures erected after the effective date of this Zoning Code; provided, however, that no structure existing on such effective date shall be expanded in violation of these regulations.

11. Special Yards Abutting Ela Road And Cuba Road: Notwithstanding any other provision of this section, all yards along every lot line abutting Ela Road or Cuba Road shall be not less than 40 feet.

12. Special Yards Abutting Route 12 And Route 22: Notwithstanding any other provision of this section, all yards along every lot line abutting Route 12 or abutting Route 22 between Ela Road and the westernmost Village limits shall be not less than 50 feet.

ARTICLE C. LAKE PROTECTION DISTRICT

SECTION:

9-7C-1: Purposes

9-7C-2: Overlay District

9-7C-3: Additional Permitted Uses

9-7C-4: Special Development Regulations

9-7C-1: PURPOSES:

The Village of Lake Zurich enjoys the privilege of having within its borders the lake of Lake Zurich. The lake has unique qualities and characteristics and a strong impact on the overall character of the Village. The lake's distinctive characteristics deserve special protection, and the appropriate development and use of lakefront property requires special rules and regulations. The LP Lake Protection District is established to protect and preserve the special qualities and characteristics of the lake and thereby preserve the quality of its impact on the Village. (Ord., 10-2004)

9-7C-2: OVERLAY DISTRICT:

The LP Lake Protection District appears on the zoning map as an "overlay district", imposed on top of other districts created by this Zoning Code and referred to in this article as "base districts". Development of properties in the LP Lake Protection District must comply both with the regulations of the LP Lake Protection District and with the regulations of the base district in which they are located. When there is any conflict between the regulations of the LP Lake Protection District and the regulations of the base district, the regulations of the LP Lake Protection District shall control. (Ord., 10-2004)

9-7C-3: ADDITIONAL PERMITTED USES:

A. In addition to any use authorized by the regulations of the base district, the following uses may be permitted in the LP Lake Protection District, subject to the limitations placed thereon by this section.

1. Piers: Piers, subject to the following limitations:

- a. No more than one pier shall be permitted per each seventy five feet (75') of lake frontage on any zoning lot.
- b. The deck of any pier shall not extend more than four feet (4') above the mean high water level of the lake (currently known to be elevation 844 USGS datum).
- c. No structure or part of a pier may extend above the level of the deck except that protective, decorative, or ornamental appurtenances such as handrailings, benches, and the like may extend to a height of forty two inches (42") above the deck.
- d. The total deck area of a pier shall not exceed two hundred (200) square feet.
- e. No pier shall be more than four feet (4') wide at any point, except as required for accessibility under applicable State or Federal law.
- f. Every pier shall be constructed entirely of noncorrosive or decay resistant materials such as coated steel, aluminum, cedar, redwood, or Wolmanized® or similarly treated wood.
- g. No pier shall project into the middle twelve feet (12') of any waterway.
- h. No pier shall project into any waterway more than fifty feet (50') from the mean high water elevation at the bank of such waterway.
- i. No pier shall be located within ten feet (10') of any property line as extended into the waterway.

2. Rafts And Other Floating Devices: Subject to the following limitations:

- a. The deck of any such raft or device shall not extend more than four feet (4') above water level.
- b. The total deck area of all such rafts or devices may not exceed two hundred (200) square feet per zoning lot.
- c. No single horizontal dimension of any such raft or device may exceed twelve feet (12').

B. In addition to any use authorized by the regulations of the base district, the following uses shall only be allowed as special uses in the LP Lake Protection District, subject to the limitations placed thereon by this section.

1. Marinas: As specifically defined in section 9-24-2, "Definitions", of this title and subject to the following limitations:

- a. No more than one marina shall be permitted per property.
- b. The operation of marinas shall require compliance with the provisions of title 7, chapter 4, "Lake Of Lake Zurich And Beaches", of the Lake Zurich Municipal Code.

c. Marinas shall provide for the launching and retrieval of boats using a bonafide "boat launch ramp" as provided for in subsection B2 of this section and provide proper vehicular access to a public right-of-way by means of a paved surface or other approved surface.

d. All structures of a marina including related piers and side docks shall be constructed on the respective shoreline owner's lake bottom property and conform to the provisions of subsection A1, "Piers", of this section.

e. All motorized watercraft operating from the marina shall be certified with the Office of Law Enforcement of the Illinois Department of Natural Resources (DNR), with exceptions to watercraft operated by a governmental agency.

f. Marinas shall apply for and obtain a business license from the Village.

g. The storage and sale of fuel at a marina shall be prohibited.

2. Boat Launch Ramps: As specifically defined in section9-24-2, "Definitions", of this title and subject to the following limitations:

a. The standards for boat launch ramps contained within this section shall only apply to those associated with the establishment of a marina as specifically defined in section 9-24-2, "Definitions", of this title.

b. No more than one boat launch ramp shall be permitted on a zoning lot.

c. Design specifications shall be as follows:

(1) Minimum width: Fifteen feet (15').

(2) Ramp slope: Minimum twelve percent (12%) to fifteen percent (15%) (7 degrees to 8.5 degrees) - drainage grooves troweled into their surface, sloping away from the center of the ramp.

(3) Ramp depth: Foot of ramp minimum four feet (4') below surface of water at any level.

(4) Ramp height above water at any level: Minimum one foot six inches (1'6").

(5) Material: Asphalt or concrete. Gravel launch ramps shall be permitted upon inspection and approval of the building official.

d. Side docks as specifically defined in section9-24-2, "Definitions", of this title may be provided as an option. If provided, side docks should be a minimum four feet (4') wide, and constructed in compliance with the provisions of subsection A1, "Piers", of this section. (Ord. 2018-09-269, 9-4-2018)

9-7C-4: SPECIAL DEVELOPMENT REGULATIONS:

A. Fill Compensation: Whenever any development requires placement of fill, or of a building, structure, or recreational device or vehicle, at or below the mean high water level of the lake (currently known to be elevation 844 USGS datum), then the volume of space occupied by such fill, building, structure, device, or vehicle shall be compensated for and balanced by an equal volume of excavation taken from below said mean high water level.

B. Erosion Protection: All construction shall be designed to prevent the seepage or erosion of any fill or other material into the water of the lake.

C. Exterior Appearance Review: No construction or development requiring a building permit and affecting the exterior appearance of any structure shall be permitted on property zoned in the LP Lake Protection District and in the following base districts except after approval of the building permit pursuant to chapter 21 of this title. Exterior appearance review shall be required for the following base districts within the LP Lake Protection District: R-6, B-1, B-2, B-3, O-1, O-2, O-3, I, OS, and IB. (Ord., 10-2004)

ARTICLE D. DR DOWNTOWN REDEVELOPMENT OVERLAY DISTRICT

SECTION:

9-7D-1: Background; Goal; Purposes

9-7D-2: Overlay District Function; Application Of Base District Regulations

9-7D-3: Mapping Location And Standards

9-7D-4: Permitted Uses

9-7D-5: Special Uses

9-7D-6: Limitations On Uses

9-7D-7: Special Development And Use Regulations; Conflicts

9-7D-8: Accessory Uses And Structures

9-7D-9: Parking And Loading Requirements

9-7D-10: Sign Regulations

9-7D-11: Bulk, Yard, Space, And Parking Standards

9-7D-1: BACKGROUND; GOAL; PURPOSES:

A. The downtown center of the village of Lake Zurich is an important meeting place where residents and visitors greet neighbors, shop, stroll, picnic, visit public buildings, and enjoy the beauty of the lake. The village has continued to prosper, but the vitality of downtown Lake Zurich has diminished over the years. Because the downtown is critical to the well being of the community, the village undertook extensive planning, study, and analyses regarding how to restore the downtown's vitality.

The result of the village's efforts was the adoption of carefully crafted master plans, redevelopment guidelines, the tax increment financing ("TIF") redevelopment plan, and other standards for all new development throughout the downtown. Those plans and standards establish a distinct character for the downtown that is necessary for its success. That character can be achieved only by the comprehensive and consistent application of the regulations of the DR downtown redevelopment overlay district to all new construction, redevelopment, exterior remodeling, and exterior alteration of downtown buildings, structures, and amenities.

B. The village's overarching goal for downtown Lake Zurich is to create and sustain a thriving residential and retail environment that will:

1. Make downtown Lake Zurich a desired destination for residents of the village and nearby communities,
2. Improve the quality of life in the community by creating a new and vibrant retail and residential district, complete with gathering places and improved traffic flow,
3. Protect and enhance the value of property within the downtown and throughout the village,
4. Strengthen the economy of the village, and
5. Enhance the village's overall ability to deliver quality services and support to its residents.

C. The village has determined that it is essential that the downtown include:

1. Buildings of consistent architectural style and of scale, height, design, and materials conforming to the village's master plans and the high standards set in those plans,
2. Use of the buildings and all other property within the DR overlay district only in a manner consistent with the master plans, to achieve the proper balance of high quality retail shops, office spaces, and residential dwellings, and
3. Pedestrian friendly features such as inviting storefronts, landscaped walkways, comfortable street furniture, plazas and other gathering places, aesthetically pleasing signage, convenient passage from building to building and to parking, and similar thoughtful design features.

D. The regulations of this article are intended to govern all development; redevelopment; building construction, exterior alteration, and exterior modification; all related physical activity; and all uses, all to promote the important goals and purposes set forth above and to protect against the use or maintenance of any property within the DR overlay district inconsistent with the village's master plans and standards. (Ord., 10-2004)

9-7D-2: OVERLAY DISTRICT FUNCTION; APPLICATION OF BASE DISTRICT REGULATIONS:

The DR downtown redevelopment overlay district appears on the zoning map as an "overlay district", imposed on top of other districts created by this zoning code and referred to in this article as "base districts". Development of property in the DR overlay district must comply with the regulations of the DR overlay district, with the regulations of the base district in which they are located, and, in certain instances, with the regulations of the lake protection district.

In many instances, the regulations of the DR overlay district are more restrictive than, and preemptive of, the regulations of the base district, particularly in regard to building design and location and with what uses may be established.

Property may be developed under the standards and regulations applicable to the base district. However, property owners may exercise the option to develop a planned unit development pursuant to the FBR standards. (Ord. 2012-08-852, 8-20-2012)

9-7D-3: MAPPING LOCATION AND STANDARDS:

The DR downtown redevelopment overlay district shall be mapped as provided on the zoning map as of March 1, 2004, which includes, principally, the property in the central business district area of the village along Main Street and Old Rand Road as well as certain adjacent property. Most of the property within the DR overlay district is included within the village's downtown TIF district. The DR overlay district may be mapped on such additional property as the board of trustees determines is appropriate based on the board of trustees' sound legislative judgment that such property is properly a part of the village's downtown redevelopment master plans defined in section 9-7D-7 of this article and should be regulated in the same manner as other property within the DR overlay district. (Ord., 10-2004)

9-7D-4: PERMITTED USES:

A. Permitted Uses On First Story Abutting Main Street Or Old Rand Road: The following uses shall be permitted as of right on the first story (street level) of any building in the DR overlay district on property that abuts Main Street or Old Rand Road:

1. Those retail trade uses listed in subsection 9-4-2C of this title as permitted in the B-2 central business district, but not including any of the following uses: any use that does not generate retail sales tax except as otherwise specifically authorized in this article; drinking places (5813); drugstores and proprietary stores (591); used merchandise stores (593) except that antique stores, antique furniture stores and books and rare manuscripts stores shall be permitted; news dealers and newsstands (5994); and miscellaneous retail stores not elsewhere classified (5999) except that art dealers, autograph and philatelist supply stores, coin shops, and cosmetics stores shall be permitted.

2. Financial services in existence and operation within the B-2 central business district and a drive-through associated with such a financial service.

3. Pet grooming salon, but not including a pet store or pet supply store.

4. Gourmet independent pet food store not exceeding one thousand (1,000) square feet in gross floor area.

5. Uses owned or operated by the village of Lake Zurich.

6. Residential units on the first story as a special use.

B. Permitted Uses Above First Story Abutting Main Street Or Old Rand Road: The following uses shall be permitted as of right on stories above the first story (that is, not at street level) of a building in the DR overlay district on property that abuts Main Street or Old Rand Road:

1. Multiple-family dwellings.

2. Legal services.

3. Financial services.

4. Engineering, architectural and surveying services.

5. Accounting, auditing and bookkeeping services.

6. Management and public relations services.

7. Offices and clinics of doctors of medicine and dentists.

8. Services not elsewhere classified.

9. Uses owned or operated by the Village of Lake Zurich.

C. Permitted Uses Not Abutting Main Street Or Old Rand Road: The following uses shall be permitted as of right in a building in the DR Overlay District on property that does not abut Main Street or Old Rand Road:

1. Townhouse dwellings.

2. Uses owned or operated by the Village of Lake Zurich.

D. Adherence To The FBR Standards As Part Of A Planned Unit Development: In the event a developer chooses to develop property within the Downtown Overlay District using the FBR standards, such FBR standards must be applied as part of a planned unit development approved by the Board of Trustees.

(Ord. 2012-08-852, 8-20-2012; amd. Ord. 2019-11-337, 11-4-2019)

9-7D-5: SPECIAL USES:

A. Special Uses On First Story Abutting Main Street Or Old Rand Road: The following uses and no others may be authorized on the first story (street level) of any building in the DR Overlay District on property that abuts Main Street or Old Rand Road, subject to the issuance of a special use permit as provided in chapter 19 of this title:

1. Drinking places (5813) accessory to permitted eating places, or accessory to a special use granted at subsection 9-4-3J1 of this title and this section.

2. Garden supplies, tools, and nursery stock stores (526) in existence and operation within the B-2 Central Business District as of January 1, 2004.

3. Outdoor seating accessory to permitted eating places, or accessory to a special use granted at subsection 9-4-3J1 of this title and this section.

4. Live entertainment accessory to permitted eating places, or accessory to a special use granted at subsection 9-4-3J1 of this title and this section.

5. Beauty shops (723), barbershops (724), and full service beauty and health spas.

6. Theatrical producers (except motion picture) (792).

7. Such other Retail Sales Tax generating uses as the Board of Trustees determines are consistent with the uses stated in this subsection A and in subsection 9-7D-4A of this article and that are consistent with and promote the goals and purposes set forth in section 9-7D-1 of this article.

In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual", the

North American industry classification system, and chapter 15 of this title.

B. Special Uses Above First Story Abutting Main Street Or Old Rand Road: The following uses and no others may be authorized above the first story (that is, not at street level) of any building in the DR Overlay District on property that abuts Main Street or Old Rand Road, subject to the issuance of a special use permit as provided in chapter 19 of this title:

Such services uses as the Board of Trustees determines are consistent with and promote the goals and purposes set forth in section 9-7D-1 of this article.

In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual", the North American industry classification system, and chapter 15 of this title. (Ord. 2019-01-291, 1-7-2019; amd. Ord. 2020-07-372, 7-6-2020)

9-7D-6: LIMITATIONS ON USES:

In addition to the limitations established in sections 9-7D-4 and 9-7D-5 of this article, the Board of Trustees shall have the authority to limit, specifically or generally, the types of retail, office, or service uses that are authorized within the DR Downtown Redevelopment Overlay District. The Board of Trustees shall have the authority to place any condition on any such uses as the Board of Trustees determines is appropriate, consistent with the goals and purposes of the DR Overlay District set forth in section 9-7D-1 of this article. (Ord., 10-2004)

9-7D-7: SPECIAL DEVELOPMENT AND USE REGULATIONS; CONFLICTS:

All development and uses of all property within the DR Downtown Redevelopment Overlay District shall be consistent with the downtown redevelopment master plans, as determined by the Board of Trustees. The downtown redevelopment master plans shall include all of the following:

A. Master Plans:

1. The set of various plans and drawings titled "Lake Zurich Lakefront Corridor Project" prepared by Lucien Lagrange Architects, dated February 17, 2004, and numbered 1 through 32, copies of which are on file in the village clerk's office.

2. The "Redevelopment Guidelines For Downtown Lake Zurich", prepared originally in April 2003, and revised and dated February 5, 2004, copies of which are on file in the village clerk's office.

3. Such other standards for development and use that the board of trustees may adopt by ordinance from time to time. (Ord., 10-2004)

B. Additional Standards: From time to time the board of trustees may adopt, by ordinance, additional standards for development and uses within the DR overlay district. Such standards shall apply and control within the DR overlay district as provided by the board of trustees. (Ord. 2012-08-852, 8-20-2012)

C. Special Exterior Appearance And Design Standards: In addition to compliance with subsections A and B of this section and with all other applicable exterior appearance standards, the board of trustees shall consider and evaluate all development and use of all property within the DR overlay district guided by the standards established by the downtown redevelopment master plans, including, without limitation, location, bulk, height, architectural design, color, and consistency with the goals and purposes set forth in section 9-7D-1 of this article.

For buildings proposed within the DR overlay district near existing residential houses and taller than three (3) stories, the following standards shall apply to site plan and exterior appearance plan reviews:

1. When a building is proposed near existing residential houses, the plans shall depict how the building's design, architecture, landscaping, and other features are reasonable in the residential context within which the building will be located, and

2. When a building is proposed near existing residential houses and for a height of four (4) stories or greater, the application shall include information related to viability and need for the building.

Site plan review and exterior appearance review for buildings existing prior to January 1, 2004, shall be conducted in accordance with the provisions of chapters 20 and 21 of this title.

D. Master Plans Control In Case Of Conflict: In the event of any conflict between the downtown redevelopment master plans and any provision of this article or of any base district, the downtown redevelopment master plans shall apply and control. (Ord., 10-2004)

9-7D-8: ACCESSORY USES AND STRUCTURES:

Accessory uses and structures, including, without limitation, sheds, parking lots, vending machines, sales, kiosks, and garages, shall not be permitted in the DR district. The board of trustees shall have the authority to authorize an accessory use or structure in conjunction with a development approved by the board of trustees if the board of trustees finds that the proposed accessory use or structure will be consistent with the goals and purposes set forth in section 9-7D-1 of this article, will comply with the standards set forth in section 9-7D-7 of this article, and will be consistent with and promote the intent of the downtown redevelopment master plans. (Ord., 10-2004)

9-7D-9: PARKING AND LOADING REQUIREMENTS:

The parking and loading requirements applicable in the base districts set forth in sections 9-10-1 and 9-10-2 of this title shall apply to development within the DR downtown redevelopment overlay district except as may be modified for uses in the DR overlay district by ordinance duly adopted by the board of trustees. The board of trustees shall have the authority to change,

alter, vary, modify, or waive a parking or loading requirement as it applies to a development approved by the board of trustees if the board of trustees finds that the proposed development will be consistent with the goals and purposes set forth in section 9-7D-1 of this article, will comply with the standards set forth in section 9-7D-7 of this article, and will be consistent with and promote the intent of the downtown redevelopment master plans. (Ord., 10-2004)

9-7D-10: SIGN REGULATIONS:

No sign shall be permitted in the DR downtown redevelopment overlay district except only as specifically approved by the board of trustees. All signs within the DR overlay district shall be consistent with the downtown redevelopment master plans. The sign regulations applicable in the base districts set forth in the Lake Zurich municipal code shall apply on the DR overlay district only to the extent that they are consistent with the downtown redevelopment master plans. The board of trustees shall have the authority to change, alter, vary, modify, or waive any sign regulation if the board of trustees finds that a proposed sign will be consistent with the goals and purposes set forth in section 9-7D-1 of this article, will comply with the standards set forth in section 9-7D-7 of this article, and will be consistent with and promote the intent of the downtown redevelopment master plans. Signs that are not authorized by the Lake Zurich municipal code shall not be permitted in the DR overlay district except only as approved in advance by ordinance duly adopted by the board of trustees. (Ord., 10-2004)

9-7D-11: BULK, YARD, SPACE, AND PARKING STANDARDS:

The bulk, yard, space, and parking standards of the applicable base district shall apply to development within the DR downtown redevelopment overlay district except as may be specifically modified by ordinance duly adopted by the board of trustees. The board of trustees shall have the authority to change, alter, vary, modify, or waive any bulk, yard, space, or parking regulation as it applies to a development approved by the board of trustees, but only if the board of trustees finds that the proposed development will be consistent with the goals and purposes set forth in section 9-7D-1 of this article, will comply with the standards set forth in section 9-7D-7 of this article, and will be consistent with and promote the intent of the downtown redevelopment master plans.

In addition, the following standards shall apply unless changed, altered, varied, modified, or waived by the board of trustees:

- A. Minimum Lot Area: Eighteen thousand (18,000) square feet.
- B. Minimum Lot Width: One hundred feet (100').
- C. Maximum Height: District maximum except only as otherwise specifically approved by ordinance of the board of trustees, but in no event more than five (5) stories.
- D. Minimum Number Of Off Street Parking Spaces For Residential Uses: 1.2 spaces per dwelling unit. (Ord., 10-2004)
- E. Minimum Number Of Parking Spaces For Retail And Office Uses: 3.0 spaces for each one thousand feet (1,000') net floor area.
- F. All Other Parking And Loading Requirements: Compliance with requirements applicable in the base district as set forth in sections 9-10-1 and 9-10-2 of this title. Reduced parking and loading requirements may be accepted by the village in lieu of minimum standards as a condition of a special use provided that evidence of a reduced demand for parking or loading spaces is substantiated by a traffic/parking study prepared by a qualified professional engineer or planner.
- G. Parking And Loading Requirements: The board of trustees may modify parking and loading requirements for a particular development by an ordinance approved by the board of trustees. Such modifications may include, but are not limited to, adjustments or waivers of the required number of off street parking spaces in connection with a shared parking arrangement, a cooperative parking arrangement or public parking credits as defined below.
 1. Shared Parking Arrangements: Shared parking arrangement, in which two (2) or more nonresidential uses with different peak parking demands use the same off street parking spaces to meet off street parking requirements, may be approved by the board of trustees by ordinance. Prior to approval, the board of trustees must determine that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed. That determination must be based on a parking study and other evidence submitted by the applicant.
 2. Cooperative Parking Arrangements: Cooperative parking arrangements, when two (2) or more nonresidential uses located in different buildings provide their required off street parking spaces in the same parking structure or lot, may be approved by the board of trustees by ordinance. Parking within any cooperative parking arrangement must be within five hundred feet (500'), measured along a dedicated pedestrian path, to the entrance of all uses included within the arrangement. The parties to the cooperative parking arrangement must provide a binding, perpetual agreement in a form satisfactory to the village, and such other assurances as the board of trustees may require, demonstrating the continued enforceability of the cooperative parking arrangement. If a cooperative parking arrangement is no longer in force for any reason, then parking must be provided as otherwise required by this section and otherwise by this zoning code.
 3. Public Parking Credits: The board of trustees may approve, by ordinance, credits against the otherwise required off street parking, which credits will be based on the availability of public parking. The board of trustees may credit designated on street parking within five hundred feet (500'), measured along a dedicated pedestrian path, to any entrance to a use against the parking requirements, at a rate of one credit for every two (2) on street parking spaces. Parking within a public lot or structure within five hundred feet (500'), measured along a dedicated pedestrian path, of any entrance to a use may be credited against the parking requirement at a rate of one credit for every three (3) public parking spaces. (Ord. 2012-08-852, 8-20-2012)

LANDSCAPING AND LIGHTING

ARTICLE A. LANDSCAPING

SECTION:

9-8A-1: Purpose

9-8A-2: Applicability

9-8A-3: Landscaping Requirement

9-8A-4: Definition Of Standard Plant Unit

9-8A-5: Opacity Values

9-8A-6: Required Minimum Number Of Standard Plant Units

9-8A-7: Calculation Of Required Plant Units

9-8A-8: Credit For Existing Plant Materials

9-8A-9: General Standards Applicable To All Landscaping

9-8A-10: Parking Lots And Garages

9-8A-11: Refuse Containers; Outdoor Storage

9-8A-12: Antennas And Antenna Support Structures

9-8A-13: Rooftop Mechanical Equipment

9-8A-1: PURPOSE:

This article establishes the standards for placement of landscaping materials along lot lines and around certain uses, in a manner that will preserve and promote the character of the village and that will minimize the potential adverse impacts on adjacent land uses. The standards set forth herein are intended to provide flexibility in the choices of landscaping materials and the placement of those materials, but at the same time are intended to ensure that the public interests and welfare are protected at all times. (Ord. 2013-12-944, 1-6-2014)

9-8A-2: APPLICABILITY:

All development shall comply with the provisions of this article and shall provide landscaping in accordance with the provisions of this article, except the following:

A. Single-Family Lots: Development of a dwelling in any single- family residential district on a vacant lot of record existing prior to the effective date of this zoning code.

B. Previously Approved Development: Development pursuant to plans that received all required final approvals of the village prior to the effective date of this zoning code.

C. Minor Additions: Development that increases the floor area of any structure or building in an amount less than ten percent (10%) of the existing floor area. (Ord. 2013-12-944, 1-6-2014)

9-8A-3: LANDSCAPING REQUIREMENT:

Landscaping shall be required along every lot line and along the perimeter of parking lots, residential recreational facilities, and antennas and antenna support structures. The landscaping shall extend along the entire length of the lot line, right of way line, or structure in question and, unless otherwise specifically provided, shall have a width at least as wide as that specified in section 9-8A-6 of this article. The required landscaping shall include at least the minimum number of standard plant units as set forth in sections 9-8A-4, 9-8A-5, and 9-8A-6 of this article and such additional number of plant units as may be required to achieve the minimum required opacity within the required landscaped area. The requirement of landscaped yards along the perimeter of parking lots shall not apply to parking lots located in required interior side or rear yards in the industrial district. (Ord. 2013-12-944, 1-6-2014)

9-8A-4: DEFINITION OF STANDARD PLANT UNIT:

For the purposes of this article, the term "standard plant unit", which has five (5) alternatives, is defined as follows:

STANDARD PLANT UNIT

Standard Plant Unit Alternative	Number, Type, And Size Of Plants Per Unit
Unit A	1 3-inch caliper canopy tree; and 2 2-inch caliper understory trees; and 9 3-foot high shrubs

Unit B	1 3-inch caliper canopy tree; and 1 2-inch caliper understory tree; and 2 6-foot high evergreens
Unit C	1 3-inch caliper canopy tree; and 5 3-foot high shrubs; and 2 3-foot high potted evergreens
Unit D	3 6-foot high evergreens; and 15 3-foot high shrubs
Unit E	2 3-inch caliper canopy trees; and 9 3-foot high shrubs

Each standard plant unit alternative is intended to be similar in landscape value to the other four (4) standard plant unit alternatives. Five (5) alternative standard plant units are provided so that an applicant has flexibility to use different approaches in different applications. In general, one "canopy" (or "shade") tree is equivalent to three (3) "understory" trees or to two (2) evergreen trees. The board of trustees may reduce the required number of plants per unit as part of any exterior appearance review or site plan review, but only if the applicant provides some plants larger than the sizes required for that standard plant unit. (Ord. 2013-12-944, 1-6-2014)

9-8A-5: OPACITY VALUES:

A. Lot Line Landscaped Areas: Except for the areas within the B-2 zoning district, every area along a lot line not abutting a street shall be landscaped with at least the number of standard plant units set forth in section 9-8A-6 of this article necessary to achieve the following required levels of opacity. Opacity levels are expressed in percentages, with zero percent (0%) being completely transparent and one hundred percent (100%) being completely opaque. The opacity levels provided for the B-2 zoning district shall apply only for the purpose of determining the applicable required opacity level for a lot abutting a lot classified in the B-2 zoning district, and not for the B-2 lot itself.

Zoning District Of Proposed Development	Zoning District Of Abutting Property													
	R-1/2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	O-1	O-2	O-3	I	OS	IB
R-1/2	0	0	0	0	10	50	20	50	30	30	50	50	20	30
R-3	0	0	0	0	10	50	20	50	30	30	50	50	20	30
R-4	0	0	0	0	10	50	20	50	30	30	50	50	20	30
R-5	0	0	0	0	10	50	20	50	30	30	50	60	20	30
R-6	20	20	20	20	20	60	30	70	20	30	60	70	40	40
B-1	60	60	60	60	70	10	10	20	20	20	30	40	30	30
B-2	50	50	50	50	30	10	10	20	20	20	30	40	30	30
B-3	60	60	60	60	50	30	10	10	30	40	40	40	40	30
O-1	40	40	40	40	30	30	20	20	10	10	30	60	40	30
O-2	50	50	50	50	40	30	20	20	10	10	20	70	40	30
O-3	60	60	60	60	50	30	30	30	30	30	10	70	40	30
I	80	80	80	80	70	40	40	40	50	60	70	20	30	40
OS	10	10	10	10	15	15	15	20	10	15	20	30	10	20
IB	30	30	30	30	40	20	20	30	30	30	30	40	20	10

B. Street Line Landscaped Areas: Every area along a lot line abutting a street shall be landscaped with at least the number of standard plant units set forth in section 9-8A-6 of this article necessary to achieve the following required levels of opacity. Opacity levels are expressed in percentages, with zero percent (0%) being completely transparent and one hundred percent (100%) being completely opaque. Every lot created in an R-1/2, R-3, R-4, or R-5 district after January 1, 1994, shall comply with the standards for local residential streets and shall have at least the equivalent of one shade tree for each one hundred (100) linear feet or fraction thereof of side and rear lot lines and a minimum landscaped area width of three feet (3') along interior side and rear lot lines.

Zoning District	Arterial Street	Collector Street	Local Residential Street	Other Street
Zoning District	Arterial Street	Collector Street	Local Residential Street	Other Street
R-1/2	30	20	10	10
R-3	30	20	10	10
R-4	30	20	10	10
R-5	30	20	10	10
R-6	40	30	20	20
B-1	30	30	30	30

B-3	30	30	40	40
O-1	30	30	20	30
O-2	40	30	40	30
O-3	50	40	50	30
I	40	30	50	30
OS	20	15	10	20
IB	30	20	30	30

(Ord. 2013-12-944, 1-6-2014)

9-8A-6: REQUIRED MINIMUM NUMBER OF STANDARD PLANT UNITS:

Every required landscaped area shall be landscaped with at least the number of standard plant units per one hundred feet (100') of required length provided in the following table:

Required Opacity (Percent)	Minimum Required Number Of Plant Units Per 100 Feet	Minimum Landscaped Area Width (Feet)
Required Opacity (Percent)	Minimum Required Number Of Plant Units Per 100 Feet	Minimum Landscaped Area Width (Feet)
10	1	3
15	1	5
20	1.5	10
30	2	10
40	3	10
50	4	10
60	5	10
70	6	10
80	7	20
100	8	25

Landscaped area widths greater than the minimum widths established in this section may be required to achieve the required minimum levels of opacity. Such areas may vary in width around parking lots, buildings, driveways, and other authorized structures, and the minimum width requirements established in this section are not intended to create ridged, straight lines of plantings throughout the required landscaped area. (Ord. 2013-12-944, 1-6-2014)

9-8A-7: CALCULATION OF REQUIRED PLANT UNITS:

A. Lot Line Lengths: For each lot line that is more than one hundred feet (100') in length, the following rules shall apply for any fractions of one hundred feet (100'):

1. Zero to fifty feet (0 - 50'): Add one-half ($1\frac{1}{2}$) plant unit; and
2. Fifty one to ninety nine feet (51 - 99'): Add one plant unit.

Accordingly, a lot line of one hundred twenty five feet (125') in length will require the minimum applicable plant units listed in section 9-8A-6 of this article times one and one-half ($1\frac{1}{2}$). A lot line of one hundred seventy five feet (175') in length will require the minimum applicable plant units listed in section 9-8A-6 of this article times two (2).

For lot lines less than one hundred feet (100') in length, the full number of applicable plant units listed in section 9-8A-6 of this article shall be installed.

B. Plant Units: All fractional numbers of required plants shall be rounded to the next highest number. For example, if one and one-half ($1\frac{1}{2}$) plant units are required, and the applicant elects to use standard plant unit C, then the following plants are required:

1. Two (2) 3-inch caliper canopy trees ($1 \times 1.5 = 1.5$, rounded up to 2); and
2. Eight (8) 3-foot high shrubs ($5 \times 1.5 = 7.5$, rounded up to 8); and
3. Three 6-foot high potted evergreens ($2 \times 1.5 = 3$). (Ord. 2013-12-944, 1-6-2014)

9-8A-8: CREDIT FOR EXISTING PLANT MATERIALS:

Existing trees that are to be preserved may be counted as part of a required standard plant unit; provided, however, that each such tree must be located within a reasonable distance of the required landscaped area, must be clearly indicated for preservation on an approved landscape plan, must be an acceptable species and an acceptable size, must be healthy, and must be approved by the board of trustees. (Ord. 2013-12-944, 1-6-2014)

9-8A-9: GENERAL STANDARDS APPLICABLE TO ALL LANDSCAPING:

A. Containment Of Landscaped Areas: All landscaped areas located within a parking lot or adjacent to any public right of way shall be designed to properly contain all landscaping materials and to prevent encroachment by vehicles through the use of curbs, ties, depressed construction, or similar techniques.

B. Artificial Materials Prohibited: No artificial materials shall be used to satisfy the requirements of this article.

C. Location Of Landscaping Materials: Plant materials shall be selected, planted, and maintained so that such materials, at maturity, shall not interfere with utility facilities or public rights of way and related facilities. Plant materials shall be permitted to grow to their natural shapes and sizes except only if there is interference with utilities.

D. Maintenance Of Landscaping: All landscaping shall be maintained in good condition at all times. All dead, diseased, or damaged plant material shall be replaced promptly with live plant material in good condition and in quantities and sizes so that the requirements of this article are met at all times. Except for accessory uses expressly permitted to be located in required yards, all yards and open space, whether or not required by this article, shall be kept free of accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance creating materials. All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds and debris. Undeveloped areas shall be mowed and kept free of accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance creating materials until developed. (Ord. 2013-12-944, 1-6-2014)

9-8A-10: PARKING LOTS AND GARAGES:

A. Parking Lot Screening: Except any parking lot owned or leased by the village, all parking lots shall be buffered and screened by a peripheral landscaped area having a width of at least ten feet (10') or the width of the required yard, whichever is less.

The provisions of this subsection A shall apply to parking lots developed prior to the effective date of this zoning code only to the extent that such parking lots have, on said effective date, unpaved area abutting them in which landscaping and screening may be installed.

B. Parking Garage Design: Every parking garage constructed after the effective date of this zoning code, other than garages accessory to single-family dwellings or garages constructed or maintained by any governmental agency, shall comply with the following design standards:

1. The exterior walls of the garages shall be such as to shield all parked vehicles from view from the exterior of the garage; and

2. When a parking structure abuts property zoned in any single-family residential district, a continuous landscape screen of ornamental trees and shrubs with a minimum height of ten feet (10') at the time of planting shall be provided along the entire length of each side of such parking structure that faces such district. (Ord. 2013-12-944, 1-6-2014)

9-8A-11: REFUSE CONTAINERS; OUTDOOR STORAGE:

A. Screening: All refuse containers and all areas of permitted outdoor storage shall be fully enclosed by an opaque fence, wall, or densely planted evergreen hedge of a height sufficient to completely screen such containers or storage areas from view from adjoining properties and public or private streets.

B. Location: No refuse containers or storage areas shall be located between any principal structure and either its front or corner side lot line.

C. Exemption: The requirements of subsection A of this section shall not apply to standard receptacles permitted for use by single-family dwellings. None of the requirements of this section shall apply to receptacles placed and maintained for use by the general public to avoid littering.

D. Existing Refuse Containers And Storage Areas: All existing refuse containers or storage areas, except those exempted in subsection C of this section, shall be screened in accordance with the standards of subsection A of this section on or before January 1, 2004. (Ord. 2013-12-944, 1-6-2014)

9-8A-12: ANTENNAS AND ANTENNA SUPPORT STRUCTURES:

Ground mounted antennas and antenna support structures, except such antennas and antenna support structures as are permitted pursuant to subsection 9-9-1C7 of this title, shall be buffered and screened by a perimeter landscaped area equal in width to the applicable required yard or ten feet (10'), whichever is more, and consisting of a densely planted evergreen hedge of not less than six feet (6') in height, in combination with other landscaping materials. Such screening shall be provided between any such ground mounted antenna or antenna support structure and each lot line of the property on which such antenna or antenna support structure is located so as to provide the maximum reasonably achievable screening, as determined by the village manager, of such antenna and antenna support structure from view from adjacent properties and public or private streets. See subsections 9-9-1C6 and C7 of this title for additional requirements applicable to antennas and antenna support structures. (Ord. 2013-12-944, 1-6-2014)

9-8A-13: ROOFTOP MECHANICAL EQUIPMENT:

A. All Districts Other Than The Industrial District: In all zoning districts other than the industrial district, all mechanical equipment located on the roof of any building, except for antennas, vent pipes, chimneys, and exhaust fans, shall be fully screened by a parapet wall or similar structure to a point not less than twelve inches (12") higher than the highest point of such equipment. This requirement shall apply, without limitation, to a newly constructed building, to all newly installed equipment whether on a new building or an existing building, and to any building to which significant changes to the exterior of the building are made. The parapet wall or similar structure shall be made of the same materials as the principal facade of

the building except only if other materials are approved in advance by the village manager.

B. Industrial District:

1. General Requirement: All mechanical equipment located on the roof of any building, other than antennas, vent pipes, chimneys, and exhaust fans, shall either be located in such a position, or shall be fully screened, so that the equipment shall not be visible from any point located at the end of an eighty foot (80') line drawn at a ninety degree (90°) angle in any direction from any exterior wall of the building at an elevation five feet (5') above the grade at the base of the exterior wall at the point where the line is drawn.

2. Material, Color, And Texture Of Screening: The screening wall or other structure shall be constructed of: a) the same material as the principal facade of the building, or b) material having the same color and texture as the principal facade of the building, or c) such other material as may be approved in advance by the village manager. The finished exterior surface of the screening wall or other structure shall not include wood, fabric, chainlink, or any similar material.

3. Portable Or Temporary Screening Prohibited: Portable, movable, and temporary screening walls and other structures are prohibited. The screening wall or other structure shall be securely affixed to the building or the mechanical equipment being screened.

4. Applicability: The requirements of this subsection B shall apply, without limitation, to every building constructed after January 1, 2007; to all equipment installed after January 1, 2007, whether on a new building or an existing building; and to any building to which significant changes to the exterior of the building are made after January 1, 2007. The requirements of subsection A of this section shall apply to every building and all equipment not governed by the requirements of this subsection B. (Ord. 2013-12-944, 1-6-2014)

ARTICLE B. EXTERIOR LIGHTING

SECTION:

9-8B-1: Purposes

9-8B-2: Exemption For Village Facilities

9-8B-3: Standards Applicable To Exterior Lighting

9-8B-1: PURPOSES:

The regulations established in this article are designed and intended to prevent excessive spillover of light and glare from the zoning lot on which the light source is located. The standards contained in this article are deemed to be the minimum standards necessary to prevent nuisance and adverse impacts on the public health, safety, and welfare. (Ord., 10-2004)

9-8B-2: EXEMPTION FOR VILLAGE FACILITIES:

The provisions of this article shall not apply to village owned and operated lighting and facilities or to street lighting. (Ord., 10-2004)

9-8B-3: STANDARDS APPLICABLE TO EXTERIOR LIGHTING:

All exterior lighting shall comply with the following standards:

A. Maximum Illumination At Property Lines If No Luminaire Cutoffs: When a luminaire has no cutoff, the maximum permitted illumination and luminaire height shall be as follows:

	Maximum Foot-Candles	Maximum Height
1. In all residential districts and for all residential uses regardless of district	0.20	10 feet
2. In all commercial districts	0.30	20 feet

B. Maximum Illumination At Property Lines If Luminaire Cutoff Greater Than Ninety Degrees: When a luminaire has a cutoff angle greater than ninety degrees (90°), the maximum permitted illumination and luminaire height shall be as follows:

	Maximum Foot-Candles	Maximum Height
1. In all residential districts and for all residential uses regardless of district	0.30	15 feet
2. In all nonresidential districts	0.50	35 feet

C. Maximum Illumination At Property Lines If Luminaire Cutoff Less Than Ninety Degrees: When a luminaire has a cutoff angle less than ninety degrees (90°), the maximum permitted illumination and luminaire height shall be as follows:

	Maximum Foot-Candles	Maximum Height
1. In all residential districts and for all residential uses regardless of district	0.50	20 feet
2. In all nonresidential districts	0.50	50 feet

D. Maximum Illumination At Any Point Within Interior Of Property: The maximum permitted illumination at any time at any point within the property shall be 10.0 foot-candles.

E. Prevention Of Direct Glare: All exterior lighting shall be so arranged as to prevent direct glare of beams to any point off of the property.

F. Residential Recreational Facilities: Residential recreational facilities shall not be illuminated by lighting fixtures exceeding fifteen feet (15') in height. (Ord., 10-2004)

CHAPTER 9

ACCESSORY USES; TEMPORARY USES; HOME OCCUPATIONS

SECTION:

9-9-1: Accessory Structures And Uses

9-9-2: Temporary Uses

9-9-3: Home Occupations

9-9-1: ACCESSORY STRUCTURES AND USES:

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

B. Definition: An "accessory structure or use" is a structure or use that:

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

C. Special Regulations Applicable To Particular Accessory Structures And Uses:

1. Storage:
 - a. General Regulations: Except as otherwise expressly permitted by this Zoning Code, outdoor storage shall not be allowed as an accessory use. When so permitted, such storage shall be screened as required in chapter 8, article A of this title.
 - b. Garages: No garage shall exceed seven hundred twenty (720) square feet in gross floor area. No garage shall extend to a height taller than the principal structure to which it is accessory or the otherwise permitted height, whichever is less. Not more than one detached garage shall be permitted on any zoning lot.
 - c. Other Accessory Structures: No accessory storage structure other than a garage shall exceed one hundred twenty (120) square feet in gross floor area if it is accessory to a residential use. Nor shall any such structure exceed ten percent (10%) either of the floor area or of the volume of the principal structure if such structure is accessory to any other type of principal structure.
 - d. Seasonal Materials, Supplies, And Equipment: All seasonal maintenance materials, supplies, and equipment, including, without limitation, salt or other snow melting material; snow removal equipment; landscaping materials, supplies, and equipment; and plows, blades, heavy trucks, and similar equipment, shall be stored only in areas entirely outside the view of all public rights-of-way or in a location approved in writing in advance by the Director of Building and Zoning.
2. Residential Recreational Facilities: Residential recreational facilities shall be limited to use by the occupants of the principal residential use and their guests and shall not be illuminated by lighting fixtures exceeding fifteen feet (15') in height.
3. No Accessory Parking In Single-Family Residential Districts: Parking lots shall not be permitted as an accessory use in any single-family residential district.

4. **Parking Of Vehicles In All Residential Districts:** In any residential district, no vehicle may be parked except in a fully enclosed structure unless that vehicle complies with the standards set forth in this subsection C4. For purposes of this subsection C4, "parked" shall mean the standing of a vehicle, regardless of whether the vehicle is occupied, other than when the vehicle is temporarily and actually engaged in loading or unloading merchandise or passengers.

a. **Vehicle Restrictions:** Except as provided in subsection C4b of this section, no vehicle may be parked in a residential district unless that vehicle meets all of the following standards:

(1) **Vehicle Classification:** The vehicle shall be classified in, and shall have on proper display a sticker reflecting, one of the following current Illinois vehicle registrations or equivalent or an equivalent registration issued by another state:

- (A) Motorized pedal cycle,
- (B) Motor driven cycle,
- (C) Motorcycle,
- (D) Passenger car,
- (E) Taxi,
- (F) Livery,
- (G) B registration plate,
- (H) D registration plate,
- (I) Trailer, or
- (J) Recreational vehicle.

(2) **Vehicle Weight:** The vehicle shall not exceed a gross vehicle weight of ten thousand (10,000) pounds. See subsection C4b of this section for exceptions related to certain vehicles.

(3) **Vehicle Height:** No portion or element of the vehicle shall exceed a height of eight feet (8') from the ground to its highest point including, without limitation, any cargo box or other permanently mounted equipment; provided, however, that ladder racks, warning lights, and antennas shall not be included in the measurement of height. Height shall be measured with the vehicle's tires properly inflated. See subsection C4b of this section for exceptions related to certain vehicles.

(4) **Vehicle Length:** The vehicle shall not exceed a length of twenty feet (20'). See subsection C4b of this section for exceptions related to certain vehicles.

(5) **Cargo Bed Standards:** For every vehicle designed to carry cargo of any kind, the cargo bed shall be fixed, with permanently mounted bed walls. All flatbed trucks, dump trucks, and stake bed trucks shall not be permitted at any time.

(6) **Restriction On Commercial Identification:** Not more than one vehicle with any exterior marking in excess of one square foot in area identifying or advertising a commercial enterprise shall be stored in any parking area on any lot in a residential district, nor shall any such vehicle be stored in any required front or corner side yard. For purposes of this paragraph, the term "storage" shall mean the parking of a vehicle for any continuous twenty four (24) hour period.

b. **Exceptions:** The following vehicles shall not be subject to the restrictions set forth in subsection C4a of this section:

(1) **Pickup Trucks And Sports Utility Vehicles:** A vehicle commonly known as a pickup truck or sports utility vehicle whose principal use is for conveyance of passengers and which vehicle conforms to all requirements of the Illinois vehicle code shall be exempt from height and length restrictions set forth in subsections C4a(3) and C4a(4) of this section.

(2) **Recreational Vehicles Including A Boat:** A recreational vehicle including a boat that is less than thirty feet (30') in length, and eight feet (8') in width, and eleven feet (11') in height may be stored anywhere on the lot except in any required front or side yard. A recreational vehicle including a boat that is greater than thirty feet (30') in length, eight feet (8') in width, eleven feet (11') in height may be parked anywhere on a lot during the period from May 1 through October 31 of any year, so long as it is not within any required front or side yard or within five feet (5') of any lot line or any vehicular or pedestrian right of way. A recreational vehicle including a boat must be stored only on an asphaltic or cement pavement surface.

(3) **Oversized Livery Vehicles:** An oversized livery vehicle, commonly known as a stretch limousine, that is used or intended to be used for the transportation of persons for hire shall not be subject to the length restrictions set forth in subsection C4a(4) of this section.

(4) **Service, Emergency, And Utility Vehicles:** The following vehicles shall be exempt from the weight, height and length restrictions set forth in subsections C4a(2), C4a(3), and C4a(4) of this section, but only while engaged in their customary business use: garbage trucks, school buses, utility company vehicles, government owned vehicles, emergency vehicles conducting emergency operations, service trucks, landscaping vehicles, vehicles servicing a construction site, delivery trucks, and moving vans (while loading or unloading).

(5) **Temporary Authorizations:** A vehicle for which a request of a Lake Zurich resident for parking authorization has been made on the same day, and the Lake Zurich Police Department has authorized the parking of that vehicle. Such authorization shall be for one day only. The number of authorizations from a particular address may not exceed ten (10) in any calendar year.

c. General Parking Restrictions:

- (1) Surface: All vehicles shall be parked on an asphaltic or cement pavement surface.
- (2) Permanent Location Prohibited: No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its ready removal.
- (3) Residential Use Prohibited: No vehicle shall be used for living, sleeping, or housekeeping purposes.
- (4) Utility Hookups: No vehicle shall be connected to any public utility except for required servicing.
- (5) Unsafe Conditions: No vehicle shall be parked so as to create a dangerous or unsafe condition. The ground under or surrounding the location of the parked vehicle shall be free of noxious weeds, debris, and combustible material.
- (6) Parking In Parking Lots: No commercial or recreational vehicle shall be parked or stored in a residential parking lot. No other vehicle shall be stored in a residential parking lot. For purposes of this paragraph, the term "storage" shall mean the parking of a vehicle for any continuous twenty four (24) hour period. For purposes of this paragraph, the term "commercial vehicle" shall mean any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire, but not including a commuter van, a vehicle used in a ride sharing arrangement when being used for that purpose, or a recreation vehicle not being used commercially.
- (7) Location Of Parking In A Parking Area: No vehicle shall be parked in a parking area located in the required front and side yards unless on a driveway.

d. Penalty:

- (1) General Penalty Applies: The general penalties stated in this Zoning Code shall apply to any violations of any provisions of this subsection C4.
 - (2) Separate Offenses: A separate violation shall be deemed to have been committed on each day on which a violation occurs or continues. (Ord. 2013-12-944, 1-6-2014)
 - (3) Payment In Lieu Of Prosecution: Any person to whom a citation has been issued who is no longer in violation may avoid prosecution by making payments to the Village pursuant to title 13, chapter 1, "Fee Schedule", of the Lake Zurich Municipal Code. (Ord. 2013-12-944, 1-6-2014; amd. Ord. 2018-12-279, 12-3-2018)
5. Storage Of Inoperable Vehicles: No vehicle incapable of being driven or used for the purpose or use for which it was designed, other than a vehicle awaiting timely repair at an automotive repair shop, gasoline service station, or new or used car dealer, shall be stored in any parking lot or parking area in the Village.
6. Antennas With Surface Areas Of Ten Square Feet Or Less: Antennas and antenna support structures having a combined surface area not greater than ten (10) square feet, and no single dimension exceeding twelve feet (12'), shall be permitted as an accessory use.
7. Antennas, Other Than Amateur Radio Facilities, With Surface Areas Exceeding Ten Square Feet: Except for amateur radio facilities permitted pursuant to subsection C8 of this section, antennas and antenna support structures having a combined surface area greater than ten (10) square feet, or having any single dimension exceeding twelve feet (12'), shall be permitted as an accessory use only in compliance with the following regulations:
- a. Number Limited: No more than one such antenna and antenna support structure may be located on any zoning lot; provided, however, that one such antenna and antenna support structure may be permitted for each use on a zoning lot in the B-2 or B-3 District up to a maximum of five (5) such antennas and antenna support structures on such zoning lot. The limitations of this subsection C7a shall not apply to cable television services in the industrial districts.
 - b. Height Limited: No such antenna or antenna support structure shall exceed twelve feet (12') in height unless such antenna and antenna support structure is attached to a building pursuant to subsection C7c of this section.
 - c. Attachment To Buildings Limited: No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
 - (1) Size: The antenna and its support structure shall not exceed fifteen (15) square feet in area or twelve feet (12') in any dimension.
 - (2) Height: The antenna and its support structure shall not extend more than eight feet (8') above the highest point of the building on which it is mounted or exceed the maximum permissible building height, whichever is less.
 - (3) Visibility: The antenna and its support structure shall not be visible from any point located at the end of an eighty foot (80') line drawn at a ninety degree (90°) angle in any direction from any exterior wall of the building at an elevation five feet (5') above the grade at the base of the exterior wall at the point where the line is drawn.
 - (4) Mounting: The antenna and its support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of eighty (80) miles per hour without the use of supporting guywires.

(5) Color: The antenna and its support structure shall be a color that blends with the roof or building side on which it is mounted.

(6) Grounding: The antenna and its support structure shall be bonded to a grounding rod.

(7) Other Standards: The antenna and its support structure shall satisfy such other design and construction standards as the Director of Building and Zoning reasonably determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.

d. Setback From Street: No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

e. Guywires Restricted: No guy or other support wires shall be used in connection with such antenna or its support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.

f. Screening: See chapter 8 of this title for landscaping and screening requirements applicable to ground mounted antennas.

g. Site Plan Review: See chapter 20 of this title for site plan review requirements.

8. Amateur Radio Facilities With Surface Area Exceeding Ten Square Feet: Any antenna and antenna support structure having a combined surface area greater than ten (10) square feet or having any single dimension exceeding twelve feet (12') that is capable of transmitting as well as receiving signals and is licensed by the federal communications commission as an amateur radio facility must satisfy each of the following conditions:

a. Number Limited: No more than one such antenna support structure with a surface area greater than ten (10) square feet or any single dimension exceeding twelve feet (12') may be located on any zoning lot.

b. Height Limited: No such antenna support structure shall, if ground mounted, exceed sixty five feet (65') in height or, if attached to a building pursuant to subsection C8c of this section, the height therein specified.

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

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

(2) Visibility: The antenna and its support structure shall not be visible from any point located at the end of an eighty foot (80') line drawn at a ninety degree (90°) angle in any direction from any exterior wall of the building at an elevation five feet (5') above the grade at the base of the exterior wall at the point where the line is drawn.

(3) Mounting: The antenna and its support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of eighty (80) miles per hour without the use of supporting guywires.

(4) Grounding: The antenna and its support structure shall be bonded to a grounding rod.

(5) Other Standards: The antenna support structure shall satisfy such other design and construction standards as the village manager reasonably determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.

d. Setback From Street: No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

e. Setbacks From Adjacent Buildings: No such antenna or its support structure shall be located in any required side yard or nearer than one-half ($\frac{1}{2}$) the height of the antenna and support structure to any habitable building on any adjacent property.

f. Site Plan Review: See chapter 20 of this title for site plan review requirements.

9. Exterior Lighting: Any permitted accessory lighting fixtures shall be so designed, arranged, and operated as to prevent direct glare and direct rays of light from being cast onto any adjacent public or private property or street and so as not to produce excessive sky reflected glare. See chapter 8, article B of this title for additional standards applicable to exterior lighting.

10. Uses Subject To Special Restrictions: When the district regulations of this zoning code require compliance with any procedures or standards with respect to a specific use, such use shall not be established as an accessory use except in compliance with those procedures and standards.

11. Playhouses: Recreational structures, such as playhouses and similar structures, shall not exceed one hundred (100) square feet in gross floor area, and shall not exceed ten feet (10') in height.

D. Use, Bulk, Space, And Yard Regulations: Except as expressly provided otherwise in this section, every accessory

structure and use shall comply with the use, bulk, space, and yard regulations made applicable to them by the regulations of the district in which they are located.

E. Use Limitation: No accessory structure or use shall be constructed, established, or maintained on any lot prior to the substantial completion of construction of the principal structure to which it is accessory. (Ord. 2013-12-944, 1-6-2014)

9-9-2: TEMPORARY USES:

A. Authorization: Subject to the limitations of this section, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified. All temporary uses shall be approved by the village manager except as otherwise specifically provided in subsection D of this section.

B. Definition: A "temporary use" is a use that:

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

C. Village Approval Required; Special Standards For Approval And Revocation Of Approval:

1. Approval Required: Except as provided in subsection D1 of this section, no temporary use shall be established or maintained unless approved by the village manager or, if specifically required in the regulations of this section, by the board of trustees. Permitted temporary uses of public owned or leased buildings and property shall be exempt from this requirement.

2. Bases For Denial: Approval may be denied if the village manager determines that the applicant has failed to comply with the terms or conditions of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of all village ordinances regulating the development, use, and maintenance of the property. Approval shall be denied if the village manager determines that the public health, safety, or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.

3. Conditions On Approval: Any approval may be conditioned on such special requirements as the village manager may determine are necessary to achieve the purposes of this zoning code and to protect the public health, safety, and welfare.

4. Revocation Of Approval: Any approval shall be revoked if any of the standards and conditions imposed pursuant to this section are violated.

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

1. House, apartment, garage, and yard sales in any residential district. Such use shall be limited to a period not to exceed three (3) consecutive days, and no more than two (2) such sales shall be conducted from the same residence in any twelve (12) month period.

2. Indoor and outdoor art, craft, rummage, and plant shows, exhibits, and sales. In any business, office, industrial, open space, or institutional building district; provided, however, that any such use shall require the specific review and approval of the village manager on the bases of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Every such sale shall be limited to a period not to exceed three (3) days.

3. Farm product sales. In any business, office, or industrial district, but only in compliance with the following conditions:

a. Seller Produced Goods Only: No product may be exhibited or offered for sale except those products grown or produced by the person offering them for sale.

b. Number And Duration Of Sales Limited: Not more than one such farm product sale shall be conducted on the same premises in any seven (7) day period. Every such sale shall be limited to a period not to exceed eight (8) consecutive hours.

4. Christmas tree sales. In any business or industrial district; and, when conducted by a not for profit religious, philanthropic, or civic group or organization on property owned or leased by such group or organization, in any office, open space, or institutional building district; provided, however, any such use shall require the specific review and approval of the village manager on the bases of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard requirements of this zoning code, except that no tree shall be displayed within the sight triangle defined in subsection 4-2-1-3C of the Lake Zurich municipal code.

5. Contractors' offices and equipment sheds. In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project or one year, whichever is less, except with the prior approval of the village manager.

6. Real estate offices, including model units. In any district when accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.

7. Carnivals and circuses. In any nonresidential district; provided, however, that any such use shall require the specific review and approval of the village manager on the bases of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days. Such use need not comply with the yard requirements of this zoning code. Such use need not comply with the maximum height requirements of this zoning code. Any concessionaire responsible for the operation of any such carnival or circus shall:

- a. Submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead end aisles; and
- b. Provide fire extinguishers of a type and at site locations approved by the village manager; and
- c. Provide and service refuse containers in the number and locations required by the village manager; and
- d. Provide for a thorough cleanup of the site upon termination of the event; and
- e. Upon written notice from the village manager, terminate the use of any amusement device or structure found by the manager to pose a threat to the public safety.

8. Tents. In any district, in connection with any permitted, accessory, temporary, or special use.

No tent shall be allowed to remain for a period of more than four (4) days. Unless waived in writing by the village manager, every tent shall comply with the bulk, space, and yard requirements applicable to accessory uses pursuant to subsection 9-9-1D of this chapter.

9. Sidewalk sales. In the B-1, B-2, and B-3 districts but only with respect to:

- a. The display and sale of plant materials during the period of March 1 through September 30 (but in no event for more than 90 successive days or more than 180 days during any calendar year); or
- b. An areawide sidewalk sale involving substantially all of the merchants on abutting, similarly zoned lots for a period not in excess of four (4) successive days;

provided that the village manager determines that such sales will not unduly interfere with pedestrian traffic.

10. Outdoor display of retail merchandise. In the B-1, B-2, and B-3 districts, but only after the specific review and approval of the village manager on the bases of public safety, interference with vehicular or pedestrian traffic, and absence of undue adverse impacts. Such use shall not occur more than four (4) times in any calendar year, and no such use shall continue for a period in excess of thirty (30) successive days.

11. Civic uses of public property. In any district, any civic use of any public buildings or property when authorized by the governmental agency owning or controlling such property; provided that the village manager determines that such use will not result in any undue interference with vehicular or pedestrian traffic or any undue adverse effect on neighboring streets or property.

12. Others. In any district, any other temporary use consistent with the purposes of this zoning code and with the regulations of the district in which such use would be located; provided, however, that any such use shall require the specific prior approval of the board of trustees.

E. Bulk, Space, And Yard Regulations: Except as expressly provided otherwise in subsection D of this section, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.

F. Use Limitations:

1. General Limitations: Every temporary use shall comply with the limitations made applicable to specified temporary uses by subsection D of this section. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area, as a whole, in which it is located.

2. Hours And Days Of Operation: No temporary use shall be operated during any hours or on any days of the week except such as are designated by the village manager on the basis of the nature of the temporary use and the character of the surrounding area.

3. Public Safety: No temporary use shall be permitted that will result in an undue on site or off site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as the village manager may require in connection with such certification.

4. Traffic: No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.

5. Conflicts With Other Temporary Uses: No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

6. Sign Limitations: Except as otherwise expressly authorized by the Lake Zurich municipal code, signs shall be located only on the same zoning lot as the temporary use, be limited to no more than one per street frontage, be set back at least six feet (6') from the front lot line, be no larger than six (6) square feet in area in any residential district or twenty (20) square

feet in area in any other district, be of sturdy construction, and not be detrimental to the character of the area. Such signs shall not be erected sooner than twenty four (24) hours before the commencement of the temporary use and shall be removed within twenty four (24) hours following the termination of the temporary use.

7. Parking: Before approving any temporary use, the village manager or board of trustees, as applicable, shall make an assessment of the total number of off street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off street parking is provided. No temporary use shall be authorized that would, in the opinion of the manager, unreasonably reduce the amount of off street parking spaces available for use in connection with permanent uses located on the zoning lot in question.

8. Restoration: All premises and property shall be restored to a clean and good condition and to a condition at least equal to the condition present immediately prior to establishment of the temporary use. All damage to any premises or property, whether public or private, shall be immediately repaired by the applicant.

9. Additional Conditions: Every temporary use shall, in addition, comply with, and the village manager may impose, such other conditions as may reasonably be necessary to achieve the purposes of this zoning code or to protect the public health, safety, and welfare. (Ord. 2013-12-944, 1-6-2014)

9-9-3: HOME OCCUPATIONS:

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

B. Definition: A "home occupation" is a business, profession, occupation, or trade that:

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

C. Certificate Of Zoning Compliance Required: No home occupation shall be established or maintained unless a certificate of zoning compliance shall have first been issued in accordance with the provisions of chapter 13 of this title.

D. Use Limitations:

1. Employee Limitations:

- a. The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted.
- b. No more than one employee who is not domiciled in the dwelling unit where a home occupation is conducted shall be present in connection with, or otherwise participate in the operation of, a home occupation at any one time. For the purposes of this subsection D1b, the term employee shall not include persons domiciled in the dwelling unit where such home occupation is conducted. This limitation on the number of employees shall not apply to employees who do not work at the dwelling unit devoted to such home occupation.

2. Structural Limitations:

a. No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.

b. No separate entrance shall be provided in connection with the conduct of any home occupation.

3. Operational Limitations:

a. Every home occupation shall be conducted wholly within a principal dwelling unit or permitted accessory structure; provided, however, that this subsection D3a shall not apply to a daycare home operated as a home occupation.

b. No more than a total of six hundred (600) square feet of floor area (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be specially designed, arranged, or set apart for the conduct of a home occupation; provided, however, that this subsection D3b shall not apply to a daycare home operated as a home occupation.

c. No stock in trade shall be displayed or sold on the premises of any home occupation.

d. No routine attendance of patients, clients, subcontractors, or employees (except as provided in subsection D1b of this section) associated with any home occupation shall be allowed at the premises of the home occupation except that attendance of up to eight (8) children at any one time may be allowed at a daycare home operated as a home occupation and that the attendance of up to four (4) persons at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. "Routine attendance" means that the conduct of the home occupation requires nondomiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.

e. No mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration,

heat, glare, emissions, odor, or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.

f. No outdoor storage shall be allowed in connection with any home occupation.

g. No refuse in excess of the amount allowable for regular residential pick up shall be generated by any home occupation.

h. Vehicles used in connection with any home occupation shall be subject to the requirements of subsection 9-9-1C4 of this chapter.

4. Signage And Visibility:

a. No sign shall advertise the presence or conduct of the home occupation.

b. No home occupation shall be in any manner visible or apparent from any public or private street.

5. Traffic Limitations: No home occupation shall generate more vehicular or pedestrian traffic than is typical of residences in the area.

6. Nuisance Causing Activities: In addition to the foregoing specific limitations, no home occupation shall cause or create any nuisance, or cause or create any substantial or undue adverse impact on any adjacent property or the character of the area, or threaten the public health, safety or general welfare, or be noxious, offensive, or hazardous.

7. Licensing Requirements: Every home occupation shall be subject to applicable business licensing and inspection requirements, and shall comply with all applicable Federal, State, and local laws and regulations, including, without limitation, obtaining, maintaining, and complying with regulations applicable to any required Federal, State, or local license or permit. (Ord. 2013-12-944, 1-6-2014)

CHAPTER 10

PARKING AND LOADING

SECTION:

9-10-1: Off Street Parking

9-10-2: Off Street Loading

9-10-1: OFF STREET PARKING:

A. Authorization: Subject to the limitations of this section and subsections 9-9-1C3, C4, and C5 of this title, off street parking is permitted as an accessory use in all districts. Off street parking as a principal use is permitted only when expressly authorized by the regulations applicable to the district in question. No person shall provide off street parking in excess of the requirements established in this section except in compliance with the provisions of subsection G of this section.

B. General Requirements:

1. Applicability To Existing, New, And Expanded Uses:

a. General Applicability: Except as provided otherwise in this subsection B1, the provisions of this section shall apply to, and off street parking spaces sufficient to satisfy the requirements of this section shall be provided for, all existing and new uses, in accordance with the provisions of chapters 11 and 23 of this title.

b. Change In Existing Use: Whenever a use existing on the effective date of this zoning code is changed thereafter to a new use, parking facilities shall be provided as required herein for such new use; provided, however, that when any such existing use was deficient in required parking spaces on such effective date, such new use may be established with a deficiency in required parking spaces equal in number to not more than such preexisting deficiency.

c. Increase In Use Intensity: Whenever the intensity of use of any structure or use is increased through the addition of dwelling units, floor area, seating capacity, or other units of measurement specified herein for required parking spaces, parking spaces as required herein shall be provided for such increase in intensity of use; provided, however, that this regulation shall not apply to the addition of dwelling units in any structure in the B-2 central business district.

d. Exceptions:

(1) Minor Additions: Notwithstanding the foregoing provisions of this subsection B1, no building or use lawfully existing on the effective date of this zoning code, or any amendment to it establishing parking requirements with respect to such structure or use, shall be required to provide any additional parking spaces pursuant to this subsection B1 unless and until the aggregate increase in the units of measurement by which the parking requirement is calculated shall equal ten percent (10%) or more of the units of measurement required upon such effective date, in which event parking spaces as required herein shall be provided for the total aggregate increase.

(2) Nonconforming Locations And Designs: Nothing in this subsection B1 shall be construed to prohibit the

continued utilization of any parking space as an accessory use to any structure or use for parking of a vehicle that may lawfully be parked in such space solely because such space does not satisfy the location or design requirements of this zoning code, or any amendment to it, if such space was validly in use as an accessory use to such structure or use on the effective date of this zoning code or such amendment.

2. Location Of Required Parking Spaces:

a. General Rule: Except as provided in subsections B2c and B2d of this section, parking spaces required by this section shall be located on the same zoning lot as the use to which they are accessory.

b. In Residential Garage: At least two (2) of the parking spaces required by this section for each residential dwelling unit shall be located in an enclosed garage.

c. Parking For Townhouses:

(1) Townhouses: At least one of the parking spaces required by this section for each townhouse shall be located in an enclosed garage.

(2) Multiple-Family Dwellings: Not more than two (2) parking spaces located in a garage, driveway, or other area reserved for the exclusive use of the residents of an individual dwelling unit shall be counted toward the parking spaces required pursuant to subsection F2a(1) of this section for multiple-family dwellings. Not more than two (2) spaces required by said subsection may, and at least one such space shall, be located in an area or areas available for use in common by at least three (3) such individual units. Such areas may include parking spaces located in parking areas or lots within the development in which such units are located, whether located on or off the lot on which such units are located; provided, however, that no such required space shall be located farther than three hundred feet (300'), measured along an established pedestrian circulation route, from the unit it is required to serve.

d. Deficiency Spaces: When proposed to eliminate a parking deficiency or when required because of a change in use or an increase in use intensity pursuant to subsections B1b or B1c of this section, parking spaces may be located within any district adjacent to the district in which the principal use in question is a permitted use, or within the same zoning district as, and within five hundred feet (500') of, the zoning lot on which the use to be served is located; provided, however, that such remote parking spaces may be allowed only when such remote site is covenanted to remain as parking for so long as said parking spaces are required to meet the standards of this code and only when such remote site is authorized by the regulations of the district within which it is located.

C. Design And Maintenance: Every parking area, lot, and garage shall be designed, constructed, and maintained in accordance with the standards and requirements herein set forth:

1. Location On Lot: Off street parking spaces may be provided on surface areas or lots, underground, under a building, or in parking structures. Parking lots, areas, and garages shall comply with the yard requirements made applicable to them by the regulations of the district in which they are located. See subsection 9-9-1C4 of this title for additional regulations concerning the off street storage of vehicles in residential districts.

2. Landscaping: All parking lots and garages shall comply with the landscaping requirements set forth in chapter 8, article A of this title.

3. Design: Design standards for all parking lots and garages are set forth in title 10 of the Lake Zurich municipal code.

4. Surface: Every parking lot shall be constructed with a paved asphaltic or cement surface.

D. Use: No off street parking area, lot, or garage shall be used for any purpose other than the temporary storage of motor vehicles related to the premises. No motor vehicle shall be so stored for longer than seventy two (72) hours or stored in violation of the provisions of subsections 9-9-1C4 and C5 of this title. The storage of merchandise in or outside of any motor vehicle, and the sale or commercial repair of vehicles, are prohibited.

E. Land Banking Of Required Parking:

1. Land Banking Authorized: Notwithstanding any other provision of this section, the board of trustees may reduce the total number of off street parking spaces required to be paved pursuant to subsection F of this section or the stall length and width dimension required pursuant to subsection C3 of this section, subject to acceptance by the property owner of the conditions set forth in subsections E2 through E4 of this section. The board of trustees may grant such reductions up to ten percent (10%) of the required numbers as part of a site plan review pursuant to chapter 20 of this title and may grant such reductions to any extent by special use permit granted pursuant to chapter 19 of this title.

2. Termination Of Land Banking: The board of trustees shall have the right, in its sole and absolute discretion, to require the property owner or his or her successor at any time to increase the stall length and width to the dimension required pursuant to subsection C3 of this section or to increase the number of parking spaces provided to serve said development up to the maximum required pursuant to subsection F of this section for the property in question as if no special use permit for land banking had been granted.

3. Alternate Plans Required: Every application for land banking of required parking spaces shall be accompanied by alternate detailed parking plans. One plan shall show the full stall length and width required pursuant to subsection C3 of this section and the full number of parking spaces required pursuant to subsection F of this section; the other plan shall show the reduced stall length and width or the reduced number of parking spaces or both, as the case may be, proposed to be provided pursuant to the special use permit being sought and also shall show the landscaping treatment of areas

proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for: a) wheel stops, b) markings, c) curbing, d) surfacing, e) screening and landscaping, f) lighting, g) signing, and h) access. The design plans for such parking areas shall be subject to the approval of the board of trustees.

4. Open Space Covenant: As a condition of approval of any land banking, the applicant shall file with the village manager the applicants' unconditional agreement and covenant in form and substance satisfactory to the village attorney that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off street parking pursuant to subsection E2 of this section or until such covenant is released by the board of trustees. The ordinance approving land banking, together with such agreement and covenant, shall be recorded with the recorder of deeds in Lake County, Illinois.

F. Required Spaces:

1. Computation Of Required Spaces:

a. Fractional Spaces: When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction shall require one additional parking space.

b. Capacity Calculations: When parking spaces are required on the basis of capacity, capacity shall be determined based on the occupancy standards established by the Lake Zurich building code.

c. Bench Seating: In stadia, auditoria, houses of worship, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty two inches (22") of such seating facility shall be counted as one seat for the purpose of determining the requirement for off street parking facilities under this zoning code.

d. Population Calculations: When parking spaces are required on the basis of the number of customers, students, or similar measure, the maximum number for which the structure is designed shall govern, except that when the structure has no design capacity the maximum number present at any one time shall govern. When parking spaces are required on the basis of the number of employees, the number of employees working during the largest work shift shall govern.

2. Specified Uses: For the following uses, the following minimum number of off street parking spaces or stacking spaces shall be provided:

Use	Required Spaces
a. Residential:	
	1 ¹ / ₂ for each efficiency dwelling unit plus 2 for
(1) Multiple-family dwellings	each 1- or 2-bedroom dwelling unit plus 3 for
	each 3 or more bedroom dwelling unit plus 1
(2) Single-family dwellings	for each 10 spaces required by this paragraph
(3) Senior housing	3 for each dwelling unit
	1 for each dwelling unit plus 1 for each 2
(4) Transitional service facilities	employees
	1 for each 3 beds plus 1 for each licensed
	practitioner, not including nurses and
	assistants, plus 1 for each employee
b. Retail trade:	
(1) All retail trade uses not otherwise	1 for each 200 square feet of net floor area,
listed in this subsection F2b	except 1 for each 400 square feet of net floor
(2) Gasoline service stations, not	area in the B-2 district
including minimarts	3 for each service bay plus 1 for each
(3) Car washes	employee
	5 stacking spaces leading to each washing
(4) Eating and drinking places	rack or bay plus 1 parking space for each
	employee
(5) Drive-in facilities	1 for each 3 persons of design capacity,
	except 1 for each 5 persons of design capacity
	in the B-2 district
c. Finance, insurance, and real estate	8 stacking spaces leading to each drive-in
	window
	1 for each 250 square feet of net floor area,
	except 1 for each 300 square feet of net floor
	area in the B-2 district
d. Business and professional offices: All uses	
except as otherwise listed in this	
subsection F, as follows:	

Gross square footage:		1 for each 300 square feet of net floor area in the B-2 district
0 to 10,000		1 for each 250 square feet of net floor area
10,001 to 50,000		1 for each 275 square feet of net floor area
50,001 to 100,000		1 for each 300 square feet of net floor area
100,001 or more		1 for each 335 square feet of net floor area
e.	Services:	
(1)	All services not otherwise listed in this subsection F2e	1 for each 250 square feet of net floor area, except 1 for each 300 square feet of net floor area in the B-2 district
(2)	Hotels and other lodging places	1 for each lodging room plus 1 for each 200 square feet of net floor area devoted to affiliated meeting, lobby, recreational, and administrative uses plus parking for affiliated eating and drinking places as herein specified
(3)	Motion picture theaters and auditoriums	1 for each 3 persons of design capacity
(4)	Bowling and billiard establishments	6 for each lane plus 2 for each table
(5)	Physical fitness facilities	1 for each 3 persons of design capacity
(6)	Membership sports and recreation clubs and other commercial recreation uses	1 for each 3 persons of design capacity
(7)	Health service offices	1 for each 175 square feet of net floor area
(8)	Nursing and personal care facilities	1 for each 3 beds plus 1 for each licensed practitioner, not including nurses and assistants, plus 1 for each additional 2 employees
(9)	Hospitals	1 for each 2 beds plus 1 for each active practitioner, not including nurses and assistants, plus 1 for each additional 2 employees
(10)	Elementary schools	1 for each 2 employees or 1 for each 15 students, whichever is greater
(11)	Secondary schools	1 for each 5 students or 1 for each 3 persons of auditorium design capacity, whichever is greater, plus 1 for each employee
(12)	Libraries and information centers	1 for each 250 square feet of public area plus 1 for each 3 persons of auditorium design capacity
(13)	Vocational schools, except correspondence schools	1 for each 200 square feet of net floor area
(14)	Child daycare services	1 for each employee plus 1 for each 6 children or 4 for each 1,000 square feet of net floor area, whichever is greater
(15)	Museums and art galleries	1 for each 250 square feet of public area plus 1 for each 3 persons of auditorium design capacity
(16)	Undertaking and funeral establishments	25 for first chapel or parlor plus 10 for each additional chapel or parlor
(17)	Public parks	None for the first acre; plus 5 for each additional acre up to 5 acres; plus 5 for each acre in excess of 5 acres; plus 1 for each 5 persons of design capacity of any structure or facility located in the park
(18)	Golf courses, including all related facilities	80 for each 9 holes related facilities
(19)	Membership organizations (including churches)	1 for each 250 square feet of net floor area or 1 for each 4 persons or auditorium design capacity, whichever is greater
(20)	Skating rinks	1 for each 300 square feet of net floor area
(21)	Cemeteries	1 for each acre of property

(22)	Swimming pools	1 for each 75 square feet of gross water surface area
f.	Industrial:	
(1)	Manufacturing uses	1 for each 500 square feet of gross floor area
(2)	Truck terminals	1 for each employee plus 1 for each truck regularly stored on site plus 1 for each patron to design capacity
(3)	Warehouse uses	1 for each employee plus 1 for each 6,000 square feet of gross floor area
g.	Public administration:	1 for each 250 square feet of net floor area or 1 for each 3 persons of design capacity, whichever is greater
h.	Uses conducted outside structures:	
	All uses except as otherwise specifically listed	1 space for each 1,500 square feet of outdoor area devoted to such use plus spaces as above required for any aspect of the use conducted within a structure

3. Unspecified Uses: When the ultimate use of a structure is not known, the maximum number of spaces that might be required for any use to which the structure might reasonably be devoted, as determined by the village manager, shall be provided.

G. Spaces In Excess Of Minimum Requirement: Any person may provide off street parking in excess of the requirements established in this section up to a maximum of one space or ten percent (10%) of the minimum number of off street parking spaces required by this section, whichever is greater. No person shall provide off street parking in excess of the standard set in this subsection except upon issuance of a special use permit as provided in chapter 19 of this title. (Ord., 10-2004)

9-10-2: OFF STREET LOADING:

A. Authorization: Subject to the limitations of this section, off street loading is permitted as an accessory use in all districts other than single-family residential districts. Nothing herein shall be construed to limit the right of any person to provide off street loading in excess of the requirements herein established, but all such loading shall comply with the standards of this section.

B. General Requirements:

1. Applicability To Existing, New, And Expanded Uses:

a. General Applicability: Except as provided otherwise in this subsection B1, the provisions of this section shall apply to, and off street loading spaces sufficient to satisfy the requirements of, this section shall be provided for all existing and new uses, in accordance with the provisions of chapters 11 and 23 of this title.

b. Change In Existing Use: Whenever a use existing on the effective date of this zoning code is changed thereafter to a new use, loading facilities shall be provided as required herein for such new use; provided, however, that when any such existing use was deficient in required loading spaces on such effective date, such new use may be established with a deficiency in required loading spaces equal in number to not more than such preexisting deficiency.

c. Increase In Use Intensity: Whenever the intensity of use of any structure or use is increased through the addition of dwelling units, floor area, seating capacity, or other units of measurement specified herein for required loading spaces, loading spaces as required herein shall be provided; provided, however, that this regulation shall not apply to the addition of dwelling units in any structure in the B-2 central business district.

d. Exception: Notwithstanding the foregoing provisions of this subsection B1, no building or use lawfully existing on the effective date of this zoning code, or any amendment to it establishing loading requirements with respect to such structure or use, shall be required to provide any additional loading spaces pursuant to this subsection B1 unless and until the aggregate increase in units of measurement shall equal the full number of units for which one additional loading space would be required pursuant to subsection D of this section, in which event loading spaces as required herein shall be provided for the total aggregate increase.

2. Location Of Required Loading Spaces: Loading spaces shall be located on the same zoning lot as the use they serve.

C. Design And Maintenance: Every loading space must be designed, constructed, and maintained in accordance with the standards and requirements of this subsection.

1. Location On Lot: All loading spaces must be located and arranged to provide logical and convenient access thereto from the use they serve. All loading spaces must comply with the yard requirements applicable to principal uses in the district in which they are located, except that open loading spaces may be located in a required rear yard. No loading space may be located within fifty feet (50') of the nearest point of intersection of any two (2) public or private streets. A loading space or dock may open onto any building facade facing a public right of way only pursuant to subsection C2 of this section.

2. Loading Spaces Or Docks Facing Public Streets: A loading space or dock may not open onto a building facade facing a public street except only under the following circumstances:

a. Small Zoning Lots: One loading space or one loading dock may open onto a building facade facing a public street if all of the following conditions are satisfied:

- (1) The zoning lot on which the loading space or dock is located is classified in the I industrial district.
- (2) The longest street frontage of the zoning lot is not more than four hundred feet (400') long.
- (3) The loading space or dock meets the following setback requirements:

(A) On a zoning lot with a longest street frontage of two hundred feet (200') or less, the loading space or dock is set back at least one hundred feet (100') from the lot line it faces.

(B) On a zoning lot with a longest street frontage greater than two hundred feet (200') (but not greater than 400 feet), the loading space or dock is set back at least one hundred feet (100') from that lot line and fifty feet (50') behind the building line facing that street.

b. Large, Street Bounded Zoning Lots: Up to twelve (12) loading spaces or docks may open onto a building facade facing a public street if all of the following conditions are satisfied:

- (1) The zoning lot on which the loading spaces or docks are located is located in the I industrial district;
- (2) That zoning lot is bounded on all sides by improved public streets.
- (3) That zoning lot has a single lot line abutting a public street that is at least six hundred feet (600') long.
- (4) Each loading space or dock on that zoning lot that faces a public street is set back at least one hundred feet (100') from the lot line it faces or a distance not less than the closest point of the building to that lot line, whichever is farther.
- (5) Each loading space or dock on that zoning lot that faces a public street is screened to not less than forty percent (40%) opacity by a continuous planting of evergreen conifers and ornamental trees of not less than six feet (6') in height at the time of planting as well as bushes, shrubs, and similar understory plantings.

3. Design:

a. Access To Street: Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with through traffic movements. No curb cut across public property shall exceed thirty feet (30') in width without the written approval of the village manager.

b. Maneuvering Space: Every loading space shall be provided with sufficient maneuvering space on the zoning lot where it is located to allow vehicles to access and exit the space without having to make any backing movement on or into any public or private street.

c. Surface, Drainage; Markings: Every loading space shall be surfaced with an asphaltic or portland cement pavement providing an all weather, durable, and dustless surface. Unless otherwise approved by the village engineer, such construction shall have a coefficient rating for structural materials as derived from the "Illinois Department Of Transportation Design Manual", current edition. All loading space surfaces shall be graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system connected to a public sewer system. Individual stalls shall be clearly identified by markings four inches to six inches (4" - 6") in width.

d. Lighting: All lighting shall comply with the requirements of chapter 8, article B of this title. Fixed lighting shall be so arranged as to prevent direct glare of beams onto any public or private property or streets by the use of luminaire cutoffs. All lighting shall be reduced to security levels at all times of nonuse of the loading space.

e. Space Dimensions: Each loading space, excluding required maneuvering areas, shall have the following minimum dimensions, in feet:

- | | | |
|-----|-----------------|-----------------|
| (1) | Tractor-trailer | 12W x 50L x 15H |
| (2) | Standard | 10W x 25L x 14H |

D. Required Spaces:

1. General Requirement: Loading spaces or receiving areas shall be provided in sufficient number, of sufficient size, and so located that no loading and unloading operations infringe upon any street or sidewalk.

2. Minimum Requirements: For the following uses, the following minimum number of loading spaces shall be provided:

Use	Required Spaces
a. Hotels	1 for each building with more than 10,000 square feet but less than 150,000 square feet of gross floor area plus 1 for each additional 200,000 square feet of floor area or fraction thereof

b. Multiple-family dwellings	1 for each building having in excess of 20,000 feet of gross floor area
c. Office uses	1 for each building with more than 10,000 square feet but less than 100,000 square feet of gross floor area plus 1 for each additional 100,000 square feet of gross floor area up to total of 500,000 square feet plus 1 for each additional 500,000 square feet of gross floor area or any fraction thereof
d. Food stores	1 for each building with 50,000 square feet of gross floor area or any fraction thereof plus 1 for each additional 100,000 square feet of gross floor area or fraction thereof
e. Other uses	1 for each building for the first 150,000 square feet of gross floor area or fraction thereof plus 1 for each additional 200,000 square feet of floor area or fraction thereof

Unless waived by the village manager, the first space required for any building having in excess of ten thousand (10,000) square feet shall be sized to accommodate a tractor trailer and, unless otherwise required by the manager, all other spaces may be standard size. The decision of the manager shall be based upon the anticipated needs of each particular building. (Ord. 2013-12-944, 1-6-2014)

CHAPTER 11

NONCONFORMITIES

SECTION:

9-11-1: General Provisions

9-11-2: Nonconforming Uses Of Land And Nonconforming Uses In Structures Designed For A Permitted Use

9-11-3: Nonconforming Uses In Structures Not Designed For A Permitted Use

9-11-4: Nonconforming Structures

9-11-5: Legal Nonconforming Lots Of Record

9-11-1: GENERAL PROVISIONS:

A. Purposes: This chapter regulates and limits the continued existence of uses, structures, and lots established prior to the effective date of this zoning code that do not conform to the applicable regulations of this zoning code.

The continued existence of nonconformities is frequently inconsistent with the purposes for which the zoning districts of this zoning code are established and thus the gradual elimination of such nonconformities is generally desirable.

B. General Score And Scheme Of Regulation: Separate restrictions are established for nonconforming uses of land and nonconforming uses of structures designed for a permitted use, nonconforming uses of structures not designed for a permitted use, nonconforming structures, nonconforming lots of record, and nonconforming signs. The degree of restriction made applicable to each category of nonconformity is generally related to the degree of incompatibility with permitted uses and the amount of investment typically associated with nonconformities of that type.

In the cases of nonconforming uses of land, nonconforming uses in structures designed for a permitted use, and nonconforming signs, the degree of incompatibility is frequently great, the investment is comparatively small, and the economic life is short. In these cases, elimination of the nonconformity is required after a relatively short, but reasonable, amortization period. In the case of nonconforming uses in structures not designed for any conforming use, the degree of incompatibility is also frequently great, but so too is the investment and economic life of the structure. In such cases, while eventual elimination is required, a more extended period is allowed in which to amortize the investment.

C. Exception For Repairs Pursuant To Public Order: Nothing in this chapter shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this chapter prohibiting the repair or restoration of partially damaged or destroyed structures or signs.

D. Nonconforming Accessory Uses And Structures: No use, structure, or sign that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have been terminated, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

E. Burden Of Owner To Establish Legality Of Nonconformity: The burden of establishing that any nonconformity is

lawfully existing under the provisions of this chapter shall be upon the owner of such nonconformity in all cases and not upon the village.

F. Inventory; Notice: The village manager shall inventory all existing nonconforming uses as soon as practicable. The village shall notify in writing the owner or owners of record of each such nonconforming use, which notice shall state the village manager's determination that the particular use is nonconforming and shall provide to such owner or owners a copy of the provisions of this chapter applicable to such nonconforming use.

G. Certificate Of Zoning Compliance For Legal Nonconformities: The owner of any nonconforming use, structure, lot, or sign may at any time apply to the village manager for a certificate of zoning compliance to establish the legality of such nonconformity as of a specified date. Such application shall be filed and processed pursuant to the provisions of chapter 13 of this title.

If, upon reviewing an application for a certificate of zoning compliance for a nonconformity, the village manager shall determine that the use, structure, lot, or sign in question was lawfully existing at the time of the adoption of the provision creating the nonconformity in question and remains lawfully existing subject only to such nonconformity at the time of such application, and that any required affidavit is in order, then the village manager shall issue a certificate of zoning compliance evidencing such facts and setting forth the nature and extent of the nonconformity and the date, if any, upon which such nonconformity is required to be terminated; otherwise, the village manager shall decline to issue such certificate and shall declare such building, structure, lot, or sign to be in violation of this zoning code. (Ord., 10-2004)

9-11-2: NONCONFORMING USES OF LAND AND NONCONFORMING USES IN STRUCTURES DESIGNED FOR A PERMITTED USE:

A. Authority To Continue: Except as provided in subsection I of this section, any lawfully existing nonconforming use not involving the use of a structure, or involving only a structure that is accessory to a nonconforming use of land, or located in a structure designed for a use permitted in the district in which it is located may be continued so long as it remains otherwise lawful, subject to the regulations contained in subsections B through H of this section and in subsections 9-11-1D, E, and F of this chapter.

For purposes of this section, any structure that is used in connection with a nonconforming use of land and that has an assessed value of less than five thousand dollars (\$5,000.00) on the effective date of this zoning code or any amendment hereto creating such nonconformity shall be considered to be a structure accessory to a nonconforming use of land.

B. Ordinary Repair And Maintenance: Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring, or plumbing, may be performed on any structure that is accessory to a nonconforming use of land or that is designed for a permitted use but devoted in whole or in part to a nonconforming use; provided, however, that this subsection shall not be deemed to authorize any violation of subsections C through I of this section.

C. Structural Alteration: No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be structurally altered unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located. No such alteration shall create a new parking, loading, bulk, yard, or space nonconformity or increase the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased, the provisions of subsections 9-10-1B1 and 9-10-2B1 of this title shall control.

D. Enlargement Of Structure: No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner, including the interior addition of floor area, unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located. No such enlargement shall create any new parking, loading, bulk, yard, or space nonconformity or increase the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased, the provisions of subsections 9-10-1B1 and 9-10-2B1 of this title shall control.

E. Extension Of Use: A nonconforming use of land or of a structure that is accessory to a nonconforming use of land or a nonconforming use in a structure designed for a permitted use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activity shall include, without being limited to:

1. An extension of such use, including its accessory uses, to any structure or land area other than that occupied by such nonconforming use on the effective date of this zoning code or any amendment hereto that causes such use to become nonconforming; and

2. An extension of such use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this zoning code or any amendment hereto that causes such use to become nonconforming; and

3. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this zoning code or any amendment hereto that causes such use to become nonconforming.

F. Moving: No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No nonconforming use of land shall be moved in

whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

G. Change In Use: A nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or a nonconforming use in a structure designed for a use permitted in the district in which it is located shall not be changed to any use other than a use permitted in the zoning district in which the use or structure is located. When such a nonconforming use has been changed to a permitted use, it shall not thereafter be changed back to any nonpermitted use. For purposes of this subsection, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use shall have commenced and continued for a period of five (5) days. Any change of use in violation of this subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use.

H. Damage Or Destruction: Any structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use and that is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of the cost of replacement of such structure new shall not be restored unless the use of such structure shall thereafter conform to the use regulations of the zoning district in which it is located and unless such restoration is accomplished without creating any new parking, loading, bulk, yard, or space nonconformity or increasing the degree of any parking, loading, bulk, yard, or space nonconformity existing prior to such damage or destruction. In determining whether a parking or loading nonconformity has been created or increased, the provisions of subsections 9-10-1B1 and 9-10-2B1 of this title shall control.

When any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of fifty percent (50%) or less of the cost of replacement of the structure new, repair or restoration of such structure may be made and the nonconforming use may continue subject to the regulations of this section; provided, however, that no repairs or restorations shall be made that would create any new parking, loading, bulk, yard, or space nonconformity or increase the degree of any parking, loading, bulk, yard, or space nonconformity existing prior to such damage or destruction, nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with subsections B, C, and D of this section.

I. Termination Of Certain Uses:

1. Termination By Abandonment: When a nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or when a nonconforming use of part or all of a structure that was designed for a use that is permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of three (3) consecutive months, regardless of any intent to resume or not to abandon such use, such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such land or structure is located.

Any period of such discontinuance caused by government action, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this subsection I1.

2. Termination By Amortization: Any nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land, or any nonconforming use in a structure located in any residential district and designed for a use permitted in that district, that has not been terminated pursuant to any other provision of this zoning code shall be considered to have been terminated by amortization as of December 31, 1999. (Ord., 10-2004)

9-11-3: NONCONFORMING USES IN STRUCTURES NOT DESIGNED FOR A PERMITTED USE:

A. Authority To Continue: Except as provided in subsection I of this section, any lawfully existing nonconforming use located in a structure not designed or intended for any use permitted in the district in which it is located may be continued so long as it remains otherwise lawful, subject to the regulations contained in subsections B through H of this section and in subsections 9-11-1D, E, and F of this chapter.

B. Ordinary Repair And Maintenance: Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring, or plumbing, may be performed on any structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located; provided, however, that this subsection shall not be deemed to authorize any violation of subsections C through I of this section.

C. Structural Alteration: No structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located shall be structurally altered unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. No such alteration shall create a new parking, loading, bulk, yard, or space nonconformity or increase the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased, the provisions of subsections 9-10-1B1 and 9-10-2B1 of this title shall control.

D. Enlargement Of Structure: No structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located shall be enlarged or added to in any manner, including the interior addition of floor area, unless the entire structure and the use thereof shall thereafter conform to all the

regulations of the district in which it is located. No such alteration shall create a new parking, loading, bulk, yard, or space nonconformity or increase the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased, the provisions of subsections 9-10-1B1 and 9-10-2B1 of this title shall control.

E. Extension Of Use:

1. Prohibited Extensions: A nonconforming use in a structure not designed or intended for any use permitted in the district in which such structure is located shall not be extended, expanded, enlarged, or increased in intensity by:

a. An extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this zoning code or any amendment to it that causes such use to become nonconforming; or

b. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this zoning code or any amendment to it that causes such use to become nonconforming.

2. Permitted Extensions: A nonconforming use in a structure not designed or intended for any use permitted in the district in which such structure is located may be extended throughout any part of such structure lawfully existing on the effective date of this zoning code or any amendment to it that causes such use to become nonconforming; provided, however, that such extension shall not be allowed unless off street parking and loading spaces required for such extension can be, and are, provided in accordance with the requirements and restrictions of sections 9-10-1 and 9-10-2 of this title. No such extension shall be deemed to affect the duty to terminate such use pursuant to subsection I of this section.

F. Moving: No structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located shall be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

G. Change In Use: A nonconforming use in a structure not designed or intended for a use permitted in the district in which such structure is located shall not be changed to any use other than a use permitted in the zoning district in which the structure is located or in a more restrictive zoning district. When a nonconforming use has been changed to a permitted use of the subject or more restrictive zoning district, it shall not thereafter be changed to any use other than a use permitted in the subject or more restrictive district. For purposes of this subsection, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use of the subject or more restrictive district shall have commenced and continued for a period of five (5) days. Any change of use in violation of this subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use.

H. Damage Or Destruction: Any structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located that is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of the cost of replacement of such structure new shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located and unless such restoration is accomplished without creating any new parking, loading, bulk, yard, or space nonconformity or increasing the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure existing prior to such damage or destruction. In determining whether a parking or loading nonconformity has been created or increased, the provisions of subsections 9-10-1B1 and 9-10-2B1 of this title shall control. When any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of fifty percent (50%) or less of the cost of replacement of the structure new, repair or restoration of such structure may be made and the nonconforming use may continue subject to the regulations of this section; provided, however, that no repairs or restorations shall be made that would create any new parking, loading, bulk, yard, or space nonconformity or increase the degree of any parking, loading, bulk, yard, or space nonconformity of such structure existing prior to such damage or destruction nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with subsections B, C, and D of this section.

I. Termination Of Certain Uses:

1. Termination By Abandonment: When a nonconforming use of a part or all of a structure that was not designed or intended for any use permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of six (6) consecutive months, regardless of any intent to resume or not to abandon such use, such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such structure shall comply with the use regulations of the district in which such structure is located.

Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this subsection I1.

2. Termination By Amortization: Any structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located that has not been terminated pursuant to any other provision of this zoning code shall be either converted to a conforming use or shall be demolished and removed no later than the date provided in the following schedule. The regulation in this subsection I2 shall not apply to residential uses

in the B-2 central business district, but such residential uses shall comply with every other applicable provision of this chapter.

Assessed Valuation On The Effective Date Of This Zoning Code Or Any Amendment Thereto Creating Such Nonconformity	Conversion Or Removal Within Following Stated Period After Said Effective Date
a. Less than \$5,000.00	5 years
b. \$5,000.00 or more:	
(1) Fireproof or noncombustible construction	25 years or 40 years from date of building permit, whichever is later
(2) Exterior masonry wall construction	20 years or 30 years from date of building permit, whichever is later
(3) Frame construction	10 years or 20 years from date of building permit, whichever is later

(Ord., 10-2004)

J. Exceptions For Renovation Of Certain Buildings In Residential Districts:

1. Purpose; Applicability To Qualified Buildings: The purpose of the exceptions stated in this subsection J is to encourage the preservation of old buildings in the R-3, R-4, and R-5 single- family residential districts that, in the past, were put to uses no longer authorized in the zoning districts in which they are classified and that are intended for residential use not incompatible with adjacent residential uses. This subsection applies to any building that meets all of the following standards (a "qualified building"):

- a. The building was initially constructed prior to January 1, 1900;
- b. The building was designed and used for residential uses or as a boarding house, corporate retreat center, or similar quasi- residential use;
- c. The building has been classified in the R-3, R-4, or R-5 single-family residential district continuously since January 1, 2009; and
- d. The building is being renovated for a residential use in a manner so that the exterior appearance of the building after renovation is consistent with its original character.

2. Exception From Structural Alteration Provisions Of Subsection C Of This Section: The structural alteration provisions in subsection C of this section do not apply to the renovation of a qualified building so long as that building satisfies all of the standards set forth in subsection J5 of this section.

3. Exception From Termination Provisions Of Subsection H Of This Section: Subject to the next sentence of this subsection J3, the damage or destruction provisions in subsection H of this section do not apply to a qualified building so long as that building satisfies all of the standards set forth in subsection J5 of this section. Any qualified building that is damaged or destroyed by any means may be restored only: a) in a manner consistent with the original character of the structure or b) in a manner that conforms to all of the regulations of the zoning district in which it is located, including, without limitation, use, bulk, yard, and space regulations.

4. Exception From Termination Provisions Of Subsection I Of This Section: The termination provisions in subsection I of this section do not apply to a qualified building so long as that building satisfies all of the standards set forth in subsection J5 of this section.

5. Required Standards: No exceptions stated in this subsection J may apply to any qualified building except only if all of the following standards are met:

- a. The qualified building must be renovated in a manner so that the exterior appearance of the building after renovation is consistent with its original character.
- b. The qualified building may be used only for a single-family dwelling, two-family dwellings, or multiple-family dwellings, and for no other use at any time.
- c. The minimum lot area per dwelling unit for every qualified building is twenty thousand (20,000) square feet.

The standards set forth in this subsection J5 may not be modified or varied in any manner, notwithstanding any provision of chapter 17 or 22 of this title.

6. Board Of Trustees Approval Required; Conditions: In addition to any other process or approval required by this zoning code, no qualified building may be structurally altered without the prior approval of the board of trustees by ordinance or resolution in a form suitable for recording against the zoning lot on which the qualified building is located. The board of trustees may impose conditions on the approval of a structural alteration as it deems appropriate to promote the purpose of this subsection J and to prevent an application of the provisions of this subsection J contrary to that purpose.

7. Recording: The ordinance or resolution approved by the board of trustees pursuant to subsection J6 of this section must be recorded in the office of the Lake County recorder of deeds against the zoning lot on which the qualified building is located prior to the issuance of any permit for work on the qualified building authorized by the ordinance or resolution. (Ord. 2009-11-673, 11-16-2009)

9-11-4: NONCONFORMING STRUCTURES:

A. Authority To Continue: Any nonconforming structure that is devoted to a use that is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in subsections B through D of this section and subsections 9-11-1D, E, and F of this chapter.

B. Maintenance, Alterations, And Enlargement: Any nonconforming structure may be repaired, maintained, altered, or enlarged; provided, however, that no such repair, maintenance, alteration, or enlargement shall either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.

For the purposes of this section, the horizontal extension of an exterior wall of an existing structure shall not be construed to increase the degree of an existing nonconformity related to a required side yard or setback; provided, however, that no such horizontal extension shall be permitted within five feet (5') of any side lot line.

C. Moving: No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being so moved.

D. Damage Or Destruction: Any nonconforming structure that is damaged or destroyed, by any means not within the control of the owner thereof, to any extent, may be repaired or restored; provided, however, that no repair or restoration shall be made that would create any new nonconformity not existing prior to such damage or destruction nor shall any repair or restoration except in conformity with the applicable district regulations be made unless a building permit is obtained and restoration is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion.

In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with subsection B of this section. (Ord., 10-2004)

9-11-5: LEGAL NONCONFORMING LOTS OF RECORD:

In any zoning district, a legal nonconforming lot of record may be used for any use permitted in the district in which it is located if, but only if, the following requirements are met:

A. Such lot must have a total lot area and must have a total lot width of at least sixty five percent (65%) of the lot area and lot width required in the district in which said lot is located, as follows:

DISTRICTS ¹								
	R-1/2	R-3	R-4	R-5	R-6	B-1	B-2	B-3
Area (sq. ft.)	26,000	13,000	9,750	5,612	6,500	13,000	n/a	28,314
Width (ft.)	97.5	65	58.5	46	48.75	65	n/a	97.5
	O-1	O-2	O-3	I	OS	IB	LP	
Area (sq. ft.)	n/a	6,500	28,314	13,000	9,750	9,750	n/a	
Width (ft.)	n/a	48.75	97.5	65	58.5	58.5	n/a	

- Note:
- These figures represent 65 percent of the district requirement in every district except the R-5 district.
 - The development of such lot meets at least seventy five percent (75%) of the side yard and rear yard requirements of the district in which it is located, as follows:

DISTRICTS					
	R-1/2	R-3	R-4	R-5	R-6
Side	11.25	7.5	7.5	7.5 ¹	5.25
Rear	37.5	22.5	22.5	22.5	22.5
	B-1	B-2	B-3		
Side	7.5	n/a	11.25		
Rear	18.75	n/a	22.5		

	O-1	O-2	O-3
Side	7.5	7.5	11.25
Rear	18.75	18.75	22.5

	I	OS	IB	LP
Side	15	7.5	7.5	n/a
Rear	18.75	18.75	18.75	n/a

Note:

1. The side yard standard shall be 5.25 feet in the R-5 district for lots less than 10,000 square feet developed prior to 1991.

C. The development of such lot meets all requirements of the district in which it is located, including, without limitation, floor area ratio, lot coverage, and front yard requirements, except lot area and width requirements and side and rear yard requirements.

D. Such lot is shown by a recorded plat or deed to have been a lot of record owned separately or individually from adjoining tracts of land at a time when the creation of a lot of such size, depth, and width at such location would not have been prohibited by any zoning or other ordinance or regulation and that said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time since such lot became nonconforming by reason of this zoning code or any predecessor zoning or other ordinance or regulation. For purposes of this subsection, a lot shall not be deemed to have been owned separately and individually unless the owner of such lot did not, directly or indirectly, have legal title to or enjoy the beneficial interest in the lot or lots contiguous thereto at any relevant time. (Ord. 2013-12-944, 1-6-2014)

CHAPTER 12

ADMINISTRATIVE OFFICIALS AND BODIES

SECTION:

9-12-1: Village Manager

9-12-2: Planning And Zoning Commission

9-12-1: VILLAGE MANAGER:

A. General Powers: The village manager shall be charged with the administration and enforcement of this zoning code. In addition to the jurisdiction, authority, and duties conferred on the manager by other provisions of state statutes and village codes and ordinances, the manager shall have all powers necessary to such administration and enforcement and shall, in particular, have the jurisdiction, authority, and duties hereinafter set forth.

B. Rules; Regulations; Application Forms: The village manager, consistent with the express standards, purposes, and intent of this zoning code, shall promulgate, adopt, and issue such procedural rules, regulations, and forms as are in the manager's opinion necessary to the effective administration and enforcement of the provisions of this zoning code.

C. Staff Assistance To The Planning And Zoning Commission: The village manager, within budgets available for that purpose, shall make staff and consulting assistance available to the Planning and Zoning Commission, and the manager or his or her delegate shall in that capacity:

1. Attend the meetings of each such body; and
2. Inform each such body of all facts and information at the manager's disposal with respect to any matter brought before each such body; and
3. Assist each such body by performing research and making recommendations on matters brought before each such body; and
4. Perform such other duties as may be assigned to the manager by this zoning code and by the rules of such bodies.

D. Records: The village manager shall maintain:

1. Permanent and current records of this zoning code, including all maps, amendments, special permits, planned development, exterior appearance, and site plan approvals and denials, interpretations, and decisions rendered by the board of trustees, the Planning and Zoning Commission, the village attorney, and the manager, together with relevant background files and materials; and

2. A current file of all certificates of zoning compliance, and all notices of violations, discontinuances, terminations, or removals, issued by or entrusted to the manager's office for such time as necessary to ensure continuous compliance with

the provisions of this zoning code; and

3. A current file of all known nonconforming uses and signs in the village, by location and type of use.

E. Zoning Text; Zoning Map: The village manager shall prepare and have available for public sale:

1. The compiled text of this zoning code in book or pamphlet form, including all amendments thereto through the preceding December 31; and

2. The official zoning map, showing the zoning districts, divisions, and classifications in effect on the preceding December 31.

The manager, at all other times, shall maintain and have available for reproduction at least one up to date copy of both the zoning code text and the zoning map, showing all amendments through the most recent meeting of the board of trustees for which official minutes have been approved.

F. Applications; Receipt, Processing, And Referral To Interested Parties And Agencies: The village manager shall receive all applications required to be filed pursuant to this zoning code. After receipt of any such application, the manager shall see to its processing, including its prompt referral to and retrieval from each official, department, board, or commission of the village, or other government, with any interest or duty with respect to such application.

G. Investigation Of Applications: Whenever the Planning and Zoning Commission, or the board of trustees shall so request, by general rule or specific direction, the village manager shall conduct or cause to be conducted such surveys, investigations, and field studies and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as shall be necessary and appropriate to the processing of any application filed pursuant to this zoning code.

H. Zoning Certificates: Pursuant to the provisions of chapter 13 of this title, the village manager shall review all applications for certificates of zoning compliance and shall approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or noncompliance with the provisions of this zoning code.

I. Interpretations: Pursuant to the provisions of chapter 15 of this title, the village manager shall issue a written interpretation of the meaning and applicability of specific provisions of this zoning code. Any interpretation of this zoning code that may be rendered by the Planning and Zoning Commission or the manager shall be kept on file with the manager and shall be a public record of the village open to inspection by interested parties at reasonable times and upon reasonable notice.

J. Extensions Of Time: The village manager, after written request, may for good cause shown and without any notice or hearing grant extensions of any time limit imposed on an applicant or permittee by this zoning code or, unless the ordinance or resolution shall expressly provide otherwise, by any ordinance or resolution of anybody acting pursuant to this zoning code. The total period of time granted by such extension or extensions shall not exceed the length of the original period.

K. Inspection And Enforcement: In furtherance of the enforcement of this zoning code, the village manager shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper within the limits of staff and budgeted funds; shall undertake such additional inspections as may be necessary to the performance of his or her duties hereunder; shall receive from any person complaints alleging with particularity a violation of this zoning code; and when appropriate shall cause such investigations and inspections as may be warranted by such complaints to be made. Upon finding the existence of any violation of this zoning code, the manager shall take or direct all actions necessary and appropriate to abate and redress such violation. (Ord., 10-2004; amd. Ord. 2020- 11-388, 11-20-2020)

9-12-2: PLANNING AND ZONING COMMISSION:

A. Creation; Membership:

1. Creation: The Planning and Zoning Commission is hereby created for the village of Lake Zurich and is authorized to assume that authority and to perform those responsibilities established by Illinois law for a non-home rule plan commission. The Plan Commission shall also be known as the "Planning and Zoning Commission" or the "PZC" of the Village of Lake Zurich. The Planning and Zoning Commission shall also serve in the authority of hearing appeals to the interpretation and implementation of the provisions of Title 9 of the Lake Zurich Municipal Code, entitled "Zoning Code."

Composition: The Planning and Zoning Commission shall consist of seven (7) members appointed by the president, with the advice and consent of the board of trustees. All members shall be residents of the village of Lake Zurich. The length of term of each such member of the Planning and Zoning Commission shall be four (4) years. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the president, with the advice and consent of the board of trustees. All appointments of successors upon the expiration of any term of any member shall be for a period of four (4) years and until a successor has been appointed and has qualified for office. A member shall be eligible for reappointment. All members of the Planning and Zoning Commission shall serve without compensation.

2. Alternate Member Of the Planning And Zoning Commission: In addition to the seven (7) members serving on the planning and zoning commission appointed by the president, subject to the approval of the board of trustees, the president can also appoint one additional member to the Planning and Zoning Commission who shall be an alternate member of the planning and zoning commission. Such alternate shall be an ex officio member of the planning and zoning commission without power to vote when all seven (7) members of the planning and zoning commission are in attendance at a particular meeting, but with full power to participate in all discussions before the Planning and Zoning Commission. If any member of the planning and zoning commission is absent at any meeting of the planning and zoning commission, the alternate member

shall have the power to vote on all matters before the Planning and Zoning Commission at such meeting, and to participate in such meeting as fully as if he or she was a full-time member of such commission, including being counted for purposes of determining a quorum. It is the intent of this provision that the alternate Planning and Zoning Commission member shall be appointed to eliminate the problems involved with reaching decisions on matters before the Planning and Zoning Commission because of absences occurring during meetings from time to time. The term of the alternate member of the planning and zoning commission (as "commissioner") shall be for a period of three (3) years from the date of such member's appointment, or such lesser term as may be established by the village president in making the appointment of such alternate member of the planning and zoning commission. (Ord. 2015-4-060, 4- 20-2015, eff. 5-1-2015)

B. Chairperson And Vice Chairperson: The village president, with the advice and consent of the board of trustees, shall name one member of the Planning and Zoning Commission as chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another member as vice chairperson. The chairperson and vice chairperson may administer oaths. In the absence of the chairperson, the vice chairperson or, in the absence of the vice chairperson, a temporary chairperson elected by the Planning and Zoning Commission, shall act as chairperson and shall have all the powers of the chairperson. The vice chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Planning and Zoning Commission.

C. Staff Secretary; Minutes; Public Records: The village manager shall designate a staff secretary of the Planning and Zoning Commission, who shall attend all its proceedings. The staff secretary shall provide for the keeping of minutes of the proceedings of the Planning and Zoning Commission, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall maintain permanent records of all commission meetings, hearings, and proceedings and all correspondence of the Planning and Zoning Commission. The staff secretary shall provide for keeping a file of all records of the Planning and Zoning Commission, and such records shall, except to the extent provided by the Illinois freedom of information act, be public records open to inspection. (Ord., 10-2004)

D. Quorum And Necessary Vote: No business shall be transacted by the Planning and Zoning Commission without a quorum, consisting of four (4) members, being present. The concurring vote of a majority of the Planning and Zoning Commission, consisting of at least four (4) members, shall be necessary on any motion to recommend approval of any matter or any application. Any lesser vote on any such motion, even if a majority of those voting, shall be considered a final decision to recommend denial of such matter or application. If less than a quorum is present, the hearing may be adjourned from time to time as provided in the Illinois open meetings act. The staff secretary shall in writing notify all members of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment. (Ord. 2015-4-060, 4-20-2015, eff. 5-1-2015)

E. Absent Members: No member absent from any portion of a hearing shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he or she has reviewed the entire record of any such portion of the hearing during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

F. Meetings; Hearings; Procedures: Regular meetings of the Planning and Zoning Commission shall be held at the call of the chairperson or as provided by rule of the Planning and Zoning Commission. Special meetings shall be called at the request of the chairperson or of any three (3) members of the Planning and Zoning Commission or of the board of trustees. All meetings of the Planning and Zoning Commission shall be held in person at a location designated by the village or a specific location published in in a newspaper of wide circulation. Electronic meetings of the Planning and Zoning Commission may be held from time to time when required and at the consent of a majority of the members of the Planning and Zoning Commission, and the consent of the Village Manager or his/her designee.

All meetings and hearings of the Planning and Zoning Commission shall be open to the public except when closed pursuant to the provisions of the Illinois open meetings act.

All testimony at any hearing of the Planning and Zoning Commission shall be given under oath.

The Planning and Zoning Commission shall adopt its own rules of procedure governing it and regulating its business as it, from time to time, deems proper and necessary. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Planning and Zoning Commission. Every member of the Planning and Zoning Commission shall be furnished a copy of such proposed rules and any amendment or revision thereto at least ten (10) days before consideration for adoption. Such rules shall be filed with the staff secretary of the Planning and Zoning Commission and with the village clerk. Any rule so adopted that relates solely to the conduct of the Planning and Zoning Commission's meeting or hearings and that is not mandated by this zoning code or the statutes of the state of Illinois, may be waived by the chairperson upon good cause being shown. (Ord., 10-2004)

Record: The minutes of the staff secretary; all applications, requests, exhibits, and papers filed in any proceeding before the Planning and Zoning Commission; and the decision of the Planning and Zoning Commission shall constitute the record. (Ord. 2015-3-050, 3-2-2015)

G. Decisions: Every recommendation or decision of the Planning and Zoning Commission upon an application filed pursuant to this zoning code shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans, or specifications upon which such recommendation or decision is based; shall specify the reason or reasons for such recommendation or decision; and shall contain a conclusion or statement separate from the findings of fact setting forth the recommendation or decision of the Planning and Zoning Commission. Every resolution shall expressly set forth any limitations or conditions recommended or imposed by the Planning and Zoning Commission.

In any case where this zoning code provides that the failure of the Planning and Zoning Commission to act within a fixed period shall be deemed a recommendation for grant or denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Planning and Zoning Commission rendered on the day following the expiration of such fixed period. As to other matters brought before the Planning and Zoning Commission, the Planning and Zoning Commission shall prepare such report as it shall deem appropriate to the subject matter.

H. Conflicts: No member of the Planning and Zoning Commission shall participate in the hearing or disposition of any matter in which that member has an interest as that term is defined in the Lake Zurich municipal code. Any conflict of interest on any particular issue prohibited by the Lake Zurich municipal code or state law shall disqualify a member.

I. Jurisdiction And Authority: In addition to the jurisdiction conferred on it by the state statutes and other codes and ordinances of the village, the Planning and Zoning Commission shall have the following jurisdiction and authority:

1. Subject to the provisions of chapter 2 of this title, to prepare and recommend a comprehensive plan, including an official map, to the board of trustees, which, upon its adoption by the board of trustees, shall be known as the "official comprehensive plan" of the village of Lake Zurich.
2. Subject to the provisions of chapter 2 of this title, to review, prepare, and recommend to the board of trustees changes in and amendments to the official comprehensive plan, including the official map.
3. Subject to the provisions and standards of chapter 18 of this title, to initiate, hear, review, and offer its recommendations to the board of trustees on applications for amendments to this zoning code.
4. Subject to the provisions and standards of chapter 19 of this title, to hear, review, and offer its recommendations to the board of trustees on applications for special use permits.
5. Subject to the provisions and standards of chapter 20 of this title, to hear, review, and offer its recommendations to the board of trustees on applications or site plan approval made to the board of trustees.
6. Subject to the provisions and standards of chapter 21 of this title, to review and offer its recommendations to the board of trustees on applications for building permits requiring exterior appearance review.
7. Subject to the provisions and standards of chapter 22 of this title, to review and offer its recommendations to the board of trustees on applications for lake protection permits.
8. To aid and assist the board of trustees and the departments of the village in implementing general plans and in planning, developing, and completing specific projects.
9. To review and report on any matters referred to it by the board of trustees or the village manager.
10. After reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the village, county, state, or federal governments to aid them in the performance of their respective duties relating to the planning and development of the village and its region.
11. In furtherance of the above jurisdiction and authority, to make such investigations, maps, reports, and recommendations in connection therewith relating to the planning and development of the village as seem desirable to it; provided, however, that the expenditures of the Planning and Zoning Commission shall not exceed the amount appropriated therefor. (Ord., 10-2004; amd. Ord. 2020-11-388, 11-20-2020)

CHAPTER 13

CERTIFICATE OF ZONING COMPLIANCE

SECTION:

- 9-13-1: Authority
- 9-13-2: Purpose
- 9-13-3: Certificate Required
- 9-13-4: Procedure
- 9-13-5: Temporary Certificate Of Zoning Compliance
- 9-13-6: Certificate Of Zoning Compliance For Existing Uses
- 9-13-7: Void Certificates

9-13-1: AUTHORITY:
The village manager shall have authority to issue certificates of zoning compliance; provided, however, that no such certificate shall be issued except in accordance with the provisions of this chapter and the provisions of the Lake Zurich municipal code governing development, building, and related matters. (Ord., 10-2004)

9-13-2: PURPOSE:

For the purposes of this zoning code, the certificate of zoning compliance provides a procedure for the inspection of completed premises to ensure their compliance with this zoning code and approved plans prior to commencement of the use or occupancy of such premises and for ensuring the compliance of any home occupation before it is established or maintained. It is intended that the certificate of zoning compliance be issued in conjunction with a certificate of occupancy pursuant to the Lake Zurich building code when such a certificate of occupancy is required thereby. (Ord., 10-2004)

9-13-3: CERTIFICATE REQUIRED:

Unless a certificate of zoning compliance shall have first been obtained certifying compliance with the provisions of this zoning code:

- A. No Occupancy Or Use Of Structure: No structure, or addition thereto, constructed, reconstructed, remodeled, altered, or moved after the effective date of this zoning code shall be occupied or used for any purpose; and
- B. No Use Or Occupancy Of Vacant Land: No land vacant as of the effective date of this zoning code shall be used or occupied for any purpose, except the raising of crops; and
- C. No Change Of Use: Except for changes involving only substitution of occupants in existing dwelling units, no use or occupancy of any land or structure shall be changed to any other use or occupancy, whether or not construction, remodeling, alteration, or moving is involved; and
- D. No Home Occupation: No home occupation shall be established or maintained. (Ord., 10-2004)

9-13-4: PROCEDURE:

A. Application: Applications for certificates of zoning compliance shall be filed in accordance with the requirements of section 9-14-1 of this title.

In any case where the structure or use involved has been constructed or established pursuant to any approval granted pursuant to this zoning code, the application shall be accompanied by "as built" plans depicting the structure or use as built and bearing the certificate of a surveyor, engineer, architect, land planner, or owner-designer, as may be appropriate, certifying that the structure or use as built conforms in all respects to the approval granted.

B. Action On Application: Within ten (10) days after the receipt of a completed application, the village manager shall cause the subject structure or premises to be inspected and shall take one of the following actions based on such inspection:

1. Work Complete And Proper: If all work has been completed and the structure and use thereof are in full and complete compliance with all applicable provisions of this zoning code, other relevant codes and ordinances of the village, the applicant's plans as approved, and any conditions attached to any approval issued pursuant to this zoning code, then the village manager shall issue a certificate of zoning compliance.

2. Work Incomplete Or Noncompliance: If, however, all work is not complete or is in any manner not in full compliance with all applicable requirements, then the village manager shall deny the application and shall inform the applicant in writing of the specific deficiencies on which such denial is based, citing the particular provisions of the codes and ordinances of the village, the particular items in the applicant's plans, or the applicable special approval conditions with respect to which compliance is lacking.

C. Contents Of Certificate: In addition to the matters required to be contained in a certificate of zoning compliance pursuant to other applicable provisions of the Lake Zurich municipal code, each certificate of zoning compliance issued pursuant to this section shall state the specific use of the subject property for which it is issued, shall identify the specific plans, if any, pursuant to which it is issued, and shall set forth any conditions imposed in connection with any approval granted pursuant to this zoning code. (Ord., 10-2004)

9-13-5: TEMPORARY CERTIFICATE OF ZONING COMPLIANCE:

Notwithstanding the provisions of subsection 9-13-4B of this chapter, when construction, reconstruction, remodeling, or alteration of a structure does not require the vacating of the structure, or when parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, remodeling, or alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this zoning code, other relevant codes and ordinances of the village, the applicant's plans as approved, and any conditions attached to any approvals issued pursuant to this zoning code with respect to such structure or its premises, a temporary certificate of zoning compliance may be issued for a period not to exceed six (6) months from its date, which temporary certificate shall bear on its face, in bold type, a statement of its temporary nature; provided, however, that no such temporary certificate shall be issued pursuant to this zoning code unless said structure also qualifies for a temporary certificate of occupancy issued pursuant to the Lake Zurich building code. (Ord., 10-2004)

9-13-6: CERTIFICATE OF ZONING COMPLIANCE FOR EXISTING USES:

The village manager may issue a certificate of zoning compliance certifying the lawful existence and use of any existing structure or use in the same manner, and subject to the same standards and limitations, as authorized by this chapter with respect to new structures and uses. Such certificate of zoning compliance shall be prima facie evidence of the facts contained in it with respect to any structure or use as of the date of its issue and remain effective for that purpose for so long as neither the use or structure nor the applicable provisions of this zoning code are changed. (Ord., 10-2004)

9-13-7: VOID CERTIFICATES:

Any certificate of zoning compliance issued in violation of the provisions of this zoning code, whether intentionally,

CHAPTER 14

ZONING APPLICATIONS AND HEARINGS

SECTION:

9-14-1: Applications

9-14-2: Successive Applications

9-14-3: Public Hearings And Meetings

9-14-1: APPLICATIONS:

A. Place Of Filing: All applications filed pursuant to this zoning code shall be filed with the office of the village manager or with such other village official or body as the village manager may by administrative order designate.

B. Form; Number; Scale: All applications filed pursuant to this zoning code shall be on forms supplied by the village and shall be filed in such number of duplicate copies as the village manager may designate by administrative order. All plans filed as part of any application shall be at a scale sufficient to permit a clear and precise understanding of the contents of said plans and the proposal being made and shall be folded to a size of eight and one-half inches by fourteen inches (8¹/₂" x 14").

C. Filing Deadlines:

1. Applications Requiring Public Hearings: An application requiring a public hearing will not be scheduled for such hearing unless filed, in proper form and number and containing all required information, not later than twelve o'clock (12:00) noon on the fourth Friday preceding the requested hearing date. An application so filed will be scheduled for hearing on the requested hearing date, or on the first available date thereafter open on the relevant hearing agenda, on a first filed, first scheduled basis.

2. Applications Not Requiring Public Hearing: An application that does not require a public hearing shall be filed, in proper form and number and containing all required information, at least twenty eight (28) days prior to the time when action on the application is requested. An application so filed will be processed on a first filed, first processed basis.

3. Supplemental Data: Whenever supplemental data in connection with a previously filed application is required by the village or offered by the applicant, it shall be submitted at least seven (7) days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such application. The filing of such data shall, in the discretion of the village manager and of the body hearing the application, be cause to delay a requested or scheduled hearing date. (Ord., 10-2004)

D. Fees:

1. Fee Established; Lien: Every application filed pursuant to this zoning code shall be subject to an application and filing fee as established from time to time by the board of trustees, to recover the costs incurred by the village in processing such application. The owner of the property subject of the application and, if different, the applicant shall be jointly and severally liable for the payment of said fee. By signing the application, the owner shall be deemed to have agreed to pay such fee and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee, plus the costs of collection, in the event such fee has not been properly paid as required with the filing of the application. Any lien filed pursuant to this subsection may be foreclosed in the manner provided by statute for mortgages or mechanics' liens.

2. Recoverable Costs: The costs incurred by the village in processing an application shall be deemed to consist of the following items of direct and indirect expense:

- a. Legal publication; and
- b. Recording secretarial services; and
- c. Document preparation and review; and
- d. Professional and technical consultant services; and
- e. Legal review, consultation, and advice; and
- f. Copy reproduction; and
- g. Document recordation; and
- h. Inspection fees. (Ord. 2015-3-050, 3-2-2015)

3. Condition Of All Applications, Approvals, And Permits; Time Periods: No application filed pursuant to this zoning code shall be considered complete unless and until all fees due pursuant to this subsection have been paid. Every approval granted and every permit issued pursuant to this zoning code, whether or not expressly so conditioned, shall be deemed to

be conditioned upon payment of fees as required by this subsection.

When this zoning code provides that the passage of time without decision or action shall be deemed an approval or a recommendation for approval, all time periods shall be tolled during any period of nonpayment, but shall otherwise continue to run.

The failure to fully pay any such fee when due shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee relates.

4. **Waiver For Specified Public Bodies:** The provisions of this subsection D may be waived by the board of trustees for fees applicable to any application filed by any public body, or any agency deriving the majority of its revenues from taxes levied within the village, or any charitable or eleemosynary organization.

E. **Minimum Data Requirements:** Every application submitted pursuant to this zoning code shall contain such information as is required by the village from time to time. Application requirements shall be established by administrative order and shall be made available to all applicants in the office of the village manager.

F. **Special Data Requests:** In addition to the data and information required pursuant to subsection E of this section, every applicant shall submit such other and additional data, information, or documentation as the village manager or any board or commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

G. **Waiver Of Application Requirements:** Notwithstanding any other provision of this section, the village manager shall have the authority to waive any requirement set forth in subsection A, B, C, or E of this section when, in his or her judgment, such waiver is appropriate in light of the nature and extent of the relief being sought or in light of special circumstances making compliance with those provisions either unnecessary or unduly burdensome; provided, however, that no filing deadline shall be waived or adjusted by the village manager except on a showing by the applicant of a particular undue hardship caused by such deadline and provided further, however, that any board or commission before which such application may come shall continue to have the right to request additional information pursuant to subsection F of this section and to delay processing of such application until such information is provided and available in accordance with the deadlines established in subsection C of this section. The village manager shall provide, in writing, his or her reasons why any such requirement has been waived, and shall refer such writing to the appropriate boards and commissions.

H. **Concurrent Applications:** When a proposed use or development requires more than one approval pursuant to this zoning code, applications for all such approvals may be filed concurrently notwithstanding the fact that approval of one application may be a precondition to approval of other applications. Such applications may, in the discretion of the official, officials, body, or bodies charged with review of such applications be processed together; provided, however, that no application shall be approved unless all applications that are a precondition to its approval have first been approved.

I. **Withdrawal Of Application:** An applicant may withdraw an application at any time prior to a final decision having been rendered with respect thereto, provided that the applicant shall have paid all applicable fees pursuant to subsection D of this section. Such withdrawal shall be without prejudice to the applicant's right to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to the procedures and fees of this zoning code in the same manner as any other new application. (Ord., 10-2004)

9-14-2: SUCCESSIVE APPLICATIONS:

A. **Second Applications Without New Grounds Barred:** Whenever any application filed pursuant to this zoning code has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the officer, board, or commission before which it is brought there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.

B. **New Grounds To Be Stated:** Any such second application shall include a detailed statement of the grounds justifying consideration of such application.

C. **Summary Denial With Or Without Hearing:** Any such second application may be denied by the village manager summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.

D. **Exception:** Whether or not new grounds are stated, any such second application filed more than two (2) years after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant, however, shall be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application. (Ord., 10-2004)

9-14-3: PUBLIC HEARINGS AND MEETINGS:

A. **Setting Hearing Or Meeting; Time Limitation:** When the provisions of this zoning code require a public hearing or public meeting in connection with any application filed pursuant to this zoning code, the body charged with conducting the hearing or meeting shall, upon receipt of a properly completed application, fix a reasonable time and place for such hearing or meeting; provided, however, that such hearing or meeting shall be commenced no later than sixty (60) days, and shall be concluded no later than one hundred twenty (120) days, following the submission of the subject application unless the applicant shall agree to an extension or unless the hearing or meeting agenda of the body is completely committed during

that time. (Ord., 10-2004)

B. Notice:

1. **Responsibility For Giving Notice:** The village manager shall cause notice to be given of public hearings and public meetings as provided in subsections B3, B4a, B4b, and B5 of this section. The applicant shall cause notice to be given of public hearings as provided in subsection B4c of this section, unless otherwise determined by the village.

2. **Content Of Notice:** All notices shall include: a) the date, time, and place of the hearing or meeting, b) a description of the matter to be heard or, considered, c) a legal description of the subject property, and d) the address or particular location of the subject property.

3. **Notice From Manager For All Hearings And Meetings:** The village manager must give notice of every hearing or meeting as follows:

a. **To Applicant, Owner:** By mail or personal delivery to the applicant and, if a specific parcel is the subject of the application, to the owner of the subject property.

b. **Newspapers, Persons On File:** By mail to any newspaper or person that shall have filed a written request, accompanied by an annual fee as established from time to time by the village manager to cover postage and handling, for notice of all hearings or meetings held pursuant to this zoning code. The written request shall automatically expire on December 31 of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date.

c. **Within Village:** By delivery to affected village boards, commissions, departments, officials, and consultants.

Notice by mail shall be mailed no fewer than seven (7) days in advance of the hearing or meeting date by regular United States mail.

4. **Additional Notices For Amendments, Special Use Permits, And Variations:** In addition to notice as required by subsection B3 of this section, notice of every public hearing on an application for an amendment to this zoning code or to the zoning map, a special use permit, or a variation must be given in the following manner:

a. **Publication By Manager:** The village manager must give notice by publication in a newspaper published in the village at least once no less than fifteen (15) days nor more than thirty (30) days in advance of the hearing date.

b. **Posting On Subject Property By Manager:** If a specific parcel is the subject of application, then the village manager shall give notice by posting a sign on the subject property. The sign must be at least six (6) square feet in area; must include the words "Zoning Application Pending" and a telephone number to be called for additional information; and must be posted on the property, facing the street, at least fifteen (15) days prior to the date set for a hearing on the application. The village manager shall remove the notice from the property only after the conclusion of the hearing.

c. **To Taxpayers By Applicant:** If a specific parcel is the subject of the application, the applicant must give notice by mail or personal delivery to all taxpayers of record of property within two hundred fifty feet (250') of the subject property, unless notified by the village as provided in the last two (2) sentences of this subsection B4c. Notice as required by this paragraph shall be given not less than fifteen (15) days nor more than thirty (30) days in advance of the hearing. Not less than seven (7) days before commencement of the hearing, the applicant must provide to the village: 1) a copy of the notice, 2) a list in Microsoft Excel or Word format of the names and addresses of every taxpayer of record to whom notice was given, and 3) a sworn statement of the applicant that notice was given as required by this paragraph.

The village, in its discretion, may determine that it, rather than the applicant, will give notice as required by this subsection B4c. In that case, the village shall advise the applicant in writing of that determination not less than thirty (30) days in advance of the date of the hearing.

5. **Notice For Hearing On Official Comprehensive Plan:** In addition to notice as required by subsection B3 of this section, the village manager shall cause notice of every public hearing in connection with the adoption or amendment of the official comprehensive plan to be given by publication in a newspaper of general circulation in Lake County at least fifteen (15) days before such hearing. (Ord. 2009-05-631, 5-4-2009)

C. Referral To Village Commissions And Departments:

1. **Manager To Refer Applications:** The village manager, not later than the time set pursuant to subsection B of this section for giving public notice, shall refer every application for which this zoning code requires a hearing before either the plan commission or the zoning board of appeals to all appropriate village commissions and departments.

2. **Review And Comments:** Each village commission and department to which an application is referred pursuant to this subsection shall review such application and submit its comments thereon to the staff secretary of the hearing body for presentation to that body at the hearing to be held on such application. Whenever possible, such comments shall be submitted at least two (2) business days prior to the date set for the hearing and shall be made available to any person on request prior to the hearing.

D. Conduct Of Hearings:

1. **Rights Of All Persons:** Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the hearing body may exclude irrelevant,

immaterial, or unduly repetitious evidence. (Ord., 10-2004)

2. Rights Of Parties And Proximate Owners: Subject to the discretion of the hearing body, the applicant, any board, commission, department, or official of the village, and any property owner entitled to written notice pursuant to subsection B4c of this section may be allowed, in addition to the rights granted by subsection D1 of this section, any or all of the following rights: (Ord. 2009-05-631, 5-4-2009)

- a. To present witnesses on their behalf.
- b. To cross examine all witnesses testifying in opposition to their position.
- c. To examine and reproduce any documents produced at the hearing.

d. To have subpoenas issued by the body in charge of the hearing as may be provided by state law for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing, where such persons or documents are shown to have a substantial evidentiary connection with:

- (1) The property to which the request applies; or
- (2) Facts that would support or negate the legal standards for granting the request.

e. To a continuance, on request, for the purpose of presenting evidence to rebut evidence introduced by any other person.

In determining whether to grant or withhold such rights, the discretion of the hearing body shall be governed by the goal of securing all information and opinion relevant and material to its deliberations. Such rights shall not be granted, however, when undue and unwarranted delay would result, or when to do so would tend to produce no new evidence to aid the hearing body in reaching its decision.

3. Adjournment Of Hearing: The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The staff secretary of the hearing body shall notify in writing all members of the hearing body, all parties to the hearing, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

4. Testimony To Be Sworn: All testimony at any hearing held pursuant to the provisions of this zoning code shall be given under oath.

5. Right To Submit Written Statements: Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the hearing body following such hearing, submit written statements in support of or in opposition to the application being heard.

6. Board Or Commission Rules To Govern: All other matters pertaining to the conduct of hearings shall be governed by the provisions of this zoning code pertaining to, and the rules promulgated by, the body conducting the hearing.

E. Prehearing And Premeeting Examination And Copying Of Application And Other Documents: At any time after the giving of notice as required in subsection B of this section, and on reasonable request, any person may examine the application and, subject to the exceptions set forth in the Illinois freedom of information act, all other documents on file with the office of the village manager pertaining to the matter subject to such notice. In addition, any person shall be entitled to copies of such application and documents on reasonable request and payment of a fee as established from time to time by the village manager to cover the cost of such copies. (Ord., 10-2004)

CHAPTER 15

INTERPRETATIONS

SECTION:

9-15-1: General Provisions

9-15-2: Procedure

9-15-3: Standards For Use Interpretations

9-15-4: Effect Of Favorable Use Interpretation

9-15-5: Limitations On Favorable Use Interpretations

9-15-1: GENERAL PROVISIONS:

A. Authority: The village manager, subject to the procedures, standards, and limitations of this section, may render interpretations, including use interpretations, of the provisions of this zoning code and of any rule or regulation issued pursuant to it.

B. Purpose: The interpretation authority established by this section is intended to recognize that the provisions of this

zoning code cannot possibly address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provisions of this zoning code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this zoning code but rather is intended only to allow authoritative application of that content to specific cases.

C. Parties Entitled To Seek Interpretations; No Advisory Opinions: Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion. (Ord., 10-2004)

9-15-2: PROCEDURE:

A. Application: Applications for interpretations of this zoning code shall be filed in accordance with the requirements of section 9-14-1 of this title.

B. Action On Application: Within thirty (30) days after the receipt of a properly completed application for interpretation, the village manager shall inform the applicant in writing of his or her interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the manager to act within thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day immediately after such thirty (30) day period.

C. Appeal: Appeals from interpretations rendered by the village manager may be taken to the zoning board of appeals as provided in chapter 16 of this title. (Ord., 10-2004)

9-15-3: STANDARDS FOR USE INTERPRETATIONS:

The following standards shall govern the village manager, and the zoning board of appeals on appeals from the manager, in issuing use interpretations:

A. No Interpretation In Residential Districts: No use interpretation shall be given with respect to the residential districts.

B. Defined Uses: Any use defined in chapter 24 of this title shall be interpreted as therein defined.

C. No Use Where Not Authorized: No use interpretation shall permit a use listed as a permitted use or a special permit use in any district to be established in any district in which such use is not so listed.

D. Evidence Of Compliance: No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.

E. Substantial Similarity: No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.

F. Special Use Permit: If the proposed use is most similar to a use permitted only as a special use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a special use permit for such use pursuant to chapter 19 of this title.

G. Inconsistency With Purpose: No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

H. SIC: Subject to the foregoing conditions and limitations, in rendering use interpretations the village manager shall be guided by the "Standard Industrial Classification Manual" and the North American industry classification system. The numerical references in the SIC manual and the NAICS system are for organizational purposes only, and those numerical references shall not be construed or applied to expand the lists of permitted or specially permitted uses in any district. (Ord., 10-2004)

9-15-4: EFFECT OF FAVORABLE USE INTERPRETATION:

No use interpretation finding a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the village including, but not limited to, a special use permit, a building permit, a certificate of zoning compliance, subdivision approval, and site plan approval. (Ord., 10-2004)

9-15-5: LIMITATIONS ON FAVORABLE USE INTERPRETATIONS:

Subject to an extension of time granted by the village manager pursuant to subsection 9-12-1J of this title, no use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be valid for a period longer than six (6) months from the date of issue unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or a certificate of zoning compliance is obtained and a use commenced within that period.

A use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be deemed to authorize only the particular use for which it was issued, and such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of six (6) consecutive months or more. (Ord., 10-2004)

CHAPTER 16

APPEALS

SECTION:

9-16-1: General Provisions

9-16-2: Procedure

9-16-3: Stay Of Proceedings

9-16-4: Conditions And Limitations On Rights Granted By Appeal

9-16-1: GENERAL PROVISIONS:

A. Authority: The zoning board of appeals shall hear and decide appeals from, and review orders, decisions, determinations, or the failure to act of, the village manager acting pursuant to his or her authority and duties under this zoning code. To that end the zoning board of appeals shall have the same powers and be subject to the same standards and limitations as the village manager with respect to any order, decision, or determination being appealed.

B. Purpose: The appeal procedure is intended to avoid the need for resorting to legal action by establishing local procedures to review and correct administrative errors. It is not intended, however, as a means to subvert the clear purposes, meanings, or intents of this zoning code or the rightful authority of the village manager to enforce the requirements of this zoning code. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this zoning code and to the reasonable interpretations of that language by those charged with the administration of this zoning code.

C. Parties Entitled To Appeal: An application for appeal to the zoning board of appeals may be filed by any person aggrieved or adversely affected by an order, decision, determination, or failure to act of the village manager acting pursuant to his or her authority and duties under this zoning code. (Ord., 10-2004)

9-16-2: PROCEDURE:

A. Application: An application for appeal to the zoning board of appeals shall be filed not later than forty five (45) days after the action being appealed and in accordance with the requirements of section 9-14-1 of this title.

B. Action By Village Manager: After receipt of a properly completed application for an appeal, the village manager shall forthwith transmit to the zoning board of appeals the application together with all papers constituting the record on which the action appealed from was taken.

C. Public Hearing: A public hearing shall be set, noticed, and conducted by the zoning board of appeals in accordance with section 9-14-3 of this title.

D. Action By Zoning Board Of Appeals: Within forty five (45) days after the close of the public hearing, the zoning board of appeals shall render a decision on the appeal in the manner and form specified in subsection 9-12-2H of this title. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the zoning board of appeals, is proper to be made in the premises. The failure of the zoning board of appeals to act within thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the appeal. (Ord., 10-2004)

9-16-3: STAY OF PROCEEDINGS:

An application for appeal properly filed pursuant to section 9-16-2 of this title shall stay all proceedings in the furtherance of the action appealed from, unless the village manager certifies to the zoning board of appeals after the application for appeal has been filed with the manager that, by reason of facts stated in the certificate, a stay would, in the manager's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the zoning board of appeals or by the Illinois circuit court on application, on reasonable written notice to the manager, and on due cause shown. (Ord., 10-2004)

9-16-4: CONDITIONS AND LIMITATIONS ON RIGHTS GRANTED BY APPEAL:

In any case where this zoning code imposes conditions and limitations on any right, any such right granted by the zoning board of appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal. (Ord., 10-2004)

CHAPTER 17

VARIATIONS

SECTION:

9-17-1: General Provisions

9-17-2: Procedure

9-17-3: Authorized Variations

9-17-4: Standards For Variations

9-17-5: Variation Less Than Requested

9-17-6: Conditions

9-17-7: Effect Of Grant Of Variation

9-17-8: Limitations On Variations

9-17-1: GENERAL PROVISIONS:

A. Authority: The board of trustees shall have the authority to grant variations from the provisions of this zoning code, but only in compliance with the procedures, circumstances, and standards set forth in sections 9-17-2, 9-17-3, and 9-17-4 of this chapter.

B. Purpose: The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this zoning code that create practical difficulties or particular hardships for which no other remedy is available.

C. Parties Entitled To Seek Variations: Applications for variations may be filed by the owner of, or person having a contractual interest in, the subject property. (Ord., 10-2004)

9-17-2: PROCEDURE:

A. Application: Applications for variations shall be filed in accordance with the requirements of section 9-14-1 of this title.

B. Public Hearing: A public hearing shall be set, noticed, and conducted by the zoning board of appeals in accordance with section 9-14-3 of this title.

C. Action By Zoning Board Of Appeals: Within forty five (45) days after the close of the public hearing, the zoning board of appeals shall render its recommendation in the manner and form specified by subsection 9-12-2H of this title, recommending granting the application for a variation, granting a variation less than or different from that sought in the application, or denying the application. The failure of the zoning board of appeals to act within such forty five (45) days, or such further time to which the applicant may agree, shall be deemed to be a recommendation for the denial of the variation.

D. Action By Board Of Trustees: Within forty five (45) days after the receipt of the recommendation of the zoning board of appeals, or its failure to act as above provided, the board of trustees shall either deny the application or, by ordinance duly adopted, shall grant the variation, with or without modifications or conditions. The failure of the board of trustees to act within such forty five (45) days, or such further time to which the applicant may agree, shall be deemed a decision denying the variation. (Ord., 10-2004)

9-17-3: AUTHORIZED VARIATIONS:

A. Permitted Variations: The board of trustees may vary the provisions of this zoning code only as provided in this subsection A. The authority of the board of trustees to vary the provisions of this zoning code is subject to the prohibitions set forth in subsection B of this section and proof by the applicant of each of the standards set forth in section 9-17-4 of this chapter.

Under no circumstances shall the list of permitted variations in this subsection A be construed as an entitlement, right, or claim for any applicant.

The board of trustees may vary the provisions of this zoning code in the following cases and in no others:

1. Yards; Setbacks; Spacing: To reduce the dimension of any required yard, landscaped yard, setback, or building spacing, and to allow structures and uses to be located in any required yard in addition to, and to a greater degree than, those authorized by applicable district regulations.

2. Area; Width; Depth:

a. Except in the I district, to reduce by not more than fifteen percent (15%) the required lot area, lot width, or lot depth of any lot; provided, however, that no such variation shall permit either the development of more than one dwelling unit in addition to the number of dwelling units that could be developed in the absence of such a variation or any increase in the otherwise permitted maximum floor area ratio.

b. To reduce the required lot area of a lot in the I district.

3. Height:

a. To increase by not more than ten percent (10%) the maximum allowable height of a structure in a nonresidential district, but only where necessary to accommodate variations in grade.

b. To increase by not more than twenty five percent (25%), but not to exceed a maximum height of thirty eight feet (38'), the maximum allowable height of a structure for which a special use permit has been granted pursuant to section 9-3-3 of this title authorizing the maintenance and operation of a bed and breakfast establishment.

c. To increase the maximum number of stories of a principal structure in the B-1 local and community business district to three (3), and to increase the maximum height of a principal structure in the B-1 district by not more than ten

percent (10%), subject to the following requirements:

(1) The use of the third story of the principal structure must be the same as or similar to the use of the first and second stories of that structure, and

(2) The gross floor area of the third story of the principal structure may not exceed twenty percent (20%) of the total gross floor area of the first and second stories of that structure.

4. Parking Generally: To reduce by not more than forty percent (40%) in the B-2 district or by twenty percent (20%) in every other district, or one space, whichever is greater, the minimum number of off street parking spaces or loading spaces otherwise required.

5. Parking Change: To vary the number of parking or loading spaces required in connection with a change of use or an increase in use intensity.

6. Parking Distance: To increase by not more than fifty percent (50%) the maximum distance that required parking is permitted to be located from the zoning lot of the use for which such parking is provided.

7. Parking Deficiency: To increase the distance which parking spaces proposed to eliminate a parking deficiency may be located from the zoning lot on which the use to be served is located as established in subsection 9-10-1B2d of this title.

8. Recreational Facility Height: To allow an increase in height by not more than twenty percent (20%) of the maximum allowable height for the illumination of residential recreational facilities.

9. Moving Nonconforming Structure: To allow the moving of a nonconforming structure to an extent or in a manner not permitted by subsection 9-11-4C of this title.

10. Restoring Nonconforming Structure: To allow the otherwise prohibited restoration of a partially damaged or destroyed nonconforming structure or structure devoted to a nonconforming use.

11. Eminent Domain: To vary the bulk, yard, and space requirements when a zoning lot, whether vacant or legally used, is reduced in size, by reason of the exercise of the right of eminent domain by an authorized governmental body or by reason of a conveyance made under the specific threat of an eminent domain proceeding, so that the remainder of said zoning lot, or any structure or use on said zoning lot, does not conform with one or more of such bulk, yard, or space requirements of the district in which said zoning lot is located.

12. Storage: To allow, for a period not to extend beyond one year after the effective date of this zoning code:

a. The storage in a parking area in a residential district of more than the maximum number of class I or II vehicles specified in subsection 9-10-1D of this title; or

b. The storage in a parking area in any required yard in a residential district of class II vehicles; or

c. The storage in a parking area in a residential district of no more than one class III vehicle.

Every variation granted pursuant to this subsection A12 shall run only to the applicant, as a personal privilege, and only with respect to the specific vehicle that is the subject of the application.

13. Landscaping: To vary the provisions related to landscaping any area, structure, or building established in chapter 8, article A of this title.

14. Landscaped Surface Area; I District: To decrease to not less than twenty percent (20%) the minimum landscaped surface area in the I industrial district for a zoning lot within a defined industrial subdivision; provided, however, that the combined total landscaped surface area for all lots within the subdivision shall be not less than the I district minimum.

15. Landscaped Surface Area; R-6 District: To decrease to not less than fifty percent (50%) the minimum required landscaped surface area in the R-6 multiple-family residential district.

16. Landscaped Surface Area; B-3 District: To decrease to not less than twenty five percent (25%) the minimum required landscaped surface area in the B-3 regional shopping district for a zoning lot within a defined retail subdivision; provided, however, that the combined total landscaped surface area for all lots within the subdivision shall be not less than the B-3 district minimum.

17. Loading Space Or Dock; Location On A Lot: To allow the location of a loading space or dock opening onto a building facade facing a public street to an extent or in a manner not permitted by subsection 9-10-2C1 of this title.

18. Lake Protection District: To allow piers to an extent or in a manner not permitted by subsection 9-7C-3A of this title. (Ord. 2016-6-137, 6-6-2016)

19. Floor Area Ratio; I Industrial District: To allow an increase from the floor area ratio standard in the I industrial district from 0.45 to 0.47. (Ord. 2016-6-136, 6-6-2016)

B. Prohibited Variations: Notwithstanding any other provision of this section, no variation shall be granted that:

1. Temporary Only: Is intended as a temporary measure only; or

2. Minimum Required: Is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the applicant. (Ord., 10-2004)

9-17-4: STANDARDS FOR VARIATIONS:

A. General Standard: No variation shall be granted pursuant to this chapter unless the applicant shall establish that carrying out the strict letter of the provisions of this zoning code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this section.

B. Unique Physical Condition: The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use or structure, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

C. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this zoning code, for which no compensation was paid.

D. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

E. Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

F. Code And Plan Purposes: The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this zoning code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan.

G. Essential Character Of The Area: The variation would not result in a use or development on the subject property that:

1. Detrimental To Enjoyment: Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

2. Light And Air: Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

3. Congestion: Would substantially increase congestion in the public streets due to traffic or parking; or

4. Flood Or Fire: Would unduly increase the danger of flood or fire; or

5. Tax Public Facilities: Would unduly tax public utilities and facilities in the area; or

6. Endangerment: Would endanger the public health or safety.

H. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. (Ord., 10-2004)

9-17-5: VARIATION LESS THAN REQUESTED:

A variation less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested. (Ord., 10-2004)

9-17-6: CONDITIONS:

A. Authority: The zoning board of appeals may recommend and the board of trustees may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this zoning code on the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance granting the variation. Violation of any such condition or limitation shall be a violation of this zoning code and shall constitute grounds for revocation of the variation.

B. Affidavit Of Compliance With Conditions: Whenever any variation authorized pursuant to this chapter is made subject to conditions and limitations to be met by the applicant, the applicant shall upon meeting such conditions file an affidavit with the village manager so stating. (Ord., 10-2004)

9-17-7: EFFECT OF GRANT OF VARIATION:

The grant of a variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approval that may be required by the codes and ordinances of the village including, but not limited to, a building permit, a certificate of zoning compliance, subdivision approval, and site plan approval. (Ord., 10-2004)

9-17-8: LIMITATIONS ON VARIATIONS:

Subject to an extension of time granted by the village manager pursuant to subsection 9-12-1J of this title, no variation from

the provisions of this zoning code shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a certificate of zoning compliance is issued and a use is commenced within that period.

A variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six (6) months following such removal. (Ord., 10-2004)

CHAPTER 18

AMENDMENTS

SECTION:

9-18-1: General Provisions

9-18-2: Procedure

9-18-3: Standards For Amendments

9-18-1: GENERAL PROVISIONS:

A. Authority: This zoning code and the zoning map may be amended from time to time by ordinance duly enacted by the board of trustees in accordance with the procedures set out in this chapter.

B. Purpose: The amendment process established by the chapter is intended to provide a means for making changes in the text of this zoning code and in the zoning map that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this zoning code and the zoning map in light of changing or newly discovered conditions, situations, or knowledge, or conditions, situations or knowledge with heightened significance or elevated relevance.

C. Parties Entitled To Seek Amendments: An application for an amendment may be filed by the board of trustees, the plan commission, the zoning board of appeals, the owner of, or any person having a contractual interest in, any property to be affected by a proposed amendment to the zoning map, or any person interested in a proposed amendment to the text of this zoning code. (Ord. 2013-12-944, 1-6-2014)

9-18-2: PROCEDURE:

A. Application: Applications for amendments shall be filed in accordance with the requirements of section 9-14-1 of this title; provided, however, that amendments proposed by the board of trustees, the plan commission, or the zoning board of appeals shall not be subject to said section 9-14-1 of this title but shall be transmitted to the village manager in such form as may seem appropriate to the initiating body.

B. Preliminary Consideration By Board Of Trustees:

1. Referral To Board: Every properly filed and completed application for an amendment to this zoning code, before being processed in any other manner, may be referred to the board of trustees for a determination as to whether the application merits a hearing and consideration by the plan commission. Request for preliminary consideration by the board of trustees may be requested by the village board, applicant/property owner of the concerned project, or the village manager or his designee.

2. Notice Of Applicant; Right To Be Heard: Notice of the meeting at which the issue will be considered shall be given to the applicant at least forty eight (48) hours before such meeting and the applicant or his representative shall have, subject to the rules of the board of trustees, the right to be heard on the issue. Notice may be made telephonically or by electronic means including, but not limited to, fax, e-mail or text message.

3. Action By Board: The board of trustees, not later than the first meeting after the meeting at which consideration of the application first appears on its agenda, shall refer it to the plan commission for public hearing. Any vote, or the failure to vote on the application, shall be sufficient to refer the application for a hearing. In the case of any such referral, the date of the meeting at which the application is referred shall be deemed to be the date of filing for computation of all time periods under this zoning code. (Ord. 2016-9-150, 9-6-2016)

C. Public Hearing: In any case where an application for amendment is referred to the plan commission for hearing, a public hearing shall be set, noticed, and conducted by the plan commission in accordance with section 9-14-3 of this title.

D. Action By Plan Commission: Within forty five (45) days after the conclusion of the public hearing, the plan commission shall transmit to the board of trustees its recommendation in the form specified by subsection 9-12-3H of this title. The failure of the plan commission to act within such forty five (45) days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the proposed amendment as submitted.

E. Action By Board Of Trustees; Protest: Within sixty (60) days after receipt of the recommendation of the plan commission, or its failure to act as above provided, the board of trustees either shall deny the application, or by ordinance duly adopted, shall adopt the proposed amendment, with or without modifications; provided, however, that in the event a duly signed and acknowledged protest against a proposed amendment is filed with the village clerk before the adoption of

such amendment by the owners of: 1) twenty percent (20%) or more of the frontage to be affected by the proposed amendment, 2) twenty percent (20%) or more of the frontage immediately adjoining or across an alley therefrom, 3) twenty percent (20%) or more of the frontage directly opposite the frontage to be affected, or 4) twenty percent (20%) or more of any combination of items 1, 2 and 3 of this subsection, such amendment shall not be passed except by a two-thirds ($\frac{2}{3}$) vote of all the trustees then holding office.

The failure of the board of trustees to act within such sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application. (Ord. 2013-12-944, 1-6-2014)

9-18-3: STANDARDS FOR AMENDMENTS:

Amending the zoning map or the text of this zoning code is a matter committed to the sound legislative discretion of the board of trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the board of trustees shall act in what it reasonably believes to be in the best interest of the general public, and may consider, among other factors, the following factors as they may be relevant to a particular application:

- A. The consistency of the proposed amendment with the purposes of this zoning code.
- B. The community need for the proposed amendment and for the uses and development it would allow.
- C. If a specific parcel of property is the subject of the proposed amendment, then the following factors:
 1. Existing Uses And Classifications: The existing uses and zoning classifications for properties in the immediate vicinity of the subject property.
 2. Trend Of Development: The trend of development in the immediate vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.
 3. Diminution Of Values: The extent to which the value of the subject property is diminished by the existing zoning classification applicable to it.
 4. Increase In Health, Safety, And Welfare: The extent, to which any such diminution in value is offset by an increase in the public health, safety, and welfare.
 5. Effects On Adjacent Properties: The extent to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
 6. Value Of Adjacent Properties: The extent to which the value of adjacent properties would be affected by the proposed amendment.
 7. Future Development: The extent to which the future orderly development of adjacent properties would be affected by the proposed amendment.
 8. Suitability Of Text Amendment: The suitability of the proposed text amendment for the zoning district in which the amendment is being proposed.
 9. Ingress And Egress: The availability, where relevant, of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.
 10. Utilities And Services: The availability, where relevant, of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present zoning classification.
 11. Length Of Vacancy: The length of time that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
 12. Positive Effect: The proposed amendment creating a positive effect for the zoning district, its purposes, and adjacent properties shall be placed before the benefits of the petitioner. (Ord. 2013-12-944, 1-6-2014)

CHAPTER 19

SPECIAL USE PERMITS

SECTION:

9-19-1: General Provisions

9-19-2: Procedure

9-19-3: Standards For Special Use Permits

9-19-4: Conditions

9-19-5: Effect Of Issuance Of A Special Use Permit

9-19-6: Limitations On Special Use Permits

9-19-7: Amendments To Special Use Permits

9-19-1: GENERAL PROVISIONS:

A. Authority: The board of trustees, in accordance with the procedures and standards set out in this chapter and by ordinance duly adopted, may grant special use permits authorizing the development of uses listed as special uses in the regulations applicable to the district in which the subject property is located.

B. Purpose: Special uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.

C. Parties Entitled To Seek Special Use Permits: An application for a special use permit may be filed by the owner of, or any person having a contractual interest in, the subject property. (Ord. 2013-12-944, 1-6-2014)

9-19-2: PROCEDURE:

A. Application: Applications for special use permits shall be filed in accordance with the requirements of section 9-14-1 of this title.

B. Public Hearing: A public hearing shall be set, noticed, and conducted by the plan commission in accordance with section 9-14-3 of this title.

C. Action By Plan Commission: Within forty five (45) days after the conclusion of the public hearing, the plan commission shall transmit to the board of trustees its recommendation in the form specified by subsection 9-12-3H of this title, recommending either granting the application for a special use permit; granting the application subject to conditions, as specified in section 9-19-4 of this chapter; or denying the application. The failure of the plan commission to act within such forty five (45) days, or such further time to which the applicant may agree, shall be deemed a recommendation to deny the proposed special use permit.

D. Action By Board Of Trustees: Within sixty (60) days after the receipt of the recommendation of the plan commission, or its failure to act as above provided, the board of trustees either shall deny the application or, by ordinance duly adopted, shall grant the special use permit, with or without modifications or conditions. The failure of the board of trustees to act within such sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the special use permit. (Ord. 2013-12-944, 1-6-2014)

9-19-3: STANDARDS FOR SPECIAL USE PERMITS:

A. General Standards: No special use permit shall be recommended or granted pursuant to this chapter unless the applicant shall establish that:

1. Zoning Code And Plan Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this zoning code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the official comprehensive plan.

2. No Undue Adverse Impact: The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

3. No Interference With Surrounding Development: The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

4. Adequate Public Facilities: The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

5. No Traffic Congestion: The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through the surrounding streets.

6. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

7. Compliance With Standards: The proposed use and development complies with all additional standards imposed on it by the particular provision of this zoning code authorizing such use.

8. Positive Effect: The proposed special use creating a positive effect for the zoning district, its purpose, and adjacent properties shall be placed before the benefits of the petitioner.

B. Special Standards For Specified Special Uses: When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

C. Considerations: In determining whether the applicant's evidence establishes that the foregoing standards have been met, the plan commission and the board of trustees shall consider:

1. Benefit: Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute

to the general welfare of the neighborhood or community.

2. Alternative Locations: Whether the purposes of the zoning code can be met by the location of the proposed use and development in some other area or zoning district that may be more appropriate than the proposed site.

3. Mitigation Of Adverse Impacts: Whether all steps possible have been taken to minimize any substantial or undue adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening. (Ord. 2013-12-944, 1-6-2014)

9-19-4: CONDITIONS:

A. Authority: The plan commission may recommend and the board of trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this zoning code upon the premises benefited by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property, the zoning district of the subject property, or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance granting the special use, and the board of trustees may require the unconditional consent of the applicant to such conditions. Violation of any such condition or limitation shall be a violation of this zoning code and shall constitute grounds for revocation of the special use permit.

B. Affidavit Of Compliance With Conditions: Whenever any special use permit granted pursuant to this chapter is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the village manager so stating. (Ord. 2013-12-944, 1-6-2014)

9-19-5: EFFECT OF ISSUANCE OF A SPECIAL USE PERMIT:

The grant of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the village, including, but not limited to, building permit, a certificate of zoning compliance, subdivision approval, and site plan approval. (Ord. 2013-12-944, 1-6-2014)

9-19-6: LIMITATIONS ON SPECIAL USE PERMITS:

Subject to an extension of time granted by the village manager pursuant to subsection 9-12-1J of this title, no special use permit shall be valid for a period longer than two (2) years unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a certificate of zoning compliance is issued and a use commenced within that period.

A. A special use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six (6) consecutive months or more. Except when otherwise provided in the ordinance granting a special use permit, a special use permit shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot. (Ord. 2013-12-944, 1-6-2014)

9-19-7: AMENDMENTS TO SPECIAL USE PERMITS:

A special use permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this chapter for its original approval. (Ord. 2013-12-944, 1-6-2014)

CHAPTER 20

SITE PLAN REVIEW

SECTION:

9-20-1: General Provisions

9-20-2: Procedure

9-20-3: Standards For Site Plan Disapproval

9-20-4: Effect Of Site Plan Approval

9-20-5: Limitations On Site Plan Approval

9-20-6: Adjustments To Site Plan During Development

9-20-7: Amendments To Site Plan After Completion Of Development

9-20-1: GENERAL PROVISIONS:

A. Authority: The Village Manager or the Board of Trustees, in accordance with the procedures and standards set out in this chapter and by ordinance duly adopted, may grant site plan approval to uses and developments requiring such approval pursuant to subsection C of this section.

B. Purpose: The site plan review process recognizes that even those uses and developments that have been determined to be generally suitable for location in a particular district are capable of adversely affecting the purposes for which this

Zoning Code was enacted unless careful consideration is given to critical design elements. It is the purpose of this chapter to provide a vehicle for the review of the developer's attention to such elements.

C. Site Plan Review Required: Site plan review shall be by the Board of Trustees in accordance with this chapter, as provided at subsection C2 of this section. All other site plan reviews provided for below shall be conducted by the Village Manager, or his/her designee.

1. Any development or redevelopment for which the regulations of the base district or an overlay district require site plan review.

2. Site plan review by the Board of Trustees in accordance with this chapter shall be required when any development or redevelopment for which this Zoning Code requires a public hearing including, but not limited to, a zoning map amendment, special use permit, variation, or planned development approval, or for which subdivision plat or condominium plat approval is required pursuant to the Lake Zurich Municipal Code.

3. Any development or redevelopment of any structure, other than for one single-family detached or two-family dwelling units; provided, however, that this subsection C3 does not require site plan review for remodeling that does not involve the creation of any new floor space or the change of any use.

4. Any development or redevelopment involving the creation or expansion of a parking lot or garage.

5. Any development or redevelopment involving a recreational vehicle storage area or an antenna or antenna support structure subject to subsection 9-9-1C7 or C8 of this title. (Ord. 2016-6-137, 6-6-2016; amd. Ord. 2018-7-263, 7-2-2018)

D. Parties Entitled To Seek Site Plan Approval: Applications for site plan review may be filed by the owner of, or any person having a contractual interest in, the subject property. (Ord., 10-2004)

9-20-2: PROCEDURE:

A. Application: Applications for site plan approval shall be filed in accordance with the requirements of section 9-14-1 of this title.

B. Public Meeting: A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with section 9-14-3 of this title.

C. Action By Plan Commission: Within forty five (45) days after the conclusion of the public meeting, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified in subsection 9-12-3H of this title, recommending either approval of the site plan or disapproval based on one or more of the standards set forth in subsection 9-20-3A of this chapter. In the case of any recommendation for disapproval, the plan commission shall make suggestions as required by subsection 9-20-3B of this chapter. The failure of the plan commission to act within such forty five (45) days, or such further time to which the applicant may agree, shall be deemed to be a recommendation for the approval of the site plan as submitted.

D. Action By Board Of Trustees: Within sixty (60) days after the receipt of the recommendation of the plan commission, or its failure to act as above provided, the board of trustees, by ordinance duly adopted, shall approve the site plan as submitted, or shall make modifications acceptable to the applicant and approve such modified site plan, or shall disapprove it in the manner specified in section 9-20-3 of this chapter either with or without a remand to the plan commission for further consideration. The failure of the board of trustees to act within such sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision granting site plan approval. (Ord., 10-2004)

9-20-3: STANDARDS FOR SITE PLAN DISAPPROVAL:

A. Standards: The village manager or the board of trustees shall not disapprove, and the plan commission shall not recommend disapproval of, a site plan submitted pursuant to this chapter except on the basis of specific written findings directed to one or more of the following standards: (Ord. 2016-6-137, 6-6-2016)

1. Application Improper: The application is incomplete in specified particulars or contains or reveals violations of this zoning code or other applicable regulations that the applicant has failed or refused to supply or correct.

2. Failure Of Condition Precedent: The application is submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, and the applicant has failed to secure approval of that application.

3. Failure To Meet Standards: The site plan fails to adequately meet specified standards required by this zoning code with respect to the proposed use or development, including special use standards where applicable.

4. Interference With Right Of Way: The proposed site plan interferes with easements or rights of way.

5. Interference With Features: The proposed site plan unreasonably destroys, damages, detrimentally modifies, or interferes with the enjoyment of significant natural, topographical, or physical features of the site.

6. Traffic Problems: The proposed site plan creates undue traffic congestion or hazards in the public streets, or the circulation elements of the proposed site plan unreasonably create hazards to safety on or off site or disjointed, inefficient pedestrian or vehicular circulation paths on or off site.

7. Inadequate Screening: The screening of the site does not provide adequate shielding from or for nearby uses.

8. Lacking Amenity: The proposed structures or landscaping are unreasonably lacking amenity in relation to, or are

incompatible with, nearby structures and uses.

9. **Lack Of Open Space:** In the case of site plans submitted in connection with an application for a special use permit, the proposed site plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance.

10. **Drainage Or Erosion Problems:** The proposed site plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned drainage system serving the village.

11. **Burdens On Utilities:** The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate the site's utilities into the overall existing and planned utility systems serving the village.

12. **Lack Of Public Uses:** The proposed site plan does not provide for required public uses designated on the official map.

13. **Other Adverse Effects:** The proposed site plan otherwise adversely affects the public health, safety, or general welfare. (Ord., 10-2004)

B. **Alternative Approaches:** In citing any of the foregoing standards, other than those of subsections A1 and A2 of this section, as the basis for disapproving a site plan, the village manager, plan commission or the board of trustees shall suggest alternate site plan approaches that could be developed to avoid the specified deficiency or shall state the reasons why such deficiency cannot be avoided consistent with the applicant's objectives. (Ord. 2016-6-137, 6-6-2016)

9-20-4: EFFECT OF SITE PLAN APPROVAL:

Approval of a site plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the village including, but not limited to, a building permit, a certificate of zoning compliance, and subdivision approval.

A copy of every approved site plan shall be filed with the village manager and the development of the site shall be in substantial conformity with such approved and filed plan. (Ord., 10-2004)

9-20-5: LIMITATIONS ON SITE PLAN APPROVAL:

Subject to an extension of time granted by the village manager pursuant to subsection 9-12-1J of this title, no site plan approval shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a certificate of zoning compliance is issued and a use commenced within that period. (Ord., 10-2004)

9-20-6: ADJUSTMENTS TO SITE PLAN DURING DEVELOPMENT:

A. **Minor Adjustments:** During the development of the site, the village manager may authorize minor adjustments to a site plan that was previously approved by the village manager or by the board of trustees when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:

1. **Altering Locations Of Structures:** Altering the location of any one structure or group of structures by not more than twenty feet (20') or one-fourth ($\frac{1}{4}$) of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.

2. **Circulation:** Altering the location of any circulation element by not more than twenty feet (20') or one-fourth ($\frac{1}{4}$) of the distance shown on the approved site plan between such circulation element and any structure, whichever is less.

3. **Open Space:** Altering the location of any open space by not more than fifty feet (50').

4. **Landscaping:** Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this zoning code and the site plan as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this zoning code.

B. **Major Adjustments:** Any adjustment to a site plan approved by the village manager or by the board of trustees that is not authorized by subsection A of this section shall be considered to be a major adjustment and shall be granted only upon application to and approval by the board of trustees. The board of trustees, by ordinance duly adopted, may grant approval for a major adjustment without referral to the plan commission if the board of trustees finds that any changes in the site plan as approved will be in substantial conformity with said site plan. If the board of trustees determines that a major adjustment is not in substantial conformity with the site plan as approved, then the board of trustees shall refer the request to the plan commission for further consideration and review as provided in section 9-20-2 of this chapter. (Ord. 2016-6-137, 6-6-2016)

9-20-7: AMENDMENTS TO SITE PLAN AFTER COMPLETION OF DEVELOPMENT:

After a site is developed in accordance with an approved site plan, the approved site plan may be amended, varied, or altered in the same manner and subject to the same limitations as provided for original approval of site plans. (Ord., 10-2004)

CHAPTER 21

EXTERIOR APPEARANCE REVIEW

SECTION:

9-21-1: General Provisions

9-21-2: Procedure

9-21-3: Standards And Considerations For Exterior Appearance Approval

9-21-4: Modifications And Conditions

9-21-5: Limitation On Approvals

9-21-6: No Superseder

9-21-1: GENERAL PROVISIONS:

A. Authority: The village manager or the board of trustees, in accordance with the procedures and standards set out in this chapter, may grant exterior appearance approval pursuant to sections 9-3-10, 9-7A-9, and 9-7B-9, and subsections 9-4-9A, 9-5-9A, 9-6-9A, 9-7C-4C, and 9-7D-7C of this title and subsection 9-21-2C of this chapter.

B. Purpose: The exterior appearance review process is intended to protect, preserve, and enhance the character and architectural heritage and quality of the village, to protect, preserve, and enhance property values, and to promote the health, safety, and welfare of the village and its residents. The board of trustees hereby finds that the exterior appearance review process furthers the following public purposes and is therefore in the best interests of the health, prosperity, and welfare of the village and its residents.

1. Special Character: To effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic and aesthetic interest or value which represent or reflect elements of the village's cultural, social, economic, political, and architectural history or distinction. (Ord. 2016-6-137, 6-6-2016)

2. Local Atmosphere: To maintain the local, "small town" atmosphere of various residential and business areas within the village.

3. Compatibility: To ensure compatibility of new development with the existing characteristics of the area.

4. Transitional Areas: To protect sensitive areas of transition from one land use to another.

5. Attractiveness: To protect and enhance the village's attractiveness to visitors and the support and stimulus to local business provided thereby.

6. Strong Economy: To strengthen the economy of the village.

7. Education, Pleasure, And Welfare: To promote the use of areas within the village for the education, pleasure, and welfare of the residents of the village.

C. Parties Entitled To Seek Exterior Appearance Review: Applications for building permits requiring exterior appearance review and approval pursuant to this zoning code may be filed by the owner of, or any person having a contractual interest in, the subject property. (Ord., 10-2004)

9-21-2: PROCEDURE:

A. Application: Applications for exterior appearance approval shall be filed in accordance with the requirements of section 9-14-1 of this title. In addition to the requirements of section 9-14-1 of this title, every such application for approval in the B-2 central business district shall include a statement of proposed improvements which shall detail how the proposed improvements meet the applicable standards and consideration for exterior appearance review.

B. Other Approvals Required Prior To Approval: In any case where the proposed work requires the issuance of a special use permit, variation, or other approval, no exterior appearance approval shall be granted unless and until such special use permit, variation, or other approval has been issued. The issuance of any such other approval shall not be deemed to establish any right to exterior appearance approval.

C. Administrative Review: Exterior appearance review for any development or redevelopment which requires a public hearing pursuant to this zoning code including, but not limited to, a zoning map amendment, special use permit, variation, or planned development approval, or for which subdivision plat or condominium plat approval is required pursuant to the Lake Zurich municipal code, shall be conducted by the board of trustees. All other exterior appearance reviews under this chapter shall be conducted by the village manager or his/her designee. Within fourteen (14) days after a properly completed application has been filed, the village manager shall review the application to determine whether the proposed improvements will substantially alter the existing design and appearance of the subject structure. If the village manager determines that there shall be no such substantial alteration, then the village manager shall approve the application, subject to the provisions of subsection B of this section and sections 9-21-5 and 9-21-6 of this chapter. If the village manager determines that a public hearing is required, or that there will, or may be, such substantial alteration, then the village

manager shall forward the application for review in accordance with subsections D through F of this section.

D. Public Meeting: A public meeting shall be set, noticed, and conducted by the plan commission in accordance with section 9-14-3 of this title.

E. Action By Plan Commission: Within forty five (45) days after the conclusion of the public meeting, the plan commission shall transmit to the board of trustees its recommendation, in the form specified in subsection 9-12-3H of this title, recommending either granting exterior appearance approval, granting the approval subject to conditions, or denying the approval. In reaching its recommendation, the plan commission shall be guided by the purposes for which the exterior appearance review process has been created and by the particular standards and considerations set forth in section 9-21-3 of this chapter. The failure of the plan commission to act within such forty five (45) days, or such further time to which the applicant may agree, shall be deemed to be a recommendation for approval of the application.

F. Action By Board Of Trustees: Within sixty (60) days after receipt of the recommendation of the plan commission, or its failure to act as above provided, the board of trustees shall, by ordinance duly adopted, grant exterior appearance approval, or shall make modifications acceptable to the applicant and approve such modified application, or shall disapprove the application. In reaching its decision, the board of trustees shall be guided by the purposes for which the exterior appearance review process has been created and the particular standards and considerations set forth in section 9-21-3 of this chapter. The failure of the board of trustees to act within such sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application. (Ord. 2016-6-137, 6-6-2016)

9-21-3: STANDARDS AND CONSIDERATIONS FOR EXTERIOR APPEARANCE APPROVAL:

In their consideration of applications for exterior appearance approval, the village manager, the plan commission and the board of trustees shall consider and evaluate the propriety of granting the approval in terms of the effect of the application on the purposes for which exterior appearance approval is required. In addition, the plan commission and the board of trustees shall be guided by the following standards and considerations: (Ord. 2016-6-137, 6-6-2016)

A. General Quality Of Design And Site Development: New and existing buildings and structures and appurtenances thereof which are constructed, reconstructed, materially altered, repaired, or moved shall be evaluated under the following quality of design and site development guidelines:

1. Open Spaces: The quality of the open spaces between buildings and in setback spaces between street and facade.
2. Materials: The quality of materials and their relationship to those in existing adjacent structures.
3. General Design: The quality of the design in general and its relationship to the overall character of neighborhood.
4. General Site Development: The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.

B. General Standards For Visual Compatibility: New and existing buildings and structures, and appurtenances thereof, which are constructed, reconstructed, materially altered, repaired, or moved shall be visually compatible in terms of the following guidelines:

1. Height: The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.
2. Proportion Of Front Facade: The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
3. Proportion Of Openings: The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
4. Rhythm Of Solids To Voids In Front Facades: The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
5. Rhythm Of Spacing And Buildings On Streets: The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
6. Rhythm Of Entrance, Porch, And Other Projections: The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.
7. Relationship Of Materials And Texture: The relationship of the materials and texture of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.
8. Roof Shapes: The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
9. Walls Of Continuity: Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
10. Scale Of Building: The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.

11. Directional Expression Of Front Elevation: A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.

C. Additional Standards Applicable To Development In The B-2 Central Business District: New and existing buildings and structures and appurtenances thereof in the B-2 central business district which are constructed, reconstructed, materially altered, or moved shall be evaluated under the following quality of design and site development guidelines in addition to the standards set in subsections A and B of this section:

1. Overall Compatibility: The proposed improvements should be compatible with adjacent structures and with the overall redevelopment strategy for the B-2 district set forth in the official comprehensive plan.

2. Building Frontage Lines: Buildings along Main Street and Old Rand Road should have frontage directly adjacent to the sidewalk right of way line. Building setbacks may be permitted if the area between the building face and the sidewalk is used for outdoor retailing, seating, or usable public access open space and is compatible with adjacent properties.

3. Principal Entrance: Buildings along Main Street and Old Rand Road should have the principal store entrance accessible directly from the public sidewalk. A short private walkway to the entrance may be permissible if it is consistent with the character of the building and adjacent properties.

4. Entrance Highlights: Store entrances should be highlighted with architectural features compatible with the overall building design.

5. Windows: Windows should be subdivided to emphasize vertical proportions.

6. Story Distinctions: The first story of the building should be distinguished from the second story by means of a horizontal lintel, second floor overhang or setback, or similar detail.

7. Building Materials: Exterior building materials should be any of the following: brick, masonry, stucco, cementitious products, woodlike vinyl siding, and/or natural wood siding.

8. Signs: Sign materials, forms, and designs shall be integral with the building architecture. Custom designed individual letters, carved wood, or etched metal signs will be strongly encouraged. Perpendicular signs extending over the sidewalk may be permitted if limited in size and if compatible with adjacent properties and safety concerns. Backlighting fluorescent box signs shall be prohibited.

D. Additional Standards Applicable To Development In The LP Lake Protection District: New and existing buildings and structures and appurtenances thereof in the LP lake protection district which are constructed, reconstructed, materially altered, repaired, or moved shall be evaluated under the following development guidelines in addition to the standards set in subsections A, B, and, if applicable, C of this section:

1. No Adverse Impact On Views: The proposed development should create no undue adverse impact on existing views of the lake, subject to the other guidelines in this subsection D.

2. Diminution Of Value: Impacts on existing views of the lake may be offset by the degree to which the value of the subject property would be diminished by avoidance or elimination of such impacts on existing views.

3. Protection Of Lake Features: Such diminution in value may be offset, however, by the protection of a valuable existing feature of the lake.

4. Value Of Adjacent Properties: The use and enjoyment, or value, of adjacent properties should not be adversely affected by the proposed use or development. (Ord., 10-2004)

E. Special Considerations For Existing Buildings: For existing buildings, the village manager, the plan commission and the board of trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing. (Ord. 2016-6-137, 6-6-2016)

9-21-4: MODIFICATIONS AND CONDITIONS:

A. Authority: In approving an application for an exterior appearance approval, the village manager or the board of trustees may approve the plans as submitted, or on condition that specified modifications in such plans be made, or on any other condition deemed necessary to achieving the purposes and objectives of this section. Such conditions and modifications shall be set forth in the village manager's written approval or in the ordinance granting approval by the board of trustees. The violation of any such condition or modification shall be a violation of this zoning code. (Ord. 2016-6-137, 6-6-2016)

B. Affidavit Of Compliance With Conditions: Whenever an approval issued pursuant to this chapter is made subject to conditions to be met by the applicant, the applicant, upon meeting such conditions, shall file an affidavit with the village manager stating such compliance. (Ord., 10-2004)

9-21-5: LIMITATION ON APPROVALS:

Subject to an extension of time granted by the village manager pursuant to subsection 9-12-1J of this title, no exterior appearance approval shall be valid for a period longer than six (6) months unless the work authorized by such permit is commenced within such period. It shall be unlawful for any person to deviate from plans approved at the time of exterior appearance approval without obtaining an amended permit in the same manner as herein provided for obtaining original permits. (Ord., 10-2004)

9-21-6: NO SUPERSEDER:

This chapter shall not be construed to limit the application or effect of the village's building codes and ordinances or to relieve the applicant from the responsibility of complying with all such codes and ordinances. (Ord., 10-2004)

CHAPTER 22

PLANNED UNIT DEVELOPMENTS

SECTION:

9-22-1: Authority

9-22-2: Purposes

9-22-3: Parties Entitled To Seek Planned Unit Development Approval

9-22-4: Procedure

9-22-5: Standards For Planned Unit Developments

9-22-6: Conditions On Planned Unit Development Approvals

9-22-7: Affidavit Of Compliance With Conditions

9-22-8: Authority To Modify Regulations

9-22-9: Regulation During And After Completion Of Development

9-22-10: Inspections During Development

9-22-11: Adjustments To Final Plan During Development

9-22-12: Amendments To Final Plan After Completion Of Development

9-22-1: AUTHORITY:

The board of trustees, in accordance with the procedures and standards set out in this chapter and by ordinance duly adopted, may grant special use permits authorizing the development of planned unit developments, but only in the districts where such developments are listed as an authorized special use. (Ord., 10-2004)

9-22-2: PURPOSES:

Planned unit developments are included in this zoning code as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses. In particular, however, the planned unit development technique is intended to allow the modification of otherwise applicable substantive requirements based on procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in this zoning code in recognition of the fact that traditional bulk, space, and yard regulations that may be useful in protecting the character of substantially developed and stable areas may impose rigidities on the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach. This technique is intended to be applied to further only those applications which provide special, compensating amenities to the village. Through the flexibility of the planned unit development technique, the village seeks to achieve the following specific objectives:

- A. More Desirable Environment: Creation of a more desirable environment than would be possible through strict application of other village land use regulations.
- B. Creative Approaches: Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
- C. Coordination Of Features: Combination and coordination of architectural styles, building forms, and building relationships.
- D. Preservation Of Characteristics: Preservation and enhancement of desirable site characteristics such as natural topography, vegetation, and geologic features, and the prevention of soil erosion.
- E. Use Of Open Space: Provision for the preservation and beneficial use of open space.
- F. Creation Of Open Space: An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.
- G. General Health, Safety, And Welfare: Encouragement of land uses that promote the public health, safety, and general welfare. (Ord., 10-2004)

9-22-3: PARTIES ENTITLED TO SEEK PLANNED UNIT DEVELOPMENT APPROVAL:

An application for a special use permit to permit a planned unit development may be filed by the owner of, or any person having a contractual interest in, the subject property. (Ord., 10-2004)

9-22-4: PROCEDURE:

A. Development Concept Plan:

1. Purpose: The development concept plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed planned unit development without incurring the costs associated with preparation of detailed, final development plans. The development concept plan is the basis on which the required public hearing is held. To permit the village and the applicant to proceed with some assurance, approval of the development concept plan binds the applicant and the village with respect to the following basic elements of development:

- a. Categories of uses to be permitted; and
- b. General location of residential and nonresidential land uses; and
- c. Overall maximum density of residential uses and intensity of nonresidential uses; and
- d. The general architectural style of the proposed development; and
- e. General location and extent of public and private open space including recreational amenities; and
- f. General location of vehicular and pedestrian circulation systems; and
- g. Staging of development; and
- h. Nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant.

2. Application: Applications for approval of a development concept plan shall be filed in accordance with the requirements of section 9-14-1 of this title.

3. Public Hearing: A public hearing shall be set, noticed, and conducted by the plan commission in accordance with section 9-14-3 of this title.

4. Action By Plan Commission: Within sixty (60) days after the conclusion of the public hearing, the plan commission shall transmit to the board of trustees its recommendation, in the form specified by subsection 9-12-3H of this title, that the development concept plan either be approved, be approved subject to modifications, or not be approved. The failure of the plan commission to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the development concept plan as submitted.

5. Action By Board Of Trustees: Within sixty (60) days after the receipt of the recommendation of the plan commission, or its failure to act as above provided, the board of trustees shall deny the application for approval of the development concept plan, or shall refer it back to the plan commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the development concept plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the proposed planned unit development and such additional approvals as may be necessary to permit development of the planned unit development as approved; provided, however, that every such ordinance and special use permit shall be expressly conditioned upon approval of the final plan in accordance with subsections C5 and C6 of this section and upon the applicant's compliance with all provisions of this zoning code and the ordinance granting the special use permit.

The failure of the board of trustees to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the development concept plan.

6. Effect Of Development Concept Plan Approval: Unless the applicant shall fail to meet time schedules for filing a final plan or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this zoning code or any approval granted pursuant to it, the village shall not, without the consent of the applicant, take any action to modify, revoke, or otherwise impair an approved development concept plan with respect to the elements of development set forth in subsection A1 of this section pending the application for approval of the final plan. In submitting the final plan, the applicant shall be bound by the approved development concept plan with respect to each such element.

7. Limitation On Development Concept Plan Approval: Subject to an extension of time granted by the village manager pursuant to subsection 9-12-1J of this title, unless a final plan has been filed within two (2) years after the date the board of trustees grants development concept plan approval, or in any case where the applicant fails to file a final plan and to proceed with development in accordance with the provisions of this zoning code and the approved development concept plan, the approval shall automatically expire and be rendered void and the village manager shall, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the planned unit development area that have not yet been completed.

8. Coordination With Subdivision Ordinance: When a subdivision of land subject to the Lake Zurich subdivision ordinance is proposed in connection with a planned unit development, no development concept plan shall be approved until after a preliminary plan of the proposed subdivision has been prepared in accordance with the provisions of the Lake Zurich municipal code and submitted to the village.

B. Optional Concurrent Submission Of A Final Plan: The applicant may submit a final plan for the proposed planned unit development pursuant to the requirements of subsection C of this section simultaneously with the submission of the development concept plan. In such case, the applicant shall comply with all provisions of this zoning code applicable to submission of the development concept plan and to submission of the final plan. The plan commission and the board of trustees shall consider such plans simultaneously and shall grant or deny final plan approval in accordance with the

provisions of subsections C5 and C6 of this section.

C. Final Plan:

1. Purpose: The final plan is intended to particularize, refine, and implement the development concept plan and to serve as a complete, thorough, and permanent public record of the planned unit development and the manner in which it is to be developed.
2. Application: Upon approval of the development concept plan, the applicant shall file an application for final plan approval in accordance with the requirements of section 9-14-1 of this title. The application shall refine, implement, and be in substantial conformity with the approved development concept plan.
3. Public Meeting: A public meeting shall be set, noticed, and conducted by the plan commission in accordance with section 9-14-3 of this title.
4. Coordination With Subdivision Ordinance: When a subdivision of land subject to the Lake Zurich subdivision ordinance is proposed in connection with a planned unit development, review of the final plat of the proposed subdivision shall be carried out simultaneously with review of the final plan.
5. Action By Plan Commission:
 - a. Evaluation: Within sixty (60) days after the filing of an application for approval of a final plan, the plan commission shall, with such aid and advice of the village staff and consultants as may be appropriate, review and act on the plan. Such review shall consider:
 - (1) Whether the final plan is in substantial conformity with the approved development concept plan; and
 - (2) The merit or lack of merit of any departure of the final plan from substantial conformity with the approved development concept plan; and
 - (3) Whether the final plan complies with any and all conditions imposed by approval of the development concept plan; and
 - (4) Whether the final plan complies with the provisions of this zoning code and all other applicable federal, state, and village codes, ordinances, and regulations.
 - b. Approval Based On Substantial Conformity: If the plan commission finds substantial conformity between the final plan and the approved development concept plan and further finds the final plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the development concept plan and with the provisions of this zoning code and all other applicable federal, state, and village codes, ordinances, and regulations, it shall transmit the final plan to the board of trustees with its recommendation, in the form specified in subsection 9-12-3H of this title, that the board of trustees approve the final plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the rights granted by the development concept plan approval. See chapter 24 of this title for the definition of "substantial conformity".
 - c. Recommendation Of Approval Without Substantial Conformity: If the plan commission finds that the final plan lacks substantial conformity to the development concept plan but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this zoning code, it shall transmit the final plan to the board of trustees with its recommendation, in the form specified in subsection 9-12-3H of this title, that the final plan be approved, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
 - d. Recommendation Of Denial: If the plan commission finds that the final plan is not in substantial conformity with the approved development concept plan and does not merit approval, or if the plan commission requires modifications of a plan that are not accepted by the applicant, then the plan commission shall transmit the plan to the board of trustees together with its recommendation, in the form specified in subsection 9-12-3H of this title, that the final plan not be approved.
 - e. Failure To Act: The failure of the plan commission to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a recommendation to the board of trustees to approve the final plan as submitted.
6. Action By Board Of Trustees: Within sixty (60) days after the receipt of the recommendation of the plan commission, or its failure to act as above provided, the board of trustees shall act on the plan as follows:
 - a. Approval Based On Substantial Conformity: If the plan commission has recommended approval of a final plan pursuant to subsection C5b of this section, the board of trustees, unless it specifically rejects one or more of the findings of the plan commission on the basis of expressly stated reasons, shall approve the final plan by a duly adopted ordinance.
 - b. Approval Without Substantial Conformity: In any case other than that specified in subsection C6a of this section, the board of trustees, if it finds that the final plan merits approval and otherwise conforms to the requirements of this zoning code, may approve the final plan by a duly adopted ordinance.
 - c. Referral Back To Plan Commission: In any case other than that specified in subsection C6a of this section, the board of trustees may refer the final plan back to the plan commission for further consideration of specified matters.
 - d. Conditions On Final Plan Approval: The approval of any final plan may be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such

conditions of approval impair the rights granted by the development concept plan approval.

e. Failure To Act: The failure of the board of trustees to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the final plan.

7. Recording Of Final Plan: When a final plan is approved, the village manager shall cause the final plan, or the portions thereof as are appropriate, to be recorded with the recorder of deeds of Lake County.

8. Limitation On Final Plan Approval: Construction shall commence in accordance with the approved final plan within two (2) years after the approval of such plan, or such other time as may be approved by the board of trustees. Failure to commence construction within such period shall, unless an extension of time shall have been granted by the village manager pursuant to subsection 9-12-1J of this title, automatically render void the final plan approval and all approvals of the planned unit development and all permits based on such approvals, and the manager shall, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the planned unit development that have not yet been completed. (Ord., 10-2004)

9-22-5: STANDARDS FOR PLANNED UNIT DEVELOPMENTS:

A. Special Use Permit Standards: No special use permit for a planned unit development shall be recommended or granted pursuant to this chapter unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to chapter 19 of this title.

B. Additional Standards For All Planned Unit Developments: No special use permit for a planned unit development shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:

1. Unified Ownership Required: The entire property proposed for planned unit development treatment shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

2. Minimum Area: The applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned unit developments may be established pursuant to this section.

3. Covenants And Restrictions To Be Enforceable By Village: All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned unit development shall provide that they may not be modified, removed, or released without the express consent of the board of trustees and that they may be enforced by the village as well as by future landowners within the proposed development.

4. Public Open Space And Contributions: Whenever the official comprehensive plan, zoning map, or official map indicates that development of a planned unit development will create a need for land for public purposes of the village within the proposed planned unit development, the board of trustees may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the village for such use. In addition, the board of trustees may require evidence that all requirements of village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned unit development.

5. Common Open Space:

a. Amount, Location, And Use: The failure of a planned unit development to provide common open space shall be considered to be an indication that it has not satisfied the objectives for which such developments may be approved pursuant to this zoning code. When common open space is provided in a planned unit development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned unit development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the final plan as appropriate to the intended leisure and recreational uses for which such open space is intended.

b. Preservation: Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved final plan. The restrictions must be permanent and not for a given period of years and must run with the land. Such covenants and dedications may provide that they may be released, but only with the express written consent of the board of trustees.

c. Ownership And Maintenance: The final plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with predetermined standards and to ensure that remedial measures will be available to the village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned unit development or the village.

d. Property Owners' Association: When the requirements of subsection B5c of this section are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:

(1) The bylaws and rules of the association and all declarations, covenants, and restrictions to be recorded must be

approved as part of the final plan prior to becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this subsection B5d(1); and

(2) The association must be established and all covenants and restrictions must be recorded prior to the sale of any property within the area of the planned unit development designated to have the exclusive use of the proposed open space or improvements; and

(3) The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it; and

(4) Membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements; and

(5) Every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with state statutes; and

(6) The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than two-thirds ($\frac{2}{3}$) of the members voting on the issue; and

(7) The village must be given the right to enforce the covenants; and

(8) The village must be given the right, after ten (10) days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the village shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

6. Landscaping And Perimeter Treatment: Any area of a planned unit development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned unit development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or manmade buffers.

7. Private Streets: Private streets are prohibited unless expressly approved by the board of trustees. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a property owners' association meeting the requirements set forth in subsection B5d of this section.

8. Sidewalks: A sidewalk meeting the standards of the Lake Zurich subdivision ordinance shall be provided along at least one side of every street in or abutting a planned unit development; provided, however, that such sidewalk may be constructed in a street right of way or as a specific element of the design of the planned unit development.

9. Utilities: All utility lines shall be installed underground.

C. Additional Standards For Specific Planned Unit Developments: When the district regulations authorizing any planned unit development use in a particular district impose standards to be met by such planned unit development in such district, a special use permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such standards. (Ord., 10-2004)

9-22-6: CONDITIONS ON PLANNED UNIT DEVELOPMENT APPROVALS:

The approval of either a development concept plan or a final plan may be conditioned on such matters as the approving body may find necessary to prevent or minimize any possible adverse effects of the proposed planned unit development, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this zoning code, the Lake Zurich subdivision ordinance, and the official comprehensive plan; provided, however, that no such condition of final plan approval shall impair the rights granted by development concept plan approval. Such conditions shall be expressly set forth in the ordinance granting the approval in question. Violation of any such condition or limitation shall be a violation of this zoning code and shall constitute grounds for revocation of all approvals granted for the planned unit development. (Ord., 10-2004)

9-22-7: AFFIDAVIT OF COMPLIANCE WITH CONDITIONS:

Whenever any planned unit development approval granted pursuant to this chapter is made subject to conditions or limitations to be met by the applicant, the applicant, upon meeting such conditions, shall file an affidavit with the village manager so stating. (Ord., 10-2004)

9-22-8: AUTHORITY TO MODIFY REGULATIONS:

A. Authority: Subject to the standards and limitations hereinafter set forth, the board of trustees shall have the authority, in connection with the granting of any planned unit development approval pursuant to this chapter, to change, alter, vary, modify, or waive (collectively "modify") any provisions of this zoning code or of the Lake Zurich subdivision ordinance as they apply to an approved planned unit development.

B. Standards: No such modification shall be approved unless the board of trustees shall find that the proposed planned unit development:

1. Achieve Purposes: Will achieve the purposes for which planned unit developments may be approved pursuant to section 9-22-2 of this chapter; and

2. No Violations: Will not violate the general purposes, goals, and objectives of this zoning code and the official comprehensive plan; and

3. Compensating Amenities: Will result in a development providing compensating amenities to the village.

C. Limitations: Except as provided in subsection D of this section, no such modification shall be permitted with respect to the uses permitted in any district or with respect to any standard established by section 9-22-5 of this chapter or with respect to any standard made specifically applicable to planned unit developments by the regulations of any particular district unless such regulations expressly authorize such a change, alteration, variation, modification, or waiver.

D. Cumulative Authority: The modification authority created by this section shall be in addition to the variation authority created by chapter 17 of this title. (Ord., 10-2004)

9-22-9: REGULATION DURING AND AFTER COMPLETION OF DEVELOPMENT:

After final plan approval, the final plan, rather than any other provision of this zoning code, shall constitute the use, parking, loading, sign, bulk, space, and yard regulations applicable to the subject property, and no use or development, other than home occupations and temporary uses, not allowed by the final plan shall be permitted within the area of the planned unit development pursuant to the zoning district regulations otherwise applicable to such area. (Ord., 10-2004)

9-22-10: INSPECTIONS DURING DEVELOPMENT:

A. Inspections By Village Manager: After approval of the final plan of a planned unit development or any stage thereof, the village manager, at least annually until the completion of development, shall review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule.

B. Action By Village Manager: If the village manager finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the final plan, then the village manager shall immediately notify the board of trustees of such fact and may, if necessary to protect the public health, safety, or welfare or to prevent further violation of this zoning code and the final plan, issue an order stopping any, and all work on the planned unit development until such time as any noncompliance is cured.

C. Action By Board Of Trustees: Within sixty (60) days after notification by the village manager, the board of trustees shall either:

1. Compel Compliance: Take such steps as it deems necessary to compel compliance with the final plan; or

2. Require Adjustment: Require the owner or applicant to seek an adjustment to the final plan during development as provided in section 9-22-11 of this chapter.

D. Revocation: Failure of the board of trustees to act within the aforesaid sixty (60) days shall, unless the owner or applicant shall have cured the noncompliance within such period, render void the final plan approval of all uncompleted portions of the planned unit development, all prior plan approvals on which such final plan approval depends, and all permits based upon such approvals, and the village manager shall, without further direction, initiate an appropriate action to revoke the special permit for all portions of the planned unit development that have not yet been completed. The manager shall, in addition, take such other action as may be appropriate to abate the violation. (Ord., 10-2004)

9-22-11: ADJUSTMENTS TO FINAL PLAN DURING DEVELOPMENT:

A. Minor Adjustments: During the development of a planned unit development, the village manager may authorize minor adjustments to the final plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:

1. Altering Location Of Structures: Altering the location of any one structure or group of structures by not more than twenty feet (20') or one-fourth ($\frac{1}{4}$) of the distance shown on the approved final plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the planned unit development, whichever is less; and

2. Circulation: Altering the location of any circulation element by not more than twenty feet (20') or one-fourth ($\frac{1}{4}$) of the distance shown on the approved final plan between such circulation element and any structure, whichever is less; and

3. Open Space: Altering the location of any open space by not more than fifty feet (50'); and

4. Final Grade: Altering any final grade by not more than twenty percent (20%) of the originally planned grade; and

5. Landscaping: Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this zoning code and the final plan, as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this zoning code.

B. Major Adjustments: Any adjustment to the final plan not authorized by subsection A of this section shall be considered to be a major adjustment and shall be granted only upon application to, and approval by, the board of trustees. The board of

trustees, by ordinance duly adopted, may grant approval for a major adjustment without a hearing upon finding that any changes in the final plan as approved will be in substantial conformity with said final plan. If the board of trustees determines that a major adjustment is not in substantial conformity with the final plan as approved, then the board of trustees shall refer the request to the plan commission for further hearing and review as provided in subsection 9-22-4C of this chapter. (Ord., 10-2004)

9-22-12: AMENDMENTS TO FINAL PLAN AFTER COMPLETION OF DEVELOPMENT:

After completion of a planned unit development, an approved final plan may be amended, varied, or altered in the same manner and subject to the same limitations, as provided for major adjustments in subsection 9-22-11B of this chapter. (Ord., 10-2004)

CHAPTER 23

APPLICABILITY, SCOPE, AND ENFORCEMENT

ARTICLE A. APPLICABILITY

SECTION:

9-23A-1: General Applicability

9-23A-2: Application To Variations, Special Uses, And Development Plans

9-23A-3: Building Permits Issued Prior To Effective Date

9-23A-4: Pending Applications

9-23A-5: Repeal Of Prior Provisions

9-23A-6: Severability

9-23A-7: Effective Date And Publication

9-23A-1: GENERAL APPLICABILITY:

A. Territorial Application: This zoning code shall apply to all land, structures, and uses within the corporate limits of the village.

B. General Application:

1. Code Compliance Required: No structure, no use of any structure or land, and no lot of record or zoning lot, now or hereafter existing, shall be established, enlarged, extended, altered, moved, divided, or maintained in any manner after the effective date of this zoning code, except as authorized by the provisions of this zoning code and except in compliance with the regulations of this zoning code. Without limiting the foregoing, any such activity that would cause any existing structure or lot not to comply with this zoning code or that would create any parcel of land that could not be developed in compliance with this zoning code shall be prohibited and no parcel of land created as a result of any such activity shall be used or developed for any purpose.

2. Street Frontage Required: No vacant lot of record or zoning lot shall be developed with a building after the effective date of this zoning code unless such vacant lot of record or zoning lot shall have frontage on an improved public street.

C. General Prohibition: No structure, no use of any structure or land, and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, enlarged, extended, altered, moved, divided, or maintained in any manner, except as authorized by the provisions of this zoning code and except in compliance with the regulations of this zoning code. Without limiting the foregoing, any such activity that would cause any existing structure not to comply with this zoning code or that would create any parcel of land that could not be developed in compliance with this zoning code shall be prohibited.

D. Special Prohibition; Multiple Uses On Residential Zoning Lot: No zoning lot zoned in any residential district in the village shall be used for more than one principal use or one principal structure.

E. Exempt Uses:

1. Utility Lines: The following utility uses are exempt from the provisions of this zoning code: poles, wires, cables, conduits, vaults, laterals, pipes, mains, and valves, but not including substations located on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water, or for the collection of sewage or surface water. All such uses shall, however, comply with the subdivision and other applicable ordinances of the village.

2. Railroad Uses: All railroad rights of way used for railroad purposes, trackage, and passenger stations existing on the effective date of this zoning code shall be exempt from its provisions. Any other railroad rights of way, facilities, or uses, or any change of such existing facilities or uses, shall be subject to all provisions of this zoning code.

F. Private Agreements: This zoning code is not intended to abrogate, annul, or otherwise interfere with any platted building line, easement, covenant, or other private agreement or legal relationship; provided, however, that where the regulations of this zoning code are more restrictive or impose higher standards or requirements than such platted building line, easement, covenant, or other private agreement or legal relationship, the regulations of this zoning code shall govern. (Ord., 10-2004)

9-23A-2: APPLICATION TO VARIATIONS, SPECIAL USES, AND DEVELOPMENT PLANS:

A. Existing Variations, Special Uses, And Development Plan Approvals: Any variation, special use permit, or planned development or comprehensive development plan approval lawfully issued prior to the effective date of this zoning code, or any amendment to it, shall be deemed to be and continue valid after such effective date subject to any conditions placed thereon at the time of issuance; provided, however, that any such variation, special use permit, or planned development or comprehensive development plan approval shall be subject to all of the terms and provisions of this zoning code unless work pursuant to such approval is actually commenced within three (3) months after the effective date of this zoning code. Any structure or use lawfully authorized by any such variation, special use permit, or planned development or comprehensive development plan approval that could not be so issued after such effective date shall be subject to the provisions of chapter 11 of this title dealing with nonconformities.

B. Existing Uses And Structures Newly Requiring Special Use Permit: The owners of any use or structure lawfully existing on the effective date of this zoning code, or any amendment to it, that did not, prior to such effective date, require a special use permit but which, after such effective date, does require a special use permit, may continue such use or maintain such structure by securing therefor a certificate of zoning compliance pursuant to the standards and procedures of chapter 13 of this title. Unless and until such a permit is so secured, such use shall be subject to the provisions of chapter 11 of this title dealing with nonconformities. (Ord., 10-2004)

9-23A-3: BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE:

A. When New Code Shall Apply: All work, structures, and uses authorized by building permits issued prior to the effective date of this zoning code or any amendment to it shall not be affected by this zoning code. Except as provided in subsections B and C of this section, no certificate of zoning compliance shall be issued following the effective date of this zoning code or any amendment to it unless the work, structure, or use for which the certificate is sought is made to fully comply with the applicable provisions of this zoning code or any such amendment.

B. Right To Complete Construction Pursuant To Approved Plans: Nothing in this zoning code, or any amendment to it, shall be deemed to require any change in the plans, construction, or designated use of any structure if a building permit for such structure was lawfully and properly issued prior to the effective date of this zoning code or any such amendment to it, such permit had not by its own terms expired prior to such effective date, and construction pursuant to such permit is commenced prior to the expiration of such permit.

C. Right To Occupy As Nonconformity: After completion pursuant to subsection B of this section, such structure may be occupied by, and a certificate of zoning compliance shall be issued for, the use designated on such permit, subject thereafter, to the extent applicable, to the provisions of chapter 11 of this title relating to nonconformities. (Ord., 10-2004)

9-23A-4: PENDING APPLICATIONS:

A. When New Code Shall Apply: This zoning code, and any amendment to it, shall apply to all applications pending and not yet finally decided on the effective date thereof to which it would apply if such applications were filed on or after such effective date; provided, however, that nothing in this zoning code shall be deemed to require any change in any proposed plat of subdivision that has been granted preliminary plat approval by the board of trustees prior to such effective date, and provided further, however, that this zoning code shall not apply to any zoning variation application that was on file with the village and complete in all material respects prior to such effective date, which zoning variation application shall be processed in accordance with the standards and requirements that were in effect on the date such application was filed.

B. Duty Of Village Manager: Within thirty (30) days after the effective date of this zoning code, or any amendment to it, the village manager shall inform each applicant to which this zoning code applies that said application is subject to the provisions of this zoning code, as amended, and will be processed in accordance therewith; that the applicant may within thirty (30) days after the mailing of such notice refile, without additional fee, its application on the basis of this zoning code, as amended; and that if the applicant does not so refile, its application may be denied for noncompliance with the provisions of this zoning code, as amended.

C. Duty Of Applicant: Notwithstanding the provisions of subsection B of this section, it shall be the responsibility of each applicant having an application pending on the effective date of this zoning code, or any amendment to it, to modify such application in accordance with the terms and provisions of this zoning code, as amended, and the failure to do so, whether or not the procedures of said subsection have been followed, may result in denial of such application for failure to comply with this zoning code, as amended. Any modification or refiling of an application pending on such effective date in order to comply with the provisions of this zoning code, as amended, shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional fee.

D. Processing Of Pending Applications: After the refiling of any pending application as herein provided, or after notification from the applicant that it will not refile or modify its application, or after the expiration of sixty (60) days after the effective date of this zoning code or any amendment to it, whichever occurs first, such pending application shall be processed in accordance with the terms of this zoning code, as amended; provided, however, that the application requirements, hearing requirements, and procedural requirements set forth in chapter 14 of this title shall not apply to any such pending application and each such application shall be processed in accordance with the application, hearing, and procedural requirements that were in effect on the date such application was filed. Notwithstanding any other provision of

this subsection, the village manager shall have the authority to request additional data, information, or documentation for pending applications when, in his or her judgment, such additional data, information, or documentation is necessary or appropriate to a full and proper consideration and disposition of such pending application. (Ord., 10-2004)

9-23A-5: REPEAL OF PRIOR PROVISIONS:

This title is the Lake Zurich zoning ordinance as amended from time to time thereafter. All prior zoning ordinances and regulations and prior related provisions of the Lake Zurich municipal code shall be, and they are hereby, repealed in their entirety. Except as expressly provided in this zoning code, such repeals shall not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected. (Ord., 10-2004)

9-23A-6: SEVERABILITY:

A. Intent As To Severability: The several provisions of this zoning code shall be severable in accordance with the following rules:

1. Provisions Declared Invalid: If any court of competent jurisdiction shall adjudge any provision of this zoning code to be invalid, such judgment shall not affect any other provisions of this zoning code.

2. Applications Declared Invalid: If any court of competent jurisdiction shall adjudge invalid the application of any provision of this zoning code to a particular parcel of land, a particular structure or a particular use, such judgment shall not affect the application of said provisions to any other land, structure, or use.

B. Applicable Regulations Following Declaration Of Invalidity: Whenever the provisions of this zoning code are declared invalid in their application to any particular parcel of land, the zoning map provided for in section 9-2-4 of this title shall continue to show such parcel in the zoning district applicable to it pursuant to this zoning code unless and until such district is changed by an amendment adopted by the board of trustees pursuant to chapter 18 of this title; provided, however, that the parcel in question shall also be marked with a star or other distinctive marking to direct attention to the court decree affecting said parcel. The village manager shall maintain a file of any such decrees. The provisions of any such decree shall be deemed to modify the otherwise applicable provisions of this zoning code as they apply to said parcel to the extent provided in said decree but said parcel shall otherwise remain subject to the provisions of this zoning code. (Ord., 10-2004)

9-23A-7: EFFECTIVE DATE AND PUBLICATION:

This zoning code shall take effect immediately after, and its effective date shall be the date of, its passage by a vote of two-thirds ($\frac{2}{3}$) of the corporate authorities then holding office and its approval by the village president, the corporate authorities hereby finding that the immediate implementation of this zoning code is a matter of urgency. The village manager is hereby authorized and directed to publish this zoning code in pamphlet form and to publish an appropriate notice of its adoption and availability in a newspaper of general circulation in the village. (Ord., 10-2004)

ARTICLE B. SCOPE

SECTION:

9-23B-1: Provisions Are Minimum Requirements

9-23B-2: Provisions Are Cumulative

9-23B-3: Provisions Are Not A Consent, License, Or Permit

9-23B-4: Unlawful Uses And Structures Are Not Validated

9-23B-1: PROVISIONS ARE MINIMUM REQUIREMENTS:

In their interpretation and application, the provisions of this zoning code shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this zoning code in general and its various sections in particular. When the provisions of this zoning code impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this zoning code shall be controlling. When the provisions of any statute, other ordinance, or regulation impose greater restrictions than this zoning code, the provisions of such statute, other ordinance, or regulation shall be controlling. (Ord., 10-2004)

9-23B-2: PROVISIONS ARE CUMULATIVE:

The provisions of this zoning code shall be interpreted to be cumulative of, and to impose limitations in addition to, all other codes, laws, and ordinances in existence or which may be passed governing any subject matter of this zoning code. The several provisions of this zoning code shall also be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this zoning code shall be construed to be consistent with, and not in conflict with, the provisions of such other codes, laws, and ordinances, and with each other, to the end that all such provisions may be given their fullest application. (Ord., 10-2004)

9-23B-3: PROVISIONS ARE NOT A CONSENT, LICENSE, OR PERMIT:

The provisions of this zoning code shall not be interpreted to be, or to grant, a consent, license, or permit to use any property or to establish, locate, construct, or maintain any structure or use, or to carry on any trade, industry, occupation, or

activity. (Ord., 10-2004)

9-23B-4: UNLAWFUL USES AND STRUCTURES ARE NOT VALIDATED:

This zoning code shall not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of this zoning code. Any such unlawful use or structure shall remain unlawful to the extent that said use or structure is in conflict with the provisions of this zoning code. (Ord., 10-2004)

ARTICLE C. ENFORCEMENT AND PENALTIES

SECTION:

9-23C-1: General Enforcement Authority And Duty

9-23C-2: Civil And Administrative Enforcement

9-23C-3: Penalties

9-23C-4: Private Remedies Preserved

9-23C-1: GENERAL ENFORCEMENT AUTHORITY AND DUTY:

On finding the existence of any violation of this Zoning Code, the Village Manager shall have the authority and duty to take or direct all actions necessary or appropriate to abate and redress such violation. (Ord., 10-2004)

9-23C-2: CIVIL AND ADMINISTRATIVE ENFORCEMENT:

A. Stop And Cease And Desist Orders: On finding the existence of any violation of this Zoning Code, the Village Manager shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the Manager shall order the discontinuance of any illegal use of land or structures, the removal of illegal structures, additions, or alterations, and the discontinuance of illegal work being done.

B. Legal Actions: In the enforcement of this Zoning Code, the Village Manager shall exercise all the powers authorized by the Statutes of the State of Illinois and Village codes and ordinances to ensure compliance with, or to prevent or abate any violation of, the provisions of this Zoning Code, and in particular shall, where necessary or appropriate, institute or cause to be instituted by the Village Attorney in the name of the Village of Lake Zurich any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this Zoning Code.

C. Abatement; Liens: Where authorized by State Statute, the Village Manager may order any work necessary to abate any violation of this Zoning Code and shall assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the Manager shall file a lien for such costs and for all costs of collection against the property in question.

D. Revocation Of Rezoning, Permits, Variations, Or Approvals: The violation of any provision of this Zoning Code, or of any permit or approval granted pursuant to this Zoning Code, or of any condition imposed pursuant to this Zoning Code shall be grounds for the revocation of any rezoning, permit, variation, or approval granted pursuant to this Zoning Code and affecting the property involved in the violation. The Village Manager may recommend and the Board of Trustees may order such revocation; provided, however, that where the original rezoning, permit, variation, or approval was granted following a public hearing required pursuant to this Zoning Code, the revocation shall be preceded by a similar public hearing.

E. Fines: In the enforcement of this Zoning Code, the Village Manager shall, where necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this Zoning Code as authorized by State law and this Zoning Code. (Ord., 10-2004)

9-23C-3: PENALTIES:

Any person who shall violate, disobey, omit, neglect, or refuse to comply with, or who shall resist enforcement of, any provision of this Zoning Code shall be subject to a fine pursuant to title 13, chapter 1, "Fee Schedule", of the Lake Zurich Municipal Code for each offense; provided, however, that, if service of summons is made by certified mail pursuant to section 1-2-9.1 of the Illinois Municipal Code, 65 Illinois Compiled Statutes 5/1-2-9.1, as amended, then the maximum fine shall be pursuant to title 13, chapter 1, "Fee Schedule", of the Lake Zurich Municipal Code. Each day a violation continues to exist shall constitute a separate offense. (Ord., 10-2004; amd. Ord. 2018-12-279, 12-3-2018)

9-23C-4: PRIVATE REMEDIES PRESERVED:

Nothing in this article shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Zoning Code from bringing an appropriate action to secure such relief. (Ord., 10-2004)

CHAPTER 24

USAGE AND DEFINITIONS

SECTION:

9-24-1: Word Usage

9-24-2: Definitions

9-24-1: WORD USAGE:

- A. Tense And Form: Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Number: Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. Gender: The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
- D. Shall And May: The word "shall" is mandatory. The word "may" is permissive.
- E. Time: The time within which any act required by this zoning code is to be performed shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States congress or the Illinois general assembly, in which event it shall also be excluded.
- F. Person: The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.
- G. Used For: The phrase "used for" shall include intended for, designed for, occupied for, maintained for, and arranged to be used or occupied for whenever that interpretation would result in the regulation being more restrictive in its application to any use or structure.
- H. Village: The word "village" means the village of Lake Zurich, Lake County, Illinois.
- I. County: The word "county" means the county of Lake, Illinois.
- J. Undefined Terms: Any word not defined in section9-24-2 of this chapter shall have the meaning given in any applicable village code or ordinance or, if none, in the "Merriam-Webster Dictionary, Eleventh Edition", 2004, except for words employed to refer to the permitted uses and special uses of this zoning code, which shall be interpreted, insofar as applicable, in accordance with the meaning established in the "Standard Industrial Classification Manual", 1987, as amended through the effective date of this zoning code.
- K. Captions, Illustrations, And Tables: In case of any difference of meaning or implication between the text of this zoning code and any caption, illustration, or table, the text shall control.
- L. Chapter, Article, Section, And Subsection Headings: This zoning code is divided into chapters, articles, sections, and subsections that shall be numbered according to the following format:

9-7A-1A1a(1)(A)(i)

and that shall be referred to in accordance with the following example:

9	Title
9-7	Chapter
9-7A	Article
9-7A-1	Section
9-7A-1A	Subsection
9-7A-1A1	Subsection
9-7A-1A1a	Subsection
9-7A-1A1a(1)	Subsection
9-7A-1A1a(1)(A)	Subsection
9-7A-1A1a(1)(A)(i)	Subsection

(Ord., 10-2004)

9-24-2: DEFINITIONS:

When used in this Zoning Code, the following terms shall have the meanings herein ascribed to them:

ABUT: To touch, to lie immediately next to, to share a common wall or lot line, or to be separated by only a street, alley, or drainage course.

ACCESSORY BUILDING, STRUCTURE, OR USE: See section9-9-1 of this title.

ADJACENT: To lie near, close to, or in the vicinity.

ADULT BOOTH: Any area of an adult entertainment establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

ADULT CABARET: Any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:

- A. Persons who appear seminude.

B. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

C. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

ADULT ENTERTAINMENT ESTABLISHMENT: An "adult cabaret", "adult store", or "adult theater", as defined in this section.

ADULT MATERIAL: Any of the following, whether new or used:

- A. 1. Books, magazines, periodicals, or other printed matter, or digitally stored materials; or
2. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind,

that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

B. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

ADULT STORE: Any commercial establishment: a) that contains one or more adult booths; b) that as a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials; or c) that has a segment or section devoted to the sale or display of adult materials.

ADULT THEATER: Any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

ALCOHOLIC LIQUOR: Shall, in addition to its definition in the liquor control act, include the following: any beverage containing any alcoholic content, including those beverages commonly known as or marketed as "near beer", "nonalcoholic beer", or "nonalcoholic wine".

ALCOHOLIC LIQUOR, ACCESSORY PACKAGE LIQUOR SALES ESTABLISHMENT: A business having as a subordinate purpose the retail sales of "alcoholic liquors" in original package for consumption off premises.

ALCOHOLIC LIQUOR, PACKAGE LIQUOR SALES ESTABLISHMENT: A business having as its primary purpose the retail sales of "alcoholic liquors" in original package for consumption off premises.

ALLEY: A public right of way primarily for vehicular traffic along the side or in the rear of properties which affords only a secondary means of access to abutting properties.

ALTERATION: Any change in the size, shape, character, occupancy, or use of a structure.

ALTERATION, STRUCTURAL: See definition of structural alteration.

AMENDMENT: See chapter 18 of this title.

ANTENNA: Any structure designed for transmitting signals to a receiving station or for receiving television, radio, data, or other signals from satellites or other services.

ANTENNA SUPPORT STRUCTURE: Any structure used for the principal purpose of supporting an antenna.

ANTENNA SURFACE AREA: See definition of surface area, antenna.

APARTMENT DWELLING: See "Dwelling, Apartment" in this Section.

APPEAL: See chapter 16 of this title.

ATTACHED, DWELLING: See definition of dwelling, single-family attached.

AUTOMATIC TELLER MACHINE: An automated device that performs banking or financial functions.

AWNING: A rooflike covering, temporary in nature, that projects from the wall of a building.

BASEMENT: A portion of a structure located partly underground having an average ceiling height above grade of more than 3.5 feet but less than six feet (6').

BED AND BREAKFAST ESTABLISHMENT: A single-family detached dwelling that provides sleeping accommodations for charge to the public. See subsection 9-3-3F of this title for requirements and standards applicable to bed and breakfast establishments.

BERM: A hill or contour of land that acts as a visual barrier between a lot and adjacent properties, alleys, or streets.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, bulkhead lines or shorelines of waterways, or corporate boundary lines of the Village.

BOARD OF APPEALS: The Planning and Zoning Commission of the Village. See section 9-12-2 of this title.

BOARD OF TRUSTEES: The President and the Board of Trustees of the Village of Lake Zurich.

BOAT LAUNCH RAMP: An inclined, hard surface slab or slipway on the shore of a water body that extends into the water, upon which trailered boats can be launched and retrieved; such ramp may consist of one or more launch lanes. Such definition of boat launch ramp shall only be applicable to such structures directly associated with and on the premises of an authorized marina, as defined in this chapter. An existing "boat launch ramp" shall be pursuant to the provisions of chapter 11, "Nonconformities", of this title.

BUFFERING: Any means of protecting a parcel from the visual or auditory effects of an adjacent use. Buffering may include, but is not limited to, berming, fencing, landscaping, setbacks, or open spaces.

BUILDING: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for shelter, enclosure or protection of persons, animals or chattels. Also, see definition of structure. References to "building" shall in all cases be deemed to refer to both buildings and structures.

BUILDING, ACCESSORY: See section 9-9-1 of this title.

BUILDING CODE: The Building Code of the Village of Lake Zurich.

BUILDING DEPTH: The longest straight line that can be drawn through a structure substantially parallel to the side or corner side lot lines of the lot on which it is located.

BUILDING, DETACHED: A building surrounded entirely by open space.

BUILDING, ENCLOSED: A building separated on all sides from the adjacent open area, or from other buildings or structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or doors normally provided for the accommodation of persons, goods or vehicles. However, a parking structure that has less than fifty percent (50%) of its outer wall space open but that does not allow any parked vehicle within said structure to be seen from the exterior thereof shall be considered an enclosed building.

BUILDING HEIGHT: See definition of height.

BUILDING OR STRUCTURE FRONT: That exterior wall of a building or structure facing the front line of the lot on which it is located.

BUILDING PERMIT: A permit issued by the Village of Lake Zurich for the construction, erection or alteration of a structure or building.

BUILDING, PRINCIPAL: A building in which is conducted the principal use or uses of the lot on which said building is situated.

BUILDING WIDTH: The longest straight line that can be drawn through a structure parallel to the front lot line.

BULK AND SPACE REGULATIONS: The regulations of this Zoning Code pertaining to the permissible or required height, volume, area, floor area, floor area ratio, open space ratio, minimum lot area and dimensions, building coverage, lot coverage, usable open space, and density standards applicable to uses and structures. The term does not include yard requirements.

BUSINESS DISTRICT: Any district whose designation begins with the letter "B", as set forth in section 9-2-1 of this title.

BUSINESS USE OR PURPOSE: Any use permitted in a business or shopping district.

CALIPER: The diameter of a tree trunk measured at six inches (6") above ground level for trees less than four inches (4") in diameter at ground level and measured twelve inches (12") above ground level for all other trees.

CANNABIS: Marijuana, hashish and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies such as indica of all strains of cannabis, whether growing or not: the seeds thereof, the resin extracted from any part of the plant: and any compound, manufacture, salt, derivative, mixture, or preparation of the plant its seeds or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

CANNABIS BUSINESS ESTABLISHMENT: An adult-use recreational cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization. For the purposes of this definition, 80% of such establishment's gross revenue comes from the sale, handling, and transportation of cannabis and cannabis-related products, and in which the sale of other products is merely incidental.

CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax

Act, (P.A. 101-0027), Pursuant to 410 ILCS 705/1, et seq," as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), Pursuant to 410 ILCS 705/1, et seq," as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), Pursuant to 410 ILCS 705/1, et seq," as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), Pursuant to 410 ILCS 705/1, et seq, as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), Pursuant to 410 ILCS 705/1, et seq," as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), Pursuant to 410 ILCS 705/1, et seq," as it may be amended from time-to-time, and regulations promulgated thereunder.

CANOPY: A rooflike structure of a permanent nature that projects from the wall of a building.

CAR WASH: Any land, "structure", "building" or portion thereof containing facilities for washing, cleaning, polishing, waxing, or drying one or more "motor vehicles" using production line methods with a chain conveyor, blower, steam cleaning equipment, or other mechanical device; or providing space, water, equipment, or soap for the complete or partial hand washing of a motor vehicle. Car washes may include open vacuum bays and a maximum of one open wash bay. The open wash bay shall be screened on both sides by a minimum six-foot (6') wall of the same construction material as the "principal building".

CARDHOLDER: A qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Department of Public Health.

CARRYOUT EATING PLACE: See definition of eating place, carryout.

CELLAR: A portion of a structure located partly or wholly underground having an average ceiling height above grade of not more than 3.5 feet.

CEMETERY: A burial ground including structures such as mausoleums, columbariums, incidental management offices, and maintenance facilities.

CERTIFICATE OF ZONING COMPLIANCE: See chapter 13 of this title.

CIRCULATION AISLE: The means of access to a parking or loading space for a motor vehicle.

CIVIC OR CIVIC USE OR PURPOSE: An undertaking in which the citizens of a community, by their cooperative action and as their central goal, seek to promote the general welfare and common good of the community; in other words, a community movement to accomplish community goals.

CLASSIFICATION OR ZONING CLASSIFICATION: The district into which a parcel of land is placed and the body of regulations to which it is subjected by this Zoning Code and the zoning map.

CLEAR SITE AREA: See section 4-2-1-3 of the Lake Zurich Municipal Code.

CODE: See definition of Zoning Code.

COMMERCIAL BUILDING: A building the principal use of which is a commercial use.

COMMERCIAL ESTABLISHMENT: Any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

COMMERCIAL OFF-STREET PARKING AREA: A parking area serving more than four (4) residential units or serving non-residential uses including but not limited to educational, religious, commercial (including office and retail), medical, industrial or similar land uses.

COMMERCIAL USE OR PURPOSE: Any use permitted in a business district.

COMPLETELY ENCLOSED BUILDING: See Building, Enclosed.

COMPREHENSIVE PLAN: The composite of the functional and geographic elements of the Official Comprehensive Plan of the Village of Lake Zurich and environs or any segment thereof, in the form of plans, maps, charts, text of reports, implementing ordinances and the Official Map, modified and updated from time to time. Also, see section 9-2-5 of this title.

CORNER LOT: See definition of lot, corner.

CUL-DE-SAC: A minor street having one end open and one end permanently terminated by a vehicular turnaround.

CURB: The permanent edge of a paved surface designed to separate the vehicular travel way from the landscaped parkway.

CURB LEVEL: The street curb height at the midpoint of a lot line. Where no curb exists, the elevation of the crown of the street at the midpoint of the lot line shall be deemed to be the curb level.

CUTOFF: A device used to completely eliminate all light rays emitted by a lamp, luminaire, or other light source at a specific angle above the ground.

CUTOFF ANGLE: The angle formed by the intersection of a straight line drawn perpendicular to the ground at the source of light and a straight line drawn from the light source along the path above which no light is emitted.

DAYCARE: Daytime care or instruction of children away from their own homes by a person other than a relative, whether or not for compensation or reward.

DAYCARE HOME: A dwelling unit in which daycare for children is being provided as a home occupation.

DECK: A structure attached to or closely adjacent to any dwelling unit that is designed and intended for the support of persons; that is made of wood; that has no permanent or temporary cover or canopy; that is constructed on piers and without continuous foundation or footings; and that has no part extending above the floor level of the first story of such dwelling, excluding any cellar or basement; provided, however, that protective, decorative, or ornamental appurtenances such as handrailings, benches, and the like may extend to a height of forty two inches (42") above such floor level.

DEDICATION: The designation of land for a public use by the owner thereof.

DEPTH OF LOT: See definition of lot depth.

DESIGNATED CAREGIVER: A person who: a) is at least twenty one (21) years of age; b) has agreed to assist with a patient's medical use of cannabis; c) has not been convicted of an excluded offense; and d) assists no more than one registered qualifying patient with his or her medical use of cannabis.

DETENTION: Temporary on site storage of stormwater to be released at a predetermined rate by means of facilities engineered for that purpose.

DEVELOPMENT: Any manmade change, other than maintenance of existing structures, paved areas, or utilities, to improved or unimproved real estate, including, without limitation, the construction or installation of new, or enlargement of existing, structures, streets, or utilities; dredging, filling, drilling, mining, grading, paving, or excavating operations; and open storage of materials.

DIAMETER AT BREAST HEIGHT (dbh): The diameter of a tree trunk measured at fifty four inches (54") above ground level.

DIRECTOR OF COMMUNITY DEVELOPMENT: The Lake Zurich Director of the Community Development Department overseeing the functions of Building, Zoning and Code Enforcement.

DISTRICT BOUNDARY LINE: A line on the zoning map separating one district from another. See also subsection 9-2-4C of this title.

DISTRICT BOUNDARY LOT: Any lot or parcel of land any lot line of which coincides with a district boundary line or which is contiguous to any public or private right-of-way containing a district boundary line.

DISTRICT OR DISTRICT, ZONING: See definition of zoning district.

DRAINAGEWAY: Any natural or artificial watercourse, trench, ditch, swale, or similar depression or topographic feature into which surface water flows.

DRIVE-IN EATING PLACE: See definition of eating place, drive-in.

DRIVE-IN ESTABLISHMENT OR FACILITY: An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on or off the premises or to be entertained while remaining in a motor vehicle.

DRIVE THROUGH FACILITY: Any area within a driveway on which business is transacted directly with customers while the customers are located within in a "motor vehicle".

DRIVEWAY: A private accessway that provides direct access from a street to not more than one lot or one principal building or use, such private accessway being constructed primarily outside the street right of way and leading to a parking garage or

structure, parking area, parking lot or parking space, loading dock or loading space. A private accessway that provides access to two or more lots of record shall be considered a private street.

DRIVEWAY ENTRANCE: A paved way from the roadway to the driveway over the parkway. A driveway entrance shall include the curb cut and the driveway entrance pavement (driveway apron) itself but not the sidewalk.

DWELLING: Any structure or portion thereof designed or used for habitation by one or more families.

DWELLING, APARTMENT: A "building" [SR] or a portion thereof in which a "dwelling unit" [SR] or a portion thereof is located above or below another dwelling unit, or above or below any other independently used portion of the building.

DWELLING, MULTIPLE-FAMILY: A dwelling, other than a townhouse dwelling, containing more than two (2) dwelling units.

DWELLING, SINGLE-FAMILY ATTACHED: See definition of dwelling, townhouse.

DWELLING, SINGLE-FAMILY DETACHED: A dwelling containing only one dwelling unit, situated on a separate subdivision lot or being a separate condominium unit capable of individual sale and completely surrounded by open space.

DWELLING, STAFF: A dwelling where lodging is provided in rooming units exclusively for the administrators, employees, vocational students, or other personnel of a hospital, and their families.

DWELLING, TOWNHOUSE: A dwelling composed of a row of two (2) or more adjoining dwelling units, each situated on a separate subdivision lot or being a separate condominium unit capable of individual sale, and each of which is separated from the others by one or more unpierced walls extending from ground to roof, and each of which is provided with garage space sufficient for at least two (2) vehicles.

DWELLING, TWO-FAMILY: A dwelling, other than a townhouse dwelling, containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

DWELLING UNIT: Any room or group of rooms located within a dwelling forming a single habitable unit with facilities that are used or intended to be used for general living by one family, including any such unit in which food or drink is stored on a regular basis, or in which a bed is placed at any time, or in which kitchen or cooking facilities are installed or used at any time.

EASEMENT: Authorization by a property owner for the use by the general public, a corporation or a certain person or persons, and for a specified purpose, of any designated area of his or her property. The term also refers to such a designated area.

EATING PLACE: An establishment where food is available to the general public primarily for consumption within a structure on the premises, where at least fifty percent (50%) of the gross floor area of the establishment is devoted to patron seating, and where the consumption of food in motor vehicles on the premises is neither encouraged nor permitted.

EATING PLACE, CARRYOUT: An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready to eat foods intended to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged.

EATING PLACE, DRIVE-IN: A drive-in establishment, as defined as "drive-in establishment or facility" in this section, where food is prepared and served for consumption in motor vehicles.

EFFECTIVE DATE: See section 9-23A-7 of this title.

ENLARGEMENT: An addition to the floor area of, or any other increase in the size of, any existing structure.

EXTENSION: An increase in the amount of existing floor area used for an existing use within an existing structure or an increase in that portion of a tract of land occupied by an existing use.

EXTERIOR WALL: Any wall of a building or structure one side of which is exposed to the outdoors.

FAMILY: One or more persons related by blood, marriage, legal adoption, or guardianship, or not more than four (4) persons not so related, together with gratuitous guests and domestic servants, living together as a single housekeeping unit.

FENCE: A barrier structure used as a boundary or as a means of protection, confinement, or screening.

FINANCIAL SERVICES: Any commercial or office establishment or business that primarily performs central banking functions (such as issuing currency, managing national money supply and international reserves, and acting as fiscal agent for the central government) and accepts deposits (or share deposits) and lends funds from these deposits, and which establishment may include these services to patrons and customers through an accessory, drive-through, as a special use. Uses include banks; savings associations; savings and loan institutions; investment banking; brokerage securities or commodities; credit reporting services; certified financial planning; accounting; auditing bookkeeping; credit services offices, including credit unions; holdings and investment services; savings and loans association officers; and consumer and mercantile credit reporting services. Financial services does not include pawnshops, businesses primarily engaged in check cashing or issuing money orders or title loan establishments or other businesses offering short term consumer loans secured by personal property, certificates of title to such property, estimated tax refunds or other such collateral (all of which are prohibited money changing/money brokering uses).

FLOOR AREA, GROSS: Except as hereinafter provided, the sum of the gross horizontal areas of all floors of all stories of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the centerline of walls separating two (2) buildings or uses. Gross floor area shall include areas such as elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical, and plumbing equipment, except as indicated below or when located on the roof; penthouses; interior balconies and mezzanines; atria; enclosed porches; and floor space used for accessory uses. Gross floor area shall include one-half ($\frac{1}{2}$) of the floor area of basement floors; one-half ($\frac{1}{2}$) of the floor area located in the uppermost story of a structure when said uppermost story has a ceiling height of seven feet (7') or more over a floor area that is one-third ($\frac{1}{3}$) or more but less than one-half ($\frac{1}{2}$) of the floor area of the next lower story; and all of the floor area located in the uppermost story of a structure when said uppermost story has a ceiling height of seven feet (7') or more over a floor area that is one-half ($\frac{1}{2}$) or more of the floor area of the next lower story. Gross floor area shall include one-half ($\frac{1}{2}$) of the floor area of the uppermost level of a multilevel parking structure and all of the floor area of all other levels of all parking structures except basement and cellar levels, which shall be treated like basement and cellar stories. Gross floor area shall not include the floor area of the uppermost story of a structure when said uppermost story has a ceiling height of seven feet (7') or more over a floor area than is less than one-third ($\frac{1}{3}$) of the floor area of the next lower story; or cellar floor area. Where any space has a floor to ceiling height of more than sixteen feet (16'), each sixteen feet (16') of height or major fraction thereof shall be treated as a separate floor.

FLOOR AREA, NET: The gross floor area of a building minus floor space devoted to washrooms intended for general public use; elevator shafts and stairwells at each floor; floor space and shafts used for mechanical, electrical, and plumbing equipment; public foyers and atria intended for general public use; exterior building walls; floor space devoted to off street parking and loading; and basement floor space used only for bulk storage.

FLOOR AREA RATIO (FAR): The gross floor area of a building divided by the lot area of the zoning lot on which it is located. For purpose of calculating the FAR, "lot area" shall not include areas permanently covered by water or areas subject to natural resource restrictions, including floodplains, wetlands, and lowland conservancy soils.

FOOT-CANDLE: The illumination of a surface one foot (1') distant from a source of one candle power, equal to one lumen per square foot.

FOOT-CANDLE, MAXIMUM: The maximum permitted illumination, measured in foot-candles both horizontally and vertically, at the lot line of the lot on which the light source is located.

FRONT LOT LINE: See definition of lot line, front.

FRONT YARD: See definition of yard: front.

FRONT YARD LINE: See definition of yard line, front.

FRONTAGE: All of the property fronting on one side of a street, measured along such street, between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of thirty feet (30'), an end of a dead end street, or a Village boundary.

FRONTAGE, ZONING LOT: All of the property of a zoning lot fronting on a street, measured between side or corner side lot lines.

GARAGE, PARKING: A structure, or part thereof, designed or used for the parking and storage of vehicles at one or more levels.

GLARE, DIRECT: Light visible directly from the source thereof.

GRADE: The average level of the ground existing prior to any reshaping of the natural contours at the four (4) principal corners of a structure or proposed structure that are closest to the lot lines. When the existing natural ground level slopes away from any such corner, then the level of the ground at such corner shall be measured at the lowest point lying within six feet (6') of such corner. In engineering terms, the Grade shall also mean the slope of the land, road, street or other public way expressed in percent.

GRADING: Reshaping natural land contours using natural land materials.

HEIGHT: The vertical distance measured from grade to the highest point of the roof for flat roofs, or to the deck line for mansard roofs, or to the mean height between eaves and ridge for gable, hip, and gambrel roofs, or to the highest point of a structure without a roof. When a parapet wall, a penthouse, or any similar structure is located on the roof of a building, the building height shall be measured to the highest point of said structure if any part of it extends above the height as measured pursuant to the first sentence of this definition. Notwithstanding the foregoing, mechanical equipment and any wall or similar structure designed exclusively for the purpose of screening such mechanical equipment from view shall not be considered in determining the height of a building. Chimneys shall not be considered in determining the height of a building.

HOME OCCUPATION: See section 9-9-3 of this title.

HOTEL: An establishment that is designed for transient guests, that is commonly known as a hotel in the community in which it is located, that does not have individual entrances from the outside of the building for the dwelling or rooming units located therein, and that provides customary hotel services such as maid service, furnishing and laundry of linen, telephone service, desk service, bellboy service, and the use and upkeep of furniture.

IMPERVIOUS SURFACE: Buildings, sidewalks, paved areas, routinely used storage areas, or any other material or surface area that prevents the absorption of water into the ground.

IMPROVEMENT OR FACILITY, PUBLIC: A sanitary sewer, storm sewer, drainage appurtenance, water main, roadway, parkway, sidewalk, planting strip, or other facility for which the Village or any other government agency may assume maintenance or operational responsibility.

INSTITUTIONAL BUILDING: Any building the principal use of which is an institutional use.

INSTITUTIONAL USE OR PURPOSE: Any use permitted in the Institutional Buildings District.

INTERIOR LOT: See definition of lot, interior.

INTERPRETATION: See chapter 15 and chapter 23, article B of this title.

LAND BANKING: The setting aside of land area for future use. See also subsection 9-10-1E of this title.

LANDSCAPED SURFACE: The area of a lot maintained as a natural, landscaped area, undisturbed or with the addition of lawns, trees, or other plant life.

LANDSCAPED SURFACE AREA: The percent of total lot that is maintained as landscaped surface.

LAUNCH LANE: A designated/delineated area within a boat launch ramp for use by one vehicle/boat at a time.

LEGAL NONCONFORMING LOT OF RECORD: See definition of nonconforming lot of record, legal.

LESS RESTRICTIVE DISTRICT: See section 9-2-2 of this title.

LIVE ENTERTAINMENT: A public performance intended to be diverting or engaging with or without the use of instrumental, electronic, or mechanical accompaniment.

LOADING DOCK: An off street area and facility that opens onto a building facade, within which one or more loading spaces are located.

LOADING SPACE: An off street area used for the standing, loading, or unloading of one truck or trailer. See section 9-10-2 of this title.

LOT: A parcel of land legally described as distinct portion or piece of land of record. See definitions of lot of record and lot, zoning. Unless the context indicates otherwise, all references in this Zoning Code to a "lot" shall be deemed to mean a "zoning lot".

LOT AREA PER UNIT: That portion of the total lot area allocated for each dwelling unit located on a lot.

LOT AREA, TOTAL: The total land and water area included within lot lines, excluding, however, land areas subject to easements for public or private access or egress.

LOT, BUILDABLE AREA OF A: That portion of a lot bounded by the required yards.

LOT, BUILDABLE WIDTH OF A: The width of a lot remaining as buildable after side yards and corner side yards are provided.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection or junction or a lot bounded on two (2) sides by a curving street where it is possible to draw two (2) intersecting tangents, one each commencing at each of the two (2) points of intersection of the lot lines and street line, which intersect with each other to form an interior angle of less than one hundred thirty five degrees (135°).

LOT DEPTH: The maximum straight line distance between the front and rear lot lines or, in the case of a through lot, the distance between the two (2) front lot lines located along the nonintersecting streets.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, CORNER SIDE: Any street line of a corner lot other than its front lot line.

LOT LINE, FRONT: In the case of an interior lot abutting upon only one street, the line separating such lot from such street; in the case of a through lot, each line separating such lot from a street shall be considered a front lot line; in the case of a corner lot, the shorter lot line separating such lot from a street shall be considered to be the front lot line.

LOT LINE, REAR: That lot line that is parallel to and most distant from the front lot line of the lot; provided, however, that in any case where no lot line of at least twenty feet (20') in length is parallel to the front lot line, an imaginary line twenty feet (20') in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line.

LOT LINE, SIDE: Any lot line other than a front, corner side, or rear lot line.

LOT LINES: The property lines bounding a lot; provided, however, that when a lot includes land subject to a public right-of-way easement for street purposes, the line separating such right-of-way from the rest of the lot shall be deemed to be the lot line.

LOT, MINIMUM TOTAL AREA OF: The smallest lot on which a particular use or structure may be located in a particular

district. The areas of a lot permanently covered by water or subject to natural resource restrictions, including floodplains, wetlands, or lowland conservancy soils, shall not be included in the calculation of minimum total lot area. (Such areas of the lot shall be included, however, in calculating the total land area of a lot for other purposes.)

LOT OF RECORD: A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Lake County Recorder of Deeds, or a parcel of land separately described in a recorded deed.

LOT, THROUGH: A lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lines.

LOT, WIDTH OF: The shortest distance between side lot lines measured by a line passing through the point of the required front yard line equidistant from the points where the front yard line intersects the side yard lines (measured along the front yard line); provided, however, that the length of the front lot line shall not be less than eighty percent (80%) of the required minimum lot width.

LOT, ZONING: A tract of land consisting of one or more lots of record, or parts thereof, under single ownership or control, located entirely within a block and occupied by, or designated by its owner or developer at the time of filing for any zoning approval or building permit as a tract to be developed for, a principal building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this Zoning Code, to be used with such building or use. Notwithstanding the foregoing, sale of individual lots of record underlying individual dwelling units in a townhouse or two-family dwelling, following issuance of a certificate of occupancy for such dwelling, shall not prevent treatment of the tract of land underlying such dwelling as a zoning lot and all applicable bulk, space, and yard requirements shall be applied with respect to such dwelling and such zoning lot rather than with respect to individually owned dwelling units and lots of record.

LOUNGE FOR THE USE OF TOBACCO OR ALTERNATIVE NICOTINE PRODUCT, ONLY ACCESSORY TO TOBACCO AND ALTERNATIVE NICOTINE PRODUCT STORES AND STANDS: An area within the premises of a tobacco and/or alternative nicotine product store with seating and tables where customers may use, smoke, vape or sample tobacco or alternative nicotine products and/or vapor products purchased on the premises. The use and/or consumption of marijuana (cannabis) and its derivative products shall be prohibited within such lounge.

LUMINAIRE: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

MARINA: A "commercial use or purpose", operating as a "commercial establishment", as further defined within this section, located on waterfront property containing one or more of the following facilities: secure moorings/slips for pleasure boats, boat rental, a boat dock, a boat launch ramp, boat livery, boat sales, maintenance shops, marine supplies, boat storage or restrooms. An existing "marina" shall be pursuant to the provisions of chapter 11, "Nonconformities", of this title.

MARQUEE OR CANOPY: A rooflike structure of a permanent nature that projects from the wall of a building.

MEDICAL CANNABIS CULTIVATION CENTER: A facility authorized by Illinois law and operated by an organization or business registered by the Department of Agriculture to grow, and/or cultivate, and/or perform necessary activities to provide registered medical cannabis dispensing organizations with usable medical cannabis, in accordance with all Illinois and Village Statutes, ordinances, and regulations.

MINIMUM LOT AREA: See definition of lot, minimum total area of.

MORE RESTRICTIVE DISTRICT: See section 9-2-2 of this title.

MOTOR VEHICLE: Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along streets.

MULTIPLE-FAMILY DWELLING: See definition of dwelling, multiple- family.

NET FLOOR AREA: See definition of floor area, net.

NONCONFORMING LOT OF RECORD: A lot of record that does not comply with the lot requirements for any use permitted in the district in which it is located.

NONCONFORMING LOT OF RECORD, LEGAL: A nonconforming lot of record that:

A. Was created by a plat or deed recorded at a time when, and came into ownership separate from adjoining tracts of land at a time when, the creation of a lot of such size, shape, depth, and width at such location would not have been prohibited by any ordinance or other regulation; and

B. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such a lot has been prohibited by any applicable ordinance or other regulation.

NONCONFORMING STRUCTURE: Any building or structure, other than a sign, lawfully existing on the effective date of this Zoning Code, or any amendment to it rendering such building or structure nonconforming, that:

A. Does not comply with all of the regulations of this Zoning Code, or any such amendment thereto, governing parking, loading, or bulk and space requirements for the zoning district in which such building or structure is located; or

B. Is located on a lot that does not, or is so located on a lot as not to, comply with the yard or setback requirements for

the zoning district in which such building or structure is located; or

C. Both subsections A and B of this definition; except

D. Any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming structure.

NONCONFORMING USE: Any use lawfully being made of any land, building, or structure, other than a sign, on the effective date of this Zoning Code, or any amendment to it rendering such use nonconforming, that does not comply with all of the regulations of this Zoning Code, or any such amendment hereto, governing use for the zoning district in which such land, building, or structure is located.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS): The 2002 edition of the publication prepared by the Office of Management and Budget, executive office of the President of the United States, available from the Superintendent of Documents, U.S. government printing office, Washington, D.C., as amended through the effective date of this Zoning Code.

NURSING AND PERSONAL CARE FACILITY: An establishment that provides full time nursing and health related personal care, but not hospital services, with inpatient beds for three (3) or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such an establishment; a hospital shall not be construed to be included in this definition.

OFFICE BUILDING: Any building the principal use of which is an office use.

OFFICE DISTRICT: Any district, except the Open Space District, whose designation begins with the letter "O" as set forth in section 9-2-1 of this title.

OFFICE USE OR PURPOSE: Any use permitted in an office district.

OFFICIAL COMPREHENSIVE PLAN: See section 9-2-5 of this title.

OPEN SALES LOT: Land used or occupied for the purpose of buying, selling, or renting merchandise out of doors.

OPEN SPACE AND USABLE OPEN SPACE: An area or areas of a lot, including required yards, that is:

A. Open and unobstructed from ground to sky except by facilities specifically designed, arranged, and intended for use in conjunction with passive or active outdoor recreation or relaxation; and

B. Landscaped, maintained, or otherwise treated to create a setting appropriate to recreation or relaxation; and

C. Usable by the residents of all dwellings, or the users of all nonresidential buildings, it is intended or required to serve.

OPEN SPACE, COMMON: Open space held in private ownership, regularly available for use by the occupants of more than one dwelling or the users of more than one nonresidential building.

OPEN SPACE, PRIVATE: Open space held in private ownership, the use of which is normally limited to the occupants of one dwelling or the users of one nonresidential building.

OPEN SPACE, PUBLIC: Open space dedicated to or owned by any government or governmental agency or authority.

OPEN SPACE RATIO (OSR): The total open space, common, public, or private, on a lot divided by the total lot area of the zoning lot on which such total open space is located.

OUTDOOR EATING AND DRINKING FACILITY: Any land or "structure" utilized for preparing, serving, or consuming food or beverages outdoors. Unless otherwise specifically allowed, all outdoor eating and drinking facilities shall be operated on the same zoning lot and in conjunction with a land use, which is operated entirely within an enclosed building.

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten (10) years, and the like.

PARCEL: All contiguous land in one ownership.

PARKING AREA: Any land area, not located in a garage, designed and used for the parking of not more than four (4) vehicles.

PARKING AREA, RESIDENTIAL OFF STREET: A parking area serving no more than four (4) residential units with a maximum of four (4) individual parking spaces including garage spaces per residential unit.

PARKING GARAGE OR STRUCTURE: See definition of garage, parking.

PARKING LOT: Any land area designed or used for the parking, and associated circulation, of more than four (4) vehicles.

PARKING SPACE: A space located within a parking structure, a parking lot, a parking garage, or a residential parking area for leaving one motor vehicle. Parking spaces shall adjoin and have direct vehicular access only from a residential parking area, a circulation aisle, or a driveway.

PARTICULATE MATTER: Material other than water that is suspended or discharged into the atmosphere in a finely divided

form as a liquid or solid.

PASSIVE RECREATION: Recreational uses or activities that are noncompetitive in nature and that require no special equipment, such as picnicking, hiking, bicycling, bird watching, jogging, and the like.

PERIMETER LANDSCAPED OPEN SPACE: A landscaped open space intended to enhance the appearance of, or screen from view, parking lots and other outdoor aesthetically unpleasant uses or areas or to create a transition between incompatible uses by means of appropriate buffering, landscaping, or screening primarily along lot lines.

PLANNED UNIT DEVELOPMENT: A parcel or tract of land, initially under single ownership or control, which contains two (2) or more principal buildings and one or more principal uses, planned and constructed as a unified development where specific regulations of a given zoning district are modified through the issuance of a special use permit. Also referred to as a PUD.

PLANNING AND ZONING COMMISSION: The Plan Commission of the Village of Lake Zurich. See section 9-12-2 of this title.

PLAY FIELD: An area of active recreation such as a baseball diamond, a football field, a soccer field, or the like.

PREMISES: A lot, plot, or parcel of land, together with the buildings and structures thereon.

PRINCIPAL STRUCTURE OR BUILDING: A structure or building on a zoning lot intended to be utilized for a principal use and to which any other structure on such lot must be accessory.

PRINCIPAL USE: The use of a zoning lot, whether a permitted or specially permitted use, designated by the owner of such lot as the primary or main use of such lot and to which any other use on such lot must be accessory.

PRIVATE RIGHT-OF-WAY: See definition of right-of-way, private.

PROPERTY LINE: See definition of lot lines.

PROTECTED USES: A. A church, synagogue, mosque, or other place of worship.

B. A public or private nursery, elementary, or secondary school.

C. A childcare facility, licensed by the Illinois Department Of Children and Family Services.

D. A public park, playground, playing field, or forest preserve.

E. A public or private cemetery.

F. A public housing facility.

G. A youth oriented gymnasium or sports training facility.

PUBLIC HEARING: A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act at which members of the general public must be permitted to give testimony, evidence, or opinions relevant to the subject matter.

PUBLIC IMPROVEMENT OR FACILITY: See definition of improvement or facility, public.

PUBLIC MEETING: A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act at which members of the general public, as opposed to members of the committee, board, or commission and as opposed to the applicant for relief, have no right (but may be given the opportunity) to offer testimony, evidence, or opinions.

PUBLIC RIGHT-OF-WAY OR PUBLIC WAY: See definition of right-of- way, public.

PUBLIC UTILITY: Any person, firm, or corporation under public regulation furnishing franchised services such as cable television, electricity, gas, telephone, water, or sewage service.

RAILROAD RIGHT-OF-WAY: A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

REAR LOT LINE: See definition of lot line, rear.

REAR YARD: See definition of yard: rear.

REAR YARD LINE: See definition of yard line, rear.

RECEIPT OF THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION: The convening of the first regularly scheduled meeting of the standing committee of the Board of Trustees having jurisdiction over the matter in question or, if there is no such standing committee, the convening of the first regularly scheduled meeting of the Board of Trustees after the approval by the Planning and Zoning Commission of its written findings and recommendations.

RECREATIONAL DEVICE: A structure or outdoor facility not attached to the principal structure on a lot and intended principally for recreational use by children such as, but not limited to, a play house, a swing set, a trampoline, a sandbox, or a freestanding basketball standard.

RECREATIONAL FACILITY, RESIDENTIAL: An area, court, pool, or facility, other than a recreational device, intended for active recreational or athletic use such as game courts, swimming pools, or ball fields established as an accessory use to a

residential dwelling.

RECREATIONAL VEHICLE: Every vehicle or boat originally designed for living quarters, recreation, or human habitation and not used as a commercial vehicle, including, but not limited to, the following:

- A. Boat: Any vessel used for water travel. A boat mounted on a trailer shall be considered one vehicle.
- B. Camper Trailer: A folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation or vacation use.
- C. Motorized Home: A temporary dwelling designed and constructed for travel, camping, recreational or vacation uses as an integral part of a self-propelled vehicle.
- D. Off The Road Vehicle: A vehicle intended principally for recreational use off of roads where State vehicle licenses are required, such as a dune buggy, go-cart, or snowmobile.
- E. Racing Car Or Cycle: A vehicle intended to be used in racing competition, such as a race car, stock car, or racing cycle.
- F. Travel Trailer: A vehicle without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses.
- G. Truck Camper: A structure designed primarily to be mounted on a pickup or truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses. When mounted on a truck, such a structure and the truck shall together be considered one vehicle.
- H. Van: A general term applied to a noncommercial motor vehicle licensed by the State of Illinois as a recreational vehicle.
- I. Vehicle Trailer: A vehicle without its own motive power that is designed to transport another vehicle, such as a boat, motorcycle or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use. A vehicle trailer with another vehicle mounted on it shall be considered one vehicle.

RESIDENTIAL DISTRICT: Any district the designation of which begins with the letter "R" as set forth in section 9-2-1 of this title.

RESIDENTIAL PROPERTY: Any lot or other tract of land used for residential purposes, or any lot or other tract of land zoned in any of the residential districts or zones under chapter 3 of this title, or, for land outside the corporate limits of the Village, in any of the residential districts of the zoning regulations of the government with jurisdiction.

RESIDENTIAL STRUCTURE: A structure containing one or more dwelling units.

RESIDENTIAL USE OR PURPOSE: Any use permitted in a residential district.

RETENTION BASIN: An area containing a permanent pool of water as well as capacity to detain additional stormwater for long periods of time.

RIGHT-OF-WAY, PRIVATE: A strip of land designated for use for vehicular or pedestrian access or passage, or for utility lines or similar facilities, that has not been dedicated to or accepted by any government agency.

RIGHT-OF-WAY, PUBLIC: A strip of land designated for use for vehicular or pedestrian access or passage, or for utility lines or similar facilities, that has been dedicated to and accepted by a government agency.

ROOMING UNIT: Any habitable room or group of not more than two (2) habitable rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

SIC: The "Standard Industrial Classification Manual".

SCREENING: A structure erected or vegetation planted that conceals an area from view at all times during the year.

SEMINUDE: A state of dress or undress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

SENIOR HOUSING: Dwelling units designed and built for, and occupied by, persons fifty five (55) years of age or older. Senior housing may take the form of independent retirement housing providing meals, activities, housekeeping, and maintenance; or assisted living providing supportive services such as personal care; or nursing and personal care facilities providing longer term healthcare services, or facilities providing any combination of these services.

SETBACK: The minimum horizontal distance between a specified lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure.

SIDE DOCKS (BOARDING FLOAT): A platform-type floating structure located within a boat launch ramp that provides pedestrian access to and from a boat in the water.

SIDE LOT LINE: See definition of lot line, side.

SIDE YARD: See definition of yard, side.

SIDE YARD LINE: See definition of yard line, side.

SIGHT TRIANGLE: See definition of clear site area.

SINGLE-FAMILY ATTACHED DWELLING: See definition of dwelling, single-family attached.

SINGLE-FAMILY DETACHED DWELLING: See definition of dwelling, single-family detached.

SITE PLAN: A graphic rendering of a proposed use, construction, or development that complies with the provisions of chapter 20 of this title.

SITE PLAN REVIEW: See chapter 20 of this title.

SMOKE: Small gasborne particles other than water that form a visible plume in the air.

SPECIAL USE: A use that has some special impact or uniqueness that requires careful review of its location, design, configuration, and impact. See chapter 19 of this title.

SPECIAL USE PERMIT: See chapter 19 of this title.

SPECIFIED ANATOMICAL AREAS: Any of the following:

A. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

A. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

C. Masturbation, actual or simulated.

D. Human genitals in a state of sexual simulation, arousal or tumescence.

E. Excretory functions as part of or in connection with any of the activities set forth in subsection A, B, C, or D of this definition.

STACKING SPACE: An area, measuring at least eight feet (8') in width and twenty feet (20') in length, for the temporary storage of a vehicle awaiting access to a drive-in establishment or facility. See section 9-9-1 of this title.

STANDARD INDUSTRIAL CLASSIFICATION MANUAL (SIC): The 1987 edition of the publication prepared by the Office of Management and Budget, executive office of the President of the United States, available from the Superintendent of Documents, U.S. government printing office, Washington, D.C., as amended through the effective date of this Zoning Code.

STORY: Except as otherwise specifically provided in this Zoning Code, that portion of a building included between the surface on any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it. The floor of a story may split levels provided that there is not more than four feet (4') difference in elevation between the different levels of the floor. When the uppermost story of a structure has a ceiling height of seven feet (7') or more over a floor area that is less than one-third ($\frac{1}{3}$) of the floor area of the next lower story, then said uppermost story shall not be counted as a story; and when the uppermost story of a structure has a ceiling height of seven feet (7') or more over a floor area that is one-third ($\frac{1}{3}$) or more but less than one-half ($\frac{1}{2}$) of the floor area of the next lower story, then said uppermost story shall be counted as one-half ($\frac{1}{2}$) story. A basement shall be counted as one-half ($\frac{1}{2}$) story. A cellar shall not be counted as a story. Any area in which the distance from one floor to the floor or ceiling above it is more than sixteen feet (16') shall be deemed to consist of one story for each sixteen feet (16') of height or major fraction thereof.

STREET: The paved portion of a public or private right-of-way, that affords the principal means of vehicular access to two or more lots of record which adjoin such right-of-way. All streets shall be constructed in conformance with all village standards and codes for design and construction.

STREET LINE: A lot line separating a street right-of-way from other land.

STREET, PRIVATE: Any street other than a public street serving two or more lots of record within a zoning lot, a subdivision, the plat of which has been recorded in the Office of the Lake County Recorder of Deeds, or a parcel of land separately described in a recorded deed, all located wholly within the municipal boundary lines of the Village of Lake Zurich. No private street shall connect to property outside of the village's municipal boundary lines without the express approval of the Lake Zurich Village Board.

STREET, PUBLIC: A street that has been dedicated to and accepted by, or otherwise acquired by, a government body or agency.

STRUCTURAL ALTERATION: Any change, other than incidental repairs, that would prolong the life of the supporting members of a structure such as bearing walls, columns, beams, girders, or foundations or that would alter the dimensions or configurations of the roof or exterior walls of a structure or that would increase either the gross or net floor area of a structure.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground, but not including paving or surfacing of the ground. "Structure" shall in all cases be deemed to refer to both structures and buildings.

STRUCTURE, ACCESSORY: See section 9-9-1 of this title.

STRUCTURE, NONCONFORMING: See definition of nonconforming structure.

STRUCTURE, PRINCIPAL: See definition of principal structure or building.

SUBDIVISION: The division of land into two (2) or more tracts of five (5) acres or less in an area. See current edition of Illinois Compiled Statutes for exemptions. In addition, any multiple-family, commercial or industrial planned unit development shall be deemed a subdivision regardless of whether the land is divided into separate parcels and shall be subject to improvement and design requirements of the Code.

SUBDIVISION ORDINANCE: The Lake Zurich subdivision ordinance.

SUBSTANTIAL CONFORMITY: For the purposes of granting plan approvals relating to site plans, a newly submitted plan shall be deemed to be in substantial conformity with a previously approved plan if, but only if, the newly submitted plan:

- A. Does not increase the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use; and
- B. Does not increase building coverage by more than five percent (5%) of the percentage of the previously approved plan; and
- C. Does not change the orientation of any building; and
- D. Does not decrease open space; and
- E. Does not change the general location of any open space in any manner to detract from its intended function in the previously approved plan; and
- F. Does not change the general location and arrangement of land uses within the development as shown on the previously approved plan; and
- G. Does not change or relocate rights-of-way shown on the previously approved plan in any manner or to any extent that would decrease their functionality, adversely affect their relation to surrounding land use and rights-of-way elements, or reduce their effectiveness as buffers or amenities; and
- H. Does not alter the percentage of any land use in any stage of the development by more than ten (10) percentage points as compared to its percentage in the previously approved plan; and
- I. Does not delay any stage of the previously approved development schedule by more than twelve (12) months; and
- J. Does not violate any applicable law or ordinance; and
- K. Does not depart from the previously approved plan in any other manner determined by the reviewing body or official, based on stated findings and conclusions, to be a material deviation from the previously approved plan.

SURFACE AREA, ANTENNA: An area determined by adding together the actual surface area of each solid element or part of an antenna or its support structure, where "solid" is defined to include all air spaces that are fully bounded by solid elements.

TEMPORARY USES: See section 9-9-2 of this title.

TERRACE: A level plane or surfaced patio, abutting a principal building at grade with no railings or other vertical structural elements and not covered by any permanent structure.

TOBACCO AND ALTERNATIVE NICOTINE PRODUCT STORES AND STANDS (5993): A retail establishment primarily engaged in the sale of prepackaged smoking and tobacco products, alternative nicotine products and/or vapor products as defined in Section 3-2-18. For the purposes of this definition only, "primarily engaged" means when more than 80% of an establishment's gross revenue comes from the sale of pre-packaged smoking and tobacco products, alternative nicotine products, vapor products, related products and accessories, and in which the sale of other products is merely incidental.

TOBACCO AND ALTERNATIVE NICOTINE PRODUCT STORES AND STANDS; ACCESSORY (5993): A business having as a subordinate purpose the retail sale of tobacco products and/or alternate nicotine products as defined in Section 3-2-18 and pursuant to the provisions of Section 9-9-1 entitled "Accessory Structures and Uses."

TOWNHOUSE: See definition of dwelling, townhouse.

TRANSITIONAL SERVICE FACILITY: An authorized and licensed dwelling operated by a public or private agency duly authorized and licensed by any State agency having authority to license and approve said facility that houses individuals

being cared for by the agency and deemed by the agency to be capable of living and functioning in the community and that provides continuous professional guidance.

TRANSITIONAL SERVICE FACILITY RESIDENT: A person receiving care or treatment at a transitional service facility.

TWO-FAMILY DWELLING: See definition of dwelling, two-family.

USABLE OPEN SPACE: See definition of open space and usable open space.

USE: The purpose or activity for which a structure or land is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY: See section 9-9-1 of this title.

USE INTERPRETATION: An interpretation of the permitted use or special use lists established by this Zoning Code for the purpose of allowing a use not expressly mentioned in those lists to be established in a zoning district found to be appropriate for such use by application of the standards established in chapter 15 of this title.

USE, LAND: The purpose or type of activity for which land, or the structure or building thereon, is designed and intended, or for which it is occupied or maintained.

USE, NONCONFORMING: See definition of nonconforming use.

USE, PERMITTED: A use that appears on the permitted use list of a particular zoning district.

USE, PRINCIPAL: See definition of principal use.

USE, SPECIAL: A use that appears on the special use list in a particular district.

USE, TEMPORARY: See section 9-9-2 of this title.

VACANT: Not developed with any building, structure, or paving or surfacing of the ground.

VARIATION: See chapter 17 of this title.

VEHICLE: Any device for carrying passengers, goods, or equipment including, but not limited to, passenger automobiles, vans, trucks, buses, recreational vehicles, and vehicles used for commercial, business, or governmental purposes.

VEHICLE, RECREATIONAL: See definition of recreational vehicle.

VILLAGE ENGINEER: The head of the Engineering Department of the Village.

VILLAGE MANAGER: See title 1, chapter 6, article A of the Lake Zurich Municipal Code. The chief administrative official of the Village, subject to the superior right and power of the Board of Trustees to supervise and administer the government and affairs of the Village. When used in this Zoning Code, the term Village Manager shall refer either to such official or to his or her duly authorized delegate.

WHOLESALE TRADE: A business engaged in the sale of commodities in quantity, usually for resale or business use chiefly to retailers, other businesses, industries, and institutions rather than to the ultimate consumer.

WIDTH OF LOT: See definition of lot, width of.

YARD: A required open space on a lot between a lot line and a yard line that is, except as otherwise expressly authorized by this Zoning Code, unoccupied and unobstructed from grade to the sky.

Corner Side: A yard extending from the front yard line to the rear lot line between the corner side lot line of the lot and the corner side yard line.

Front: A yard extending across the entire front of a lot between the front lot line of the lot and the front yard line.

Rear: A yard extending along the full length of the rear lot line between the side lot lines and between the rear lot line and the rear yard line, except that in the case of a corner lot the rear yard shall extend from the inner side lot line to the corner side yard line.

Side: A yard extending along a side lot line from the front yard to the rear yard between the side lot line and the side yard line.

YARD LINE, CORNER SIDE: A line drawn parallel to a corner side lot line at a distance therefrom equal to the depth of the required corner side yard.

YARD LINE, FRONT: A line drawn parallel to a front lot line at a distance therefrom equal to the depth of the required front yard. If the front lot line is not straight, then the front yard line shall be drawn as nearly parallel to such front lot line as possible but shall in no case be drawn closer to any point on such front lot line than the depth of the required front yard.

YARD LINE, REAR: A line drawn parallel to a rear lot line at a distance therefrom equal to the depth of the required rear yard.

YARD LINE, SIDE: A line drawn parallel to a side lot line at a distance therefrom equal to the depth of the required side yard.

YARD REQUIRED: The minimum yard depth designated in the regulations of this Zoning Code establishing minimum front, corner side, side, and rear yard requirements for various uses, structures, and districts.

ZONING BOARD OF APPEALS: The Zoning Board of Appeals of the Village of Lake Zurich. See section 9-12-2 of this title.

ZONING CLASSIFICATION: See definition of classification or zoning classification.

ZONING CODE: The Lake Zurich Zoning Code, title 9 of the Lake Zurich Municipal Code. Unless the context specifically requires otherwise, all references to this Zoning Code shall be deemed to refer to any certificate, permit, approval, resolution, or ordinance granted or adopted pursuant to this Zoning Code.

ZONING DISTRICT: A part of the corporate area of the Village wherein regulations of this Zoning Code are uniform. See also section 9-2-1 of this title.

ZONING DISTRICT MAP OR ZONING MAP: See section 9-2-4 of this title.

ZONING ENFORCEMENT OFFICIAL: The Village Manager of the Village.

ZONING LOT: See definition of lot, zoning.

(Ord. 2018-09-269, 9-4-2018; amd. Ord. 2019-11-337, 11-4-2019; Ord. 2020-11-388, 11-2-2020; Ord. 2020-12-394, 12-21-2020)