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PART 1: INTRODUCTION

§ 159-1.100 INTRODUCTION.

§ 159-1.101 AUTHORITY.

These regulations are adopted under the authority granted to the Village of Lindenhurst, Illinois, by the Zoning Enabling Act, 65 Illinois Compiled Statutes 5/11-13-1 et seq., as it may be amended from time to time.

(Ord. 17-2-2065, passed 2-27-2017)

§ 159-1.102 TITLE.

This chapter will be known as, referred to, or cited as the *LINDENHURST ZONING ORDINANCE*.

(Ord. 17-2-2065, passed 2-27-2017)

§ 159-1.103 PURPOSE.

The purpose of this chapter is to promote the health, safety, comfort, morals, prosperity, aesthetics, and general welfare of the Village.

(Ord. 17-2-2065, passed 2-27-2017)

§ 159-1.104 INTENT.

(A) General Intent:

- (1) The general purposes of this chapter are as follows:
  - (a) To secure adequate light, clean air, and safety from fire and other dangers;
  - (b) To conserve the taxable value of land and buildings throughout the Village;
  - (c) To lessen or avoid congestion in the public;
  - (d) To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
  - (e) To promote the public health, safety, comfort, morals; and
  - (f) To ensure and facilitate the preservation of sites, areas, and structures of historical, architectural, and aesthetic importance.
- (2) It is the general intent of this chapter to regulate and restrict the use of all structures, lands, and waters so as to:
  - (a) Regulate and limit the height and bulk of buildings; and
  - (b) Establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive, parkway, or storm or flood water runoff channel or basin; and
  - (c) Regulate and limit the intensity of the use of lot areas; and
  - (d) Regulate and determine the area of open spaces, within and surrounding buildings; and
  - (e) Classify, regulate, and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses; and

- (f) Divide the entire Municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this chapter; and
  - (g) Fix standards to which buildings or structures shall conform; and
  - (h) Prohibit uses, buildings, or structures incompatible with the character of such districts; and
  - (i) Prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this chapter; and
  - (j) Regulate or forbid any structure or activity which may hinder access to solar energy necessary for the proper functioning of a solar energy system; and
  - (k) Gradually eliminate uses, buildings, and structures which are incompatible with the character of the districts in which they are made or located, including, without being limited thereto, provisions for:
    1. The elimination of uses of unimproved lands or lot areas when the existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued; and
    2. The elimination of uses to which such buildings and structures are devoted, if they are adaptable for permitted uses; and
    3. The elimination of buildings and structures when they are destroyed or damaged in major part, or when they have reached the age fixed by the Corporate Authorities of the Municipality as the normal useful life of such buildings or structures.
- (B) Land Use Patterns: The purposes of this chapter related to land use patterns are to:
- (1) Implement those goals and policies of Municipal, County, watershed, or regional Comprehensive Plans or their components adopted by the Village and in general facilitate enforcement of those development standards as set forth in the adopted regional, watershed, County, and Municipal Comprehensive Master Plans, Master Plan, Comprehensive Plan, neighborhood plans, planning district plans, adopted plan components, zoning ordinance, and Building Code of the Village of Lindenhurst, Illinois; and
  - (2) Establish a rational and orderly 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 land use intensities; and
  - (4) Regulate and restrict lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage; and
  - (5) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities; and
  - (6) Regulate parking, loading, and access so as to lessen congestion on, and promote the safety and efficiency of, the streets and highways; and
  - (7) Provide for and protect a variety of suitable residential and nonresidential sites including commercial and industrial sites; and
  - (8) Provide for the gradual elimination of nonconforming uses that adversely affect the character and value of permitted development; and
  - (9) Protect the public from harm from the loss of natural resources by encouraging, enhancing, and furthering the wise use, conservation, protection, and proper development of the Village's natural resources including soils, topography and steep slopes, water, flood lands, floodplains, shore buffers, drainageways, wetlands, woodland and forests, wildlife resource features, aesthetic natural amenities; and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base; and
  - (10) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development due to natural resource features or other characteristics; and
  - (11) Preserve and protect the beauty of the Village of Lindenhurst, Illinois and environs; and
  - (12) Secure adequate natural light, clean air, privacy, convenience of access to property, and securing safety from fire, flooding, pollution, contamination, panic, and other dangers.
- (C) Public Infrastructure: The purposes of this chapter 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) Protect the traffic carrying capacity of existing and proposed arterial streets, highways, and collector streets; and
  - (5) Reduce congestion and promote safety on streets and highways by limiting traffic generation through the control of land use intensity and location; and
  - (6) Facilitate adequate provision for transportation, water supply, stormwater, wastewater, schools, parks, playgrounds, and other public facilities and services; and
  - (7) Avoid or lessen the hazards of flooding and stormwater accumulation and runoff.
- (D) Justifiable Expectations And Taxable Value: The purposes of this chapter related to justifiable expectations and taxable value are to:
- (1) Protect and respect the justifiable reliance of existing residents, business people, 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; and
  - (3) Stabilize and protect existing and potential property values.
- (E) Administration: The purposes of this chapter related to administration are to:
- (1) Provide for the administration and enforcement of this chapter; and
  - (2) Define the powers and duties of administrative officers and bodies necessary to administer this chapter; and
  - (3) Establish procedures for the efficient and effective use of the provisions of this chapter; and
  - (4) Establish standards for the review of applications filed pursuant to this chapter; and
  - (5) Prescribe penalties for the violation of the provisions of this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

## PART 2: ADMINISTRATION AND ENFORCEMENT

### § 159-2.100 ADMINISTRATIVE OFFICIALS AND BODIES.

#### § 159-2.101 ZONING ADMINISTRATOR DESIGNATED.

(A) General Powers: The Zoning Administrator is charged with the administration and enforcement of this chapter. In addition to the jurisdiction, authority, and duties conferred on the Zoning Administrator by other provisions of State Statutes and Village codes and ordinances, the Zoning Administrator has all powers necessary for the administration and enforcement and has, in particular, the jurisdiction, authority, and duties set out in this chapter. The Zoning Administrator will be designated by the Village Administrator. In the event a Zoning Administrator is not designated by the Village Administrator, or in the event of a vacancy in this position, the Village Administrator will act as Zoning Administrator. Whenever the phrase "Zoning Administrator" is used in this chapter, it will be deemed to include Zoning Administrator or his or her designee.

(B) Rules; Regulations; Application Forms: Consistent with the express standards, purposes, and intent of this chapter, the Zoning Administrator is authorized to promulgate, adopt, and issue procedural rules, regulations, and forms that are in the Zoning Administrator's opinion necessary to the effective administration and enforcement of the provisions of this chapter.

(C) Records: The Zoning Administrator will maintain:

- (1) Permanent and current records pertaining to this chapter, including all maps, amendments, special use permits, variations, and planned unit development approvals and

denials, interpretations, and decisions rendered by the Zoning Board of Appeals, the Plan Commission, the Village Attorney, and the Zoning Administrator, together with relevant background files and materials.

(2) A current file of all notices of violations, discontinuances, terminations, or removals, issued by or entrusted to the Zoning Administrator's Office for such time as necessary to ensure continuous compliance with the provisions of this chapter.

(D) Applications; Receipt, Processing, Referral To Interested Parties And Agencies: The Zoning Administrator will receive all applications required to be filed pursuant to this chapter. Upon receipt of any application, the Zoning Administrator will see to its expeditious processing, including its prompt referral to and retrieval from each official, board, or commission of the Village, or other government, with any interest or duty with respect to the application.

(E) Interpretations: Pursuant to § 159-2.310 of this part, the Zoning Administrator has the authority to issue a written interpretation of the meaning and applicability of specific provisions of this chapter. Any interpretation of this chapter will be kept on file with the Zoning Administrator and will be a public record of the Village open to inspection by interested parties at reasonable times and upon reasonable notice.

(F) Extensions Of Time: Upon written request, the Zoning Administrator may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an owner or applicant by this chapter or, unless the ordinance or resolution expressly provides otherwise, by any ordinance or resolution of any body acting pursuant to this chapter. The total period of time granted by an extension or extensions will not exceed the length of the original period.

(G) Inspection And Enforcement: In furtherance of the enforcement of this chapter, the Zoning Administrator will undertake regular and continuing programs of inspection of work and of existing structures and uses as are feasible and proper within the limits of staff and budgeted funds; will undertake such additional inspections as may be necessary to the performance of his or her duties; will receive from any person complaints alleging a violation of this chapter; and when appropriate will cause investigations and inspections as may be warranted by complaints to be made. Upon finding the existence of any violation of this chapter, the Zoning Administrator will take or direct all actions necessary and appropriate to abate and redress the violation, including revoking any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this chapter, or with authorization of the Village Board, commence any legal proceedings necessary to enforce the provisions of this chapter including the collection of forfeitures provided for by this chapter.

(H) Reports: The Zoning Administrator, as may from time to time be appropriate, will prepare and submit a report to the Board of Trustees, the Zoning Board of Appeals, and the Plan Commission concerning the administration of the land use and development regulations of the Village, setting forth information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such regulations, and setting forth the Zoning Administrator's recommendations for the improvement of such regulations and their administration.

(I) Site Plan Review: The Zoning Administrator will receive and review all site plans as required by this chapter.

(J) Administrative Policies For Applications: The Zoning Administrator is authorized and directed to prepare and implement administrative policies pertaining to applications for zoning, subdivision, and other relief as provided by this chapter, including without limitation the required form, number, scale, data submittals, and filing deadlines.

(K) Other Duties: The Zoning Administrator will perform such other duties as may be assigned by the Village Administrator.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.102 PLAN COMMISSION.**

(A) Establishment: See §§ 32.25 through 32.30 of this Code. Pursuant to §32.25 of this Code, members of the Plan Commission also serve as members of the Zoning Board of Appeals.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.103 ZONING BOARD OF APPEALS.**

(A) Establishment: There is hereby established a Zoning Board of Appeals for the purpose of hearing appeals and applications, and granting variations and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

(B) Membership: The Zoning Board of Appeals will consist of 7 members appointed by the Village President and confirmed by the Village Board. Pursuant to §32.40 of this Code, members of the Zoning Board of Appeals also serve as members of the Plan Commission.

(1) Each member will serve for a term of 5 years. Members may be removed by the Village President for cause after written charges have been filed and after a public hearing has been held if demanded by the member so charged.

(2) 1 of the members of the Zoning Board of Appeals will be designated by the Village President with the consent of the Village Board, as Chairman of the Zoning Board of Appeals and will hold that position until a successor is appointed. The Chairman, or in his or her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

(3) The Zoning Board of Appeals will select 1 member as Secretary to keep minutes and maintain the records of the Zoning Board of Appeals.

(4) Vacancies shall be filled by the Village President, subject to confirmation by the Village Board, for the unexpired term.

(C) Organization: The Zoning Board of Appeals will organize and adopt rules for its own government in accordance with the provisions of this section.

(1) All meetings of the Zoning Board of Appeals will be held at the call of the Chairman and at such other times as the Zoning Board of Appeals may determine. All meetings of the Zoning Board of Appeals shall be open to the public and otherwise comply with the Illinois Open Meetings Act.

(2) The Zoning Board of Appeals must keep minutes of its proceedings, showing the vote of each member upon every action item. The minutes of the Zoning Board of Appeals shall be open to public examination at reasonable hours.

(3) The Zoning Board of Appeals may adopt its own rules of procedure, a copy of which shall be filed in the Office of the Village Clerk.

(D) Jurisdiction And Authority: The Zoning Board of Appeals has the following jurisdiction and authority.

(1) Subject to the provisions of § 159-2.311 of this part, to hear and decide appeals from, and to review orders, decisions, or determinations made by the Zoning Administrator.

(2) Subject to the provisions and standards of § 159-2.309 of this part, to hear, review, and offer its recommendations to the Board of Trustees on applications for variations.

(3) To hear and decide all matters referred to it or upon which it is required to pass under this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.104 ARCHITECTURAL REVIEW BOARD.**

(A) Establishment: The Plan Commission is hereby established as the Architectural Review Board for the purpose of promoting compatible development, aesthetics, stability, or property values, and to prevent impairment or depreciation of existing developments.

(B) Membership: The Architectural Review Board will consist of the members of the Plan Commission. The Chairman of the Plan Commission will serve as the Chairman of the Architectural Review Board.

(C) Organization: The Architectural Review Board will organize and adopt rules for its own government in accordance with the provisions of this section.

(1) Meetings will be held twice a month or at the call of the Chairman or when requested by the Zoning Administrator, and will be open to the public.

(2) Minutes must be kept showing all actions taken and will be a public record. The grounds for every decision will be stated.

(3) A quorum of the Architectural Review Board is 4 members.

(D) Jurisdiction And Authority: The Architectural Review Board has the following powers:

(1) Review applications and make recommendations for Village Board consideration for granting permission to erect, move, reconstruct, extend, alter, or change the exterior of all structures subject to the requirements of § 159-2.310 of this part.

(2) The Architectural Review Board may request assistance from other Municipal officers, departments, boards, and commissions.

(3) The Architectural Review Board may request an applicant to furnish additional information.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.200 GENERAL PROCESS REQUIREMENTS.**

#### **§ 159-2.201 APPLICATIONS.**

(A) **Place Of Filing:** All applications filed pursuant to this chapter must be filed with the Zoning Administrator or with such other Village official or body as the Zoning Administrator may designate.

(B) **Compliance With Administrative Application Policy:** All applications filed pursuant to this chapter must comply with the administrative application policy established by the Zoning Administrator pursuant to division 159-2.101(J) of this part, including the required form, number, scale, data submittals, and filing deadlines contained in that policy and in the section of this chapter pertaining to the specific relief being requested.

(C) **Fees:**

(1) *Application Fee.* Every application filed pursuant to this chapter must be accompanied by a non-refundable filing fee in the amount set forth in the fee schedule on file with the Village before being entitled to any approvals or permits.

(2) *Reimbursement Of Village Costs.* Where the nature of the application requires the Village to publish or mail legal notices or to employ the services of planners, engineers, attorneys, or other consultants for the purposes of reviewing the application or plans in connection with it or development pursuant to it, the applicant will be responsible for reimbursing the Village for these recoverable costs and to submit a deposit of an escrow for the Village to draw on to pay the recoverable costs, in accordance with the provisions set forth in § 10.22 of this Code. These recoverable costs include, without limitation, legal publications; recording secretarial services; court reporter; document preparation and review; professional and technical consultant service; legal review, consultation, and advice; copy reproduction; document recordation; and inspection fees.

(3) *Liability; Lien.* The owner of the lot which is the subject of the application, and if different, the applicant, are jointly and severally liable for the payment of all application fees and reimbursement costs. By signing the application, the owner is deemed to have agreed to pay such fees and costs and to consent to the filing and foreclosure of a lien on the lot to insure collection of any such fees and costs, plus the costs of collection, which have not been paid within 30 days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien filed pursuant to this section may be foreclosed in the manner provided by statute for mortgages or mechanics' liens.

(4) *Condition Of Approvals And Permits.* No application will be considered complete unless and until all fees and costs pursuant to this section have been paid. Every approval granted and every permit issued pursuant to this chapter, whether or not expressly so conditioned, will be deemed to be conditioned upon payment of fees and costs as required by this section.

(5) *Failure To Pay.* The failure to fully pay any such fee or cost when due will 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 or cost relates.

(D) **Special Data Requests:** In addition to the data and information required by the administrative application policy and the section of this chapter pertaining to the specific relief being requested, every owner must submit such other and additional data, information, or documentation as the Zoning Administrator may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

(E) **Waiver Of Application Requirements:** Notwithstanding any other provision of this section, the Zoning Administrator has the authority to waive any requirement set forth in the administrative application policy when, in the Zoning Administrator's judgment, the 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.

(F) **Concurrent Applications:** When a proposed use or development requires more than 1 approval pursuant to this chapter, applications for all approvals may be filed concurrently notwithstanding the fact that approval of 1 application may be a pre-condition to approval of other applications. These applications may, in the discretion of the Zoning Administrator, be processed together; provided, however, that no application may be approved unless all applications that are a pre-condition to its approval have first been approved.

(G) **Withdrawal Of Application:** An owner may withdraw an application at any time prior to a final decision having been rendered by the Village Board, provided that the owner shall have paid all applicable fees pursuant to this chapter. The withdrawal will be without prejudice to the owner's right to refile such application, but any refiling shall be treated as an entirely new filing and will be subject to the procedures and fees of this chapter in the same manner as any other new application.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.202 NOTICE.**

(A) **Zoning Administrator To Give Notice:** The Zoning Administrator will cause notice to be given of public hearings and public meetings in the form and manner and to the persons specified in this chapter.

(B) **Content Of Notice:** All notices will include the date, time, and place of the hearing or meeting, a description of the matter to be heard or considered, and either: 1) the address and parcel identification number (PIN) of the lot or 2) a legal description of the lot.

(C) **Persons Entitled To Notice:**

(1) *All Hearings And Meetings.* Notice of every hearing or meeting required by this chapter will be provided in accordance with the Illinois Open Meetings Act.

(2) *Published Notice.* Notice of every hearing in connection with any application for an amendment to this chapter or the zoning map, a special use permit, planned unit development, appeal, or a variation will be given by publication in a newspaper with a general circulation within the Village at least once not less than 15 days nor more than 30 days in advance of the hearing date. Notice of a hearing in connection with the adoption or amendment of the Official Comprehensive Plan will be given by publication in a newspaper of general circulation in the Village at least 15 days before the hearing date.

(3) *Personal Notice.* If required by the Zoning Administrator, in addition to other notices required by this section, an applicant requesting relief that requires a public hearing must mail notice of the hearing not less than 10 days in advance of the hearing date to owners of property within 250 feet of the subject property. The content of the personal notice must be approved by the Zoning Administrator. If applicable, evidence of satisfaction of this notice requirement must be provided to the Zoning Administrator at or before the hearing on the application.

(4) *Posted Notice.* If required by the Zoning Administrator, in addition to other notices required by this section, an applicant requesting relief that requires a public hearing must also post notice on the subject property not less than 10 days in advance of the hearing date. The content of the sign must be approved by the Zoning Administrator. The sign must be installed by the applicant and suitably maintained until the public hearing has closed. The sign must be removed no more than 10 days after the closure of the public hearing.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.203 PUBLIC HEARINGS AND MEETINGS.**

(A) **Setting Hearing Or Meeting:** When the provisions of this chapter require a public hearing or public meeting in connection with any application filed pursuant to this chapter, upon receipt of a properly completed application, the Zoning Administrator will schedule a reasonable date, time, and place for the hearing or meeting.

(B) **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.

(2) *Rights Of Parties And Proximate Owners.* Subject to the rules adopted by the hearing body, the owner, any board, commission, or official of the Village, and any owner of lots within 250 feet of the subject lot may be allowed, in addition to the rights granted by division (B)(1) of this section, any or all of the following rights.

(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 lot to which the request applies; or

2. Facts that would support or negate the legal standards for granting the request.

(e) To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.

In determining whether to grant a request by an interested party, the discretion of the hearing body will be governed by the goal of securing all information and opinion relevant and material to its deliberations. A request may 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 hearing body will notify members of the hearing body and the owner and owners, 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 chapter should be given under oath.

(5) *Right To Submit Written Statements.* Any person may at any time prior to the commencement of a hearing, or during the hearing, or within such time as may be allowed by the hearing body following the hearing, submit written statements in support of or in opposition to the application being heard.

(C) *Order Of Procedure At A Public Hearing:* Public hearings conducted under this chapter will generally follow the following format:

- (1) Introduction of the matter by the Chair of the hearing body.
- (2) Village staff summary of the application.
- (3) Presentation by the applicant.
- (4) Public testimony and comment.
- (5) Cross-examination, if requested.
- (6) Response by applicant.
- (7) Questions by the hearing body members.
- (8) Close public hearing (alternatively, the public hearing can remain open and will automatically close upon a vote on the zoning application).
- (9) Discussion and deliberation by the hearing body.
- (10) Action on the application by the hearing body (continuance or vote).

(D) *Examination And Copying Of Application And Other Documents:* At any time following the giving of notice as required by this chapter, and upon 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 Zoning Administrator pertaining to the matter subject to such notice. In addition, any person will be entitled to copies of such application and documents upon reasonable request and payment of a fee as established in the Village's Freedom of Information Act policy.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.300 FORMS OF RELIEF.**

##### **§ 159-2.301 OFFICIAL COMPREHENSIVE PLAN.**

(A) *Authority:* The Plan Commission has the authority to prepare and recommend to the Board of Trustees a Comprehensive Plan of the Village and the unincorporated areas surrounding the Village and from time to time to prepare and recommend amendments thereto, any or all of which the Board of Trustees may adopt as the "Official Comprehensive Plan of the Village of Lindenhurst", all in accordance with the procedures set forth in this chapter and subject to the standards set forth in this section.

(B) *Purpose:* The Official Comprehensive Plan is 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) *Procedures:*

- (1) *Referral.* The Board of Trustees may, at any time, refer a proposed Comprehensive Plan to the Plan Commission for consideration and recommendation.
- (2) *Public Hearing.* A public hearing will be set, noticed, and conducted by the Plan Commission in accordance with §§ 159-2.202 and 159-2.203 of this part.
- (3) *Action By Plan Commission.* The Plan Commission will return its recommendation on the proposed Comprehensive Plan to the Board of Trustees not later than 90 days following the receipt of the referral. In the event a recommendation is not delivered, the Board of Trustees may proceed to consider the plan without a recommendation. When satisfied that a plan or a part thereof is adequate for adoption as an amendment of the Official Comprehensive Plan of the Village or a part thereof, the Plan Commission will transmit the plan or part thereof to the Board of Trustees together with its recommendations for adoption of the plan as well as any reports or statements deemed necessary to a full consideration of the plan or part thereof. The transmittal will be made not later than 15 days following the close of the public hearing concerning the plan.
- (4) *Action By Board Of Trustees.* Upon receiving a recommendation of the Plan Commission with respect to the adoption or amendment of any plan or a part thereof, the Board of Trustees may adopt the plan in whole or in part by ordinance duly enacted, with or without amendments; or may refer the plan or any part thereof back to the Plan Commission for further consideration; or may reject the plan. The Board of Trustees will take action not later than 90 days following the close of the Plan Commission public hearing on such plan. The failure of the Board of Trustees to act within this time period will be deemed to be a rejection of the plan. Upon the adoption of any plan or part thereof, it will be designated as the "Official Comprehensive Plan of the Village of Lindenhurst" and, if less than a total Comprehensive Plan, will carry a subheading designating its specific contents.
- (5) *Amendment To Comprehensive Plan.* The Official Comprehensive Plan, or any part thereof, may be amended at any time in accordance with the provisions of this section. An amendment may be initiated by the Board of Trustees, the Plan Commission, the Zoning Administrator, or by any owner of lots affected by the provisions of the plan sought to be amended. Amendments initiated by the Board of Trustees, the Plan Commission, or the Zoning Administrator require no formal application and will be processed as otherwise provided in this section. Amendments initiated by the owner of affected land must be initiated by an application filed pursuant to § 159-2.201 of this part.
- (6) *Plan Filing And Notice Of Adoption.* The Zoning Administrator will cause a certified copy of the ordinance adopting the Comprehensive Plan or amendment to be placed on file in the Office of the Village Clerk and will cause a notice evidencing the adoption of the plan, or part thereof, to be filed with the County.

(Ord. 17-2-2065, passed 2-27-2017)

##### **§ 159-2.302 OFFICIAL MAP.**

(A) *Authority:* The Plan Commission has the authority to prepare and to recommend to the Board of Trustees an official map of the Village and the unincorporated areas surrounding the Village and from time to time to prepare and recommend amendments thereto, all of which the Board of Trustees may adopt as the "official map of the Village of Lindenhurst". The official map will have the effect accorded to it by sections 11-12-8 et seq., of the Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11-12-8 et seq., and also will have the effect accorded to the Official Comprehensive Plan.

(B) *Purpose:* The official map is adopted to implement the Official Comprehensive Plan, to assure the adequacy of the public facilities to which it relates, and to secure for the Village the authority and benefits provided by State law in connection with such an official map.

(C) *Procedures:* The procedures for the development, adoption, amendment, and filing of the official map will be the same as those provided in § 159-2.301 of this part with respect to the Official Comprehensive Plan.

(Ord. 17-2-2065, passed 2-27-2017)

##### **§ 159-2.303 ZONING PERMIT.**

(A) *Authority:* The Zoning Administrator has the authority to grant zoning permits authorizing a change in use of a property or change in conditions to the property.

(B) *Purpose:* In all zoning districts, no vacant property may be occupied or used and no building may be erected, structurally altered, relocated, or used including, but not limited to, use by a new owner or tenant, until a zoning permit has been approved by the Zoning Administrator to certify that the property, building, or use complies with the provisions of this chapter.

(C) *Procedure:*

- (1) *Application.* Applications for zoning permits must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.
- (2) *Review And Decision.* The Zoning Administrator has final authority to grant or deny a zoning permit, applying the standards set forth below.
- (D) *Standards:* In considering the application, the Zoning Administrator will take into account the basic intent of this chapter to ensure attractive, efficient, and appropriate development of land in the community and ensure that every reasonable step has been taken to avoid depreciating effects on surrounding property values. No zoning permit will be issued unless the proposed use complies with the requirements of this chapter and any other additional measures as may be imposed pursuant to the requirements of this chapter.
- (E) *Expiration:* A zoning permit will expire if within 6 months of the date of issuance of a zoning permit the proposed construction or preparation of land for use has not commenced or if the use has not occupied the structure or location. Upon the showing of valid cause by the applicant, the Zoning Administrator may grant an extension of the zoning permit for a period not to exceed 6 months.

(Ord. 17-2-2065, passed 2-27-2017)

##### **§ 159-2.304 CERTIFICATE OF OCCUPANCY.**

(A) *Authority:* The Zoning Administrator has the authority to issue certificates of occupancy. No occupancy, use, or change of use may take place until a certificate of occupancy has been issued.

- (B) Purpose: A certificate of occupancy is required for any of the following.
- (1) Occupancy and use of a building hereafter erected or enlarged.
  - (2) Change in use of an existing building.
  - (3) Any change in the use of a nonconforming use.
- (C) Application: Applications for certificates of occupancy must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.
- (Ord. 17-2-2065, passed 2-27-2017)

**§ 159-2.305 TEMPORARY USE PERMITS.**

- (A) Authority: The Zoning Administrator has the authority to issue temporary use permits, after review by Village staff.
- (B) Procedure:
- (1) *Application.* Applications for a temporary use permit must be filed and in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.
  - (2) *Village Staff Review Of Application.* The Zoning Administrator will refer the application and related data to appropriate Village departments for their study and/or comment.
  - (3) *Zoning Administrator Decision.* The Zoning Administrator will review the department's recommendations and either approve, disapprove, or approve with conditions.
- (C) General Standards: No temporary use may be granted by the Zoning Administrator pursuant to this chapter unless the applicant establishes the following:
- (1) The proposed use will be in harmony with the general and specific purposes for which this chapter was enacted and for which the regulations of the zoning district in question were established.
  - (2) The proposed use will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.
  - (3) 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 according to the applicable zoning district regulations.
  - (4) The proposed use will be served adequately by streets, off street or on street parking, police and fire protection, refuse disposal, and other public facilities or the applicant will provide adequately for such facilities as well as provide for safe vehicular and pedestrian access and egress to the site.
  - (5) The proposed use will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets or upon residential property. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets.
  - (6) The proposed temporary use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
  - (7) The temporary use shall, in all other respects, conform to the applicable dimensional regulations of the district in which it is located. The proposed use shall comply with all additional standards imposed on it by the particular provision of this chapter.
- (D) Considerations: In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Zoning Administrator will consider the following.
- (1) Whether and to what extent the proposed temporary use at the particular location requested is necessary or desirable to provide a service that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
  - (2) Whether and to what extent such public benefit goals can be met by the location of the proposed temporary use at another site or in another area that may be more appropriate than the proposed site.
  - (3) Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use on the immediate vicinity through site design and screening.
- (E) Conditions On Temporary Use Permit: The Zoning Administrator may impose such conditions and limitations concerning use, location, maintenance, screening, operation, hours of operation (except as may be allowed by other Federal, State, or County requirements), and other matters relating to the purposes and objectives of this chapter upon the premises benefited by the issuance of a temporary use permit for a temporary use as the Zoning Administrator deems may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements near the subject property, upon such public facilities and services, protection of the public interest, and to secure compliance with the standards and requirements specified in this chapter. Such conditions shall be expressly set forth in the temporary use permit for a temporary use. Violation of any such condition or limitation shall be a violation of this chapter and shall constitute grounds for revocation of the temporary use permit for a temporary use.
- (F) Effect Of Issuance Of A Temporary Use Permit: The grant of a temporary use permit for a temporary use will not authorize the establishment or extension of any such use as a permanent use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but merely authorizes the preparation, filing, and processing of applications for any other permits or approvals that may be required by the ordinances of the Village, including, but not limited to, building permit, zoning permit, certificate of occupancy, land division approval, site plan approval, or other type of permit or approval.
- (G) Limitations On A Temporary Use:
- (1) Subject to an extension of time granted by the Zoning Administrator, no temporary use permit for a temporary use will be valid for a period longer than 30 days in any one calendar year.
  - (2) A temporary use permit for a temporary use will be deemed to authorize only the particular temporary use for which it was issued. Such temporary use permits for a temporary use will automatically expire and cease to be of any force or effect if such use shall be discontinued.
- (H) Amendments: A temporary use permit for a temporary use may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this chapter for the original approval of a temporary use.

- (I) Revocation: An existing temporary use permit for a temporary use may be revoked by the Village as follows:

- (1) The Zoning Administrator may revoke a temporary use permit for a temporary use if any of the following determinations are made by the Zoning Administrator:
  - (a) The temporary use has not continued in conformity with the Village's conditions of approval of the temporary use permit for a temporary use or with any subsequent amendments to the temporary use permit for a temporary use.
  - (b) Violations of other statutes, ordinances, or laws.
  - (c) A change in the character of the surrounding area or in the temporary use itself which has caused the temporary use to become incompatible with the surrounding uses.
- (2) The determination of revocation of a granted temporary use permit for a temporary use may be made by the Zoning Administrator after due notice to the property owner, occupant, or agent as indicated on the temporary use permit for a temporary use, as to the reasons for the review.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-2.306 TEXT AND MAP AMENDMENTS.**

- (A) Authority: The Village Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this chapter or its amendments.
- (B) Purpose: The amendment process is intended to provide a means for making changes in the text of this chapter and in the zoning map that have more or less general significance or application in light of changing, newly discovered, or newly important conditions, situations, or knowledge. It is not intended to relieve particular hardships or to confer special privileges or rights.
- (C) Initiation: A change or amendment may be initiated by the Village Board, the Plan Commission, or by a petition of 1 or more of the owners, lessees, or contract purchasers of property within the area proposed to be changed.
- (D) Procedure:
- (1) *Application.* Except for amendments proposed by the Board of Trustees or the Plan Commission, applications for zoning text or map amendments must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.
  - (2) *Hearing.* A public hearing will be set, noticed, and conducted by the Plan Commission in accordance with §§ 159-2.202 and 159-2.203 of this part.
  - (3) *Action By Plan Commission.* Within 45 days following the conclusion of the public hearing, the Plan Commission will transmit to the Board of Trustees its recommendation.



The failure of the Plan Commission to act within 45 days following the conclusion of the hearing, or such further time to which the owner may agree, will be deemed a recommendation for the approval of the proposed amendment as submitted.

(4) *Action By Board Of Trustees.* Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees will either deny the application or, by ordinance duly adopted, adopt the proposed amendment, with or without modifications. The failure of the Board of Trustees to act within 60 days, or such further time to which the owner may agree, will be deemed to be a decision denying the application.

(5) *Protest.* In the event a duly signed and acknowledged protest against a proposed amendment is filed with the Village Clerk before the adoption of the ordinance by the owners of 20% or more of the frontage to be affected by the proposed amendment, or by the owners of 20% or more of the frontage immediately adjoining or across therefrom, or by the owners of 20% or more of the frontage directly opposite the frontage to be affected, the amendment may not be passed except by a  $\frac{2}{3}$  vote of all the Trustees then holding office. A copy of the written protest must be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of the applicant and attorney shown in the application for the proposed amendment.

(E) Standards:

- (1) *Map Amendment.* The following standards will be considered in amending the zoning map:
- (a) Identification of the existing uses of property within the general area of the affected property.
  - (b) Identification of the zoning classification of property within the general area of the affected property.
  - (c) Determination as to the suitability of the property in question to the uses permitted under the existing classification or district and under the proposed classification or district.
  - (d) The trend of development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district.
  - (e) The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented on the Comprehensive Plan.
  - (f) The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property.
  - (g) The extent to which property values are diminished, if at all, by particular zoning restrictions.

(2) *Text Amendment.* The Plan Commission will evaluate the request for a text amendment against the intent of this chapter, the recommendations of the Comprehensive Plan, and the public health, safety and general welfare.

(F) *Legislative Decision:* The wisdom of amending the zoning map or the text of this chapter is a matter committed to the sound legislative discretion of the Board of Trustees.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.307 SPECIAL USE PERMITS.**

(A) *Authority:* The Board of Trustees has the authority to grant special use permits authorizing the development of uses listed as special uses in the regulations applicable to the district in which the lot is located in accordance with the procedures set forth in this chapter and subject to the standards set forth in this section.

(B) *Purpose:* It is recognized that there are uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district or districts without consideration, in each case, of the impact of those uses upon neighboring property and of the public need for the particular use at the particular location.

(C) *Initiation Of Special Uses:* Any person owning or having an interest in the property may file an application to use the property for 1 or more of the special uses provided for in this chapter and in the zoning district in which the property is situated.

(D) Procedure:

- (1) *Application.* Applications for zoning permits must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.
- (2) *Hearing.* A public hearing will be set, noticed, and conducted by the Plan Commission in accordance with §§ 159-2.202 and 159-2.203 of this part.
- (3) *Action By Plan Commission.* Within 45 days following the conclusion of the public hearing, the Plan Commission will transmit to the Board of Trustees its recommendation, recommending either granting the application for a special use permit; granting the application subject to conditions; or denying the application. The failure of the Plan Commission to act within 45 days, or such further time to which the owner may agree, will be deemed a recommendation for the approval of the proposed special use permit.
- (4) *Action By Board Of Trustees.* Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees will either deny the application or, by ordinance duly adopted, grant the special use permit, with or without modifications or conditions. The failure of the Board of Trustees to act within 60 days, or such further time to which the owner may agree, will be deemed to be a decision denying the special use permit. Any proposed special use that fails to receive the approval of the Plan Commission will not be approved by the Village Board except by a  $\frac{2}{3}$  vote of all Village Board members then holding office.

(E) Standards:

- (1) *General Standards.* No special use permit may be recommended or granted pursuant to this section unless the owner establishes that:
- (a) The proposed use and development will be in harmony with the general and specific purposes for which this chapter was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the Village of Lindenhurst Comprehensive Plan.
  - (b) The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.
  - (c) 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 zoning district regulations.
  - (d) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.
  - (e) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Also, adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - (f) The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
  - (g) The special use will, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendations of the Plan Commission.
- (2) *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 owner shall establish compliance with such special standards.

(F) *Findings Of Facts:* Where required by statute, a special use will be accompanied by findings of facts specifying the reason or reasons for the allowance or denial of the special use.

(G) *Conditions On Special Use Permits:* 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 chapter upon the property benefited by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other lots and improvements in the vicinity of the subject lot or upon public facilities and services. Conditions will be expressly set forth in the ordinance granting the special use and may include, but are not limited to, 1 or more of the following: size, height, and location of proposed buildings and structures; landscaping and screening; parking and loading areas; signage; traffic flow and access requirements; lighting; hours of operation; open-space areas; drainage and stormwater facilities; or architectural and engineering features. These conditions will be in addition to any regulations contained in the underlying zoning district or other applicable regulations of the Village. Violation of any condition or limitation will be a violation of this chapter and constitute grounds for revocation of the special use permit.

(H) *Permit Effective Date:* The permit will become effective upon adoption of the appropriate ordinance by the Board. In the event that a special use permit is filed in conjunction with a rezoning, the permit will not become effective until the date of enactment of the ordinance authorizing the rezoning. In the event that some additional approval is required by some other governmental authority or agency, the permit will not become effective until that approval is received.

(I) *Time Limit Of Special Use Permits:* Special use permits will be valid for an unlimited period unless a lesser period is provided in a particular permit. Prior to the expiration of the time limit specified in a particular permit, the property owner may request that the special use permit be reviewed by the Village Board, which may extend it for an unlimited period or for a specified additional period of years.

(J) Failure To Commence Construction Or Operation: Unless otherwise stated in the conditions of a particular special use permit, substantial construction or operation of the special use where construction is not required must commence within 1 year of the effective date of the permit unless such time period is extended by approval of the Village Board. If no appeal is made or no extension of time is received or granted, the permit will immediately terminate upon expiration of the 1 year period.

(K) Revocation: In any case where a special use has not been established within 1 year after the date of granting thereof, then without further action by the Plan Commission or the Village Board, the special use authorization will be null and void.

(L) Discontinuance Of Use: A special use permit will automatically expire and cease to be effective if the use is discontinued for a period of 6 consecutive months or more.

(M) Transferability: All special use permits are approved for the specific lot or parcel of land, and may not be transferred to any other location. An approved special use permit is transferable to any subsequent land owner unless otherwise specified at the time of the approval of the special use permit.

(N) Procedure To Amend Approved Special Use Permit: Any expansion, increase in extent of operation, or other changes made to a special use beyond that which was designated on the original special use permit application and/or authorized by ordinance by the Village Board, will be considered an amendment to the special use permit. In order to amend an existing special use permit, the application procedures, required materials, and approval process are the same as for a new permit.

(O) Effect Of Denial Of A Special Use: No application for a special use which has been denied wholly or in part by the Village Board may be resubmitted for a period of 30 days from the date of the order of denial.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.308 PLANNED UNIT DEVELOPMENTS.**

(A) Authority: The Board of Trustees has the authority to approve the development of planned unit developments, in accordance with the procedures set forth in this chapter and subject to the standards set forth in this section.

(B) Purpose: The planned unit development is intended to allow the relaxation 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 chapter 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 inappropriate pre-regulations and rigidities upon the development or redevelopment of lots or areas that lend themselves to an individual, planned approach.

(C) 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 lot.

(D) Concept Plan: Prior to the official submittal of the required detailed preliminary plan pursuant to division (E) of this section, the applicant may, at its option, submit a concept plan to the Village Board and/or the Plan Commission to discuss the scope and the proposed nature of the contemplated development, and receive informal and nonbinding feedback on the proposed concept.

(E) Preliminary Plan:

(1) *Procedure.*

(a) *Application.* Applications for preliminary plan approval must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy. The application must show all buildings and their use, open space, common open space, recreation facilities, service areas, and other facilities to indicate the character of the proposed development.

(b) *Public Hearing.* A public hearing will be set, noticed, and conducted by the Plan Commission in accordance with §§ 159-2.202 and 159-2.203 of this part.

(c) *Plan Commission Review And Recommendation.* Within 60 days after the public hearing and review of the preliminary planned unit development plan and supporting data for conformity to these regulations, the Plan Commission will recommend approval, approval with modification, or disapproval, and the reasons for its recommendation, or indicate why a report cannot be rendered to the Village Board.

(d) *Transmittal Of Plan Commission Recommendation To Village Board.* The Plan Commission will send its recommendation including the reasons for its recommendation to the Village Board. The recommendation will set forth with particularity in what respects the proposal would or would not be in the public interest including, but not limited to, findings of fact on the following:

1. In what respects the proposed plan is or is not consistent with the stated purpose of the planned unit development regulations.

2. The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.

3. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest.

(e) *Village Board Decision.* Upon receipt of the recommendation of the Plan Commission, the Village Board, without further public hearing, may approve or deny the preliminary plan.

(2) *Standards.*

(a) No special use permit for a planned unit development may be recommended or granted pursuant to this section unless the owner shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to § 159-2.307 of this part.

(b) Preliminary plans must meet the site plan application requirements specified in § 159-2.312 of this part.

(c) Where the planned unit development involves the division of land, planned unit development preliminary plans must meet all of the tentative plat subdivision requirements set forth in the Village subdivision ordinance.

(d) A planned unit development shall be in general conformance with or shall carry out the general objectives of the adopted Village of Lindenhurst Comprehensive Plan.

(e) No planned unit development will be recommended or granted unless the owner establishes that the proposed development will meet each of the following criteria:

1. The extent to which the proposed use will be served adequately by, or will provide for, essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.

2. The adequacy of the public infrastructure to support the proposed use at the proposed location. In considering this use criteria, the Plan Commission shall consider not only the proposed uses, but other proposed rezonings and the zoning of vacant properties in order to determine both the individual and cumulative impacts.

3. The extent of the community need for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area, and the need to provide or maintain a proper mix of uses within the Village and within the immediate area of the proposed use. The Plan Commission shall not approve any planned unit development unless it is able to find that the proposed use in the proposed location will not result in either an overconcentration of a particular use within the Village or within the immediate area of the proposed use.

4. The extent to which the proposed use at the proposed location will, or may, have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.

5. The extent to which the proposed use and its design and landscaping will enhance and protect the existing character of neighboring land uses, if any, or enhance the community character of the Village.

6. The extent to which the proposed use will be served by, or will provide, proper pedestrian and public transportation linkages both within the immediate area of the development and with other parts of the Village or County.

7. The extent to which the proposed use will be served by, or will provide, adequate public and private open space both in the immediate vicinity of the proposed use and throughout the Village. The Plan Commission will, in considering this criteria, consider the adequacy of such open spaces both in terms of site design and buffering and in terms of the open space needs of the permanent or transient population likely to be generated by the proposed use.

(3) *Effect Of Preliminary Plan Approval.* Approval of a preliminary plan will not constitute approval of the final plan. Rather it will be deemed an expression of approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan which will be submitted for approval of the Village and subsequent recording upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any.

(4) *Limitation On Preliminary Plan Approval.* Subject to an extension of time granted by the Zoning Administrator, unless a final plan covering at least the area designated in the preliminary plan as the first stage or unit of the planned unit development has been filed within 2 years from the date the Board of Trustees grants preliminary plan approval, or in any case where the owner fails to file the final plan and to proceed with development in accordance with the provisions of this chapter, the preliminary plan approval will automatically expire and be rendered void and the Zoning Administrator will, without further direction, initiate an appropriate action to formally revoke the special permit for all portions of the planned

unit development area that have not yet been completed.

(5) *Simultaneous Submission Of A Final Plan.* The owner may, at his or her option, submit a final plan for the proposed planned unit development pursuant to the requirements of division (F) of this section simultaneously with the submission of the preliminary plan. In such case, the owner must comply with all provisions of this chapter applicable to submission of the preliminary plan and to submission of the final plan. The Plan Commission and the Board of Trustees will consider such plans simultaneously, applying the standards for both preliminary and final plans, and shall grant or deny final plan approval in accordance with the provisions of division (F) of this section.

(F) Final Plan:

(1) *Procedure.*

(a) *Application.* Applications for final plan approval must be filed and in accordance with the requirements of § 159-2.201 of this part and the administrative application policy. The application will also include the following information:

1. The final plan for a planned unit development will serve as the final plat of subdivision, in the case of a planned unit development resulting in the division of land, suitable for recording with the Lake County Recorder of Deeds. The purpose of the final plan of a planned unit development resulting in the division of land is to designate with particularity the land subdivided into conventional lots as well as the division of other lands into common open areas and building areas.

2. All common open spaces must be either conveyed to a public agency or to a not for profit corporation or entity established for the purpose of benefiting the owners and residents of the planned unit development or retained by the developer with legally binding guarantees (in a form approved by the Village Attorney) that the common open space will be permanently preserved as open area. All land conveyed to a not for profit corporation or like entity must be subject to the right of the corporation to impose a legally enforceable lien for maintenance and improvement of the common open space. Membership in the corporation is mandatory for each land owner and successive buyer having a right of the use, enjoyment, or benefit of the open space or its facilities. All such covenants and restrictions governing common open space must be recorded in the Office of the Recorder of Deeds of Lake County prior to the sale of any property within the planned unit development.

3. All covenants and restrictions governing deed restricted open space must be recorded in the Office of the Recorder of Deeds of Lake County prior to the recording of the final plan and the sale of any property within the planned unit development.

4. All improvements and public facilities made necessary as a result of the planned unit development must be completely installed prior to the approval of the final plan. In lieu of this, the developer may submit to the Village Engineer an estimated cost of required improvements and the developer may post a performance guarantee, in a form acceptable to the Village Attorney and approved by the Village Board, which assures the provisions and requirements within the time limits of this section. The installation and approval of the required improvements or submittal of the performance guarantee are necessary prerequisites to approval of the final plan.

5. A performance and maintenance guarantee must be provided in accordance with the Village subdivision ordinance.

6. All final agreements, provisions, declarations, or covenants which will govern the use, maintenance, and continued protection of the planned unit development are subject to the review of the Village Attorney and will be recorded agreements running with the land in the Office of the Lake County Recorder of Deeds.

(b) *Submission.* The final plan may be submitted to the Village in phases, or stages, with each phase reflecting the applicable portion of the approved preliminary plan, but not later than 2 years following said preliminary plan approval. If submitted in phases, or stages, each portion of the planned unit development shall conform to the previously approved preliminary plan and all requirements of these regulations.

(c) *Public Meeting.* A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with §§ 159-2.202 and 159-2.203 of this part.

(d) *Review By Plan Commission.* Within 60 days following the filing of an application for approval of a final plan, the Plan Commission will review and act on the plan.

1. *Approval Based On Substantial Conformity.* If the Plan Commission finds substantial conformity between the final plan and the approved preliminary 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 preliminary plan and with the provisions of this chapter and all other applicable Federal, State, and Village codes, ordinances, and regulations, it will transmit the plan to the Board of Trustees with its recommendation, that the Board of Trustees approve the final plan, with or without modifications and conditions to be accepted by the owner as a condition of approval.

2. *Recommendation Of Denial.* If the Plan Commission finds that the final plan is not in substantial conformity with the approved preliminary plan and does not merit approval, or if the Plan Commission requires modifications of a final plan that are not accepted by the owner, the Plan Commission will transmit the plan to the Board of Trustees together with its recommendation that the final plan not be approved.

3. *Failure To Act.* The failure of the Plan Commission to act within 60 days, or such further time to which the owner may agree, shall be deemed to be a recommendation to the Board of Trustees to deny the final plan as submitted.

(e) *Action By Board Of Trustees.* Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees will either:

1. *Approval Based On Substantial Conformity.* If the Plan Commission has recommended approval of a final plan based on substantial conformity with the preliminary plan, the Board of Trustees may, unless it specifically rejects 1 or more of the findings of the Plan Commission on the basis of expressly stated reasons, approve the final plan by a duly adopted ordinance.

2. *Referral Back To Plan Commission.* The Board of Trustees may refer the final plan back to the Plan Commission for further consideration of specified matters.

3. *Denial.* The Board of Trustees may deny final plan approval if it finds, whether pursuant to a recommendation of the Plan Commission or not, that the final plan is not in substantial conformity with the approved preliminary plan and does not merit approval or would only merit approval subject to modifications or conditions that are not accepted by the owner.

4. *Failure To Act.* The failure of the Board of Trustees to act within 60 days, or such further time to which the owner may agree, will be deemed to be a decision denying final plan approval.

(2) *Compliance With Subdivision Ordinance Final Plat Requirements.* Where the planned unit development involves the division of land, planned unit development final plans must meet all of the final plat for subdivision requirements set forth in the Village subdivision ordinance.

(G) *Conditions On Planned Unit Development Approvals:* The approval of a planned unit development 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 chapter, the Village's subdivision ordinance, and the Official Comprehensive Plan; provided, however, that no such condition of final plan approval shall impair the rights granted by preliminary 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 chapter and shall constitute grounds for revocation of all approvals granted for the planned unit development.

(H) *Authority To Vary Regulations:* The planned unit development may depart from strict conformance with the required density, dimension, area, bulk, use, and other regulations for the standard zoning districts and other provisions of this chapter to the extent specified in the preliminary land use and zoning plat and documents authorizing the planned unit development so long as the planned unit development will not be detrimental to or endanger the public health, safety, or general welfare.

(I) *Final Plan Scheduling Deadlines And Termination:* The Village Board may revoke the planned unit development if construction falls more than 2 years behind the schedule filed with the approved planned unit development final plan. Extensions in the building schedule may be granted by the Village Board.

(J) *Recordation Of The Final Plan:* The ordinance approving the final plan shall be effective only upon recording of the final plan and supporting data with the County Recorder of Deeds. The recording of the final plan shall inform all who deal with the planned unit development of the restrictions placed upon the land and act as a zoning control device.

(K) *Building Permits:* No building permits shall issue and no construction may occur until the final plan has been approved and recorded with the County Recorder of Deeds.

(L) *Impact Fees:* See § 150.07 of this title for applicable impact fee regulations.

(M) *Changes And Amendments To An Approved Planned Unit Development:* Planned unit developments will be developed in accordance with the approved final plan and all supporting data or, in the case of a planned unit development involving the division of land, the recorded final plan and all supporting data. The approved final plan and all supporting data (in the case of a planned unit development involving the division of land, the recorded final plan and supporting data) together with all amendments will be binding on the applicants, their successors, and assigns and will limit and control the use of premises and location of structures in the planned unit development project as set forth therein.

(1) *Minor Changes And Amendments.* The Village Board upon recommendation of the Plan Commission, at its discretion, may approve minor changes in the final plan of the planned unit development. A planned unit development final plan submitted to amend an approved final plan will conform substantially to the preliminary plan approved.

(2) *Major Changes And Amendments.* In the event the planned unit development final plan submitted to amend an approved final plan does not conform substantially to the approved preliminary plan, or in the event the applicant desires to amend a planned unit development previously approved as a preliminary plan, the changes therein or amendments thereto may be approved only by following the procedure of filing an amended preliminary plan or final plan (whichever is applicable) as provided in this chapter. Such changes or amendments approved in a recorded final plan of a planned unit development shall be recorded as amendments to such final plan or by the filing of a new "corrected" final plan in the

Office of the Lake County Recorder of Deeds.

The Village Board, upon recommendation of the Plan Commission, may find that any modification therein, including modifications in location, design, and number of buildings; roadways; and utilities will be considered major if such modification:

- (a) Changes the concept or intent of the preliminary plan;
- (b) Increases the gross residential density or intensity of use by more than 5%;
- (c) Decreases the total area set aside for common open space or deed restricted open space;
- (d) Changes by more than 10% in the floor area for a nonresidential use; or
- (e) Increases by more than 5% the total ground area covered by buildings or structures.

(3) *No Waiver Of Covenants Or Agreements.* No changes in the approved final plan waive any of the covenants or agreements limiting the use of land, buildings, structures, and improvements within the planned unit development unless specifically approved to the contrary by the Village Board.

(N) Existing Planned Unit Development Districts: Any planned unit development district approved prior to the effective date of this chapter (February 27, 2017) will be subject to the provisions of division 159-9.102(C) of this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.309 ZONING VARIATION.**

(A) *Authority:* The Board of Trustees has the authority to grant variations from the provisions of this chapter in accordance with the procedures set forth in this chapter and subject to the standards set forth in this section.

(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 chapter that create practical difficulties or particular hardships. If the difficulties or hardships are more appropriate for remedy under any other provision of this chapter, the variation procedure is inappropriate.

(C) *Parties Entitled To Seek Variations:* Applications for variations may be filed by the owner of, or person having a contractual interest in, the lot.

(D) *Procedure:*

(1) *Application.* Applications for variations must be filed and in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.

(2) *Public Hearing.* A public hearing will be set, noticed, and conducted by the Zoning Board of Appeals in accordance with §§ 159-2.202 and 159-2.203 of this part.

(3) *Action By Zoning Board Of Appeals.* Within 35 days following the close of the public hearing, the Zoning Board of Appeals will render its decision recommending the granting or denying of the variation. The failure of the Board of Appeals to act within 35 days, or such further time to which the owner may agree, will be deemed to be a decision recommending denial of the variation.

(4) *Recommendations Of Denial.* Where the Zoning Board of Appeals has recommended that a variation be denied, it may not be granted except by the favorable vote of  $\frac{2}{3}$  of all the Trustees then holding office.

(E) *Standards:* No variation may be recommended or granted pursuant to this section unless the owner has established that carrying out the strict letter of the provisions of this chapter would create a particular hardship or a practical difficulty.

(F) *Findings Of Fact:* Upon review of the application and information presented at the public hearing, the Zoning Board of Appeals will consider the following criteria which are consistent with the rules provided to govern determinations of the Zoning Board of Appeals as referenced by State Statute.

(1) No variation may be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located.

(2) There must be evidence that the plight of the owner is due to unique circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variation would not be of so general or recurrent nature as to suggest that this chapter should be changed.

(3) There must be evidence that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district.

(4) The variation must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(5) There must be evidence that the variation, if granted, will not alter the essential character of the locality. No variation may be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(G) *No Powers To Change Zoning Or Grant Use Variations:* Nothing in this chapter may be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this chapter or any zoning district made a part of the Village zoning map, such power and authority being reserved to the Village Board, nor may the Zoning Board of Appeals grant use variances. The Zoning Board of Appeals does not have any power or authority with respect to any alterations or change in this chapter except to make recommendations to the Village Board in specific cases as may properly come before the Zoning Board of Appeals.

(H) *Variation Less Than Requested:* A variation less than or different from that requested may be granted when the record supports the owner's right to some relief but not to the relief requested.

(I) *Conditions On Variations:* 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 chapter upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other lots and improvements in the vicinity of the subject lot or upon public facilities and services. Such conditions will be expressly set forth in the ordinance granting the variation. Violation of any condition or limitation will be a violation of this chapter and will constitute grounds for revocation of the variation.

(J) *Effect Of Grant Of Variation:* The grant of a variation will not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but merely authorizes 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, building permits.

(K) *Expiration Of Variation:* No variation permitting a use of a building or property will be valid for a period longer than 18 months, unless such use is established within such period provided, however, where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.310 ZONING INTERPRETATION.**

(A) *Authority:* Subject to the procedures, standards, and limitations of this section, the Zoning Administrator may render interpretations, including use interpretations, of the provisions of this chapter 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 chapter, though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many situations, however, can be readily addressed by an interpretation of the specific provisions of this chapter in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this chapter but rather is intended only to allow authoritative application of that content to specific cases.

(C) *Parties Entitled To Seek Interpretations:* 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 may 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.

(D) *Procedure:*

(1) *Application.* Applications for interpretations of this chapter must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.

(2) *Action On Application.* Within 30 days following the receipt of a properly completed application, the Zoning Administrator will inform the applicant in writing of his or her interpretation, stating the specific precedent, reasons, and analysis on which the determination is based.

(3) *Appeal.* Appeals from interpretations rendered by the Zoning Administrator may be taken to the Zoning Board of Appeals as provided in § 159-2.311 of this part.

(E) *Standards:* The following standards govern both the Zoning Administrator and the Zoning Board of Appeals on appeals from the Zoning Administrator in issuing use interpretations.

(1) Any use expressly defined in this chapter will be interpreted as defined.

(2) No use interpretation may permit a use listed as a permitted use or a special use in any district to be established in any district in which the use is not so listed.

(3) No use interpretation may permit any use in any district unless evidence is presented that demonstrates that it will comply with each use limitation established for that particular district.

(4) No use interpretation may permit any use in a particular district unless the use is substantially similar to other uses permitted in the district and is more similar to those uses than to uses permitted or specially permitted in a more restrictive district.

(5) 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 the use must be conditioned upon the issuance of a special use permit.

(6) No use interpretation may permit the establishment of any use that would be inconsistent with the district intent statement of the district in question.

(7) Subject to the foregoing conditions and limitations, in rendering use interpretations, the Zoning Administrator and Zoning Board of Appeals shall be guided by the SIC or NAICS use classification system and methodology.

(F) *Effect Of Favorable Use Interpretations:* No use interpretation finding a particular use to be permitted or specially permitted in a particular district authorizes the establishment of the use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but merely authorizes 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, zoning permit, special use permit, building permit, or any other required permit.

(G) *Time Limitation:* Subject to an extension of time granted by the Zoning Administrator, no use interpretation finding a particular use to be permitted or specially permitted in a particular district will be valid for a period longer than 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.

(H) *Applicability:* A use interpretation finding a particular use to be permitted or specially permitted in a particular district will be deemed to refer only to the particular use for which it was issued, and such permit shall not be deemed to refer to any allegedly similar use for which a separate use interpretation has not been issued. The permit will automatically expire and cease to be of any force or effect if the particular use for which it was issued is, for any reason, discontinued for a period of 6 consecutive months or more.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.311 APPEALS TO ZONING BOARD OF APPEALS.**

(A) *Authority:* The Zoning Board of Appeals is authorized to hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Zoning Administrator acting pursuant to his or her authority and duties under this chapter and to that end the Zoning Board of Appeals has the same powers and is subject to the same standards and limitations as the Zoning Administrator with respect to any order, decision, or determination being appealed.

(B) *Purpose:* The appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. It is intended to avoid the need for resort to legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings, or intents of this chapter or the rightful authority of the Zoning Administrator to enforce the requirements of this chapter. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this chapter and to the reasonable interpretations of that language by those charged with the administration of this chapter.

(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 Zoning Administrator acting pursuant to his or her authority and duties under this chapter.

(D) *Procedure:*

(1) *Application.* An application for appeal to the Zoning Board of Appeals must be filed not later than 45 days following the action being appealed and in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.

(2) *Referral By Zoning Administrator.* Upon receipt of a properly completed application for an appeal, the Zoning Administrator will transmit to the Zoning Board of Appeals the application together with all papers constituting the record upon which the action appealed from was taken.

(3) *Public Hearing.* A public hearing will be set, noticed, and conducted by the Zoning Board of Appeals in accordance with §§ 159-2.202 and 159-2.203 of this part.

(4) *Action By Zoning Board Of Appeals.* Within 30 days following the close of the public hearing, the Zoning Board of Appeals will render a decision on the appeal. The 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 30 days, or such further time to which the owner may agree, will be deemed to be a decision denying the appeal.

(5) *Written Decision.* The Zoning Board of Appeals' decision must be transmitted in writing to the applicant, and include findings of fact specifying the reasons for the decision.

(E) *Stay Of Proceedings:* An application for an appeal properly filed will stay all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings will not be stayed.

(F) *Conditions And Limitations On Rights Granted By Appeal:* In any case where this chapter imposes conditions and limitations upon any right, any such right granted by the Zoning Board of Appeals on appeal will 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.

(G) *Review Under Administrative Review Law:* All final administrative decisions of the Zoning Board of Appeals are subject to judicial review pursuant to the provisions of the State of Illinois Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.312 SITE PLAN REVIEW.**

(A) *Authority:* The following officials and/or bodies are authorized to conduct review of site plans for development in the Village.

(1) Except for minor site plan reviews described in division (A)(2) of this section, the Plan Commission will review and make recommendations to the Village Board on the site, natural resource features and plans, site intensity of use, building location, density of dwelling units, floor area, impervious surface area, existing and proposed structures, architectural plans, neighboring uses, potential impacts upon neighboring uses, utilization of open space, landscaping plans, lighting plans, off street parking and loading areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, the proposed operation, and emergency vehicle accessibility, as well as any other requirements of the Zoning Administrator or other governmental agencies. All engineering-related issues, including site grading, will be reviewed and subject to the approval of the Village Engineer.

(2) Single-family detached and 2-family detached dwellings (and their accessory structures) are exempt from all requirements of this section except that they must comply with the minor site plan review requirements contained in division (F) of this section. Other minor site changes may be reviewed under the minor site plan review process, as determined by the Zoning Administrator.

(B) *Purpose:* In order to promote compatible development and stability of property values, and prevent impairment or depreciation of property values, no person may alter the conditions of a lot without first obtaining site plan approval as set forth in this section, except: 1) where superseded by a Village approved annexation agreement or 2) if subject to minor site plan review under division (F) of this section.

(C) *Application:* Applications for site plan review must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy. The site plan and related plans and data must be submitted to the Zoning Administrator who will transmit all site plan review applications and their accompanying site plans and related plans and data to the Plan Commission for its review, and recommendation to the Village Board for its approval.

(D) *Process:* The Plan Commission may not recommend to the Village Board any approval for any site plan or other required plans unless it finds after viewing the site plan review application and data that the structure or use, as planned, will not violate the intent and purpose of this chapter. The Plan Commission may recommend and the Village Board may approve the plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety and provided such proposed development meets the various intent and purpose statements set forth in this chapter.

(E) *Standards:* The following standards apply to site plan review:

- (1) The proposed use conforms to the uses permitted as either a permitted use or special use (whichever is applicable) in the zoning district.
  - (2) The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of this chapter.
  - (3) The requirements of part 7 of this chapter are met.
  - (4) The proposed use conforms to all use and design provisions and requirements for the specified use.
  - (5) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic. In the case of arterial streets and highways not under the jurisdiction of the Village of Lindenhurst, that the applicable highway authority (County, State, or Federal) has been contacted and the needed permits have been obtained and submitted to the Village for review.
  - (6) The proposed buildings, structures, and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress and interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this chapter or any other codes or laws.
  - (7) Natural features of the landscape are retained to enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes, or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood. The requirements for natural resource features protection set forth in this chapter shall be met, including a natural resource protection plan meeting the requirements of this chapter.
  - (8) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by design and installation of landscape buffer yards to provide for appropriate screening, fencing, or landscaping as required by this chapter. Where required, a landscape plan meeting the requirements set forth in this chapter must also be submitted for review.
  - (9) Land, buildings, and structures are readily accessible to emergency vehicles and disabled persons.
  - (10) No building will be sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, or affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
  - (11) No loading facility will be designed or sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, or adversely affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of the existing structures on adjoining properties.
  - (12) The site plan is consistent with the intent and purposes of this chapter which is to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, to facilitate the implementation of the Comprehensive Plan, and other purposes and intents of this chapter.
  - (13) The site plan is consistent with the public goals, objectives, principles, standards, policies, and urban design criteria set forth in the Comprehensive Plan.
- (F) Minor Site Plan Review: Applications for minor site plan review must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy. The Zoning Administrator and/or the Village Engineer will review the site plan for compliance with this chapter.
- (G) Site Grading Plan Review: Applications for site grading plan review must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy. The Village Engineer will review the site grading plan for compliance with this chapter.
- (H) Financial Securities: The Village Engineer may require appropriate financial sureties as deemed necessary to guarantee that improvements including improved off street parking and loading areas, open space areas, utilities, landscaping, and natural resource features mitigation will be completed on schedule.
- (I) Amendment To An Approved Site Plan: An approved site plan may be subsequently amended pursuant to the same process required for the initial approval, except that changes that are substantially in conformance with the approved site plan may be approved by the Zoning Administrator.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.313 NATURAL RESOURCES PROTECTION PLAN.**

- (A) Authority: Where required, natural resources protection plans must be submitted to the Zoning Administrator who will transmit all applications and accompanying plans to the Plan Commission or Village Engineer, as the case may be.
- (B) Purpose: Review and approval of a natural resources protection plan is required if natural resource features defined and described in this chapter are present on the property for which a site plan review or planned unit development is requested.
- (C) Application: Applications for natural resources protection plan review must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.
- (D) Process: Where required, a natural resources protection plan review will be subject to the site plan review process set forth in § 159-2.312 of this part.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.314 LANDSCAPE PLAN.**

- (A) Authority: Landscape plans and related plans and data must be submitted to the Zoning Administrator who will transmit all landscape plan review applications and their accompanying landscape plans and related plans and data to the Plan Commission, or the Village Engineer as the case may be. Plans must be prepared by a registered landscape architect.
- (B) Purpose: Except where superseded by a Village approved annexation agreement, landscape plans are required as an integral part of site plan review process.
- (C) Application: Applications for landscape plan review must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.
- (D) Process: Where required, a landscape plan review will be subject to the site plan review process set forth in § 159-2.312 of this part.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.315 EXTERIOR LIGHTING PLAN.**

- (A) Authority: Lighting plans and related plans and data must be submitted to the Zoning Administrator who will transmit all lighting plan review applications and their accompanying lighting plans and related plans and data to the Plan Commission, or the Village Engineer as the case may be.
- (B) Purpose: Except where superseded by a Village approved annexation agreement, lighting plans are required as an integral part of site plan review process.
- (C) Application: Applications for lighting plan review must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.
- (D) Process: Where required, a lighting plan review will be subject to the site plan review process set forth in § 159-2.312 of this part.
- (E) Lighting Plan Elements: A lighting plan submitted pursuant to this chapter must have, at a minimum, the following elements:
- (1) A catalog page, cut sheet, or photograph of the luminaire including the mounting method.
  - (2) A photometric data test report of the proposed luminaire graphically showing the lighting distribution at all angles vertically and horizontally around the luminaire.
  - (3) A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting, and/or installation height in feet, the overall illumination levels (in foot-candles) and uniformities on the site, and the illumination levels (in foot-candles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
  - (4) A graphic depiction of the luminaire lamp (or bulb) concealment and light cutoff angles.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-2.316 ARCHITECTURAL REVIEW.**

- (A) Authority: The architectural plans and related plans and data must be submitted to the Village Administrator who will transmit all architectural plan review applications and their accompanying architectural plans and related plans and data to the Architectural Review Board for its review and recommendation to the Village Board.
- (B) Purpose: Except where superseded by a Village approved annexation agreement, for the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person may erect any structure without first having the Architectural Review Board review and make a recommendation to the Village Board regarding the architectural plans and obtaining the approval of the architectural plans by the Village Board as set forth in this section.
- (C) Application: Applications for architectural plan review must be filed in accordance with the requirements of § 159-2.201 of this part and the administrative application policy.

(D) Process:

- (1) The Architectural Review Board may not recommend to the Village Board the approval of any application unless it finds that the following facts and conditions exist:
    - (a) The exterior design proposed is in conformance with the principles and standards set forth in this chapter.
    - (b) The exterior design is not unsightly or obnoxious and is not disharmonious or so similar to existing or proposed neighboring developments that substantial depreciation of neighboring property or development will be caused by the applicant's proposal.
  - (2) The Village Board will decide all applications within 45 days after its review and shall transmit a copy of its decision to the applicant and file a copy with the building inspector.
- (E) Standards: The standards for architectural design review are established in the Village's Architectural Design Manual, available for review at the Office of the Zoning Administrator.
- (Ord. 17-2-2065, passed 2-27-2017)

**§ 159-2.317 OTHER REQUIRED PERMITS.**

It is the responsibility of an applicant for any zoning relief under this chapter to secure all other necessary permits required by any State, Federal, or local agency. This includes, but is not limited to, permits pursuant to Illinois Statutes and laws including permits which may be required by the Illinois Environmental Protection Agency and the Illinois Department of Transportation, wetland fill permits pursuant to section 404 of the Federal Water Pollution Control Act, and all permits pursuant to applicable Lake County codes and ordinances including those Lake County codes and ordinances pertaining to highways, stormwater control, and on-site sewage disposal systems (septic systems).

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-2.400 VIOLATIONS, PENALTIES, AND REMEDIES.**

**§ 159-2.401 VIOLATIONS.**

It is unlawful to use or improve any structure or land, in violation of this chapter. In case of a violation, the Village may institute an appropriate action or proceeding to enjoin a violation of this chapter or cause a structure to be vacated or removed.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-2.402 PENALTIES AND REMEDIES.**

Upon finding the existence of any violation of this chapter, the Zoning Administrator has the authority and duty to take or direct all actions necessary or appropriate to abate and redress such violation.

- (A) Double Fee: A double fee may be charged by the Zoning Administrator if work is started before a permit is applied for and issued. The double fee will not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.
- (B) Stop And Cease-And-Desist Orders: Upon finding the existence of any violation of this chapter, the Zoning Administrator has the authority to notify, in writing, the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the Zoning Administrator has the authority to 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.
- (C) Legal Actions: In the enforcement of this chapter, the Zoning Administrator has the authority to exercise all the powers authorized by State Statutes and Village codes and ordinances to ensure compliance with, or to prevent or abate any violation of, the provisions of this chapter, and in particular may, where necessary or appropriate, institute or cause to be instituted by the Village Attorney in the name of the Village any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this chapter.
- (D) Abatement; Liens: Where authorized by State Statute, the Zoning Administrator may order any work necessary to abate any violation of this chapter and shall assess the cost of such work to the lot owner. Upon the failure of the owner to pay such cost, the Zoning Administrator has the authority to file a lien for such costs and for all costs of collection against the lot in question.
- (E) Revocation Of Zoning Approvals: The violation of any provision of this chapter, or of any permit or approval granted pursuant to this chapter, or of any condition imposed pursuant to this chapter may be grounds for the revocation of any rezoning, permit, variation, or approval granted pursuant to this chapter and affecting the lot involved in the violation. The Zoning Administrator may recommend and the Board of Trustees may order the revocation; provided, however, that where the original rezoning, permit, variation, or approval was granted following a public hearing required pursuant to this chapter, the revocation will be preceded by a similar public hearing.
- (F) Fines: In the enforcement of this chapter, the Zoning Administrator has the authority, where necessary and appropriate, to order the issuance and enforcement of citations to recover fines and penalties for the violation of this chapter as authorized by State law and this chapter.
- (G) Penalty: Any person who will violate, disobey, omit, neglect, or refuse to comply with, or who shall resist enforcement of, any provision of this chapter shall be subject to a fine as set forth in § 10.99 of this Code. Each separate provision of this chapter that is not complied with will constitute a separate violation. Each day a violation continues to exist will constitute a separate offense.
- (H) Private Remedies: Nothing in this chapter will be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this chapter from bringing an appropriate action to secure such relief.

(Ord. 17-2-2065, passed 2-27-2017)

## PART 3: ESTABLISHMENT OF DISTRICTS AND GENERAL ZONING PROVISIONS

**§ 159-3.100 ZONING DISTRICTS AND MAPS.**

**§ 159-3.101 ESTABLISHMENT OF ZONING DISTRICTS.**

In order to carry out the purpose and provisions of this chapter, the Village of Lindenhurst is hereby divided into the following zoning districts.

(A) Residential Districts:

- (1) E Estate Single-Family Residential District
- (2) SE Suburban Estate Single-Family Residential District
- (3) S Suburban Single-Family Residential District
- (4) R-1 Suburban Neighborhood Conservancy District
- (5) R-2 Multiple-Family Restricted Dwelling District
- (6) R-3 Multiple-Family Dwelling District
- (7) R-4 Multiple-Family Dwelling District

(B) Business Districts:

- (1) NB Neighborhood Business District
- (2) CB Community Business District
- (3) CBR-2 Community Business and Residential District 2
- (4) PBC Planned Business Center District
- (5) O Office District

(C) Industrial Districts:

- (1) BK Business Park District
- (2) M Limited Manufacturing District

(D) Public And Semi-Public Districts:

(1) I Institutional District

(2) RO Recreation and Open Space District

(E) Planned Unit Development Districts: Planned unit development districts approved prior to the effective date of this chapter (February 27, 2017), see division 159-9.102(C) of this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-3.102 ZONING DISTRICT MAP.**

(A) Map Incorporated: The location and boundaries of the zoning districts established by this chapter are as shown on a map entitled "Zoning Map of the Village of Lindenhurst, Illinois", hereinafter referred to as the zoning map, which is by this reference incorporated as part of this chapter. All notations, references, and other information shown on the zoning map, and all amendments thereto, will be as much a part of this chapter as if specifically set forth and literally described herein.

(B) Omitted Land: It is the intent of this chapter that the entire area of the Village, including all land and water areas, be included in the districts established by this chapter. Any area lying within the Village but not shown on the zoning map as being included in such a district will be deemed to be, and it is hereby, classified in the E Estate District.

(C) Maintenance And Availability Of Zoning Map: The official copy of the zoning map will be maintained by the Zoning Administrator 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 chapter shall be indicated on the official copy of the zoning map.

(D) Annual Publication Of Zoning Map: A revised, up-to-date copy of the zoning map, inclusive of all amendments and drawn to a convenient scale, will be published and made available for sale at the Village Hall.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-3.103 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 apply.

(A) The district boundaries are the centerlines of tollways, 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 right-of-way, the centerline of such right-of-way will be construed to be the boundary of the district.

(B) 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, the lot line will be construed to be the boundary of the district.

(C) When a district boundary does not coincide with the location of the centerline of any right-of-way or with a lot line, the district boundary will be determined by the use of the scale shown on the zoning map.

(D) The split zoning of any newly created lot or parcel into more than 1 zoning district will not be allowed.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-3.104 ZONING OF STREETS, ALLEYS, PUBLIC WAYS, WATERWAYS, AND RAILROAD RIGHTS-OF-WAY.**

All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, will be deemed to be in the same zoning district as the property immediately abutting such alleys, streets, public ways, waterways, and railroad rights-of-way. Where the centerline of a street, alley, public way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, will be deemed to be the same as that of the abutting property up to such centerline.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-3.105 ZONING OF ANNEXED LAND.**

(A) Annexation Of Land: All land annexed to the Village after the effective date of this chapter shall be classified automatically upon annexation in the E Estate District.

(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 the classification is filed and granted pursuant to § 159-2.306 of this chapter. An application for reclassification may be filed prior to or contemporaneously with the annexation of the land in question.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-3.200 GENERAL ZONING PROVISIONS.**

##### **§ 159-3.201 USE AND BULK REGULATIONS.**

(A) Use: No building, structure, or land may hereafter be used or occupied, and no building or part thereof, or other structure, may be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations specified for the district in which it is located.

(B) Bulk: All new buildings and structures must conform to the building regulations established for the district in which each building is located.

(C) Continued Conformity: Required yards, open space, and minimum lot area are a continuing obligation on the owner of the building or property on which it is located. Furthermore, no legally required yard, court, or other open space or minimum lot area allocated to any building may, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

(D) Division Of Zoning Lot: No zoning lot may be divided into 2 or more zoning lots unless all zoning lots resulting from the division conform to all applicable bulk regulations of the underlying zoning district. However, with respect to the resubdivision of improved zoning lots in R-2 and R-3 Districts, side yard requirements shall not apply between attached buildings.

(E) Location Of Required Open Space: All yards, courts, and other open spaces allocated to a building or dwelling group must be located on the same zoning lot as the building or dwelling group.

(F) Required Yards For Existing Buildings: No yards, now or hereafter provided for an existing building, may subsequently be reduced below, or further reduced below, if already less than, the minimum yard requirements of the zoning district in which it is located.

(G) Permitted Exceptions To Bulk Requirements:

(1) *Height Exceptions.* No building or other structure may exceed the maximum building height required by the underlying zoning district except for:

(a) Architectural projections such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this chapter.

(b) Special structures such as elevator penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary appurtenances, cooling towers, fire towers, substations, and smokestacks are exempt from the height limitations of this chapter.

(c) Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this chapter.

(d) Structures such as radio and television transmission and relay towers, aerials, and radio and television receiving and transmitting antennas, not including ground and building mounted earth station dish antennas, shall not exceed a height of 3 times their distance from the nearest lot line except as may otherwise be provided in this chapter. Ground mounted earth station dish antennas shall not exceed a height of 15 feet. Building mounted earth station dish antennas may not exceed the maximum height regulation of the district in which they are located.

(e) Public and semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, and governmental offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than 1 foot for each foot the structure exceeds the district's maximum height requirement.

(2) *Permitted Obstructions In Required Yards.* All required yards must be unobstructed from ground level to the sky except for the following permitted obstructions when located in the specified yard in table 159-3.201 of this division.

**TABLE 159-3.201**

#### **PERMITTED OBSTRUCTIONS IN REQUIRED YARDS AND LANDSCAPE BUFFER YARDS<sup>1</sup>**

P = Permitted

N = Not permitted



Projection, Obstruction, Or Accessory Use	Yard Type				
	Front Yard	Rear Yard	Side Yard	Corner Side Yard	Landscape Buffer Yard
Projection, Obstruction, Or Accessory Use	Yard Type				
	Front Yard	Rear Yard	Side Yard	Corner Side Yard	Landscape Buffer Yard
ADA ramp	P	P	P	P	N
Air conditioning equipment	N	P	P	P	N
Arbors and trellises (not taller than 7 feet nor wider nor longer than 5 feet)	N	P	P	N	N
Architectural projections such as chimneys, flues, sills, eaves and attached gutters, belt courses, and ornaments (not to exceed 3 feet)	P	P	P	P	N
Awnings and canopies projecting into not more than 10% of yard depth	P	P	P	P	N
Balconies, open (not more than 20% of required yard depth)	N	P	N	N	N
Basketball goal (limited to 1 pole mounted or garage mounted in residential zoning districts only not closer than 3 feet to any property line)	P	P	P	P	N
Bay windows (not to project greater than 3 feet or no more than 25% of the required yard, whichever is the lesser)	P	P	P	P	N
Compost bins and rain barrels	N	P	P	P	N
Decks, open (not closer than 6 feet to any property line)	N	P	P	N	N
Fences (see the requirements of chapter 153, "Fences", of this title)					P
Flagpoles (not closer than 6 feet to any property line)	P	P	P	P	N
Hedge (up to any property line provided the hedge does not interfere with any ordinance required sight distance)	P	P	P	P	N
Landscape buffer yards required by this chapter (up to any property line provided the landscape buffer yard does not interfere with any ordinance required sight distance)	P	P	P	P	P
Laundry drying equipment (not closer than 3 feet to any property line)	N	P	N	P	N
Skateboard ramps (not closer than 6 feet to any property line)	N	P	N	N	N
Stairways, open without roof (not projecting more than 25% into the required yard)	P	P	P	P	N
Steps in the landscape (steps located on grade which are not structural in nature)	P	P	P	P	N
Steps providing principal access to a structure, open without roof (not projecting more than 25% into the required yard)	P	P	P	P	N
Swimming pools, private (also see the requirements of division 159-6.102(H) of this chapter)					N
Tennis courts, private (not closer than 10 feet to any property line)	N	P	N	N	N
Trash dumpsters and/or garbage receptacles (also subject to the other provisions of this chapter and not closer than 6 feet to any property line)	N	P	P	P	N
Trees, shrubs, and flowers (up to the property line)	P	P	P	P	P
Utilities and electric power and communication transmission lines	P	P	P	P	P
Volleyball courts, private (in residential districts only not closer than 10 feet to any property line)	N	P	N	N	N
Walls (not closer than 1 foot to any property line)	P	P	P	P	P
Other accessory uses (as may be permitted elsewhere in this chapter not closer than 6 feet to any property line)	N	P	N	N	N

Note:

1. This table does not supersede any PUD covenants and/or deed restrictions or any other covenants and/or deed restrictions which are more restrictive.
- (3) *Limited Exemption Of Wireless Communications Towers.* The following wireless communications towers, antennas, and associated accessory structures and facilities are exempt from the provisions of this chapter:
  - (a) A ground or building mounted receive-only radio or television antenna which does not exceed 40 feet in height and which is used solely by the occupants of a dwelling located in a residential zoning district. In residential zoning districts there shall be no more than 1 tower per lot.
  - (b) A ground or building mounted receive-only radio or television satellite dish which does not exceed 1 meter in diameter in any zoning district.
  - (c) A citizens band radio tower and antenna which does not exceed 40 feet in height.
  - (d) A tower and antenna(s) used in the amateur radio service which does not exceed 75 feet in height.
  - (e) Microwave dish antennas for private home use.
  - (f) Governmentally owned and operated receive and/or transmit telemetry station antennas as typically used in supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater, pump stations and/or irrigation systems, with heights not exceeding 35 feet.
  - (g) Towers, equipment facilities, and antennas that existed prior to November 8, 2004.
  - (h) Governmental owned and/or operated wireless communications towers, antennas, and associated accessory structures and facilities including those owned by the Village of Lindenhurst.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-3.202 NUMBER OF BUILDINGS ON A ZONING LOT.**

All principal buildings must be located on a zoning lot. Only 1 principal building may be located, erected, or moved onto a lot in the E, SE, S, R-1, R-2, and R-3 Residential Zoning Districts and M and O Nonresidential Zoning Districts. This section does not apply to condominium plats in the R-3 Residential Zoning District.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-3.203 REZONING OF PUBLIC AND SEMIPUBLIC AREAS.**

An area indicated on the Village official zoning map as a public park, public recreation area, public school site, cemetery, or other similar public or semipublic open space, may not be used for any other purpose than that designated. When the use of the specific area is discontinued, it shall be considered for potential rezoning into a zoning district which is consistent with the land use district set forth for that area in the Village Comprehensive Plan.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-3.204 USES NOT SPECIFICALLY PERMITTED IN DISTRICTS.**

When a use is not specifically listed a "permitted use", "special use", "accessory use", or "temporary use" it will be assumed that such a use is expressly prohibited unless by a written decision of the Zoning Administrator it is determined that the use is similar to, and not a more measurably intense use, than the use listed.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-3.205 CANNABIS BUSINESS ESTABLISHMENTS RESTRICTED.**

No cannabis business establishment shall be permitted to be located in the Village except that a cannabis craft grower or cannabis infuser is allowed in the BK zoning district subject to issuance of a special use permit, as authorized in § 159-5.103 and in accordance with § 159-2.307 of this code. For purposes of this title, "cannabis business establishments" are as defined in § 159-9.200 of this code and includes craft growers, cultivation centers, dispensing organizations or dispensaries, infuser organizations or infusers, on-premises cannabis consumption establishments, processing organizations or processors, transporting organizations or transporters, and such other cannabis business establishments that may be authorized by the Cannabis Regulation and Tax Act.

(Ord. 19-12-2145, passed 12-9-2019; Am. Ord. 20-8-2171, passed 8-10-2020)

## **PART 4: RESIDENTIAL ZONING DISTRICTS**

### **§ 159-4.100 RESIDENTIAL ZONING DISTRICTS.**

#### **§ 159-4.101 PURPOSES.**

The residential district regulations are intended to protect the overall character of the Village by preserving established residential areas and encouraging new development consistent with the character of the Village. The Village has established the following residential zoning districts:

- (A) E Estate District: The E Estate Single-Family Residential District is intended to:
  - (1) Provide for estate type housing on very large lots as set forth in the Village of Lindenhurst Comprehensive Plan and components thereof.
  - (2) Preserve and enhance the estate character of surrounding areas and the attractiveness associated with such areas.
  - (3) Promote open space and natural resource base protection through the options provided in this district.
  - (4) Have new development in this district be served by public sanitary sewer and water supply facilities.
- (B) SE Suburban Estate District: The SE Suburban Estate Single-Family Residential District is intended to:
  - (1) Provide for the continuance of suburban/estate lots as set forth in the Village of Lindenhurst Comprehensive Plan and components thereof.
  - (2) Be used in order to protect the character of building bulk in established suburban/estate residential neighborhoods and subdivisions.
  - (3) Promote open space and natural resource base protection through the options provided in this district.
  - (4) Serve as a transitional zoning district between the E Estate Single-Family Residential District and the S Suburban Single-Family Residential District as well as between E Estate Single-Family Residential District and the R-1 Suburban Neighborhood Conservancy District.
  - (5) Be served by public sanitary sewer and water supply facilities.
- (C) S Suburban District: The S Suburban Single-Family Residential District is intended to:
  - (1) Provide for new development in areas in a manner that is consistent with the Village of Lindenhurst Comprehensive Plan and components thereof.
  - (2) Provide open space in this district in order to maintain a suburban character.
  - (3) Promote open space and natural resource base protection through the options provided in this district.
  - (4) Reinforce the open nature of the Village's suburban environment.
  - (5) Not encourage a continuous pattern of like lots, but to have a creative mix of variable lot sizes.
  - (6) Serve as a transitional district between the less dense SE Suburban Estate Single-Family Residential district and the higher density R-1 Suburban Neighborhood Conservancy District.
  - (7) Be served by public sanitary sewer and water supply facilities.
- (D) R-1 Suburban Neighborhood Conservancy District: The R-1 Suburban Neighborhood Conservancy District is intended to:
  - (1) Permit the continuation of the existing pattern of development on existing lots of record in a manner that is consistent with the Village of Lindenhurst Comprehensive Plan and components thereof.
  - (2) Accommodate existing developed areas which are existing lots of record and were formerly zoned under the R-1 Residential District of the Village of Lindenhurst zoning

ordinance.

- (3) Not accommodate newly developing areas of the Village.
- (E) R-2 District: The R-2 District is the least dense of the multi-family residence district types. The R-2 Multiple-Family Restricted Dwelling District is intended to:
- (1) Establish and preserve 2-family residential dwelling districts in the Village.
  - (2) Permit higher density suburban type 2-family residential development in a manner that is consistent with the provision of a high quality suburban community character as set forth in the Village of Lindenhurst Comprehensive Plan and components thereof.
  - (3) Provide affordable housing opportunities for moderate income residents, employees of local businesses, and residents on fixed incomes, and other persons preferring 2-family residential dwelling living.
  - (4) Provide areas of open space in order to maintain suburban community character.
  - (5) Promote open space and natural resource base protection.
  - (6) Reinforce the open nature of the Village's suburban environment.
  - (7) Be used as a transitional district between the less dense R-1 Suburban Neighborhood Conservancy District and the higher density R-3 Multiple-Family Dwelling District.
  - (8) Be used as a transitional district between the less dense S Suburban Single-Family Residential District and the higher density R-3 Multiple-Family Dwelling District.
  - (9) Be served by public sanitary sewer and water supply facilities.
- (F) R-3 Multiple-Family District: The R-3 Multiple-Family Dwelling District is intended to:
- (1) Preserve and establish multi-family residential districts in the Village.
  - (2) Permit high density urban type multiple-family residential development in a manner that is consistent with the provision of a high quality urban environment within a suburban community as set forth in the Village of Lindenhurst Comprehensive Plan and components thereof.
  - (3) Provide affordable housing opportunities for moderate income residents, employees of local businesses, and residents on fixed incomes, and other persons preferring multiple-family dwelling living.
  - (4) Include apartments, townhouses, and/or other types of housing including housing oriented toward small household sizes such as "empty nesters" and/or senior citizens.
  - (5) Provide areas of open space in order to maintain its suburban character.
  - (6) Be used as a transitional district between the less dense R-2 Multiple-Family Restricted Dwelling District and other higher intensity business, industrial, and public and semipublic districts with the provision of adequate landscape buffer yards.
  - (7) Be served by public sanitary sewer and water supply facilities.
- (G) R-4 Multiple-Family District: The R-4 Multiple-Family Dwelling District is intended to:
- (1) Preserve and establish multi-family residential districts in the Village.
  - (2) Permit urban type, multiple-family row home type residential development in a manner that is consistent with the provision of a high quality urban environment within a suburban community as set forth in the Village of Lindenhurst Comprehensive Plan and components thereof.
  - (3) Be applied in locations which have immediate access to, either directly or via internal public or private roads, the major arterial roadways of U.S. Route 45 and Illinois Route 132 (Grand Avenue).
  - (4) Allow for the provision of mixed limited single-family detached housing with multiple-family attached row houses in order to provide for housing market choice.
  - (5) Provide affordable housing opportunities for moderate income residents, employees of local businesses, and residents on fixed incomes, and other persons preferring multiple-family dwelling living.
  - (6) Include limited single-family detached dwelling units, row houses, and residential housing for the elderly.
  - (7) Provide areas of open space in order to maintain its suburban/urban character.
  - (8) Be used as a transitional district between the less dense R-2 Multiple-Family Restricted Dwelling District and/or R-3 Multiple-Family Dwelling District and other higher intensity business (such as the CBR-2 Community Business and Residential District 2), industrial, and public and semipublic districts with the provision of adequate landscape buffer yards.
  - (9) Be served by public sanitary sewer and water supply facilities.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-4.102 REGULATIONS APPLICABLE TO ALL RESIDENTIAL DISTRICTS.**

- (A) Accessory Uses: Accessory uses allowed in the residential districts are set forth in § 159-6.100 of this chapter.
- (B) Temporary Uses: Temporary uses allowed in the residential districts are set forth in § 159-6.200 of this chapter.
- (C) Home Occupations: Home occupations are subject to the provisions of division 159-6.102(E) of this chapter.
- (D) Performance Standards: Performance standards for residential districts are set forth in § 159-6.300 of this chapter.
- (E) Site Development Regulations: The site development regulations applicable in the residential districts are set forth in part 7 of this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-4.103 PERMITTED AND SPECIAL USES IN RESIDENTIAL ZONING DISTRICTS.**

- (A) Permitted And Special Uses In Residential Districts: The uses listed in this table, and no others, are permitted as of right or by issuance of a special use permit, as the case may be, in the residential zoning districts.

**TABLE 4.103**

**PERMITTED AND SPECIAL USES IN RESIDENTIAL DISTRICTS<sup>1</sup>**

Type Of Use	E	SE	S	R-1	R-2	R-3	R-4
Type Of Use	E	SE	S	R-1	R-2	R-3	R-4
1-family detached dwellings	P	P	P	P	P	S	P
2-family attached dwellings (excluding "row home dwelling" as defined in this chapter)					P	P	
Multiple-family dwellings and apartments (not including row home dwellings) (see division (B)(1) of this section)						S	
Row home dwellings (see division (B)(1) of this section)						S	P
Senior housing, age restricted (see division (B)(2) of this section)				S			
Agriculture uses	S	S	S	S	S	S	S
Boathouses (private, no living quarters)	S	S	S	S	S	S	

Buildings and facilities for libraries, public parks, and schools	S	S	S	S	S	S	S
Clubhouses (private)	S	S	S	S	S	S	S
Community living arrangements and group homes	S	S	S	S	S	S	S
Forest preserves, including bicycle trails, cross country ski trails, dog parks, hiking trails, jogging trails, nature areas, nature trails, parks, picnicking, riding/equestrian trails, wildlife sanctuaries, and similar uses operated as part of the forest preserve use	S	S	S	S	S	S	S
Historic monuments or sites	S	S	S	S	S	S	S
Municipal buildings and facilities	P	P	P	P	P	P	P
Private parks and tot lots (accessory to residential development)	P	P	P	P	P	P	P
Stable (private) (see division (B)(3) of this section)	S						

Note:

1. "P" is a permitted use and "S" is a special use.
- (B) Detailed Standards For Special Uses In Residential Districts: In addition to the general standards for special use permits as set forth in § 159-2.307 of this chapter, the following detailed standards must be met for the specified use.
- (1) *Multiple-Family Attached Dwelling Units With More Than 2 Dwelling Units Per Structure In The R-3 District.* The following special standards must be considered in granting a special use permit for a multiple family development of more than 2 units in the R-3 District.
- (a) The extent to which the proposed use will be served adequately by, or will provide for, essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools. Adequate provision must be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Unless approved by the Village Board based upon recommendation from the Plan Commission, no private streets shall be permitted in an R-3 Multiple-Family Dwelling District. A traffic study prepared by a traffic safety engineer may be required as determined by the Plan Commission with the approval of the Village Board.
  - (b) The adequacy of the public infrastructure to support the proposed use at the proposed location. In considering this use standard, the Plan Commission shall consider not only the proposed uses, but other existing and proposed zoning and the zoning of vacant properties in order to determine both the individual and cumulative impacts.
  - (c) The extent to which the proposed use at the proposed location will, or may, have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.
  - (d) The extent to which the proposed use and its design and landscaping will enhance and protect the existing character of neighboring land uses, if any, or enhance the community character of the Village.
  - (e) The extent to which the proposed use will be served by, or will provide, proper pedestrian and public transportation linkages both within the immediate area of the development and with other parts of the Village or County.
  - (f) The extent to which the proposed use will be served by, or will provide, adequate public and private open space both in the immediate vicinity of the proposed use and throughout the Village. The Plan Commission shall, in considering this criteria, consider the adequacy of such open spaces both in terms of site design and buffering and in terms of the open space needs of the permanent or transient population likely to be generated by the proposed use. Common open space consisting of land unoccupied by nonrecreational structures, buildings, streets, rights-of-way, minimum required lot areas, and automobile parking lots and designed and intended for the use of enjoyment of residents of an R-3 Multiple-Family Dwelling District shall be provided in each R-3 Multiple-Family Dwelling District. Common open space may contain structures for recreational use.
  - (g) Environmental elements relating to soil erosion, preservation of trees, protection of watercourses, lakes, wetlands, and other resources; noise; topography; and animal life shall be reviewed and the site, landscape, and building design shall minimize any adverse impact on these elements.
  - (h) The proposed use shall not result in the destruction, loss, or damage of any natural or historic feature of significant importance.
  - (i) The use shall not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities, facilities, and other matters affecting the public health, safety, and general welfare and shall be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property or properties.
  - (j) The proposed use shall provide on site amenities and services which are consistent with the nature and intensity of the proposed use and the availability of amenities and services in the immediate area of the site.
  - (k) The proposed use will provide adequate landscaping and buffering, and all signage and lighting will comply with this Code.
- (2) *Senior Housing, Age Restricted.* The following specific standards must be considered in granting a special use permit for a senior housing, age restricted single family development.
- (a) The otherwise applicable bulk standards set forth in division 159-4.104(A) of this part may be modified as part of the special use permit approval for a senior housing, age restricted development, subject to the following limitations:
    1. The minimum lot area may not be reduced below 6,000 square feet in area.
    2. The minimum lot width may not be reduced below 50 feet, measured at the setback line.
    3. The required front yard may not be reduced below 20 feet.
    4. The required rear yard may not be reduced below 25 feet.
    5. The required side yard may not be reduced below 6 feet.
    6. The required corner side yard may not be reduced below 20 feet.
    7. The maximum lot coverage may not exceed 50%.
    8. The maximum building height may not exceed 30 feet.
    9. The gross density may not exceed 4.0, and the net density may not exceed 6.
  - (b) Any special use permit approval for a senior housing, age restricted development shall be conditioned upon the recordation of a declaration of covenants, conditions and restrictions that restricts the occupancy of the residential housing in accordance with applicable Federal laws.
- (3) *Stables, Private.* The following specific standards must be considered in granting a special use permit for a private stable.
- (a) The minimum lot area must be 2.0 acres. This minimum lot area will be increased by 40,000 square feet for each equine in addition to 2.
  - (b) On parcels of land less than 200,000 square feet, all feed and bedding shall be stored indoors. On parcels of land 200,000 square feet or more, piles of feed or bedding shall be located 75 feet from any public street right-of-way or lot line of an adjacent nonresidential district and 100 feet from any lot line of an adjacent residential district lot line, in order to minimize odor and nuisance problems.
  - (c) Pasture area may extend to the lot line.
  - (d) Manure piles must be stored, removed, and/or applied in accordance with applicable Village requirements.

(e) All points on the perimeter of any stable building or corral must be at least 50 feet from the nearest boundary line or right-of-way line of the parcel on which it is located.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-4.104 BULK, SPACE, YARD, HEIGHT, AND DWELLING UNIT STANDARDS.**

(A) Development Standards: The bulk, space, yard, height, and dwelling unit standards for all of the residential districts are set forth in table 4.104 of this division.

**TABLE 4.104**

**BULK, SPACE, YARD, HEIGHT, AND DWELLING UNIT STANDARDS**

Type Of Standard	E	SE	S	R-1 <sup>19</sup>	R-2	R-3 (More Than 2 DUs Per Structure) <sup>7</sup>	R-4 Row Home (More Than 2 DUs Per Structure) <sup>14,15,16,17,18</sup>
Type Of Standard	E	SE	S	R-1 <sup>19</sup>	R-2	R-3 (More Than 2 DUs Per Structure) <sup>7</sup>	R-4 Row Home (More Than 2 DUs Per Structure) <sup>14,15,16,17,18</sup>
Minimum open space and maximum density:							
Open space ratio (OSR)	0	0	0	0	0	0.35/0.25 <sup>7</sup> (option 1)/ (option 2)	0.25
Gross density (GD)	0.91	1.71	2.08	3.30	4.18 <sup>6</sup>	6.10/8.00 <sup>7</sup> (option 1)/ (option 2)	12.00
Net density (ND)	0.91	1.71	2.08	3.90	4.18 <sup>6</sup>	8.00	25.00
Lot dimension standards:							
Minimum lot area (s.f.)	40,000	20,000	16,000	9,000	15,000	43,560	43,560 (when abutting a public arterial street); otherwise, 3,600
Minimum lot width at setback line (s.f.)	130	100, 110-corner	95, 110-corner	60	115	150	150 (when abutting a public arterial street); otherwise, 25
Minimum front yard (ft.) <sup>20,21</sup>	50	45 <sup>1</sup>	40 <sup>1</sup>	30 <sup>1</sup>	40 <sup>1</sup>	30 <sup>1,8</sup>	30 <sup>11</sup> (when abutting a public arterial street); 25 (when abutting private street, private drive, or private parking area); otherwise, 0
Minimum side yard (ft.)	20 <sup>1</sup>	12 <sup>1</sup>	10 <sup>1</sup>	The greater of 10% of the street frontage, as measured along the building setback line between opposite lot lines, but in no case less than 6 per side <sup>1</sup>	13 <sup>1</sup>	20 <sup>1,9</sup>	0
Minimum side corner yard (ft.)	45 <sup>1</sup>	35 <sup>1</sup>	30 <sup>1</sup>	See minimum side yard above	35 <sup>1</sup>	30 <sup>1</sup>	30 <sup>11</sup> (when abutting a public arterial street); otherwise, 0
Minimum rear yard (ft.)	50 <sup>1</sup>	35 <sup>1</sup>	30	30 <sup>1</sup>	30 <sup>1</sup>	30 <sup>1</sup>	30 <sup>11</sup> (when abutting a public arterial street); otherwise, 0
Maximum lot coverage	10%	15%	20%	35%	30%	n/a	n/a
Minimum total living area per dwelling unit <sup>4</sup> :							
1 story DU (s.f.)	2,000 <sup>2,3</sup>	1,800 <sup>2,3</sup>	1,600 <sup>2,3</sup>	n/a	1,150 <sup>2,3</sup>		1,500 <sup>10,12,13</sup>
Multi-story DU (s.f.)	2,300 total 1,100 first floor <sup>2,3</sup>	2,100 total 1,100 first floor <sup>2,3</sup>	1,900 total 1,050 first floor <sup>2,3</sup>	n/a	1,150 <sup>2,3</sup>		1,500 <sup>13</sup>
4 DU per structure (s.f.)	n/a	n/a	n/a	n/a	n/a	900 <sup>10</sup>	n/a
5 to 8 DU per structure (s.f.)	n/a	n/a	n/a	n/a	n/a	850 <sup>10</sup>	n/a
9 or more but not to exceed 12 DU per structure (s.f.)	n/a	n/a	n/a	n/a	n/a	800 <sup>10</sup>	n/a
Maximum building height <sup>5</sup> :							
Principal structure (stories/ft.)	2.5/30	2.5/30	2.5/30	2.5/30	2.5/30	3.0/35	3.0/40
Accessory structure (stories/ft.)	1.0/25	1.0/25	1.0/25	1.0/25	1.0/25	1.0/25	1.0/25

**Notes:**

1. See § 159-7.504 of this chapter for increased setback requirements along arterial streets and highways.
2. Add 150 s.f. to minimum required building floor area for each bedroom in excess of 3.
3. Add 250 s.f. to minimum required floor area and first floor area for each dwelling unit which has a basement less than 600 s.f.
4. Dens, libraries, studies, lofts, or other rooms within a dwelling unit which can potentially be used as a bedroom will be considered and counted as a bedroom.
5. See § 159-9.200 of this chapter for definition of story.

6. In terms of number of lots only. To arrive at maximum dwelling unit density, multiply the number indicated by 2.
7. See also special use conditions set forth in division 159-4.103(B) of this part.
8. Plus 1 additional foot for each 2 feet over 35 feet of building height.
9. Plus 5 additional feet for each additional story above 2 stories of building height.
10. Add 150 s.f. to minimum required building floor area for each bedroom in excess of 1.
11. The provisions of § 159-7.504 of this chapter for increased setback requirements along arterial streets and highways do not apply in the R-4 District.
12. Garages will not be counted towards the minimum required square footage.
13. No more than 25% of the total number of row homes constructed in a development project may be less than 1,725 square feet each in floor area; no more than 25% of the total number of row homes in a development project may be between 1,725 and 2,383 square feet each in floor area; and no less than 50% of the total number of row homes in a development project may be 2,383 square feet or larger each in floor area.
14. No more than 5% of the total number of all dwelling units constructed in a development project in the R-4 District may be single-family detached dwellings.
15. All single-family detached dwelling units in the R-4 District must have basements. Basements and garages will not be counted towards the minimum required square footage.
16. For single-family detached dwelling units with more than 3 bedrooms, an additional 200 square feet of floor area will be added to this minimum total square footage for each additional bedroom over 3 bedrooms.
17. Common open space consisting of land unoccupied by nonrecreational structures, buildings, streets, rights-of-way, minimum required lot areas, and automobile parking lots and designed and intended for the use of enjoyment of residents of an R-4 Multiple-Family Dwelling District shall be provided in each R-4 Multiple-Family Dwelling District. Common open space may contain structures for recreational use. Refer to ordinance 07-3-1614 for special bulk standards applicable to single family residences in the R-4 District.
18.
  - a. The maximum number of allowable bedrooms in a single-family detached dwelling unit in the R-4 District shall be 3 bedrooms per dwelling unit.
  - b. The maximum number of allowable bedrooms in a row home attached dwelling unit in the R-4 District shall be 3 bedrooms per dwelling unit.
19. See division 159-4.103(B)(2) of this part for special bulk standards applicable to senior housing, age restricted developments.
20. On lots located along Grand Avenue in Lindenhurst Estates and Lindenhurst Estates 1st Addition, the front yard setback for the construction of a building will be the average of the front yard setbacks of the buildings located on each side of the lot; but in no case may it be less than 75 feet.
21. Lots abutting 2 opposite streets (double frontage lots) shall provide the front yard setback required by the district in which the lot is located from each street upon which the lot abuts.

(Ord. 17-2-2065, passed 2-27-2017)

## PART 5: NONRESIDENTIAL ZONING DISTRICTS

### § 159-5.100 NONRESIDENTIAL ZONING DISTRICTS.

#### § 159-5.101 PURPOSES.

This part sets forth detailed descriptions, characteristics, and the respective dimensional and bulk regulations, requirements, and design standards of the nonresidential zoning districts.

(A) NB District: The NB Neighborhood Business District is intended to:

- (1) Be located for the convenience of persons residing in nearby residential areas and is, thus, limited in its functions to accommodating the basic day to day shopping and service needs of the residents living in the adjacent residential areas.
- (2) Allow for the clustering of buildings on parcels of land under individual or multiple ownership.
- (3) Provide for an arrangement of retail trade establishments that are compatible in function and operation.
- (4) Be compatible with surrounding land uses of a lesser intensity.
- (5) Require increased compatibility with a suburban character as set forth in the Village of Lindenhurst Comprehensive Plan and amendments thereto.
- (6) Provide a full range of public services as required for the NB District. This district is intended to be served by public sanitary sewer and water supply facilities.

(B) CB District: The CB Community Business District is intended to:

- (1) Be located to accommodate the needs of a much larger consumer population than served by the NB Neighborhood Business District.
- (2) Provide for relatively large groupings of retail sales and customer service establishments which offer a wide range of goods and services in a community serving shopping area.
- (3) Be applied in locations which abut or front, and have access to, either directly or via frontage roads, heavily traveled major arterial roadways.
- (4) Not foster "strip" development patterns along major arterial streets and highways. While the CB District is intended to be vehicular traffic oriented, vehicular access points are intended to be limited.
- (5) Be characterized by business establishments that have on site parking for customer automobiles combined with a pedestrian oriented shopping environment.
- (6) Be characterized by buildings clustered on parcels of land under individual or multiple ownership.
- (7) Provide for an arrangement of retail trade establishments which are compatible in function and operation.
- (8) Require increased compatibility with a suburban character as set forth in the Village of Lindenhurst Comprehensive Plan and amendments thereto.
- (9) Provide a full range of public services as required for the CB District. This district is intended to be served by public sanitary sewer and water supply facilities.

(C) CBR-2 District: The CBR-2 Community Business and Residential District 2 is intended to:

- (1) Be a regional oriented, principally commercial district which allows nonground level multiple-family residential dwelling units.
- (2) Be located to accommodate the needs of a much larger consumer population than served by the CB Community Business District and NB Neighborhood Business District.
- (3) Provide for relatively large groupings of retail sales and customer service establishments within planned large developments which offer a wide range of goods and services in a pedestrian oriented, regional serving shopping area as well as providing for nonground level multiple-family residential dwelling units on site.
- (4) Be applied in locations which have immediate access to, either directly or via internal public or private roads, the major arterial roadways of U.S. Route 45 and Illinois Route 132 (Grand Avenue).
- (5) Not foster "strip" development patterns along the major arterial roadways of U.S. Route 45 and Illinois Route 132 (Grand Avenue). While the CBR-2 District is intended to accommodate vehicular traffic, vehicular access points are intended to be limited.
- (6) Be characterized by business establishments and nonground level multiple-family residential dwelling units that have on site parking for customer and resident automobiles combined with a highly pedestrianized shopping environment.
- (7) Be characterized by buildings clustered on parcels of land under either individual or multiple ownership.
- (8) Provide for an arrangement of retail trade and service establishments and nonground level multiple-family residential dwelling units which are compatible in intensity, operation, and architectural and urban design appearance.
- (9) Require increased compatibility with an urban character as set forth in the Village of Lindenhurst Comprehensive Plan and amendments thereto.

(10) Accommodate new retail sales and service activities and nonground level residential dwellings that are characterized by buildings which abut the street right-of-way or have small setbacks.

(11) Achieve the traditional central business district, or "downtown", characteristics within the framework of new mixed use retail sales, service, and nonground level multiple-family residential development.

(12) Be characterized by well placed and designed amenities which are provided, constructed, and/or installed as development occurs within the CBR-2 District as an integral part of all such development.

(13) Provide a full range of public services. This district is intended to be served by public sanitary sewer and water supply facilities.

(D) PBC District: The PBC Planned Business Center District is intended to:

(1) Accommodate commercial growth in that area of the Village and environs which abuts U.S. Route 45 where other land uses may not be appropriate and is not intended to be used in any other area of the Village.

(2) Serve a trade area reaching out several miles or more and embracing a large segment of the urban, suburban, and rural Lake County region, including areas located outside of the Village or its immediate surrounding unincorporated towns or incorporated municipalities.

(3) Accommodate "clustered" commercial development patterns on parcels of land under individual or multiple ownership, not linear or "strip", commercial uses, with a wide range of retail business and complementary uses.

(4) Impose limitations on the use of excessive vehicular access points along the U.S. Route 45 corridor.

(5) Assist in efficiently organizing on site vehicular traffic so as to facilitate movement between parcels without accessing U.S. Route 45 and to protect the safety and carrying capacity associated with U.S. Route 45.

(6) Accommodate business establishments that have generously landscaped on site parking for customer automobiles.

(7) Accommodate the use of shared driveways for abutting property owners, and properly spaced driveway access points in order to protect the carrying capacity and travel speeds of U.S. Route 45.

(8) Increase compatibility with the suburban character of the Village as set forth in the Village of Lindenhurst Comprehensive Plan and amendments thereto.

(9) Provide a full range of public services as required for the PBC District. This district is intended to be served by public sanitary sewer and water supply facilities.

(E) O Office District: The O Office District is intended to:

(1) Provide for the orderly and attractive development and grouping of professional office, financial office, or other office related activities, in appropriate and convenient locations.

(2) Provide adequate on site parking areas.

(3) Promote the compatibility of character, appearance, and operation of uses in the O District with the surrounding area.

(4) Increase compatibility with the suburban character of the Village as set forth in the Village of Lindenhurst Comprehensive Plan and amendments thereto.

(5) Provide a full range of public services as required for the O District. This district is intended to be served by public sanitary sewer and water supply facilities.

(F) BK District: The BK Business Park District is intended to:

(1) Provide for the development of the attractive grouping of office, light manufacturing, light industrial development uses, and limited ancillary service uses in a campus setting which serve the needs of the occupants of the BK Business Park District.

(2) Provide for uses of a limited intensity.

(3) Provide an aesthetically pleasing, well landscaped environment.

(4) Provide for ample off street parking and loading areas and landscape planting and screening of adjacent land uses of a lower intensity.

(5) Be applied to those areas of the Village identified for business park development by the adopted Village of Lindenhurst Comprehensive Plan and amendments thereto.

(6) Accommodate industrial or business parks under unified design and ownership.

(7) Permit moderate intensity development in a manner that enhances and protects the suburban residential character of the Village through the use of area and bulk requirements.

(8) Be located adjacent to arterial streets and highways because of its high trip generation rates.

(9) Provide a full range of public services as required for the PBC District. This district is intended to be served by public sanitary sewer and water supply facilities.

(G) M District: The M Limited Manufacturing District is not intended to accommodate industrial or business parks under unified design and ownership. The M Limited Manufacturing District is intended to:

(1) Provide for manufacturing, industrial, warehousing, limited commercial, and ancillary uses of a limited nature and size in locations where the relative proximity to other uses requires more restrictive regulation.

(2) Be used in that area of the Village contiguous to Grand Avenue and generally bounded by Grand Avenue on the southwest, Old Elm Road on the east, Burr Oak Lane and Fairfield Road on the north, and Hawthorn Lane on the west.

(3) Increase the compatibility of manufacturing, industrial, warehousing, limited commercial, and ancillary uses with the suburban character of the Village as set forth in the Village of Lindenhurst Comprehensive Plan and amendments thereto.

(4) Permit moderate intensity manufacturing, industrial, warehousing, limited commercial, and ancillary uses in such a manner that enhances and protects the suburban residential character of the Village through the use of area and bulk requirements.

(5) Provide a full range of public services as required for the M District. This district is intended to be served by public sanitary sewer and water supply facilities.

(H) I District: The I Institutional District is intended to:

(1) Eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public related ownership and where the use for public, or quasi-public purpose, is anticipated to be permanent.

(2) Apply to those lands where existing or proposed Federal, State, or local government activities are conducted, and to major public and private educational and other nonprofit organization facilities.

(3) Require increased compatibility with a suburban character as set forth in the Village of Lindenhurst Comprehensive Plan and amendments thereto through the use of area and bulk regulations.

(4) Accommodate moderate intensity development in such a manner that enhances and protects the suburban residential character of the Village.

(5) Provide a full range of public services as required for the I District. This district is intended to be served by public sanitary sewer and water supply facilities.

(I) RO District: The RO Recreation and Open Space District is intended to:

(1) Provide for areas where the park, recreational, and open space needs, both public and private, of the populace can be met without undue disturbance of natural resources and uses of other adjacent zoning districts.

(2) Establish requirements to increase park, recreational, and open space compatibility with the suburban and open space character of the Village as set forth in the Village of Lindenhurst Comprehensive Plan and amendments thereto.

(3) Require increased compatibility with a suburban and open space character as set forth in the Village of Lindenhurst Comprehensive Plan and amendments thereto through the use of area and bulk regulations.

(4) Provide a full range of public services as required for the RO District. This district is intended to be served by public sanitary sewer and water supply facilities.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-5.102 REGULATIONS APPLICABLE TO ALL NONRESIDENTIAL DISTRICTS.**

- (A) Accessory Uses: Accessory uses allowed in the nonresidential districts are set forth in § 159-6.100 of this chapter.
- (B) Temporary Uses: Temporary uses allowed in nonresidential districts are set forth in § 159-6.200 of this chapter.
- (C) Home Occupations: Home occupations, where allowed, are subject to the provisions of division 159-6.102(E) of this chapter.
- (D) Performance Standards: Performance standards for nonresidential districts are set forth in § 159-6.300 of this chapter.
- (E) Site Development Regulations: The site development regulations applicable in the nonresidential districts are set forth in part 7 of this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-5.103 PERMITTED AND SPECIAL USES IN NONRESIDENTIAL ZONING DISTRICTS.**

- (A) Permitted And Special Uses In Nonresidential Districts: The uses listed in this table, and no others, are permitted as of right or by issuance of a special use permit, as the case may be, in the nonresidential zoning districts.

**TABLE 5.103**

**PERMITTED AND SPECIAL USES IN NONRESIDENTIAL DISTRICTS<sup>1</sup>**

Type Of Use	NB	CB	CBR-2	PBC	O	BK	M	I	RO
Type Of Use	NB	CB	CBR-2	PBC	O	BK	M	I	RO
Agricultural, forestry, and fishing:									
Commercial fishing (finfish, shellfish), fish (hatcheries and preserves) (NAICS #112511, 112512)									P
Food crops grown under cover (NAICS #111411, 111419)		S		S					
Landscape architectural services (NAICS #541320)		P		P	P	P	S		
Lawn and garden services (NAICS #561730)		S		S			S		
Ornamental nursery products, including ornamental shrub and tree services (NAICS #111421, 111422)		S		S					
Amusements and recreation:									
Amusement parks (NAICS #713110)								S	S
Art galleries and museums (NAICS #712110)			P					P	P
Athletic fields								S	S
Band shells (indoor and outdoor)								S	S
Bicycle trails (nonmotorized)			P			P			P
Boat access sites								S	S
Boat rental sites								S	S
Botanical and zoological gardens (NAICS #712130)						S		S	P
Clubhouse, private			P			S			S
Coin operated amusement devices (NAICS #713120)	S	S		S			S		S
Fairgrounds									S
Firing range (indoor)									S
Fitness centers (NAICS #713940)		P							
Golf driving range								S	S
Gymnasium								S	S
Historic monuments or sites	P	P	P	P	P	P	P	P	P
Ice skating (indoor)									S
Ice skating (outdoor)								S	S
Marinas									S
Membership sports and recreation clubs (NAICS #713940)									S
Parks, private						S			S
Tot lots		S	P	S		S			P
Assembly:									
Places of worship (NAICS #813110)					P	P		P	
Construction:									
Carpentry work (NAICS #238210)							S		
Construction (NAICS #23615, 236116, 236210, 236220)							S		
Electrical, masonry, stonework, concrete, plastering, drywall, insulation, marble, tile, mosaic, and terrazzo work (NAICS #2382110, 238210, 238140, 238990, 238310, 238340)							S		
Floor laying and floor work (NAICS #238330)		S		S			S		
Glass and glazing work (NAICS #238150)		S		S			S		
Operative builders ((NAICS #236117)							S		
Painting and paperhanging (NAICS #288320)		S					S		
Plumbing, heating, and air conditioning (NAICS #238220)							S		
Roofing, siding and sheet metal work (NAICS #238160, 238170, 238390)							S		
Educational institutions:									
Business and secretarial schools (NAICS #611410)					S	P		P	
Colleges and universities, including junior colleges (NAICS #611310)								S	
Computer training schools (NAICS #611420)					S	P			
Schools and educational services, not elsewhere classified (NAICS #611699)								S	
Vocational schools (except construction and truck driving schools) (NAICS #611519)						S		S	





Magnetic and optical recording media (NAICS #334613)						S	S		
Manufacturing industries, not elsewhere classified (NAICS #339999)						S	S		
Measuring and controlling devices (NAICS #334519)						S	S		
Medical instruments and supplies (NAICS #339112, 339113)						S	S		
Medicinals and botanicals (NAICS #3254111)						S	S		
Metal stampings (NAICS #332119)							S		
Motor vehicle parts and accessories (NAICS #336390, 336320)							S		
Motorcycles, bicycles, and parts (NAICS #336991)							S		
Musical instruments (NAICS #339992)						S	S		
Office machines (NAICS #339940)						S	S		
Ophthalmic goods (NAICS #339115)						S	S		
Pens, pencils, office, and art supplies (NAICS #339940)						S	S		
Pharmaceutical preparations (NAICS #325412)						S	S		
Photographic equipment and supplies (NAICS #333316)						S	S		
Platemaking services (NAICS #323120)						S	S		
Plumbing fixture fittings and trim (NAICS #332913)						S	S		
Printing and publishing of newspapers, periodicals, books, business forms, greeting cards, blankbooks, binders, and related work (NAICS #511110, 511120, 511130, 511191, 323111)					S		S		
Sanitary food containers, paper packaging, sanitary paper products, stationery, envelopes, and other converted paper products (NAICS #322259, 322291, 322220, 322230, 322299)							S		
Search and navigation equipment (NAICS #334511)						S	S		
Signs and advertising specialties (NAICS #339950)						S	S		
Silverware and plated ware (NAICS #33215)						S	S		
Switchgear and switchboard apparatus (NAICS #335313)							S		
Textile machinery (NAICS #333249)							S		
Toys and sporting goods (NAICS #339930, 339920)						S	S		
Transformers, except electronic (NAICS #335311)							S		
Typesetting (NAICS #323120)					S	S	S		
Watches, clocks, watchcases, and parts (NAICS #334519)						S	S		
Wire springs and wire products (NAICS #332613)							S		
Yarn, fiber, and thread mills (NAICS #313110)							S		
Retail trade:									
Auto and home supply stores (NAICS #441310)		S	S	S			S		
Boat, RV, and motorcycle dealers (NAICS #441222, 441228, 441210)		S		S			S		
Bookstores (NAICS #451211)	P	P	P	P			S		
Camera and photographic supply stores (NAICS #443142)	P	P	P	P			P		
Candy, nut, and confectionery stores, bakeries, dairy products (NAICS #445292, 445291, 445299)	P	P	P	P	S	S	P		
Catalog and mail order houses (NAICS #454113)		P	P	P			P		
Clothing and shoe stores (NAICS #448140, 448110, 448150, 448120, 448190)	P	P	P	P			P		
Convenience store (with gas station) (NAICS #447110)	S	S		S					
Convenience store (without gas station) (NAICS #445120)	P	P	P	P		S			
Department stores (NAICS #452111)		P	P	P			P		
Drinking places (without drive- through) (NAICS #722410)		S	S	S	S	S	S		
Drugstores (NAICS #446110)	P	P	P	P	S		P	S	
Eating places (with drive-through) (NAICS #722511, 722513, 722514, 722515)		S		S					
Eating places (without drive- through) (NAICS #722511, 722513, 722514, 722515)	P	P	P	P	S	S	P		
Florists (NAICS #453110)	P	P	P	P		S	P	S	
Furniture and home furnishing stores (NAICS #442110)	P	P	P	P			P		
Gasoline service stations (NAICS #447190)	S	S	S	S			S		
Gift, novelty, and souvenir shops (NAICS #453220)	P	P	P	P			P	S	
Grocery stores (NAICS #445110)	P	P	P	P			P		
Hardware, paint, glass and wallpaper stores (NAICS #444130)	P	P		P			P		
Hobby, toy and game shops (NAICS #451120)	P	P	P	P			P	S	
Household appliance stores (NAICS #443141)		S	S	P			S		
Jewelry stores (NAICS #448310)	P	P	P	P					
Liquor stores (NAICS #445310)	S	P	P	P			P		
Luggage and leather goods stores (NAICS #448320)		P	P	P			P		
Lumber and other building materials (NAICS #444110)		S		S			S		
Merchandise machine (vending) operators (NAICS #454210)				S			S		
Miscellaneous general merchandise stores (NAICS #452990)	P	P	P	P			P		

Miscellaneous retail stores, not elsewhere classified (NAICS #453998)	S	S		S			S		
New and used car dealers (NAICS #441110)		S	S	S			S		
News dealers and newsstands (NAICS #451212)	P	P	P	P		P	P	P	
Optical goods stores (NAICS #446130)	P	P	P	P			P	P	
Outdoor sales and display (as accessory use)	P	P		P		P			
Outdoor sales and display (as principal use)		S		S					
Outdoor storage (accessory only, in CB District)		P							
Outdoor storage (except in CB District)				S		S			
Radio, TV, and computer stores (NAICS #443142)	P	P	P	P	S		P		
Retail nurseries and garden stores (NAICS #444220)		S		S			S		
Sewing, needlework, and piece goods	P	P	P	P			P		
Specialty grocers, including meat and fish markets, fruit and vegetable markets (NAICS #445299)	P	P	P	P			P		
Sporting goods and bicycle shops (NAICS #451110)	S	P	P	P			P		
Sporting goods and bicycle shops (excluding sale of ammunition, firearms, hunters' equipment, riding goods and equipment, and bait and tackle shops) (NAICS #451110)	P								
Stationery stores (NAICS #453210)	P	P	P	P		P			
Tobacco stores and stands (NAICS #453991)	P	P	P	P			P		
Used merchandise stores (NAICS #453310)	S	S		S			S		
Services:									
Accommodation services:									
Hotels and motels (NAICS #721110)		S	S	S		S			
Membership based organization hotels (NAICS #721110)		S	S	S		S	S	S	
Resorts (NAICS #721110)									S
Sporting and recreational camps, campgrounds, cabins, and cottages (NAICS #721214)									S
Automotive services:									
Automobile parking lots (NAICS #812930)				S		S		S	
Car wash (NAICS #811192)		S		S					
General automotive repair (not body shop) (NAICS #811111)		S		S					
Passenger car rental (NAICS #532111)		S		S			S		
Top and body repair and paint shops (NAICS #811121)				S					
Truck rental and leasing, no drivers (NAICS #532120)				S					
Utility trailer rental (not including mobile home rental) (NAICS #532120)		S		S			S		
Business services:									
Advertising agencies (NAICS #541810)			P		P	P			
Commercial art and graphic design (NAICS #541430)					P	P			
Commercial photography (NAICS #541922)		S	S	S	P	P	S		
Computer maintenance and repair (NAICS #811212)		S		S	P	P	P		
Computer programming, data processing, and computer facilities management (NAICS #541511, 518210)					P	P	P		
Computer related services, not elsewhere classified (NAICS #514519)					P	P	P		
Computer rental and leasing (NAICS #532420)		P		P	P	S	P		
Credit reporting and collection (NAICS #561450)					P	P			
Detective and armored car services (NAICS #561611, 561612, 561613)					S	S			
Direct mail advertising services (NAICS #541860)					P	P			
Employment agencies (NAICS #561311)					P	P	P		
Equipment rental and leasing, not elsewhere classified (NAICS #532420, 532299)	S	S		S			S		
Job training and related services (NAICS #624310)						S		S	
Medical equipment rental (NAICS #532291)		P		P			P	P	
News syndicates (NAICS #519110)					S	S	S		
Pest control, disinfection, and building maintenance (NAICS #561710, 561720, 561790)							S		
Photocopying and duplicating services (NAICS #561439)		P	S	P	P	P	P		
Photofinishing laboratories (NAICS #812921, 812922)		S		S	S	S	S		
Secretarial and court reporting (NAICS #561410, 561492)					P	P			
Security systems services (NAICS #561621)				S	S	S	P		
Business services, not elsewhere classified					S	S	S		
Medical services:									
Freestanding ambulatory surgical and emergency centers								S	
General medical and surgical hospitals (except psychiatric) (NAICS #622110)								P	
Health and allied services, not elsewhere classified (NAICS #621999)					S	S		S	
Home healthcare services (NAICS #621610)					P	P		P	
Kidney dialysis centers (NAICS #621492)					S	S		S	
Medical and dental laboratories (NAICS #621511, 339116)					S		S		



Motor vehicle parts, used (NAICS #423140)							S		
Motor vehicle supplies and new parts (NAICS #423120)							P		
Nondurable goods, not elsewhere classified (NAICS #424990)							P		
Paints, varnishes and supplies (NAICS #424950)							P		
Plastics materials and basic shapes (NAICS #424610)							P		
Printing and writing paper, stationery and office supplies, service paper (NAICS #424110)						S	P		
Professional and commercial equipment (photographic, office, computers, medical and hospital, ophthalmic, and other) (NAICS #423410, 423430, 423450)						S	P		
Sporting and recreational goods, including toys and hobby goods and supplies (NAICS #423910, 423920)						S	S		
Tires and tubes (NAICS #423130)							S		
Tobacco and tobacco products (NAICS #424940)							P		

Note:

1. "P" is a permitted use and "S" is a special use.
- (B) Detailed Standards For Special Uses In Nonresidential Districts: In addition to the general special use standards required by division 159-2.307(E) of this chapter, the following special standards apply to the identified special uses.
- (1) *Amusement Parks*. The following standards apply to all permanent amusement parks.
    - (a) All amusement parks must be located contiguous to an arterial or collector street.
    - (b) A landscaped buffer yard intensity factor of 5 (see § 159-7.700 of this chapter) must be provided along all property lines of the entire amusement park, and the amusement park shall be enclosed with a masonry wall of at least 8 feet or more in height so as to discourage entrance from areas other than the designated entrances to said facilities; or enclosed by an earthen berm of at least 8 feet in height or higher and a chainlink fence, fully screened from view by vegetation so as to discourage entrance from areas other than the designated entrances to said facilities.
    - (c) If the property abuts a residential zoning district, then a buffer yard with a minimum width of 100 feet comprised of an earthen berm equal to the height of the top of the roofs must be constructed with a slope of no greater than 2:1 and landscaping installed to provide 100% canopy cover over said buffer yard area. The minimum buffer yard intensity level factor shall be 5. (See § 159-7.700 of this chapter.)
    - (d) All off street parking areas and access ways must be adequately illuminated. Cutoff lighting shall be required. The total cutoff of light must be at an angle of less than 90 degrees and must be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer 5 feet above the ground at the point where the cutoff angle intersects the ground and so that no light can be viewed from the residential districts.
    - (e) Loudspeaker and announcement systems must be so located with respect to the zoning district boundaries so that the level of sound, as measured in decibels, as measured at the property line shall not exceed 40 dB during the hours of 9:00 a.m. to 6:00 p.m. or 35 dB during the time period from 6:00 p.m. to 10:00 p.m.
  - (2) *Animal Hospitals And Veterinary Clinics*. Animal hospitals and veterinary clinics must meet the following requirements.
    - (a) All activities, including animal exercise areas, must be conducted within an enclosed building which allows for adequate ventilation.
    - (b) Buildings housing animal hospitals and veterinary clinics which are fully enclosed, must be located no closer than 75 feet from any adjacent residential zoning district.
    - (c) Enclosed exercise areas shall be not less than 150 feet from any residential lot line. The operator of the animal hospital or veterinary clinic is responsible for using good management practices to discourage undesirable odors, insects, and excessive noise.
  - (3) *Bus Terminals*. Bus terminals must meet the following requirements.
    - (a) All bus terminals must have direct access to an arterial street which is a Federal, State, or County designated highway.
    - (b) Bus terminals may not adjoin a residential zoning district.
    - (c) Total cutoff of light must be used, be at an angle of less than 90 degrees, and be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer 5 feet above the ground at the point where the cutoff angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts. Maximum foot-candle levels allowed are set forth in § 159-7.800 of this chapter for the zoning district in which the bus terminal is located.
  - (4) *Campgrounds And Tents*.
    - (a) All campgrounds, travel and recreational vehicle trailer parks, and tents must have a minimum site area of 30 contiguous acres.
    - (b) Accessory uses may be allowed by the Village of Lindenhurst as follows:
      1. Recreational facilities, laundry buildings, 1 service retail store (not to exceed 2,000 square feet in total floor area), manager's office and storage buildings, sanitary facilities, and fences, constructed in accordance with all the provisions of this chapter and all other applicable Village of Lindenhurst regulations.
      2. No accessory buildings or structures may be used for human occupancy, except as expressly authorized by a special use permit.
    - (c) Development and design requirements.
      1. A maximum density of 15 campsites/tents per acre.
      2. Recreation area requirements must be at a ratio of 100 square feet per campsite.
      3. No direct access to an individual campsite/tent will be permitted from a public street.
      4. All public utilities must be placed underground.
      5. A minimum buffer yard intensity level of 5 is required on all exterior boundaries including street frontage (see § 159-7.700 of this chapter).
      6. Interior landscaping of the campgrounds will require at least 1 tree per lot, existing or if planted, and the tree shall be a minimum of 3 inch caliper.
      7. Campground areas must provide a minimum of 500 square feet for each tent site. A minimum 10 foot separation shall be maintained between tents.
    - (d) In every campground, at least 1 sanitary garbage pickup area must be provided on the site. The garbage pickup area must be screened from view in accordance with this chapter and all other applicable Village regulations.
    - (e) All campgrounds must comply with all State and local regulations.
  - (5) *Commercial Communication Towers*. Commercial communication towers and antennas in the PBC and CB Districts, which exceed a height of 50 feet, must meet the following conditions and requirements.
    - (a) The proposed antenna or antenna structure may not result in, restrict or interfere with air traffic or air travel to or from any existing or proposed airport.
    - (b) The proposed antenna or antenna structure may not interfere with radio and television reception in nearby residential or nonresidential areas based upon the applicable Federal Communications Commission regulations.
    - (c) There must be a setback of sufficient radius around the antenna structure (as measured from the extremities of the antenna base) equal to the antenna tower height plus 25 feet so that its collapse will be entirely contained on the property. This standard may be modified to a lesser requirement if the applicant submits written evidence from a structural professional engineer licensed in the State of Illinois which indicates that the tower is so designed so that the collapse of the tower would require a lesser setback in order to entirely contain its collapse on the property.

(d) On site locational requirements.

1. An antenna must be located within the rear yard of the property except for corner lots. On corner lots, the antenna may be located in the portion of the lot which functions as a rear yard, but may not be located closer to the street than the principal use (that portion of the principal use closest to the street). Any antenna located within a required side yard must be located behind (further from the street than) the principal structure on any lot abutting the side yard.

2. Adequate space must be provided on site for antenna and antenna structure maintenance vehicles to access and maneuver on the property.

(e) Antennas and antenna structures may not exceed a maximum height of 170 feet.

(f) All antennas and antenna structures must be structurally self supporting without the use of guy wires and must be designed by a structural professional engineer licensed in the State of Illinois.

(g) No form of advertising may be placed on the antenna, antenna structure, base, or framework.

(h) All cable to and from the antenna and/or antenna structure must be installed underground unless the antenna is within 25 feet of the building or is mounted on a building where cable will go directly into the structure.

(i) The minimum distance between any antennas which exceed a height of 50 feet will be 0.5 mile as measured from the exterior base of the antenna or antenna structure.

(j) The applicant must allow the sharing of the antenna support facilities with 3 or more other service providers through the use of a co-location agreement. The holder of a special use permit for an antenna support facility may not make access to the antenna support facility and site economically unfeasible. If additional users demonstrate (through an independent arbitrator or other pertinent means) that the holder of a special use permit for an antenna support facility and site has made access to such antenna support facility and site economically unfeasible, then the special use permit for said facility will become null and void.

(k) A detailed site plan and landscape plan must be submitted to the Village for review and approval pursuant to the site plan submittal requirements of § 159-2.312 of this chapter and the landscape plan requirements of § 159-2.314 of this chapter.

(l) A bond or irrevocable letter of credit must be provided the Village for use by the Village for the removal of the antenna facilities if the antenna facilities are abandoned or no longer used. The property owner shall also sign an agreement and record (with the County Recorder of Deeds) a deed restriction to remove the tower within 12 months of the discontinuance of its use.

(6) *Convenience Stores.* Convenience stores must meet the following requirements.

(a) All convenience stores must have direct access to an arterial street which is a Federal, State, or County designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road or reverse frontage road where nonresidential uses will be on both sides of the street.

(b) When abutting a residential zoning district, convenience stores shall provide 1 additional buffer yard intensity level factor to that already required under the provisions set forth in § 159-7.705 of this chapter.

(c) All loading, storage, and garbage or waste facilities must be fully enclosed and screened from view as deemed appropriate by the Plan Commission. Under no circumstances, however, must such requirements be less than those specified elsewhere in this chapter.

(d) All convenience stores adjoining residential uses and zoning districts must have pitched roofs matching the rooflines of adjoining residential structures. Each convenience store building must use the same architectural materials on all sides of the building.

(e) Any fuel pumps and islands must be at least 70 feet from any street or abutting lot line and meet all other State of Illinois regulations.

(f) The canopies provided over the pump islands of convenience stores with gas pumps must comply with the accessory use regulations of division 159-6.103(A) of this chapter.

(g) The off street parking and fueling area may be illuminated. Total cutoff of light must be at an angle of less than 90 degrees and must be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer 5 feet above the ground at the point where the cutoff angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts. Maximum foot-candle levels allowed are set forth in § 159-7.800 of this chapter for the zoning district in which the convenience store is located.

(h) Hours of operation will be established by the Village Board.

(7) *Gas Stations (Including Gas Stations With Automotive Repair Facilities, And Automotive Repair Facilities).* Gas stations, gas stations with automotive repair facilities, and automotive repair facilities must meet the following requirements.

(a) All gas stations must have direct access to an arterial street which is a Federal, State, or County designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road or reverse frontage road where nonresidential uses will be on both sides of the street.

(b) When abutting a residential zoning district, gas stations must provide 1 additional buffer yard intensity factor level to that already required under § 159-7.705 of this chapter.

(c) All loading, storage, and garbage or waste facilities must be fully enclosed and screened from within a masonry wall a minimum of 8 feet in height. Under no circumstances, however, may such requirements be less than those specified elsewhere in this chapter.

(d) All gas stations adjoining residential uses and zoning districts must have pitched roofs matching the rooflines of adjoining residential structures. The buildings must use the same architectural materials on all sides of the building.

(e) Any fuel pumps and islands must be at least 70 feet from any street or abutting lot line and meet all other State of Illinois regulations.

(f) The canopies provided over the pump islands of gas stations with gas pumps must comply with the accessory use regulations of division 159-6.103(A) of this chapter.

(g) The off street parking and fueling area may be illuminated. Total cutoff of light must be at an angle of less than 90 degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer 5 feet above the ground at the point where the cutoff angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts. Maximum foot-candle levels allowed are set forth in § 159-7.800 of this chapter for the zoning district in which the gas station is located.

(h) All repair services must be performed within a completely enclosed building and shall meet the following requirements.

1. No more than the required off street parking set forth under the provisions of § 159-7.600 of this chapter will be allowed.

2. All overnight storage of vehicles awaiting needed parts must be within the building or in an enclosed or screened in yard.

3. All damaged or nonoperable parts must be stored indoors until removed from the premises.

4. An automotive repair facility must store all vehicle parts within a completely enclosed building.

5. The maximum allowable number of tow trucks which can be parked at the site must be determined by the Village as a condition of approval of the special use permit.

(i) Hours of operation may be established by the Village Board.

(8) *Helistops.* Helistops must meet the following requirements.

(a) The area proposed for this use must be sufficient in size, and the site shall otherwise be adequate to meet the standards of the Federal Aviation Administration (FAA) and Department of Transportation (DOT) for the type of facility proposed, in accordance with their published rules.

(b) Any proposed landing area must be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration (FAA), or other airport authority qualified by law to establish hazard zoning regulations. Landing and takeoff areas must be located a minimum of 150 feet from any zoning lot boundary and a minimum of 500 feet from any dwelling unit or residential zoning district.

(c) Residential uses may not be located within the approach path or within the 65 Ldn unless measures to achieve a noise level reduction of 25 dBA (outdoor to indoor) are incorporated into the design and construction of the residential structures.

(d) Helistops must meet all applicable Federal, State and local regulations.

(9) *Pet Boarding Facility (Kennel).* Kennels must meet the following requirements.

(a) The disposal operation plan of all feces and other solid waste generated by the kennel operation will be reviewed and approved by the Village Board.

(b) All runs and kennel areas must be fenced with chain link, solid wood fencing, or a masonry wall of a height to be determined by the Plan Commission. The fence or wall must be of quality material and be neat in appearance.

(c) Any training of animals may not include the use of loud noises or produce smoke or odor. The kennel facility may not generate adverse, off site noise or odor impacts.

(d) "Humane Society of the United States (HSUS) Guidelines" must be followed, at a minimum, for the flooring, walls between kennels, drainage, heating and cooling, cage sizes, and runs.

(e) All outdoor runs and exercise areas must be a minimum of 200 feet from any residential zoning district and all exercise areas must be a minimum of 50 feet from any residential zoning district.

(10) *Miniwarehouses*. Miniwarehouse facilities must meet the following requirements.

(a) Miniwarehouses must have direct access to an arterial street which is a Federal, State, or County designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road or reverse frontage road where nonresidential uses will be on both sides of the street.

(b) Facilities must be used only for the storage of materials or articles and may not be used for assembly, fabrication, processing, or repair.

(c) No services or sales may be conducted from any storage unit. Garage sales and/or flea market type activities are prohibited.

(d) Facilities may not be used for practice rooms, meeting rooms, or residences.

(e) No outdoor storage is permitted.

(f) Storage of explosive or highly flammable material is prohibited.

(11) *Outdoor Nursery And Garden Sales*. Outdoor nursery and garden sales must meet the following requirements.

(a) There must be an enclosed building with outdoor sales of merchandise accessory to the building.

(b) No outdoor display will be permitted which is not accessory to an enclosed building.

(c) The overall area of any outdoor sales accessory use may not exceed 200% the area of the principal enclosed building.

(12) *Power Generation Facilities*. Power generation facilities must meet the following requirements.

(a) All power generation facilities must have direct access to an arterial street which is a Federal, State, or County designated highway.

(b) Front, rear, and side yards must be a minimum of 50 feet from all lot and public street right-of-way lines. When adjacent to a residential zoning district, yards must be a minimum of 1,000 feet from the residential zoning district line.

(c) Proof of the ability to meet all applicable local, State, and Federal environmental standards must be provided.

(13) *Radio And Television Transmitting And Receiving Facilities*. Radio and television transmitting and receiving facilities must meet the following requirements.

(a) The proposed structure may not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.

(b) The proposed structure may not result in interference with radio and television reception in nearby residential or nonresidential areas based upon the applicable Federal Communications Commission regulations.

(c) There must be a setback of sufficient radius around the antenna structure (as measured from the extremities of the antenna base) equal to the antenna tower height plus 25 feet so that its collapse will be contained on the property. This standard may be modified to a lesser requirement if the applicant submits written evidence from a structural professional engineer licensed in the State of Illinois which indicates that the tower is so designed so that the collapse of the tower would require a lesser setback in order to entirely contain its collapse on the property.

(d) On site locational requirements for radio and television receiving facilities.

1. An antenna structure must be located within the rear yard of the property except for corner lots. On corner lots, the antenna may be located in the portion of the lot which functions as a rear yard, but may not be located closer to the street than the principal use (that portion of the principal use closest to the street). Any antenna located within a required side yard must be located behind (further from the street than) the principal structure on any lot abutting the side yard.

2. Adequate space, as determined by the Village, must be provided on site for antenna and antenna structure maintenance vehicles to access and maneuver on the property.

(e) Antennas and antenna structures may not exceed a maximum height of 170 feet.

(f) All antennas and antenna structures must be structurally self supporting without the use of guy wires and must be designed by a structural professional engineer licensed in the State of Illinois.

(g) No form of advertising may be placed on the antenna, antenna structure, base, or framework.

(h) All cable to and from the antenna and/or antenna structure must be installed underground unless the antenna is within 25 feet of the building or is mounted on a building where cable will go directly into the structure.

(i) The minimum distance between any antennas (or antenna arrays) which exceed a height of 50 feet must be 0.5 mile as measured from the exterior base of the antenna or antenna structure.

(j) A detailed site plan and landscape plan must be submitted to the Village for review and approved pursuant to the site plan submittal requirements of § 159-2.312 of this chapter and the landscape plan requirements of § 159-2.314 of this chapter.

(k) The applicant must allow the sharing of the antenna support facilities with 3 or more other service providers through the use of a "collocation" agreement. The holder of a special use permit for an antenna support facility shall not make access to the antenna support facility and site economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a special use permit for an antenna support facility and site has made access to such antenna support facility and site economically unfeasible, then the special use permit for said facility shall become null and void.

(l) A bond or irrevocable letter of credit must be provided the Village for use by the Village for the removal of the antenna facilities if the antenna facilities are abandoned or no longer used. The property owner must also sign an agreement and record (with the County Recorder of Deeds) a deed restriction to remove the antenna facilities within 12 months of the discontinuance of its use.

(14) *Cannabis craft growers and cannabis infusers*.

(a) *Special use permit required*. Cannabis craft growers and cannabis infusers, as defined in § 159-9.201 of this code, are only allowed within the BK Business Park District and only upon the issuance of a special use permit.

(b) *Requirements for cannabis craft growers and cannabis infusers*. All cannabis craft growers and cannabis infusers must comply with the following requirements:

1. *Site plan review*. All cannabis craft growers and cannabis infusers will be subject to site plan review as required by §159-2.312 of this code. The business establishment must submit a site plan as part of the special use permit application. The Village may impose additional setback, landscaping, screening, and buffering requirements to mitigate impacts on surrounding properties as conditions of any approval of a special use permit.

2. *State licensing*. Applicants seeking a special use permit for a cannabis craft grower or cannabis infuser must submit a complete copy of their license application and all plans submitted to the State of Illinois, or any agency thereof as part of their special use permit application. Before issuance of a certificate of occupancy or otherwise opening to the public, the establishment must provide a copy of their license to operate as a cannabis craft grower or cannabis infuser, as the case may be, from the respective state agency.

3. *Compliance with state regulations and rules*. All cannabis craft growers and cannabis infusers must comply with the Cannabis Regulation and Tax Act, as amended, or the Compassionate Use of Medical Cannabis Program Act, as amended, and all applicable administrative rules and regulations.

4. *Odor control*. All cannabis craft growers and cannabis infusers must submit a plan for the control of cannabis odors from the subject property as part of the special use permit application.

5. *Security*. All cannabis craft growers and cannabis infusers must submit a security plan as part of the special use permit application.

6. *Cannabis waste*. All cannabis craft growers and cannabis infusers must submit a plan for the recycling and destruction of cannabis waste as part of the special use permit application, and all such businesses must comply with all state, county, and village regulations governing cannabis waste.





1 bedroom DU			800 (550 for age-restricted housing)						
2 bedroom DU			1,000 (700 for age restricted housing)						
3 bedroom DU			1,200 (850 for age restricted housing)						

Notes:

1. The minimum required landscape surface ratio (LSR) may be reduced by 0.05 and GFAR increased proportionally if primary access to the property is afforded by a single access drive shared with an abutting property. Proof of the grant of such access easement is required by the Village.
2. Restaurants require a minimum of 40,000 square feet with a minimum lot width of 150 feet.
3. See § 159-7.705 of this chapter for the determination of minimum required buffer yards. See § 159-7.504 of this chapter for increased setback requirements along arterial streets and highways.
4. For all land uses, except restaurants, the minimum lot size may be reduced to 30,000 if primary access to the property is afforded by a single access drive shared with an abutting property. Proof of the grant of such access easement(s) shall be provided to the Village.
5. For warehousing uses, the maximum gross floor area ratio (GFAR) shall be 0.50; and the maximum net floor area ratio (NFAR) shall be 0.76.
6. The provisions of § 159-7.504 of this chapter for increased setback requirements along arterial streets and highways do not apply to the CBR-2 District.

(Ord. 17-2-2065, passed 2-27-2017)

## PART 6: GENERAL USE REGULATIONS

### § 159-6.100 ACCESSORY STRUCTURES AND USES.

#### § 159-6.101 ACCESSORY STRUCTURES AND USES.

(A) Authorization: Subject to the limitations of this section, and except as limited by the regulations of the district where located, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within that district.

(B) Definition: An accessory structure or use is as defined in § 159-9.200 of this chapter.

(C) Location Of Accessory Structures:

- (1) Accessory structures may not be located in the required front yard.
- (2) Accessory structures may not be located in any side or rear yard, except as expressly provided otherwise in this chapter.
- (3) When an alley exists, no part of an accessory building may be located closer than 6 feet to the right-of-way line of the alley.
- (4) 1 accessory building shall be allowed in the E, SE, and S Districts, and 2 accessory buildings will be allowed in all other zoning districts.
  - (a) *Maximum Size On Lots Less Than 40,000 Square Feet.* On parcels of land or lots having an area of less than 40,000 square feet, the maximum cumulative size of accessory buildings is 675 square feet.
  - (b) *Maximum Size On Lots Of 40,000 Square Feet Or More.* On parcels of land or lots having an area of 40,000 square feet or more, the maximum size of accessory buildings is 900 square feet. However, 2 accessory buildings will be permitted provided the total aggregate floor area of both buildings does not exceed 900 square feet.
  - (c) *Required Minimum Distance Of A Detached Accessory Building From Principal Structure.* For properties located within residential zoning districts, no part of an accessory building or structure may be located closer than 6 feet to any other building or structure, whether accessory or principal, except for a fence or at-grade improvement; provided, however, that the Village may require a structure to be located further from another structure if necessary for emergency and/or maintenance purposes or if the structure's location might create a fire or safety hazard.
  - (d) *Required Minimum Distance Of An Attached Accessory Building To A Detached Accessory Building.* For properties located within non-residential zoning districts, no part of an accessory building or structure may be located closer than 12 feet to any other building or structure, whether principal or accessory, except for a fence or at-grade improvement; provided, however, that the Village may require a structure to be located further from another structure if necessary for emergency and/or maintenance purposes or if the structure's location might create a fire or safety hazard.

(e) *Minimum Required Setbacks.*

1. Accessory buildings less than 675 square feet must have a minimum side yard setback of 6 feet.
2. In the R-1 District, accessory buildings less than 675 square feet must have a minimum side yard of 3 feet and rear yard setback of 6 feet. However, accessory buildings shall not be placed within any easement.
3. Except in the R-1 District, accessory buildings less than 675 square feet have a minimum side and rear yard setback of 6 feet.
4. Accessory buildings greater than 675 square feet must have side and rear yard setbacks the same as those of the principal structure.
5. No accessory building or accessory structure may be located closer than 1 foot to any easement and no accessory building may be placed within any easement (excluding permitted fences).
6. See division 159-3.201(G) of this chapter for exceptions to required setbacks.
7. Attached accessory buildings or structures (which require the use of a structural support system independent of the principal building or principal structure to which it is attached) are considered as principal buildings or principal structures required to meet all required front yard, side yard, or rear yard setbacks.

(5) On lots zoned within a residential zoning district in the Lindenhurst Estates and Lindenhurst Estates 1st Addition subdivisions, 1 detached garage may be built and maintained in the front yard of any zoning lot provided that the following criteria area met.

- (a) That there is no other garage located on the zoning lot.
  - (b) That the front yard minimum setback required for the detached garage is 50 feet.
  - (c) That the garage be no closer than 12 feet at any point to the principal building on the zoning lot.
  - (d) That the garage be of a similar architectural style to the residence on the zoning lot and be constructed of similar material.
  - (e) That the garage be:
    1. No more than 1 story in height with a maximum roof height of 15.5 feet;
    2. A minimum size of 12 feet by 24 feet and a maximum garage size of 675 square feet; and
    3. Constructed no closer to the side lot line than the principal building.
  - (f) That there is no outside storage of any kind in the front yard visible from Grand Avenue.
  - (g) That all other provisions of the Village ordinance applicable to the construction of an attached garage be complied with.
- (D) Time Of Construction For Accessory Buildings And Structures: No accessory building, accessory structure, or accessory use may be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- (E) Height Of Accessory Buildings Or Structures In Required Rear Yards: No accessory building or structure, or portion thereof, located in a required rear yard may exceed the

maximum permitted accessory building or accessory structure height of the zoning district in which the accessory building or structure is located except as allowed and provided for under the provisions of § 159-3.201 of this chapter.

(F) No Slab Required For Accessory Buildings Of 150 Square Feet Or Less In Area: Accessory buildings of 150 square feet or less in area (excluding trash and garbage waste receptacles, or dumpsters, in the R-2, R-3, and all nonresidential zoning districts) do not require a concrete slab foundation. If a concrete slab foundation is not provided for such accessory building, the flooring must be constructed of decay resistant wood and the building must be securely anchored to the ground.

(Ord. 17-2-2065, passed 2-27-2017; Am. Ord. 21-8-2205, passed 8-23-2021)

**§ 159-6.102 DETAILED STANDARDS FOR ACCESSORY USES IN RESIDENTIAL DISTRICTS.**

The following are detailed standards for certain accessory uses that are permitted accessory uses in residential districts.

- (A) Antennas: In residential zoning districts, the following criteria will apply to all antennas and antenna towers:
- (1) There may be no more than 1 antenna tower on any residential lot.
  - (2) There may be no more than 2 antennas, dish or otherwise, on any residential lot.
  - (3) Dish antennas may be no larger than 1 meter (39.37 in.) in diameter or in the length of its longest dimension.
  - (4) Antennas, other than citizen band antennas, may only receive wireless signal transmissions for the sole use of the occupants of a dwelling on a residential lot.
  - (5) Antennas installed on a residential lot may not be visible from the street unless the signal transmission is impossible to be received or substantially degraded if located in any allowed location on the residential lot.
  - (6) Antennas which are mounted on a tower which total height exceeds 12 feet (as measured from the immediate surrounding grade) must comply with the following:
    - (a) A building permit must be applied for and issued.
    - (b) The applicant must submit a report from a professional electronic engineer which states that if an antenna and tower are not constructed to a height exceeding 12 feet that the signal transmission either cannot be received or will be substantially degraded. The report must further indicate the minimum height of the antenna and tower which is necessary to receive a signal transmission which is not substantially degraded.
    - (c) The maximum height of the antenna and tower may be no higher than the height indicated in the report required but in no case may it exceed the height of 40 feet.
    - (d) The antenna tower proposed to be installed must be designed to prevent children from climbing on it.
    - (e) No form of signage other than warning signs may be attached to any antenna or tower.
    - (f) A building permit for an antenna tower will automatically expire and cease to be of any force or effect if the tower is not constructed within a 12 month period following the issuance of a building permit.
    - (g) An antenna tower must be removed from the premises if the tower does not have a functional antenna installed upon it for 12 consecutive months or more; provided, however, that if the antenna use is discontinued due to labor strikes, war, natural disasters, or other similar cause(s) beyond the reasonable control of the holder of the building permit, the 12 months may be extended for a period of time equal to the period that the holder of the building permit is prevented from engaging in the antenna use for which the building permit was issued.
  - (7) Any provision of this section which as applied is superseded by rules of the Federal Communications Commission shall be void, but the remaining divisions or portions thereof will have full force and effect.
- (B) Automobile Or Motor Vehicle Repair In Residential Districts: The repair of an automobile or a motor vehicle in all residential zoning districts is subject to the following restrictions:
- (1) Only "minor repairs and maintenance" may be performed which, for purposes of this section, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil; the replacement of spark plugs or ignition points; the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines.
  - (2) Any other repairs on the motor vehicle or automobile must be restricted to totally enclosed spaces which are properly ventilated and only accomplished on privately registered vehicles having current State of Illinois license plates, or motor vehicles designated by the State of Illinois as qualifying for an antique, or horseless carriage designation.
  - (3) Only vehicles registered at the lot at which the repairs are being made may be repaired in any residential district.
- (C) Commercial Vehicle Parking: The parking of commercial vehicles outdoors on any zoning lot in a residential zoning district is limited to 1 vehicle with a gross vehicle weight of less than 6,000 pounds. This requirement will not be interpreted to prohibit vehicles from loading and unloading in any residential district.
- (D) Dog Runs: Dog runs are only permitted in the rear of the residential dwelling unit and may not encroach into any required yard.
- (E) Home Occupations And Home Offices: The following specific standards will be used for home occupations and home offices located as accessory uses in all residential zoning districts.
- (1) No person may be employed other than members of the immediate family residing on the premises.
  - (2) The use of the dwelling unit for the home occupation or home office must be clearly incidental and secondary to its use for residential purposes. No more than 25% of the floor area of the dwelling unit may be used in the conduct of the home occupation or home office; and no outside display, storage, or use of land is permitted. Home daycare operations are permitted to use outside space only in accordance with State of Illinois regulations.
  - (3) There may be no change in the outside appearance of the building, accessory structure, or premises as a result of such home occupation or office, except for the purpose of gaining compliance with local, State, or Federal rules, regulations or building codes, provided the residential character is maintained. No signs are permitted.
  - (4) No mechanical equipment may be used on the premises, except such that is normally used for on site domestic or household purposes. In the case of electrical interference, no equipment or process may be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage in excess of that normally associated with household use. Computer equipment which meets the aforementioned criteria and which can be purchased for use in the home will be considered as "normally associated with household use".
  - (5) No commodity or good not produced on the premises may be sold on the premises nor displayed on the exterior or interior of the premises, or warehoused on the premises for sale elsewhere. This does not preclude taking orders for sales or provision of services off site.
  - (6) A home occupation may include, but not be limited to, the following:
    - (a) Domestic crafts such as seamstress, sewing, tailoring, weaving and washing and ironing so long as such activities do not involve visitations to the residence by any persons other than members of the immediate family residing on the premises.
    - (b) Private tutoring and instruction (limited to 3 pupils at any one time).
    - (c) Home offices, the use of which do not involve visitation to the residence by any persons other than members of the immediate family residing on the premises.
    - (d) Home daycare operations as defined in, and in accordance with the requirements of, section 2.18 of the Child Care Act of 1969.
  - (7) The following uses are not permitted as a home occupation: retail or wholesale shops, tearooms, restaurants, tourist homes, bed and breakfast establishments, auto repair and tune up, home offices the use of which involve visitation to the residence by any persons other than members of the immediate family residing on the premises, medical offices, clinics, physicians, dentists and offices of the like, welding shops, animal hospitals, kennels, veterinary clinics, catering or other food preparation businesses, funeral parlors and undertaking establishments, antique shops, rooming houses, dancing schools, sale of firearms and ammunition, barbershops and beauty parlors. Notwithstanding the prohibition on the operation of a food preparation business as a home occupation, a "home kitchen operation" and a "cottage food operation" (as those terms are defined by the Food Handling Regulation Enforcement Act, 410 ILCS 625/3.6 and 410 ILCS 625/4) are permitted as home occupations provided the operations are conducted in conformance with this Act.
  - (8) There may be no levels of noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference created which is detectable to the normal senses outside the dwelling unit in excess of that normally associated with household use.
  - (9) No refuse in excess of the amount allowable for regular residential pick up may be generated by any home occupation.
  - (10) No home occupation may cause or create any nuisance; cause or create any substantial or undue adverse impact on any adjacent property or the character of the area; threaten the public health, safety or general welfare; or be noxious, offensive, or hazardous.
  - (11) No materials which decompose by detonation are allowed in conjunction with a home occupation.

(12) No home occupation will be permitted which generates sewerage or water use in excess of what is typical for a residential dwelling unit.

(F) Recreational Vehicle Parking: See parking regulations of this chapter for regulations regarding the parking of recreational vehicles in the Village of Lindenhurst.

(G) Residential Rental Complex Offices: 1 rental office may be allowed within a residential rental complex. The office may be the rental manager's dwelling. Rental complex offices are subject to the following restrictions:

(1) All rental complex offices may open no earlier than 8:00 a.m. and must close prior to 9:00 p.m. during the spring, summer, and fall seasons, and must close prior to 8:00 p.m. during the winter season. No rental complex office may be open on Sunday before 12:00 noon.

(2) All exterior lighting must meet the requirements set forth in § 159-7.800 of this chapter for the zoning district in which the rental office is located. All off-street parking areas must be illuminated. All exterior lighting associated with the rental office must be extinguished at the closing time of the rental complex office.

(3) All rental complex offices must provide off street paved parking for the public. An area contiguous to the structure within which the rental complex office is located must be utilized for the off street, paved parking lot for public use. The number of required off street parking spaces are 6 per rental complex office. Such parking spaces are in addition to those otherwise required by § 159-7.600 of this chapter.

(4) Trash receptacles shall be provided around the rental complex office for use by the public.

(H) Swimming Pools, Spas And Hot Tubs (Private): The following requirements must be met for swimming pools, spas and hot tubs located in residential districts.

(1) *Enclosure And Fencing.*

(a) All provisions of the Village's adopted Building Code must be met by private swimming pools, spas and hot tubs.

(b) Private swimming pools, spas and hot tubs must be enclosed with an enclosure and/or fence having dimensions as defined in the Village's Building Code. However, an enclosure or fence is not required for a spa or hot tub which has a solid locking safety cover fastened to it.

(2) *Location And Placement.*

(a) A private pool, spa or hot tub may not occupy required front or side yards.

(b) For double frontage lots, pools, spas or hot tubs and their surrounding decking may be permitted within the front yard which functions as a rear yard, provided that the pool, spa or hot tub is screened from the rear street by a fence, wall or hedge.

(c) No wall or edge of a swimming pool, spa or hot tub may be located less than 6 feet from any rear or side property line.

(d) No swimming pool, spa or hot tub may be located within a horizontal distance of 10 feet from any overhead utility or aboveground electrical wiring or 5 feet from any underground utility or electrical wiring.

(e) No swimming pool, spa or hot tub may be placed in any easements.

(f) No swimming pool may be placed closer to any foundation wall of any principal building or principal structure than the depth of said foundation wall and footing. A spa or hot tub may be placed up to and adjacent to any principal building or principal structure. Placement of swimming pools, spas or hot tubs is subject to the following:

1. That if a swimming pool, spa or hot tub is to be installed on a deck, the Village Building Department may require a sealed certificate from a licensed architect or engineer certifying that the deck will be able to support it.

2. That the placement does not create a hazardous glazing condition as defined in the Village's adopted Building Code.

3. That all other applicable provisions of the Village's Building Code are met.

(I) Trash Dumpsters And Garbage Receptacles (Trash And Garbage Storage): The following requirements must be met for trash dumpsters and garbage receptacles located in multiple-family residential districts when permitted by the Village.

(1) All new multiple-family residential buildings and uses, except for single-family and 2-family dwellings, must provide facilities for the storage of solid waste within the parcel or lot. The location of these facilities must be approved by the Village. Multiple locations may be required.

(2) All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property must be closed containers with lids and must be concealed or suitably screened from public view. Sightproof fencing (wood or masonry) and landscaping must be used to totally obstruct vision into the storage areas. Where such facilities are provided outside of a building, they must be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.

(3) Fencing and landscaping for storage areas must be maintained in good condition and kept litter free. All garbage cans, trash containers, and other garbage storage devices must be emptied and the contents thereof properly disposed of not less than once every 7 days.

(4) No portion of the lot may be used for open or unenclosed storage of trash or waste of any kind.

(5) No trash dumpster or other trash or waste receptacle will be permitted in any off street parking space or drive.

(6) All trash dumpsters and garbage receptacles must be placed upon a concrete slab which has a thickness of not less than 5 inches.

(7) All trash dumpster and garbage receptacle areas must be of an adequate size to accommodate the storage of materials to be recycled (recyclable materials). The minimum amount of exterior storage area to accommodate the storage of materials to be recycled allocated per dwelling unit will be calculated as follows:

(Number of efficiency dwelling units x 7 gallons) +

(Number of 1 bedroom dwelling units x 7 gallons) +

(Number of 2 bedroom dwelling units x 8 gallons) +

(Number of 3 or more bedroom dwelling units x 9 gallons) =

Total minimum amount of exterior storage area required to accommodate the storage of materials to be recycled

(8) A building permit is required for the construction of any garbage, trash, waste, or dumpster enclosure.

(Ord. 17-2-2065, passed 2-27-2017; amd. Ord. 21-1-2184, passed 1-25-2021)

#### **§ 159-6.103 DETAILED STANDARDS FOR ACCESSORY USES IN NONRESIDENTIAL DISTRICTS.**

(A) Canopies As Accessory Uses: The canopies provided over the pump islands at gas stations, convenience stores with gas pumps, automobile and motor vehicle service stations, drive-in and drive-through facilities associated with financial institutions, restaurants, cleaners, and similar uses, must meet the yard requirements of a principal structure. In addition:

(1) The canopy may not block visibility at intersections of rights-of-way or drives.

(2) All pump islands, their surrounding structures, and the canopy overhang must meet the zoning district's front yard requirement.

(3) All canopies will be counted towards the maximum permitted gross floor area ratio (GFAR) and maximum net floor area ratio (NFAR) of the nonresidential zoning district in which the canopy is to be constructed.

(4) Under no circumstances may the canopy be higher than 25 feet.

(5) No signs will be permitted on canopy roofs or fascia except that canopies over pump islands at gas stations or convenience stores with gas pumps may have signage.

(B) Mechanical Penthouses And Mechanical Accessory Structures: Where mechanical penthouses and mechanical accessory structures are installed, they shall be designed to blend into the building's architecture and may not cause the building's total height to exceed the maximum height allowed as required under the zoning district dimensional requirements set forth in §§ 159-4.104 and 159-5.104 of this chapter. A penthouse will not be counted as a story, provided that:

(1) The penthouse is less than 10 feet in height.

(2) The penthouse floor area covers less than 25% of the roof area.

(3) In the event that a mechanical accessory structure is supplied, it shall be fully screened from view by a combination of berms and evergreens, subject to Village approval.

(C) Open Storage: Open storage areas must be screened from view of any street, and from the view from all residential zoning districts as follows:

(1) When an open storage area abuts a collector or arterial street, the method of screening must consist of solid masonry walls or solid wooden fences at least 6 feet in height, with access only through solid gates which shall be closed except when said storage area is in use. An existing permanent structure may be used to screen such storage areas.

(2) When an open storage area abuts a residential zoning district, the method of screening must consist of solid wooden fences or masonry walls at least 6 feet in height along the boundary of the storage areas and the entire residential district.

(D) Trash Dumpsters And Garbage Receptacles: The following requirements must be met for trash dumpsters and garbage receptacles located in nonresidential districts.

(1) All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Masonry sightproof fencing and landscaping shall be used to totally obstruct vision into the storage areas. Where such facilities are provided outside of a building, they shall be screened from public rights-of-way and adjacent property by a masonry enclosure or materials complementary to and compatible with the materials on the front building wall of the main building.

(2) Fencing and landscaping for storage areas must be maintained in good condition and kept litter free. All garbage cans, trash containers, and other garbage storage devices must be emptied and the contents thereof properly disposed of not less than once every 7 days.

(3) No portion of the lot may be used for open or unenclosed storage of trash or waste of any kind.

(4) No trash dumpster or other trash or waste receptacle will be permitted in any off street parking space or drive.

(5) All trash dumpsters and garbage receptacles must be placed upon a concrete slab which has a thickness of not less than 5 inches.

(6) All trash dumpster and garbage receptacle areas must be of an adequate size to accommodate the storage of materials to be recycled (recyclable materials).

(7) A building permit is required for the construction of any garbage, trash, waste, or dumpster enclosure.

(E) Charity Donation Boxes As Accessory Uses: Charity donation boxes may be permitted on property owned by the Village in the Institutional District only, in the Village's sole discretion, subject to a license agreement between the Village and the charitable organization setting forth the terms of the license, including among other provisions, the duration of the licensed use, restrictions on the location and size of the donation box, and the organization's operational and maintenance obligations.

(F) Outdoor Sales And Display: Outdoor sales and display is permitted as an accessory use (except in the CBR-2 District, where such use is prohibited), subject to the following regulations:

(1) Outdoor sales and display includes propane exchange units, ice machines, and other self-contained units intended for the display and sale of goods, as well as trees, shrubs, flowers, and other plant materials. Outdoor sales and display does not include construction or bulk materials, prepackaged containers such as mulch, sand, salt, rocks, or similar materials that are subject to the "outdoor storage" regulations of division (G) of this section.

(2) The outdoor sales and display shall not exceed 8 feet in height, 6 feet in width, and 3 feet in depth.

(3) The outdoor sales and display shall be maintained in sound condition at all times and all debris and trash shall be removed from the area surrounding the display.

(4) The outdoor sales and display shall comply with local Fire Code requirements, including the provision of adequate clearance for pedestrian and vehicular traffic.

(5) Any signage installed on the outdoor sales and display must comply with the Village's sign regulations.

(6) The outdoor sales and display shall be considered an accessory use to the principal building.

(7) The outdoor sales and display must be located entirely on private property.

(8) The outdoor sales and display must comply with any other requirements or conditions as determined by the Village Administrator, including provision of evidence of satisfactory liability insurance.

(9) In the event of a violation of any of the above requirements or conditions, an owner may be required to remove the outdoor sales and display and restore the property to the condition existing prior to installation of the display.

(G) Outdoor Storage: A temporary use permit is required for the outdoor storage of prepackaged or bulk materials such as construction materials, prepackaged containers of mulch, sand, salt, rocks, firewood, and similar materials as an accessory use in the CB District, subject to the following regulations:

(1) The temporary use permit is valid for a period not to exceed 120 days in any calendar year, unless otherwise approved in an annexation or development agreement, special use permit, or planned unit development.

(2) The temporary use permit may include conditions, as determined by the Village Administrator. Violation of any condition to the temporary use permit or any law or ordinance may result in revocation of the permit.

(Ord. 17-2-2065, passed 2-27-2017; amd. Ord. 21-1-2180, passed 1-11-2021)

#### **§ 159-6.200 TEMPORARY USES.**

##### **§ 159-6.201 TEMPORARY USES AUTHORIZED.**

(A) Authorization: Subject to the limitations of this section and the temporary use permit requirements of § 159-2.305 of this chapter, temporary uses are permitted in the specified zoning districts.

(B) Definition: A temporary use is as defined in § 159-9.200 of this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

##### **§ 159-6.202 DETAILED STANDARDS FOR TEMPORARY USES.**

(A) Amusement Parks: The following standards apply to all temporary amusement parks.

(1) All temporary amusement parks must be located contiguous to an arterial or collector street.

(2) All parking must be on site except if allowed by special permission of the Village Board.

(3) All trash and debris must be removed or contained daily.

(4) Written consent from the owner, or authorized agent, of the property must be provided if required by the Zoning Administrator.

(5) All signage must comply with the sign regulations set forth in the Village sign regulations.

(6) All materials and equipment must be removed within 2 days of the end of the operation.

(B) Christmas Sales Lot: Christmas sales lots are allowed in nonresidential areas, subject to the following specific standards.

(1) Material for sale (such as trees, pumpkins, etc.) shall not be located in any right-of-way.

(2) All parking must be on site.

(3) The location of materials for sale on the property may not block visibility for vehicles or pedestrians on or off the lot in a way that would create a safety hazard.

(4) Sales must be limited to between the hours of 7:00 a.m. and 9:00 p.m.

(5) All trash and debris must be removed or contained daily.

(6) Written consent from the owner, or authorized agent, of the property must be provided if required by the Zoning Administrator.

(7) All signage must comply with the sign regulations set forth in the Village sign regulations.

(8) All materials must be removed within 7 days of the end of the operation.

(C) Construction Trailers As Temporary Offices:

(1) A licensed contractor engaged in a construction project may temporarily use a construction trailer for office facilities in the location where the work is being done, provided the construction trailer may not be placed on the streets but only on the property on which the Village authorizes the construction. The construction trailer must be removed within 30 days after completion of the construction work.

(2) A zoning permit may be issued by the Zoning Administrator for a 1 year period for the use of mobile homes, or modular homes, as temporary offices while business properties are being constructed or remodeled, provided they are placed upon the property for which there is a building permit issued by the building inspector for the remodeling. The permit will be for a period of 1 year or until the new construction or remodeling is completed, whichever is the shorter period. The zoning permit may not be renewed after the expiration of the 1 year period.

(D) Dumpsters For Trash And Garbage Required For Construction Sites: No building permit may be issued to construct any building in any zoning district or for any other construction as required by the building inspector or Zoning Administrator, unless the applicant shows to the satisfaction of the building inspector that the applicant will provide and maintain on each construction site a dumpster with a minimum capacity of 10 yards. The dumpster must be packed in such a way so as to eliminate the possibility of its contents from blowing about the construction site or onto neighboring properties. The dumpster must be placed on the property prior to commencing of the framing of the new structure. A fenced area for the temporary storage of recyclable materials may be provided on site.

(E) Model Homes, Model Dwelling Units, And Preconstruction Sales Offices: Model homes, model dwelling units, and preconstruction sales offices are subject to the following restrictions.

- (1) The model dwelling unit must meet all district requirements for lot and yard dimensions.
- (2) Signs may not be illuminated after 9:00 p.m.
- (3) The model dwelling unit may not be used for any business activity before 9:00 a.m. nor later than 9:00 p.m.
- (4) All exterior lighting must be "downlighting", so that absolutely no light is cast onto adjoining residential properties. All off street parking areas must be illuminated. All exterior lighting must be extinguished at the closing time of the model home. Also see § 159-7.800 of this chapter for compliance with the maximum permitted levels of illumination.
- (5) All model homes must provide off street, paved parking for the public in a location approved by the Village. The number of required off street parking spaces is 6 per model home. The driveway of the model home may be utilized for not more than 2 of the required spaces.
- (6) Landscape drawings are required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles must be provided around the model home for use by the public.
- (7) The construction of all model homes must be approved by the building inspector. Certificates of occupancy will not be issued until after the electric power, gas, water, sanitary sewer, and abutting bituminous concrete surfaced street have been installed and dedicated to the Village and provided with a hard surface.
- (8) The use of model homes within a residential subdivision, or within any single phase of a multiphase subdivision, must terminate when building permits have been issued for 90% of the lots therein.
- (9) In those zoning districts where multi-family dwelling uses are permitted, a temporary structure may be used as a preconstruction sales office for the purpose of displaying a typical dwelling unit arrangement, subject to restrictions set forth in divisions (E)(1) through (E)(8) of this section as well as the following:
  - (a) The structure is limited to 2 stories in height.
  - (b) The structure must be appropriately landscaped.
  - (c) The structure is subject to the same front yard requirements as the principal structure to be erected and must otherwise be subject to all yard requirements for the district in which located.
  - (d) Adequate off street parking facilities (a minimum of 6 spaces) and access driveways must be developed within those locations approved for such facilities in conjunction with the permanent multiple-family structure, and no additional parking areas or access driveways shall be permitted.
  - (e) Signs must comply with the sign regulations set forth for the use within the district and in compliance with this chapter.
  - (f) The structure must comply fully with all existing building codes and ordinances of the Village.
  - (g) The structure must be completely and totally removed within 6 months from the date of the issuance of a building permit or upon the completion of the permanent residential dwelling structure whichever date is later.
  - (h) In the event that the structure is not removed or demolished by the owner or other parties in interest within the terms of this section, the Village to the extent permitted by law, acting through its building inspector, is authorized to vacate, demolish, or remove, either with force or by independent contractor submitting the lowest and best bid, any such building or structure. The Village will assess the entire costs of the vacation, demolition, or removal against the owner or other parties in interest.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-6.300 HAZARD ABATEMENT PERFORMANCE STANDARDS.**

##### **§ 159-6.301 COMPLIANCE IN ALL ZONING DISTRICTS.**

All uses in all zoning districts must operate in such a manner as to comply with the hazard abatement performance standards set forth in this § 159-6.300 as well as all applicable State and Federal regulations unless otherwise specified. A certification of compliance with performance standards by a competent expert or governmental authority charged with the standard or regulation may be required for commercial and industrial uses prior to the issuance of any building permit.

(Ord. 17-2-2065, passed 2-27-2017)

##### **§ 159-6.302 SPECIFIC STANDARDS.**

- (A) Air Pollution, Contaminants And Smoke: No person or activity may emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding the established requirements of the Village of Lindenhurst, Lake County, State of Illinois, or Federal Air Pollution Standards set forth by the U.S. Environmental Protection Agency. In case of conflict, the most restrictive requirements will govern.
- (B) Toxic And Noxious Matter: The ambient air quality standards of the State of Illinois and the U.S. Environmental Protection Agency, or any other Federal agency having jurisdiction limits the release of airborne toxic and noxious materials. In case of conflict, the most restrictive requirements will govern. No use on any property may discharge across the boundaries of the property toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to other property or business.
- (C) Fire And Explosive Hazards: Materials that present potential fire and explosive hazards must be transported, stored, and used only in conformance with all applicable Federal, State, and local laws.
- (D) Glare And Heat: No glare or heat from any operations of any use in any district may be detectable at any point off the zoning lot on which the use is located.
- (E) Water Quality Protection: No activity may locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. No activity may withdraw or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards set forth in this section, and those other standards and the application of those standards set forth under State of Illinois laws as amended.
- (F) Noise: All noise from operations of any use in any district may comply with limitations on noise and noise pollution standards established by the State of Illinois, except for ordinary vehicular noise and sirens, whistles and bells maintained and utilized solely to serve a public purpose.
- (G) Odor: The emission of odorous matter from any property in such concentrations at any point along the boundaries of the property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited.
- (H) Vibration: No earthborne vibration from any operations of any use in any district may be detectable at any point off the zoning lot on which the use is located.
- (I) Electromagnetic Interference: Electromagnetic interference from any operation of any use in any district may not adversely affect the operation of any equipment located off the zoning lot on which interference originates.
- (J) Special Hazards: Hazardous, toxic, and radioactive materials may be transported, stored, and used only in conformance with all applicable Federal, State, and local laws.
- (K) Additional Restrictions: In addition to the performance standards specified in this section, the dissemination of noise, vibration, particulate matter, odor, toxic substances, smoke, fire, or explosive materials in either such manner or quantity as to be determined to endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and is unlawful.

(Ord. 17-2-2065, passed 2-27-2017)

## PART 7: SITE DEVELOPMENT REGULATIONS

### § 159-7.100 SITE INTENSITY.

This chapter recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations.

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-7.200 NATURAL RESOURCE PROTECTION.

#### § 159-7.201 NATURAL RESOURCE PROTECTION STANDARDS.

(A) Compliance: All new development (including building and/or site improvements), additions to existing development (including building and/or site improvements), all new subdivisions in all zoning districts created in the Village must comply with the resource protection standards set forth in table 159-7.201 of this division.

**TABLE 159-7.201**

**NATURAL RESOURCE PROTECTION STANDARDS**

Natural Resource Feature	Zoning District Type			
	Residential		Nonresidential	
	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted
Natural Resource Feature	Zoning District Type			
	Residential		Nonresidential	
	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted
Woodlands and forests:				
Mature	70%	No	70%	Yes
Young	40%	Yes	40%	Yes
Lakes and ponds	100%	Yes	100%	Yes
Streams	100%	No	100%	No

(B) Natural Resources To Remain Undisturbed And In Natural State: All the natural resources required to be protected under this section must remain undisturbed and in a natural state except those natural resources where mitigation is permitted and where that mitigation is in strict accord with those requirements set forth in § 159-7.203 of this part. The clearing or removal of trees within a woodland or forest area is development and subject to these natural resource protection standards. All removal and clearing development must comply with these natural resource protection standards. Any proposed changes to woodland and forest resources are a change of use and require the issuance of a zoning permit in order to assure that required protection levels are met under the standards set forth under this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

#### § 159-7.202 NATURAL RESOURCE FEATURES DETERMINATION.

(A) Woodlands And Forests: The definition of woodlands and forests (mature and young), as applied to this part, appears in § 159-9.200 of this chapter. The determination of woodland and forest boundaries will be based on the following sources:

- (1) A field survey of trees compiled by a registered land surveyor and identified by a landscape architect, forester, arborist, or botanist with a professional degree in 1 of those fields of endeavor; and
- (2) The most recent 1 inch equals 100 feet, 1 inch equals 200 feet, 1 inch equals 400 feet aerial photographs prepared by the Northeastern Illinois Planning Commission (NIPC) or Lake County.

The area of woodlands and forests (mature and young), in square feet or acres, must be measured and graphically delineated on the "natural resource protection plan". The woodland and forest area drawing will indicate all woodland and forest areas of the property. The location, size, and species of all healthy trees having a diameter of 6 inches or greater dbh that are located in woodland and forest areas within 25 feet of any proposed improvement and/or in woodland and forest areas to be demolished due to the placement of improvements or grading are to be graphically shown on the "natural resource protection plan" or submitted as a separate drawing. For the remaining undisturbed areas of the development, subdivision, or condominium only the outline of woodland and forest areas indicating whether they are mature or young woodlands is required.

(B) Lakes And Ponds: Lakes and ponds are to be determined through the use of the definitions of "lake" and "pond" as set forth in § 159-9.200, "Definitions", of this chapter and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Village, the succeeding source will be used.

- (1) Topographic survey prepared by and certified by an Illinois registered land surveyor at a contour interval of not less than 2 feet.
- (2) USGS 7.5 minute topographic quadrangle maps.

The area of lakes and ponds (in square feet or acres) will be measured and graphically delineated on the "natural resource protection plan".

(C) Streams: Streams, as defined in § 159-9.200 of this chapter, are to be determined through the use of the definitions of "channel" and "stream" and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Village, the succeeding source will be used.

- (1) Topographic survey prepared by and certified by an Illinois registered land surveyor at a contour interval of not less than 2 feet.
- (2) USGS 7.5 minute topographic quadrangle maps.

The area of streams (in square feet and acres) will be measured and graphically delineated on the "natural resource protection plan".

(Ord. 17-2-2065, passed 2-27-2017)

#### § 159-7.203 NATURAL RESOURCE FEATURES MITIGATION.

(A) Intent Of Mitigation: The Village recognizes that, under certain circumstances, property owners or subdividers may wish to develop in portions of those protected natural resource features areas that are shown as eligible for mitigation as indicated in division 159-7.201(A), table 159-7.201 of this part. In division (B) of this section, the conditions for mitigation and mitigation standards are set forth for the various natural resource features for which mitigation is allowed. The intent of this section is not to permit greater destruction of natural resource features than is permitted under the requirements of this chapter for typical property or development. This section sets specific standards for use when the extent of the natural resources on a site and the use of the regulations would create a major hardship for required natural resource feature protection. Thus, mitigation is intended to be used in lieu of a variance request when severe hardships would result from the strict enforcement of the natural resource protection standards and requirements set forth in this chapter.

(B) Mitigation Standards: The following methods, requirements, standards and/or criteria shall be followed for the mitigation of those natural resource features that may be mitigated under the requirements set forth under division 159-7.201(A), table 159-7.201 of this part.

- (1) *Woodlands And Forests.* The following applies to woodland and forest areas:

- (a) Mitigation must include the planting of 1.25 acres of new woodland/forest for every 1 acre, or portion thereof, of disturbed woodland/forest for which mitigation is required.

- (b) Mitigation must include the replacement of woodlands/forests that have been disturbed. Mitigation must consist of the planting of new woodland/forest areas, as specified in division (B)(1)(a) of this section, using all of the following numbers of plants per acre of mitigated area.

- 15 canopy trees, minimum 3.5 inch caliper
- 25 canopy trees, minimum 2.5 inch caliper<sup>1</sup>
- 250 canopy trees, minimum 5 foot high whips
- 50 understory trees, minimum 5 foot high whips
- 30 shrubs, minimum 12 inches high

Note:

1. 3.5 inch caliper canopy trees may be substituted with two 2.5 inch caliper canopy trees.
- (c) The species of plants to be used in the mitigation of woodlands/forests must be similar to those that are destroyed as follows:
  1. In mitigation areas where there are soils located conducive to the planting of species native to northern Illinois xeric forests, a minimum mix of 12 species are to be planted. Acceptable species for northern Illinois xeric forest woodland and forest mitigation are as indicated in table 159-7.203 of this division. No more than 80% of the total number of trees planted for mitigation purposes, however, may be of the white oak, red oak, or black oak (*Quercus alba*, *Quercus borealis*, or *Quercus velutina*) species.

TABLE 159-7.203

TREE SPECIES FOR WOODLAND AND FOREST MITIGATION

Species Common Name	Species Scientific Name
American basswood	<i>Tilia americana</i>
Bitternut hickory	<i>Carya cordiformis</i>
Black cherry	<i>Prunus serotina</i>
Black oak	<i>Quercus velutina</i>
Black walnut	<i>Juglans nigra</i>
Bur oak	<i>Quercus macrocarpa</i>
Butternut	<i>Juglans cinerea</i>
Chinquapin oak	<i>Quercus muhlenbergii</i>
Eastern hop hornbeam	<i>Ostrya virginiana</i>
Hill's oak	<i>Quercus ellipsoidalis</i>
Red oak	<i>Quercus borealis</i>
Shagbark hickory	<i>Carya ovata</i>
White oak	<i>Quercus alba</i>

2. In mitigation areas where there are soils located which are not conducive to the planting of species native to northern Illinois xeric forests, alternative native plant species must be planted which are tolerant of the soil types in which the plants are to be placed.
  - (d) The land on which the mitigation is to take place must be protected with a deed restriction and conservation easement as a permanent natural resource features conservation easement.
  - (e) No tree cutting or removal, subsequent to the adoption of this chapter, may reduce the woodland/forest natural resource features protection requirements of this chapter.
  - (2) **Lakes And Ponds.** Lakes and ponds may be mitigated as may be permitted under the requirements of this chapter subject to conformance with the Lake County watershed development ordinance.
  - (C) **Off Site Mitigation:** Off site mitigation may be permitted by the Village Board provided that such off site mitigation occurs within the same subwatershed as the natural resource feature, or property, being mitigated and follows the methods, requirements, standards, and/or criteria set forth under division (B) of this section.
- (Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.204 DEED RESTRICTED AND PRESERVED NATURAL RESOURCE PROTECTION AND OPEN SPACE LANDS ELIGIBLE FOR MEETING MINIMUM LOT AREA REQUIREMENTS.**

Where a lot is located partially within a deed restricted and preserved natural resource protection area or open space area, that portion of the lot in such an area may be utilized to meet the lot area requirements of the zoning district. In no case, however, may such eligibility be used to increase the maximum permitted net floor area ratio (NFAR) or maximum net density (ND) of any parcel of land or lot in excess of what is permitted by this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.300 FLOODPLAIN AND FLOODWAY.**

**§ 159-7.301 PERMITTED AND SPECIAL USES IN FLOODPLAIN OR FLOODWAY AREAS.**

Permitted and/or special uses in floodplain and/or floodway areas as may be specified under the provisions of chapter 154 of this title, as amended, and must be consistent with the Lake County watershed development ordinance.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.400 WETLANDS.**

**§ 159-7.401 PERMITTED AND SPECIAL USES IN WETLAND AREAS.**

Uses within wetland areas are subject to approval by the U.S. Army Corps of Engineers, Illinois Environmental Protection Agency permits, and must be consistent with the Lake County watershed development ordinance.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.500 STREET ACCESS, EASEMENTS AND HIGHWAY CORRIDOR.**

**§ 159-7.501 ACCESS TO STREETS.**

Street access shall be subject to review and approval of the jurisdiction with authority over such access (i.e., Illinois Department of Transportation, Lake County Department of Transportation, or Village of Lindenhurst). Lot and parcel vehicular access points to streets and highways under the jurisdiction of the Village will be permitted only at locations in accordance with this chapter and other Village adopted plans or ordinances, and is subject to Village Engineer review and approval as part of the site plan review and/or subdivision approval process.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.502 EASEMENTS.**

(A) **Natural Resource Features Protection/Mitigation, Conservation, Landscape Buffer Yard, And Utility Easements Required:** The Village will require natural resource features protection/mitigation, conservation, landscape buffer yard, and/or utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for natural resource feature protection, landscape buffer yards, electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water, and other utility lines.

(B) **Site Traversed By Watercourse, Drainageway Channel, Or Stream:**

(1) Where a site is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement must be provided as required by the Village Engineer. The location, width, alignment, and improvement of such drainageway or easement will be subject to the approval of the Village, and parallel streets or parkways may be required in connection therewith.

(2) Where necessary, stormwater drainage must be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Engineer.

(C) **Minimum Width Required For All Utility Easements:** All utility easements must be a minimum of 10 feet in width or wider where recommended by the Village Engineer.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.503 STORMWATER MANAGEMENT PLAN.**

A stormwater management plan must be prepared for all proposed development meeting all Lake County imposed stormwater management regulations subject to conformance with the Lake County watershed development ordinance.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.504 SPECIAL HIGHWAY CORRIDOR DESIGN STANDARDS.**

Table 159-7.504 of this section sets forth the minimum required setbacks for lots or parcels which abut the indicated arterial streets and highways, unless otherwise determined by the authority with jurisdiction over the abutting street or highway.

**TABLE 159-7.504**

**REQUIRED INCREASED SETBACKS ALONG ARTERIAL STREETS AND HIGHWAYS**

Name Of Arterial Street Or Highway	Minimum Required Setback From Ultimate Arterial Street Or Highway Right-Of-Way Line
Name Of Arterial Street Or Highway	Minimum Required Setback From Ultimate Arterial Street Or Highway Right-Of-Way Line
U.S. 45	75
Grand Avenue (IL 132)	75
Grass Lake Road (CTY A10)	60
Gelden Road (CTY A11)	60
Sane Lake Road (CTY A16)	60
CTY A18 (including Engle Drive, Genoa Avenue, and Granada Boulevard)	50
Rollins Road (CTY A20)	60
Deep Lake Road (CTY V67)	60

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.505 VEHICULAR, BICYCLE, AND PEDESTRIAN ACCESS AND CIRCULATION.**

(A) Vehicular And Pedestrian Access And Circulation: Pedestrian and vehicular traffic movement within and adjacent to the site must be safe and efficient with particular emphasis on the provision and layout of sufficient parking areas, off street loading and unloading, and the safe and efficient movement of people, goods, and vehicles from access streets, within the site, and between buildings and vehicles. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles, including emergency vehicles, a rapid and safe ingress and egress to/from the site.

(B) Pedestrian And Bicycle Access In R-4 District: The following requirements apply in the R-4 District.

(1) The development must provide for safe pedestrian and bicycle access to all areas within the development through the use of public rights-of-way and/or public easements which are a minimum of 20 feet in width, provide connections to existing and planned public pedestrian and bicycle facilities, and provide connections to adjacent properties.

(2) Bicycle paths must be paved with bituminous paving and shall be a minimum of 10 feet wide.

(3) Internal pedestrian walkways must be distinguished from vehicular driving surfaces through the use of brick pavers, stone pavers, or concrete.

(4) The development must provide secure, integrated bicycle parking and pedestrian furniture in appropriate quantities and at appropriate locations as determined by the Village Board after review by the Plan Commission.

(5) Specific and detailed design guidelines must be prepared as a part of each site plan review for any development in the R-4 District which specifically address bicycle and pedestrian access.

(6) Where buildings front or side upon a public or private street, there must be sidewalks on both sides of the public or private street.

(C) Pedestrian And Bicycle Access In CBR-2 District: The following requirements apply in the CBR-2 District.

(1) The development must provide for safe pedestrian and bicycle access to all uses within the development through the use of public rights-of-way and/or public easements which are a minimum of 20 feet in width, provide connections to existing and planned public pedestrian and bicycle facilities, and provide connections to adjacent properties.

(2) Sidewalks which are a minimum of 15 feet in width (excluding landscape planting areas) must be provided along the entire length of any commercial building facade elevation containing a public entrance to a building.

(3) Internal pedestrian walkways must be distinguished from vehicular driving surfaces through the use of stamped colored asphalt, brick pavers, stone pavers, or concrete.

(4) Development must provide secure, integrated bicycle parking and pedestrian furniture in appropriate quantities and at appropriate locations as determined by the Village.

(5) Specific and detailed design guidelines must be prepared as a part of each site plan review for any development in the CBR-2 District which specifically address bicycle and pedestrian access.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.600 PARKING AND LOADING.**

**§ 159-7.601 TRAFFIC VISIBILITY.**

(A) No Obstructions Permitted: In order to provide adequate vision clearance, no obstructions are permitted between the heights of 2.5 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines, located a minimum of 30 feet from their intersection.

(B) Corner Cut Off Distances For Intersecting Arterial And/Or Collector Streets: In the case of arterial and/or collector streets intersecting with other arterial and/or collector streets, the corner cut off distances establishing the triangular vision clearance space will be increased to 50 feet. The 50 feet will be as measured from the 2 intersecting street rights-of-way lines and a line joining the 2 points on such lines. No visual obstructions, such as structures, parking, or vegetation, are permitted in any triangular vision clearance space.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.602 OFF STREET PARKING REQUIREMENTS.**

In all districts and in connection with every use, there must be provided at the time any use or building is erected, enlarged, extended, or increased, adequate off street parking for all vehicles in accordance with the following.

(A) Adequate Access: Adequate access to a public street must be provided for each parking space, and driveways must be at least 12 feet wide for 1- and 2-family dwellings, and a minimum of 24 feet wide for all other uses. Each required off street parking space must open directly onto an aisle or driveway that is wide enough to provide safe and efficient means of vehicular access to the parking space.

(B) Minimum Parking Space Size: The size of each parking space must be not less than 162 square feet nor less than 9 feet in width and 18 feet in length, exclusive of the space required for ingress and egress.

(C) Off Street Parking Area Surfacing: All open, off street loading and parking spaces must be improved with pavement of either asphalt or concrete and stormwater drainage facilities as approved by the Village Engineer.

(D) Concrete Curb And Gutter Required:

(1) Concrete curb and gutter meeting Village specifications will be required for all off street parking areas serving more than 5 vehicles in all nonresidential zoning districts and in the R-2 and R-3 Districts and planned unit developments. This requirement will also apply to the expansion of any existing off street parking lot where the number of off street parking spaces is increased by 20 spaces or more.

(2) Required concrete curb and gutter for off street parking areas and drives will be installed a minimum of 6 feet from a property line (as measured from the back of curb) so as to prevent vehicles from extending over any lot lines.

(E) Off Street Parking Stalls: Off street parking stalls must be marked by painted lines or other approved material and must be maintained so as to be legible at all times.



- (F) Landscaping: All public off street parking areas that serve 5 vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this chapter must be provided with accessory landscape areas meeting all applicable requirements of § 159-7.700 of this part.
- (G) Parking Spaces For Use By Persons With Disabilities: All open, off street parking areas must provide parking spaces for persons with disabilities that comply with applicable Federal and State requirements and guidelines to comply with the Americans With Disabilities Act (ADA). Unless conflicting with the ADA requirements, the following standards will apply:
- (1) Table 159-7.602(G) of this division will apply. The minimum required number of accessible off street parking spaces for use by persons with disabilities will be considered as a part of the total off street parking spaces required.
  - (2) The minimum dimensions for all parking spaces provided for use by persons with disabilities shall be 16 feet wide by 18 feet long.
  - (3) Off street parking spaces provided for the use of persons with disabilities must be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.
  - (4) All parking spaces provided for the use of persons with disabilities must be marked by a sign which includes the international symbol for barrier free environments and a statement informing the public that the parking space is reserved for use by persons with disabilities. Such signs must comply with the ADA requirements.

TABLE 159-7.602(G)

MINIMUM REQUIRED NUMBER OF ACCESSIBLE OFF STREET PARKING SPACES

Total Number Of Off Street Parking Spaces In Parking Lot Or Area	Minimum Required Number Of Accessible Off Street Parking Spaces
Total Number Of Off Street Parking Spaces In Parking Lot Or Area	Minimum Required Number Of Accessible Off Street Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

- (H) Parking Prohibitions:
- (1) Parking is prohibited on any private property without the consent of the owner of the property.
  - (2) It is unlawful to park any type of truck (other than a van commonly used for residential passenger purposes, or a van converted by removal of seats for commercial purposes, or a pickup truck or a pickup truck converted for commercial purposes) on any street or on any public or private property in the Village unless:
    - (a) The truck is actively loading or unloading goods or materials, or
    - (b) The truck is parked on a lot located in a nonresidential zoning district and is being used for the operation of a business located on the lot, or with the occupant of the truck as an active customer doing business on the premises where parked during regular business hours, or
    - (c) The occupant of the truck is performing service, repair, remodeling or construction work on the premises where parked and the truck is utilized in that work.
  - (I) Minimum Required Off Street Parking Separation From On Site Buildings And Minimum Walkway Width In The CBR-2 District: All off street parking areas must be separated from buildings with pedestrian walkways and/or landscaping (including furniture) not less than 15 feet in continuous total width.
    - (1) When a foundation landscape planting area along a building is provided within said minimum of 15 feet of continuous total width, it must be a minimum of 7 feet in width.
    - (2) When a pedestrian walkway along a building is provided within said minimum of 15 feet of continuous total width, it must be a minimum of 8 feet in unobstructed (excluding landscaping and furniture) continuous width.

(Ord. 17-2-2065, passed 2-27-2017)

§ 159-7.603 OFF STREET PARKING SPACE AND ON SITE QUEUING REQUIREMENTS.

- (A) Minimum Requirements: The minimum number of off street parking spaces accessory to designated uses (except for special uses or planned unit developments where the approval ordinance establishes parking requirements) must be provided as set forth in table 159-7.603 of this section.
- (B) Uses Not Listed In Table 159-7.603 Of This Section And Other Uses: Parking spaces for permitted uses not listed in table 159-7.603 of this section will be provided in accordance with requirements designated by the Zoning Administrator. In the case of special uses, parking spaces for special uses not listed in table 159-7.603 of this section must be provided in accordance with requirements required by the Village. The provisions for a use which is deemed similar by the Zoning Administration may be applied.
- (C) Employee Parking: Parking spaces required on an employee basis as set forth in table 159-7.603 of this section will be based on the average number of employees on duty or residing, or both, on the premises at any one time.
- (D) Off Street Parking Requirements For Mixed Or Combined Uses Located Within The Same Building Or On The Same Lot Or Parcel: Combinations of any of the uses set forth in table 159-7.603 of this section must provide the total number of off street parking stalls and/or queuing space required for each individual use.

TABLE 159-7.603

OFF STREET PARKING AND ON SITE QUEUING REQUIREMENTS FOR USE TYPES

Uses	Minimum Required Parking Spaces Per 1,000 Square Feet Of Floor Area	Minimum Required On Site Queuing Space To Be Provided (Number Of Vehicles)	Other Required Standards For Off Street Parking Spaces
Uses	Minimum Required Parking Spaces Per 1,000 Square Feet Of Floor Area	Minimum Required On Site Queuing Space To Be Provided (Number Of Vehicles)	Other Required Standards For Off Street Parking Spaces
Agricultural uses:			
Agriculture	None required	--	--
Nurseries	2	--	Plus 1 space per 4,000 sq. ft. of outdoor display area, plus 1 for each company vehicle plus 1 for each employee
Residential uses:			

Single-family detached dwelling structure	--	--	2 spaces per DU. 1 minimum 2 stall attached garage for each single-family dwelling on a parcel of land less than 1 acre in area. The garage may be detached if lot is 1 acre or more
2-family dwelling structure	--	--	2 spaces per DU. 1 2-stall attached garage per structure
Efficiency and 1 bedroom apartment/ condominium	--	--	1.5 spaces per DU, plus 0.5 space per DU for guest parking
2 bedroom apartment/ condominium	--	--	2 spaces per DU, plus 0.5 per DU for guest parking
3 or more bedroom apartment/ condominium	--	--	2.5 spaces per DU, plus 0.5 space per DU for guest parking
Group homes or institutional residential	--	--	1 space per bedroom
Outdoor recreational uses:			
Campgrounds	--	--	1 space per travel trailer space
Camps, day or youth	--	--	1 space per employee
Golf course	--	--	3 spaces per hole, plus any required for other uses which are a part of the facility
Golf driving range or rifle range	--	--	1 space per 10 linear ft. of driving or firing line plus 1 space per employee
Outdoor arenas	--	--	1 space per 3 seats, or 1 space per 30 sq. ft. of floor area used for seating, or 1 space per 5 ft. of bench length, whichever is appropriate
Playing fields	--	--	1 space per 4,000 sq. ft. of outdoor playfield area, plus 1 space per acre of passive recreation area
Resorts	--	--	1 space per 3 patrons
Riding arenas, equestrian centers, or public stables	--	--	1 space per 4 equestrian stalls, plus 1 per 2,000 sq. ft. of riding area, plus 1 per employee
Riding stables	--	--	1 space per employee, plus 1 space per 4 equestrian stalls
Skating rink	--	--	6 spaces per 1,000 sq. ft. of rink area, plus additional parking spaces as may be required by buildings or areas used for other purposes
Swimming pool	--	--	1 space per 100 sq. ft. of pool area, plus 1 per employee, plus additional parking spaces as may be required by buildings or areas used for other purposes
Tennis courts	--	--	2 spaces per court
All others	--	--	1 space per 10,000 sq. ft.
Indoor recreational uses:			
Bowling alleys	--	--	6 spaces per lane, 1 space per employee, 2 spaces per pool/billiard table, plus additional parking spaces as may be required by buildings or areas used for other purposes
Dance halls	--	6	1 space per each 3 patrons based on the maximum number of persons that can be accommodated at the same time in accordance with design capacity and fire district regulations, and 1 space per each 0.5 employee
Health club or spa	--	--	1 space per exercise station, 4 spaces per sauna or similar facility, 4 spaces per 1,000 sq. ft. of other activity area, plus 1 space per employee
Indoor arenas or stadiums	--	--	1 space per 3 seats, or 1 space per 30 sq. ft. of floor area used for seating, or 1 space per 5 ft. of bench length, whichever is appropriate
Library	3.5	--	--
Recreation center	5	6	Plus 1 space for each 0.5 employee
Swimming pool	--	--	1 space per 100 sq. ft. of pool area, plus 1 space per employee
Tennis, racquetball, or handball	--	--	4 spaces per court, plus 1 space per employee

Theaters, assembly rooms, gymnasiums, grandstands, meeting halls, convention halls, or exhibition halls	--	--	0.33 space per seat if seats are fixed, or 0.33 space per 20 linear inches of seating, or 1 space per 30 sq. ft. of floor area, whichever is greater. When such facilities for public assembly are accessory to a school, and when approved by the Plan Commission, the required number of parking spaces may be reduced by the number of spaces provided as required herein, for the applicable type of school (see requirements for elementary, junior high, and senior high schools set forth below)
Other indoor recreational uses	--	--	1 space per 4 patrons
Institutional uses; indoor:			
Apartment hotels	--	--	1.5 spaces per lodging room, suite of rooms to accommodate 1 lodger, or dwelling unit
Church or synagogue	--	6	0.25 space per seat if seats are fixed, or 0.25 space per 20 linear inches of seating, or 1 space per 30 sq. ft. of floor area used for seating in the main sanctuary, whichever is greater
Clubs, lodges, or associations	--	5	1 space per 50 sq. ft. of gross building floor area
Colleges, junior colleges, or universities (public or private)	--	--	0.5 space per classroom seat, or the maximum number of students that can be accommodated in accordance with design capacity, whichever is greater
Daycare center or nursery school	--	6	1 space per employee, plus 1 space per 10 children
Hospital	--	8	1 space per employee plus 2 spaces per bed
Nursing homes	--	6	1 space per employee plus 1 space per 3 beds
Public service or utilities	--	--	1 space per employee plus 1 space per stored vehicle
Schools, elementary or junior high (public or private)	--	10	1 space per employee, plus 1 space per 3 seats or 1 space per 30 sq. ft. of floor area used for seating or 1 space per 5 ft. of bench length in the auditorium, gymnasium, or other similar place of assembly, whichever is greater
Schools, senior high (public or private)	--	12	1 space per employee, plus 1 space per 7 students at ultimate school capacity or 1 space per 3 seats or 1 space per 30 sq. ft. of floor area used for seating, or 1 space per 5 ft. of bench length in the auditorium, gymnasium, or other similar place of assembly, whichever is greater
Trade school, music school, dance school, or business school	--	--	1 space per student based upon the maximum number of students that can be accommodated within the design capacity of the facility
Commercial uses; office:			
General, including government offices	3.3	--	--
Medical	7	6	Plus 1 space per each practitioner and/or employee
Commercial uses; retail:			
Convenience market	8	--	--
Department stores	4	--	--
Drugstores; liquor stores; shopping centers; other freestanding retail stores	5	--	--
Furniture stores, carpet stores, appliance stores	1.5	--	--
Grocery or food stores	6	--	--
Hardware, paint or home improvement	3.5	--	--
Commercial uses; heavy retail/service:			
Auto sales	2	--	Or 2 spaces per salesman, whichever is greater; plus 1 space per 1,500 sq. ft. of outdoor vehicle display space inclusive of drives to outdoor vehicle display spaces
Building materials	3	--	Plus 1 space per 1,500 sq. ft. of outdoor sales/display areas inclusive of drives to outdoor sales/display areas

Vehicle repair shop (without the dispensing of gasoline)	--	--	4 spaces per service bay
Commercial uses; light auto service:			
Car wash	--	10 per wash bay for automatic wash and 6 per wash bay for manual wash bay	Plus 1 space per employee and 1 space per bay
General auto service station (with the dispensing of gasoline)	1.5 without convenience market; 8 with convenience market	--	Or 4 spaces per service bay, whichever is greater
Commercial uses; services:			
Beauty parlors, salons, or barbershops	--	--	3 spaces per chair, plus 1 space per employee
Commercial laundry or dry cleaner	--	--	1 space per employee, 1 space per company vehicle, plus 1 space per 170 sq. ft. of customer service area
Financial	5	6 per drive through service lane	Plus 1 space for each employee (if no drive through lanes)
Funeral homes, funeral parlors, or undertaking establishments	--	12	1 space per 30 sq. ft. of floor area of assembly rooms, plus 1 space per employee, plus 1 space for each vehicle owned by the establishment
Laundromat	--	--	1 space per washer or dryer, plus 1 space per employee
Repair shops	2	--	Plus 1 space per employee, plus 1 space for each company vehicle
Commercial uses; bars or restaurants:			
Bars or taverns	10	--	Or 1 space per 2 seats or stools, plus 1 space per employee, whichever is greater
Restaurant	20	7 per drive-through service lane (if applicable)	--
Commercial uses; commercial lodging:			
Convention center (with lodging)	--	--	1 space per guest room or bedroom, plus 1 space per 30 sq. ft. of assembly room, plus 1 space per 500 sq. ft. of accessory commercial space
Hotels and motels (nonconvention center lodging)	--	--	1 space per guest room or bedroom, plus 1 space for each 3 employees, plus 1 space per 500 sq. ft. of accessory commercial space
Home uses:			
Home occupations or home businesses, including daycare home	--	--	As required per type of DU plus 1 space for any allowed business vehicle
Industrial uses:			
Bakeries (nonretail)	0.25	--	Plus 1 space per employee, plus 1 space per company vehicle
Contractor shop	1	--	Plus 1 space per company vehicle
Industry	2.5	--	Or 1 space per employee, plus 1 space per company vehicle, plus 1 space per 5,000 sq. ft. for visitor parking, whichever is greater
Miniwarehouses	--	--	1 space per employee, plus 1 space per 10 storage units
Trucking (no loading or warehousing)	1.5	--	Or 1 space per employee, plus 1 space per company vehicle, plus 1 space per 5,000 sq. ft. for visitor parking, whichever is greater
Warehouse	0.5	--	Or 1 space per employee, whichever is greater, plus 1 space for each company vehicle stored on the premises
Special land uses:			
Commercial communication towers	--	--	1 space per employee
Temporary uses:			
Contractor's construction site office	10	--	--
Real estate sales office	3.3	--	--
Seasonal sales	--	--	Plus 1 space per 1,000 sq. ft. outdoor sales and display area, plus 1 per employee

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.604 OFF STREET PARKING LOT DESIGN.**

The width of off street parking rows and aisles must conform with the requirements set forth in table 159-7.604 of this section.

**TABLE 159-7.604**

## MINIMUM WIDTH OF OFF STREET PARKING ROWS AND AISLES

Type Of Row	Parallel Spaces	45° Angle Spaces	60° Angle Spaces	90° Angle Spaces
Single row and aisle	20'	35'	40'	45'
Double row and aisle	28'	60'	62'	65'

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-7.605 OFF STREET LOADING REQUIREMENTS.

Off street loading spaces accessory to designated uses must be provided as follows:

(A) Location: All required loading spaces must be located on the same lot as the use served. No permitted or required loading space may be located within 40 feet of the nearest point of intersection of any 2 streets. No loading space may be located in a required side yard abutting a residential zoning district, residential portion of a planned unit development, or a required front yard.

(B) Access: Each required off street loading space must be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Loading spaces on lots located adjacent to public ways must be so situated to enable the vehicles to back into the loading dock from areas other than public ways. The blocking of loading spaces by other loading spaces, permanent or movable structures of any type, including trash receptacles or compactors, is prohibited.

(C) Surfacing: All open off street loading spaces must be improved with pavement and stormwater drainage facilities in accordance with this chapter.

(D) Computation: Where the total floor area of the use being served is less than 2,000 square feet, the required off street loading spaces may be used to satisfy the requirements for any off street parking spaces. Employee parking maneuver areas may also be used for access to loading docks and as truck standing areas.

(E) Repair And Service: No motor vehicle repair work or service of any kind will be permitted in conjunction with loading facilities provided in any residential or nonresidential zoning districts.

(F) Maneuvering Space Required To Service Outdoor Loading Areas: Adequate off street truck maneuvering area must be provided on site and not within any public street right-of-way or other public lands.

(G) Interference With Fire Exit Or Emergency Access Prohibited: Off street loading facilities must be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-7.606 OFF STREET LOADING SPACE DESIGN.

(A) Business And Public And Semipublic Districts: The minimum number of required off street loading spaces accessory to nonresidential uses in the NB, CB, PBC, O, I, and RO Districts is 1 loading space for buildings containing 10,000 to 100,000 square feet of gross floor area, plus 1 additional loading space for each additional 100,000 square feet of gross floor area or fraction thereof. The minimum required size of such loading space is 10 feet in width and 25 feet in length, exclusive of aisle and maneuvering space, and it must have a vertical clearance of not less than 15 feet.

(B) Industrial Districts: The minimum number and size of off street loading spaces accessory to uses in the M and BK Districts must be in accordance with table 159-7.606 of this division. For each additional 100,000 square feet of gross floor area, or fraction thereof, over 100,000 square feet of gross floor area, 1 additional loading space must be provided. Such additional space shall be a minimum of 12 feet in width by 50 feet in length, and have a vertical clearance of not less than 15 feet. Loading spaces on lots located on public ways must be situated to enable the vehicles to back into the loading dock from areas other than the public way.

**TABLE 159-7.606**

## MINIMUM NUMBER OF REQUIRED OFF STREET LOADING SPACES ACCESSORY TO NONRESIDENTIAL IN INDUSTRIAL DISTRICTS AND RELATED MINIMUM DIMENSIONAL REQUIREMENTS

Gross Floor Area Of Building/Use Served	Minimum Size Of Required Off Street Loading Spaces	Minimum Vertical Clearance Required For Each Off Street Loading Space
5,000 to 10,000 sq. ft.	10 ft. x 35 ft.	15 ft.
10,000 to 25,000 sq. ft.	12 ft. x 40 ft.	15 ft.
25,000 to 40,000 sq. ft.	12 ft. x 50 ft.	15 ft.
40,000 to 100,000 sq. ft.	12 ft. x 60 ft.	15 ft.

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-7.607 DRIVEWAYS.

All driveways installed, altered, changed, replaced, or extended must meet the following requirements as well as those set forth in § 159-7.501 of this part.

(A) Islands: In all nonresidential districts, islands between driveway openings must be provided with a minimum of 12 feet between all driveways.

(B) Openings:

(1) *Driveways Serving Nonresidential Development.* Openings for vehicular ingress and egress must not exceed 24 feet at the street right-of-way line and 30 feet at the roadway unless otherwise approved by the Village Engineer.

(2) *Driveways Serving Residential Development.* See § 150.04 of this title.

(C) Vehicular Entrances And Exits: Vehicular entrances and exits to drive-in theaters; banks; restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; and public parking lots must be at least 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-7.608 HIGHWAY ACCESS.

No direct private access will be permitted to the existing or proposed rights-of-way of expressways nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. Additional access requirements are set forth in greater detail in § 159-7.501 of this part.

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-7.609 AREA CIRCULATION PLAN REQUIRED.

In order to minimize the number of vehicular access points on arterial and collector streets when development occurs in an area, the Village may require an area circulation plan be prepared pursuant to the requirements set forth in § 159-7.501 of this part.

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-7.610 SNOW STORAGE.

The storage of snow for more than 48 hours is prohibited in required off street parking, drive, and loading areas.

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-7.611 RECREATIONAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS.

(A) Yard Related Definitions:

**YARD, FRONT.** With regard to the parking of recreational vehicles, any side yard or rear yard which is adjacent to any public street right-of-way will be considered a front yard.

**YARD, REAR.** With regard to the parking of recreational vehicles, any rear yard which is adjacent to any public street right-of-way will be considered a front yard.

**YARD, SIDE.** With regard to the parking of recreational vehicles, any side yard which is adjacent to any public street right-of-way will be considered a front yard.

(B) Parking On Single-Family And 2-Family Residential Lots Prohibited; Exception:

(1) No person may allow a recreational vehicle to be parked or stored in the open on any single-family or 2-family residential lot within the Village unless the following conditions are met:

(a) Not more than 2 recreational vehicles may be parked or stored in the open.

(b) Any recreational vehicle must be parked or stored in the rear yard or side yard, provided, however, that if the lot is a vacant single-family and 2-family residential lot the recreational vehicle must be parked or stored within the rear 30 feet of the lot.

(c) No recreational vehicle may exceed 32 feet in length, 10 feet in height, or 8 feet in width.

(d) No recreational vehicle may be used for living, sleeping or any other purpose and may not be connected to any gas, water, electrical or sanitary sewer service.

(e) No recreational vehicle may have its wheels or hitches removed or be affixed to the ground in any way so as to prevent its quick removal.

(f) No recreational vehicle may be parked and stored in such a way so as to create a dangerous or unsafe condition.

(g) No part of any recreational vehicle may be parked or stored over or within any public road right-of-way.

(h) The ground area adjacent to permitted paved areas serving parked or stored recreational vehicle must be free of noxious weeds, tall grass or debris and may not be used for the storage of any other material or goods.

(i) Any propane cylinders on a recreational vehicle may have their valves in the off position.

(j) All recreational vehicles must be parked on a paved surface.

(2) If a person can show that compliance with division (B)(1) of this section is impossible in any of the permitted locations because of clearance problems and/or the presence of trees of 6 inch diameter or greater, the Village may allow the parking or storage of not more than 1 recreational vehicle in the front yard on the driveway or on a hard surface or pad adjacent to the side of the driveway closest to the side lot line.

(3) If a person cannot comply with division (B)(1) of this section because their rear yard is adjacent to a street and therefore defined under this section as a front yard, notwithstanding any other setback provisions of this chapter to the contrary, they may park the recreational vehicle in the rear yard provided that a wall, solid fence or densely planted natural vegetation of a minimum height of 6 feet be constructed or planted a minimum of 30 feet from the property line in the rear yard between the vehicle and any adjacent streets.

(4) Recreational vehicles may be temporarily parked or stored on the driveway of a single-family and 2-family residential lot in the Village for the purpose of cleaning, maintaining or preparing it for a period not to exceed 72 hours.

(5) Temporary occupancy of a recreational vehicle while parked or stored pursuant to this section may be authorized by the Chief of Police.

(C) Parking On Multiple-Family Residential Lot Prohibited; Exception: No person may allow a recreational vehicle to be parked or stored in the open on any multiple-family residential lot within the Village unless the Village has worked out an agreement with the owner or owner's association, as the case may be, designating a specific area for the parking of recreational vehicles.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.700 LANDSCAPING STANDARDS.**

**§ 159-7.701 APPLICABILITY.**

(A) Landscaping Required: Landscaping is required in peripheral buffer yards, street buffer yards, for on lot landscaping, in off street parking areas, and in areas where vegetative mitigation is required. The area and length of each, as required herein, must be measured in order to determine the amount of landscaping required.

(B) Exemptions And Modifications: All developments must meet the provisions of this section except as specifically exempted below.

(1) Residential development on existing lots of record in the E, SE, S, R-1, R-2, and R-3 Districts as of the effective date of this chapter (February 27, 2017).

(2) Additions to existing buildings (principal and/or accessory) where the total floor area is not increased more than 10% of the existing total floor area.

(3) Additions to buildings (principal and/or accessory) that increase their overall building area from 10% to 50% must conform to the landscaping standards specified in this § 159-7.700 to the maximum extent possible. All off street parking areas and buffer yards must conform to the landscaping requirements of this § 159-7.700. If insufficient dimensions exist on site, in order to achieve a sufficient level of landscaping, the standards set forth in this section may be reduced by up to 30% by the Village.

(4) Areas located within floodplains, floodways, flood lands, and wetlands are exempt from the landscaping requirements set forth in this § 159-7.700.

(C) Buffer Yards To Ameliorate Nuisances Between Certain Adjacent Zoning Districts: A buffer yard is a combination of a setback and a visual buffer or barrier, and is a yard or area together with the planting and/or landscape structure required thereon. The amount of land, the type of planting, and the amount of planting specified for each buffer yard requirement of this chapter are designed to ameliorate nuisances between certain adjacent zoning districts. Buffer yards are also designed to ensure a desired character along public streets and roads.

(D) Buffer Yards Required To Separate Different Zoning Districts: Buffer yards will be required to separate different zoning districts from each other. Buffer yards function to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

(E) Special Landscaping, Streetscape, And Buffer Yards For R-4 District:

(1) Landscaping must be integrated into building arrangements, topography, off street parking, and buffer yard requirements on lots in the R-4 District. Landscaping must include trees, bushes, shrubs, ground cover, perennials, annuals, plant sculpture, area, and the use of building and paving materials in an imaginative manner.

(2) Buffer yards must be located around the perimeter of the site to minimize the offsite impacts of headlight glare, noise, light from structures and open areas and the movement of people and vehicles. Buffer yards may consist of fencing, evergreens, shrubs, bushes, deciduous trees, or combinations thereof to achieve the intent of the R-4 District.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.702 STANDARD PLANT UNITS.**

All landscaping requirements are stated in terms of the number of standard plant units required. This § 159-7.700 defines the standard plant unit and its alternatives. All required landscaping must conform to 1 or more of the plant unit alternatives of this section. Table 159-7.702 of this section specifies the plant unit alternatives. In general, the 5 alternative plant mixes are interchangeable. In other cases, where a year round screen is required, Alternative Unit A is preferred and may even be specified by the Plan Commission.

**TABLE 159-7.702**

**PLANT UNIT TYPE ALTERNATIVES**

Alternative Plant Unit Type	Type Of Plants Required	Minimum Size Of Plants	Minimum Quantity Of Plants Required
Alternative Plant Unit Type	Type Of Plants Required	Minimum Size Of Plants	Minimum Quantity Of Plants Required
Type A	Canopy/shade trees		1
	Understory trees		2
	Shrubs		8
Type B <sup>1</sup>	Canopy/shade trees		1
	Understory trees		1
	Evergreen trees		1

	Shrubs	See division 159-7.712(B), table 159-7.712(B) of this part	6
Type C <sup>1</sup>	Canopy/shade trees		1
	Evergreen trees		2
	Shrubs		5
Type D <sup>1</sup>	Evergreen trees		3
	Evergreen shrubs		14
Type E	Canopy trees		2
	Shrubs		10

Note:

1. Not to be used in off street parking areas.

(Ord. 17-2-2065, passed 2-27-2017)

#### § 159-7.703 CREDIT FOR EXISTING PLANT MATERIALS.

Credit for existing plant material will be allowed to offset required plant unit landscaping in the buffer yards and parking lots as follows:

(A) Buffer Yards: Where there are existing trees having a diameter at breast height (dbh) of 4 inches or larger, the number of such trees per 100 feet will be credited towards the landscaping as plant units by dividing such trees by 3. Where the buffer yard is to be left in a natural state, no shrubs will be required. Individual trees 6 feet in height or more will be counted on an individual basis towards the planting requirements; other components of a plant unit are required including all shrubs.

(B) Parking Lots: Any existing trees 6 feet in height or more will be subtracted from the required area amount of parking lot landscaping on a tree by tree basis.

(Ord. 17-2-2065, passed 2-27-2017)

#### § 159-7.704 GENERAL LANDSCAPING REQUIREMENTS.

(A) Physical Containment Of Landscaped Areas: All landscaped areas located within or adjacent to a parking area, or adjacent to a public street or sidewalk, must be designed to contain landscape materials and to prevent vehicular encroachment (i.e., through the use of continuous concrete curbing, railroad ties, header, or depressed construction).

(B) Artificial Landscape Materials: Artificial trees, shrubs, turf, or plants are permitted as landscaping.

(C) Ground Cover: The use of landscape fabrics under all areas landscaped with nonliving materials, except those areas set aside for stormwater retention/detention, is recommended to prevent weed growth. Mulch must be provided to all trees planted in parkways. Mulch must be to a depth of 3 inches to 4 inches.

(D) Irrigation: A permanent, on site, outdoor water supply (underground or drip irrigation, hose bibs, etc.) that provides complete coverage to all new living landscaped areas may be required. Watering systems must be designed to water landscaped areas efficiently and avoid irrigation of adjacent parking areas and access drives, sidewalks, buildings, and public streets. If hose bibs are used, they must be located within 100 feet of any landscaped area.

(E) Location: New vegetation must be selected, planted, and maintained so that at maturity it will not interfere with utility lines, snow storage areas, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections, and will not cause damage or upheaval of sidewalks and pavement.

(F) Type Of Landscape Plant Materials: The Village encourages the use of native plant materials, trees, shrubs, and ground cover, indigenous to northeastern Illinois. In shore buffer areas, these include native plants which are tolerant of both moisture and hydric soils. Applicants should consult the list of non-native and invasive species that are prohibited from use as plant materials, which list is on file with the Village Administrator.

(G) Installation:

(1) Landscaping and watering devices may be required to be installed in accordance with the approved landscape plan prior to issuance of a certificate of occupancy or commencement of operations. The Village will have the right to refuse approval of any project not meeting the provisions of this section.

(2) If approved landscaping and watering devices cannot be installed prior to occupancy or commencement of operations, a certificate of occupancy may be issued by the Village if the applicant provides an acceptable form of surety. The application must be accompanied by a complete estimate of the total cost of the approved landscaping and watering system improvements prepared by a landscape architect. All landscape materials must be guaranteed for 2 years.

(3) When it is determined that the landscaping and watering system have been installed in accordance with the approved plans, the Village will return the surety to the applicant.

(H) Maintenance:

(1) *Responsibility For Maintenance.*

(a) Maintenance of all landscaping is the responsibility of the owner, lessee, heirs, assigns, agents, homeowners' association, or other liable entity of the property and must consist of regular watering, pruning, mowing, fertilizing, the replacement of irrigation systems, and architectural features.

(b) The owner or liable entity in control of any private premises must at all times maintain the premises free of litter and weeds.

(2) *Future Building Pads.* Future building pads within a phased development must be maintained in a dust free condition vegetated with ground cover.

(3) *Plant Replacement.* Any plant materials included in an approved landscaping plan that do not survive a plant establishment period of 2 years after installation must be replaced with plant materials of the same or like species of equal size within the next planting season, but in any event, within 6 months of the plant's demise. Replacement must be made by the property owner or, in the case of landscape plant materials located within a landscape easement under the control of a homeowners' association, the homeowners' association will be responsible for replacement. Applicants should consult the list of non- native and invasive species that are prohibited from use as plant materials, which list is on file with the Village Administrator.

(Ord. 17-2-2065, passed 2-27-2017; amd. Ord. 21-1-2182, passed 1-11-2021)

#### § 159-7.705 GENERAL BUFFER YARD REQUIREMENTS.

(A) General:

(1) Buffer yard standards are listed in this section for peripheral buffer yards and for street buffer yards.

(2) Peripheral and street buffer yard standards are based on a required relative buffer yard intensity value. A variety of combinations of buffer yard width, planting intensity, and structural options (i.e., fences and earthen berms) may be selected from § 159-7.709, table 159-7.709 of this part to reach the required buffer yard intensity value.

(3) Peripheral buffer yards must be located along the outer perimeter of a lot or parcel, and must extend to the lot or parcel boundary line. Peripheral buffer yards may not be located on any portion of an existing or dedicated public or private street or right-of-way.

(4) Required buffer yard plantings may be planted in natural appearing groupings along the total length of the buffer yard and need not be spaced uniformly along the total buffer yard length.

(B) Plant Materials:

(1) For each buffer yard listed, a specific combination of deciduous canopy, shade, and understory trees; evergreen trees; and shrubs is required as indicated in § 159-7.702 of this part.

(2) All buffer yard areas must be seeded with lawn or native ground cover unless vegetation is already fully established.

(C) Height Of Required Vegetation: Height of vegetation selected for required buffer yards will be measured from the highest finished adjacent grade of the element to be screened.

(D) Berming: Earthen berms must be designed to transition to existing grades, not to exceed a slope ratio of 2:1, and must be covered with plant material, ground cover, or partially riprapped to prevent erosion. Berms with vegetative cover must be designed to retain irrigation water rather than encourage runoff. All earthen berms must be safely designed in order to accommodate mowing when needed.

(E) Calculation Of Buffer Yard Requirements:

(1) Buffer yard requirements are calculated using the standards listed in this § 159-7.700 for peripheral buffer yards and for street buffer yards as specified in § 159-7.707, table 159-7.707 of this part.

- (2) Buffer yard standards listed in this § 159-7.700 are to be calculated for every 100 linear feet of peripheral lot line boundary and/or street frontage present on a given lot.
- (3) In instances where the zoning district boundary and/or street frontage is less than 100 feet, the required buffer yard planting is 1 plant unit (see § 159-7.702, table 159-7.702 of this part).
- (4) To determine the type of buffer yard required on a parcel, between 2 parcels or lots, or between a parcel or lot and a street, the following procedures will be used.
- (a) *Procedures For Determining Minimum Required Peripheral Buffer Yards.*
1. Identify whether any portion or property line of the parcel or lot coincides with a zoning district boundary. If it does, determine the abutting zoning districts on both sides of the property line.
  2. Refer to § 159-7.707, table 159-7.707 of this part to determine the required buffer yard intensity factor needed to be achieved between the 2 zoning districts.
  3. Based upon the buffer yard intensity factor required, refer to § 159-7.707, table 159-7.707 of this part to select the minimum number of plant materials (per 100 feet of buffer yard length), the buffer yard width, and required structure type combination by selecting the desired alternative buffer yard type.
  4. Calculate the actual number of plants required by selecting the minimum number of plant materials (per 100 feet of buffer yard length) from the alternatives indicated in § 159-7.709, table 159-7.709 of this part and multiply by the hundreds of feet of buffer yard to be planted.
  5. Review §§ 159-7.703 and 159-7.704 of this part for responsibility for installation of peripheral buffer yards.
- (b) *Street Buffer Yards.*
1. Refer to § 159-7.708, table 159-7.708 of this part to determine the required buffer yard intensity factor.
  2. Follow the calculation and procedures outlined in division (E)(4)(a) of this section.

(Ord. 17-2-2065, passed 2-27-2017)

#### § 159-7.706 LIMITATIONS ON BUFFER YARD USE.

A buffer yard may be used for passive recreation. It may contain pedestrian, bike, or equestrian trails provided that:

- (A) No plant material is eliminated;
- (B) The total width of the buffer yard is maintained; and
- (C) All other regulations of this chapter are met.

In no event, however, may swimming pools, decks, drives, curbing, stormwater detention/retention ponds, tennis courts, sports fields, golf courses, parking lots, or other such uses be permitted in buffer yards.

(Ord. 17-2-2065, passed 2-27-2017)

#### § 159-7.707 TABLE OF REQUIRED PERIPHERAL BUFFER YARDS BETWEEN ZONING DISTRICTS.

The minimum required buffer yard intensity factor for peripheral buffer yards between zoning districts in table 159-7.707 of this section refers to the buffer yard width and plant unit standards of § 159-7.709, table 159-7.709 of this part. Peripheral buffer yards are required between adjacent zoning districts. The abbreviations used in table 159-7.707 of this section represent the zoning district designations used throughout this chapter.

TABLE 159-7.707

#### MINIMUM REQUIRED BUFFER YARD INTENSITY FACTOR LEVELS OF PERIPHERAL BUFFER YARDS BETWEEN ZONING DISTRICTS

	E	SE	S	R-1 1	R-2	R-3/R-4	NB	CB/CBR- 2	PBC	O	BK	M	I	RO
	E	SE	S	R-1 1	R-2	R-3/R-4	NB	CB/CBR- 2	PBC	O	BK	M	I	RO
E	0													
SE	0	0												
S	0	0	0											
R-1 <sup>1</sup>	0	0	0	0										
R-2	2	2	2	1	0									
R-3/R-4	2	2	2	2	1	0								
NB	3	3	3	3	3	3	0							
CB/CBR-2	3	3	3	3	3	3	0	0						
PBC	4	4	4	4	4	3	4	0	0					
O	3	3	3	3	3	3	2	2	2	0				
BK	3	3	3	3	3	3	2	2	2	1	0			
M	5	5	5	5	5	5	3	2	2	5	5	0		
I	3	3	3	3	3	3	2	2	2	0	0	5	0	
RO	3	3	3	3	3	3	2	2	2	0	0	5	2	0
	E	SE	S	R- 1	R-2	R-3/R- 4	NB	CB/CBR- 2	PBC	O	BK	M	I	RO

Note:

1. Buffer yards are to be provided on the land of the adjacent zoning district and not in the R-1 District.

Key:

- 0 = No buffer yard is required. All applicable zoning district setbacks are required.
- 1 = Buffer Yard Intensity Factor 1 (see § 159-7.709, table 159-7.709 of this part).
- 2 = Buffer Yard Intensity Factor 2 (see § 159-7.709, table 159-7.709 of this part).
- 3 = Buffer Yard Intensity Factor 3 (see § 159-7.709, table 159-7.709 of this part).
- 4 = Buffer Yard Intensity Factor 4 (see § 159-7.709, table 159-7.709 of this part).
- 5 = Buffer Yard Intensity Factor 5 (see § 159-7.709, table 159-7.709 of this part).

(Ord. 17-2-2065, passed 2-27-2017)

#### § 159-7.708 TABLE OF REQUIRED STREET BUFFER YARDS IN ALL ZONING DISTRICTS.

The numbers given in table 159-7.708 of this section refer to the various buffer yard intensity levels described in § 159-7.709, table 159-7.709 of this part. Any combination of vegetation, structures, and width set forth in § 159-7.709, table 159-7.709 of this part may be selected provided the required buffer yard intensity level is met as required by § 159-7.707, table 159-7.707 of this part. The abbreviations used in table 159-7.708 of this section represent the Village zoning district designations used throughout this chapter.



TABLE 159-7.708

## STREET BUFFER YARDS

## MINIMUM REQUIRED BUFFER YARD INTENSITY FACTOR LEVELS

Zoning District	Arterial Street <sup>2</sup>	Collector Street <sup>2</sup>	Residential Minor Street <sup>3</sup>
Zoning District	Arterial Street <sup>2</sup>	Collector Street <sup>2</sup>	Residential Minor Street <sup>3</sup>
E	2	1	None <sup>1</sup>
SE	2	1	None <sup>1</sup>
S	3	2	None <sup>1</sup>
R-1	3	2	None <sup>1</sup>
R-2	4	3	None <sup>1</sup>
R-3	4	3	None <sup>1</sup>
R-4	4	3	None <sup>1</sup>
NB	3	2	3
CB and CBR-2	3	2	3
PBC	3	2	3
O	3	2	3
BK	4	3	4
M	3	2	3
I	3	2	3
RO	3	2	1

## Notes:

1. Street trees required at time of platting as required under the Village subdivision ordinance.
2. Street trees required at time of platting as required under the Village subdivision ordinance is in addition to any required arterial and collector street buffer yards.
3. See definition of minor street in § 159-9.200 of this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.709 MINIMUM REQUIRED BUFFER YARD WIDTH AND PLANT MATERIAL STANDARDS.**

Table 159-7.709 of this section sets forth the minimum buffer yard width and plant material standards required for achieving required buffer yard intensity levels and is designed so as to allow for choice from a variety of alternative buffer yard widths and general landscape plant material types in order to meet the required buffer yard intensity levels required elsewhere in this § 159-7.700.

TABLE 159-7.709

## BUFFER YARD PLANT MATERIAL STANDARDS

Buffer Yard Alternatives	Type Of Plants Required <sup>1</sup>	Minimum Quantity Of Each Plant Type Required Per 100' Of Buffer Yard Length	Minimum Required Buffer Yard Width	Minimum Structure Type (If Required)
Buffer Yard Alternatives	Type Of Plants Required <sup>1</sup>	Minimum Quantity Of Each Plant Type Required Per 100' Of Buffer Yard Length	Minimum Required Buffer Yard Width	Minimum Structure Type (If Required)
Type 1A	Canopy/shade trees	0.7	5'	None
	Understory trees	1.4		
	Shrubs	5.6		
Type 1B	Canopy/shade trees	0.6	10'	None
	Understory trees	0.6		
	Evergreen trees	0.6		
	Shrubs	3.6		
Type 1C	Canopy/shade trees	0.5	15'	None
	Evergreen trees	0.9		
	Shrubs	2.3		
Type 1D	Evergreen trees	1.1	20'	None
	Evergreen shrubs	4.9		
Type 1E	Canopy trees	0.5	25'	None
	Shrubs	2.5		
Type 2A	Canopy/shade trees	1.7	15'	2' berm
	Understory trees	3.4		
	Shrubs	13.6		
Type 2B	Canopy/shade trees	2.3	20'	None
	Understory trees	2.3		
	Evergreen trees	2.3		
	Shrubs	13.5		
Type 2C	Canopy/shade trees	2.1	25'	None
	Evergreen trees	4.2		

	Shrubs	10.5		
Type 2D	Evergreen trees	5.9	30'	None
	Evergreen shrubs	27.3		
Type 2E	Canopy trees	2.2	30'	3' berm
	Shrubs	11.0		
Type 3A	Canopy/shade trees	2.3	20'	3' berm
	Understory trees	4.6		
	Shrubs	18.4		
Type 3B	Canopy/shade trees	3.4	20'	None
	Understory trees	3.4		
	Evergreen trees	3.4		
	Shrubs	20.4		
Type 3C	Canopy/shade trees	3.2	25'	None
	Evergreen trees	6.4		
	Shrubs	16.0		
Type 3D	Evergreen trees	9.2	30'	None
	Evergreen shrubs	42.7		
Type 3E	Canopy trees	5.8	35'	None
	Shrubs	29.0		
Type 4A	Canopy/shade trees	3.0	25'	4' berm
	Understory trees	6.0		
	Shrubs	24.0		
Type 4B	Canopy/shade trees	3.7	25'	2' berm
	Understory trees	3.7		
	Evergreen trees	3.7		
	Shrubs	22.2		
Type 4C	Canopy/shade trees	4.3	30'	None
	Evergreen trees	8.5		
	Shrubs	21.3		
Type 4D	Evergreen trees	12.3	35'	None
	Evergreen shrubs	57.4		
Type 4E	Canopy trees	7.9	40'	None
Type 5A	Canopy/shade trees	4.1	25'	4' berm
	Understory trees	8.2		
	Shrubs	32.8		
Type 5B	Canopy/shade trees	4.8	30'	2' berm
	Understory trees	4.8		
	Evergreen trees	4.8		
	Shrubs	28.5		
Type 5C	Canopy/shade trees	5.3	35'	None
	Evergreen trees	10.6		
	Shrubs	26.5		
Type 5D	Evergreen trees	15.6	40'	None
	Evergreen shrubs	72.8		
Type 5E	Canopy trees	9.0	40'	None
	Shrubs	45.0		

Note:

1. See division 159-7.712(B), table 159-7.712(B) of this part for minimum required plant material sizes.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.710 MINIMUM LANDSCAPING STANDARDS FOR OFF STREET PARKING AREAS AND LOTS.**

(A) Minimum Landscaping Requirements For Residential And Nonresidential Off Street Parking Areas And Lots: Each residential and nonresidential off street parking lot must contain a minimum amount of landscaping within the parking lots and adjoining entrance drives and circulation drives as set forth in table 159-7.710(A) of this division. A specified number of landscape plant units must be planted per 24 parking spaces or fraction thereof as set forth in table 159-7.710(A) of this division. Where the resulting number of required plant units is expressed in a fraction, the required number of landscape plant units will be rounded to the next highest whole number.

**TABLE 159-7.710(A)**

**MINIMUM LANDSCAPED AREA REQUIRED FOR OFF STREET PARKING SPACES**

Zoning District And Type Of Use	Minimum Landscape Area Required Within The Off Street Parking Area Per 24 Required Off Street Parking Spaces Or Fraction Thereof	Minimum Number Of Plant Units <sup>1</sup> Required To Be Planted Within Required Off Street Parking Landscape Areas Per 24 Required Off Street Parking Spaces Or Fraction Thereof
Zoning District And Type Of Use	Minimum Landscape Area Required Within The Off Street Parking Area Per 24 Required Off Street Parking Spaces Or Fraction Thereof	Minimum Number Of Plant Units <sup>1</sup> Required To Be Planted Within Required Off Street Parking Landscape Areas Per 24 Required Off Street Parking Spaces Or Fraction Thereof
All zoning districts:		
All agricultural uses	None	None
All zoning districts (except as otherwise noted below):		
All residential uses (with 0 to 5 off street parking spaces)	None	None
All residential uses (with more than 5 off street parking spaces)	720 sq. ft.	2 plant units
All other uses	720 sq. ft.	2.5 plant units
Other specified zoning districts:		
All uses in the O and I Districts	900 sq. ft.	2.5 plant units
All uses in the CBR-2 District	700 sq. ft. <sup>2</sup>	22 caliper canopy/shade trees (3 in. cal.); 4 caliper understory trees (2 in. cal.); 16 shrubs (18 in. tall)
All uses in the BK District	900 sq. ft.	3 plant units

Notes:

1. See § 159-7.702, table 159-7.702 of this part.
2. Per 20 required off street parking spaces.

(B) Existing Vegetation: Existing trees that can be preserved, where grading does not cut them off from a reasonable supply of water and where the area under the canopy remains undisturbed, may count towards the plant requirements by measuring the area of the island. The minimum size of such an island is 300 square feet. Table 159-7.710(A) of this section specifies the minimum area requirements per 24 required off street parking spaces or fraction thereof.

(C) Curbs, Barriers, And Overhangs: The curb or barrier around landscape areas may be utilized as a wheel stop provided the area of vehicle overhang does not exceed 2 feet and does not damage or interfere with the landscaping. Where vehicle overhangs abut required landscape areas, a minimum 5 foot wide planting area is required for a single vehicle overhang and an 8 foot wide planting area for a double vehicle overhang. Vehicle overhang into the public right-of-way is not permitted. The landscaped area within these planters may be used to satisfy, to the extent provided, the landscaping requirements.

(D) Uses Not Permitted In Required Landscaped Areas: Parking (except where vehicle overhang is permitted), buildings, and display of equipment or vehicles are not permitted in required landscaped areas.

(E) Required Landscape Materials Not To Constitute A Driving Hazard: To ensure that landscape materials do not constitute a driving hazard:

- (1) Trees used to landscape parking islands must have a clear trunk height of 6 feet; and
- (2) Mature shrubs, ground cover, or other landscaping material must not exceed 3 feet in height.

(Ord. 17-2-2065, passed 2-27-2017)

#### § 159-7.711 MINIMUM LANDSCAPING STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL ZONING DISTRICT PARCELS AND LOTS.

(A) Minimum On Site Landscaping Required: Each residential and nonresidential zoning district or lot in a new development must contain a minimum amount of landscaping in areas not designated as off street parking under the provisions of this chapter. For each acre of land not occupied by buildings, off street parking areas, drives, or buffer yards, the number of "type B" plant units as described in § 159-7.702, table 159-7.702 of this part must be planted. In the case of residential buildings, the requirement will be for every parcel, lot, or dwelling unit, whichever results in a greater amount of plant materials.

(B) Deed Restricted Open Space And Undisturbed Resource Protection Areas Excluded: No area that is undisturbed and designated as "open space" required under the open space or natural resource protection provisions of this chapter, other deed restricted open space meeting open space ratio (OSR) requirements of this chapter, or is designated as an undisturbed resource protection area and protected by deed restrictions, may be included in the calculation of the area to be planted.

(C) Minimum Required On Site Landscaping: For residential and all nonresidential zoning district parcels and lots, the minimum amount of on site landscaping set forth in table 159-7.711 of this section must be provided in addition to all other required buffer yard landscaping and off street parking landscaping.

(D) Foundation Planting In CBR-2 District: Building foundation landscaping for all building frontages facing dedicated public streets, customer off street parking lots, or residential zoning district is required. Building foundation landscaping must be placed in a landscape bed no less than 7 feet in width along the facade of the building.

**TABLE 159-7.711**

#### **MINIMUM REQUIRED PLANT UNITS FOR RESIDENTIAL AND NONRESIDENTIAL ZONING DISTRICT PARCELS AND LOTS**

Zoning District Or Type Of Use	Minimum Number Of Plant Units <sup>1</sup> Required To Be Planted On Site <sup>2</sup>
Zoning District Or Type Of Use	Minimum Number Of Plant Units <sup>1</sup> Required To Be Planted On Site <sup>2</sup>
R-2, R-3, R-4 Districts and residential planned unit developments:	
Agricultural uses	None
Single-family residential	1 per lot or dwelling unit
2-family and multiple-family residential	6 per acre
All other uses	6 per acre
NB, CB, PBC, O, I Districts:	
Agricultural uses	None
All other uses	6 per acre
BK District:	
Agricultural uses	None

All other uses	8 per acre
CBR-2 District	4 canopy/shade trees per acre
	4 understory trees per acre
	4 coniferous trees per acre
	24 shrubs per acre
All other zoning districts (excluding the R-1 District):	
Agricultural uses	None
All other uses	4 per acre

Notes:

1. See § 159-7.702, table 159-7.702 of this part.
  2. Not applicable when the minimum landscape surface ratio (LSR) requirements are lowered due to mitigation, as provided in § 159-7.714 of this part, allowed by the Village. When mitigation is allowed by the Village, the minimum plant unit requirements set forth in § 159-7.714, table 159-7.714 of this part are applicable.
- (Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.712 MINIMUM PLANT MATERIAL STANDARDS.**

(A) General Plant Material Standards: All new landscape plant material must be grown in a nursery located in plant hardiness Zone 4. All plant material must meet general industry standards at the time of installation.

(B) Plant Material Minimum Size Standards: All required new landscape plant material must be, at the time of installation, those minimum sizes as set forth in table 159-7.712(B) of this division.

**TABLE 159-7.712(B)**

**MINIMUM SIZE STANDARDS FOR REQUIRED PLANT MATERIALS**

Plant Material Type	Planting In Buffer Yards Abutting A Vacant Parcel	All Other Buffer Yard Plantings	All Other Plantings
Single stem canopy trees	1.5 inch caliper	3 inch caliper	2 - 2.5 inch caliper
Multistem clump canopy trees	6 feet tall	12 feet tall	8 feet tall
Coniferous trees	4 feet tall	6 feet tall	4 - 6 feet tall
Understory trees	4 feet tall	1.5 inch caliper	1.5 inch caliper
Shrubs	15 inches tall	2 feet tall	2 feet tall

(C) Plant Material Substitution: Required landscape plant material types may be substituted for other types based upon the requirements of table 159-7.712(C) of this division.

**TABLE 159-7.712(C)**

**SUBSTITUTION SCHEDULE FOR REQUIRED PLANT MATERIALS**

Required Plant Material Type	Acceptable Substitutions
Required Plant Material Type	Acceptable Substitutions
1 canopy tree Single stem; Multistem clump	2 understory trees 2 inch caliper each, or
	2 coniferous trees 6 feet in height each, or
	1 understory tree 2 inch caliper each, plus 1 coniferous tree 6 feet in height each
1 coniferous tree	1 understory tree 1.5 inch caliper each
1 understory tree	1 coniferous tree 6 feet in height each
1 shrub	1 understory tree 1.5 inch caliper each, or
	1 coniferous tree 4 feet in height each

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.713 LANDSCAPE CONSTRUCTION PERFORMANCE SURETY REQUIRED.**

Landscape construction sureties may be required.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.714 MITIGATION OF MINIMUM REQUIRED LANDSCAPE SURFACE RATIO (LSR) IN NONRESIDENTIAL DISTRICTS.**

The Village recognizes that the use of the landscape surface ratio (LSR) standards for the provision of adequately landscaped open space in nonresidential areas as set forth in this chapter may not always lead to good design and, under some circumstances, may be difficult to achieve. This section addresses landscape mitigation measures which may be allowed by the Village.

(A) Mitigation Of Required Buffer Yards And Off Street Parking Landscaping Permitted: The mitigation of the dimensional requirements, structural requirements, and/or landscape plant unit and/or material requirements of required peripheral or street buffer yards is allowed. Landscape surface ratio (LSR) mitigation are only allowed for required on site landscaping as required in table 159-7.714 of this section.

(B) Maximum Allowable Reduction Of The Landscape Surface Ratio (LSR) Through Mitigation Measures: The maximum allowable reduction of the landscape surface ratio (LSR) through mitigation measures may not fall below those landscape surface ratios (LSRs) set forth in table 159-7.714 of this section. In no case may reductions in landscape surface ratios (LSRs) supersede the natural resource protection standards set forth in this chapter or allow for increases in either the maximum gross floor area ratio (GFAR) or net floor area ratio (NFAR) set forth in the various zoning district requirements of this chapter.

**TABLE 159-7.714**

**MAXIMUM ALLOWABLE MITIGATION OF LANDSCAPE SURFACE**

**RATIO (LSR) REQUIREMENTS IN NONRESIDENTIAL ZONING DISTRICTS**

Nonresidential Zoning District	Required Landscape Surface Ratio (LSR)	Alternative Landscape Surface Ratio (LSR) With Mitigation	Minimum Number Of Plant Units <sup>1</sup> Required To Be Planted On Site Under LSR Mitigation Requirements
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Nonresidential Zoning District	Required Landscape Surface Ratio (LSR)	Alternative Landscape Surface Ratio (LSR) With Mitigation	Minimum Number Of Plant Units <sup>1</sup> Required To Be Planted On Site Under LSR Mitigation Requirements
NB	0.30	0.25	7 per acre
CB/CBR-2	0.25	0.20	7 per acre
PBC	0.30	0.25	7.5 per acre
O	0.30	0.25	7 per acre
BK	0.35	0.30	9 per acre
M	0.25	0.20	5 per acre
I	0.40	0.30	7.5 per acre

Note:

- See § 159-7.702, table 159-7.702 of this part.

(Ord. 17-2-2065, passed 2-27-2017)

#### § 159-7.800 LIGHTING.

##### § 159-7.801 EXTERIOR LIGHTING STANDARDS.

Exterior lighting must meet 1 of the following standards:

(A) Requirements For The Use Of No Cutoff Type Luminaires: When a light source or luminaire has no cutoff type luminaire, the maximum permitted illumination and the maximum permitted luminaire height is set forth in table 159-7.801(A) of this division.

TABLE 159-7.801(A)

#### REQUIREMENTS FOR THE USE OF NO CUTOFF TYPE LUMINAIRES<sup>1</sup>

Zoning District	Maximum Permitted Illumination <sup>1</sup> (Foot-Candles)	Maximum Permitted Luminaire Height
E, SE, S, and R-1 Residential Districts	0.20	10 feet
R-2, R-3 and R-4 Residential Districts	0.30	15 feet
NB, O, and I Nonresidential Districts	0.30	20 feet
All other districts	0.30 <sup>2</sup>	20 feet <sup>2</sup>
Village required streetlights in all districts	Per Village requirements and specifications	Per Village requirements and specifications

Notes:

1. These standards do not address illumination levels or fixture height which may be required by the Village for the adequate lighting of public street rights-of-way. These represent maximum illumination levels on private property.

- See § 159-7.803 of this part for lighting standards for outdoor recreational facilities in the RO Recreation and Open Space District.

(B) Requirements For Total Cutoff Type Luminaires (With Angle Less Than 90 Degrees): When a luminaire has total cutoff of light at an angle less than 90 degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer 5 feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire is set forth in table 159-7.801(B) of this division. Figure 159-7.801(B) of this division illustrates a total cutoff type luminaire with angles less than 90 degrees.

FIGURE 159-7.801(B)

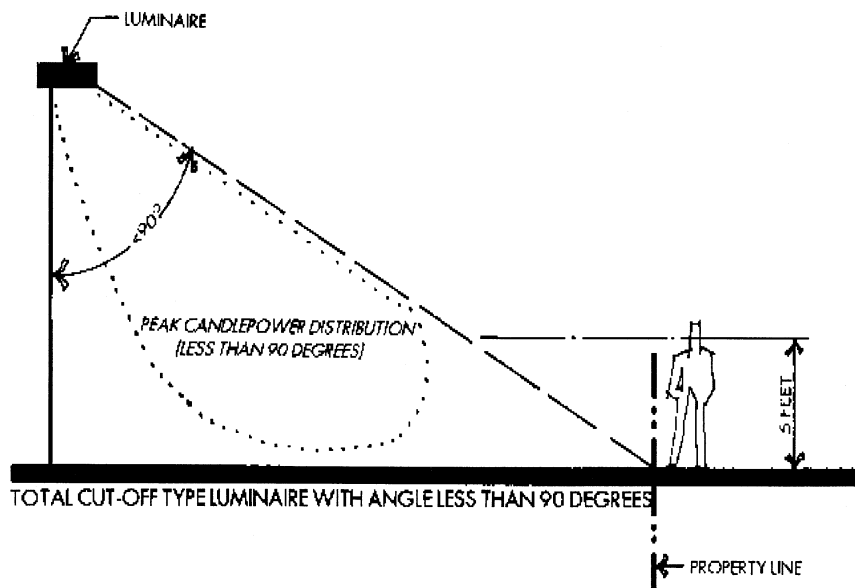


TABLE 159-7.801(B)

#### REQUIREMENTS FOR THE USE OF CUTOFF TYPE LUMINAIRES WITH ANGLE LESS THAN 90 DEGREES<sup>1</sup>

Zoning District	Maximum Permitted Illumination <sup>1</sup> (Foot-Candles)	Maximum Permitted Luminaire Height
-----------------	--	------------------------------------

E, SE, S, and R-1 Residential Districts	0.8	15 feet
R-2, R-3, and R-4 Residential Districts	1.0	20 feet
NB, CB, CBR-2, O, and I Nonresidential Districts	2.0	20 feet
BK and PBC District	3.0	20 feet
All other districts	4.0 <sup>2</sup>	20 feet <sup>2</sup>
Village required streetlights in all districts	Per Village requirements and specifications	Per Village requirements and specifications

Notes:

1. These standards do not address illumination levels or fixture height which may be required by the Village for the adequate lighting of public street rights-of-way. These represent maximum illumination levels on private property.

2. See § 159-7.803 of this part for lighting standards for outdoor recreational facilities in the RO Recreation and Open Space District.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.802 EXTERIOR LIGHTING PLAN REQUIRED.**

A lighting plan must be submitted, where required by § 159-2.315 of this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.803 EXTERIOR LIGHTING FOR SPECIFIED OUTDOOR RECREATIONAL USES.**

Ball diamonds, playing fields, golf driving ranges, tennis courts, and similar outdoor recreational facilities have unique requirements for nighttime visibility and generally have limited hours of operation. These uses may be exempted from the exterior lighting standards of this section if the applicant can satisfy the Village, upon site plan review, that the following requirements are met:

- (A) Site Plan: The site plan must meet all other requirements of this chapter; and
- (B) Exterior Light Sources: Exterior light sources may not exceed the maximum permitted post height of 50 feet; and
- (C) Shielded Luminaires: If the luminaire is shielded in either its orientation or by a landscaped buffer yard to prevent light and glare spillover to adjacent residential properties or residential zoning districts, then the luminaire may exceed a total cutoff angle of 90 degrees. The maximum permitted illumination at the interior buffer yard line of all required buffer yards may not exceed 2 foot-candles; and
- (D) Lighting Plan Required: A lighting plan meeting the requirements of § 159-2.315 of this chapter must be submitted to the Village for review and approval.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.804 STREET LIGHTING.**

Street lighting must conform to the standards set forth by the State of Illinois for State highways, Lake County for County highways, and the Village for Village streets and highways.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.805 ADDITIONAL REGULATIONS.**

Notwithstanding any other provision of this section to the contrary, the following provisions will also be applicable:

- (A) No flickering or flashing lights are permitted.
- (B) Light sources or luminaires may not be located within required buffer yard areas except on pedestrian walkways.
- (C) The provisions of this section are designed to supplement other applicable ordinances and codes and not as a substitute. All outdoor electrically powered illuminating devices must be installed in conformance with the provisions of this chapter, applicable building codes and ordinances, electrical codes and ordinances, and all other codes and ordinances as applicable and under appropriate permit and inspection.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-7.806 LIGHT MEASUREMENT.**

(A) Metering Equipment: Lighting levels will be measured in foot-candles with a direct reading, portable light meter. The meter will be read within an accuracy of plus or minus 5%. It must have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within 30 days of its use.

(B) Method Of Measurement: The meter sensor must be mounted not more than 6 inches above ground level in a horizontal position at the interior line of the buffer yard or at the property line, as required herein. Readings will be taken only after the cell has been exposed long enough to provide a constant reading. In order to eliminate the effects of moonlight and other ambient light, measurements shall be made after dark with the light source in question on, then with the same sources off. The average of the 2 readings will be compared to the maximum permitted illumination allowed under this § 159-7.800.

(Ord. 17-2-2065, passed 2-27-2017)

## PART 8: NONCONFORMITIES

**§ 159-8.100 NONCONFORMITIES.**

**§ 159-8.101 GENERAL PROVISIONS.**

(A) Purposes: This part regulates and limits the continued existence of uses, structures, and lots established prior to the effective date of this chapter that do not conform to the regulations of this chapter applicable in the zoning districts in which such uses, structures, and lots are located.

The zoning districts established by this chapter are designed to guide the future use of land within the Village by encouraging the development or maintenance of desirable residential, commercial, office, and industrial areas with appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such districts are established and thus the gradual elimination of such nonconformities is generally desirable.

(B) General Scope And Scheme Of Regulation: Separate restrictions are established for nonconforming uses of land and nonconforming uses of structures designed for a permitted use (§ 159-8.102 of this part), nonconforming uses of structures not designed for a permitted use (§ 159-8.103 of this part), nonconforming structures (§ 159-8.103 of this part), and nonconforming lots of record (§ 159-8.104 of this part). 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. Pursuant to § 159-2.309 of this chapter, provision is made for relief from some of the restrictions of this part when practical difficulties or a particular hardship exist.

In the cases of nonconforming uses of land and nonconforming uses in structures designed for a permitted use, 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 these cases, while eventual elimination is required, a more extended period is allowed in which to amortize the investment. While the regulations of this part related to all other nonconformities allow such nonconformities to continue without specific limitation of time, they restrict further investments that would make more permanent their location in inappropriate districts.

(C) Exception For Repairs Pursuant To Public Order: Nothing in this part will 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 part prohibiting the repair or restoration of partially damaged or destroyed structures.

(D) Nonconforming Accessory Uses And Structures: No use or structure that is accessory to a principal nonconforming use or structure may continue after the principal use or structure has been terminated, unless it thereafter conforms to all the regulations of the zoning district in which it is located.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-8.102 NONCONFORMING USES.**

- (A) Authority To Continue: Except as provided in division (H) of this section, any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in divisions (B) through (G) of this section and in division 159-8.101(D) of this part.
- (B) Ordinary Repair And Maintenance: Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing, may be performed on any structure containing a nonconforming use.
- (C) No Structural Alteration: No structural alteration may be made in a building or other structure containing a nonconforming use, except in the following situations:
- (1) When the alteration is required by law.
  - (2) When the alteration will actually result in elimination of the nonconforming use.
  - (3) When a building is in a residential zoning district containing residential nonconforming uses, the building may be altered in any way to improve livability, provided no structural alterations are made which would increase the number of dwelling units or the bulk of the building.
- (D) Extension Of Use: A nonconforming use may not be extended, expanded, enlarged, or increased in intensity. Prohibited activity includes, without being limited to:
- (1) An extension of the use, including its accessory uses, to any structure or land area other than that occupied by the nonconforming use on the effective date of this chapter or any amendment that causes the use to become nonconforming; and
  - (2) An extension of the 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 chapter or any amendment that causes the use to become nonconforming; and
  - (3) An extension of the hours of operation of the use beyond the normal hours of operation on the effective date of this chapter or any amendment hereto that causes the use to become nonconforming.
- (E) Moving: No structure containing a nonconforming use may 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 thereafter conforms to all regulations of the zoning district in which it is located after being moved. No nonconforming use of land may be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the use thereafter conforms to all regulations of the zoning district in which it is located after being so moved.
- (F) Change In Use: A nonconforming use may not be changed to any use other than a use permitted in the zoning district in which the use or structure is located. When a nonconforming use has been changed to a permitted use, it may not be changed back to any nonpermitted use. For purposes of this division, a use will be deemed to have been changed when an existing nonconforming use has been terminated and a permitted use has commenced and continued for a period of 5 days. Any change of use in violation of this division will be deemed to be an abandonment of the lawfully existing nonconforming use.
- (G) Damage Or Destruction:

- (1) When any structure is damaged or destroyed by any means not within the control of the owner to the extent of not more than 50% of the cost of replacement of the structure new, repair or restoration of the structure may be made and the nonconforming use may continue subject to the regulations of this section. However, no repairs or restorations may be made that would create any new parking, bulk, yard, or space nonconformity or increase the degree of any parking, bulk, yard, or space nonconformity existing prior to the damage or destruction, nor may any repairs or restoration be made except in conformity with the applicable zoning district regulations unless restoration is actually begun within 1 year after the date of the partial damage or destruction and is diligently pursued to completion.
  - (2) When any structure is damaged or destroyed, by any means, to the extent of more than 50% of the cost of replacement of the structure new or where a structure is damaged or destroyed by means within the control of the owner, the structure may not be restored unless the use of the structure thereafter conforms to the use regulations of the zoning district in which it is located and unless the restoration is accomplished without creating any new parking, bulk, yard, or space nonconformity or increasing the degree of any parking, bulk, yard, or space nonconformity existing prior to the damage or destruction.
- (H) Termination By Abandonment: When a nonconforming use is discontinued or abandoned for a period of 6 consecutive months, regardless of any intent to resume or not to abandon the use, the use may not thereafter be reestablished or resumed. Any subsequent use or occupancy of the land or structure must comply with the use regulations of the zoning district in which the land or structure is located.

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

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-8.103 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 this part.
- (B) Repair, Maintenance, Alterations, And Enlargement: Any nonconforming structure may be repaired, maintained, altered, or enlarged; provided, however, that no repair, maintenance, alteration, or enlargement may either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of the structure.
- (C) Moving: No nonconforming structure may 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 thereafter conforms to the regulations of the zoning district in which it is located after being so moved.
- (D) Damage Or Destruction:
- (1) *Not Within The Control Of The Owner.* Any nonconforming structure that is damaged or destroyed, by any means not within the control of the owner, to any extent, may be repaired, restored, or replaced; provided, however, that no repair, restoration, or replacement may be made that would create any new nonconformity not existing prior to such damage or destruction nor shall any repair, restoration, or replacement except in conformity with the applicable district regulations be made unless the repair, restoration, or replacement is actually begun within 1 year after the date of such damage or destruction and is diligently pursued to completion.
  - (2) *Within The Control Of The Owner.* In no event may any damage or destruction to a nonconforming structure by means within the control of the owner be repaired, restored, or replaced except in accordance with division (B) of this section; provided, however, that a nonconforming structure that is damaged or destroyed by means within the control of the owner may be repaired, restored, or replaced in the following circumstances:
    - (a) If damaged or destroyed to the extent of 50% or less of the gross floor area of the structure, the repair, restoration, or replacement may not create any new nonconformity not existing prior to the damage or destruction; or
    - (b) If damaged or destroyed to the extent of more than 50% of the gross floor area of the structure, the nonconforming structure may only be repaired, restored, or replaced in conformity with all applicable district regulations except for lot area.

(Ord. 17-2-2065, passed 2-27-2017)

#### **§ 159-8.104 LEGAL NONCONFORMING LOTS OF RECORD.**

- (A) Definition: A **LEGAL NONCONFORMING LOT OF RECORD** is a lot that:
- (1) 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
  - (2) Has remained in separate or individual ownership from such adjoining tracts of land continuously during the entire time since such lot became nonconforming by reason of this chapter or any predecessor zoning or other ordinance or regulation. For purposes of this section, a lot shall not be deemed to have been owned separately or individually unless the owner of such lot did not, directly or indirectly, have legal title to or a beneficial interest in the adjoining tracts of land at any relevant time.
- (B) Authority To Use: 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, as follows:
- (1) *Residential Substandard Lots.* A lot located in a residential district that does not contain sufficient area to conform to the dimensional requirements of this chapter, but is at least 50 feet wide and 6,000 square feet in area, may be used as a single building site provided that:
    - (a) The use is permitted in the zoning district.
    - (b) The lot is a lot of record in the Lake County Recorder of Deeds Office prior to the effective date of this chapter (February 27, 2017).
  - (2) *Nonresidential Substandard Lots.* A lot located in a nonresidential zoning district that does not contain sufficient area to conform to the dimensional requirements of this chapter may be used as a building site provided that the lot is a lot of record in the Lake County Recorder of Deeds Office prior to the effective date of this chapter (February 27, 2017).

(3) *Setback And Yard Requirements.* Substandard lots granted permits under this chapter are required to meet the setback and other yard requirements of this chapter. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated in division (A) of this section will be issued only after a variance is granted.

(C) *Contiguous Nonconforming Lots:* Where 2 or more lots of record or combination of lots and portions of lots of record with continuous frontage are developed as a single zoning lot under single ownership or unified control, are of record at the time of passage or amendment of this chapter, and where all or part of the lots do not meet the requirements established for lot widths and area, the lots involved shall be considered to be a single zoning lot for the purpose of this chapter. No portion of the zoning lot shall be used or sold which would diminish compliance with the lot width and area requirements established by this chapter for the district in which the lots are located, and no building permit shall be issued for development on any such nonconforming lot.

(Ord. 17-2-2065, passed 2-27-2017)

## PART 9: INTERPRETATIONS AND DEFINITIONS

### § 159-9.100 APPLICABILITY AND INTERPRETATION.

#### § 159-9.101 GENERAL SCOPE.

(A) *Territorial Application:* This chapter applies to all land, structures, and uses within the corporate limits of the Village of Lindenhurst, except as specifically exempted by law.

(B) *General Application:* All structures erected, all uses of land or structures established, all structural alterations or relocations of existing structures occurring, and all enlargements and extensions of, additions to, changes in, and relocations of existing uses occurring after the effective date of this chapter will be subject to all regulations of this chapter applicable to the zoning districts in which the land, structures, or uses are located. Existing structures and uses that do not comply with the regulations of this chapter will be subject to the provisions of part 8 of this chapter relating to nonconformities.

(C) *General Prohibition:* No structure, no use of any structure or land, and no lot of record or zoning lot, now or existing after the effective date of this chapter, may be established, enlarged, extended, altered, moved, divided, or maintained in any manner, except as authorized by the provisions of this chapter and except in compliance with the regulations of this chapter and all applicable Federal, State, County, and local laws, regulations, rules, and policies. Without limiting the foregoing, any activity that would cause any existing structure not to comply with this chapter or that would create any lot that could not be developed in compliance with this chapter is prohibited.

(D) *Private Agreements:* This chapter 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 chapter are more restrictive or impose higher standards or requirements than the platted building line, easement, covenant, or other private agreement or legal relationship, the regulations of this chapter will govern.

(E) *Existing Unlawful Uses:* Any use that was unlawful at the time of the adoption of this chapter that is in conflict with the requirements of this chapter remains unlawful.

(F) *Government Agencies Regulated:* Unless specifically exempted by law or division (G) of this section, all municipalities, townships, counties, park districts, school districts, library districts, and other local government entities are required to comply with this chapter and obtain all required permits. State and Federal agencies are required to comply as applicable.

(G) *Exemption:* Notwithstanding any other provision of this chapter to the contrary, all Village uses, buildings, structures, and facilities will be permitted by-right in all zoning districts in the Village, currently existing and hereafter created, and such Village uses, buildings, structures, and facilities will be exempt from the otherwise applicable regulations of this chapter, including without limitation height, setback, bulk, parking and loading, landscaping, and other regulations, provided that the Village use, building, structure, or facility is primarily for a public purpose.

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-9.102 APPLICATION TO PRE-EXISTING VARIATIONS, SPECIAL USES, AND PLANNED UNIT DEVELOPMENTS.

(A) *Existing Variations And Special Uses:* Any variation or special use permit lawfully issued prior to the effective date of this chapter, or any amendment to it that could be lawfully issued pursuant to the provisions in effect after the effective date is deemed to be and continue valid after the effective date subject to any conditions placed on the use at the time of issuance. Any structure or use lawfully authorized by any variation or special use permit that could not be issued after the effective date will be subject to the provisions of part 8 of this chapter 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 chapter, or any amendment to it, that did not, prior to the effective date, require a special use permit but which, after the effective date, does require a special use permit, may continue the use or maintain the structure by securing a special use permit pursuant to the standards and procedures of § 159-2.307 of this chapter and other applicable provisions of this chapter. Unless and until a permit is secured, the use will be subject to the provisions of part 8 of this chapter dealing with nonconformities.

(C) *Existing Planned Unit Developments:* Prior to the effective date of this chapter (February 27, 2017), planned unit developments were approved as a stand-alone district rather than as a special use permit. Any planned unit development district approved prior to the effective date of this chapter will continue to be lawful and subject to the terms and conditions set forth in the ordinance approving the planned unit development. Individual uses and structures in a planned unit development district shall comply with the specific use, building location, height, building size, gross and net floor area ratios, lot size, open space ratio, and landscape surface ratio requirements set forth as conditions to the approval of the planned unit development, as well as those uses, restrictions, and requirements contained in the planned unit development district charts included as part 99, appendix A to this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-9.103 BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE.

(A) *Effect Of New Code:* All work, structures, and uses authorized by building permits issued prior to the effective date of this chapter or any amendment to it, and for which a certificate of occupancy had been issued prior to the effective date, will not be affected by this chapter. Except as provided in divisions (B) and (C) of this section, no certificate of occupancy will be issued following the effective date of this chapter or any amendment to it unless the work, structure, or use for which the certificate of occupancy is sought is made to fully comply with the applicable provisions of this chapter or any amendment.

(B) *Right To Complete Construction Pursuant To Approved Plans:* Nothing in this chapter, or any amendment to it, will be deemed to require any change in the plans, construction, or designated use of any structure if:

(1) A building permit for the structure was lawfully and properly issued prior to the effective date of this chapter or any amendment to it, or such permit is issued after the effective date based upon a complete and proper application for the permit filed prior to the effective date; and

(2) The permit had not by its own terms expired prior to the effective date; and

(3) The permit was lawfully and properly issued in accordance with the law in effect prior to the effective date; and

(4) Construction pursuant to the permit is commenced prior to the expiration of the permit and within 6 months of the effective date and is thereafter diligently pursued to completion.

(C) *Right To Occupy As Nonconformity:* Upon completion pursuant to division (B) of this section, a structure may be occupied by, and a certificate of occupancy may be issued for, the use designated on the permit, subject thereafter, to the extent applicable, to the provisions of part 8 of this chapter relating to nonconformities.

(Ord. 17-2-2065, passed 2-27-2017)

### § 159-9.104 PENDING APPLICATIONS.

(A) *New Chapter Applies:* This chapter, and any amendment to it, will apply to all applications for variations, amendments, and special use permits pending and not yet finally decided on the effective date thereof to which it would apply if the applications were filed on or after the effective date.

(B) *Notification To Owners:* Within 30 days following the effective date of this chapter, or any amendment to it, the Zoning Administrator will inform each owner named on each application referred to in division (A) of this section that the application is subject to the provisions of this chapter, as amended, and will be processed in accordance therewith; that the owner may within 30 days following the mailing of the notice refile, without additional fee, its application on the basis of this chapter, as amended; and that if the owner does not refile, its application may be denied for noncompliance with the provisions of this chapter, as amended.

(C) *Duty Of Owner:* Notwithstanding the provisions of division (B) of this section, it will be the responsibility of each owner having an application pending on the effective date of this chapter, or any amendment to it, to modify the application in accordance with the terms and provisions of this chapter, as amended, and the failure to do so, whether or not the procedures of these divisions have been followed, may result in denial of such application for failure to comply with this chapter, as amended. Any modification or refiling of an application pending on the effective date in order to comply with the provisions of this chapter, as amended, will be permitted at any time prior to the final disposition of the application and will be permitted without payment of any additional fee.

(D) *Processing Of Pending Applications:* Upon the refiling of any pending application as herein provided, or upon notification from the owner that it will not refile or modify its application, or upon the expiration of 60 days following the effective date of this chapter or any amendment to it, whichever occurs first, the pending application will be processed in accordance with the terms of this chapter, as amended; provided, however, that the application requirements, hearing requirements and procedural requirements set forth in part 2 of this chapter will not apply to any such pending application and each application will be processed in accordance with the application, hearing, and procedural requirements that were in



effect on the date the application was filed. Notwithstanding any other provision of this section, the Zoning Administrator has 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 the pending application.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.105 REPEAL OF PRIOR PROVISIONS.**

The Village of Lindenhurst zoning ordinance adopted by ordinance 99-4-1129, as amended from time-to-time, is hereby repealed in its entirety. Except as expressly provided in this chapter, this repeal will 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 the repeal takes effect, but may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if the repeal had not been effected.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.106 SEVERABILITY.**

(A) Intent As To Severability: The several provisions of this chapter will be severable in accordance with the following rules:

- (1) If any court of competent jurisdiction adjudges any provision of this chapter to be invalid, that judgment will not affect any other provisions of this chapter.
- (2) If any court of competent jurisdiction adjudges invalid the application of any provision of this chapter to a particular lot, a particular structure or a particular use, that judgment will not affect the application of said provision to any other land, structure, or use.
- (B) Applicable Regulations Following Declaration Of Invalidity: Whenever the provisions of this chapter are declared invalid in their application to any particular lot, the zoning map will continue to show lots in the zoning district applicable to it pursuant to this chapter unless and until such district is changed by an amendment adopted by the Board of Trustees pursuant to this chapter; provided, however, that the lot in question will also be marked with a star or other distinctive marking to direct attention to the court decree affecting said lot. The Zoning Administrator will maintain a file of any such decrees. The provisions of any decree will be deemed to modify the otherwise applicable provisions of this chapter as they apply to the lot to the extent provided in said decree but the lot will otherwise remain subject to the provisions of this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.107 EFFECTIVE DATE AND PUBLICATION.**

This chapter will take effect upon, and its effective date will be the date of, its passage by the Corporate Authorities in accordance with State law. The Zoning Administrator is authorized and directed to publish this chapter in pamphlet form and to publish an appropriate notice of its adoption and availability in a newspaper of general circulation in the Village.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.108 PROVISIONS ARE MINIMUM REQUIREMENTS.**

In their interpretation and application, the provisions of this chapter will 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 chapter in general and its various sections in particular. When the provisions of this chapter impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this chapter will be controlling. When the provisions of any statute, other ordinance, or regulation impose greater restrictions than this chapter, the provisions of that statute, other ordinance, or regulation will be controlling.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.109 PROVISIONS ARE CUMULATIVE.**

The provisions of this chapter will 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 chapter. The several provisions of this chapter will also be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this chapter will be construed to be consistent with, and not in conflict with, the provisions of the other codes, laws, and ordinances, and with each other, to the end that all those provisions may be given their fullest application.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.110 PROVISIONS ARE NOT A CONSENT, LICENSE, OR PERMIT.**

The provisions of this chapter will not be interpreted to be, or to grant, a consent, license, or permit to use any lot or to establish, locate, construct, or maintain any structure or use, or to carry on any trade, industry, occupation, or activity.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.111 UNLAWFUL USES AND STRUCTURES ARE NOT VALIDATED.**

This chapter will not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of this chapter. Any such unlawful use or structure will remain unlawful to the extent that the use or structure is in conflict with the provisions of this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.112 WARNING AND DISCLAIMER OF LIABILITY.**

The Village does not guarantee, warrant, or represent that only those areas delineated as floodplain, floodway, flood land, wetland, or drainageways from tests and/or mapping required by this chapter will be subject to periodic inundation, nor does the Village guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests and/or mapping required by this chapter are the only unsuited soils within the jurisdiction of this chapter; and thereby asserts that there is no liability on the part of the Village, Village Board, Plan Commission, its agencies and contractors, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.113 WORD USAGE.**

- (A) Tense And Form: Words used or defined in 1 tense or form shall include other tenses and derivative forms.
- (B) Number: Words in the singular number include the plural number, and words in the plural number include the singular number.
- (C) Gender: The masculine gender includes the feminine and neuter. The feminine gender includes the masculine and neuter. The neuter gender includes the masculine and feminine.
- (D) Time: The time within which any act required by this chapter is to be performed will 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 will also be excluded.
- (E) Person: The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.
- (F) Used For: The phrase "used for" includes 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.
- (G) Village: The word "Village" means the Village of Lindenhurst, Lake County, Illinois.
- (H) County: The word "County" means the County of Lake, Illinois.
- (I) Undefined Terms: Any word not defined in this part will have the meaning given in any applicable Village Code or ordinance or, if none, in Webster's Third New International Dictionary, Unabridged, except for words employed to refer to the permitted uses and special uses of this chapter, which shall be interpreted, insofar as applicable, in accordance with the meaning established in the NAICS, as such manual may be amended or replaced by comparable manuals or guidelines, through the effective date of this chapter.
- (J) Captions, Illustrations, And Tables: In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, or table, the text will control.

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.114 ABBREVIATIONS AND SYMBOLS.**

The following abbreviations and symbols are used in this chapter and are intended to have the following meanings:

ac	Acre(s)
ADT	Average daily traffic
BC	Building coverage
dbh	Diameter at breast height for a tree
DU	Dwelling unit

FEMA	Federal Emergency Management Agency
ft.	Foot/feet
GD	Gross density
GFAR	Gross floor area ratio
IEPA	Illinois Environmental Protection Agency
ISR	Impervious surface ratio
LSR	Landscape surface ratio
max.	Maximum
min.	Minimum
NAICS	North American Industry Classification System
ND	Net density
NFAR	Net floor area ratio
OSR	Open space ratio
s.f. or sq. ft.	Square foot/square feet
=	Equal
<	Is less than
	Is less than or equal to
>	Is greater than
	Is greater than or equal to

(Ord. 17-2-2065, passed 2-27-2017)

**§ 159-9.200 DEFINITIONS.**

**§ 159-9.201 DEFINITIONS.**

**ABANDONMENT.** An action to give up one's rights or interests in property, building, structure, or use.

**ABUTTING.** Having a common border with, or being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.

**ACCESS.** A means of vehicular or nonvehicular approach or entry to or exit from property, a street, or highway.

**ACCESSORY STRUCTURE, ATTACHED.** Any accessory structure substantially, permanently, and structurally attached to or supported by a principal building or structure.

**ACCESSORY STRUCTURE, DETACHED.** Any freestanding accessory structure which is not attached to or supported by a principal building or structure.

**ACCESSORY STRUCTURE or BUILDING.** An "accessory structure" or "accessory building" is one which:

- (A) Is subordinate to and serves a principal building, principal structure, or principal use on the same zoning lot;
- (B) Is subordinate in area, extent, or purpose to the principal building, principal structure, or principal use served;
- (C) Contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served;
- (D) Is located on the same zoning lot as the principal building, principal structure, or principal use served;
- (E) Is prohibited prior to the establishment of the principal building, principal structure, or principal use;
- (F) Is under the same ownership and control as the principal use served.

An "accessory structure" or "accessory building" includes, but is not limited to, the following:

- (A) A child's or children's playhouse, garden house, children's play equipment, or private greenhouse;
- (B) A garage, shed, or building for domestic storage;
- (C) Carports;
- (D) Signs (other than advertising signs), in conformity with the provisions of chapter 157, "Signs", of this title, as amended;
- (E) Public utility facilities: telephone, electric, gas, water, and sewer lines, their supports and incidental equipment, and outdoor lighting poles;
- (F) Decks when used as a patio, porch, or platform without any form of enclosing wall or roof structure;
- (G) Private outdoor swimming pools and outdoor saunas, covered or uncovered, for use by the occupant of the principal use and the occupant's guests;
- (H) Fences, walls, and trash enclosures;
- (I) Antennas;
- (J) Arbors, trellises, or similar construction;
- (K) Servants', owners', itinerant agricultural laborers', and watchmen's temporary quarters, not for rent;
- (L) Private emergency shelters.

**ACCESSORY USE.** One which:

- (A) Is subordinate to, serves, and is incidental to a principal use on the same zoning lot;
- (B) Is subordinate in area, extent, or purpose to the principal use served;
- (C) Contributes to the comfort, convenience, or necessity of occupants of the principal use served;
- (D) Is located on the same zoning lot as the principal use served;
- (E) Is prohibited prior to the establishment of the principal use;
- (F) Is under the same ownership and control as the principal use served.

An "accessory use" includes, but is not limited to, the following:

- (A) A garage, shed, or building for domestic storage;
- (B) Storage of merchandise normally carried in stock on the same lot or parcel with any retail service or business use, unless such storage is excluded by the district regulations;
- (C) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
- (D) Off street motorcar parking areas, and loading and unloading facilities.

**ADJACENT.** Nearby, but not necessarily touching or abutting.

**AGENT, AUTHORIZED.** A person or firm duly authorized by the property owner to submit applications on his, her, their, or its behalf.

**AGRICULTURE.** The growing of crops in the open and the raising and feeding of livestock and poultry including: farming, farm buildings, and farm dwellings; truck gardens; flower

gardens; apiaries; aviaries; mushroom growing; nurseries; orchards; forestry; dairying; greenhouses; and commercial vegetables.

**ALLEY.** A public way, not more than 30 feet wide, which affords only a secondary means of access to abutting property.

**ALTERATION, STRUCTURAL.** For nonconforming structures, any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

**ANTENNA.** A device designed to receive or send broadcasts either as over the air signals from transmitters, including fixed television or radio signals, signals from land based wireless telecommunications systems (including, but not limited to, wireless telephone service providers such as cellular, personal communications service, enhanced specialized mobile radio, etc.), and signals to or from earth orbiting communications satellites.

**ANTENNA, SATELLITE.** Any antenna designed to receive broadcasts relayed by signals from earth orbiting communications satellites.

**APARTMENT.** A room or suite of rooms in a multiple-family structure, which is arranged, designed, used, or intended to be used, as a single housekeeping unit. Complete kitchen and bathroom facilities, permanently installed, must always be included for each apartment.

**APARTMENT, COMMERCIAL.** An apartment located above the first floor of a commercial building.

**ASSISTED LIVING** or **ASSISTED CARE.** A combination of housing and maintenance services provided to residents on site within the same building and in response to the individual needs of residents. Supportive services such as meals, housekeeping, transportation to shopping and medical appointments, social activities, educational activities, and security and response systems on site within the same building to meet resident needs. These services can also include on site medication management or intermittent healthcare services from qualified providers located within the same building. Services are furnished in a way that promotes self-direction and participation in decisions that emphasize independence, individuality, and privacy in a residential surrounding.

**AUDITORIUM.** A room, hall, or building assigned to the gathering of people as an audience, to hear lectures, plays, or other presentations.

**AUTOMOBILE LOT, NEW.** A zoning lot on which new cars, trailers, or trucks are displayed in the open for sale or trade.

**AUTOMOBILE LOT, USED.** A zoning lot on which used, or used and new cars, trailers, or trucks are displayed in the open for sale or trade.

**AUTOMOBILE REPAIR, MAJOR.** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body frame or fender straightening or repair; and painting of vehicles.

**AUTOMOBILE REPAIR, MINOR.** Incidental repairs, replacement of parts, and motor service to automobiles but not including any operations specified under the definition of **AUTOMOBILE REPAIR, MAJOR**.

**AUTOMOBILE SALES AREA.** An open area, other than a street, used for the display or sale of new or used automobiles, and where no repair work is done except for minor incidental repair of automobiles to be displayed and sold on the premises.

**AUTOMOBILE SERVICE STATION.** A place where gasoline, stored only in underground tanks; kerosene; lubricating oil; or grease for operation of automobiles are offered for sale directly to the public, on the premises, and including minor accessories and servicing of automobiles; but not including major automobile repairs; and including washing of automobiles. When the dispensing, sale, or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sales, rental, or storage of automobiles or trailers (new or used).

**AWNING.** A roof like cover, temporary in nature (as an attachment only and not part of the building structure), which projects from the wall of a building and overhangs the wall or building.

**BASEMENT.** A story wholly underground; or a story of a building, the floor line of which is below lot grade and the ceiling of which is not more than 1 foot above lot grade; the lot grade being the front center of the garage floor elevation set at time of building permit, or the street centerline, whichever is the highest elevation.

**BASEMENT, HALF.** That story of the building, the floor line of which is below lot grade and the ceiling of which is greater than 1 foot above lot grade, with an exterior exposure to provide for living area with safe egress, as determined by the Building Code. The lot grade shall be the front center of the garage floor elevation set at time of building permit, or the street centerline, whichever is the highest elevation. If any story conforms to the definitions of **LIVING AREA**, **FIRST FLOOR**, or **BASEMENT**, that story shall never be considered a half basement. For the purposes of height measurement, a half basement shall be counted as a story where more than 0.5 of the height is above the average level of the abutting ground elevation.

**BEDROOM.** Any room other than a living room, dining room, family room, kitchen, bathroom, closets, or utility room, for the purpose of this chapter, shall be considered a bedroom. Dens, studies, etc. (with or without closets), and similar areas which may be used as bedrooms shall be counted as bedrooms for the purposes of this chapter.

**BOATHOUSE.** Any structure designed for the purpose of protecting or storing of boats used in conjunction with a residence for noncommercial purposes, and located on the same lot as the principal building and not for human habitation.

**BUFFER YARD.** An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Buffer yards are typically defined by a delineated easement graphically indicated on the face of the site plan, landscape plan, or subdivision or condominium.

**BUFFER YARD INTENSITY FACTOR.** The relative sight screening value of a buffer yard as measured by levels of intensity of buffer yard plant foliage or other characteristics of the buffer yard including fencing, earthen berms, or walls.

**BUILDABLE AREA.** The space remaining on a zoning lot after the minimum space requirements of this chapter have been complied with.

**BUILDING.** Any structure securely affixed to the land with substantial walls and roof, entirely separated on all sides from any other structure by space or by walls in which there are no connecting doors, windows, or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals, or chattels. Any structures with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, and other similar structures, are not considered as buildings.

**BUILDING CODE.** The Village of Lindenhurst's adopted Building Code.

**BUILDING, COMPLETELY ENCLOSED.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance or exit doors.

**BUILDING, DETACHED.** A building surrounded by open space on the same zoning lot.

**BUILDING HEIGHT.** The vertical distance measured from the sidewalk or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat or slant roof, to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, or hip, or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

**BUILDING INSPECTOR.** The building inspector of the Village of Lindenhurst, Lake County, Illinois.

**BUILDING LINE.** The line nearest the front of and across a zoning lot, establishing the minimum setback to be provided between the front line of a building or structure and the street right-of-way line.

**BUILDING, PRINCIPAL.** A nonaccessory building in which the principal use of the zoning lot on which it is located is conducted.

**BULK.** Term used to indicate the size, height, area, density, intensity, and location of structures.

**BUSINESS.** An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

**CALIPER.** A measurement of the diameter of a tree taken 6 inches from above the ground level for trees up to and including 4 inch caliper sizes, and 12 inches above the ground level for larger sizes.

**CAMP.** Any land, including structures, used for assembly or temporary occupancy by individuals and providing outdoor recreational facilities.

**CAMP, RECREATIONAL.** An establishment consisting of a permanent building or group of permanent buildings used periodically by an association of persons where seasonal accommodations for recreational purposes are provided only to members of such association and not to anyone who may apply.

**CANNABIS.** Cannabis shall have the same definition as **CANNABIS** set forth in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

**CANNABIS BUSINESS ESTABLISHMENT.** A cannabis dispensary, cannabis cultivation center, cannabis craft grower, cannabis infuser, cannabis transporter, cannabis processor, on-premises cannabis consumption establishment, and such other cannabis business establishments authorized under the Cannabis Regulation and Tax Act.

**CANNABIS CRAFT GROWER.** A cannabis craft grower means **CRAFT GROWER** as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

**CANNABIS CULTIVATION CENTER.** A cannabis cultivation center means **CULTIVATION CENTER** as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

**CANNABIS DISPENSARY.** A cannabis dispensary means **DISPENSING ORGANIZATION** and **DISPENSARY** as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

**CANNABIS INFUSER.** A cannabis infuser means **INFUSER ORGANIZATION** or **INFUSER** as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

**CANNABIS PROCESSER.** A cannabis processor means **PROCESSING ORGANIZATION** or **PROCESSOR** as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

**CANNABIS TRANSPORTER.** A cannabis transporter means **TRANSPORTING ORGANIZATION** or **TRANSPORTER** as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

**CAR WASH.** A building or portion thereof, where automobiles are washed.

**CARPORT.** A roofed over area attached to the principal building for vehicle storage, which may be open on a minimum of 2 sides.

**CHANNEL.** Those land areas normally occupied by a stream of water under average annual high water flow conditions while confined within generally well established banks.

**COMMON AREA.** Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner but rather for the benefit of all occupants of the development.

**COMMUNITY.** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.

**COMPREHENSIVE PLAN.** A document or series of documents prepared by the Plan Commission and duly adopted by the Village Board setting forth policies for the future development or redevelopment of the Village of Lindenhurst pursuant to the requirements of Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11-12-6 and 5/11-12-7 as amended. The Comprehensive Plan shall also include neighborhood and subarea plans, proposals for future land use, open space, streets and transportation, urban redevelopment, public facilities, and other elements as set forth in Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11-12-6 and 5/11-12-7 as amended. Devices for the implementation of these plans, such as zoning, official map, land division and building line provisions, design guidelines, and capital improvement programs shall also be considered a part of the Comprehensive Plan. The Comprehensive Plan can also be termed the "Master Plan".

**CONDOMINIUM.** Property subject to a condominium declaration as defined, regulated, and established under the "Condominium Property Act" of the Illinois Statutes.

**CONSTRUCTION.** Any or all work or operations necessary or incidental to the erection, demolition, assembling, installing, or equipping of buildings, or any alterations and operations incidental thereto. The term "construction" shall include land clearing, grading, excavating, and filling and shall also mean the finished product of any such work or operations.

**CONSTRUCTION, START OF.** The excavation of or installation of foundation footings or grading other than for the installation of materials for road construction.

**CONTIGUOUS.** In contact with 1 or more sides.

**CONVENIENCE STORE.** Any retail establishment offering for sale prepackaged food products, household items, sundry items, and other goods commonly associated with the same; operated primarily for the convenience of the motoring public, walk-in shopper, or someone purchasing a few items; and having a gross floor area of less than 5,000 square feet.

**CUL-DE-SAC.** A local street with only 1 outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

**CURB.** A vertical or sloping edge of a roadway.

**CUTOFF.** The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground.

**CUTOFF ANGLE.** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

**CUTOFF TYPE LUMINAIRE.** A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than 90 degrees.

**DAYCARE CENTER.** A State of Illinois licensed facility which regularly provides daycare for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other than a family home. Exclusions from this definition are listed in section 2.09 of the Child Care Act of 1969.

**DECK.** A structure attached to or closely adjacent to any dwelling unit that:

- (A) Is designed and intended for the support of persons;
- (B) Has no permanent or temporary cover or canopy but which may have arbors, trellises, and similar type open, nonstructural, nonload bearing, and roofless attachments;
- (C) Is constructed on piers and without continuous foundation or footings;
- (D) Shall be construed as an impervious surface for the purposes of this chapter.

**DEDICATION.** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

**DENSITY, GROSS (GD).** The quotient of the total number of dwelling units on a site divided by the base site area of a site.

**DENSITY, NET (ND).** The quotient of the total number of dwelling units divided by the net buildable site area of a site.

**DEVELOPER.** The legal or beneficial owner(s) of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other person(s) having enforceable proprietary interests in such land.

**DEVELOPMENT.** The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. Any manmade change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. The following activities or uses shall be taken for the purposes of these regulations to involve "development":

- (A) A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or
- (B) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or
- (C) Alteration of a shore or bank of a pond, river, stream, lake, or other waterway; or
- (D) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; or
- (E) Demolition of a structure; or
- (F) Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or
- (G) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of these regulations to involve "development":

- (A) Work by a highway or road agency or railroad company for the maintenance of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way; or
- (B) Work by any utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing, renewing, or constructing on established rights-of-way sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like (exclusive of the activities requiring a special use permit as per the requirements of this chapter); or
- (C) The maintenance, renewal, or alteration of any structure, where only the interior or the color of the structure or the decoration of the exterior of the structure is affected; or
- (D) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; or
- (E) A change in the ownership or form of ownership of any parcel or structure; or
- (F) Work involving the landscaping of a detached dwelling; or

(G) Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other nonnatural planting areas.

"Development" includes all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of development or to the result of development within the Village. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

**DEVELOPMENT, MULTIPLE-FAMILY DWELLING.** A residential building designed for occupancy by 3 or more dwelling units.

**DIAMETER AT BREAST HEIGHT (dbh).** The diameter of the trunk of a tree measured in inches at a point 4.5 feet above ground line. This point of measurement is used for established and mature trees.

**DRAINAGEWAY.** The land on either side of and within 50 feet of the centerline of any intermittent or perennial stream graphically shown on either the U.S. geological survey 7.5 minute quadrangle topographic map of the area or a large scale topographic map except those areas designated as lakes, ponds, wetlands, floodways, or 100-year recurrence interval floodplains.

**DRIVE-IN AND DRIVE-THROUGH (OR DRIVE-THRU) ESTABLISHMENT OR FACILITY.** Any commercial retail, service, or personal service establishment designed or intended to, by design of physical facilities or by service or packaging procedures, encourage or permit customers to receive a service or obtain a product while staying within a motor vehicle or enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person within the principal structure. Such establishments include, but are not necessarily limited to, financial institutions, restaurants, and dry cleaning stores.

**DRIVEWAY.** As defined in § 150.04 of this title.

**DWELLING.** A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including 1-family dwelling units, 2-family dwelling units, and multiple-family dwelling units, but not including hotels, motels, or boarding or lodging houses.

**DWELLING, ATTACHED.** A dwelling which is joined to another dwelling at 1 or more sides, floors, or roofs by a party wall, walls, or ceiling.

**DWELLING, DETACHED.** A dwelling which is entirely surrounded by open space on the same lot.

**DWELLING, EFFICIENCY.** A dwelling unit consisting of 1 principal room with no separate sleeping rooms.

**DWELLING GROUP.** 2 or more 1-family, 2-family, or multiple- family dwellings, or boarding or lodging houses, located on 1 zoning lot, but not including tourist courts or motels.

**DWELLING, MULTIPLE-FAMILY.** A building or portion thereof designed or altered for occupancy by 3 or more families living independently of each other.

**DWELLING, 1-FAMILY.** A dwelling unit designed exclusively for use and occupancy by 1 family.

**DWELLING, ROW HOME.** A 1-family attached dwelling unit in a side by side row of at least 3 such dwelling units in which each dwelling unit has its own front and rear access to the outside, no dwelling unit is located over another dwelling unit, and each dwelling unit is separated from any other dwelling unit by 1 or more vertical common fire resistant walls. In the instance where the rear yard of the dwelling structure abuts a natural resource feature (as defined in this chapter) for its entire rear yard length, a "row home dwelling" is defined as a 1-family attached dwelling unit in a side by side row of at least 2 such dwelling units in which each dwelling unit has its own front and rear access to the outside, no dwelling unit is located over another dwelling unit, and each dwelling unit is separated from any other dwelling unit by 1 or more vertical common fire resistant walls.

**DWELLING, 2-FAMILY.** A building designed or altered to provide dwelling units for occupancy by 2 families.

**DWELLING UNIT.** 1 or more rooms in a residential structure, or other structure properly zoned for residential uses, which are arranged, designed, used, or intended for use by 1 family, plus not more than 4 lodgers, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

**EASEMENT.** The area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of the land, is granted to the public or some particular person, or quasi-public entity, or part of the public.

**EASEMENT, CONSERVATION.** A type of "protective covenant" the boundary lines of which are graphically depicted on the face of a preliminary subdivision plat, final subdivision plat, or condominium or filed as a separate legal instrument used to conserve and preserve a natural resource feature that is protected under the provisions of this chapter.

**EROSION.** The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

**FAMILY.** 2 or more persons related by blood, marriage, or adoption, or a group of not more than 2 persons (excluding servants), who need not be related by blood, marriage, or adoption, living together and maintaining a common household, but not including sororities, fraternities, or other similar organizations. Where the family is related by blood, marriage, or adoption, said family may keep foster children in their household and still be considered to be a single family.

**FARM.** An area which is used for the growing of the usual farm products such as: vegetables, fruit trees, and grain, and for the packing or storage of the products produced on the premises; as well as for the raising thereon of the usual farm poultry and farm animals such as horses and cattle, as secondary to crop raising, subject to distance limitations from residential property, and not including the commercial feeding of garbage or offal to swine or other animals, the commercial feeding of animals on open lots where no feed is raised on the premises, or the commercial feeding of poultry broilers, or laboratory animals, such as mice, rats, rabbits, etc.

**FENCE.** A structure which is a barrier or is used as a boundary or means of protection or confinement.

**FENCE, SOLID.** A fence, including gates, which conceals from view from adjoining properties, streets, or alleys activities conducted behind it.

**FINAL PLAN.** Required as a part of the procedures of a planned unit development.

**FLOOD.** As defined in chapter 154, "Floodplain Regulations", of this title, as amended.

**FLOOD FRINGE.** As defined in chapter 154, "Floodplain Regulations", of this title, as amended.

**FLOOD LANDS.** Those lands, including the channels, floodways, and floodplain fringe of any given reach, which are subject to inundation by the flood with a given recurrence frequency.

**FLOODPLAIN.** As defined in chapter 154, "Floodplain Regulations", of this title, as amended.

**FLOOR AREA, GROSS.** For the purpose of determining the floor area ratio, the gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings, measured from the exterior faces of exterior walls or from the centerline of party walls separating 2 buildings. In particular, "gross floor area" shall include:

- (A) Basement space if at least 0.5 of the basement story height is above the established curb or ground level;
- (B) Elevator shafts and stairwells at each floor;
- (C) Floor space used for mechanical equipment where the structural headroom exceeds 7.5 feet; except equipment, open or enclosed, located on the roof; i.e., bulkheads, water tanks, and cooling towers;
- (D) Attic floor space where the structural headroom exceeds 7.5 feet;
- (E) Interior balconies and mezzanines;
- (F) Enclosed porches, but not terraces and breezeways;
- (G) Accessory structures.

**FLOOR AREA, GROSS (For Determining Requirements For Off Street Parking And Off Street Loading).** The sum of the gross horizontal areas of the several floors of the buildings or portion thereof, devoted to such use, including accessory storage areas within the principal structure located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement for off street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off street parking or loading facilities, including aisles, ramps, and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

**FLOOR AREA, GROUND.** The lot area covered by a principal building, measured at grade from the exterior faces of the exterior walls, but excluding open porches or terraces, garages, or carports.

**FLOOR AREA RATIO, GROSS (GFAR).** An intensity measured as a ratio derived by dividing the total gross floor area of a building or structure by the base site area. Where the lot is part of a larger development and has no required buffer yard, that lot area may be used instead of the base site area to calculate the lot's development potential.

**FLOOR AREA RATIO, NET (NFAR).** An intensity measured as a ratio derived by dividing the total gross floor area of a building or structure by the net buildable site area.

**FOOT-CANDLE.** A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1 candle.

**FOSTER FAMILY HOME.** The primary domicile of a foster parent which is used for foster children.

**FREQUENCY.** The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

**FRONTAGE.** All the property fronting on 1 side of a street between the nearest intersecting streets or between a street right-of-way, waterway, or other similar barrier.

**GARAGE.** An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with automobile vehicles is carried on; provided that not more than 0.5 of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of 1 or 2 car capacity may be so rented. Such a garage shall not be used for more than 1 commercial vehicle and the load capacity of such vehicle shall not exceed 0.5 ton.

**GOLF COURSE.** Public, semipublic, or private grounds over which the game of golf is played, including accessory buildings, accessory structures, and land uses incidental thereto, and consisting of at least 60 acres for each standard 9 hole course, 120 acres for each standard 18 hole course, and 25 acres for each 9 hole, par 3 course.

**GRADE, STREET.** The elevation of the established street in front of the building, measured at the center of such front. Where no street grade has been established, the Village Engineer shall establish such street grade or its equivalent for the purpose of this chapter.

**GREENHOUSE.** An enclosed structure, permanent or portable, which is used primarily for the growth of plants.

**GROUP HOME (Also Known As COMMUNITY LIVING ARRANGEMENT).** A single dwelling unit occupied on a permanent basis by a group of unrelated persons with disabilities plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or available in accordance with the particular needs of the residents; is State licensed; has obtained a license from the Village; and complies with all applicable State and Village codes, regulations and ordinances and with the zoning regulations for the district in which it is located. Group home does not include a residence which serves persons as an alternative to incarceration for a criminal offense or persons whose primary reason for placement is substance or alcohol abuse or persons whose primary reason for placement is treatment of a communicable disease.

**GUTTER.** A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.

**HELISTOP.** An area designated for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo, not including fueling or service facilities.

**HIGH WATER ELEVATION (SURFACE WATER).** The average annual high water level of a pond, stream, lake, flowage, or wetland, referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.

**HOME OCCUPATION.** Any gainful occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes.

**HOMEOWNERS' ASSOCIATION.** An Illinois not for profit corporation which serves as an association of homeowners within a subdivision or condominium having shared common interest responsibilities with respect to the costs and upkeep of common private property of a subdivision or condominium. Such common property includes private recreation and open space areas within the subdivision or condominium. For the purposes of this chapter, homeowners' associations include condominium associations.

**HOSPICE.** A facility in which care for terminally ill patients is provided.

**HOSPITAL.** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than 24 hours in any week of 3 or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used herein does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter, or boarding homes.

**HOSPITAL, ANIMAL.** A lot, building, structure, enclosure, or premises whereon or wherein 3 or more dogs, cats, or other domestic animals are kept or maintained and is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Illinois. Crematory facilities shall not be allowed in an animal hospital.

**HOT TUB.** A spa which has a tub constructed of wood.

**ILLUMINATION, MAXIMUM PERMITTED.** The maximum illumination measured in foot-candles at the interior buffer yard line at ground level.

**IMPERVIOUS SURFACE.** Impervious surfaces are those which do not absorb water. Impervious surfaces consist of all buildings, parking areas, driveways, roads, sidewalks, decks, and any areas of concrete, asphalt, or gravel. In the case of lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.

**IMPERVIOUS SURFACE RATIO (ISR).** A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by the base site area (resulting in the gross ISR determination) or the net buildable area (resulting in the net ISR determination).

**IMPROVEMENT.** Any manmade immovable item which becomes part of, placed upon, or is affixed to real estate.

**INSPECTOR.** The Zoning Administrator, Building Inspector, and/or Code Enforcement Officer of the Village.

**INSTITUTION, EDUCATIONAL.** Public, private, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

**KENNEL.** A lot, building, structure, enclosure, or premises whereon or wherein dogs or cats are maintained, boarded, bred, kept, or cared for in return for remuneration, or are kept for the purpose of sale, or are groomed, trained, or handled, for others.

**LAKE.** Any body of water 2 acres or larger in size as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

**LANDOWNER.** Any person holding title to or having an interest in land.

**LANDSCAPE SURFACE AREA.** Surface area of land not covered by any building or impervious surface; pervious surface that is maintained as a natural area and left undisturbed or to support plant life.

**LANDSCAPE SURFACE RATIO (LSR).** The ratio derived by dividing the area of landscaped surface by the base site area.

**LANDSCAPING.** Living material, such as grass, ground cover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.

**LIVING AREA.** That area of a dwelling unit measured from the outside of the exterior walls; including utility rooms, foyers, interior stairwells, hallways, closets, columns and walls and finished half basements or finished portions of half basements; but excluding basements and unfinished half basements, or unfinished portions of half basements, open porches, breezeways, garages, and other spaces not used frequently or during extended periods for living, eating, or sleeping purposes. The unit of measurement of living area shall be in square feet.

**LIVING AREA, FIRST FLOOR.** That space used for living purposes which is not above any other space used for living purposes. The first floor living area shall never conform to the definition of **BASEMENT, HALF** or **BASEMENT**.

**LOT.** A parcel of land legally described as a distinct portion or piece of land of record.

**LOT AREA.** The area contained within the exterior, or peripheral, boundaries or lot lines of a lot excluding street and land under navigable bodies of water.

**LOT, CORNER.** A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. A lot that abuts a curved street or streets shall be considered a "corner lot" if the tangents to the curve at the curve's point of beginning between the side lot lines, or at the points of intersection of the side lot lines with the lot line abutting the street, intersect at an interior angle of less than 135 degrees.

**LOT COVERAGE.** The area of a zoning lot occupied by the principal building or buildings, accessory structures and accessory buildings. For purposes of this definition, patios, sidewalks, driveways and inground pools at grade shall not be considered accessory structures. However, the maximum allowed impervious area on any zoning lot as governed by the Village's watershed development ordinance shall not be exceeded.

**LOT, DOUBLE FRONTAGE.** A lot, other than a corner lot, with frontage on more than 1 street. Double frontage lots shall normally be deemed to have 2 front yards, 2 side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

**LOT LINE.** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

**LOT LINE, FRONT.** The front property boundary line of a zoning lot.

**LOT LINE, REAR.** The lot line or lot lines most nearly parallel to and most remote from the front lot line.

**LOT LINE, SIDE.** A lot line other than a front or rear lot line.

**LOT, MULTIPLE-FAMILY RESIDENTIAL.** A lot or lots platted for multiple-family residential use.

**LOT OF RECORD.** An area of land designated as a lot on a plat of subdivision or condominium recorded or registered pursuant to Illinois Statute existing at the time of the adoption of this chapter.

**LOT, SINGLE-FAMILY RESIDENTIAL.** A lot or lots platted for single-family residential use and containing a detached building for use by a single family.

**LOT, VACANT SINGLE-FAMILY RESIDENTIAL.** A lot or lots platted for single-family residential use and which does not contain a building.

**LOT WIDTH.** The horizontal distance between the side lot lines measured at the front setback line.

**LUMINAIRE.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**MANUFACTURING.** The making of anything by any agency or process.

**MEDICAL HEALTH CENTER.** An establishment where patients are admitted for special study and treatment by 2 or more licensed physicians and their professional associates, practicing medicine together.

**MEDICAL OFFICE.** A facility used for offices of 1 or more physicians, dentists, clinical psychologists, nurse practitioners, and similar medical professionals, for the examination and treatment of patients, in which 1 or more medical professionals may be associated together or practicing independently of each other. Medical offices may include apothecaries, dental and medical laboratories, naprapathy, X-ray and/or other similar facilities and services, but do not include inpatient facilities devoted primarily to major surgical procedures or accommodations for the overnight stay of patients.

**MIXED USE.** A building or structure that contains 2 or more of the following basic land use types: commercial, office, or residential which are vertically integrated, and that are located over each other in whole or in part. Mixed uses may be integrated horizontally provided that they are physically interrelated by pedestrian areas that are uninterrupted by vehicular traffic. In horizontal integration of mixed uses, the uses may not be separated by roads or parking areas.

**MOTEL.** A group of attached or detached buildings or facility containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges, or other similar type uses. Customary services such as maid service, telephone, linen, and desk service, and the use and upkeep of furniture are provided.

**MUNICIPAL CODE.** The Municipal Code of the Village of the Lindenhurst, Lake County, Illinois.

**NATURAL RESOURCE PROTECTION STANDARD.** The proportion of the natural features of a site (excluding land occupied by public street rights-of-way), which shall remain undeveloped and protected and is specifically designated for natural resource protection by deed restriction, protective covenant, zoning, or a combination thereof.

**NATURAL RESOURCES.** Areas of steep slopes, woodlands and forests (mature and young), lakes, ponds, streams, shore buffer, floodplains, "flood lands", drainageways, and wetlands as defined in this chapter and as defined in chapter 154, "Floodplain Regulations", of this title, as amended.

**NONCONFORMING BUILDING.** A building or structure, or portion thereof, as described under Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11-13-1 as amended, lawfully existing at the time of the adoption of this chapter, which was designed, erected, or structurally altered for a use that does not conform after the passage of this chapter to the use regulations of the district in which it is located.

**NONCONFORMING STRUCTURE.** Any structure, as described under Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11-13-1 as amended, which does not conform to the regulations of this chapter prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between structures on a single lot, and minimum required usable open space for the district in which such structure is located.

**NONCONFORMING USE.** Any building, structure, or land, as described under Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11-13-1 as amended, lawfully occupied by a use or lawfully established at the time of the adoption of this chapter or amendments hereto, which does not conform after the passage of this chapter, or amendments hereto, with the use regulations of this chapter.

**NONRESIDENTIAL USE.** A building or portion thereof, and the site upon which it is located, not designed or used exclusively for residential occupancy. These uses specifically exclude 1-family dwelling units, 2-family dwelling units, and multiple-family dwelling units. Nonresidential uses specifically include hotels, motels, or boarding or lodging houses.

**NOXIOUS MATTER.** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social, or economic well being of human beings.

**NURSERY.** A place where the primary activity is the growing of plants, flowers, trees, and shrubs for sale.

**NURSERY SCHOOL.** An institution providing daycare for children from 4 to 6 years of age.

**NURSING HOME.** A private institution for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

**OBSTRUCTION.** An obstacle, impediment, or hindrance.

**ODOROUS MATTER.** Solid, liquid or gaseous material which produces an olfactory response in a human being.

**OFFICIAL MAP.** That document as described in Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11-12-6 as amended, relating to: the size of streets, alleys, public ways, parks, playgrounds, school sites, other public grounds, and ways for public service facilities; the kind and quantity of materials which shall be used in the construction of streets and alleys; and the kind and quality of materials for public service facilities as may be consistent with Illinois Commerce Commission or industry standards, and shall contain the standards required for drainage and sanitary sewers and collection and treatment of sewage within the geographic limitations set forth under the provisions of Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11-12-6 as amended.

**ON-PREMISES CANNABIS CONSUMPTION ESTABLISHMENT.** An on-premises cannabis consumption establishment means a cannabis business establishment or other entity that is authorized or permitted to allow the on-premises consumption of cannabis.

**OPEN SPACE.** Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by nonrecreational buildings, roads, drives, public rights-of-way, or off street parking areas for nonrecreational uses. Land located within the yards or lots of residential and/or nonresidential properties is not considered open space.

**OPEN SPACE, COMMON.** A common area used for the preservation of open space.

**OPEN SPACE, DEED RESTRICTED.** Deed restricted open space is land located on platted "outlots" only and not occupied by any principal or accessory buildings or structures, roads, road rights-of-way, or parking areas; and is owned by a homeowners' association. Deed restricted open space on platted "outlots" is not occupied by nonrecreational principal or accessory buildings or structures, roads, road rights-of-way, or parking areas. The maintenance of deed restricted open space located on platted "outlots" is by a homeowners' association. The maintenance of deed restricted open space located on platted "lots" is by the individual lot owner.

**OPEN SPACE, PUBLIC.** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, State or County agency, or other public body for recreational or conservational uses. Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

**OPEN SPACE RATIO (OSR).** The number derived by dividing the open space of the site by the base site area. When applied to natural resource protection, the open space ratio shall include the natural resource feature(s) to be protected. Minimum requirements for open space ratios are set forth for the various zoning districts under individual zoning district requirement sections of this chapter.

**ORDINARY HIGH WATER MARK.** The point on the bank or shore of a navigable water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**OWNER.** Includes the plural as well as the singular and may mean either a natural person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public corporation, or combination of these having sufficient proprietary interest to seek development of land.

**OWNERSHIP.** For the purpose of this chapter, lots shall be considered as owned by the same person when they are owned by the same individual or corporation; an individual and

another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns other lots individually or as joint tenant or tenant in common with another; as individual and other lots by his spouse, parent, grandparents, children, grandchildren, or the spouse of any child or grandchild, or a brother or sister or when any of said lots are owned by an individual and other lots are owned by a corporation in which said individual is an officer or director or controlling stockholder.

**PARK, PRIVATE.** A privately owned outdoor recreational area.

**PARK, PUBLIC.** A publicly owned recreational area.

**PARKING AREA.** An open, hard surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

**PARTICULATE MATTER.** For the purposes of determining air contaminations, particulate matter is any material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid capable of being airborne or gasborne. Dust is solid particulate matter capable of being airborne or gasborne.

**PASTURE.** An area of grass or other vegetative cover grown for the purpose of grazing animals.

**PERFORMANCE STANDARD.** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

**PERMITTED USE.** A use by right which is specifically authorized in a particular zoning district.

**PERSON.** Any natural person, firm, corporation, or partnership.

**PLAN COMMISSION.** The Village of Lindenhurst Plan Commission consistent with Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11-12 "Plan Commissions" creating a Plan Commission for the Village of Lindenhurst, Illinois.

**POND.** All bodies of water less than 2 acres in area as measured by the shoreline at its high water level.

**PORCH.** A roofed over impervious structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**PRELIMINARY PLAN.** Required as a part of the procedures of a planned unit development.

**PRINCIPAL USE.** The main use of land or buildings as distinguished from a subordinate or accessory use.

**PROTECTIVE COVENANTS.** Contracts entered into between private parties or between private parties and public bodies, which constitute a restriction on the use of all private property or platted property within a subdivision for the benefit of the public or property owners, and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values.

**PUBLIC WAY.** Any public road, street, highway, walkway, drainageway, or part thereof.

**QUARTERS, TEMPORARY.** A room or rooms located on the property and intended for the temporary use of a watchman, servant, owner, etc. These quarters shall not be used as permanent living quarters.

**QUEUING SPACE.** For the purpose of this chapter, queuing space is that on site area required, in terms of the number of cars that must be accommodated, while awaiting ingress or egress to specified business or service establishments.

**RECORDER OF DEEDS.** Lake County Recorder of Deeds.

**RECREATION, PASSIVE.** Recreational uses, areas, or activities oriented to noncompetitive activities which require no special equipment. Passive recreation areas are generally maintained by mowing. Bicycle riding, hiking, and birdwatching are examples of passive recreation activities.

**RECREATIONAL VEHICLE.** Any motor vehicle, any travel trailer or trailer, camper, motor home, tent trailer or camping trailer, any motor home or camper box, any boat, hovercraft, or other watercraft device, any motorcycle or off road vehicle, any snowmobile or snowmobile trailer or any other device designed for any similar purpose.

**RECREATIONAL VEHICLE HEIGHT.** A vertical distance measured from the mean height of the ground to the uppermost aerial extension (excluding antennas) of a recreational vehicle.

**RECREATIONAL VEHICLE LENGTH.** A linear distance, as measured by a straight line, from the rearmost horizontal portion or extension to the frontmost horizontal portion or extension of a recreational vehicle.

**RECREATIONAL VEHICLE WIDTH.** A linear distance, as measured by a straight line, from one opposing side (including extensions) to the other corresponding side (including extensions) of a recreational vehicle.

**RECYCLABLE MATERIALS.** Discards or waste materials that are collected, separated, or processed, and eventually used as raw materials for products.

**RECYCLING.** The services or activities by which materials that would otherwise remain wastes are collected, separated, or processed and used in the form of raw materials.

**RESIDENTIAL HOUSING FOR THE ELDERLY.** Traditional residential facilities for the elderly as well as assisted living. Such housing is a part of a facility within which residents, with or without minor physical disabilities, live, cook, dine, and recreate and may avail themselves of medical and other services.

**RESIDENTIAL USE.** A building or portion thereof, and the site upon which it is located, designed or used exclusively for residential occupancy, including 1-family dwelling units, 2-family dwelling units, and multiple-family dwelling units, but not including hotels, motels, or boarding or lodging houses.

**RESTAURANT.** Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunchroom, tearoom, and dining room; and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

**ROOFLINE.** The top or bottom edge of a roof or building parapet excluding any cupolas, pylons, chimneys, or other minor projections.

**ROOMING HOUSE.** A building with not more than 5 guestrooms where lodging is provided for compensation, pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.

**RUNOFF.** The rainfall, snowmelt, discharge pumping, or irrigation water flowing over the ground surface.

**SIC.** Standard Industrial Classification from the 1987 (or latest edition) manual published by the Executive Office of the President, Office of Management and Budget.

**SEAT.** Furniture upon which to sit. In the case of attached seating, having a linear measurement not less than 22 inches across the surface used for sitting; intended for use in determining off street parking requirements.

**SENIOR HOUSING, AGE RESTRICTED.** A residential development of individual dwelling units constructed, maintained, and operated for occupancy of people who meet the Federal guidelines for senior housing and is not considered skilled or assisted living and may provide communal eating, recreational, and other facilities for the exclusive use of the occupants and their guests.

**SETBACK.** Those minimum street, front, rear, and/or side yards required by this chapter.

**SETBACK LINE, BASE.** The ultimate street line as established by the Comprehensive Plan of the Village, or component thereof, and/or a highway width ordinance of Lake County or by an official map of the Village. On all such streets the base setback line shall be located at a distance from the centerline equal to  $\frac{1}{2}$  of such established width. On all other streets, the base setback line shall be 30 feet from the centerline of such street or 60 feet from the center point of a cul-de-sac, unless specifically designated otherwise by the Village Board. The base setback line of frontage roads shall be located at a distance from the centerline equal to  $\frac{1}{2}$  of the right-of-way of said frontage road. All setback lines shall be parallel to and measured at right angles to the centerline of the street or highway. All front yard building setbacks shall be measured from the base setback lines.

**SETBACK LINE, BUILDING.** A line parallel to the street line at a distance from it, regulated by the front yard requirements set up in this chapter.

**SHELTER, EMERGENCY.** Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, flood, windstorm, riots, and invasions.

**SHOPPING CENTER.** A group of commercial establishments which is planned, developed, owned, and managed as a unit.

**SLOPE.** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

**SMOKE.** Small gasborne particles other than water that form a visible plume in air.

**SOUND LEVEL METER.** An instrument standardized by the American Standards Association for measurement of intensity of sound.



**SPA.** A commercially manufactured molded plastic or fiberglass 1 piece tub capable of containing 850 gallons or less of water which incorporates apparatus for heating and recirculating the water, the intended use of which is recreational bathing and which is available only to the family and guests of the household.

**STABLE, PRIVATE.** Any building which is located on a lot on which a dwelling is located and which is designed, arranged, used, or intended to be used for housing equines for the private use of occupants of a principal dwelling, but in no event for hire.

**STABLE, PUBLIC.** A use on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

**STORAGE, OUTDOOR.** The keeping of goods or materials, excluding junk, outside of a building, and which shall be considered as an accessory use, unless specifically indicated as a principal use under this chapter.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

**STREAM.** A course of running water, either perennial or intermittent, flowing in a channel.

**STREET.** A public way, other than an alley, which affords a primary means of access to abutting property.

**STREET, ARTERIAL.** A Federal, State, or County marked route normally having 2 or 4 lanes for traffic and some form of median marker. An arterial street may also be a Village designated "arterial street" in the adopted Village of Lindenhurst Comprehensive Plan or component thereof, or on the official map. A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways, and parkways. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas.

**STREET, COLLECTOR.** A street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers. Collector streets shall be designed to convey an average daily traffic (ADT) of between 500 and 3,000.

**STREET LINE.** A line separating a lot, piece, or parcel of land from a street.

**STREET, MINOR.** A street used, or intended to be used, primarily for access to abutting properties. Residential minor streets that are designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) greater than 500. Residential minor land access streets that are designed as permanent cul-de-sac streets shall be designed so that no section conveys an average daily traffic (ADT) greater than 250.

**STREETSCAPE.** Those features of either the manmade or natural environment which abut, face, or are a part of a public street right-of-way including landscaping (materials and plants), street furniture, building facades, and utilities and facilities which are visible to the public such as fire hydrants, storm sewer grates, sidewalk and street paving, etc.

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders.

**STRUCTURE.** Anything constructed or erected which requires location on the ground, including a fence or freestanding wall. A sign, billboard, or other advertising medium, detached or projecting, shall be construed to be a structure.

**STRUCTURE, PRINCIPAL.** A nonaccessory structure in which the principal use of a zoning lot on which it is located is conducted.

**SUBDIVISION.** The division of a lot, parcel, or tract of land by the owners thereof, or their agents, meeting the requirements of the State of Illinois Act 205 titled "Plat Act" and chapter 158, "Subdivision Code", of this title, as amended.

**SWIMMING POOL.** Any structure that contains water, excluding a hot tub or a spa, which is capable of being filled to a depth of 24 inches or more or has a surface area in excess of 250 square feet and which is intended to be used for swimming or recreational bathing and is available only to the family and guests of the household.

**TAVERN (BAR).** A building where liquors are sold to be consumed on the premises and where snacks and sandwiches are also available for consumption on the premises, but not including restaurants, where the principal business is serving food.

**TENTATIVE PLAT.** In the case of a land division, a map showing the salient features of a proposed subdivision submitted to the Village of Lindenhurst for purposes of preliminary consideration pursuant to the requirements set forth in chapter 158, "Subdivision Code", of this title, as amended.

**TOURIST HOME.** A dwelling in which accommodations are provided or offered for transient guests.

**TOWER, ANTENNA.** Any structure that is designed and constructed for the purpose of supporting 1 or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**TOXIC AND NOXIOUS MATTER.** Any solid, liquid, or gaseous matter, including, but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which by chemical means are inherently harmful and likely to destroy life or impair health, or capable of causing injury to the well being of persons or damage to property.

**TRAILER.** A vehicle without motor power used or adaptable for living, sleeping, hauling, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet Building Code requirements, and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include "camp car" and "housecar". A permanent foundation shall not change its character unless the entire structure is erected in accordance with prevailing Village codes and ordinances.

**TREE.** Any self-supporting, woody plant together with its root system, growing upon the earth usually with 1 trunk, or a multistemmed trunk system, supporting a definitely formed crown.

**TREE, CANOPY.** A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. This type of tree is often referred to as a shade tree.

**TREE, STREET.** A tree located in a public place, street, special easement, or right-of-way adjoining a street.

**TREE, UNDERSTORY.** A tree whose leaves would occupy the lower level of a forest in a natural ecological situation. This type of tree is often referred to as an ornamental tree.

**TRIP.** A single or 1-way vehicle movement to or from a property.

**USE.** The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let, or leased.

**USE, PRINCIPAL.** The main use of land or buildings as distinguished from a subordinate or accessory use.

**USE, TEMPORARY.** A use occupied for short and/or intermittent periods of time not to exceed 1 year.

**UTILITY, PUBLIC.** Any person, firm, corporation, or Municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, transportation, or water.

**VEHICLE, COMMERCIAL.** Any vehicle over 6,000 pounds' empty weight.

**VEHICLE WEIGHT, GROSS.** The weight of a motor vehicle plus the maximum load it is permitted to carry.

**VIBRATION.** Ground transmitted oscillations. The periodic displacement or oscillation of the earth.

**VILLAGE ADMINISTRATOR.** The Village Administrator of the Village of Lindenhurst, Lake County, Illinois.

**VILLAGE ATTORNEY.** The Village Attorney of the Village of Lindenhurst, Lake County, Illinois.

**VILLAGE BOARD.** The Village Board of the Village of Lindenhurst, Lake County, Illinois.

**VILLAGE CLERK.** The Village Clerk of the Village of Lindenhurst, Lake County, Illinois. For application purposes, the term "Village Clerk" may include the Village Clerk's designee.

**VILLAGE ENGINEER.** The Village Engineer of the Village of Lindenhurst, Lake County, Illinois.

**VILLAGE PLANNER.** The Village Planner of the Village of Lindenhurst, Lake County, Illinois.

**WALL.** When completely outdoors, a continuous masonry and/or concrete fence.

**WALL, PARTY.** A wall containing no opening that extends from the elevation of a building footing or footings to the elevation of the outer surface of the roof or above, which separates contiguous buildings but is in joint use for each building.

**WALL, RETAINING.** A structure constructed and erected between lands of different vertical elevations used to protect structures and/or to prevent erosion.

**WATERCOURSE.** A permanent or intermittent stream channel.

**WETLAND.** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

**WIRELESS COMMUNICATIONS SERVICE.** The provision of wireless communication services which include, but are not limited to, cellular communications service (CCS), personal communication service (PCS), specialized mobile radio service (SMR), enhanced specialized mobile radio (ESMR), paging services, and other wireless communication services.

**WOODLAND, MATURE.** An area or stand of trees whose total combined canopy covers an area of 1 acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (dbh) of at least 10 inches; or any grove consisting of 8 or more individual trees having a dbh of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the grove. No trees grown for landscape nursery or orchard purposes shall be considered a mature woodland.

**WOODLAND, YOUNG.** An area or stand of trees whose total combined canopy covers an area of 0.50 acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (dbh) of at least 3 inches. No trees grown for landscape nursery or orchard purposes shall be considered a young woodland.

**YARD.** An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this chapter, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

**YARD, FRONT.** A yard extending along the full length of the front lot line between the side lot lines and lying between the front line of the lot and the nearest line of the principal building. That yard which is obviously the front by reason of the prevailing custom of the other buildings in the area or in the Village. Where such front yard is not obviously evident to the Zoning Administrator, the Zoning Administrator shall determine the front yard.

**YARD, REAR.** A yard extending along the full length of the rear lot line between the side lot lines and lying between the rear line of the lot and the nearest line of the principal building. On a corner lot, the rear yard shall be that yard directly opposite the front yard.

**YARD, SIDE.** A yard extending along a side lot line from the front yard to the rear yard and lying between the side line of the lot and the nearest line of the principal building.

**YARD, STREET.** A yard extending the full width of a lot in that area of a lot located between a lot line abutting a street right-of-way and a building line.

**ZONING ADMINISTRATOR.** The Zoning Administrator of the Village of Lindenhurst, Lake County, Illinois.

**ZONING BOARD OF APPEALS.** The Zoning Board of Appeals of the Village of Lindenhurst, Lake County, Illinois.

**ZONING DISTRICT.** A part or parts of the Village for which the regulations of this chapter governing the use and location of land and buildings are uniform as defined by this chapter and its accompanying maps as amended.

**ZONING LOT.** A single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

**ZONING MAP.** The map or maps incorporated into this chapter as a part hereof, designating and delineating the boundaries of zoning districts.

**ZONING PERMIT.** The permit required by this chapter prior to the erection, reconstruction, enlargement, or moving of any building or structure, or use of a structure, land, or water where such erection or use complies with all provisions of this chapter.

(Ord. 17-2-2065, passed 2-27-2017; Am. Ord. 19-12-2145, passed 12-9-2019)

PART 99: APPENDIX A

§ 159-99.100 BULK AND DENSITY STANDARDS FOR PRE-EXISTING PLANNED UNIT DEVELOPMENT DISTRICTS.

(A) PUD-1 Planned Unit Development District Minimum Requirements And Standards: Maximum site intensity and density standards in a pre-existing PUD-1 Planned Unit Development District shall not exceed those set forth in table A of this division. Minimum residential dwelling unit sizes and maximum residential height standards for the PUD-1 Planned Unit Development District are set forth in tables D-1 and D-2 of this section.

TABLE A

PUD-1 PLANNED UNIT DEVELOPMENT DISTRICT MAXIMUM INTENSITY AND DENSITY MEASURES

General Use Type	Residential Standards				Nonresidential Standards				
	Min. Open Space Ratio (OSR)	Max. Gross Density (GD)	Max. Net Density (ND)	Single-Family Detached Dwelling Min. Lot Size (S.F.) And Max. Lot Coverage (Max. % Of Lot Area) <sup>1</sup>	Min. Landscape Surface Ratio (LSR)	Max. Gross Floor Area Ratio (GFAR)	Max. Net Floor Area Ratio (NFAR)	Min. Lot Size (S.F.)	Max. Height (Stories/Ft.)
General Use Type	Min. Open Space Ratio (OSR)	Max. Gross Density (GD)	Max. Net Density (ND)	Single-Family Detached Dwelling Min. Lot Size (S.F.) And Max. Lot Coverage (Max. % Of Lot Area) <sup>1</sup>	Min. Landscape Surface Ratio (LSR)	Max. Gross Floor Area Ratio (GFAR)	Max. Net Floor Area Ratio (NFAR)	Min. Lot Size (S.F.)	Max. Height (Stories/Ft.)
Residential	0.25	2.00	5.00	12,000 30%	n/a	n/a	n/a	n/a	See tables D-1 and D-2 of this section
Office	n/a	n/a	n/a	n/a	0.45	0.23	0.42	20,000	3.0/40
Commercial retail sales and service	n/a	n/a	n/a	n/a	0.45	0.31	0.57	20,000	2.0/35
Industrial	n/a	n/a	n/a	n/a	0.45	0.5	0.91	20,000	2.0/35
Institutional	n/a	n/a	n/a	n/a	0.45	0.23	0.42	20,000	3.0/40
Mixed compatible uses	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	3.0/40

Key:

- n/a = Not applicable
- (a) = Apply the appropriate standard for each individual land use type and its corresponding site area as listed in this table.

Note:

1. The calculation of maximum lot coverage includes all areas of a lot including those areas which are protected as deed restricted open space or deed restricted natural resource features such as conservation easements.

(B) PUD-2 Planned Unit Development District Minimum Requirements And Standards: Maximum site intensity and density standards in a pre-existing PUD-2 Planned Unit Development District shall not exceed those set forth in table B of this division. Minimum residential dwelling unit sizes and maximum residential height standards for the PUD-2 Planned Unit Development District are set forth in tables D-1 and D-2 of this section.

TABLE B

PUD-2 PLANNED UNIT DEVELOPMENT DISTRICT MAXIMUM INTENSITY AND DENSITY MEASURES

	Residential Standards	Nonresidential Standards

General Use Type	Min. Open Space Ratio (OSR)	Max. Gross Density (GD)	Max. Net Density (ND)	Single-Family Detached Dwelling Min. Lot Size (S.F.) And Max. Lot Coverage (Max. % Of Lot Area) <sup>1</sup>	Min. Landscape Surface Ratio (LSR)	Max. Gross Floor Area Ratio (GFAR)	Max. Net Floor Area Ratio (NFAR)	Min. Lot Size (S.F.)	Max. Height (Stories/Ft.)
General Use Type	Residential Standards				Nonresidential Standards				
	Min. Open Space Ratio (OSR)	Max. Gross Density (GD)	Max. Net Density (ND)	Single-Family Detached Dwelling Min. Lot Size (S.F.) And Max. Lot Coverage (Max. % Of Lot Area) <sup>1</sup>	Min. Landscape Surface Ratio (LSR)	Max. Gross Floor Area Ratio (GFAR)	Max. Net Floor Area Ratio (NFAR)	Min. Lot Size (S.F.)	Max. Height (Stories/Ft.)
Residential	0.30	3.90	7.10	9,000 35%	n/a	n/a	n/a	n/a	See tables D-1 and D-2 of this section
Office	n/a	n/a	n/a	n/a	0.45	0.23	0.42	20,000	3.0/40
Commercial retail sales and service	n/a	n/a	n/a	n/a	0.45	0.31	0.57	20,000	2.0/35
Industrial	n/a	n/a	n/a	n/a	0.45	0.5	0.91	20,000	2.0/35
Institutional	n/a	n/a	n/a	n/a	0.45	0.23	0.42	20,000	3.0/40
Mixed compatible uses	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	3.0/40

Key:

n/a = Not applicable

(a) = Apply the appropriate standard for each individual land use type and its corresponding site area as listed in this table.

Note:

1. The calculation of maximum lot coverage includes all areas of a lot including those areas which are protected as deed restricted open space or deed restricted natural resource features such as conservation easements.

(C) PUD-3 Planned Unit Development District Minimum Requirements And Standards: Maximum site intensity and density standards in a pre-existing PUD-3 Planned Unit Development District shall not exceed those set forth in table C of this division. Minimum residential dwelling unit sizes and maximum residential height standards for the PUD-3 Planned Unit Development District are set forth in tables D-1 and D-2 of this section.

**TABLE C**

**PUD-3 PLANNED UNIT DEVELOPMENT DISTRICT MAXIMUM INTENSITY AND DENSITY MEASURES**

General Use Type	Residential Standards				Nonresidential Standards				
	Min. Open Space Ratio (OSR)	Max. Gross Density (GD)	Max. Net Density (ND)	Single-Family Detached Dwelling Min. Lot Size (S.F.) And Max. Lot Coverage (Max. % Of Lot Area) <sup>3</sup>	Min. Landscape Surface Ratio (LSR)	Max. Gross Floor Area Ratio (GFAR)	Max. Net Floor Area Ratio (NFAR)	Min. Lot Size (S.F.)	Max. Height (Stories/Ft.)
General Use Type	Residential Standards				Nonresidential Standards				
	Min. Open Space Ratio (OSR)	Max. Gross Density (GD)	Max. Net Density (ND)	Single-Family Detached Dwelling Min. Lot Size (S.F.) And Max. Lot Coverage (Max. % Of Lot Area) <sup>3</sup>	Min. Landscape Surface Ratio (LSR)	Max. Gross Floor Area Ratio (GFAR)	Max. Net Floor Area Ratio (NFAR)	Min. Lot Size (S.F.)	Max. Height (Stories/Ft.)
Residential	0.40	7.00	12.00	9,000 35%	n/a	n/a	n/a	n/a	See tables D-1 and D-2 of this section
Senior housing (including assisted living housing)	0.40	n/a	20.0 <sup>1</sup>	n/a	n/a	n/a	n/a	n/a	n/a
Office	n/a	n/a	n/a	n/a	0.45	0.23	0.42	20,000	3.0/40
Commercial retail sales and service	n/a	n/a	n/a	n/a	0.45	0.31	0.57	20,000	2.0/35
Industrial	n/a	n/a	n/a	n/a	0.45	0.5	0.91	20,000	2.0/35
Institutional (other than medical ambulatory services)	n/a	n/a	n/a	n/a	0.45	0.23	0.42	20,000	3.0/40
Medical ambulatory services <sup>2</sup>	n/a	n/a	n/a	n/a	0.25	0.30	0.40	20,000	3.0/40
Mixed compatible uses	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	3.0/40

Key:

n/a = Not applicable

(a) = Apply the appropriate standard for each individual land use type and its corresponding site area as listed in this table.

Notes:

1. Minimum size of senior housing dwelling units shall be as follows: studio dwelling unit = 400 s.f.; 1 bedroom assisted living dwelling unit = 440 s.f.; 1 bedroom (other than assisted living unit) = 550 s.f.; 2 bedroom dwelling unit = 700 s.f.

2. Including skilled nursing facilities, medical office buildings, freestanding surgery centers, freestanding imaging and diagnostic testing centers, birthing centers, hospice, subacute care facilities, recovery center, rehabilitation center.

3. The calculation of maximum lot coverage includes all areas of a lot including those areas which are protected as deed restricted open space or deed restricted natural resource

features such as conservation easements.

(D) Minimum Dwelling Unit Size And Maximum Building Height Standards For The PUD-1, PUD-2, And PUD-3 Planned Unit Development Districts: The minimum dwelling unit size and maximum building height standards for the pre-existing PUD-1, PUD-2, and PUD-3 Planned Unit Development Districts and density standards in the PUD-3 Planned Unit Development District are set forth in tables D-1 and D-2 of this section.

TABLE D-1  
MINIMUM DWELLING UNIT SIZE AND MAXIMUM BUILDING HEIGHT STANDARDS FOR THE  
PUD-1, PUD-2, AND PUD-3 PLANNED UNIT DEVELOPMENT DISTRICTS

Type Of Standard	PUD-1	PUD-2	PUD-3
Type Of Standard	PUD-1	PUD-2	PUD-3
Minimum total living area per single-family detached dwelling unit (DU) <sup>3</sup> :			
1 story DU 3 bedrooms	1,800 s.f.	1,600 s.f.	1,600 s.f.
1 story DU >3 bedrooms	150 s.f. <sup>1</sup>	150 s.f. <sup>1</sup>	150 s.f. <sup>1</sup>
1 story DU without basement or if basement is <600 s.f.	250 s.f. <sup>2</sup>	250 s.f. <sup>2</sup>	250 s.f. <sup>2</sup>
Multi-story DU 3 bedrooms	2,100 s.f. - total 1,050 s.f. - first floor	1,900 s.f. - total 950 s.f. - first floor	1,900 s.f. - total 950 s.f. - first floor
Multi-story DU >3 bedrooms	150 s.f. <sup>1</sup>	150 s.f. <sup>1</sup>	150 s.f. <sup>1</sup>
Multi-story DU without basement or if basement is <600 s.f.	250 s.f. <sup>2</sup>	250 s.f. <sup>2</sup>	250 s.f. <sup>2</sup>
Maximum building height of principal structure (stories/ft.)	2.5/30	2.5/30	2.5/30
Maximum building height of accessory structure (stories/ft.)	1.0/25	1.0/25	1.0/25
Minimum total living area per 2-family attached dwelling unit (DU) <sup>3</sup> :			
1 story DU 3 bedrooms	1,600 s.f.	1,500 s.f.	1,400 s.f.
1 story DU >3 bedrooms	200 s.f. <sup>2</sup>	150 s.f. <sup>2</sup>	150 s.f. <sup>2</sup>
1 story DU without basement or if basement is <600 s.f.	200 s.f. <sup>4</sup>	150 s.f. <sup>4</sup>	150 s.f. <sup>4</sup>
Multi-story DU 3 bedrooms	1,600 s.f.	1,500 s.f.	1,400 s.f.
Multi-story DU >3 bedrooms	150 s.f. <sup>2</sup>	150 s.f. <sup>2</sup>	150 s.f. <sup>2</sup>
Multi-story DU without basement or if basement is <600 s.f.	150 s.f. <sup>2</sup>	150 s.f. <sup>2</sup>	150 s.f. <sup>2</sup>
Maximum building height of principal structure (stories/ft.)	2.5/30	2.5/30	2.5/30
Maximum building height of accessory structure (stories/ft.)	1.0/25	1.0/25	1.0/25

- Notes:
1. Add to minimum required building floor area for each bedroom in excess of 3.
  2. Add to minimum required floor area and first floor area for each dwelling unit which has a basement less than 600 s.f.
  3. Dens, libraries, studies, lofts, or other rooms within a dwelling unit which can potentially be used as a bedroom shall be considered and counted as a bedroom.
  4. The Plan Commission may waive this maximum number of dwelling units per structure to accommodate residential housing for the elderly as defined by this chapter.

TABLE D-2  
MINIMUM DWELLING UNIT SIZE AND MAXIMUM BUILDING HEIGHT STANDARDS FOR  
THE PUD-1, PUD-2, AND PUD-3 PLANNED UNIT DEVELOPMENT DISTRICTS

Type Of Standard	PUD-1		PUD-2		PUD-3	
Type Of Dwelling Structure And Number Of DUs	1 Bedroom DU <sup>1</sup>	Min. Area (S.F.) To Be Added To Min. DU Size For Each Bedroom Over 1 Bedroom <sup>1</sup>	1 Bedroom DU <sup>1</sup>	Min. Area (S.F.) To Be Added To Min. DU Size For Each Bedroom Over 1 Bedroom <sup>1</sup>	1 Bedroom DU <sup>1</sup>	Min. Area (S.F.) To Be Added To Min. DU Size For Each Bedroom Over 1 Bedroom <sup>1</sup>
Type Of Standard	PUD-1		PUD-2		PUD-3	
Type Of Dwelling Structure And Number Of DUs	1 Bedroom DU <sup>1</sup>	Min. Area (S.F.) To Be Added To Min. DU Size For Each Bedroom Over 1 Bedroom <sup>1</sup>	1 Bedroom DU <sup>1</sup>	Min. Area (S.F.) To Be Added To Min. DU Size For Each Bedroom Over 1 Bedroom <sup>1</sup>	1 Bedroom DU <sup>1</sup>	Min. Area (S.F.) To Be Added To Min. DU Size For Each Bedroom Over 1 Bedroom <sup>1</sup>
Minimum total living area per multiple-family attached unit (DU) <sup>1</sup> :						
4 DUs per structure	1,500	200	1,150	150	900	150
5 to 8 DUs per structure	NP	NP	1,100	150	900	150
9 or more DUs per structure not to exceed 12 DUs per structure	NP	NP	1,050	150	900	150
12 to 16 DUs per structure	NP	NP	NP <sup>2</sup>	NP <sup>2</sup>	900 <sup>2</sup>	150 <sup>2</sup>
Principal structure (stories/ft.)	3.0/35		3.0/35		4.0/45	

Maximum building height of accessory structure (stories/ft.)	1.0/25	1.0/25	1.0/25
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Key:

NP = Not permitted

Notes:

1. Dens, libraries, studies, lofts, or other rooms within a dwelling unit which can potentially be used as a bedroom shall be considered and counted as a bedroom.
2. The Plan Commission may waive this maximum number of dwelling units per structure to accommodate "residential housing for the elderly" as defined by this chapter.

(E) Permitted And Special Uses In The Planned Unit Development Districts: Table E of this division sets forth those uses that are permitted and special uses in the pre-existing PUD-1, PUD-2, and PUD-3 Planned Unit Development Districts.

**TABLE E**  
**TABLE OF PERMITTED AND SPECIAL USES**  
**IN THE PLANNED UNIT DEVELOPMENT DISTRICTS**

Type Of Use	PUD
Type Of Use	PUD
Residential PUD:	
1-family detached dwellings	P
2-family attached dwellings (excluding "row home dwelling" as defined in this chapter)	P
Multiple-family dwellings and apartments (not including row home dwellings) (see division 159-4.103(B)(1) of this chapter)	P
Row home dwellings (see division 159-4.103(B)(1) of this chapter)	P
Senior housing, age restricted (see division 159-4.103(B)(2) of this chapter)	S
Agriculture uses	S
Boathouses (private, no living quarters)	S
Buildings and facilities for libraries, public parks, and schools	S
Clubhouses (private, accessory)	P
Community living arrangements and group homes	S
Forest preserves, including bicycle trails, cross country ski trails, dog parks, hiking trails, jogging trails, nature areas, nature trails, parks, picnicking, riding/equestrian trails, wildlife sanctuaries, and similar uses operated as part of the forest preserve use	S
Historic monuments or sites	S
Municipal buildings and facilities	P
Private parks and tot lots (accessory to residential development)	P
Stable (private) (see division 159-4.103(B)(3) of this chapter)	S
Non-residential PUD:	
Amusements and recreation:	
Bicycle trails (nonmotorized)	P
Boat access sites	P
Golf driving range (indoor)	S
Historic monuments or sites	P
Ice skating (indoor)	S
Ice skating (outdoor)	P
Marinas	S
Membership sports and recreation clubs (NAICS #713940)	S
Parks, private	P
Assembly:	
Places of worship (NAICS #813110)	P
Educational institutions:	
Schools and educational services, not elsewhere classified (NAICS #611699)	S
Finance, insurance, and real estate:	
Banks, savings institutions, and credit unions (with drive-through facilities) (NAICS #521110, 522210, 522130)	S
Banks, savings institutions, and credit unions (without drive-through facilities) (NAICS #521110, 522210, 522130)	P
Commodity contracts brokers, security and commodity exchanges (NAICS #523130, 523140)	P
Federal reserve banks (NAICS #521110)	P
Holding companies (NAICS #551111)	P
Insurance carriers, brokers, and agents (NAICS #524210, 524128)	P
Investment offices (NAICS #523920, 523930)	P
Nondepository institutions, including credit institutions, mortgage bankers and loan brokers (NAICS #522210, 522291)	P
Real estate agents and managers (NAICS #531210)	P
Real property lessors (NAICS #531110)	S
Security brokers and dealers (NAICS #523120)	P
Title abstract offices (NAICS #541191)	P
Government:	

Buildings and facilities for libraries and schools, including administration, maintenance, storage, and other facilities (except as expressly classified elsewhere)	S
Fire department (NAICS #922160)	S
Forest preserves, including bicycle trails, cross country ski trails, dog parks, hiking trails, jogging trails, nature areas, nature trails, parks, picnicking, riding/equestrian trails, wildlife sanctuaries, and similar uses operated as part of the forest preserve use	S
General government offices, except Village (NAICS #921190)	S
Library buildings and facilities, including administration, maintenance, storage, and other facilities	S
Municipal buildings and facilities	P
Police department (NAICS #922120)	P
Public park buildings and facilities, including administration, maintenance, storage, and other facilities	S
School buildings and facilities, including administration, maintenance, storage, and other facilities (unless expressly classified elsewhere)	S
Retail trade:	
Bookstores (NAICS #451211)	P
Camera and photographic supply stores (NAICS #443142)	P
Candy, nut, and confectionery stores, bakeries, dairy products (NAICS #445292, 445291, 445299)	P
Catalog and mail order houses (NAICS #454113)	P
Clothing and shoe stores (NAICS #448140, 448110, 448150, 448120, 448190)	P
Convenience store (with gas station) (NAICS #447110)	S
Convenience store (without gas station) (NAICS #445120)	P
Department stores (NAICS #452111)	P
Drinking places (without drive-through) (NAICS #722410)	S
Drugstores (NAICS #446110)	P
Eating places (with drive-through) (NAICS #722511, 722513, 722514, 722515)	S
Eating places (without drive-through) (NAICS #722511, 722513, 722514, 722515)	P
Florists (NAICS #453110)	P
Furniture and home furnishing stores (NAICS #442110)	P
Gasoline service stations (NAICS #447190)	S
Gift, novelty, and souvenir shops (NAICS #453220)	P
Grocery stores (NAICS #445110)	P
Hardware, paint, glass and wallpaper stores (NAICS #444130)	P
Hobby, toy and game shops (NAICS #451120)	P
Household appliance stores (NAICS #443141)	P
Jewelry stores (NAICS #448310)	P
Luggage and leather goods stores (NAICS #448320)	P
Miscellaneous general merchandise stores (NAICS #452990)	S
Miscellaneous retail stores, not elsewhere classified (NAICS #453998)	S
Music store	P
Optical goods stores (NAICS #446130)	P
Outdoor sales and display (as accessory use)	P
Outdoor sales and display (as principal use)	S
Outdoor storage (accessory only, in CB District)	S
Radio, TV, and computer stores (NAICS #443142)	P
Sewing, needlework, and piece goods	P
Specialty grocers, including meat and fish markets, fruit and vegetable markets (NAICS #445299)	P
Sporting goods and bicycle shops (NAICS #451110)	S
Stationery stores (NAICS #453210)	P
Tobacco stores and stands (NAICS #453991)	P
Used merchandise stores (NAICS #453310)	S
Services:	
Accommodation services:	
Hotels and motels (NAICS #721110)	S
Membership based organization hotels (NAICS #721110)	S
Resorts (NAICS #721110)	S
Sporting and recreational camps, cabins, and cottages (NAICS #721214)	S
Business services:	
Advertising agencies (NAICS #541810)	P
Commercial art and graphic design (NAICS #541430)	P
Commercial photography (NAICS #541922)	P
Computer maintenance and repair (NAICS #811212)	P
Computer programming, data processing, and computer facilities management (NAICS #541511, 518210)	P
Computer rental and leasing (NAICS #532420)	P
Computer related services, not elsewhere classified (NAICS #514519)	P
Credit reporting and collection (NAICS #561450)	P

Direct mail advertising services (NAICS #541860)	P
Employment agencies (NAICS #561311)	P
Equipment rental and leasing, not elsewhere classified (NAICS #532420, 532299)	S
Medical equipment rental (NAICS #532291)	P
Photocopying and duplicating services (NAICS #561439)	P
Secretarial and court reporting (NAICS #561410, 561492)	P
Business services, not elsewhere classified	S
Medical services:	
Freestanding ambulatory surgical and emergency centers	P
General medical and surgical hospitals (except psychiatric) (NAICS #622110)	P
Home healthcare services (NAICS #621610)	P
Kidney dialysis centers (NAICS #621492)	S
Medical and dental laboratories (NAICS #621511, 339116)	S
Nursing and personal care, not elsewhere classified (NAICS #623110)	S
Offices and clinics of medical doctors, dentists, and other health practitioners (NAICS #621111, 621112)	P
Psychiatric hospitals (NAICS #622210)	S
Skilled nursing facilities and intermediate care facilities (NAICS #623110)	P
Specialty outpatient clinics, not elsewhere classified (NAICS #621498)	S
Personal services:	
Beauty shops and barbershops (NAICS #812112, 812111)	P
Child daycare services (NAICS #624410)	P
Coin operated laundries and cleaning (NAICS #812310)	S
Funeral service and crematories (NAICS #812220)	S
Furniture repair (NAICS #811420)	P
Garment pressing and dry cleaner agents (NAICS #812320)	P
Individual and family social services (NAICS #624110, 624120, 624190)	P
Miscellaneous personal services, not elsewhere classified (NAICS #812199, 812990)	S
Photographic studios (NAICS #541921)	P
Radio and TV repair (NAICS #811211)	P
Residential care (NAICS #623312, 623210)	P
Shoe repair and shoeshine (NAICS #811430)	P
Social services, not elsewhere classified (NAICS #813319)	P
Watch, clock, and jewelry repair (NAICS #811490)	P
Professional services:	
Accounting, auditing and bookkeeping (NAICS #541211, 541214, 541219)	P
Engineering, architectural and surveying services (NAICS #541330, 541310, 541360, 541370)	P
Legal services (NAICS #541110)	P
Management services, including consulting, public relations, facilities support (NAICS #561110)	P
Membership organizations (NAICS #813410, 813910, 813990)	P
Tax return preparation services (NAICS #541213)	P
Transportation and public utilities:	
Passenger transport, not elsewhere classified (NAICS #485999)	P
Radio, telephone, television, cable, and other communications (NAICS #517210, 517110, 515210, 515111, 515112)	S
Travel agencies and tour operators (NAICS #561510, 561520)	P

(Ord. 17-2-2065, passed 2-27-2017)