

AGENDA
COMMITTEE OF THE WHOLE MEETING
Village Hall – Board Room
Monday, November 26, 2018
Following Regular Village Board Meeting

Reasonable accommodations / auxiliary aids will be provided to enable persons with disabilities to effectively participate in any public meetings of the Board. Please contact the Village Administrative Office (847.883.8600) 48 hours in advance if you need special accommodations to attend. The Committee of the Whole will not proceed past 10:30 p.m. unless there is a consensus of the majority of the Trustees to do so. Citizens wishing to address the Board on agenda items may speak when the agenda item is open, prior to Board discussion.

CALL TO ORDER**1.0 ROLL CALL****2.0 APPROVAL OF MINUTES**

- 2.1 Acceptance of the November 12, 2018 Committee of the Whole Meeting Minutes

3.0 ITEMS OF GENERAL BUSINESS**3.1 Planning, Zoning and Land Use**

- 3.11 Consideration of an Ordinance Amending Title 6 (Zoning), Chapters 2, 8, and 11 of the Lincolnshire Village Code (Office-Industrial O/I District Permitted and Special Uses) (Village of Lincolnshire)

- 3.12 Consideration of an Ordinance Amending Title 2 (Boards & Commissions), Chapter 3 (Architectural Review Board), Section 2-3-2 (Board Membership) of the Lincolnshire Village Code Pertaining to Alternate Members (Village of Lincolnshire)

3.2 Finance and Administration

- 3.21 Consideration of Final Changes to the Proposed Fiscal Year 2019 Budget (Village of Lincolnshire)

- 3.22 Consideration of Workers Compensation Insurance Coverage for the period of January 1, 2019 to December 31, 2019 with the Illinois Public Risk Fund in the Amount of \$144,794; Consideration of Property and Liability Insurance Coverage for the period of January 1, 2019 to April 30, 2019 with the Municipal Insurance Cooperative Agency in the Amount of \$41,455; and Consideration of a Resolution to Enroll in the Municipal Insurance Cooperative Agency (Village of Lincolnshire)

- 3.23 Consideration of Renewal of Cable Franchise Agreement with Comcast of California/Illinois, LLC (Village of Lincolnshire)

- 3.24 Consideration of an Ordinance Amending Title 1 (Administration), Chapter 9 (Senior Citizen Property Tax Relief) of the Lincolnshire Village Code to Add a Sunset Provision (Village of Lincolnshire)

3.3 Public Works**3.4 Public Safety****3.5 Parks and Recreation****3.6 Judiciary and Personnel**

- 4.0 **UNFINISHED BUSINESS**
- 5.0 **NEW BUSINESS**
- 6.0 **EXECUTIVE SESSION**
- 7.0 **ADJOURNMENT**



2.1

**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, November 12, 2018**

Present:

Mayor Brandt	Trustee Harms Muth
Trustee Grujanac	Trustee Hancock
Trustee McDonough	Trustee Servi
Trustee Leider	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Finance Director/Treasurer Peterson	Public Works Director Woodbury
Chief of Police Leonas	Assistant Village Manager/Community &
Planning & Development Manager Zozulya	Economic Development Director Gilbertson

ROLL CALL

Mayor Brandt called the meeting to order at 7:32 p.m. and Village Clerk Mastandrea called the Roll.

2.0 APPROVAL OF MINUTES**2.1 Acceptance of the October 22, 2018 Committee of the Whole Meeting Minutes**

The minutes of the October 22, 2018 Committee of the Whole Meeting were approved as submitted.

2.2 Acceptance of the October 29, 2018 Special Committee of the Whole Meeting Minutes

The minutes of the October 29, 2018 Special Committee of the Whole Meeting were approved as submitted.

2.3 Acceptance of the November 1, 2018 Special Committee of the Whole Meeting Minutes

The minutes of the November 1, 2018 Special Committee of the Whole Meeting were approved as submitted.

3.0 ITEMS OF GENERAL BUSINESS**3.1 Planning, Zoning and Land Use****3.11 Preliminary Evaluation Regarding Wall and Ground Sign Regulations in the Downtown and Corridor Commercial Sign Districts (Village of Lincolnshire)**

Planning & Development Manager Zozulya provided a presentation

regarding a preliminary evaluation regarding wall and ground sign regulations in the Downtown and Corridor Commercial Sign Districts. Planning & Development Manager Zozulya provided wall sign comparisons and ground sign comparisons. Planning and Development Manager Zozulya presented the Board with the following options to consider: combine districts and apply all current Corridor Commercial requirements; maintain separate Districts, and apply all or certain Corridor Commercial requirements; and combine Districts and develop/apply new requirements.

Trustee McDonough suggested leaving it the way it is and allowing businesses to petition for changes or variations, then the Board would make decisions based on petition presented. Trustee Harms Muth stated this is being addressed to avoid variance petitions from coming before the Board.

Trustee Harms Muth asked what the difference was between the red and yellow areas on the sign plan map presented and why there are two different classifications for sign districts. Planning & Development Manager Zozulya noted the red classification represents the Downtown area; where the Lincolnshire Marketplace and Village Green sits and was created to hold this areas to a higher aesthetics standard. Trustee Servi noted his opinion was that when this area was developed it was in knowing that this area had residential uses nearby, and the Board decided to be more restrictive due to the proximity of residential uses. A conversation regarding how the Downtown District was created and how it has evolved followed.

Mayor Brandt asked if staff had a specific recommendation. Planning & Development Manager Zozulya stated staff feels like it is the right time to standardize dimensions but staff would question whether or not design should be separate. Trustee Harms Muth stated her opinion is that she liked the Downtown Sign District ground monument sign examples with a cap, main area and a base, and asked if these have been questioned by businesses. Planning & Development Manager Zozulya stated most questions have come from wall sign sizes.

Trustee Grujanac noted concern in changing the height of the structure of signs in the downtown area.

Village Attorney Simon asked for clarification noting it appears the Board would like to enhance the flexibility for the Downtown District but not necessarily make it exactly the same as the Corridor Commercial. There are regulations that can be made to make it similar to Corridor Commercial such as dimensions, design requirements, and possibly the illumination. Trustee Servi noted he would be in favor of consolidating the dimensions and design but having variances for illumination; specifically if the signs are facing residential. Village Attorney Simon noted the Board adopted a new regulation when the signs have to be

turned off; if they are within 120' or are in direct line sight of residential property. Village Attorney Simon stated staff did a survey of the area and almost none of the current signs are within 120' or directly in sight of residential properties.

Trustee Leider noted his opinion was to be more requiring and restrictive than less. Trustee Harms Muth noted the desire for the two districts to be consistent. A conversation ensued regarding the proposed changes.

Village Attorney Simon noted this is a preliminary evaluation and the next step, if the Board is in approval, would be to refer this to the Architectural Review Board (ARB).

Village Clerk Mastandrea suggested members of the Board take photos of signs they like/dislike and provide to staff.

Trustee Leider asked about the sign at Route 22 and Elm Road being illuminated. Planning & Development Manager Zozulya stated this sign is grandfathered under the current code until 2021, and the owners know the replacement timeline/requirements.

Mayor Brandt stated there is no definitive direction from the Board to the ARB and suggested staff put together a table showing what is allowed at the Vernon Hills Center on the corner of Olde Half Day Road and Milwaukee Ave.

It was the consensus of the Board to refer this to the Architectural Review Board for further study and recommendations.

3.2 Finance and Administration

3.21 Public Comment Regarding the Proposed Fiscal Year 2019 Budget (Village of Lincolnshire)

Village Manager Burke stated there was no supplemental information included with the packet for this item; it is part of the schedule for adoption of the annual budget. No emails or inquiries have been received from the Public.

3.22 Consideration of an Ordinance Levying Taxes for Corporate Purposes of the Village of Lincolnshire, Lake County, Illinois for Fiscal Year Beginning the First Day of January, 2018 and ending December 31, 2018 (Village of Lincolnshire)

Village Manager Burke provided an update and summary of the annual Ordinance levying taxes for corporate purposes of the Village of Lincolnshire for fiscal year beginning the first day of January, 2018 and ending December 31, 2018. The proposed levy provides an opportunity for the Village to capture \$76,212 additional property tax revenue while

maintaining a tax rate freeze of .241.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.23 Consideration of an Ordinance Abating and Reducing Certain Taxes Heretofore Levied to Pay Debt Service on Special Service Area (SSA) Bonds of the Village of Lincolnshire, Lake County, Illinois (Sedgebrook Special Service Area Number 1 Special Tax Bonds)

Village Manager Burke provided a summary of the annual proposed Ordinance abating and reducing certain taxes heretofore levied to pay debt service on Special Service Area (SSA) Bonds of the Village of Lincolnshire (Sedgebrook Special Service Area Number 1 Special Tax Bonds).

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.24 Consideration of an Ordinance Amending Chapter 15 of Title 1- Comprehensive Fee Schedule of the Lincolnshire Village Code Related to the Establishment of Fees and Charges for Service (Water and Sewer Connection Charges and Rate) (Village of Lincolnshire)

Village Manager Burke provided a summary and the proposed Ordinance amending Chapter 15 of Title 1- Comprehensive Fee Schedule of the Lincolnshire Village Code related to the establishment of fees and charges for service (water and sewer connection charges and rate) discussed during the budget meetings. The proposed Ordinance reflects a 15% increase in water rates, and a 2% increase in sewer rates for 2019. The increases are directly related to the increases in the water purchase charge assessed by the City of Highland Park, as well as the increase for wastewater treatment services assessed by Lake County.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.25 Consideration of Professional Service Agreements for Fiscal Year 2019 (Village of Lincolnshire)

Village Manager Burke provided a summary of the Professional Service Agreements for Fiscal Year 2019 which was included in the draft budget.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the December 10, 2018 Regular Village Board

Meeting.

3.26 Consideration of the 2019 Village Calendar and Meeting Schedule (Village of Lincolnshire)

Village Manager Burke provided a summary of the proposed 2019 Village calendar and meeting schedule.

Mayor Brandt suggested changing the March 25, 2019 meeting due to spring break and asked the Board to get feedback to staff. Village Manager Burke suggested changing this date to March 18, 2019 and changing the Advisory Board meetings for this week.

It was the consensus of the Board to place this item with the March meeting date changes on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.27 Consideration of Professional Services Agreement with Baker Tilly Virchow Krause, LLP, Oak Brook, Illinois for Auditing Services in an Amount not to Exceed \$29,000 (Village of Lincolnshire)

Village Manager Burke provided a summary of the proposed Professional Services Agreement with Baker Tilly Virchow Krause, LLP, Oak Brook, Illinois for auditing services in an amount not to exceed \$29,000.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.3 Public Works

3.31 Consideration of One-Year Supplemental Statement of Work with Geographic Information Systems (GIS) Consortium Service Provider, Municipal GIS Partners (MGP) for Geographic Information Services (Village of Lincolnshire)

Public Works Director Woodbury provided a summary of the proposed one-year Supplemental Statement of work with Geographic Information Systems (GIS) Consortium Service Provider, Municipal GIS Partners (MGP) for Geographic Information Services.

Trustee Servi noted a discrepancy in the chart of the Professional Service Agreements which shows this as 61% not .61%. Village Manager Burke will make the correction.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.32 Consideration of Awarding a Bid for Lincolnshire Custodial Services to Eco Cleaning Maintenance, Inc. of Elmhurst, Illinois at

an Annual Base Bid Cost of \$35,820.00 (Village of Lincolnshire)

Public Works Director Woodbury provided a summary of awarding a bid for Lincolnshire custodial services to Eco Cleaning Maintenance, Inc. of Elmhurst, Illinois at an annual base bid cost of \$35,820.00. Based on the bids received, staff recommends \$53,000.00 to be budgeted for these services in 2019.

Trustee Harms Muth asked if they were much lower than the other bids. Public Works Director Woodbury stated Eco was much lower noting he thought they were a newer company.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.4 Public Safety

3.41 Consideration of an Agreement with Adlai E. Stevenson High School District #125 for Two School Resource Officers (Village of Lincolnshire & School District #125)

Village Manager Burke provided a summary of the proposed Agreement with Adlai E. Stevenson High School District #125 for two School Resource Officers (SRO). Village Manager Burke noted earlier in the day he received an email from Sean Carney at Stevenson High School with suggested changes from their legal counsel on the structure of the agreement. Village Manager Burke noted he did not believe the suggested changes would affect how the Village would be reimbursed for the SRO and vehicles assigned to the high school, but would bring this item back on the next Regular Village Board Meeting agenda so the Board would have a chance to ask any questions regarding these changes.

Trustee Leider asked for clarification of the third paragraph of the agreement that reads “The new Agreement provides for a 2% increase in reimbursement for the police officers’ salaries and fringe benefits; and increases the reimbursement for the police vehicles from \$200 to \$1,433 per month”. Village Manager Burke explained the current agreement states 83% of salary and fringe benefits for the current SRO. The School is asking for additional services during the summer months so it was increased to 85% of the total employee salary, fringe benefits, and pension obligations for both officers. Village Manager Burke noted there was a \$200 stipend for the use of a village vehicle in the previous agreement, and now the school is requesting the use of a second vehicle and the proposed agreement amortizes the cost of both vehicles over a typical five-year life cycle. Village Manager Burke stated the reimbursement is recalculated each year based on the salary of the SRO serving in the position.

Trustee Servi asked why the reimbursement is at 85% and not 100%.

Village Manager Burke stated if the SRO is not working at the school they will be redeployed onto the street or assigned to other activities. Trustee Servi asked if one of the SRO's is on vacation, would we backfill another officer. Village Manager Burke stated some of the changes received in the email earlier make note of this and will need to be reviewed in order to answer this. Village Manager Burke noted the intent is that if one of the SRO's is off due to injury or illness for an extended period of time, a replacement would need to be made, but if it is a short absence, then there would be no backfill.

A conversation regarding how other communities handle reimbursements versus how Lincolnshire does it followed.

Trustee Harms Muth asked why there is a need for a second SRO. Chief of Police Leonas stated the School District asked the Village to provide a second SRO primarily for the evening hours. The second SRO will be working until 7:00 p.m. due to after school events and a large student body.

Trustee Servi asked if three years was an adequate term for the agreement and suggested possibly changing it to five years. Chief of Police Leonas stated the SRO is assigned for four years, and the newly hired SRO will likely be at Stevenson for the length of his career so it is possible Stevenson High School may examine this later. Trustee Servi noted concern with becoming overstaffed. Village Manager Burke noted one of the provisions in the agreement is a 12 month notification by either the high school or the village if there is to be a change in number of officers assigned to the school.

It was the consensus of the Board to place this under Item of General Business on the Agenda for consideration and approval at the next Regular Village Board Meeting.

3.5 Parks and Recreation

3.6 Judiciary and Personnel

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

6.0 EXECUTIVE SESSION

7.0 ADJOURNMENT

Trustee Grujanac moved and Trustee Leider seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 8:33 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk



**REQUEST FOR BOARD ACTION
Committee of the Whole
November 26, 2018**

Subject: Office-Industrial (O/I) Zoning District Uses

Action Requested: Consideration of an Ordinance Amending Title 6 (Zoning), Chapters 2, 8 and 11 of the Lincolnshire Village Code (Office Industrial O/I District Permitted and Special Uses) (Village of Lincolnshire)

Originated By/Contact: Tonya Zozulya, Planning & Development Manager
Department of Community & Economic Development

Referred To: Village Board/Zoning Board

Background:

- In August 2018, Van Vlissingen and Co. (Van Vlissingen), a Lincolnshire-based large commercial property owner and landlord with property interests throughout the Chicagoland region, communicated concerns regarding permitted and Special Uses in the O/I Office-Industrial zoning district and its subdistricts (O/Ia, O/Ib, O/Ic, and O/Id; see attached Document 1). Based on their knowledge of the local office and industrial market, zoning codes in other communities, and inquiries from potential tenants, Van Vlissingen encouraged the Village to examine the current O/I code and expand permissibility to make Lincolnshire's corporate centers more attractive to small business owners wishing to lease smaller spaces and to allow a wider range of non-office uses given high office vacancies in the Village.
- In September 2018, staff developed a proposal for comprehensive O/I text amendments based on Van Vlissingen's input and additional research.
- On October 9, 2018, the Village Board held a preliminary evaluation regarding this proposal and referred the matter to the Zoning Board for a Public Hearing. While referring the proposal to the Zoning Board, the Village Board expressed a desire to allow more O/I uses "by right", rather than by Special Use permit, where appropriate.
- Staff considered Van Vlissingen's input for the proposed text amendments. In conjunction with additional research, staff refined the proposed text amendments to include additional uses in response to office/industrial trends and market realities. Staff also conducted a comprehensive review of office/industrial uses permitted in neighboring and/or comparable communities. Staff recognizes office leasing remains a challenge with approximately 30% office vacancy in Lincolnshire during Q3 2018, which is higher than office vacancy for Lake County overall. Office landlords and property managers require flexibility in leasing available spaces, and the market is witnessing many new uses seeking to locate in corporate centers.
- Staff conducted a survey of 14 local communities through the Northwest Municipal Conference, including the neighboring communities of Vernon Hills, Buffalo Grove, Deerfield, Highland Park and Lake Bluff and received brewery survey results requested by another municipality (see attached Document 4). Staff also interviewed several office and industrial brokers to obtain their perspectives on leasing.



- On November 13, 2018, the Zoning Board held a Public Hearing regarding the proposed text amendments (see attached Document 5). Van Vlissingen and Co. attended the Public Hearing and provided testimony, reflected in the attached meeting minutes. Staff has also received email correspondence from a concerned resident regarding the proposal (see attached Document 6).
- The Zoning Board forwarded an unanimous favorable recommendation of the proposed text amendments to the Village Board for final review and potential approval. The proposal, along with the Zoning Board's recommendations, is summarized below.

Chapter 2 (Definitions) - Summary of Proposed Revisions:

New definitions:

- "Brewery";
- "Catering establishment";
- "Distillery";
- "Performing and visual arts studio";
- "Pet daycare"; and
- "Tutoring center"

Zoning Board Recommendation: In favor.

Revised definitions:

- "Child daycare center" - added "child" to distinguish these uses from pet daycares.
- "Educational institution" - clarified differences between "tutoring centers" which are defined separately.
- "Office" - excluded "physician's offices" from the definition (they are defined separately).
- "Physician's office" - expanded the definition by adding new licensed medical professions: clinical social workers, professional counsellors, acupuncturists, chiropractors, massage therapists, naprapaths, optometrists, estheticians, electrologists, occupational and physical therapists and dietitian nutritionists.

Zoning Board Recommendation: In favor.

Removed definitions:

- "Dog kennel" and "kennel" - these are proposed to be replaced with the new definition of "pet daycare".

Zoning Board Recommendation: In favor.

Chapter 8 (Office/Industrial Districts) - Summary of Proposed Revisions:

- Assembly Uses - Revised the total square footage cap assembly uses can cumulatively occupy in the entire O/I district from the current 50,000 square feet to 150,000 square feet. Assembly uses include religious organizations, banquet venues, museums, galleries, theaters, clubs and similar uses. There are currently two assembly uses in the O/I district: Willow Creek Church (47,000 square feet) and Noah's Event Venue (10,000 square feet), exceeding the 50,000-square-foot limit by 7,000 square feet. Staff proposes to increase the limit to 150,000 square feet to make room for additional assembly uses. In speaking with the Village

Attorney, a cap is recommended to ensure the majority of Lincolnshire's office and industrial properties remain available for office and industrial uses. All surveyed communities indicated they allow some types of assembly uses in Office/Industrial districts, with the vast majority (13) indicating no limitation on the overall square footage these uses can cumulatively occupy.

- Breweries and Distilleries - Staff proposes to add these two new uses to the O/lc and O/lb subdistricts, given these are viable uses seeking to locate in industrial zones. They will primarily include manufacturing, storage and distribution of beer and hard liquor with a tasting room/retail sales as an accessory use. The vast majority of the surveyed communities (13) allow breweries, with approximately half allowing them "by right."
- Auxiliary Uses - Clarified these are accessory retail and service uses permitted in all subdistricts "by right" to support principal office and industrial uses. These may include uses such as financial institutions, cafeterias, and pharmacies. All surveyed communities allow some type of retail uses in Office/Industrial districts.
- Banks and Financial Institutions - These uses are currently allowed by a Special Use permit only in all subdistricts under "commercial service activity." Staff proposes those banks and financial institution uses that do not have a drive-thru be permitted "by right" in all subdistricts, and those with a drive-thru be permitted by Special Use permit in all subdistricts. Nine surveyed communities indicated they require a Special Use permit for retail businesses with a drive-thru.
- Car Rental Facilities - These uses are currently allowed by Special Use permit only in all subdistricts under "commercial service activity". Staff proposes those car rental facilities that do not have an on-site car service be permitted "by right" in all subdistricts, and those with an on-site car service be permitted by Special Use permit in all subdistricts. Added a new requirement on-site repairs be conducted within a fully enclosed facility.
- Catering Establishments - These uses are currently not addressed in the O/I district. Staff proposes to allow them "by right" in the O/lc and O/lb subdistricts and require a Special Use permit in O/lc and O/lb due to potential negative impacts of kitchens (e.g., odor and noise impacts) on core office uses prevalent in O/lc and O/lb. There is also a prohibition regarding retail sales, except as an accessory use. The majority of the surveyed communities that regulate catering establishments permit catering establishments in Office/Industrial districts "by right."
- Child Daycare Centers - No change in permissibility (Special Use permit) in all subdistricts, which is currently allowed under "commercial service activity." A new requirement is proposed for multi-tenant buildings, such that these uses be located on the first floor to minimize potential negative impacts on other tenants (e.g., noise).
- Day Spas - These uses are currently not addressed in the O/I district. Staff proposes those uses without massage service be permitted "by right" in all subdistricts, and those with massage service be permitted by Special Use permit in all subdistricts. Seven surveyed communities allow spas in Office/Industrial zones.

- Commercial Service Activity - This existing category of uses (including but not limited to banks, restaurants, and daycare centers) is proposed to be eliminated. All commercial uses currently listed in this category are proposed to be listed separately to make them more visible with their own set of requirements, where applicable.
- Educational Institutions - These uses, which include colleges, universities, trade and business schools, are currently not addressed in the O/I district. Staff proposes to allow them by Special Use permit in all subdistricts, given the multi-purpose nature of this use and potential negative impacts due to traffic, parking, lighting and outdoor activities. Eight surveyed communities allow colleges and universities in Office/Industrial areas (five - by Special Use permit).
- Farmers Markets - These uses are currently not addressed in Chapter 8, Office-Industrial Districts (though they are allowed as a temporary use in the O/Ia subdistrict only in Chapter 3, General Zoning Regulations). Staff proposes to allow them “by right” in all O/I subdistricts in Chapter 8. Farmers markets would continue to require a Temporary Use permit to be reviewed and issued by staff upon review of the operational plan and other existing code requirements per Chapter 3 requirements. Chapter 3 also currently permits other temporary uses in the O/I district, including food trucks and special events.
- Hotels - These uses are currently not specifically listed but have been historically permitted as a “commercial service activity” with a Special Use permit. No change in permissibility is proposed for all subdistricts. (i.e., a Special Use permit would still be required).
- Laboratories, Research and Development Facilities, Public or Private - Added the “by right” permissibility in the O/Ia subdistrict. These uses are currently allowed “by right” only in O/Ib, O/Ic, and O/Id.
- Municipal Services Activities - Renamed to “government services activities” to inclusively define permitted uses and maintain the existing “by right” permissibility in the O/Ic and O/Id subdistricts. These activities include public works facilities, post offices, fire stations and similar uses.
- Performing and Visual Arts Studios - These uses are currently not addressed in the O/I district. Staff proposes they be allowed “by right” in all subdistricts with conditions regarding their location on the first floor of multi-tenant buildings and sound proofing measures to minimize potential negative impacts on other tenants.
- Pet Daycare, Grooming, and Training - No change in permissibility (Special Use permit) in all subdistricts, which is currently allowed under “commercial service activity.” Expanded the use to include related grooming and training uses and permit overnight boarding. Required these uses locate on the first floor of multi-tenant buildings and provide sound proofing measures to minimize potential negative impacts on other tenants. Nine surveyed communities allow pet grooming.

- Physician's Offices - Changed permissibility from a Special Use permit to "by right" in all subdistricts. Removed restrictions regarding the location and maximum floor area occupied by physician's offices (currently at 25%). Given the similarity between this use and other types of office uses, Staff does not believe the restriction is beneficial. All surveyed communities allow physician's offices in Office districts, with the vast majority allowing them in Industrial districts as well. No community permits overnight stays. Only three communities require a Special Use permit.
- Printing and Reproduction Services, Graphic and Photo-stating Services, Office Machine Sales and Repair, Office Supply Sales, and Other Similar Uses - Added "by right" permissibility in the O/Ia and O/Ib subdistricts. These uses are currently allowed "by right" only in the O/Ic and O/Id subdistricts.
- Recreation Facilities - Added "Special Use permit" permissibility in the O/Ia and O/Ib subdistricts. These uses are currently allowed by Special Use permit in O/Ic and O/Id only.
- Restaurants - These uses are currently allowed by Special Use permit only under "commercial service activity." Staff proposes those restaurant uses without a drive-thru be permitted "by right" in all subdistricts, and those with a drive-thru be permitted by Special Use permit in all subdistricts.
- Testing of Materials - Removed the current restriction that testing of materials occupies no more than 25% of the gross building or tenant area. Given the similarity between this activity and other types of office activities, Staff does not believe the restriction is beneficial.
- Tutoring Centers - These uses are currently not addressed in the O/I district. Staff proposes to allow them "by right" in all subdistricts. Thirteen surveyed communities allow some types of instructional uses in Office/Industrial areas. Permissibility varies depending on the type of use.
- Vehicle Fueling Stations - These uses are currently permitted as a "commercial service activity" with a Special Use permit. No change in permissibility is proposed for all subdistricts. Clarified these uses may include a convenience store and/or a car wash as an accessory use.

Zoning Board Recommendation: In favor of the above, subject to the following:

- 1. Increase the Assembly use cap from the current 50,000 sq.ft. and the staff-proposed 150,000 sq.ft. to 250,000 sq.ft. The Zoning Board felt a 100,000 sq.ft. increase is not sufficient to allow flexibility in accommodating assembly uses. They also took into consideration survey responses indicating no other community has a cap on assembly uses.***
- 2. Allow breweries and distilleries "by right", without a Special Use permit, in the O/Ic and O/I d subdistricts, and stipulate tasting rooms and retail sales be accessory/incidental to the principal use.***


Chapter 11 (Off-Street Parking & Loading) - Summary of Proposed Revisions:

Staff proposes creating parking requirements for the following new uses which are currently not addressed in the parking schedule:

- Car Rental Facilities – 1 space/400 sq. ft. of gross leasable area plus sufficient parking for rental cars (this is based on existing requirements for other local communities).
- Breweries and Distilleries – Staff proposes to use the existing office, manufacturing, warehouse and retail ratios (1/250 sq.ft. - office; 1/1,000 sq.ft.-manufacturing; 1/2,000 sq.ft. – warehouse; and 1/200 sq.ft. - retail).
- Performing and Visual Arts Studios – 1 space/employee + 1 space/every 3 students (this is based on the Village’s current colleges/universities parking formula and is consistent with surrounding communities).
- Pet Daycare, Grooming, and Training – 1 space/500 sq. ft. (this is based on the Village’s current child daycare parking formula).
- Tutoring Centers – 1 space/employee + 1 space/every 3 students (this is based on the Village’s existing colleges/universities parking formula).

Zoning Board Recommendation: In favor.
Recommendation:

Consideration of the ordinance regarding the proposed text amendments and the Zoning Board’s recommendations and placement on the December 10, 2018 Village Boards’ Consent Agenda for approval.

Reports and Documents Attached:

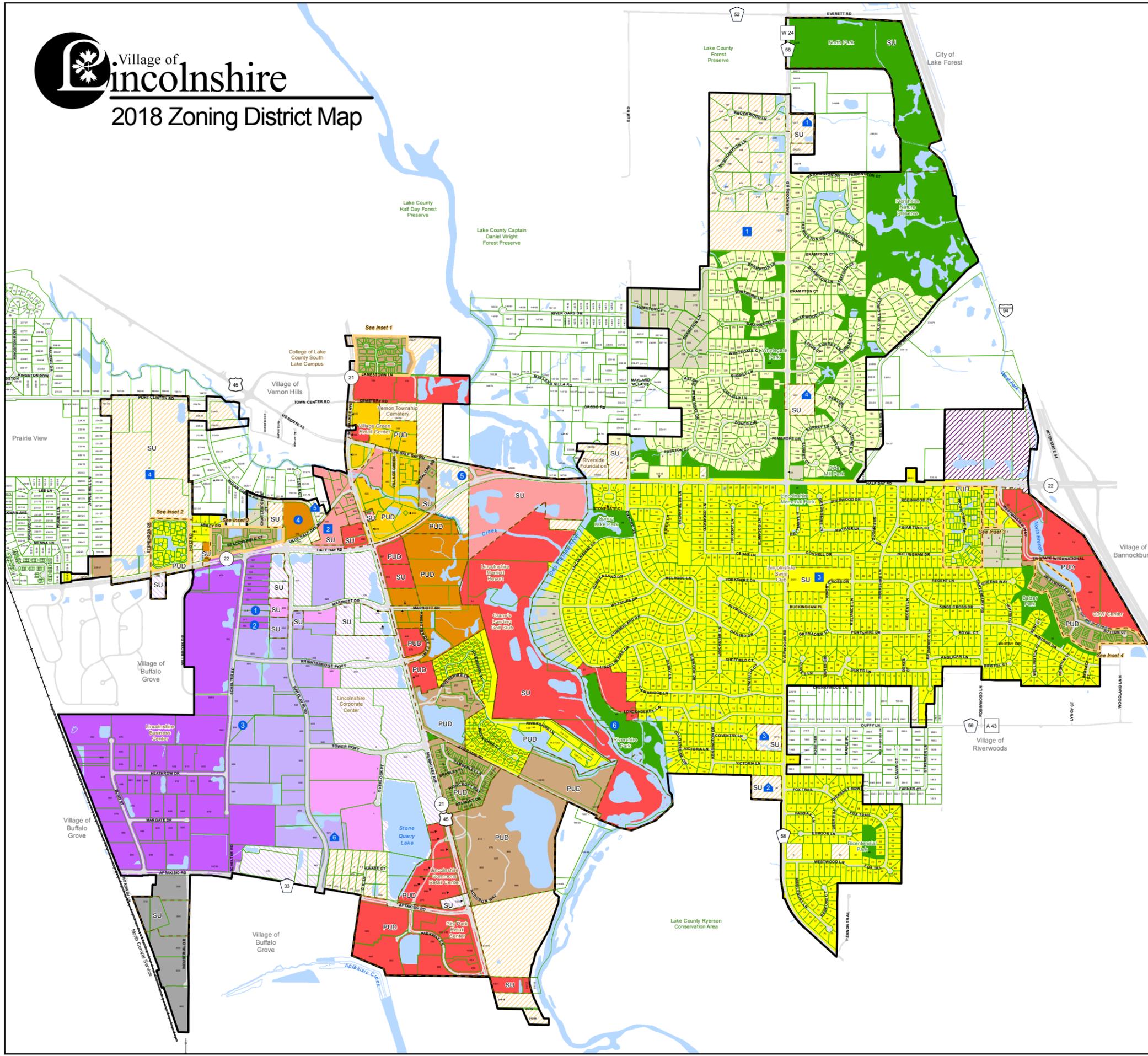
- Document 1: Zoning map, prepared by MGP Consortium.
- Document 2: Draft ordinance and redline revisions, prepared by staff and the Village Attorney.
- Document 3: Text Amendment Findings of Fact.
- Document 4: Northwest Municipal Conference survey responses.
- Document 5: Unapproved November 13, 2018 Zoning Board meeting minutes.
- Document 6: Email correspondence from a concerned resident.

Meeting History	
Committee of the Whole (preliminary evaluation)	October 9, 2018
Zoning Board (Public Hearing)	November 13, 2018
Committee of the Whole (current)	November 26, 2018



Village of Lincolnshire

2018 Zoning District Map



Zoning District Classification

- | | | |
|---------------------------------|--|------------------|
| Residential | Commercial | Property Line |
| R1 - Single Family | E | Railroad |
| R2 - Single Family | B1 | Water |
| R2A - Single Family | B2 | Corporate Limits |
| R3 - Single Family | O/1a | |
| R4 - Multiple Family | O/1b | |
| R5 - Mixed Use | O/1c | |
| | O/1d | |
| Restricted Manufacturing | OC | |
| M1 | SU/PUD Special Use/Planned Unit Development Area | |
| Other | | |
| Open Spaces / Parks | | |

Place of Worship

- 1 Ascension of Our Lord Greek Orthodox Church
- 2 Lutheran Church of the Holy Spirit
- 3 Community Christian Church
- 4 Village Church of Lincolnshire
- 5 Holy Mountain Evangelical Church
- 6 Willow Creek Community Church

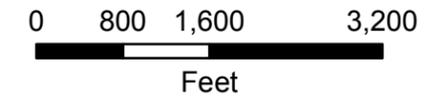
Public Facility

- 1 Lincolnshire-Riverwoods Fire Protection Dist.
- 2 Post Office
- 3 Village Public Works Facility
- 4 Vernon Area Public Library
- 5 Village Hall and Police Department
- 6 Rivershire Nature Center

School

- 1 Daniel Wright Middle School
- 2 Half Day Elementary School
- 3 Laura B. Sprague Elementary School
- 4 Adlai E. Stevenson High School

1 inch equals 1,689 feet



Source Information

Property lines provided by Lake County GIS and modified by the Village. All other map layers developed by the Village of Lincolnshire GIS.

Village corporate limits as of January 1, 2018. Map printed 8/16/2018.

Limitation of Liability: The user agrees that it will at all times indemnify and hold the Village and its officers and employees harmless and free and clear of any liability arising from any act of omission or commission. The Village makes no claim as to the accuracy of this article and its associated data tables and assumes no responsibility for their position or content accuracy. In providing such articles, the Village assumes no obligation to assist the user in the use, development, or maintenance of any applications derived from this article. The Village assumes no responsibility for the accuracy of any subsequent copies of this article.

VILLAGE OF LINCOLNSHIRE**ORDINANCE NO. _____****AN ORDINANCE AMENDING
TITLE 6 (ZONING), CHAPTERS 2, 8 AND 11
OF THE VILLAGE OF LINCOLNSHIRE MUNICIPAL CODE
(O/I District Permitted and Special Uses)**

WHEREAS, the Village of Lincolnshire, an Illinois home rule municipal corporation, has the authority to adopt ordinances and promulgate rules and regulations that pertain to its government and affairs, including the coordination and operation of various activities and structures within its boundaries, and to protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Corporate Authorities of the Village of Lincolnshire find it necessary for the promotion and preservation of the public health, safety and welfare of the Village that the regulation of permitted and special uses in the O/I zoning districts be reviewed for responsiveness to market conditions and trends;

WHEREAS, the Board of Trustees referred to the Zoning Board (“Zoning Board”) a petition to research, consider and prepare proposed text amendments to the Zoning Code to study and amend the regulation of permitted and special uses in the O/I zoning districts; and

WHEREAS, following due publication of notice in the Daily Herald on October 26, 2018, a public hearing concerning the proposed amendments to the Zoning Code of the Village was convened and finally adjourned by the Zoning Board on November 13, 2018; and

WHEREAS, following deliberation and consideration on the evidence and testimony elicited during the public hearing and the recommendation of the Zoning Board, the Village

Board desires for the Zoning Code to be amended to improve the Zoning Code regulations affecting permitted and special uses in the O/I zoning districts; and

WHEREAS, the Village hereby finds that it is in the best interest of the Village and the public to amend its Zoning Code to promote the economic health and welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village Of Lincolnshire, Lake County, Illinois, in exercise of its home rule powers, as follows:

SECTION ONE: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance as though fully set forth herein. The findings of the Zoning Board of the Village of Lincolnshire, attached hereto as **Exhibit A**, are herein incorporated by reference as the findings of the Village Board to the same effect as if fully recited herein at length. All references in the Zoning Board's findings are made the references of the Mayor and Board of Trustees of the Village of Lincolnshire.

SECTION TWO: Title 6 of the Village of Lincolnshire Municipal Code ("Zoning") is hereby revised by (a) amending Section 6-2-2 (Definitions) to add definitions for newly identified uses; (b) amending Section 6-8-5 (Permitted and Special Uses) to revise and update the table of permitted and special uses; and (c) amending Chapter 11 (Off-Street Parking and Loading) to create parking and loading standards for the new identified uses; collectively in the form described in **Exhibit B**, attached hereto and incorporated as though fully set forth herein.

SECTION THREE: If any section, subsection, sentence, clause, phrase or application of this Ordinance, or any regulations adopted hereby, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, either facially or as applied, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect

the validity of the remaining portions hereof or any other application under which such provision is deemed permitted.

SECTION FOUR: All prior Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____th Day of _____, 2018, at Lincolnshire,
Lake County, Illinois.

AYES:

NAYS:

ABSENT:

APPROVED:

Elizabeth J. Brandt, Mayor

DATE: _____

ATTEST:

Barbara Mastandrea, Village Clerk

EXHIBIT A
ZONING BOARD FINDINGS OF FACT

EXHIBIT B
TEXT AMENDMENTS

FINDINGS OF FACT TEXT AMENDMENT

Text Amendments to Sections 6-2-2, 6-8-5 and 6-11-2 of the Lincolnshire Zoning Code

1. *The request for an amendment shall serve the purpose of promoting the public health, safety, and general welfare.*

The request for an amendment will serve the purpose of promoting the public health, safety and general welfare by better aligning the Village's zoning regulations with the current market conditions for office and industrial property. As a result, the property located within the O/I zoning districts will more easily be developed and/or occupied, leading to additional investment, reduction of blight, new development and increased property values.

2. *The request for an amendment shall conserve the value of property throughout the community.*

The request for an amendment will conserve and improve the value of property throughout the community. By better aligning the Village's zoning regulations with the current market conditions for office and industrial property, areas located within the O/I zoning districts will more easily be developed and/or occupied. The Village expects this to lead to additional investment, reduction of blight and new development, all of which contribute to the conservation and growth of property values.

3. *The request for an amendment shall lessen or avoid congestion in the public streets and highways.*

The request for an amendment shall not result in any aggravation of the congestion in public streets or highways. To the extent any use suggested in the application will result in traffic patterns or trips which are viewed as creating a conflict with the traffic related to the existing uses allowed in the O/I districts, such uses shall be reviewed as a special use so conditions can be enforced which mitigate or avoid such a conflict.

Prepared by:

Tonya Zozulya, Planning & Development Manager
Department of Community & Economic Development
Village of Lincolnshire
1 Olde Half Day Road
Lincolnshire, IL 60069

TITLE 6: Zoning

CHAPTER 2: Definitions

Last Revised: 11/09/18

Sections:

6-2-1: Rules of Word Construction

6-2-2: Definitions

6-2-1: Rules of Word Construction

The language set forth in the text of this Zoning Code shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular;
- B. The present tense includes the past and future tenses, and the future the present;
- C. The word "shall" is mandatory, while the word "may" is permissive;
- D. The masculine gender includes the feminine and neuter;
- E. Whenever a word or term defined hereinafter appears in the text of this Zoning Code, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parenthesis, between a word and its definition herein, shall be construed in the same sense as that word;
- F. All measured distances, expressed in feet, shall be to the nearest integral foot; if a fraction is one-half foot ($\frac{1}{2}$ ') or more, the integral foot next above shall be taken;
- G. Words contained in this Code and not defined hereinafter shall assume definitions as set forth in Merriam-Webster's dictionary (website edition; www.merriam-webster.com);
- H. Unless otherwise specified, all distances shall be measured horizontally.
- I. Graphic illustrations are used herein to demonstrate the intent of the definition language. In any case of conflict between a graphic illustration and the text definition, the text shall prevail.

6-2-2: Definitions

The following words and terms, wherever they occur in this Zoning Code shall be defined as follows:

ACCESSORY STRUCTURE	A structure detached from the Principal Structure located on the same lot and customarily incidental and subordinate to a principal building or use, in terms of size, area, extent or purpose.
ACCESSORY USE	A use of land, structure or a portion thereof customarily incidental and subordinate to the principal use of the land or building, in terms of intensity or purpose, and located on the same lot with the principal use.
ADVERTISING DEVICE	Any advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively

	related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.
ADJACENT	Lying near or in the immediate vicinity
ADJOINING	Touching or contiguous to; or to be in the neighborhood or vicinity of.
AGRICULTURE	<p>The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Included are truck-farming, growing of nursery stock, raising of fruit and berries, bee-keeping, and the retail sale of products grown or raised on the premises through one growing season.</p> <p>Agriculture shall not include the commercial feeding of garbage or offal to swine or other animals or operating for the disposal of garbage, sewerage, rubbish, or offal. Also, excluded from agriculture are mechanized industrial animal farms, commercially operated greenhouses, commercial milk farms, and commercial dog kennels.</p> <p>The land area (farm) necessary to constitute an agricultural use is five (5) acres.</p>
AIRCRAFT	A contrivance, now known or hereafter invented, for use in or designed for navigation of or flight in the air.
AIRPORT	Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other air-port facilities or rights of way, including all necessary taxiways, aircraft storage and tie down areas, hangars, and other necessary buildings and open spaces.
AIRPORT (LANDING STRIP HELIPORT or HELISTOP)	Any premises which are used, or intended, for use, or for the landing and take-off of aircraft; and any appurtenant areas which are used or intended for use as airport buildings or other airport structures or rights of way, together with all airport buildings and structures located thereon.
ALLEY	A right of way, with a width not exceeding twenty four feet (24') which affords a secondary means of access to abutting property.
ALTERATION	Any change in size, shape, character, occupancy, or use of a building or structure.
AMENDMENT	Any addition to, deletion from, or change, including text and/or map.
ANIMAL CLINIC/HOSPITAL	An establishment for the diagnosis and medical and surgical treatment of small domestic animals by persons qualified and

authorized by appropriate licensing to treat injuries, illnesses and diseases of animals. All activity associated with animal clinics/hospital operations shall be conducted within a completely enclosed building.

ANIMAL HOSPITAL

A structure where animals or pets are given medical or surgical treatment. Use as a kennel, or for other boarding purposes, shall be limited to short-time and fully enclosed boarding and shall only be incidental to such hospital use. Also a "veterinary clinic.

ANTENNA

Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communication purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone, personal wireless services and similar forms of communications.

APARTMENT

One or more rooms in a multi-family dwelling arranged, intended or designed as living quarters for an individual, group of individuals, or a family.

ASSEMBLY USE

The use of a non-government owned building, or part thereof, by a gathering of persons principally for civic, literary, arts, music, political, transportation, religious, or similar purposes. Examples include, but are not limited to Fraternal Lodges, Private Club which shall not include any Sexual Oriented Business as defined in Section 6-7B-3 of this Title, Veterans' membership organizations, civic organizations, conference centers, banquet halls, and meeting rooms and ballroom facilities which are principal uses or accessory to hotels/motels.

ATTIC

The space between the ceiling beams of a top habitable story and the roof rafters.

AUTOMOBILE LAUNDRY

A building or portion thereof containing facilities for (Car Wash) washing motor vehicles, using automatic production-line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, and equipment for the hand washing of autos, whether by the customer or the operator.

AUTOMOBILE REPAIR FACILITY

The general repair, including engine rebuilding or reconditioning, of motor vehicles; collision service such as body, frame and fender straightening and repair, and painting of motor vehicles.

AUTOMOBILE SERVICE FACILITY

Any building or premises used for the sale and installation of tires, batteries and other minor accessories and services for automobiles, but not including Automotive Repair Facility services; and may include washing of automobiles where no production line methods are employed. 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.

AUXILLARY USE

Retail and/or service use within the Office/Industrial (O/I) Districts, incidental to and to service the principal use for the convenience of the employees.

AWNING

A roof-like cover, temporary in nature, which projects from the wall of a building and which may overhang the public way.

BASEMENT (CELLAR)	The portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
BASEMENT, ENGLISH	The portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground and which is finished for living space.
BERM	A hill of land that acts as a visual barrier between a lot and adjacent properties, alleys or streets.
BLOCK	A tract of land bounded by streets, or by a combination of one or more streets and public parks, cemeteries, railroad rights of way, bulkhead lines or shore lines of waterways, or corporate boundary lines.
BREWERY	A business which holds a Class 3, 10 or 11 manufacturer's license and/or a brewer warehouse permit from the State of Illinois.
BUILDABLE AREA	The area of the lot remaining after the minimum open space and/or yard requirements of this Code have been complied with.
BUILDING	Anything constructed for the shelter or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.
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 or party walls, pierced only by windows and normal entrance or exit doors.
BUILDING/DETACHED	A principal building surrounded by open space on the same lot. (Ord. 86-885-22)
BUILDING HEIGHT	The vertical distance from the established grade to the highest point of the roof of a building or the highest point of the roof including rooftop equipment screens, but excluding residential chimneys. The established grade shall be determined by taking the mean elevation of the finished lot grade at the front of the building. In residential districts, the established grade for any new dwelling units associated with the replacement or reconstruction, for any reason, of a previous dwelling unit shall be determined by taking the mean elevation of the lot grade at the front of the proposed building, prior to any new site grading. Established grade for development of a previously-vacant lot shall be determined by reference to the mean existing grade at the front yard setback line. (Amd. Ord. 04-1934-50, eff. 11/8/04)
BUILDING/RESIDENTIAL	A principal building arranged, designed, used or intended to be used for residential occupancy by one or more families.
BUILDING SIDE SETBACK PLANE	Defines the planes within which, except for permitted encroachments, all portions of a building must remain. The planes begin at specific points directly above the established grade at the side lot lines and run at a 45 degree angle toward the interior of the lot until they reach

	the maximum building height permitted on the lot. (Amd. Ord. 04-1934-50, eff. 11/8/04)
BUILDING/TEMPORARY	A building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.
BULK	A composite characteristic of a given building or structure as located upon a given lot-not definable as a single quantity but involving all of these characteristics: <ul style="list-style-type: none"> A. Size and height of building or structure. B. Location of exterior walls at levels in relation to lot lines, streets, or to other buildings or structures. C. Floor area ratio. D. All open spaces allocated to the building or structure. E. Amount of lot area provided per dwelling unit.
BUSINESS	An occupation, employment or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited, bought or sold, or where services are offered for compensation.
CANOPY	A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground, and erected primarily to provide shelter from the weather.
CARGO or FREIGHT TERMINAL	A building or premises in which cargo or freight is received or dispatched.
CARPORT	An open sided (on at least 2 sides), roofed automobile shelter, usually formed by extension of the roof from the side of a building.
CATERING ESTABLISHMENT	An establishment for commercial on-site food preparation specifically for off-site delivery and consumption of food.
CEMETERY	A permanent or semi-permanent burial place or receptacle for human remains, regardless of whether the remains are composed of the whole body or parts thereof and irrespective of the vessel in which the remains are held, encased or entombed. For illustrative purposes only, and not intended to be an exhaustive list, Cemetery includes a catacomb, cinerarium, columbarium, crypt, mausoleum, ossuary, sepulcher, sepulture, tomb, or vault. (Ord. 08-3070-53)
CERTIFICATE, OCCUPANCY	The written approval of the Zoning Administrator certifying that the building or structure, as constructed, conforms to the applicant's approved plans and drawings as authorized through the zoning certificate and is ready for occupancy.
CERTIFICATE, ZONING	The written approval of the Zoning Administrator certifying that the applicant's plans and drawings comply with all applicable provisions of this Code. The "zoning certificate" may consist of a standardized independent form bearing the signature of the Zoning Administrator or it may be represented as a part of the building permit application.
CERTIFICATE OF ZONING	The written confirmation certifying compliance with the regulations set

COMPLIANCE	forth in Title 6, Zoning, including but not limited to any decisions, conditions or special requirements for any use or occupancy of a parcel of land.
COMMON OPEN SPACE	Land or water unoccupied by structures, buildings, streets, rights of way and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned unit development. Common open space may contain walks, patios, and structures for recreational use. Area used for individual open space, such as private courtyards, and not available to all residents of the planned unit development shall not be included as common open space. (Ord. 86-885-22)
COMMUNICATIONS SUPPORT BUILDING	A structure for the protection and security of communications equipment associated with one or more antennas, where access to equipment is gained from the interior of the structure.
COMMUNICATIONS SUPPORT CABINETS	A casing or console used for the protection and security of communications equipment associated with one or more antennas, where direct access is provided from the exterior.
COMMUNITY RESIDENTIAL HOME	<p>A dwelling unit owned or leased and operated to provide a living environment for twelve (12) or fewer unrelated residents who operate as the functional equivalent of a family unit and who receive support services and are under the supervision of a sponsor or support staff due to their developmental, physical or mental disability.</p> <p>A community residential home shall not be construed to include a medical or nursing facility. A community residential home shall 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 abuse or alcohol abuse or for treatment of a communicable disease. (Ord. 90-1182-66)</p>
COMPATIBLE USE	A property, use, or service which is capable of direct association with certain other uses because it is complimentary, congruous, or otherwise non-detrimental.
CONCRETE RECYCLING, STORAGE AND SALES:	The process whereby previously manufactured concrete, without protruding metal bars, is received, stored, segregated, processed and remixed for sale to end markets in the form of raw materials or products.(Ord. 06-2948-40, eff. 8/14/06)
CONFORMING BUILDING or STRUCTURE	<p>Any building or structure which:</p> <ul style="list-style-type: none"> A. Complies with all the regulations of the Zoning Code or of any amendment hereto governing bulk for the zoning district in which such building or structure is located, or, B. Is designed or intended for a conforming use. C. Example: An office building in a Business District.
CONTIGUOUS	In contact, adjoining, or touching another object or item, as distinguished from being adjacent.
CONVALESCENT, NURSING or REST HOME	An establishment for the care of the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain

convalescent equipment for surgical care or for more than the incidental treatment of disease or injury.

CULTIVATION CENTER

A facility operated by an organization or business registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis Dispensary Organizations with usable medical cannabis. No available parcels in the Village of Lincolnshire permit Cultivation Centers to exist due to the separation requirements of the Compassionate Use of Medical Cannabis Pilot Program Act (Illinois Public Act 098-0122).

CURB LEVEL

The level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the pavement elevation at the street center line similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level".

DAY

As used in this Code, "day" shall mean one calendar day. If a projected day falls on a weekend or holiday, the next following working day or week day shall fulfill requirements.

CHILD DAY CARE CENTER

An institution or place in which are received three (3) or more children, not of common parentage, apart from their parents or guardian, for part or all of a day but not later than nine o'clock (9:00) P.M. This term includes but is not limited to nursery schools, child care centers, and day nurseries.

DAY SPA

An establishment that provides State licensed, professionally administered massage and body treatments. For the purposes of explanation, and not intended to an exhaustive list, day spa services may include body wraps, skin exfoliation, electrolysis, body toning, waxing, aromatherapy, and facial treatments. Full service beauty shops/salons, makeup consultation and applications, manicure and pedicure services, and body tanning may be provided as accessory services to a day spa.(Ord. 09-3103-26, eff. 06/22/09)

DECIBEL

A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

DETENTION

The temporary on-site restraining of storm water. (Ord. 86-885-22)

DEVELOPMENTAL DISABILITY

A severe or chronic disability of a person which:

- A. Is attributable to a mental or physical impairment or combination of mental and physical impairments.
- B. is manifested before the person attains age twenty two (22).
- C. is likely to continue indefinitely.
- D. Results in substantial functional limitation in three (3) or more of the following areas of major life activity: 1) self-care, 2) receptive and expressive language, 3) learning, 4) mobility, 5) self-direction, 6) capacity for independent living, and 7) economic self sufficiency.
- E. Reflects the person's need for a combination and sequence of special care, treatment, or other services which are lifelong or of

extended duration and are individually planned and coordinated,
(Ord. 90-1182-66)

DISPENSARY ORGANIZATION

A facility operated by an organization or business registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

DISTILLARY

A business which holds a Class 1 or Class 9 manufacturer's license and/or a craft distiller tasting permit from the State of Illinois.

DISTRICT

A portion of the corporate area of the Village, within which certain uniform regulations and requirements; or various combinations thereof, apply under the provisions of this Title.

DOG KENNEL

Any premises where three (3) or more dogs, over four (4) months of age, are owned, boarded, bred, and/or offered for sale.

DRIVE-THROUGH RESTAURANT

Any business where food or beverages are sold and delivered to the consumer while the consumer is in an automobile or other motorized vehicle.

DRIVEWAY

A pathway for motor vehicles from a street to a structure used for service purposes or for access to the structure only.

DRINKING ESTABLISHMENT

Establishments primarily engaged in preparing and serving alcoholic beverages for immediate consumption; commonly known as bars, taverns, nightclubs, or drinking place; and may also provide limited food services.

DWELLING

A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels or motels.

DWELLING/ATTACHED

A dwelling which is joined to another dwelling at one or more sides by party walls.

DWELLING/DETACHED

A dwelling which is entirely surrounded by open space on the same lot.

DWELLING/MULTI-FAMILY

A building, or portion thereof, containing three (3) or more dwelling units, originally constructed for said purpose. (Ord. 86-885-22)

DWELLING/SINGLE-FAMILY

A building containing one dwelling unit only and that is occupied by one family as defined in this Title. (Ord. 90-1182-66)

DWELLING/TWO FAMILY

A building containing two (2) dwelling units only, designed for two (2)

families to live independently of each other, and that is occupied by not more than two (2) families. (Ord. 86-885-22)

DWELLING UNIT

A group of contiguous rooms which include facilities which are used for living, sleeping, cooking, and eating, constituting all or part of a dwelling or hotel, and arranged, designed or intended for use exclusively as living quarters for one family or a community residential home maintaining a single and separate housekeeping unit, except as provided in Section 6-3-9 of this Zoning Code. (Ord. 90-1182-66)

EDUCATIONAL INSTITUTION

A public, parochial, private or charitable, or nonprofit school, junior college, college or university, ~~other than~~ trade or business schools, **tutoring centers**, including instructional and recreational uses. **An Educational Institution is distinguished from a Tutoring Center by the scale of the facilities, number of students and the style of presenting academic instruction.**

EFFICIENCY UNIT

A dwelling unit consisting of one principal room together with bathroom, kitchen, hallway, closets, and/or dining room alcove directly off the principal room, provided such dining alcove does exceed one hundred twenty five (125) square feet in area. An efficiency unit created after the effective date of this Zoning Code shall contain at least three hundred (300) square feet of floor area.

ELEEMOSYNARY INSTITUTION

A building or group of buildings devoted to and supported by charity.

ESTABLISHMENT, BUSINESS

A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot. Direct access to each "business establishment" shall be separate and distinct from direct access to any other business establishment, and in no case shall there be access to one such establishment from within another such establishment.

FAMILY

- A. One person, his or her spouse, their offspring, legally adopted children.
- B. Plus not more than six (6) other persons who are foster children or related to said person by blood, marriage or legal adoption such as mother or father, sister or brother, and mother-in-law or father-in-law, except that the total shall not exceed eight (8) unless it consists entirely of persons included under A as listed above. (Ord. 86-885-22)
- C. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit, including persons of a community residential home as defined in this Title.

A family includes any domestic servants and not more than one gratuitous guest residing with said family; such servants or guests

shall be included in the unrelated persons attained by this definition, and shall not be in addition thereto. (Ord. 90-1182-66)

FARMERS MARKET

A designated area where home-grown or home-made products are sold directly to the public from open or semi-open facilities.

FENCE

A structure, other than a building, which is a barrier and used as a boundary or means of protection or confinement.

FENCE, NATURAL

A fence made of natural growth, such as trees, deciduous shrubs, evergreens, etc.

FENCE, OPEN

A fence, including gates, which contains no greater than 60% opaque materials, as measured horizontally along each foot of the length of the fence facing each yard.

FENCE, SOLID

A fence, including gates, which conceals from view from adjoining properties, streets, or alleys activities conducted behind it.

FLOOD

A temporary increase in normal water level (surface water elevation) that results in water inundating areas adjacent or near to the usual channel or lake.

FLOOD BASE ELEVATION

Six hundred forty five feet (645') above mean sea level which is the elevation of the highest flood on record for the Des Plaines River at Highway 22.

FLOOD-CREST ELEVATION

The elevation equal to the flood-crest level of record designated by the Village Engineer or other governmental official or body having jurisdiction as applicable to the property for which a zoning certificate is being requested.

FLOOD PLAIN AREA

That continuous area adjacent to a stream or stream bed, or any storm water retention area and its tributaries, whose elevation is equal to or lower than the flood-crest elevation including also land less than ten (10) acres in area having an elevation higher than flood-crest elevation and which is surrounded by land in a flood plain area, or land, less than five (5) acres in area, having an elevation equal or higher than flood-crest elevation and bordered on three (3) sides by land in a flood plain area.

FLOOD TABLE LAND

The area up to one thousand feet (1,000') adjacent to the flood plain but which is lower than the flood base elevation. Areas protected by an existing dike or natural ridge are not considered flood table land.

FLOOR AREA (GROSS FLOOR AREA)

For the purpose of determining the floor area ratio, the minimum floor area and conversions of existing structures. The sum of the gross horizontal areas of the several floors of a building, including the English Basement floor but not including a basement floor, measured from the exterior faces of the exterior walls. The "floor area" of a building shall also include elevator shafts and stairwells at each floor; floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof; penthouses; finished attic space having headroom of five feet (5') or more; unfinished garage attic space, with or without flooring, having headroom of five feet (5') or more from the top of the lowest garage ceiling rafters; provided

however that porches and any space devoted to accessory off-street parking or loading shall not be included in "floor area, and, in residential zoning districts, the area of a garage shall be included, with the exception that the first 400 square feet of the total garage area shall be excluded. Further, for that portion of any open two-story element, which consists of an interior space which has a clear height of sixteen feet (16') or more from the floor elevation, that floor area shall be counted twice in calculating the floor area ratio. (Amd. Ord. 04-1934-50, eff. 11/8/04)

FLOOR AREA (FOR THE PURPOSE OF DETERMINING OFF-STREET PARKING AND LOADING REQUIREMENTS)

The sum of the gross horizontal area of the several floors of a building or portion thereof, devoted to a use requiring off-street parking or loading as required in this Zoning Code. This area shall exclude such floor areas used for accessory off-street parking and off-street loading facilities and such basement floor areas that are devoted exclusively to uses accessory to the operations of the building. All horizontal dimensions shall be taken from the exterior faces of the wall.

FLOOR AREA (OF A DWELLING UNIT OR A LODGING ROOM)

The sum of the gross horizontal areas of the room constituting the dwelling unit or lodging room, including closets, baths, utility rooms, hallways when accessible only to the occupants of said dwelling unit or lodging room and not accessible to other occupants of the building or to the general public, and only when such rooms, halls or other areas are an integral part of said dwelling unit or lodging room. Floor area shall be measured from the interior faces of the outer-most walls defining the dwelling unit or lodging room but shall not include any unfinished space or finished space having a headroom of less than five feet (5').

FLOOR AREA (RATIO)

The numerical value obtained by dividing the gross floor area of a building or buildings by the lot area on which such building or buildings are located.

FOOTCANDLE

A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface. (Ord. 08-3049-32, eff. 08/11/08)

FREE-STANDING ANTENNA POLE

A free-standing monopole-design structure that is constructed solely for the purpose of supporting one or more antennas. This definition does not include towers that require additional support, such as guyed towers or lattice towers.

FRONTAGE

The length of all the property fronting on one side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

FRONTAGE, ZONING LOT

The length of all the property of such zoning lot fronting on street, measured between side lot lines.

GARAGE/PRIVATE

An accessory building or an accessory portion of the principal building, which is intended for and used for storing of privately owned motor vehicles, boats and trailers of the family or families resident

upon the premises and in which no business, service, or industry connected directly or indirectly with motor vehicles, boats and trailers is carried on; provided that not more than two-thirds (2/3) of the parking spaces therein may be rented for the storage of motor vehicles, boats and trailers of persons not resident on premises, except that all the parking spaces in a garage of one (1), two (2) or three (3) car capacity may be so rented.

GARAGE/PUBLIC

A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop or the rebuilding, dismantling, or storage of a wrecked or junked vehicle, unless expressly authorized.

GARAGE SALE

The occasional sale of used or surplus household goods, wares and other items of personal property owned by the occupier of the residence on the premises where such sale is held, or owned collectively by a group of persons including the occupier of the residence on the premises where such sale is held. Also includes sales commonly known as yard sales, basement sales, house sales, yard sales, attic sales, rummage sales, estate sales or other similar occasional sales conducted on an infrequent and unscheduled basis from residentially zoned premises.

GARAGE/STORAGE

A building or premises used for housing of motor vehicles, and where no equipment or parts are sold and vehicles are not rebuilt, serviced, repaired, hired or sold, except that fuel, grease, or oil may be dispensed within the building to vehicles stored therein.

GAZEBO

A freestanding roofed Accessory Structure open on all sides, affording shade and rest.

GLARE

A distinct light source within the visual field that is sufficiently brighter than the ambient level of brightness to which the eyes are adapted to cause a visual disturbance or nuisance. (Ord. 08-3049-32, eff. 08/11/08)

GRADE

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GRADING

Reshaping natural land contours, using natural land materials such as soil, gravel, sand, black dirt, etc., for the purpose of eliminating erosion or sedimentation problems, creating or improving surface drainage, providing for the natural aesthetic contouring of property, or to accommodate a building plan by making minor changes in land elevation.

GROSS FLOOR AREA

All the floor area contained within a building or buildings, without exception.

GROUND FLOOR

That level of a building on a sloping or multi-level site which has its floor line at or not more than three feet (3') above exit grade.

GROUND FLOOR AREA

The lot area covered by a building, measured from the exterior faces

	of exterior walls, but excluding open terraces and carports.
GUEST/PERMANENT	A person who occupies or has the right to occupy, a residence accommodation for a period of thirty (30) days or more.
HEDGE	A row or fence of bushes. (Ord. 86-885-22)
HISTORIC DISTRICT	Any parcel of land, use or structure which has been determined by the Village Board or National Trust to be of historic significance and which is identified as such on a recorded plat, plan or any other appropriate document. (Ord. 87-954-40)
HOME OCCUPATION	An occupation or profession practiced by, a member of the family residing on the premises, and which occupation is clearly incidental and secondary to the residential use of the dwelling; and in connection with which there is no indication from the exterior, that the building is being utilized in whole or in part for any purpose than that of a dwelling. No commodity is sold upon the premises and no commodity intended for sale or use elsewhere is stored on the premises; no more than one person is employed other than members of the family residing on the premises; and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for consultation, emergency treatment, or performance of religious rites. No accessory building shall be used for such home occupation. Home occupations, further, shall not utilize more than twenty five percent (25%) of the total floor area of any one story.
HOSPITAL	A medical institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, and care of individuals suffering from illness, disease, injury, deformity or other abnormal physical condition.
HOTEL or MOTEL	An establishment which is open to transient guests, in contradistinction to a boarding, rooming or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid services, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.
IMPERMEABLE SURFACE	A surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of Portland concrete, bituminous concrete, composed stone or gravel, or any other surface that allows little or no water penetration.
IMPERVIOUS SURFACE	Any man-made area that alters the natural surface course for or does not allow for the natural rate of absorption or retention of storm water. Such areas may include, but are not limited by reason of exclusion from the following list of examples, roofs, parking and driveway areas, graveled areas, sidewalks and bike paths, paved recreational areas, swimming pools, porches, decks and patios. (Amd Ord. 07-2973-01B, eff. 1/22/07)
INCOMPATIBLE LAND USE	A non-residential use adjacent to a residential zoning district or a Special Use in a residential zoning district. (Amd. Ord. 12-3233-03,

eff. 1/23/12)

KENNEL

~~Any premises or portion thereof on which two (2) or more dogs, cats, or other household domestic animals over four (4) months of age are kept, or on which more than two (2) such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.~~

LABORATORY

A place devoted to experimental study such as testing and analyzing. Manufacturing of product or products is not to be permitted within this definition.

LANDSCAPE WASTE

All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees. (Ord. 06-2948-40, eff. 8/14/06)

LIBRARY-PUBLIC

A facility owned and operated by a unit of local government for the collection, storage, use and dissemination of educational and recreational materials in various formats and which provides space for uses that support the efficient and effective operation of a public library system. (Ord. 92-1228-06)

LIVE ENTERTAINMENT

With respect to any restaurant, bar, tavern or other place of public accommodation, any public artistic, musical or dramatic performance which is the principal purpose for the audience to be present, regardless of whether a fee is charged. (Ord. 13-3282-08, eff. 3/11/13)

LOADING BERTH

A space within the principal building or on the same lot as the principal building providing for the standing, loading, or unloading of trucks and with access to a street or alley.

LOT

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot may consist of any of the following, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Zoning Code:

- A. A single lot of record;
- B. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

A lot occupied by, or intended for occupancy by, one principal building or principal use and shall have frontage upon a street as defined by this Zoning Code. Notwithstanding the above requirements, a lot shown on a plat properly recorded in the office of the County Recorder prior to the effective date of this Zoning Code even though not meeting the requirements of this Zoning Code as to width or area may be used as a zoning lot if it complies with conditions as set forth in Section 6-3-3A of this Zoning Code.

LOT AREA, GROSS

The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

LOT/CORNER	A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty five degrees (135°).
LOT COVERAGE/BUILDING	The ratio between the ground floor area of all buildings or structures on a lot and the total area of the lot.
LOT COVERAGE/GROSS	The ratio between the ground floor area of all buildings and structures plus all areas used for off-street parking facilities, loading areas, vehicular access ways of driveways, and the total area of the lot.
LOT DEPTH	The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
LOT LINE	A line dividing one lot from another lot or from a street or alley.
LOT LINE/FRONT	A lot line which is a street lot line. Any street lot line of a corner lot may be established by the owner as the front lot line, but once established, shall not be altered.
LOT LINE/REAR	That boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet (10') in length within the lot, parallel to, and at the maximum distance from, the front lot line.
LOT LINE/SIDE	Any boundary of a lot which is not a front or rear lot line. On a corner lot a side lot line may be a street lot line.
LOT LINE/STREET	A lot line dividing a lot from a street.
LOT/REVERSED CORNER	A corner lot where the street side lot line is substantially a continuation of the front lot line of the first lot to its rear.
LOT/THROUGH	A lot which has a pair of opposite lot lines along two (2) substantially parallel streets, and which is not a corner lot. On a through lot both street lot lines shall be deemed front lot lines.
LOT/WIDTH	The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty feet (30') of lot depth immediately in back of the required front yard.
LOT, ZONING	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 or lots" may or may not coincide with a lot of record.
LUMINAIRE	A complete lighting unit, including the lamp, reflectors, globes, lenses, shields, or other components designed to block, diffuse or distribute light. (Ord. 08-3049-32, eff. 08/11/08)

MARQUEE	A roof-like structure of a permanent nature which projects from a wall of a building. (Ord. 86-885-22)
MEETING AND EVENTS CENTER	A non-residential building primarily used for the rental or leasing of space for use as a banquet hall, conference center, dance hall or meeting room.
MEMORIAL ASSEMBLY FACILITY	A type of cemetery comprising an area and/or structure (i.e. columbarium) intended as a memorial for deceased persons and used for the burial, inurnment or interment of only cremated human remains. For the purpose of this Chapter, an outdoor Memorial Assembly Facility shall include the area and/or structure wherein the cremated human remains are buried, inurned or interned and the adjoining improvements intended for memorials, services or private reflection. (Ord. 08-3070-53)
MEMORIAL GARDEN	An area and/or structure intended as a memorial for deceased persons but which shall not be used as a CEMETERY. (Ord. 08-3070-53)
MENTAL DISABILITY	An individual or group of disorders that cause severe disturbances in thinking, feeling, and relating that can result in a substantially diminished capacity for coping with the ordinary demands of life. (Ord. 90-1162-66)
MOBILE FOOD VENDOR	A mobile vendor that transports and sells food and/or drinks from a designated vehicle or cart, which may include facilities for storage, preparation and cooking of food and/or drinks, for immediate public consumption.
MOBILE SERVICES	A mobile operation providing on-site services, including but not limited to car wash, product pick-up/distribution, and general vehicle maintenance and service, but not including major automotive repair and service.
MOTOR VEHICLE	Any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
MULTI-USER BUILDING	An office/industrial building that is occupied, or operated, by two or more business users or business tenants. (Ord. 09-3106-39, eff. 7/13/09)
MULTIPLE-FAMILY STRUCTURE	A residential structure with more than one dwelling unit with interior common habitable areas. (Amd. Ord. 95-1377-7, eff. 1/9/95)
NO IMPACT	The term "no impact" personal wireless service facility shall be defined as a facility which is: <ol style="list-style-type: none"> 1. Designed so as to completely conceal all components of the personal wireless service facility within a new or existing structure that is architecturally compatible with its surroundings; including, but not limited to, an antenna behind louvers, or in a false roof on a building, or inside a steeple, clock tower, flagpole (with a maximum diameter of 15 inches), campanile or bell tower; or 2. Camouflaged so as to blend into its surroundings to such an

	<p>extent that it is no more obtrusive to the casual observer than the structure on which it is (a) placed, such as a rooftop, lighting standard or existing tower; or (b) replacing, such as a school athletic field light standard, or other similar structure.</p>
NONCONFORMING/USE STRUCTURE, LOT	<p>Any Use, Structure or Lot which was lawfully established, either by right or by reason of a variance or special use, and becomes noncompliant with this Title by reason of an amendment to this Title that becomes effective following the attachment of vested rights to such use, structure or lot.</p>
NOXIOUS MATTER	<p>Material which is capable of causing injury or malaise to living organisms by chemical reaction, or is capable of causing detrimental effects upon the health, or the psychological, social, or economic well-being of human beings.</p>
NURSING HOME (CONVALESCENT HOME, SHELTERED CARE HOME)	<p>An establishment for the care of children or the aged or infirm. Such a home shall not contain equipment for or provide care in maternity cases or for psychotics or other unruly mentally deranged persons nor for surgical or medical cases commonly treated in hospitals.</p>
OCTAVE BAND	<p>A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.</p>
ODOROUS MATTER	<p>Any matter or material that yields an odor which is offensive in any way. (Ord. 86-885-22)</p>
OFFICE	<p>A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. An office shall not include a physician office or the production, distribution or sales of goods or commodities which are physically located on the premises. (Ord. 90-1163-47)</p>
OPEN SALE LOT	<p>Any open space used or occupied for the purpose of buying and selling merchandise, passenger cars, trucks, commercial trailers, motor scooters, motorcycles, boats and monuments, or for the storing of same prior to sale. (Ord. 86-885-22)</p>
ORNAMENTAL METAL FENCE	<p>A fence constructed of wrought iron, aluminum or steel materials and designed with horizontal rails and other decorative elements, such as balusters, rings or finials, but which does not contain woven metallic materials in the style typical of chain link or cyclone fences. (Ord. 12-3233-03, eff. 1/23/12)</p>
OUTDOOR STORAGE	<p>The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for more than twenty four (24) hours. (Ord. 90-1163-47)</p>
PARKING AREA	<p>One or more parking spaces, and may also include access drives, aisles, ramps, and maneuvering area.</p>
PARKING LOT	<p>An area reserved or used for parking motor vehicles, hauling trailers or trailer-mounted boats on premises on which there is not a principal building.</p>

PARKING SPACE	An accessible area used or intended for use for temporary storage of one motor vehicle, hauling trailer or trailer-mounted boat which parking space may be located in a private or storage garage, or in the open. In this definition, temporary storage shall be further limited to include only the storage of vehicles which are fully capable of legal operation on the public streets. Any other storage of vehicles shall be considered as the storage of goods and shall be prohibited except where specifically permitted by this Zoning Code.
PARTICULATE MATTER	Material which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid at atmospheric temperature and pressure.
PARTY WALL	A wall which is common to but divides contiguous buildings. (Ord. 86-885-22)
PERFORMING AND VISUAL ARTS STUDIO	A business that provides instruction in various types of art, which includes, but is not limited to, music, dance, theater, painting, sculpture, photography, and provides performances and/or exhibits for an audience as an accessory use.
PERSON	Any corporation, partnership, individuals, or group of individuals, associations, or agent, so that any entity who would be subject to the Zoning Code would be defined as a person. (Ord. 86-885-22)
PERSONAL RECREATION FACILITY	An Accessory Structure intended for the purpose of private recreation activity conducted on a purpose-built court or field, including but not limited to basketball court, tennis court, volleyball court, etc.
PERSONAL WIRELESS SERVICE/PERSONAL WIRELESS SERVICE FACILITIES	A personal wireless service facility shall mean any facility of whatever kind or nature, except a small wireless facility, that receives, transmits or relays radio or microwave signals for cellular, PCS or other similar service. This shall include any installation or mounting structure or equipment and any appurtenant electronics necessary for the operation of the facility. This definition shall be inclusive of the definition of personal wireless service facility set forth in 47 USC 332(c)(7)(C), as amended now or in the future.
PET DAYCARE	A facility that provides temporary boarding, grooming, training and care for any combination of three (3) or more dogs, cats and other domestic animals. This shall not include breeding or sale of animals or veterinary services customarily offered at an Animal Clinic/Hospital.
PHYSICAL DISABILITY	A disability that may have been caused by a head injury, severe arthritis, stroke, muscular dystrophy, multiple sclerosis, spinal cord injury, and other causes that can substantially limit an individual's capacity to function in society. (Ord. 90-1182-66)
PHYSICIANS OFFICE	Establishment for the practice of general or specialized medicine; including but not limited to, offices of one or more physicians, dentists, clinical psychologists, clinical social workers, professional counsellors, acupuncturists, chiropractors, massage therapists, naprapaths, optometrists, estheticians, electrologists, occupational and physical therapists, dietitian nutritionists, and similar licensed medical or chiropractic professionals that does not include overnight care facilities.

PLAY STRUCTURE	An Accessory Structure intended for the purpose of children's play, including but not limited to playhouse, jungle gym, swing set, or trampoline.
PREMISES	A distinct portion of real estate, land or lands with or without buildings or structures. It may or may not have the same meaning as "lot", "building", or "structure".
PRINCIPAL STRUCTURE (BUILDING)	A building in which is conducted the principal use of the lot on which it is located.(Amend Ord. 95-1397-27)
PROPERTY LINE	The line bounding a zoning lot, as defined herein.
PUBLIC WAY	Any sidewalk, street, alley, highway, or other public thoroughfare.
RECORDING (OF A DOCUMENT)	Officially record a document in the office of the Lake County Recorder.
RECREATION FACILITY, PUBLIC	A facility operated as a commercial business and open to the public for a fee, offering indoor party facilities and/or fitness/recreational sports featuring exercise and other active physical fitness conditioning or recreational sports activity, and which may include food service and/or the sale of alcoholic beverages to patrons, provided it is secondary and incidental to the primary recreational activity. Such facility shall not operate any Sexual Oriented Business, as defined in Section 6-7B-3 of this Title, or any establishment commonly known as a gun, shooting or firing range.
RECREATION FACILITY, PRIVATE	A facility offering fitness and/or recreational sports featuring exercise and other active physical fitness conditioning or recreational sports activity for members paying monthly and/or annual dues, and which may include food service and/or the sale of alcoholic beverages, provided it is secondary and incidental to the primary recreational operation. Such facility shall not operate any Sexual Oriented Business, as defined in Section 6-7B-3 of this Title, or any establishment commonly known as a gun, shooting or firing range.
POOL HOUSE	An Accessory Structure that serves and solely used in conjunction with an in ground swimming pool.
RECYCLING COLLECTION POINT	An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a parking lot or in other public/quasi-public areas. (Ord. 90-1163-47)
RESEARCH and DEVELOPMENT LABORATORY	A building or group of buildings with facilities providing scientific, medical or product research, investigation, testing, or experimentation, but excluding manufacturing or sale of products. (Ord. 15-3372-99)
RESERVOIR	The term "reservoir" is commonly applied to waters held in storage in either artificial or natural basins and impoundments primarily for a source of water for power, Municipal, industrial, domestic, or flood

	control uses. (Ord. 86-885-22)
RESTAURANT, TABLE SERVICE	Unpackaged food to the customer in a ready-to-consume state, in individual servings where food is served to the customer and the customer generally consumes these foods while seated at tables or counters located within, or immediately adjacent to, the building. Carry-out business shall be permitted at these establishments as a subsidiary use. (Ord. 02-1818-28) (Amd. Ord. 07-2983-11, eff. 5/14/07)
RESTAURANT, FAST FOOD	An establishment that is commonly referred to within the restaurant industry as a "QSR", or quick service restaurant. Characteristics common to a Fast Food Restaurant include one or more of the following: offers quick food service, a limited menu, food items pre-prepared or prepared quickly, orders are not-taken at the customers table, and food is generally served in disposable wrapping or containers. This type of establishment often times includes a drive-up or drive-through service facility. (Ord. Amd. 07-2983-11, eff. 05/14/07)
RESTAURANT, CONVENIENCE	An establishment commonly referred to within the restaurant industry as a "fast casual" restaurant. Characteristics common to a Convenience Dining Restaurant include: (a) the principal business model of the restaurant is to serve food at the patrons table; (b) limited menu items are made-to-order and are prepared only upon being ordered by the patron; and (c) the décor is more similar to a Table Service Restaurant than a Fast Food Restaurant. (Ord. Amd. 07-2983-11, eff. 05/14/07)
RETENTION	The permanent on-site maintenance of storm water.
RINGELMANN CHART	One which is described in the U.S. Bureau of Mines information Circular 8333, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke density.
ROADSIDE STAND	A structure for the display and sale of agricultural products, with no space for customers within the structure itself.
ROOF-MOUNTED ANTENNA POLE	Any structure that supports one or more antennas, and is designed and constructed to be attached, at its base, to the roof of an existing building.
SATELLITE EARTH STATION ANTENNA	Any dish-type satellite signal receiving station or disc antenna, whether flat or concave which is designed for receiving television, radio, data, microwave or other signals from satellites or other sources. (Amd. Ord. 95-1380-10, eff. 2/13/95)
SCREEN	Any permanent barrier comprised of natural or man-made materials which conceals from view all or any part of a deck or patio. (Amd. Ord. 12-3233-03, eff. 1/23/12)
SCREENING	A structure erected or vegetation planted for concealing from viewers the area behind it.
SELF-SUPPORTING FENCE	A fence made of rigid or semi rigid materials, capable of maintaining

its shape without sagging or having significant deflection between support posts. (Amd. Ord. 12-3233-03, eff. 1/23/12)

SETBACK

The distance required between any Lot Line and the Structure or the nearest supporting member of any structure on the lot. See Figure 1.

SETBACK, FRONT

The required distance measured from the front lot line to the nearest member of the Structure, extending between the side and/or corner side lot lines. See Figure 1.

SETBACK, SIDE

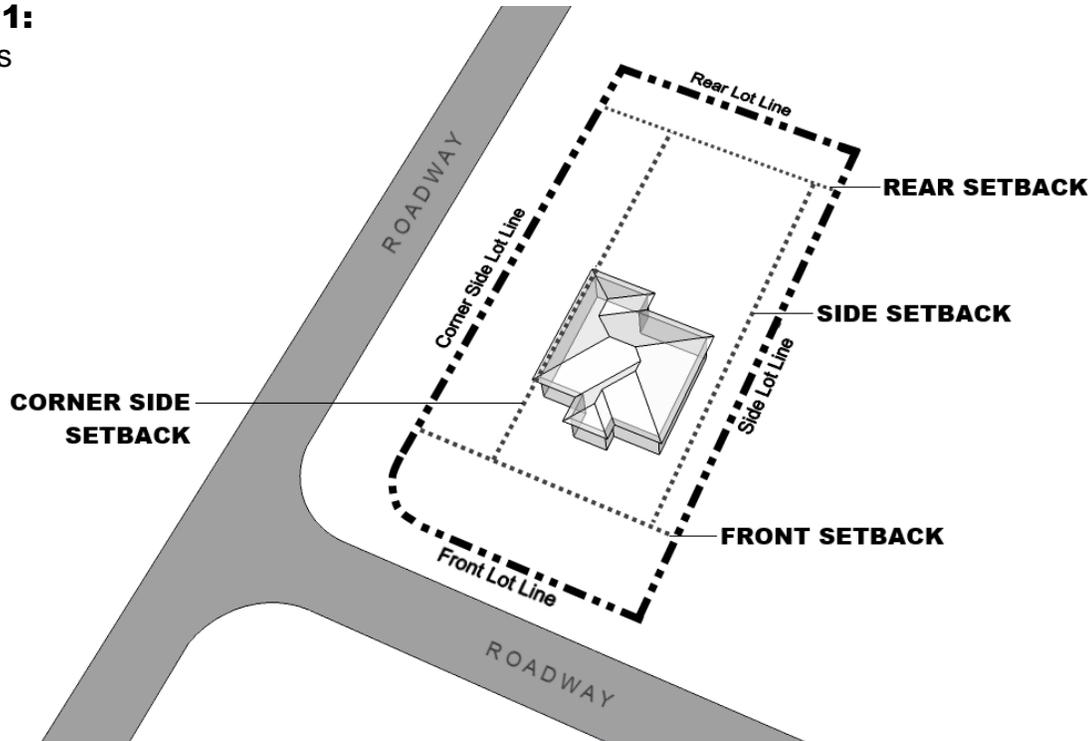
The required distance measured from the side lot line to the nearest member of the Structure, extending between the front and rear setbacks. See Figure 1.

SETBACK, REAR

The required distance measured from the rear lot line to the nearest member of the Structure, extending between the side and/or corner side lot lines. See Figure 1

SETBACK, CORNER SIDE

The required distance measured from the side lot line adjoining a street, extending between the front and rear setbacks. See Figure 1.

Figure 1:**Setbacks****SHORT-TERM RENTAL**

The accessory use of a residential dwelling under a written or oral agreement providing for occupancy of all or part of the dwelling by any person other than the owner thereof in exchange for consideration therefor.

SIGN

Any visual device or representation designed or used for the purpose of communicating a message or identifying a product, service, person, organization, business or event, with the use of words or characters, visible from outside the premises on which such device is located.

SINGLE FAMILY ATTACHED STRUCTURE

A residential structure with more than one dwelling unit with an independent means of egress and with no interior common habitable areas. (amd. Ord. 95-1377-7, eff. 1/9/95)

SMALL WIRELESS FACILITY

A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other

	services.
SOUND LEVEL	The intensity of sound of an operation or use as measured in decibels.
SOUND LEVEL METER	An instrument standardized by the American Standards Association for measurement of the intensity of sound.
SPECIAL USE	A "special use" of land or buildings, or both, described and permitted herein, is a use subject to special provisions and which because of unique characteristics cannot be properly classified as a permitted use. (Ord. 86-885-22)
SPONSOR or SUPPORT STAFF	Any person licensed or similarly authorized by an agency of the State of Illinois to operate a community residential home. (Ord. 90-1182-66)
STORAGE STRUCTURE	A fully enclosed roofed structure used solely for storage.
STORY	That portion of a building included between the surface of any floor and the surface of the floor above; or if there is no floor above, the space between the floor and the ceiling above. An English Basement shall be counted as a story, but a basement or cellar shall not be counted as a story.
STORY/HALF	A space under a sloping roof which has the line of intersection for roof decking and wall below the ceiling level of the top floor.
STREAM	Any natural, artificial, or channelized watercourse that transports continuous or periodic flowing water.
STREET	A publicly dedicated right of way not less than fifty feet (50') in width or a permanently reserved easement of access approved by the Board of Trustees, which affords a primary means of access to abutting property.
STRUCTURAL ALTERATIONS	Any change, other than incidental repairs in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams, or girders; or any substantial change in the roof or exterior walls.
STRUCTURE	Anything erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. An advertising or business sign, if detached or projecting from a building, shall be construed to be a separate structure. Accessory Structures shall be considered Structures notwithstanding whether they are permanently affixed or mounted to one location on the ground or attached to something having a permanent location on the ground. (Amd. Ord. 06-2011-02, eff. 1/23/06)
STRUCTURE, SEASONAL	An Accessory Structure located on residential property used for temporary seasonal use, including but not limited to, shade structures, and temporary ice rinks.
STRUCTURE, TEMPORARY	A structure located on non-residential property for temporary use and is removed when the permitted time period, activity, or use for which the temporary structure was erected has ceased.

SUPERVISION	The act of assuming responsibility for the day-to-day operation of a community residential home that includes, without limitation, the performance of any act that requires licensing, certification or such similar authorization by an agency of the State of Illinois of competent jurisdiction.
SUPPORT SERVICES	Those services provided to residents in order to facilitate their integration into the community and to improve their level of functioning and independence. (Ord. 90-1182-66)
SURFACE WATER ELEVATION	The normal water level elevation of a lake, stream, or stream bed as depicted on the United States Geological Survey (U.S.G.S.) flood plain topographic maps. If "surface water elevation" datum specified by the Illinois Department of Transportation - Division of Water Resources is more current than U.S.G.S. flood plain topographic maps, Division of Water Resources information may be used.
TEMPORARY EVENT	An organized occasion, activity, or gathering for public attendance on private property, which may be conditioned upon participant registration, for a fixed, short time period.
TEMPORARY SALES	Temporary sales of overstock and similar products manufactured, warehoused or distributed in the normal business operation of the principal use.
TENT, PERMANENT	An enclosure or shelter with walls and roofing constructed of pliable and non-pliable materials, installed on a permanent foundation, and intended for assembly use,
TENT, TEMPORARY	An enclosure or shelter with walls or roofing constructed of pliable materials and intended for seasonal use.
THREE-COMPONENT MEASURING SYSTEM	A complement of instruments or seismograph which can record, simultaneously, vibration vectors in three (3) mutually-perpendicular directions.
TOXIC MATERIAL	Any substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property when emitted in any amount, is injurious to plants, animals, or human beings.
TRAILER	Any vehicle, house, car, camp car, recreational vehicle, or any portable or mobile vehicle on wheels, jacks, horses, skids, or blocks, and with or without motive power; which is used, adapted, or designed for living, sleeping, business, trade, occupation, or storage purposes. A permanent foundation shall not change its character unless the entire structure meets Village Building Code regulations.
TRANSIENT GUEST	A tenant who does not have a lease and occupies an apartment, lodging room, or other living quarters on a month to month, week to week, or day to day basis.
TREE CHIPPING	The process whereby parts of trees, and no other forms of landscape waste, are received, stored and processed for sale to end markets in the form of raw materials or products.(Ord. 06-2948-40, eff. 8/14/06)
TUTORING CENTER	An office or classroom-style space where students receive assistance

	in either a personal or small group setting to become more successful academically.
URGENT MEDICAL CARE CENTER/CLINIC	An establishment comprised of physicians and other medical staff engaged in providing surgical services or emergency care services on an outpatient basis.
USE	The purpose or activity for which the land, building or structure thereon, is designed, arranged, or intended or for which it is occupied or maintained.
USE, PERMITTED	Any building, structure, or use which complies with the applicable regulation of this Code governing permitted uses in the zoning district in which such building, structure or use is located.
USE, PRINCIPAL	The main use of land, building or structure as distinguished from a subordinate or accessory use.
USE, TEMPORARY	A use permitted for a limited duration and is discontinued upon the expiration of the approved time period.
VARIANCE	A relaxation of the terms of the Zoning Code where such relaxation will not be contrary to the public interest and where, due to conditions peculiar to the property and not the direct result of the actions of the owner, a literal enforcement of the Code would result in unnecessary hardship.
VEHICLE FUELING STATION	Any building or portion thereof or premises used primarily for dispensing or offering for sale at retail to the public, vehicle fuels, gasoline, petroleum products, and other permitted retail goods. (Ord. 97-1494-18 eff. 6/9/97)
VEHICLE REPAIR (AUTOMOBILE REPAIR)	The general repair, engine, rebuilding or reconditioning of vehicles, collision service such as body, frame and fender straightening and repair, and painting of motor vehicles. (Ord. 97-1494-18 eff. 6/9/97)
VEHICLE SERVICE STATION (AUTOMOBILE SERVICE STATION)	Any building or portion thereof or premises used primarily for the dispensing or offering of vehicle fuels, petroleum products, and other permitted retail goods. Light maintenance and service activities such as tire repairs, battery replacement, lubrication, engine tune-ups, and minor repairs may be conducted within the completely enclosed building on the site. Vehicle Service Stations shall not include vehicle repairs other than as stated in this definition. (Ord. 97-1494-18 eff. 6/9/97)
VEHICLE WASH (AUTOMOBILE LAUNDRY)	A completely enclosed building or portion thereof containing equipment or providing space or water for cleaning vehicles defined in the Illinois Vehicle Code as first division and Class B vehicles up to, and including 8,000 pounds, as a special accessory use to another principal permitted or special use in the zoning district. (Ord. 97-1494-18 eff. 6/9/97)
WAREHOUSE	A structure, part thereof, or area used principally for the storage of goods and merchandise.

WATCHMAN'S QUARTERS

Working facilities for an owner/operator or employee to provide twenty four (24) hour security in any zoning district where such accommodations are a permitted use. Watchman's quarters shall not serve as a primary residence for a watchman.

WHOLESALE ESTABLISHMENT

A business establishment engaged in selling to retailers or jobbers rather than consumers.

YARD

An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except by natural features and as otherwise permitted in this Zoning Code. No yard provided for any building and required for the purpose of complying with this Zoning Code shall again be used as a yard for any other building.

YARD/CORNER SIDE

A side yard which adjoins a public street. See Figure 2.

YARD/FRONT

A yard extending from the abutting roadway to the front of the Structure and extending the full width of the lot. See Figure 2.

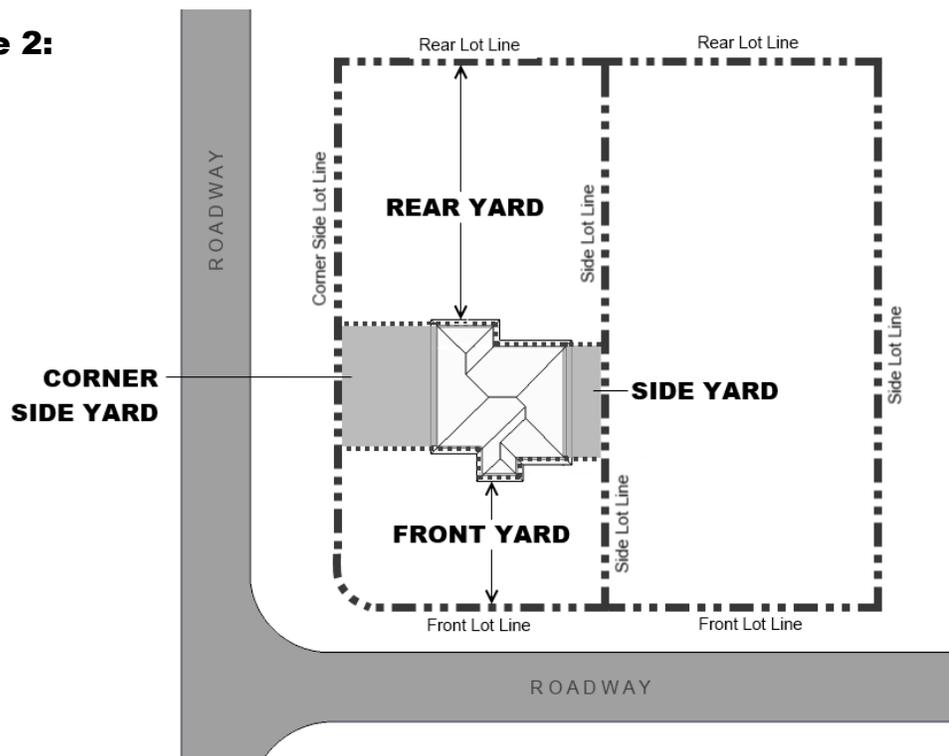
YARD/REAR

A yard extending from the rear lot line to the rear of the Structure and extending for the full width of the lot. See Figure 2.

YARD/SIDE

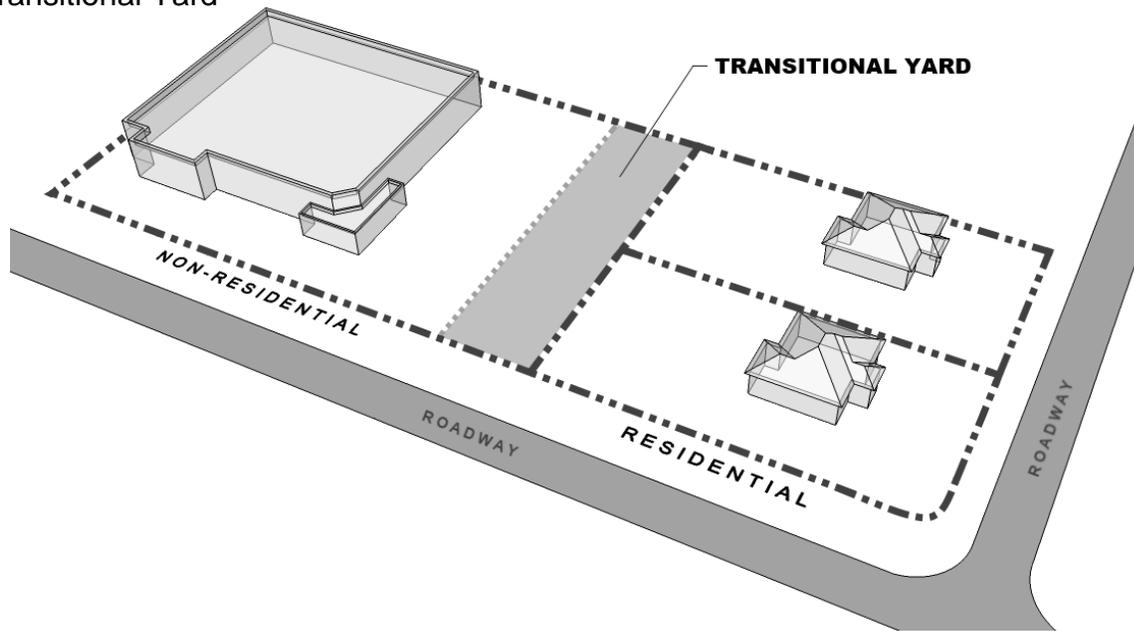
A yard extending from a side lot line to the side of the Structure, extending between the front and rear yards. See Figure 2.

Figure 2:
Yards

**YARD/TRANSITIONAL**

A yard which serves as a buffer between two incompatible zoning districts, when such yard of a non-residential zoning lot adjoins a residential zoning district. See Figure 3.

Figure 3:
Transitional Yard



ZONING ADMINISTRATOR

The officer and assistant designated by the Village Board of Trustees as the officer responsible for enforcing and administering all requirements of this Zoning Code.

**ZONING EXCEPTION
CERTIFICATE**

Refers to the written approval of the Zoning Administrator which indicates granting of relief from any of the provisions of this Code due to establishment as a lawful nonconforming building, structure or use, establishment as a lawful special use, the granting of a variation by the Board of Trustees, or court action granting the zoning exception. (Ord. 86-885-22)

TITLE 6: Zoning

CHAPTER 8: Office/Industrial District

Last revised: 11/14/18



Sections:

- 6-8-1: Intent and Purpose
- 6-8-2: Subdistricts Established
- 6-8-3: General Requirements and Restrictions
- 6-8-4: Performance Standards
 - 6-8-4-1: Noise
 - 6-8-4-2: Vibration
 - 6-8-4-3: Air Pollution
 - 6-8-4-4: Toxic Substances
 - 6-8-4-5: Water Pollution
 - 6-8-4-6: Fire and Explosion Hazards
 - 6-8-4-7: Additional Restrictions
- 6-8-5: Permitted Uses and Special Uses
- 6-8-6: Prohibited Uses
- 6-8-7: Lot Sizes and Floor Area Ratio Requirements
- 6-8-8: Building Setbacks
- 6-8-9: Building Height
- 6-8-10: Signs
- 6-8-11: Off-Street Parking and Loading
- 6-8-12: Landscaping

6-8-1: Intent and Purpose

The O/I (Office/Industrial) District is intended to accommodate office buildings, highly restrictive industrial and warehousing uses, and limited commercial activities in a mutually compatible environment which necessitate suitable separation from residential development. Uses permitted in the O/I District shall be restricted to those which require a pleasant, hazard-and- nuisance-free environment and do not create either an appreciable nuisance or hazard to other property, individuals, or the public in general.

6-8-2: Subdistricts Established

The District is divided into four (4) subdistricts for the purpose of accommodating office-industrial developments of different bulk character.

- A. The O/Ia, a subdistrict, is intended to be located along State Highways 21 and 22 and shall be for office use with no industrial or warehousing uses or activities whatsoever permitted.
- B. The O/Ib subdistrict is intended primarily to accommodate office dominant uses where combinations of office/restricted light industrial or office-warehousing uses are to be accommodated as long as twenty five percent (25%) of the gross floor area of the original principal structure on the zoning lot is devoted to office activities.
- C. The O/Ic subdistrict is a restricted light industrial district. It is meant to be located off of secondary roads which are within industrial park developments. Uses permitted in the O/Ia and O/Ib subdistricts are encouraged in the O/Ic subdistrict.
- D. The O/I d subdistrict is designed to accommodate uses similar in character to those

permitted in the O/lc, and in addition, to industrial users who require rail service, which requires a special use permit, while maintaining a controlled structural and activity environment which meets the criteria of bulk regulations, performance standards and other design standards and regulations as contained herein. It is further intended to permit such uses to occur on smaller lots than those permitted in the O/lc subdistrict. O/ld subdistrict is appropriate for areas along and adjacent to railroad lines which offer rail access to industrial users. Uses permitted in the O/la, O/lb, and O/lc subdistricts are also encouraged in the O/ld subdistrict.

6-8-3: General Requirements and Restrictions

- A. No building or zoning lot shall be devoted to any use other than uses permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:
1. Uses lawfully established on the effective date of this Chapter.
 2. Special uses allowed in accordance with the provisions hereof.
 3. Uses established prior to the effective date of this Chapter shall be rendered nonconforming and subject to the regulations of Chapter 13 of this Title.
- B. Dwelling units are not permitted, unless otherwise permitted in this Chapter.
- C. Special uses shall be permitted in the zoning districts indicated, subject to procedures outlined in Section 6-14-11 of this Title.
- D. All activities including manufacturing, storage, merchandise display, business operations and service or maintenance shall be conducted within completely enclosed buildings, except areas specifically set aside for refuse collection or pick-up. All refuse collection or pick-up areas shall be completely screened by permanent construction material on all sides, as regulated in Section 6-15-3(B)(4).
- All loading berths on zoning lots in the O/lb District shall be within completely enclosed buildings. All utilities shall be placed underground. (Ord. 80-632-89)
- E. All drives, loading dock aprons, parking areas, and walkways throughout the site shall be paved with asphalt or concrete material. Areas not covered by impervious materials shall be fully landscaped and maintained with grass, groundcover, trees and shrubs.
- F. To the extent of any conflict between the provisions of this Chapter and the provisions of any applicable Village building, subdivision or fire codes, the most strict provision shall prevail and be applicable. (Ord. 80-632-89; and. Ord. 82-742-49)

6-8-4: Performance Standards

Any use established in an Office/Industrial District after the effective date of this Chapter shall be so operated as to comply with the performance standards established hereafter. Any use already established on the effective date of this Chapter shall be permitted to be altered, enlarged, expanded, or modified, providing that the addition conforms to the performance standards established hereinafter for the district in which such use is located. In any event, every use of land or structure shall be operated in compliance with all applicable local, State,

and Federal regulations including the State of Illinois Pollution Control Board rules and regulations hereby incorporated by reference.

Every application for a building permit or occupancy permit within an Office/Industrial District shall have affixed to it the certificate of a licensed architect or a registered professional engineer licensed by the State of Illinois certifying that the building or structure, and the proposed use thereof, complies with all of the provisions of this Zoning Code respecting performance standards for industrial and similar uses. The Director of Building and Zoning shall, upon receipt and upon complete review (either by said Director and/or any outside technical review agency selected by the Village) of such application, approve and authorize the issuance of a building permit or occupancy permit as the case may be, provided the applicant has complied with all other relevant provisions of this Code. If the Director of Building and Zoning determines it desirable to have some outside technical agency review the plans and application, then the applicant shall pay to the Village in advance a sum sufficient to reimburse the Village for such technical reviews. The Director of Building and Zoning may, however, withhold issuance of a building permit or occupancy permit as a result of examination of the plans or on the basis of other evidence if he determines that the proposed activity will not in fact comply with the performance standards and he shall so advise the architect or engineer in writing of such denial. The Director of Building and Zoning may also obtain an injunction or other appropriate legal or equitable relief, including but not limited to specific performance, writ of mandamus or mandatory injunction, to prevent, remedy, or abate any violations which occur after a building or occupancy permit is issued, which relief shall be in addition to any ordinance prosecutions for fines only. Each day a violation exists shall be considered a separate occurrence and offense as outlined in Section 6-1-5 of this Zoning Code.

6-8-4-1: Noise

A. Definitions: (All definitions of acoustical terminology shall be in conformance with those contained in ANSI (American National Standards Institute, Inc.) S1.1-1960 "Acoustical Terminology").

ANSI	American National Standards Institute, Inc. or its successor bodies.
A-Weighted Sound Level	In decibels, a frequency weighted sound pressure level, determined by the use of the metering characteristics and A-weighted network specified in ANSI S1.4-1971 "Specifications for Sound Level Meters" and the latest revision thereof.
Construction	On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earthmoving, blasting and landscaping.
Daytime Hours	7:00 A.M. to 7:00 P.M., local time.
dB(A)	Sound level in decibels determined by the A-weighting of a sound level meter.
Decibel (dB)	A unit of measure, on a logarithmic scale to the base 10, of the

	ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this regulation, shall be twenty (20) micronewtons per square meter (uN/m ²).
Fast Meter Response	The dynamic characteristic specified as "FAST" in ANSI 51.4-1971 "Specifications for Sound Level Meters" and the latest revision thereof.
Impulsive Sound	Either a single pressure peak or a single burst (multiple pressure peaks) for a duration less than one second.
Nighttime hours	7:00 P.M. to 7:00 A.M., local time.
Octave Band Sound Pressure Level	The sound pressure level for the sound being measured contained within the specified octave band. The reference pressure is twenty (20) micronewtons per square meter.
Preferred Frequencies	Those frequencies in Hertz preferred for acoustical measurements which, for the purposes of this regulation, consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.
Prominent Discrete Tone	<p>Sound, having a one-third octave band sound pressure level which when measured in a one-third octave band at the preferred frequencies, exceeds the arithmetic average of the sound pressure levels of the two (2) adjacent one-third octave bands on either side of such one-third octave band by:</p> <p>A. 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;</p> <p>B. 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;</p> <p>C. 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.</p>
Sound	An oscillation in pressure in air.

Sound Pressure Level In decibels, twenty (20) times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is twenty (20) micronewtons per square meter.

Unregulated Safety A safety relief valve used and designed to be actuated Relief Valve by high pressure in the pipe or vessel to which it is connected and which is used and designed to prevent explosion or other hazardous reaction from pressure buildup, rather than being used and designed as a process pressure blowdown.

- B. **Prohibition of Noise Pollution:** No person shall cause or allow the emission of sound beyond property lines so as to cause noise pollution or a nuisance in Lincolnshire, or so as to violate any provision of this Zoning Code.
- C. **Measurement Techniques:** Test procedures to determine whether emission of sound is in conformance with this regulation shall be in substantial conformity with Standards and Recommended Practices established by the American National Standards Institute, Inc., (ANSI), and the latest revisions thereof, including ANSI S1.1-1960, ANSI S1.6-1967, ANSI S1.8-1969, ANSI S1.2-1962, ANSI S1.4-1971 - Type 1 Precision, ANSI S1.11-1966 and ANSI S1.13-1971 Field Method.
- D. **Sound Emitted to Residential (R) Districts During Daytime Hours:** Except as elsewhere provided in this regulation, no use shall cause or allow the emission of sound during daytime hours from any noise source located in the O/I District, to any receiving residential districts or developments and any public school buildings or sites (hereinafter collectively referred to as R District) which exceeds the allowable octave band sound pressure level specified in Table 1, when measured at any point within such receiving R District; provided, however, that no measurement of sound pressure levels shall be made less than twenty five feet (25') from such noise source.

Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving R District from O/I District
31.5	72
63	71
125	65
250	57
500	51
1000	45
2000	39
4000	34
8000	32

- E. **Sound Emitted to R District During Nighttime Hours:** Except as elsewhere provided in this

regulation, no use shall cause or allow the emission of sound during nighttime hours from any noise source located in the O/I District to any receiving R District which exceeds any allowable octave band sound pressure level specified in Table 2, when measured at any point within such receiving R District; provided, however, that no measurement of sound pressure levels shall be made less than twenty five feet (25') from such noise source.

TABLE 2	
Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving R District from O/I District
31.5	63
63	61
125	55
250	47
500	40
1000	35
2000	30
4000	25
8000	25

- F. Sound Emitted to Business (B) Districts: Except as elsewhere provided in this regulation, no use shall cause or allow the emission of sound from any noise source located in the O/I District land to any receiving business (B) district (hereinafter referred to as B District) which exceeds any allowable octave band sound pressure level specified in Table 3, when measured at any point within such receiving B Districts; provided, however, that no measurement of sound pressure levels shall be made less than twenty five feet (25') from such noise source.

TABLE 3	
Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving R District from O/I District
31.5	79
63	78
125	72
250	64
500	58
1000	52
2000	46
4000	41
8000	39

- G. Sound Emitted In/To the O/I District: Except as elsewhere provided in this regulation, no use shall cause or allow the emission of sound from any noise source located in the O/I District to any receiving neighboring lot in the O/I District which exceeds any allowable octave band sound pressure level specified in Table 4, when measured at any point within such receiving O/I District; provided, however, that no measurement of sound pressure levels shall be made less than twenty five feet (25') from such noise source. (Ord. 80-632-39)

TABLE 4		
Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any O/I Lot from Neighboring O/I Lots	
	As Measured in O/Ia, b, & c	As Measured in O/I d
31.5	79	80
63	78	79
125	72	74
250	64	69
500	58	63
1000	52	57
2000	46	52
4000	41	48
8000	39	45

(Ord. 85-817-01)

- H. Impulsive Sound: No person shall cause or allow the emission of impulsive sound from any noise source located in the O/I District to any receiving R or B District or O/I lot which exceeds the allowable dB(A) sound level specified in Table 5, when measured at any point within such receiving R or B District or O/I lot; provided, however, that no measurement of sound levels shall be made less than twenty five feet (25') from the noise source. (Ord. 80-632-39)

TABLE 5			
Allowable dB(A) Sound Levels of Impulsive Sound Emitted from O/I Districts to Designated Classes of Receiving Uses			
O/Ia, b, & c	O/I d	Non-Residential	Residential
57	61	50	45

(Ord. 85-817-01)

- I. Prominent Discrete Tones:
- No use shall cause or allow the emission of any prominent discrete tone from any noise source located in the O/I District land to any receiving R or B District or neighboring O/I lot; provided, however, that no measurement of one-third octave band sound pressure levels shall be made less than twenty five feet (25') from such noise source.
 - This rule shall not apply to prominent discrete tones having a one-third octave band sound pressure level 10 or more dB below the allowable octave band sound pressure level specified in the applicable table in subsections D through G for the octave band which contains such one-third octave band.
- J. Exceptions:
- Subsections D through I, inclusive, shall not apply to sound emitted from emergency warning devices and unregulated safety relief valves.

2. Subsections D through I, inclusive, shall not apply to sound emitted from lawn care maintenance equipment and snow blowers and similar snow removal equipment used during daytime hours.
3. Subsections D through I, inclusive, shall not apply to sound emitted from equipment being used for temporary construction between the hours of seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M. of each day. (Ord. 80-632-39)
4. Subsections D through I, inclusive, shall apply to sound emitted from trucks and vehicles under the control of the property user and/or owner, except for vehicles entering and leaving the property. Examples of sound from such vehicles and trucks not either entering or leaving the premises are idling engines and trailer mounted refrigeration units. Sound emitted from railroad facilities shall be exempt. (Ord. 80-632-39; and. Ord. 85-817-01)

6-8-4-2: Vibration

A. Definitions:

Amplitude	The maximum displacement of the earth from the normal rest position. Displacement is usually reported as inches per mils.
Discrete Impulses	A ground transmitted vibration stemming from a source where specific pulses do not exceed sixty (60) per minute (or one per second).
Frequency	The number of times that a displacement completely repeats itself in one second of time. Frequency may be designated in cycles per second (cps) or Hertz (Hz).
Impact	An earthborne vibration generally produced by two (2) or more objects striking each other so as to cause separate and distinct pulses.
Particle Velocity	A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor 6.28. The particle velocity will be in inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.
Seismograph	An instrument which measures vibration characteristics simultaneously in three (3) mutually perpendicular planes. The seismograph may measure displacement and frequency, particle velocity, or acceleration.
Steady State	A vibration which is continuous, as from a fan, compressor, or motor.
Vibration	A reciprocating motion transmitted through the earth, both in horizontal and vertical planes.

- B. Instrumentation: Ground-transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement, particle velocity, or acceleration and frequency simultaneously in three (3) mutually perpendicular directions.

- C. Maximum Permitted Vibration Levels: Table 1 designates the applicable lines of Table 2 that apply on or beyond adjacent lot lines within the district, and on or beyond appropriate district boundaries. Vibration shall not exceed the maximum permitted particle velocities in Table 2. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE 1		
Steady-State Vibration Limits for the O/I District		
Maximum Peak Particle Velocity (inches per second)		
O/I Lot Line and B District	R District	
	Day	Night
0.06	0.03	0.01

Nighttime limits shall be considered to prevail from seven o'clock (7:00) P.M. to seven o'clock (7:00) A.M., local time.

The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in Hertz (cycles per second).

For purposes of this regulation, steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute, shall be considered impact vibrations.

The values presented in Table 1 shall be doubled for impact vibrations.

6-8-4-3: Air Pollution

A. Definitions:

Opacity A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purpose of these regulations, the following equivalence between opacity and Ringelmann shall be employed:

Opacity Percent	Ringelmann No.
10	0.5
20	1
30	1.5
40	2
60	3
80	4
100	5

Particulate Any solid or liquid material, other than water, which exists in finely divided form.

Ringelmann The chart published and described in the Bureau of Mines, U.S. Department of Interior, Information Circular 8333(Revision of IC 7718) May 1, 1967, or any adaptation thereof which has been approved by Lincolnshire.

Smoke Small gas borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material, that form a visible plume in the air.

- B. Visual Emissions: In the O/I District, no use shall cause or allow emission of smoke or other particulate matter into the atmosphere having an opacity greater than ten percent (10%).

For the purpose of soot blowing or equipment breakdown, emissions of smoke or other particulate matter may exceed an opacity of ten percent (10%) but it shall be limited to no more than three (3) times in any twenty four (24) hour period and shall not be greater than forty percent (40%) for a period or periods aggregating three (3) minutes in any sixty (60) minute period.

Opacity limitations shall not apply to emissions of uncombined water or water vapor. The determination of opacity of a smoke or particulate emission shall be in accordance with the procedures adopted by the State of Illinois Air Pollution Control Regulations.

- C. Particulate Matter Emissions: In the O/I District, no use shall cause or allow the emission of particulate matter, through one or more stacks, vents, ducts, or chimneys into the atmosphere in excess of 0.2 pound per hour, per acre of property. Tests for particulate matter shall be conducted in accordance with State of Illinois Air Pollution Control Regulations.

- D. Fugitive Particulate Matter: In the O/I District, no use shall cause or allow the emission of fugitive particulate matter across lot lines which is visible by an observer looking generally toward the zenith, beyond the property line. Total suspended particulate concentrations across lot lines shall not exceed twenty five (25) micrograms per cubic meter above background. No outdoor stockpiling of uncontained powdered or granular material subject to dusting is permitted.

- E. Odors:

1. Definitions:

Habitable Elevation The height of the highest space in any existing or future building which is designed for use as a residence or working area of persons.

Odor Concentration The number of cubic feet that one cubic foot of sample will occupy when diluted to the odor threshold. It is measured in the number of odor units in one cubic foot of the sample and expressed in odor units per cubic foot.

Odor Unit One cubic foot of air at the odor threshold.

2. The release of odorous matter in the manufacturing districts shall comply with the

following regulations. Odor units and odor concentrations shall be determined in accordance with the State of Illinois Air Pollution Regulation (ASTM D-1391-57 as determined by Mills adaptation).

3. In the O/I District, the release of odorous matter from any operation, activity or use shall not cause or create a concentration in excess of one odor unit at any time when measured beyond the lot line, either at ground level or at habitable elevation.
- F. Airborne Toxic Matter: In the O/I District, the release of airborne toxic matter shall comply with applicable State of Illinois and Federal regulations. Maximum concentrations across lot lines at habitable elevations shall not exceed those concentrations promulgated by the State and Federal governments as being acceptable to the general population. For those toxic materials not listed, the maximum allowable concentration measured across lot lines at any habitable elevation shall not exceed three percent (3%) that permitted an industrial worker.

Concentrations shall be measured and calculated as the highest average that would occur over a continuous twenty four (24) hour period.

6-8-4-4: Toxic Substances

A. Definition:

Toxic Substance Any gas, liquid, solid, semisolid substance or mixture of substances, which if discharged into the environment could, alone or in combination with other substances likely to be present in the environment, cause or threaten to cause bodily injury, illness, or death to members of the general public through ingestion, inhalation, or absorption through any body surface. In addition, substances which are corrosives, irritants, strong sensitizers, or radioactive substances shall be considered toxic substances for the purposes of this regulation.

- B. The use, storage, handling or transport of toxic substances shall comply with the Illinois Pollution Control Board requirements.
- C. In the O/I District, any toxic substance listed by the U.S. Department of Health and Human Development (Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health, "Registry of Toxic Effects of Chemical Substances"), as revised from time to time, contained in one or more containers within the lot line in quantities in excess of one hundred (100) gallons as a liquid, one thousand (1,000) pounds as a solid or one hundred (100) pounds as a gas shall not be permitted.
- D. In the O/I District, the storage, utilization, manufacture or handling of any radioactive substance contained in one or more containers within lot lines in a quantity of one curie or more shall not be permitted.
- E. In the O/I District, the storage, utilization, manufacture or handling of any toxic or radioactive substance shall be allowed only as a special use and only after a special use permit is granted under the standards set forth above.

6-8-4-5: Water Pollution

In the O/I District, all uses shall comply with the State of Illinois Pollution Control Board rules and regulations, Chapter 3, entitled, "Water Pollution".

6-8-4-6: Fire and Explosion Hazards

- A. In the O/I District, activities involving the storage, handling, utilization, or manufacture of materials or products which decompose by detonation and which are classified by the Department of Transportation as Explosive A (and/or by the United Nations as UN Class 1.1 or 1.2), Explosive 8 (and/or by the United Nations as UN Class 1.3), or Explosive C (and/or by the United Nations as UN Class 1.4), as such classes are amended from time to time (See C.F.R. 49, Parts 100 to 177), shall be permitted only as a special use, in accordance with the standards set forth below, provided that such quantities do not exceed the limits set forth in the following Table 1. Explosives categorized or classified by the Department of Transportation as "Forbidden" or "Restricted" shall not be permitted. Permitted explosives shall be stored, utilized, handled and manufactured in accordance with National Fire Protection Association - National Fire Codes (as adopted by the Village) and all other applicable Village regulations and ordinances. The storage and accountability of permitted explosives shall comply with applicable Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Regulations ("Your Guide to Explosive Regulations" as most recently amended and as amended from time to time - ATF P 5400.7). This includes the requirement for an explosives permit (18 USC Chapter 40).
- B. In the O/I District, the storage, utilization, handling or manufacture of radioactive isotopes (fissionable material) (regardless of atomic mass) shall not be permitted except as a special use and only after a special use permit is granted under the standards set forth in this Section 6-8-4-6, and also shall not be permitted unless the material is contained in an approved (by the Village) shielded and fire resistant container from which it is never removed. Radioactive isotopes (fissionable materials) in such shielded and fire resistant containers which are granted a special use shall be classified for the purposes of the O/I District as Explosive A materials and shall comply with the quantity limitations set forth in the following Table 1. Compliance with Department of the Treasury Regulations for the explosives storage shall not be required.
- C. In the O/I District, the storage, utilization, handling or manufacture of highly reactive oxidizing or reducing agents, unstable or pyroforic materials, or highly unstable materials which include but are not confined to organic peroxides, organic nitrates, fluorine, liquid oxygen, hydrazine, acetylides, tetrazoles, ozonides, perchloric acid, perchlorates, chlorates, alkyaluminums, diborane, calcium trifluoride, hydroxylamine or other similar materials shall be considered as Explosive C materials and shall comply with the quantity limitations as set forth in the following Table 1. The storage, utilization, handling or manufacture of these materials shall be in accordance with the National Fire Protection Association - National Fire Codes (as adopted by the Village) and all other applicable Village regulations and ordinances. Compliance with Department of the Treasury regulations for explosives storage shall not be required.
- D. In the O/I District, the storage, utilization, handling or manufacture of flammable liquids and gases shall be permitted in accordance with the following Table 2, including the storage of finished products. Flammable liquid and storage tanks shall not be less than fifty feet (50') from all lot lines. The storage, utilization, handling or manufacture of flammable liquids and gases shall be in accordance with the National Fire Protection Association - National Fire

Codes (as adopted by the Village) and all other applicable Village regulations and ordinances.

TABLE 1
Total Capacity of Explosive and
Other Unstable or Highly Reactive Materials

Material Classification	Total Quantity
Forbidden	0.0
Restricted	0.0
Explosive A	0.1
Explosive B	1.0
Explosive C	10.0
(The total quantity of all such materials shall not exceed 10 pounds)	

TABLE 2
Total Capacity of Flammable Materials Permitted (In Gallons)

For Material Having an Open Cup Flash Point	Aboveground	Underground
At or above 140° F	5,000	20,000
At or above 100° F & below 140° F	2,000	20,000
Below 100° F	500	20,000

(When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed in Table 2 above).

Summary of O/I District Performance Standards Regulations

Environmental Effect	O/I District
A. Noise	Maximum decibel limits at adjacent lot lines and district boundaries.
B. Vibration	Maximum ground transmitted vibration at lot lines and adjacent district boundaries.
C. Air Pollution	
1. Visual Emissions	Opacity not greater than 10%, with certain exceptions for soot blowing and malfunction.
2. Particulate Emissions	0.2 lb., per hour per acre, from all source emissions points.
3. Fugitive Particulate	No visible clouds across lot lines. TSP not to exceed 25 mcgm per meter ³ above ground. No stockpiling of dusty material outdoors.
4. Odor	Odor threshold not to be exceeded beyond lot lines.
5. Airborne Toxic Matter	Not to exceed Federal and State limits across lot lines or 3% of T.L.V., for industrial worker.
D. Toxic Substances	Toxic substances on lot not to exceed: Liquid 100 gallons

	Solid 1,000 pounds Gas 100 pounds Maximum of 1 curie of radioactive material.
E. Water Pollution	State regulations apply.
F. Fire & Explosive Hazards	Explosive and Reactive Materials by IDOT
	Classification
	Forbidden None
	Restricted None
	Explosive A 0.1 lb
	Explosive B 1.0 lb
	Explosive C 10.0 lb
	Flammable Liquid and Gas Storage Max. Gallons
	Flash Point Above Ground Underground
	+140° F 5,000 20,000
	100° F to 140° F 2,000 20,000
	100 ° F 500 20,000
	Flammable gases 3OX above in standard cubic feet.
G. Glare	Maximum illumination in R District from O/I sources ½ foot candle.

6-8-4-7: Additional Restrictions

In addition to the performance standards specified above, in this Section the dissemination of noise, vibration, particulate matter, odor, toxic substances, or 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 shall be unlawful.

6-8-5: Uses

Uses permitted in the O/I District are identified in the table below:

See O/I District Uses Table on next page

O/I DISTRICT USES	P = Permitted SU = Special Use			
	O/la SU	O/lb SU	O/lc SU	O/ld SU
Assembly uses, as defined in Chapter 2 of this Title	O/la SU	O/lb SU	O/lc SU	O/ld SU
<ul style="list-style-type: none"> The total amount of Assembly Uses shall not exceed 250,000 square feet of gross building area for the entirety of the O/I District. 				
Attached or detached structured parking garages, as defined in Chapter 2 of this Title	O/la P	O/lb P	O/lc P	O/ld P
<ul style="list-style-type: none"> The height of all structured parking garages shall not exceed fifty percent (50%) of the height of the principal building. Structured parking garages shall not be closer to the front lot line of the property than the principal building. Attached parking garages shall be of the same architectural design and constructed of the same exterior materials as the principal building, except for a glass curtain-walled principal building, where alternate but compatible exterior materials shall be substituted. Detached parking garages shall be compatible in architectural design as the principal building. All areas surrounding the structured parking garage shall be landscaped as if it were a principal building. In no instance shall the structured parking garage exceed the gross floor area of the principal building. 				
Automotive repair facilities, as defined in Chapter 2 of this Title	O/la	O/lb P	O/lc P	O/ld P
Auxiliary Uses (retail and service), as defined in Chapter 2 of this Title	O/la P	O/lb P	O/lc P	O/ld P
<ul style="list-style-type: none"> Shall be incidental to, and to provide goods or services to the principal use, and be or for the convenience of the employees of the principal use. Auxiliary uses may include, or be substantially similar to, including but not limited to, financial institutions without drive-through facilities, pharmacy/drug store, retail sales, cafeteria, and private recreational facility. Shall be located within the principal building. No exterior display of the auxiliary use shall be permitted. 				
Banks and financial institutions without drive-thru	O/la P	O/lb P	O/lc P	O/ld P
Banks and financial institutions with drive-thru	O/la SU	O/lb SU	O/lc SU	O/ld SU
Breweries, as defined in Chapter 2 of this Title			O/lc P	O/ld P
<ul style="list-style-type: none"> Tasting rooms and retail sales shall be accessory/incidental to the principal use. 				
Car rental facilities without on-site car service	O/la P	O/lb P	O/lc P	O/ld P
Car rental facilities with on-site car service	O/la SU	O/lb SU	O/lc SU	O/ld SU
<ul style="list-style-type: none"> Car service shall be performed within a completely enclosed facility. 				
Catering establishments, as defined in Chapter 2 of this Title	O/la SU	O/lb SU	O/lc P	O/ld P
<ul style="list-style-type: none"> No retail sales shall be allowed at a Catering Establishment, except to the extent operated as an 				

Auxiliary Use.

Child daycare centers, as defined in Chapter 2 of this Title

O/la SU	O/lb SU	O/lc SU	O/ld SU
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- In multi-tenant buildings, child daycare centers shall be located on the first floor only.

Day spas without massage service, as defined in Chapter 2 of this Title

O/la P	O/lb P	O/lc P	O/ld P
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Day spas with massage service, as defined in Chapter 2 of this Title

O/la SU	O/lb SU	O/lc SU	O/ld SU
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Commercial Service Activity

O/la SU	O/lb SU	O/lc SU	O/ld SU
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- ~~Commercial activities shall include, but not limited to, vehicle fueling stations which may include vehicle washes, restaurants, bank and financial institutions which may include drive-through facilities, child daycare facilities, pet day care facility, and car rental facilities primarily intended to service the uses established in the district and employees thereof.~~
- ~~Pet day care facilities shall not include any overnight boarding/kenneling of animals.~~

Dispensary organizations, as defined in Chapter 2 of this Title

O/la	O/lb	O/lc	O/ld SU
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- Shall comply with all provisions of the Compassionate Use of Medical Cannabis Pilot Program Act (Illinois Public Act 098-0122), and the regulations promulgated by the Department of Financial and Professional Regulation and Illinois Department of State Police.
- Shall not be located within 1,000 ft. of the property line of a pre-existing public or private preschool or elementary or secondary school, day care center, day care home, group day care home, or part day child care facility. For the purpose of this Chapter, "pre-existing" means operating prior to September 8, 2014.
- Shall not be permitted in a multiple-tenant property and/or structure.
- Drive-through facilities are prohibited.
- Shall operate for a minimum of 35 hours a week, only between 6:00 AM and 8:00 PM, local time, and shall not operate uninterrupted for a 24 hour period.
- Medical cannabis, medical cannabis infused products, medical cannabis paraphernalia, or similar products shall not be displayed for public view from the exterior of the Dispensary Organization.
- Consumption of cannabis on the property of a Dispensary Organization shall be prohibited.
- Registration from the Department of Financial and Professional Regulation. A current copy of such registration shall be submitted to the Lincolnshire Police and Community and Economic Development Departments at all times.
- The sale of paraphernalia that is directly used for the consumption of medical cannabis shall be permitted. The sale of any paraphernalia not directly required for the consumption of medical cannabis is prohibited.
- All trash containers shall be located entirely within the interior of the primary structure to prevent uncontrolled access from the building's exterior, except for routine disposal of trash containers.

Distilleries, as defined in Chapter 2 of this Title

O/lc P	O/ld P
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- Tasting rooms and retail sales shall be accessory/incidental to the principal use.

Educational institutions, as defined in Chapter 2 of this Title

O/la SU	O/lb SU	O/lc SU	O/ld SU
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Farmers markets, as defined in Chapter 2 of this Title

O/la P	O/lb P	O/lc P	O/ld P
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- Shall require a Temporary Use permit and be in conformance with Section 6-3-6(B) of Chapter 3 of this Title.

Municipal Government services activities	O/la	O/lb	O/lc P	O/ld P
<ul style="list-style-type: none"> Including, but not limited to, water supply facilities, public works facilities, fire stations, government post office, or other municipal facilities providing services to the public. 				
Hotels	O/la SU	O/lb SU	O/lc SU	O/ld SU
Laboratories, research and development facilities, public or private	O/la P	O/lb* P	O/lc P	O/ld P
<ul style="list-style-type: none"> *Said operations shall contain office space at least twenty five percent (25%) of the gross leasable area and be in conformance with Sections 6-8-3 and 6-8-4 of this Chapter. 				
Light manufacturing; fabricating; processing; assembly; repairing; storing; servicing; or testing of materials, goods or products	O/la	O/lb* P	O/lc P	O/ld P
<ul style="list-style-type: none"> *Said operations shall contain office space at least twenty five percent (25%) of the gross leasable area and be in conformance with Sections 6-8-3 and 6-8-4 of this Chapter. 				
Office, business, professional and corporate headquarters, as defined in Chapter 2 of this Title	O/la P	O/lb P	O/lc P	O/ld P
Parking garages (as principal use), as defined in Chapter 2 of this Title	O/la SU	O/lb SU	O/lc SU	O/ld SU
Performing and visual arts studios, as defined in Chapter 2 of this Title	O/la P	O/lb P	O/lc P	O/ld P
<ul style="list-style-type: none"> In multi-tenant buildings, performing and visual art studios shall be located on the first floor only. Performing and visual arts studios in multi-tenant buildings shall not broadcast any sound or play any musical instrument(s) capable of being heard in adjoining tenant spaces between 8:00 a.m. and 6:00 p.m. Monday through Friday. 				
Pet daycare, grooming and training, as defined in Chapter 2 of this Title	O/la SU	O/lb SU	O/lc SU	O/ld SU
<ul style="list-style-type: none"> In multi-tenant buildings, pet daycare, grooming and training uses shall be located on the first floor only. Pet daycare, grooming and training facilities in multi-tenant buildings shall not broadcast any sound capable of being heard in adjoining tenant spaces between 8:00 a.m. and 6:00 p.m. Monday through Friday. May include overnight boarding of animals. 				
Physician's offices, as defined in Chapter 2 of this Title	O/la P SU	O/lb P SU	O/lc P SU	O/ld P SU
<ul style="list-style-type: none"> The cumulative off-street parking spaces for all uses operated on or from the premises shall be provided in accordance with the minimum requirements listed in Section 6-11-3(B) of this Zoning Code. In the O/la subdistrict, in any building on a zoning lot with frontage on an arterial highway (including but not limited to; Aptakisic Road, Half Day Road, and Milwaukee Avenue) there shall be no limitation on the proportion of clinic to non-clinic uses, irrespective of which floor the clinic(s) are located. In the O/la subdistrict, in any building on a zoning lot without frontage on an arterial highway, no more than 25% of the gross floor area of a building shall be occupied by clinics, irrespective of which floor the clinics are located. In all other O/I subdistricts, no more than 25% of the gross floor area of a building shall be occupied by clinics, irrespective of which floor the clinics are located. (Amd. Ord. 07-3011-39, eff. 11/26/07) 				

Printing and reproduction services, graphic and photo-stating services, office machine sales and repair, office supply sales, and other similar uses	O/la P	O/lb P	O/lc P	O/ld P
Product showrooms	O/la P	O/lb P	O/lc P	O/ld P
<ul style="list-style-type: none"> • Accessory to a principal use. • Limited to twenty five percent (25%) of the gross leasable space. 				
Public utility facilities	O/la SU	O/lb SU	O/lc SU	O/ld SU
<ul style="list-style-type: none"> • Public utility facilities shall include transportation facilities, structures and buildings (bus turnarounds, bus waiting shelters, but excluding heliports) telephone exchanges, transmission buildings and equipment, telephone booths, electric distribution substations, natural gas equipment and distribution facilities 				
Railroad lead and spur tracks	O/la	O/lb	O/lc	O/ld SU
<ul style="list-style-type: none"> • Except for the present lead track running in an easterly direction from the Soo Line main line track, any new lead tracks must run parallel to the Soo Line main line track and within twenty five feet (25') from the right of way line of said Soo Line or as otherwise provided for herein. • No new lead track running parallel to the Soo Line main track shall be located less; than one hundred feet (100') of the center line of Aptakistic Road. • The present lead track running in an easterly direction from the Soo Line main line track along the south line of the property presently occupied by Aluminum Mills shall not be extended eastward from its present terminus. • Only spur tracks required to serve specific industries or users contiguous to a lead track shall be permitted and such spur tracks shall run parallel to the present lead track running in an easterly direction from the Soo Line main line track or to a lead track parallel to running parallel to the Soo Line main line track. • All spur tracks installed to serve any users in this subdistrict shall only be permitted in the rear yard as defined in Section 6-8-5 of this Zoning Code, and must terminate within five feet (5') of the edge of the building. • No railroad spur track shall be constructed or made available for public use or to any user(s) not immediately abutting upon such spur track. • On zoning lots in the O/ld subdistrict which have spur tracks on the zoning lot, the coupling and uncoupling of railroad cars is prohibited between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. • Zoning lots in the O/ld subdistrict which are contiguous to any lead track must have a minimum two (2) acre lot area (eighty thousand [80,000] square feet) and a two hundred foot (200') minimum lot width. • In the O/ld subdistrict only one rail user will be allowed for each five hundred (500) lineal feet of lead track. (Ord. 85-817-01) 				
Recreation facilities (public or private), as defined in Chapter 2 of this Title	O/la SU	O/lb SU	O/lc SU	O/ld SU
Restaurants without drive-thru	O/la P	O/lb P	O/lc P	O/ld P
Restaurants with drive-thru	O/la SU	O/lb SU	O/lc SU	O/ld SU
Testing of materials	O/la	O/lb	O/lc	O/ld

	P	P	P	P
<ul style="list-style-type: none"> • Shall be conducted only in the interior of a building. • Shall be accessory to the primary business operations. • Testing shall occupy no more than 25% of the gross building area (if a building is occupied by one user) or gross tenant space area (if a building is occupied by multiple users). • Testing of and on animals shall be prohibited. • Testing of hazardous or combustible materials shall be prohibited. • All Performance Standards outlined in this Chapter, inclusive of Section 6-8-4 and all subparts thereof, shall apply separately to each individual tenant space and/or building, wherein testing of materials is performed. (Amd. Ord. 10-3132-09, eff. 4/12/10) 				
Tutoring centers, as defined in Chapter 2 of this Title	O/la P	O/lb P	O/lc P	O/lid P
Vehicle fueling stations, as defined in Chapter 2 of this Title	O/la SU	O/lb SU	O/lc SU	O/lid SU
<ul style="list-style-type: none"> • May include a convenience store and/or a vehicle wash as an accessory/incidental use. 				
Urgent medical care centers/clinics, as defined in Chapter 2 of this Title	O/la SU	O/lb SU	O/lc SU	O/lid SU
Warehouse and storage uses	O/la	O/lb	O/lc P	O/lid P
<ul style="list-style-type: none"> • Shall be conducted within a completely enclosed structure. • Shall not include freight terminals or cartage firms, which are not permitted. 				
END OF O/I USES LIST				6-8-5

6-8-6: Prohibited Uses: All Subdistricts

- A. No zoning lot, parcel, or tract of land shall be used, and no structure shall be erected, altered, or remodeled for any of the following uses: abattoirs; arsenals, blast furnaces; boiler works; cartage except where incidental to a permitted principal use; coke ovens cement and stone mason contracting yards; crematories; manufacture or storage of fireworks or explosives; dumping, reduction, or other processing of garbage, dead animals, or offal; the processing of refuse, except as customarily incidental to a permitted principal use; ore reduction; petroleum processing or refining; pyroxylin manufacture; natural or synthetic rubber, couthouc, or gutta percha manufacture or treatment; packing plants; salt works; sauerkraut manufacture; soap manufacture; smelters; stock yard or slaughter of animals or fowls processing of fish oil; tallow, grease or lard manufacture or treatment; tanning; curing, or storage of raw hides or skins; tar distillation or manufacture; or cement manufacturing; concrete or asphaltic concrete mixing plants.
- B. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the Village or are used as customarily incidental to the operation of a principal use in such quantities, and in a manner conforming with applicable performance standards set forth hereafter under subsection A of this Section. Such materials shall include, but shall not be confined to; all primary explosives such as lead ozide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine;

unstable organic compounds such as acetylides, tetrazoles, perchloric acid, perchlorates, chlorates, hydrogen peroxide in concentrations greater than thirty five percent (35%); and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.

6-8-7: Lot Sizes and Floor Area Ratio Requirements

A. Lot Size Requirements:

Uses	Minimum Lot Area	Minimum Lot Width
O/1a subdistrict	2 acres (87,120 sq. ft.)	220 ft.
O/1b subdistrict	2 acres (87,120 sq. ft.)	220 ft.
O/1c subdistrict	2 acres (87,120 sq. ft.)	220 ft.
O/1c, Municipal services	1 acre (43,560 sq. ft.)	150 ft.
O/1d subdistrict	1 acre (40,000 sq. ft.)	100 ft.
Commercial Service Activity, Car Rental	20,000 sq. ft.	150 ft.
Commercial Service Activity, Motels and Hotels	5 acres	220 ft.
Commercial Service Activities, All others	1 acre	150 ft.
Dispensary Organization	1 acre	150 ft.
Municipal Services Activity, Commuter rail station	As specified by the Zoning Board	
Non-Membership Assembly Uses	5 acres	220 ft.
Parking garages, as principal use	As specified by the Zoning Board	
Physician's office	1 acre	150 ft.
Public utility facility	As specified by the Zoning Board	
Urgent medical center/clinic	1 acre	150 ft.
Special Uses, All others	2 acres	150 ft.

B. Maximum Floor Area Ratio (FAR): In the O/I District, the floor area ratio shall not exceed the following:

Uses	Maximum FAR
All other Permitted uses	0.5
Auxiliary use	0.7
Commercial Service Activity, Car Rental	0.7
Commercial Service Activity, Motels and Hotels	1.0
Commercial Service Activity, Restaurants	0.7
Commercial Service Activity, Vehicle Service Stations	0.7
Dispensary Organization	0.5
Laboratories/research and development facilities	0.5
Light manufacturing/fabricating and warehouse uses	0.5

Non-Membership Assembly Uses	0.5
Office and bank/financial institutions	1.0
Parking Garages	As specified by the Zoning Board
Public Utilities Facilities	As specified by the Zoning Board
All other Special Uses	0.5

Accessory Uses: In the O/I District, the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot; however, any floor area devoted to off-street parking or loading facilities shall be exempt from floor area ratio requirements. (Ord. 14-3309-35)

6-8-8: Building Setbacks

O/Ia & O/Ib Districts

Front & Corner Side	50 ft.	Increase by 1 ft. for each 1 ft. building height exceeds 45 ft., up to 72 feet, including roof-top mechanical equipment.
		Increase by 2 ft. for each 1 ft. building height exceeds 72 ft., including roof-top mechanical equipment. Said increase shall be cumulative
Side Rear	30 ft.	Increase by 1 ft. for each 1 ft. building height exceeds 45 ft., including roof-top mechanical equipment.

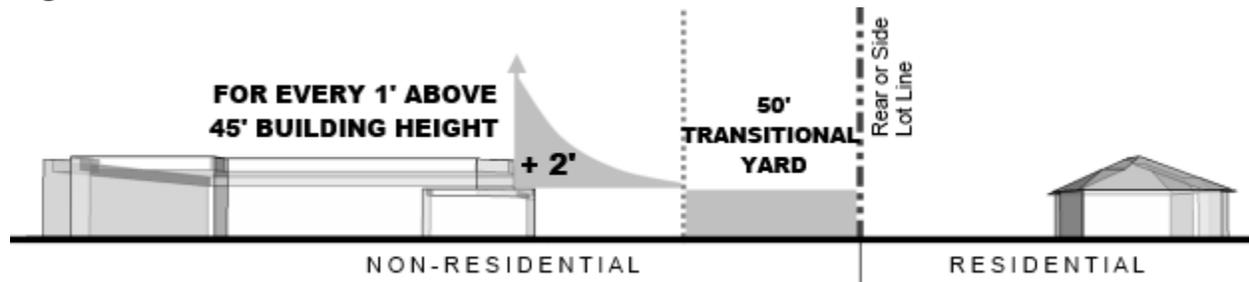
O/Ic District

Front & Corner Side	35 ft.	Increase by 1 ft. for each 1 ft. building height exceeds 20 ft., including roof-top mechanical equipment.
Side	20 ft.	
Rear	25 ft.	

O/IId District

Front & Corner Side	35 ft.	Increase by 1 ft. for each 1 ft. building height exceeds 30 ft., including roof-top mechanical equipment.
Side	20 ft.	
Rear	25 ft.	

However, where the side or rear yard of any zoning lot in the O/I District is adjacent to a zoning lot in any residential district such yard shall be considered a transitional yard. Transitional yards shall be 50 feet in depth where the building height is under 45 feet in height. This yard shall be increased by 2 feet for every 1 foot by which the building height exceeds 45 feet in height.

Figure 6-8-8: Transitional Yard**6-8-9: Building Height**

- A. O/1a Subdistrict: Maximum allowable height of all structures, including all mechanical equipment, shall be eighty five feet (85') or six (6) stories (and two (2) levels of underground parking), whichever is less. (Ord. 80-632-39)
- B. O/1b and O/1c and O/1d Subdistricts: Maximum allowable height of all industrial, warehouse, or manufacturing structures, including all mechanical equipment, and other permitted uses, shall be forty five feet (45') or three (3) stories, whichever is less. Office buildings constructed in the O/1b and O/1c and O/1d subdistricts will be permitted to the heights set forth in paragraph 1 above. (Ord. 85-817-01)

6-8-10: Signs

Signs shall be subject to the regulations contained Title 12 of this Code.

6-8-11: Off-Street Parking and Loading

Off-street parking and loading facilities shall be provided as required in Chapter 11 of this Title.

6-8-12: Landscaping

Landscaping shall be subject to the regulations contained in Title 13 of this Code.

TITLE 6: Zoning

CHAPTER 11: Off-Street Parking and Loading

Last revised: 11/09/18

Sections:

- 6-11-1: General Requirements
- 6-11-2: Off-Street Parking Facilities
- 6-11-3: Off-Street Loading Facilities

6-11-1: General Requirements

- A. General Applicability: Off-street parking and loading facilities for all existing and new structures and uses of land within the Village of Lincolnshire shall be in accordance with the provisions of this Chapter.
- B. Increase in Intensity: Whenever the intensity of use of any structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities shall be required for such increases in intensity.
- C. Change in Use: Whenever a use existing on the effective date of this Chapter is changed to a new use, parking or loading facilities shall be provided as required herein for such new use.
- D. Responsibility: The duty to provide and maintain off-street parking spaces and/or loading facilities shall be the joint and several responsibility of the operator and/or owner of the use and/or owner of the land for which off-street parking spaces and/or loading facilities are required to be provided and maintained hereunder.
- E. Design Plan: Parking and loading facilities shall be illustrated on a site plan to be submitted with all applications for Building Permits or Certificates of Occupancy in accordance with the provisions of this Chapter.
- F. Snow Removal: Accommodations shall be made for the storage and/or removal of snow from all parking and loading facilities. Areas for snow storage shall be designated reasonably close to drains or catch basins. Snow storage within landscaped areas should be avoided to prevent damage to plant material.

6-11-2: Off-Street Parking Facilities:

- A. General Requirements
 - 1. Use: Required off-street parking facilities shall be solely for the parking of vehicles used for the transportation of occupants, patrons, employees or materials of the uses to which they are accessory. Each required parking space shall be kept available at all times for parking of such vehicles. No required parking space shall be rented, leased or used for any purpose other than that for which said space is required.
 - 2. Access: Off-street parking facilities shall be designed and located to provide appropriate means of vehicular access to adjacent streets or alley ways in a manner

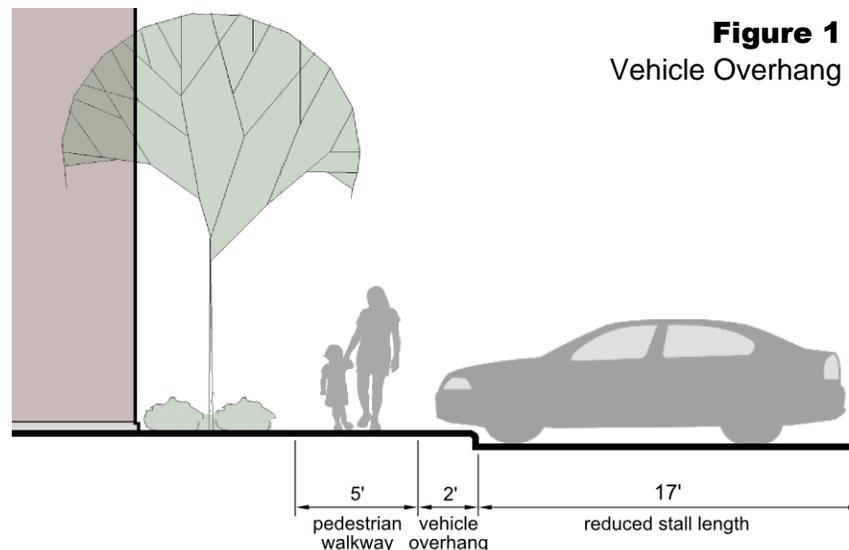
which will least interfere with traffic movements. Parking spaces shall open directly upon an aisle or driveway of such width and designed to provide safe and efficient means of vehicular access to such parking space at all times.

3. Computation: When the number of parking spaces required herein results in a fractional space, any fraction shall require one (1) additional parking space. Parking spaces required on a square footage basis shall be based on the gross square footage of the structure/leasable space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing on the premises at any one time.
4. Shared Parking Facilities: Parking spaces required for separate structures and uses may be provided collectively on the same lot, provided use of such spaces shall not occur at the same time based on the operations of the uses they are serving. The minimum number of required parking spaces shall be established by the primary use or the highest parking generating use, whichever is more.
5. Land Banking: The Zoning Administrator may authorize a reduction in the total number of off-street parking spaces required herein, subject to the following:
 - a. No more than 50% of the required parking spaces shall be landbanked.
 - b. Prior to authorization of landbanked spaces, the lot owner or tenant must demonstrate that required parking spaces are excessive as applied to the use of the zoning lot, including but not limited to employee counts, lack of public customers, or similar scenarios.
 - c. Every request for landbanking of required parking spaces shall be accompanied by a detailed parking plan identifying the area(s) reserved for future parking and the landscape treatment of such open space.
 - d. The property owner shall file with the Zoning Administrator his/her unconditional agreement in form and substance satisfactory to the Village Attorney that the area(s) reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking in compliance with this Chapter. Such agreement shall be recorded with the Lake County Recorder's Office.
 - e. The Zoning Administrator, in his/her sole discretion, shall have the authority to require the property owner or successor, at any time, to increase the number of parking spaces required by this Chapter.

B. Location:

1. All parking facilities shall be located in the same zoning lot as the structure or use to which they serve. Parking facilities of ten (10) or more parking spaces may be located on a separate lot provided said parking spaces are located within the development in which such parking spaces are serving.
2. Parking facilities solely for employees, may be located on a separate lot provided no such parking spaces shall be located in excess of six hundred feet (600') measured along a paved pedestrian circulation route to the nearest building entrance.

3. Residential zoning: Parking facilities containing three or more spaces shall not be located in a Front, Side, or Rear Setback, as defined in Chapter 2 of this Title, except when a garage structure is located within the Rear Setback. Surfaced driveways may be used as parking spaces in addition to the requirements herein.
 4. All Other Zoning Districts: Required parking spaces shall not be located in a Front or Corner Side Yard, as defined in Chapter 2 of this Title, and shall be located a minimum of twenty five (25) feet from the property line of any adjoining residential zoning district, except as permitted in Section 6-8-11(B) of this Title. Required parking spaces may be located in an interior side yard or rear yard in all non-residential zoning districts, provided in the O/I districts a fully landscaped and maintained strip of at least fifteen feet (15') in the O/Ia and O/Ib subdistricts or eight feet (8') in the O/Ic and O/Id subdistricts is installed and maintained continuously along the perimeter of the applicable rear and interior side yards (excluding driveway or sidewalk entrances, or railroad track frontage).
- C. Size: Every parking space shall conform to the parking dimensions identified on the Off-street Parking Chart found at the end of this Chapter, exclusive of access drive aisles, ramps, etc., and have a minimum vertical clearance of seven (7) feet. For parking spaces adjacent to a curb, the parking space length shall be shortened by two (2) feet to provide sufficient vehicle overhang (see Figure 1). For parking spaces where vehicle overhang is adjacent to a pedestrian walkway, the walkway width shall be a minimum of seven (7) feet to provide unobstructed pedestrian access (see Figure 1).



D. Design and Maintenance:

1. Surfacing:

- a. Single-Family Residential: Off-street parking facilities accessory to single-family residential (attached or detached) shall be paved or otherwise surfaced with an all-weather dustless material. The portion of the driveway connecting from the curb line to the property line shall be paved with concrete, asphaltic materials or permanent materials, in accordance with Village Codes.

- b. All Other Uses: The minimum required off-street parking facilities, spaces and access drives shall be improved with a compacted macadam base, or equal, not less than six inches (6") thick, surfaced with asphaltic concrete or comparable all-weather, dustless material. Any portion of a parking facility containing parking spaces in excess of 10% of the minimum number required herein shall implement innovative stormwater management features (commonly identified as Best Management Practice techniques, BMP), including but not limited to alternate paving surface materials, use of light colored concrete, recycled asphalt permeable pavement materials, bioretention areas, swales, or similar techniques approved by the Village of Lincolnshire; unless it can be demonstrated no further increases in impervious surface coverage will be produced.
2. Drainage: All parking facilities shall be designed to prevent the drainage of stormwater onto adjoining property and to effectively manage stormwater and snowmelt on-site in accordance with Village Codes and the Lake County Watershed Development Ordinance (WDO), including the use of stormwater BMP techniques.
3. Screening and Landscaping: Parking facilities shall be landscaped in accordance with Section 13-2-4 of Title 13.
4. Illumination: Illumination of off-street parking facilities shall be in accordance with Section 6-3-15 of this Title. All lighting should create an identity for parking facilities and be appropriately designed for the location, context, and scale of the areas being illuminated.
5. Curbing: All parking facilities, drives, access roadways, and landscape islands must be bordered by a six (6) inch high concrete barrier curb. Such curbing shall not be required if essential to the design and implementation of stormwater BMP techniques, as approved by the Village and Lake County Stormwater Management Commission (SMC).

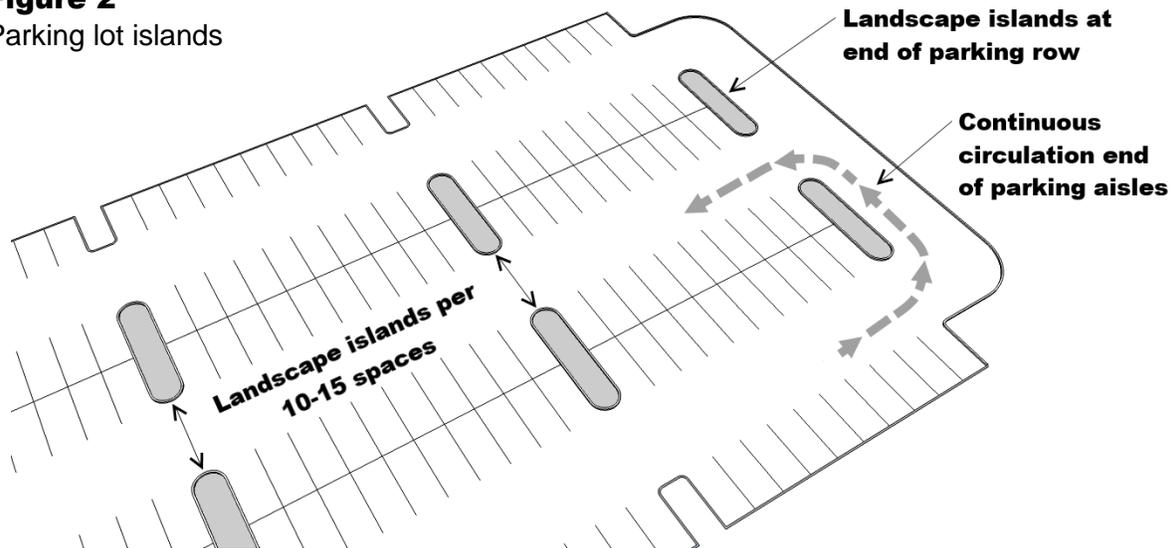
E. Parking Lot Standards:

1. Parking facilities containing twenty (20) spaces or more shall have one (1) landscape island for every ten (10) parking spaces (see Figure 2). Landscape islands shall be a minimum width of nine (9) feet and a minimum length of nineteen (19) feet. Landscaping shall be in accordance with Section 13-2-4 of Title 13.
2. Landscape islands shall be located at the end of every parking row and shall be landscaped in accordance with Section 13-2-4 of Title 13 (see Figure 2).
3. Parking facilities containing two (2) or more parking aisles shall provide continuous vehicular circulation at each end of the parking aisles and shall be landscaped in accordance with Section 13-2-4 of Title 13 (see Figure 2).
4. A minimum eight (8) foot landscaped area shall be required between all building façades and parking facilities, including parking spaces and circulation drives, and shall be landscaped in accordance with Section 13-2-4 of Title 13.
5. Parking facilities containing forty (40) parking spaces or more shall have one (1) landscape island for every fifteen (15) parking spaces (see Figure 2). Landscape islands shall be a minimum width of nine (9) feet and a minimum length of nineteen

(19) feet. Landscaping shall be in accordance with Chapter 2, Landscaping, of Title 13.

Figure 2

Parking lot islands



F. Accessible (ADA) Parking Spaces: Off-street parking spaces required herein shall comply with the 2010 ADA Standards for Accessible Design and Illinois Accessibility Code, except for single-family dwellings, which shall be in accordance with the following requirements:

1. Required Accessible Spaces: ADA accessible parking spaces shall be included in the total number of required parking spaces as required in following table:

ACCESSIBLE PARKING SPACES	
Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible 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
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1,000

2. Van Parking Spaces: For every six (6) or fraction of six (6) accessible parking spaces required by (B)(1) above, at least one (1) accessible space shall be a van parking space.

- G. Specific Requirements: Off-street parking spaces shall be provided in accordance with the minimum requirements listed below. The format in identifying the minimum number of required spaces is as follows:

{Number of spaces} 10/1,000 {Per square footage, units, seats, etc.}

Unspecified Use: When the use of a structure or lot is known, but not identified in the following parking table, the minimum number of parking spaces required shall be determined based on a reasonably comparable and/or similar use identified.

SEE OFF-STREET PARKING TABLE ON NEXT PAGE

Use	Minimum Number of Required Spaces
Residential	
Single-family detached dwelling	2/dwelling
Single-family attached dwelling, townhome	2.5/dwelling
Single-family attached dwelling, duplex	2.5/dwelling
Continuing care retirement campus (CCRC)	1/independent living unit + 1/employee + 4% of the total required parking for visitor parking
Multi-family dwelling/condominium	1.5/efficiency studio and 1 bedroom units 2.5/2 or more bedroom units
Recreational	
Bowling alley	4/lane + 12/1,000 sq. ft. of lounge or dining area
Golf course	80/9 holes
Park and playground	None for first acre. 5/1 to 5 acres + 5 for each acre in excess of 5 acres + 1/5 persons of design capacity of any structure or facility
Forest preserve/nature preserve	By Village Board
Personal fitness/instruction studio	1/4 persons based on maximum occupancy +1/employee
Private or public recreation facility and community buildings	1/3 persons based on maximum occupancy +1/employee + 1/100 sq. ft. of water surface area for any swimming pool facilities
Assembly Uses	
Art galleries, libraries and museums	1/500 SF
Exhibition and convention facilities	1/100 SF
Meeting and events center	1/4 persons at max occupancy
Private clubs, fraternal lodges	1/3 persons at maximum occupancy
Religious institutions	1/4 seats
Theater	1/3 seats

OFF-STREET PARKING TABLE CONTINUED ON NEXT PAGE

Use	Minimum Number of Required Spaces
Institutional	
College/university or vocational, private educational institution, business or trade school	1/each employee + 1/3 students
Child day care center	1/500 SF
Elementary, junior high school	1/each employee
High school	1 each employee + 1/4 students aged 16 years or older
Hospital	1/500 SF + 0.5/ employee
Municipal and government buildings	1/250 SF
Nursing/rest homes	1/1,000 SF
Urgent medical care center/clinic	1/200 SF + 1/employee, including doctors
Industrial	
Cargo and freight terminals	
Cartage and express facilities	
Laboratories or research and development facilities	
Light manufacturing, fabricating, processing, assembly, repairing, storing, servicing or testing of materials, goods or products	1/250 SF of Office Space + 1/1,000 SF of Manufacturing Space + 1/2,000 SF of Warehouse Space
Research laboratories	
Warehouse and storage, distribution facilities	

OFF-STREET PARKING TABLE CONTINUED ON NEXT PAGE

Use	Minimum Number of Required Spaces
Commercial	
Automotive repair facility, service facility	0.5/employee + 2/service bay
Banks and financial Institutions	1/250 SF + 2 stacking spaces/ATM + 3 stacking spaces/drive-up service window
Car rental facilities	1/400 SF of gross leasable area + sufficient parking for rental cars
Catering establishment	
Office, business or professional	
Printing, publishing, blueprinting and photocopying establishments	1/250 SF
Radio and television stations	
Day spa	1/150 SF of gross leasable area
Dispensary organization	1/175 SF of office space + 1/2,000 SF of warehouse/storage space
Hotels	1/unit + 0.5/employee + 1/50 SF of lounge or dining area
Convenience store	
Drinking establishment	
Food store, including candy/confectionery stores, dairy products and bakeries	
Funeral home	
General retail and service use	
Pharmacy/drug store	1/200 SF
Liquor sales, package goods	
Musical instrument sales and repair shop	
Motor vehicle sales	
Pet shop	
Shopping center	
Performing and visual arts studios	1/employee + 1/every 3 students
Pet daycare, grooming and training	1/500 SF
Physician's office	1/employee + 2/examination room
Restaurants (fast food with drive-thru)	10/1,000 SF + 4 stacking spaces/drive-up service window + 2 stacking spaces for each additional ordering station
Restaurants (fast food)	13/1,000 SF
Restaurants (table service, convenience dining)	12/1,000 SF
Salon (hair, nails, makeup), barber shop	1/employee + 2/chair

Tutoring centers

1/employee + 1/every 3 students

Vehicle fueling station

1/fueling pump + 1/employee + 1/500 SF of convenience store area

END OF OFF-STREET PARKING TABLE

Off-Street Parking Chart

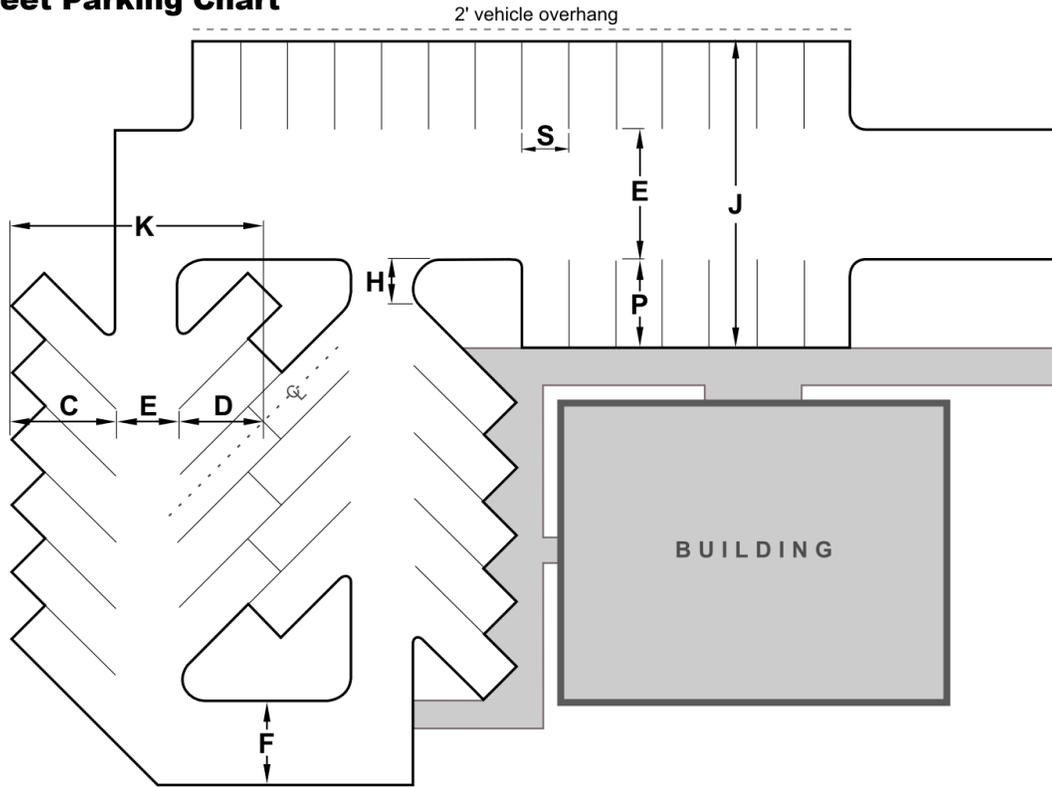


TABLE OF DIMENSIONS (IN FEET)

	S	P	C*	D	E	F	H	J	K*
0°	8.0	22.0	8.0	8.0	12.0			28.0	8.0
	8.0	24.0	8.0		11.0			27.0	8.0
	8.0	26.0	8.0	8.0	10.0			26.0	8.0
30°	8.5	19.0	16.9	13.2	10.0		6.0	43.8	40.1
	9.0	19.0	17.3	13.4	9.0		6.0	43.6	39.7
45°	8.5	19.0	19.4	16.4	10.8	15.5	9.5	49.6	46.6
	9.0	19.0	19.8	16.6	10.0	16.0	9.0	49.6	46.4
	9.5	19.0	20.1	16.7	9.5	16.5	8.5	49.7	46.3
	10.0	19.0	20.4	16.9	9.0	17.0	8.0	49.8	46.3
60°	8.5	19.0	20.8	18.7	18.0	15.0	12.5	59.6	57.5
	9.0	19.0	21.0	18.8	17.0	15.0	12.0	59.0	56.8
	9.5	19.0	21.3	18.9	15.5	15.0	11.5	58.1	55.7
	10.0	19.0	21.5	19.0	14.0	15.0	11.0	57.0	54.5
90°	8.5	19.0	19.0	19.0	27.0	20.0		65.0	65.0
	9.0	19.0	19.0	19.0	25.0	20.0		63.0	63.0
	9.5	19.0	19.0	19.0	24.0	20.0		63.0	62.0
	10.0	19.0	19.0	19.0	23.0	20.0		61.0	61.0

Notes:

$$J = C + E + C$$

$$K = C + E + D$$

*Except as shorten for 2 ft. vehicle overhang per Section 6-11-2(A)(3).

6-11-3: Off-Street Loading Facilities

A. General Requirements

1. **Location:** All required loading berths (docks) shall be located on the same zoning lot as the structure or use to be served. No loading berth shall be located within twenty five (25) feet of the nearest point of intersection of any two (2) public or private streets; nor shall it be located in a required front or side yard.
2. **Design**
 - a. **Maneuvering:** All loading berths shall be designed so that all maneuvering and standing of vehicles shall be performed on the zoning lot, except in parking lots with a capacity of less than fifty (50) cars in the O/lc, O/ld and M Districts.
 - b. **Screening:** All loading berths shall be fully screened from view of any public or private street and any adjacent property zoned for residential use. Screening materials shall consist of landscaping, walls, berms or any other permanent material which will provide continuous screening throughout the entire year.
 - c. **Access:** All loading berths shall be accessed by appropriate means of vehicular access to a street, alley, or circulation drives which least interferes with traffic movements.
3. **Surfacing:** All open loading berths shall be improved with a compacted macadam base not less than seven inches (7") thick, or equal, surfaced with not less than two inches (2") of asphaltic concrete or comparable all-weather, dustless material. The use of alternate paving surface materials, including but not limited to the use of light colored concrete, recycled asphalt, and permeable pavements such as porous pavement and alternate pavers is encouraged.
4. **Repair and Service:** Storage of any kind shall be prohibited, unless such loading berth is located entirely within an enclosed structure. No vehicle repair work or service of any kind shall be permitted within any loading berth.
5. **Space Allocated:** Space allocated to a required loading berth shall not be used to satisfy off-street parking space requirements.

- B. Specific Requirements:** Off-street loading facilities shall be provided in accordance with the following minimum requirements:

SEE OFF-STREET LOADING TABLE ON NEXT PAGE

Use	Gross Floor Area (Square Feet)	Number of Loading Facilities	Loading Berth Size
Office, business or professional	Less than 10,000	1 loading/unloading area	N/A
	10,001 – 100,000	1 loading berth	12' x 55'
	100,001 – 500,000	2 loading berths + 1 loading berth per each additional 500,000 SF or fraction in excess of 500,000 SF	12' x 55'
Industrial and manufacturing	Less than 7,000	1 loading/unloading area	N/A
	7,000 – 40,000	1 loading berth	12' x 55'
	40,001 – 100,000	2 loading berths + 1 loading berth per each additional 100,000 SF or fraction thereof	12' x 55'
Warehouse	5,000 – 40,000	1 loading berth	12' x 55'
	40,000 – 100,000	2 loading berths +1 loading berth per each additional 100,000 SF or fraction thereof	12' x 65'
	Less than 5,000	1 loading/unloading area	N/A
Commercial	7,000 – 20,000	1 loading berth	12' x 30'
	20,001 – 35,000	2 loading berths	12' x 30'
	35,001 – 60,000	2 loading berths	12' x 55'
	60,001 – 100,000	3 loading berths	12' x 55'
	100,001 +	3 loading berths + 1 loading berth per each 200,000 SF or fraction thereof	12' x 55'

Office/Industrial Zoning District Use Survey

Municipality	Religious Uses, Banquet Centers, & Other Assembly Uses: 1. Do you allow religious uses, banquet centers, galleries/museums, and other assembly uses in office/industrial districts?			
	2. Do you limit the total building area they can occupy in the entire district?	3. If so, do they require a Special Use permit or have other specific restrictions?		4. Please attach any applicable code requirements.
Bartlett	In Office Districts, Places of Assembly, Religious Institutions, Lodge (fraternal and civic) equal or less than 10,000 sq. ft. Are Permitted. If larger then 10,000 square feet it is a Special Use. All other assembly uses no.	Yes.	Yes.	Chapter 5 and 7 of the Zoning Ordinance: http://www.sterlingcodifiers.com/codebook/index.php?book_id=715
Buffalo Grove	In the Industrial District the following is classified as a special use: Eating and drinking establishments; Recreation and social facilities; and Stadiums, auditoriums and arenas.	Total building area is not specific to the assembly uses.	In the Industrial District the following is classified as a special use: Eating and drinking establishments; Recreation and social facilities Stadiums, auditoriums and arenas.	See attached.

Office/Industrial Zoning District Use Survey

Municipality	Physician's Offices: 5. Do you allow physician's offices (e.g., doctors, acupuncturists, therapists, social workers) in office/industrial districts?	6. If so, are overnight stays permitted?	7. Do they require a Special Use permit or have other specific restrictions?	8. What are your code parking requirements for physician's offices?	Physician's Offices: 9. Please attach applicable code requirements.	Retail Uses: 10. Do you allow retail uses, such as restaurants, bakeries, banks/financial institutions and other retail sales in office/industrial districts?	11. If so, do they require a Special Use permit if there is a drive-thru?	12. Please attach applicable code requirements.	Spas/Pet Grooming Facilities: 13. Do you allow spas in office/industrial districts?
Bartlett	Yes.	No.	No.	1 parking space shall be provided for each office, examination room, treatment room or dental chair, plus 1 parking space for each 100 square feet of waiting room, plus 1 for each employee.		Yes, in industrial districts.	Yes.		Yes.
Buffalo Grove	In the Office District the following is classified as a permitted uses: Clinics, medical and dental. In the Industrial District the following is classified as a permitted uses: Clinics, medical and dental, and immediate care facilities.	Not mentioned.		Dental and medical clinic or office: 5.0 spaces per every one thousand square feet of floor area. - regardless of district.	See the attached code.	See attached.	In the Office District the following is classified as a special use: Drive-through service facilities for banks and financial institutions.	See the attached code.	No.

Office/Industrial Zoning District Use Survey

Municipality	ties: 14. Do you allow pet grooming facilities in office/industrial districts?	15. If so, do they require a Special Use permit or have specific restrictions?	16. Please attach applicable code requirements.	Catering Establishments: 17. Do you allow catering establishments where food is prepared for on-site or off-site consumption in office/industrial districts?	18. If so, do they require a Special Use permit or have specific restrictions?	19. What are your code requirements for catering establishments?	20. Please attach applicable code requirements.	Colleges & Vocational Schools: 21. Do you allow colleges and vocational schools in office/industrial districts?	22. If so, do they require a Special Use permit or have specific restrictions?
Bartlett	Yes.	No.		Yes.	No.	1 parking space shall be provided for each 2 employees, plus 1 parking space for each vehicle used in the conduct of the enterprise.		Yes.	No.
Buffalo Grove	In the Industrial District the following is classified as a special use: Pet Resort. An indoor establishment pursuant to Section 17.12.449. Animals other than those specifically listed in the definition of pet resort are subject to approval by the Village.	In the Industrial District the following is classified as a special use: Pet Resort. An indoor establishment pursuant to Section 17.12.449. Animals other than those specifically listed in the definition of pet resort are subject to approval by the Village.	See the attached code.	In the Industrial District the following is classified as a special use: Eating and drinking establishments; and Recreation and social facilities.	In the Industrial District the following is classified as a special use: Eating and drinking establishments; and Recreation and social facilities.	Nothing specific for catering - so would probably use the following to provide guidance. Community center, convention hall, exhibition hall, meeting hall, recreation building: 1.0 space per one thousand square feet of floor area. Eating and drinking establishments: 1.0 space per one hundred square feet of floor area.	See the attached code.	Not outright.	

Office/Industrial Zoning District Use Survey

Municipality	23. What are your code parking requirements for these uses?	24. Please attach applicable code requirements.	25. Do you allow tutoring centers, dance schools, athletic training, and other instructional facilities in office/industrial districts?	26. If so, do they require a Special Use permit or have specific restrictions?	27. What are your code parking requirements for these uses?	28. Please attach applicable code requirements.
Bartlett	1 parking space shall be provided for each 5 students (based on the maximum number of students that the facility is designed to handle at any one time), plus 1 for each 2 employees.		Yes in industrial districts, not in office districts.	No.	1 parking space shall be provided for each 250 square feet of floor area.	
Buffalo Grove		See the attached code.	In the Industrial District the following is classified as a special use: Eating and drinking establishments; Recreation and social facilities; Nonacademic schools, classes, and instruction; and Preschool/Elementary School.	In the Industrial District the following is classified as a special use: Eating and drinking establishments; Recreation and social facilities; Nonacademic schools, classes, and instruction; and Preschool/Elementary School.	Dance school, music school, vocal school: 1.0 space per employee plus 1.0 space per every three students based on rated design capacity.	See the attached code.

Office/Industrial Zoning District Use Survey

Municipality	Religious Uses, Banquet Centers, & Other Assembly Uses: 1. Do you allow religious uses, banquet centers, galleries/museums, and other assembly uses in office/industrial districts?			
	2. Do you limit the total building area they can occupy in the entire district?	3. If so, do they require a Special Use permit or have other specific restrictions?		4. Please attach any applicable code requirements.
Deerfield	Religious uses and an event center are allowed in the I-1 Office, Research and Restricted Industrial District. Both uses are limited to a geographic area in the I-1 district and both require a Special Use. Galleries/museums are not allowed. Other assemble uses allowed in the I-1 District are a private high school and a private elementary and middle school which are also restricted to a geographic area in the I-1 district. Religious uses, banquet centers, galleries/museums are not allowed in the 1-2 Limited Industrial District. Other assemble uses allowed in the I-2 District as a Special Use include: a personal fitness training center, and a self improvement facility including dance, and sports training school.	No.		See attached.
Des Plaines	Religious uses, banquet centers, galleries/museums - No. We do allow other certain assembly uses in Commercial Office and Manufacturing Districts.	No.	Yes.	The City recently updated its zoning code for Commercially and Residentially Assembly Uses. See attached.
Grayslake	Yes. See attached.	No.		See attached.
Highland Park	Yes, Yes, No, some.	No limits on building area.	Religious uses are conditional uses in all districts. Other assembly uses are not.	See attached.

Office/Industrial Zoning District Use Survey

Municipality	Physician's Offices: 5. Do you allow physician's offices (e.g., doctors, acupuncturists, therapists, social workers) in office/industrial districts?	6. If so, are overnight stays permitted?	7. Do they require a Special Use permit or have other specific restrictions?	8. What are your code parking requirements for physician's offices?	Physician's Offices: 9. Please attach applicable code requirements.	Retail Uses: 10. Do you allow retail uses, such as restaurants, bakeries, banks/financial institutions and other retail sales in office/industrial districts?	11. If so, do they require a Special Use permit if there is a drive-thru?	12. Please attach applicable code requirements.	Spas/Pet Grooming Facilities: 13. Do you allow spas in office/industrial districts?
Deerfield	In I-1 District as a Special Use. Not in the I-2 District.	No.	Special Use.	5.6 parking spaces per 1,000 square feet of leasable floor area.		In I-1, only when for the convenience of the tenants of the building. In the I-2, Permitted Use if less than 5% of the total area of the Principal Use, and a Special Use if the sales area exceeds 5% of the total floor area of the Principal Use.	A drive-thru is not allowed in I-1 or I-2.		In I-1, beauty shop allowed only when operated primarily for the convenience of the tenants in the building. In I-2, not allowed.
Des Plaines	Yes.	No.	In certain circumstances.	4 per 1,000 Sq. ft.		Yes, with conditions.	Yes, only with a financial institution.		Yes, as a Retail Service with conditional use in Office.
Grayslake	Yes.	No.		Same as parking for other classifications.		Yes, in business districts.	No.		No.
Highland Park	Yes.	No, those are associated with hospitals, which need to be in our HC - Health Care district.	No.	4.11 spaces per 1,000 sq. ft. GFA.	See the parking tables starting on page 16.	Yes.	Yes.		Yes.

Office/Industrial Zoning District Use Survey

Municipality	ties: 14. Do you allow pet grooming facilities in office/industrial districts?	15. If so, do they require a Special Use permit or have specific restrictions?	16. Please attach applicable code requirements.	Catering Establishments: 17. Do you allow catering establishments where food is prepared for on-site or off-site consumption in office/industrial districts?	18. If so, do they require a Special Use permit or have specific restrictions?	19. What are your code parking requirements for catering establishments?	20. Please attach applicable code requirements.	Colleges & Vocational Schools: 21. Do you allow colleges and vocational schools in office/industrial districts?	22. If so, do they require a Special Use permit or have specific restrictions?
Deerfield	No to both I-1 and I-2 Districts.			No to both I-1 and I-2. I-2 District permits a food processing facility as a Special Use.				No, to both I-1 and I-2 Districts. I-1 District allows evening programs for business, professional graduate school and universities subject to size limitations.	
Des Plaines	Yes, a Domestic Pet Service with conditional use in M-1 and M-2	Yes.		Yes, as a Food Processing Establishment M-1 and M-2. No in Office.	Conditional in M-1 and Permitted in M-2.	1 Space per 1,000 sq. ft. of net floor area.		No.	
Grayslake	No.			No.				Yes.	No.
Highland Park	Yes.	No.		Yes.	No, permitted by right.	4 spaces per 1,000 sq. ft. GFA.		Yes.	Conditional uses.

Office/Industrial Zoning District Use Survey

Municipality	23. What are your code parking requirements for these uses?	24. Please attach applicable code requirements.	25. Do you allow tutoring centers, dance schools, athletic training, and other instructional facilities in office/industrial districts?	26. If so, do they require a Special Use permit or have specific restrictions?	27. What are your code parking requirements for these uses?	28. Please attach applicable code requirements.
Deerfield			No in the I-1 District. In the I-2 District, personal fitness training facilities, and a dance school are a Special Use.	Special Use required in the I-2 District.	Under the Zoning Ordinance, a fitness-training studio would be considered a recreational use and would require one (1) parking space for each three (3) patrons, based on the design capacity of the facility in terms of the largest number of patrons to be served at one time.	
Des Plaines			Yes, in certain circumstances.	No.	4 per 1,000 sq. ft.	
Grayslake	Same as parking for other classifications.		Yes.	No.	Same as parking for other classifications.	
Highland Park	As determined by Zoning Administrator.		Yes.	Permitted Use.	As determined by Zoning Administrator.	

Office/Industrial Zoning District Use Survey

Municipality	Religious Uses, Banquet Centers, & Other Assembly Uses: 1. Do you allow religious uses, banquet centers, galleries/museums, and other assembly uses in office/industrial districts?			
	2. Do you limit the total building area they can occupy in the entire district?	3. If so, do they require a Special Use permit or have other specific restrictions?		4. Please attach any applicable code requirements.
Lake Bluff	*Religious uses are permitted in all districts with a special use permit. *Banquet centers are not addressed in our code. A conference center is a special use in all districts, but eating places are only authorized (as a special use) in our downtown district. *Museums and art galleries are only permitted in our downtown district.	No.	See #1.	Nothing use-specific here. Our zoning table is Section 10-13-3.
Lake Zurich	Special Use in O2: Administrative offices of religious organizations, but not including any nonadministrative functions such as worship services, prayer groups, and similar religious activities and events. • Banquet centers, galleries/museums and other assembly uses not allowed.	No.		

Municipality	Physician's Offices: 5. Do you allow physician's offices (e.g., doctors, acupuncturists, therapists, social workers) in office/industrial districts?	6. If so, are overnight stays permitted?	7. Do they require a Special Use permit or have other specific restrictions?	8. What are your code parking requirements for physician's offices?	Physician's Offices: 9. Please attach applicable code requirements.	Retail Uses: 10. Do you allow retail uses, such as restaurants, bakeries, banks/financial institutions and other retail sales in office/industrial districts?	11. If so, do they require a Special Use permit if there is a drive-thru?	12. Please attach applicable code requirements.	Spas/Pet Grooming Facilities: 13. Do you allow spas in office/industrial districts?
Lake Bluff	Yes, by right.	While we have not evaluated a specific situation, these would most likely not be allowed.	No, as of right.	No specific requirement. Our general parking requirement of 1 space per 600 feet would apply.	Nothing use-specific here. Our zoning table is Section 10-13-3.	Some. Our office/industrial district is along Waukegan Road, and the Waukegan Road corridor study contemplates shifting the corridor towards a blended retail environment along the Waukegan edge. Retail sales are authorized by right. Restaurants, bakeries, and depositories are not.	Not authorized in this district. Drive-through facilities require a special use in other districts.	Nothing use-specific here. Our zoning table is Section 10-13-3.	These are not authorized in these districts.
Lake Zurich	Permitted in Office Districts.	No.		1 for each 175 square feet of net floor area.	http://sterlingcodifiers.com/codebook/index.php?book_id=373&chapter_id=85813#s957569	See attached.	No.		No.

Municipality	ties: 14. Do you allow pet grooming facilities in office/industrial districts?	15. If so, do they require a Special Use permit or have specific restrictions?	16. Please attach applicable code requirements.	Catering Establishments: 17. Do you allow catering establishments where food is prepared for on-site or off-site consumption in office/industrial districts?	18. If so, do they require a Special Use permit or have specific restrictions?	19. What are your code parking requirements for catering establishments?	20. Please attach applicable code requirements.	Colleges & Vocational Schools: 21. Do you allow colleges and vocational schools in office/industrial districts?	22. If so, do they require a Special Use permit or have specific restrictions?
Lake Bluff	As a special use.	Yes - see above.	Nothing use-specific here. Our zoning table is Section 10-13-3.	See #1 - most likely not.	If interpreted to be a conference center, they would require a special use permit.	No specific requirement. Our general parking requirement of 1 space per 600 feet would apply.	Nothing use-specific here. Our zoning table is Section 10-13-3.	This situation has not recently been examined. Our code includes a general category of "School" that is a special use in all districts.	Yes - see above.
Lake Zurich	Special Use in Industrial: Animal specialty services, except veterinary services, limited to the following uses (0752): Boarding kennels Animal grooming Shelter/pound for homeless/abandoned animals Showing of pets and other animals Training of pets and other animals.	Special Use in Industrial: Animal specialty services, except veterinary services, limited to the following uses (0752): Boarding kennels Animal grooming Shelter/pound for homeless/abandoned animals Showing of pets and other animals Training of pets and other animals.		No.	N/A	N/A.		<ul style="list-style-type: none"> • Correspondence and vocational schools Permitted in Office • Vocational schools - Special Use in industrial • Schools and education services, not elsewhere classified - Special Use in industrial. 	<ul style="list-style-type: none"> • Vocational schools - Special Use in industrial • Schools and education services, not elsewhere classified - Special Use in industrial.

Office/Industrial Zoning District Use Survey

Municipality	23. What are your code parking requirements for these uses?	24. Please attach applicable code requirements.	25. Do you allow tutoring centers, dance schools, athletic training, and other instructional facilities in office/industrial districts?	26. If so, do they require a Special Use permit or have specific restrictions?	27. What are your code parking requirements for these uses?	28. Please attach applicable code requirements.
Lake Bluff	No specific requirement. Our general parking requirement of 1 space per 600 feet would apply.	Nothing use-specific here. Our zoning table is Section 10-13-3.	See #19. In addition: *Business and secretarial schools are permitted in the downtown district and not authorized in all other districts. * Dance schools are a special use in the downtown district and not authorized in all other districts.	N/A. See above.	No specific requirement. Our general parking requirement of 1 space per 600 feet would apply.	Nothing use-specific here. Our zoning table is Section 10-13-3.
Lake Zurich	Vocational schools, except correspondence schools: 1 for each 200 square feet of net floor area.		<ul style="list-style-type: none"> • Special Use in Industrial: Physical fitness facilities, Membership sports and recreation clubs, Gymnastics instructions. • Permitted in O2, O3: Physical fitness facilities, but not gymnasiums, reducing facilities, slenderizing salons, or spas. 	Special Use in Industrial: Physical fitness facilities, Membership sports and recreation clubs, Gymnastics instructions.	<ul style="list-style-type: none"> • Physical fitness facilities: 1 for each 3 persons of design capacity. • Membership sports and recreation clubs and other commercial recreation uses: 1 for each 3 persons of design capacity. 	

Office/Industrial Zoning District Use Survey

Municipality	Religious Uses, Banquet Centers, & Other Assembly Uses: 1. Do you allow religious uses, banquet centers, galleries/museums, and other assembly uses in office/industrial districts? 2. Do you limit the total building area they can occupy in the entire district? 3. If so, do they require a Special Use permit or have other specific restrictions? 4. Please attach any applicable code requirements.			
Lincolnwood	No in O-1 District Yes in M-B District.	No.		See attached.

Municipality	Physician's Offices: 5. Do you allow physician's offices (e.g., doctors, acupuncturists, therapists, social workers) in office/industrial districts?	6. If so, are overnight stays permitted?	7. Do they require a Special Use permit or have other specific restrictions?	8. What are your code parking requirements for physician's offices?	Physician's Offices: 9. Please attach applicable code requirements.	Retail Uses: 10. Do you allow retail uses, such as restaurants, bakeries, banks/financial institutions and other retail sales in office/industrial districts?	11. If so, do they require a Special Use permit if there is a drive-thru?	12. Please attach applicable code requirements.	Spas/Pet Grooming Facilities: 13. Do you allow spas in office/industrial districts?
Lincolnwood	Hospital--O-1 district Massage therapy--No Medical clinic--O-1 district outpatient only/medical offices--O-1, M-B districts.	Hospital--overnight permitted. Medical Clinic--stays of 24 hours or less. Medical office (out-patient)--not overnight.	All uses and districts need a Special Use permit except for Medical office usage.	Hospital (overnight permitted)--1 space per bed for 100 beds or less, 1.1 spaces per bed for 101 to 300 beds, 1.2 spaces per bed for 301 to 500 beds, 1.3 spaces per bed for over 500 beds. Massage therapy--4 spaces per 1,000 square feet of gross floor area Medical clinic--5 spaces per 1,000 square feet of gross floor area Office, medical (out-patient only)--4 spaces per 1,000 square feet of gross floor area. Loading spaces--Hospital, medical clinic or service 0 to 9,999 sf--0 spaces 10,000 to 100,000 sf--1 space. 100,000+--1 space per 100,000 square feet, plus 1 space per 50,000 square feet above 100,000 square feet.	See attached. Definitions: https://ecode360.com/15343474 Parking requirements: https://ecode360.com/15344731	Banking--No Restaurant--M-B districts Pub, bar, lounge--M-B districts.	Yes drive-through facilities are limited to B-1, B-2, B-3 districts with a special use permit required.	See attached.	No.

Municipality	ties: 14. Do you allow pet grooming facilities in office/industrial districts?	15. If so, do they require a Special Use permit or have specific restrictions?	16. Please attach applicable code requirements.	Catering Establishments: 17. Do you allow catering establishments where food is prepared for on-site or off-site consumption in office/industrial districts?	18. If so, do they require a Special Use permit or have specific restrictions?	19. What are your code parking requirements for catering establishments?	20. Please attach applicable code requirements.	Colleges & Vocational Schools: 21. Do you allow colleges and vocational schools in office/industrial districts?	22. If so, do they require a Special Use permit or have specific restrictions?
Lincolnwood	No.		See attached.	Yes, O-1, M-B districts.	Special use required for O-1 districts. Limit "open house" (on-site) events to 12 per year.	2 space per 1,000 square feet of gross floor area, plus 1 space per 2 full-time employees Loading spaces All other commercial and retail uses 0 to 9,999 sf--0 Spaces 10,000 to 24,999 sf--1 Space 25,000 to 99,999 sf--2 Spaces 100,000 to 199,999 sf--3 Spaces 200,00+ sf--4 Spaces.	See attached. Parking requirements: https://ecode360.com/15344731	College and University--O-1, M-B Districts Trade school--O-1, M-B.	Each require a Special use permit in O-1, M-B.

Office/Industrial Zoning District Use Survey

Municipality	23. What are your code parking requirements for these uses?	24. Please attach applicable code requirements.	25. Do you allow tutoring centers, dance schools, athletic training, and other instructional facilities in office/industrial districts?	26. If so, do they require a Special Use permit or have specific restrictions?	27. What are your code parking requirements for these uses?	28. Please attach applicable code requirements.
Lincolnwood	College or university--1 space for each 5 students, based on maximum occupancy, plus 2 spaces per 3 employees Commercial, trade school, private--1 space per 4 students, based on maximum occupancy, plus 1 space for 2 employees Loading spaces 0 to 24,999 sf--0 spaces 25,000 to 199,999 sf--1 space 200,000+ sf--1 space per 200,000 sf.	See attached. Parking requirements: https://ecode360.com/15344731	Yes--O-1, M-B.	Require a Special Use permit in both.	Parking: Health club--1 space per 3 persons plus 1 space per 2 full-time employees General commercial--3.3 spaces per 1,000 square feet of gross floor area. Loading spaces Educational facilities: 0 to 24,999--0 spaces 25,000 to 199,999--1 space 200,000+--1 space per 200,000. All office uses, recreation, and entertainment 0 to 9,999 sf--0 Spaces 10,000 to 99,999 sf--1 Space 100,000+ sf--1 space per 100,000 sf.	See attached. Parking requirements: https://ecode360.com/15344731

Office/Industrial Zoning District Use Survey

Municipality	Religious Uses, Banquet Centers, & Other Assembly Uses: 1. Do you allow religious uses, banquet centers, galleries/museums, and other assembly uses in office/industrial districts?				2. Do you limit the total building area they can occupy in the entire district?	3. If so, do they require a Special Use permit or have other specific restrictions?	4. Please attach any applicable code requirements.
Niles	Religious Uses - No. Banquet Centers ("Reception Facility") - Special Use in ENT-MU Zoning District. Galleries/Museum ("Cultural Facility") - Special Use in ENT-MU Zoning District.	No.	Banquet Centers ("Reception Facility") - Special Use in ENT-MU Zoning District. Galleries/Museum ("Cultural Facility") - Special Use in ENT-MU Zoning District.	Please refer to the following links to our Zoning Ordinance: Section 6.1 - Office, Industrial, & Cultural/Entertainment Districts; Purpose Statements: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S6OFINCUENDI_6.1PUST Section 8.2 - Use Matrix: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S8US_8.2USMA Section 8.5 - Use Definitions: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S8US_8.5USDE Section 10.4 - Required Off-Street Parking Spaces: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S10ORPALO_10.4REOREPASP			
Palatine	Health clubs, athletic and training facilities, martial arts studios are all special uses in the manufacturing district.	No, but any such assembly use would have to meet the parking requirement and could likely require a parking variation.	Churches are permitted uses in all residential districts.	https://weblink.palatine.il.us/weblink/0/edoc/2430097/Appendix%20A%20-%20Zoning%20Ordinance.pdf#page121			

Municipality	Physician's Offices: 5. Do you allow physician's offices (e.g., doctors, acupuncturists, therapists, social workers) in office/industrial districts?	6. If so, are overnight stays permitted?	7. Do they require a Special Use permit or have other specific restrictions?	8. What are your code parking requirements for physician's offices?	Physician's Offices: 9. Please attach applicable code requirements.	Retail Uses: 10. Do you allow retail uses, such as restaurants, bakeries, banks/financial institutions and other retail sales in office/industrial districts?	11. If so, do they require a Special Use permit if there is a drive-thru?	12. Please attach applicable code requirements.	Spas/Pet Grooming Facilities: 13. Do you allow spas in office/industrial districts?
Niles	Medical/Dental Clinic - Allowed in the OR District.	No. By definition, Medical/Dental Clinics are for the "examination and treatment of persons solely on an outpatient basis."	No.	5 stalls per 1,000 SF of gross floor area.	Please refer to the following links to our Zoning Ordinance: Section 6.1 - Office, Industrial, & Cultural/Entertainment Districts; Purpose Statements: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S6OFINCUENDI_6.1PUST Section 8.2 - Use Matrix: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S8US_8.2USMA Section 8.5 - Use Definitions: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S8US_8.5USDE Section 10.4 - Required Off-Street Parking Spaces: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S10OREPALO_10.4REOREPASP	Please see the attached Table (Table 8-1: Use Matrix).	A drive-thru always requires a Special Use in the Village of Niles.	Please refer to the following links to our Zoning Ordinance: Section 6.1 - Office, Industrial, & Cultural/Entertainment Districts; Purpose Statements: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S6OFINCUENDI_6.1PUST Section 8.2 - Use Matrix: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S8US_8.2USMA Section 8.5 - Use Definitions: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S8US_8.5USDE Section 10.4 - Required Off-Street Parking Spaces: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOR_S10OREPALO_10.4REOREPASP	"Personal Service Establishments" are allowed in the ENT-MU and OR Districts.
Palatine	Medical/dental clinic = permitted use. Medical office = special use.	Animal hospitals are special uses, but otherwise overnights are not contemplated.	N/A.	1/300 square feet. Text amendment being evaluated.	https://weblink.palatine.il.us/weblink/0/edoc/2430097/Appendix%20A%20-%20Zoning%20Ordinance.pdf#page=121	Banks are not contemplated. restaurants = special uses auto sales = special use gas station & mart = special use machinery sales = permitted use building material sales = permitted use artists sales. with accessory studio = permitted uses. camera stores = permitted uses.	All drive-throughs require a special use.	https://weblink.palatine.il.us/weblink/0/edoc/2430097/Appendix%20A%20-%20Zoning%20Ordinance.pdf#page=121	N/A.

Municipality	ties: 14. Do you allow pet grooming facilities in office/industrial districts?	15. If so, do they require a Special Use permit or have specific restrictions?	16. Please attach applicable code requirements.	Catering Establishments: 17. Do you allow catering establishments where food is prepared for on-site or off-site consumption in office/industrial districts?	18. If so, do they require a Special Use permit or have specific restrictions?	19. What are your code parking requirements for catering establishments?	20. Please attach applicable code requirements.	Colleges & Vocational Schools: 21. Do you allow colleges and vocational schools in office/industrial districts?	22. If so, do they require a Special Use permit or have specific restrictions?
Niles	"Pet Services: Grooming" is allowed as a Special Use in the ENT-MU District.	Yes.	Please refer to the following links to our Zoning Ordinance: Section 6.1 - Office, Industrial, & Cultural/Entertainment Districts; Purpose Statements: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S6OFINCUE_NDI_6.1PUST Section 8.2 - Use Matrix: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S8US_8.2USMA Section 8.5 - Use Definitions: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S8US_8.5USDE Section 10.4 - Required Off-Street Parking Spaces: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S10OREPALO_10.4REOREPASP	"Catering Establishment", by definition, is "A business that prepares foods for delivery to an off-site location." A "Catering Establishment" is allowed in the M District. "Specialty Food Service" is allowed in the M, ENT-MU, and OR Districts.	N/A	4 per 1,000 square feet of gross floor area.	Please refer to the following links to our Zoning Ordinance: Section 6.1 - Office, Industrial, & Cultural/Entertainment Districts; Purpose Statements: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S6OFINCUE_NDI_6.1PUST Section 8.2 - Use Matrix: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S8US_8.2USMA Section 8.5 - Use Definitions: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S8US_8.5USDE Section 10.4 - Required Off-Street Parking Spaces: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S10OREPALO_10.4REOREPASP	Yes, as Special Uses.	Yes.
Palatine	Kennels are a special use.	Special use.	https://weblink.palatine.il.us/weblink/0/edoc/2430097/Appendix%20A%20-%20Zoning%20Ordinance.pdf#page=121	Catering establishment -- permitted uses. Not a banquet hall.	Parking and environmental health requirements.	1/300 SF.	See previous.	Not contemplated.	

Office/Industrial Zoning District Use Survey

Municipality	23. What are your code parking requirements for these uses?	24. Please attach applicable code requirements.	Tutoring Centers, Dance Schools, & Other Instructional Facilities: 25. Do you allow tutoring centers, dance schools, athletic training, and other instructional facilities in office/industrial districts?	26. If so, do they require a Special Use permit or have specific restrictions?	27. What are your code parking requirements for these uses?	28. Please attach applicable code requirements.
Niles	The Planning and Zoning Board shall determine parking requirements.	Please refer to the following links to our Zoning Ordinance: Section 6.1 - Office, Industrial, & Cultural/Entertainment Districts; Purpose Statements: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S6OFINCUENDI_6.1PUST Section 8.2 - Use Matrix: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S8US_8.2USMA Section 8.5 - Use Definitions: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S8US_8.5USDE Section 10.4 - Required Off-Street Parking Spaces: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S10OREPALO_10.4REOREPASP	Dance schools and personal athletic training centers ("Arts Schools") - allowed in the ENT - MU District.	No.	3 per 1,000 square feet of gross floor area.	Please refer to the following links to our Zoning Ordinance: Section 6.1 - Office, Industrial, & Cultural/Entertainment Districts; Purpose Statements: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S6OFINCUENDI_6.1PUST Section 8.2 - Use Matrix: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S8US_8.2USMA Section 8.5 - Use Definitions: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S8US_8.5USDE Section 10.4 - Required Off-Street Parking Spaces: https://library.municode.com/il/niles/codes/code_of_ordinances?nodeId=COOR_APXBZOOOR_S10OREPALO_10.4REOREPASP
Palatine			Permitted uses.	Parking requirements for assembly uses = 30% of maximum occupancy per life safety code.	See previous.	https://weblink.palatine.il.us/weblink/0/edoc/2430097/Appendix%20A%20-%20Zoning%20Ordinance.pdf#page38

Office/Industrial Zoning District Use Survey

Municipality	Religious Uses, Banquet Centers, & Other Assembly Uses: 1. Do you allow religious uses, banquet centers, galleries/museums, and other assembly uses in office/industrial districts?			
	2. Do you limit the total building area they can occupy in the entire district?	3. If so, do they require a Special Use permit or have other specific restrictions?		4. Please attach any applicable code requirements.
Schaumburg	In general, our more intensive Office Districts (B-2 thru B-3) permits as a Special Use. The Village has both a specific (MP) and general industrial district (M1). The proposed uses are not allowed in the MP, but are Special Uses in the M1.	No, but the Special Use process allows scrutiny.	Yes, see previous responses.	See attached.
Vernon Hills	No.	No.		
Wheeling	Religious uses are special use in I-1, Light Industrial and Office District.	No.	Special use.	https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT19ZO_APXAUSTA

Municipality	Physician's Offices: 5. Do you allow physician's offices (e.g., doctors, acupuncturists, therapists, social workers) in office/industrial districts?	6. If so, are overnight stays permitted?	7. Do they require a Special Use permit or have other specific restrictions?	8. What are your code parking requirements for physician's offices?	Physician's Offices: 9. Please attach applicable code requirements.	Retail Uses: 10. Do you allow retail uses, such as restaurants, bakeries, banks/financial institutions and other retail sales in office/industrial districts?	11. If so, do they require a Special Use permit if there is a drive-thru?	12. Please attach applicable code requirements.	Spas/Pet Grooming Facilities: 13. Do you allow spas in office/industrial districts?
Schaumburg	In general, yes. Permitted use.	Our code is not that specific, yet clinics state only outpatient services. In general, I do not think that they would be allowed overnight stays as that moves towards a facility or hospital, not an office.	Generally no.	5 per 1,000 sq. ft. of NET area.	See attached.	Generally yes of Office, no in Industrial unless secondary to primary use.	All restaurants and drive-thrus require Special Use approval in any zoning district.		Generally yes in Office as Permitted Use, Generally No in industrial.
Vernon Hills	Yes.	No.	No.	1 space for every 250 square feet of office space.	Restaurant and Banks only.	Yes.			Yes.
Wheeling	Health clinic (including dental, chiropractic, urgent care, etc.) (as an accessory to an approved principal use) permitted in I-1, I-2, I-3, and I-4. Medical office (including dental, chiropractic, etc.) permitted in I-1.	Not permitted, per definitions.	Permitted.	2 spaces per exam room, and one space per employee (for the work shift with the largest number of employees).	https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT19ZO_CH19.01DE_19.01.010DE https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT19ZO_APXAUSTA https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT19ZO_CH19.11GEDE_ST_19.11.010OREPALO	Home improvement center, Special Use in I-1. Adult retail establishment, Special Use in I-3 (General Industrial) and I-4 (Heavy Industrial).	Drive-thru must be an accessory to an approved principal use (special use required).	https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT19ZO_APXAUSTA	No.

Office/Industrial Zoning District Use Survey

Municipality	ties: 14. Do you allow pet grooming facilities in office/industrial districts?	15. If so, do they require a Special Use permit or have specific restrictions?	16. Please attach applicable code requirements.	Catering Establishments: 17. Do you allow catering establishments where food is prepared for on-site or off-site consumption in office/industrial districts?	18. If so, do they require a Special Use permit or have specific restrictions?	19. What are your code parking requirements for catering establishments?	20. Please attach applicable code requirements.	Colleges & Vocational Schools: 21. Do you allow colleges and vocational schools in office/industrial districts?	22. If so, do they require a Special Use permit or have specific restrictions?
Schaumburg	Special Use in Office, not permitted in Industrial.	See above.		Yes, permitted uses in both.	No, permitted uses by right.	Undefined. As low as 2 per 1,000 sq. ft. if considered manufacturing.		Generally yes, permitted uses in both.	No.
Vernon Hills	Yes.	Yes.		Yes.	No.	1 space for every 2 seats provided.		No.	
Wheeling	Animal grooming or training facility, Special Use in I-1 (Light Industrial and Office) and I-2 (Limited Industrial).	Special use. Boarding of domestic animals for a max period of 48 hours incidental to the grooming or training services.	https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT19ZO_CH19.01DE_19.01.010DE	Catering service permitted in I-1, I-2, and I-3.	No.	3 spaces per 1,000 SF	https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT19ZO_CH19.11GEDE_ST_19.11.010OREPALO	Colleges, university, trade and technical school, Special Use in the I-1, I-2, and I-3 districts.	Special Use.

Office/Industrial Zoning District Use Survey

Municipality	23. What are your code parking requirements for these uses?	24. Please attach applicable code requirements.	Tutoring Centers, Dance Schools, & Other Instructional Facilities: 25. Do you allow tutoring centers, dance schools, athletic training, and other instructional facilities in office/industrial districts?	26. If so, do they require a Special Use permit or have specific restrictions?	27. What are your code parking requirements for these uses?	28. Please attach applicable code requirements.
Schaumburg	1 per each employee plus 2 per each 3 students based on the maximum number of students attending classes on the premises at any one time.		Generally yes in Office, no in Industrial.	Varies on intensity of Office zoning.	1 per each employee plus 2 per each 3 students based on the maximum number of students attending classes on the premises at any one time.	
Vernon Hills			Yes.	Special Use.	1 space for employees and 2 spaces for every 3 students.	
Wheeling	1 space for each 2 students on campus during the highest attendance period, and 1 space per employee.	https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT19ZO_CH19.11GEDEST_19.11.010OREPALO	Recreation and instruction facility.	Yes.	1 space per 3 clients, based on max capacity, one space per employee.	https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT19ZO_CH19.11GEDEST_19.11.010OREPALO

Breweries, Microbreweries and Tap Rooms Survey

January 2017

Municipality	1. Does your municipality allow breweries or microbreweries?	2. If yes, in which zoning districts are they allowed and provide whether they are permitted or special uses.	3. Does your municipality allow breweries combined with tap rooms, bars, or restaurants?	4. Does your municipality have specific regulations regarding operation of any of these uses?	5. Does your municipality allow the combination of microbreweries with bars or restaurants?	6. What is your definition of breweries, microbreweries, and/or tap rooms?	7. Does your municipality have special licensing for these types of uses?	8. If you have a brewery in your community, have you experienced any problems with the operation?
Arlington Heights	No.		No.	No.	No.	N/A.	No.	
Barrington	Yes.	Retail, Permitted Use in B-1 General Business District, Special Use in B-4 & B-5 Districts (downtown zoning districts), Wholesale, Permitted Use in M-1 Limited Manufacturing District, Special Use in A-1 Artisan District, M-A Manufacturing-Artisan District, O-R Office-Research District.	Yes.	No.	Yes.	MICROBREWERY/DISTILLERY/WINERY, RETAIL. A facility for the production and packaging of alcoholic beverages for consumption on-site in conjunction with a tasting room, tavern and/or restaurant component. The establishment may include accessory retail sales. MICROBREWERY/DISTILLERY/WINERY, WHOLESAL. A facility for the production and packaging of alcoholic beverages for wholesale distribution. The facility may include an accessory tasting room, tavern and/or retail sales component.	No.	We have a brewery currently under construction. It has not opened yet. It will be a brewing facility for on-site consumption at a tap room. No restaurant or bottling facilities.
Buffalo Grove	Yes.	Business Districts - allowed. Industrial District - Special Use.	Yes.	Yes. See attached.	Yes.	No definition.	Yes. See attached.	Buffalo Grove has one microbrewery. We have not had any problems.
Carpentersville	Yes.	Permitted uses in Commercial and Industrial Districts.	Yes.	No.	Yes.	Dictionary definitions.	No.	

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Des Plaines	Yes.	Brewpubs are permitted in all commercial zoning districts except the C-1 neighborhood shopping district; breweries are permitted by right in the M-2 general manufacturing and M-3 special manufacturing zoning districts and as a conditional use in the M-1 limited manufacturing district.	Yes.	In certain commercial district, the brewpub needs to be located in an office/hotel building.	Yes.	See attached.	No.	
Evanston	Yes.	See attached.	Craft Brewery As an accessory use to Restaurants.	Yes. See attached.	Craft Brewery as an accessory use to restaurants.	See attached.	Yes. See attached.	One craft brewery began operating while special use permit was under consideration, which was the sole issue in this case. Once the special use permit was issued, there have been no additional issues.
Fox Lake	No.		Never had an application, but expect to address this in the next year.	No. Will need to address this in upcoming year.	Not yet but its coming.		No.	

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Glencoe	Yes.	We updated the liquor code two years ago to allow for these types of liquor licenses. We have none issued right now, should we receive an application we'd need to refer to the zoning commission to allow for this use as its not currently in the zoning code.	Yes.		Yes.	Brew Pubs and Craft Breweries, which shall authorize alcohol production facilities including brew pubs and craft breweries to offer alcohol for on- and/or off-premises consumption. Food must be offered for service at all Class H Licensed establishments that permit on-premises consumption.	Its a class of liquor license.	We do not have any breweries.
Grayslake	Yes.	Grayslake has only one brewery, which follows the Village liquor ordinance and has a special use permit.	Only one is allowed. Has a special use permit.	Village liquor ordinance.	Only one.	See attached.	They follow the Village liquor ordinance and have a special use permit.	No problems thus far.
Highland Park	Yes.	Microbreweries may operate as an accessory use to a restaurant in those zoning districts which allow for a restaurant use	No.	No.	Only allowed if the microbrewery is determined to be an accessory use to a restaurant only	The City Code does not define "breweries", "microbreweries" or "tap rooms" and defers to the State and Federal regulations as applicable.	No.	The City does not currently have a brewery but there is a brew pub under development.
Hoffman Estates	Yes.	Business, Manufacturing and Office Districts - All Require a Special Use Permit.	As approved by special use and permitted by a new liquor license category.	No.	As approved by special use and liquor licensing category.	No specific definition in Municipal Code.	Special Use Permit and Liquor Licensing.	No breweries currently exist.
Lincolnshire	Yes.	If they provide food and do not have live entertainment or a drive-thru, they are treated as restaurants (permitted in all commercial districts without a Special Use).	Yes.	No.	Yes.	We do not have a separate definition of microbreweries.	Liquor License.	We have one restaurant/brewery with food prepared on premises.

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Morton Grove	Yes.	As part of a restaurant or bar: Permitted in the C1 District, Special use in the CR District; Principal Use with Tasting Room: Special Use in C1 District.	Yes.	Yes. See attached.	Yes.	MICROBREWERY: Any public place or establishment that engages in the production, manufacturing, or brewing of beer on the premises by means of adequate and sanitary equipment designed and maintained to facilitate the brewing process and dispenses beer produced on the premises for consumption on the premises and packaged for retail sale.	See Definition for Class M Liquor License.	N/A.
Niles	Yes.	They are 'Special' Uses in 4 of our commercial zoning districts, and 'Permitted' uses in our Manufacturing and in our 'Mixed-Use/Entertainment' District.	Yes.	Liquor License requirements.	Yes.	A business that specializes in the limited production and on-site sale of certain alcoholic products including beer, wine, and alcoholic spirits, and which may offer indoor or outdoor seating areas for on-site consumption of the products produced on-site. Also includes small-scale preparation, processing, or packaging of products made on-site where all such (activity) is completely enclosed and there are no outside impacts or outside storage.	No.	We approved our first brewery in late 2016 and expect them to open in early 2017.
Schaumburg	Yes.	See attached.	Yes.	Yes in terms of they are generally associated with restaurants in our Village and restaurants required special use. Code attached.	Yes.	The definition section of our code does not define these three words specifically. Definition code attached.	Fees attached to special use process, etc.	N/A.

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Wheeling	Yes.	Although Wheeling's code is silent on breweries, they fall under the definition of a light manufacturing use, and would be a permitted use in a Mixed Use Industrial (MXI) District or in any industrial district (I-1, I-2, I-3, I-4).	These would be a special use in an MXI District.	No.	These would be a special use in an MXI District.	Wheeling's code is silent on all three.	No.	N/A.



UNAPPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, November 13, 2018 in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Bichkoff and Members Kalina, Udoni, Hersch and Hashemi.

STAFF PRESENT: Tonya Zozulya, Planning and Development Manager.

ABSENT: Trustee Liaison McDonough.

CALL TO ORDER: **Chairman Bichkoff** called the meeting to order at 7:00 P.M.

1.0 ROLL CALL

The roll was called by **Planning and Development Manager Tonya Zozulya**. **Chairman Bichkoff** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes for the Regularly Scheduled Zoning Board Meeting held on Wednesday, September 12, 2018.

Member Kalina moved, **Member Hersh** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS

Chairman Manion recessed the Zoning Board meeting and opened the following Public Hearing:

3.1 A Public Hearing regarding text amendments to Chapter 2, Definitions, Chapter 8, Office/Industrial Zoning Districts, and Chapter 11, Off-Street Parking & Loading, of the Lincolnshire Zoning Code (Title 6) to revise permitted and s allowed in the O/I zoning subdistricts (Village of Lincolnshire).

Tonya Zozulya, Planning and Development Manager provided an overview of the proposed text amendments to O/I district, types of uses slated for revisions and staff recommendations. She stated Van Vlissingen & Company representatives met with staff in August 2018 to discuss current state of the office market. She added the office vacancy rate in Lincolnshire is at 30% which is double Lake County rate. Van Vlissingen representatives requested staff to include additional permitted uses in response to office/industrial business trends in Lincolnshire and surrounding communities. Staff conducted an office industrial zoning district use survey of 14 local communities through the Northwest Municipal Conference and included the results in the meeting packet. In September 2018, staff developed a proposal for comprehensive O/I text amendments based on Van Vlissingen's input and staff research. These amendments were presented to the Village Board on October 9, 2018 in which the Village Board expressed a desire to allow more uses by right without a Special Use, where appropriate, and referred the matter to the Zoning Board for a public hearing.

Tonya Zozulya summarized some of the proposed amendments as follows:

- Chapter 2: Definitions: Staff is proposing new definitions, and revising or eliminating current definitions.

- Chapter 8 (Office/Industrial Districts).
 - Assembly Uses. Staff is proposing increasing the current cap from 50,000 square feet to 150,000 square feet to accommodate additional assembly uses which may include religious uses, banquet venues, museums, galleries, theaters, and similar uses.
 - Breweries and Distilleries. Staff is proposing this new use with tasting room/sales as ancillary use and is seeking the Board's determination whether these should be permitted by right or Special Use.
 - Banks and Financial Institutions. Staff is proposing making them stand-alone uses by right, but those with drive through will require Special Use.
 - Catering Establishments. Currently not addressed in the O/I District; staff is proposing allowing them by right in O/Ic and O/Id and require a Special Use in O/Ia and O/Ib.
 - Child Daycare. Staff is proposing maintaining Special Use requirement but allow in multi-tenant buildings on first floor only.
 - Day Spa. Staff is proposing permitting by right in the O/I district without massage service and by Special Use with massage service.
 - Commercial Service Activity. This category to be eliminated; all commercial uses in this category to be listed separately.
 - Educational Institutions. Staff is proposing them by Special Use.
 - Farmers Markets. Staff is proposing them by right in all subdistricts with a temporary use permit.
 - Laboratories, research and development. Staff is proposing permitting them by right in all O/I subdistricts.
 - Performing and Visual Arts Studios. Staff is proposing permitting them by right with conditions regarding location on first floor of multi-tenant buildings with sound proof measures.
 - Pet Daycare, Grooming and Training. Staff is proposing maintaining the Special Use requirement and expanding to include related grooming and training uses and overnight boarding. First floor limitation in multi-tenant buildings with sound proof measures.
 - Physician's Offices. Staff is proposing permitting them by right; removing restrictions on locations and size; outpatient consultation only.
 - Printing and Reproduction Services, Graphic and Photo Services. Staff is proposing permitting them by right in all O/I subdistricts.
 - Recreation Facilities. Staff is proposing permitting them by Special Use in all O/I subdistricts.
 - Restaurants. Staff is proposing permitting them by right in all O/I districts; by Special Use for drive-thru.
 - Testing of Materials. Staff is proposing removing the current restriction of occupying no more than 25% of building or tenant area.
 - Tutoring Centers. Staff is proposing permitting them by right in all O/I subdistricts.
 - Vehicle Fueling Stations. Staff is proposing maintaining the Special Use requirement; clarifying these uses may include a convenience store and/or car wash as an accessory use.

- Chapter 11 (Off Street Parking & Loading). Due to the new uses be proposed in Chapter 8, staff is proposing creating new parking requirements and parking schedule to address the new uses as outlined in the packet.

Member Hashemi inquired about overnight pet boarding, citing her concerns about noise noting her company is located near a pet facility and they hear the noise all day. **Tonya Zozulya** stated staff is recommending overnight boarding in the O/I district which has limited boundaries adjacent to residential areas along Aptakistic Road and requested the Zoning Board's consideration.

Member Kalina inquired about the email dated November 12, 2018 sent to Village Staff and presented to the Zoning Board from a concerned resident in regards to corporate center zoning changes. **Tonya Zozulya** said the resident's concern seems to be the Village is lowering their standards by opening up permissibility; and the Village should be more proactive and less reactive to developers. **Member Kalina** stated the Village is considering these changes to reignite growth in Lincolnshire and to address the concerns of the office building property owners.

Member Kalina questioned the use of car rental facilities; he would prefer to keep these as a Special Use versus permitted by right. **Member Udoni** agreed the car rental and overnight pet facilities should require a Special Use. There was also discussion regarding restaurant uses and large-scale catering spaces in office buildings. **Member Hersch** asked if there are problems with the current regulations, **Tonya Zozulya** stated there are smaller non-traditional businesses trying to locate in the office buildings, but the current code is prohibiting or restricting them such as physician's offices.

Upon request by **Tonya Zozulya**, **Chairman Bickhoff** entered into the record the Findings of Fact.

Chairman Bickhoff opened the floor to any members of the public who wish to speak.

Charles Lamphere, Vice President of Van Vlissingen & Company, was sworn in. **Mr. Lamphere** addressed the Zoning Board highlighting the projects his company has developed in Lincolnshire and surrounding communities, which total in excess of 6 million square feet of space; adding they still own some of these properties and will continue to have a long standing commitment to the community. He noted their current vacancy rate in the Lincolnshire Corporate Center which includes the O/I zoning is 42% (with subleases). He noted the Corporate Woods in Vernon Hills is at approximately 10% vacancy and the Buffalo Grove Corporate Grove Center is under 5%; stating both Villages have a more flexible zoning code. He added he appreciates the effort of Village staff in recommending the proposed changes, but would like to see more. **Mr. Lamphere** stated many of their potential clients cannot wait the time it takes to get a Special Use permit; they will locate to other towns where their use is permitted by right. In regards to assembly use, he stated the limitation on square footage is unheard of. He further stated when he began developing almost 40 years ago, the traditional uses permitted then are not what tenants are proposing today; with as much as 25% of their space being occupied by non-traditional uses such as yoga clubs, volleyball clubs, martial art studios, mini breweries. He noted the traditional corporate offices such as Hewitt and Grainger have left. There is now a real need to attract millennials; adding they just completed a project at One Overlook Point which included a \$2M-dollar investment in their common areas to include fitness, bike rooms, and a café.

Mr. Lamphere requested the Zoning Board and village staff to consider the following uses by right:

- Assembly uses. No restrictions on size of the use. **Mr. Lamphere** stated there may have been reluctance on the part of the Village to allow assembly uses, such as places of worship or other non-profit, non-tax entities. However, the assembly uses in Van Vlissingen's properties pay rent and the property owners pay real estate taxes.
- Drive through financial institutions. Should be controlled through architectural review, not Special Use.
- Catering. Food service is critical for clients both inside and outside the building. Allow it as an accessory use, not a Special Use.
- Educational Institutions. A market is developing for both for-profit educational facilities and public schools use of administrative offices. Allow by right.
- Performing Arts. Expand the definition. The market is looking for amenities such as yoga studios.
- Fitness Centers. Allow by right within the office buildings.

In response to **Mr. Lamphere** comments and suggestions, **Tonya Zozulya** noted the following:

- Assembly use cap. The Village Board desired to establish the cap to protect the tax base and to accommodate traditional office and industrial uses in corporate centers. The Zoning Board should determine whether to keep the current cap or revise it.
- Financial uses with Drive-throughs. All communities require a Special Use for drive-throughs. Special Use review is not within the purview of the Architectural Review Board.
- Catering Establishments. If part of an office use as a support use; they are allowed by right in the proposed changes as an auxiliary use. As far as stand-alone catering establishments, the proposed changes will allow this.
- Educational Institutions. School administrative offices are allowed by right. However, staff believes universities, colleges should be allowed by Special Use due to potential traffic, parking, lighting and other impacts.
- Yoga, Pilates, fitness facility as part of an office function is permitted by right as a private recreation facility under "Auxiliary Uses." Recreational facilities as a stand-alone will continue to require a Special Use.

There was discussion regarding new business startups, "incubator" businesses and transportation challenges. **Mr. Lamphere** stated suites in some of their properties are designed for such uses; they are seeing an increase in this type of tenant requirement.

Robert Barnhill, Westgate Homeowners Association Treasurer, was sworn in. He inquired about the empty lot adjacent to the Lincolnshire Animal Hospital and if the zoning changes proposed would affect that lot. **Tonya Zozulya** stated the vacant parcel is currently zoned R-1; the changes to the O/I district would not apply to this parcel.

Chairman Bichkoff closed the Public Hearing and reconvened the Zoning Board meeting. He requested discussion by the Zoning Board on the items discussed by Van Vlissingen & Co., which include a cap on assembly space, financial institutions with drive-throughs, educational uses, car rental facilities and breweries/distilleries with limitation on tap room space.

Chairman Bichkoff commented on the assembly cap; noting Lincolnshire Willow Creek Church could desire to build a large assembly use in the Village. **Member Hersch** and **Member Hashemi** agreed, maybe limiting the space but increase from 50,000 to 150,000 per staff proposal. **Member Kalina** noted no other communities have a cap. **Mr. Lamphere** suggested a cap of 250,000-275,000, which would allow a building to be fully utilized by an assembly type use, but still finds the cap capricious.

Chairman Bichkoff discussed financial institutions with drive-throughs, citing traffic concerns as potential issues. This should be addressed through the Special Use process. Other members concurred.

Member Kalina questioned the educational use by Special Use; **Tonya Zozulya** stated educational uses could include multiple buildings, field use, parking impact and much activity with a mixed use environment with higher use intensity. Tutoring centers are proposed to be allowed by right. Members concurred to require the Special Use for educational institutions.

There was discussion regarding car rental lots and possible use of zip cars, car sharing by corporate customers. Large car rental lots would not be desirable. **Tonya Zozulya** suggested it could be permitted by right without car service but limit the number of cars. **Mr Lamphere** stated they are not interested in large car lots; they are looking at the convenience factor, Uber from the airport to a Lincolnshire destination, have the availability of a car to get around. He added the transit connection in Lincolnshire is weak; this is one way to bridge this gap adding he would have no issue with limit on number of cars. Members concurred to leave the car rental uses as proposed by staff.

There was discussion on breweries and distilleries in the O/IC and O/Id subdistricts. **Chairman Bickhoff** commented the Village Board is thinking outside the box. This would be a nice addition to the community and should be allowed by right similar to restaurant uses. Members concurred with the tap room as an accessory use.

Member Kalina moved, seconded by **Member Udoni**, having made findings based on facts covered in a Public Hearing on November 13, 2018, the Zoning Board recommends approval to the Village Board of text amendments to Chapter 2, Definitions; Chapter 8, Office/Industrial Districts, and Chapter 11, Off-Street Parking and Loading, of the Lincolnshire Zoning Code, regarding Office-Industrial Zoning District (O/I) permitted and Special Uses, as presented in staff's memorandum dated November 13, 2018 with the following changes:

- Increase the assembly use cap from 50,000 to 250,000 square feet in the entire O/I district, and
- Permit breweries and distilleries by right in the O/Ic and O/Id subdistricts with tasting/tap rooms as an accessory use.

Motion passed unanimously by voice vote.

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS (None)

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Bickhoff** requested a motion to adjourn. **Member Kalina** moved, and **Member Hersh** seconded the motion to adjourn. The meeting adjourned at 8:45 P.M.

Minutes submitted by Carol Lustig, Administrative Assistant, Community & Economic Development Department

O/I Text Amendments - Public Input11/12/18

Dear Brad,

Frankly, I was stunned to read the Zoning Board agenda and packet for tomorrow evening's meeting. Has the Village staff read and studied all the history of the Corporate Center? Do they know that Chuck Lamphere's father, Robert (Bob), along with Wheeling's Northgate Parkway developer, Gerry Kenny, tried for years to lower the zoning and standards of the Corporate Center and to allow the same relaxed zoning that started in the last few years, and is now being proposed to go even lower by Chuck Lamphere, staff, and others? Maybe the Village residents east of the river no longer care about our perceived and/or actual "character" west of the river, but now with substantial residential investment west of the river as well, every effort should be made to inform all residents of the long term effects of zoning changes and trade-offs as we continue to accommodate developers at the expense of our community's reputation. I will not be in attendance tomorrow evening; however, I am very disappointed in the direction of our Village that in the past we have tried so diligently to preserve as an oasis among many of the all-too-common and less desirable Chicago suburbs.

Evie Cooper

Thank you for your response, Brad. I'd like to share a few additional thoughts regarding the Corporate Center area and the business areas in general.

First, please know that I recognize the challenges we continue to face, and that there are no quick answers or quick fixes. I would, however, like the Village to consider a different approach to our problems because I don't believe lowering any of our standards is the best answer. In fact, I would like to see the Village take the opposite approach.

Consider the following questions:

1. What can we do to improve the appearance throughout our community, within every area, and along every arterial to make it more aesthetically desirable to help attract the highest-quality of commercial and retail development?
2. How can we improve our defined zoning classifications and districts to ensure more compatibility among the various uses in our commercial and business districts, e.g. are B1 and B2 outdated and too "all-inclusive"?
3. Should we consider obtaining outside expertise to provide guidance in actionable steps to differentiate ourselves to help create demand for high quality development and corporate headquarters?
4. How can we be more proactive and less reactive to developers who approach the Village?

I see us now on a slippery slope sliding down on the "demand" scale, with other communities at an advantage because they have a well-defined sense of "community character". Without a sound approach, plan, and possibly new strategy, I fear we will soon lose our sense of community and identity. Again, thanks for considering my thoughts.

Evie Cooper



**Agenda Item
3.12 COW**

**REQUEST FOR BOARD ACTION
Committee of the Whole Meeting
November 26, 2018**

Subject: Additional Alternate Member for the Architectural Review Board

Action Requested: Consideration of an Ordinance Amending Title 2 (Boards & Commissions), Chapter 3 (Architectural Review Board), Section 2-3-2 (Board Membership) of the Lincolnshire Village Code Pertaining to Alternate Members (Village of Lincolnshire)

**Originated
By/Contact:** Brad Burke, Village Manager
Ben Gilbertson, Assistant Village Manager/CED Director

Referred To: Mayor and Village Board of Trustees

Summary / Background:

In May of each year, the Mayor, subject to the advice and consent of the Village Board of Trustees, appoints and/or re-appoints members to various Village advisory boards, based on their particular training or experience relative to the specific advisory board. In advance of the May 2019 appointment/re-appointment period, the Mayor, with assistance from staff and the chair of each respective advisory board, is evaluating the membership composition of each advisory board. Presently, there is interest for an additional alternate member position on the Architectural Review Board (ARB). By adding this additional alternate member, the Village would retain a larger pool of potential full members, have a higher likelihood of achieving quorums at each ARB meeting, and more efficiently review applications.

Recommendation:

Consideration of the ordinance regarding the additional alternate member for the ARB and placement on the December 10, 2018 consent agenda for approval.

Reports and Documents Attached:

- An Ordinance Amending Title 2 (Boards & Commissions), Chapter 3 (Architectural Review Board), Section 2-3-2 (Board Membership) Pertaining to Alternate Members

Meeting History	
Committee of the Whole Meeting:	November 26, 2018
Regular Village Board Meeting:	December 10, 2018

**VILLAGE OF LINCOLNSHIRE
LAKE COUNTY, ILLINOIS**

ORDINANCE NO. 18-XXXX-XXX

**AN ORDINANCE PROVIDING FOR
THE CREATION OF A NEW ALTERNATE POSITION
ON THE ARCHITECTURAL REVIEW BOARD**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lincolnshire, in exercise of its home rule authority, as follows:

SECTION 1. FINDINGS.

A. The Village of Lincolnshire has heretofore organized and created a Architectural Review Board (ARB) to promote and maintain the high quality character of the development of the Village; to preserve and protect the public health, safety, comfort and welfare by enhancing the value of real estate within the Village; and maintain and protect Village real estate from impairment or destruction of value through quality appearance analysis.

B. The ARB encourages and promotes attractiveness and compatibility of new buildings and developments, promotes the reasonable, orderly, and effective display of signs, and avoids excessive uniformity or dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings and use of materials.

C. The ARB is comprised of six (6) full members and one alternate member, all of whom shall be residents of the Village and shall serve without pay.

D. The six (6) full members shall attend and participate in all meetings of the ARB and shall vote on all matters coming before it. The one alternate member shall attend and participate in all meetings of the ARB, but shall only vote in the event one or more full members are absent at the time any vote is taken.

E. All ARB members shall be appointed by the Mayor subject to the advice and consent of the Village Board of Trustees, based upon their particular training or experience in art, architecture, community planning, land development, landscape architecture, construction or other relevant professions or trades. One full member shall be appointed chairman by the Mayor.

F. The Mayor and Board of Trustees find it necessary and in the best interest of the Village to add a new alternate member to the ARB to ensure a sufficient number of members are available to attend meetings, constitute a quorum and efficiently review applications referred to the ARB by the Village Board or the Village Code.

SECTION 2. CREATION OF NEW ALTERNATE MEMBER. Sections 2-3-2(A), (B), and (C) of the Village Code shall be revised as reflected in Exhibit A attached to this

ordinance [added or amended text **bolded and double underlined**; deleted text ~~struck through~~].

SECTION 3. APPOINTMENT. On or before sixty (60) days after the adoption of this ordinance, the Mayor shall appoint, subject to the advice and consent of the Village Board of Trustees, a new alternate member of the ARB. The initial term of the new alternate member shall run until the anniversary date of the other members' terms and shall thereafter follow the same schedule of terms described in Section 2-3-2(B) of the Village Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and approval as provided by law.

ADOPTED this _____ day of December, _____ by a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of December, _____.

Elizabeth J. Brandt, Mayor

ATTEST:

Barbara Mastandrea, Village Clerk

EXHIBIT A

**CHAPTER 3
ARCHITECTURAL REVIEW BOARD**

SECTION:

- 2-3-1: Intent and Purpose**
2-3-2: Board Membership
2-3-3: Administrative Duties
2-3-4: Standards for Review
2-3-5: Reports and Recommendations
2-3-6: Appeals

2-3-1: INTENT AND PURPOSE: The Architectural Review Board (ARB) is hereby created to promote and maintain the high quality character of the development of the Village; to preserve and protect the public health, safety, comfort and welfare by enhancing the value of real estate within the Village; and maintain and protect Village real estate from impairment or destruction of value through quality appearance analysis. The ARB shall encourage and promote attractiveness and compatibility of new buildings and developments, promote the reasonable, orderly, and effective display of signs, and avoid excessive uniformity or dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings and use of materials. The ARB shall review all proposed business, commercial, industrial, and multiple-family dwelling buildings and developments, and all proposed planned unit developments and proposed uses of open space and public lands, including schools, libraries, fire stations, parks and other public uses of whatever nature.

2-3-2: BOARD MEMBERSHIP:

- A. Membership Criteria: The Architectural Review Board shall consist of six (6) full members and one-two alternate members, all of whom shall be residents of the Village and shall serve without pay. The six (6) full members shall attend and participate in all meetings of the ARB and shall vote on all matters coming before it. The ~~one~~ alternate members shall attend and participate in all meetings of the ARB, but shall only vote in the event one or more full members are absent at the time any vote is taken. All members shall be appointed by the Mayor subject to the advice and consent of the Village Board of Trustees, based upon their particular training or experience in art, architecture, community planning, land development, landscape architecture, construction or other relevant professions or trades. One full member shall be appointed chairman by the Mayor.
- B. Membership Terms: All full members appointed to the ARB, shall serve for a term of three (3) years. The alternate members shall be appointed for a term of one year.
- C. Vacancy: If a vacancy shall occur in any of the full membership, the alternate members shall be appointed to fill such vacancy. Additional vacancies in the full and alternate membership shall be filled in the same manner as original appointments and for the period remaining in the term of the member being filled at the time of replacement.

- D. Quorum: All meetings shall be held at the call of the chairman or three (3) members. Four (4) members of the ARB shall constitute a quorum. Any action must receive the affirmative vote of a majority of the members present at a meeting.
- E. Removal: The Mayor shall have the authority to remove any member of the ARB if it is determined the best interests of the Village require removal. The Mayor shall report his or her reasons for the removal to the Village Board of Trustees within thirty (30) calendar days prior to removal, which must receive a favorable vote of two-thirds (2/3) of all elected members of the Village Board of Trustees and shall be entered upon the record of the corporate authorities. If the Mayor fails to report his or her reasons for the removal within thirty (30) calendar days or is overruled by the Village Board of Trustees, the member term shall remain. No member shall be removed a second time for the exact same factual occurrence.
- F. Secretary: A representative of the Department of Community and Economic Development shall serve as secretary. The ARB shall keep minutes of its meetings, including a record showing the vote of each member upon every question. The ARB secretary shall be the custodian of all such minutes and all reports, recommendations, documents, exhibits and other material pertaining to the conduct of the affairs of the Board.
- G. Conflict of Interest: No elected or appointed official or public employee, or family member of an elected or appointed official or public employee, or paid consultant of the Village shall appear on behalf of or represent any person or organization at any proceeding before the ARB or the Village Board, except on behalf of himself or a member of his/her household, or on behalf of an eleemosynary organization, when zoning, permits or the expenditure of Village funds are not an issue.
- 2-3-3: ADMINISTRATIVE DUTIES:** The Architectural Review Board shall be an advisory body of the Village government, and shall have the following powers and duties:
- A. To consult with and advise, the Village Board of Trustees, regarding all matters within their above-stated jurisdiction and expertise.
- B. Review and make recommendations to the Village Board of Trustees regarding all new construction of buildings and development within the Village, excluding single-family residential, relative to exterior architectural design, arrangement, height and appearance, color and materials of the exterior construction, landscaping, entrance ways, lighting, off-street parking facilities, and similar matters, including aesthetic factors.
- C. Review all applications for a variance to Title 12 Sign Control, and report findings and recommendations to the Village Board of Trustees in the manner prescribed in Section 12-17-1 of this Code.
- D. Approve or disapprove applications for minor amendments to special uses, as defined in Section 6-14-11(F)(2) and to Planned Unit Developments, as defined in Section 6-14-12(H)(2).

- E. Approve or disapprove revisions to existing site development plan(s), including Minor Amendments to Special Use and Planned Unit Developments (PUD), regarding exterior architectural design, arrangement, building massing and scale, height and appearance, color and texture of exterior materials, landscaping, lighting, signage, and similar elements.
 - F. To make recommendations regarding advisable amendments to existing codes, ordinances and regulations of the Village.
 - G. Adopt, amend or repeal its own procedural regulations from time to time, provided the same are not inconsistent with law or this Chapter.
- 2-3-4: STANDARDS FOR REVIEW:** The Architectural Review Board shall commence review of any application for the construction of any new or modification to any existing building or development, excluding single-family residential, within sixty (60) days from which a complete application has been referred to it. The ARB review shall give consideration to the following:
- A. The architectural value and significance of the structure or site to the proposed use.
 - B. The relationship of the exterior architectural features of the proposed structure to the existing structures and to the surrounding area.
 - C. The compatibility of exterior architectural design with the arrangement, texture and materials to be used on the structure.
 - D. Appropriateness of landscaping and orientation of building to the site, in relation to other property in the surrounding area.
 - E. Excessive similarity to any other structure existing or proposed structure included in the same site/development or facing upon the same or intersecting street in respect to one or more of the following features of exterior design and appearance:
 1. Apparently identical front or side elevations.
 2. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement.
 3. Other significant identical features of design, such as, but not limited to, material, roof line and height or other design elements; provided that a finding of excessive similarity shall state not only that such excessive similarity exists, but that it is of such a nature as to be reasonably expected to provoke one or more of the harmful effects sought to be avoided hereunder.
 - F. Inappropriate relation to the established character of other structures in the immediate neighboring area in respect to significant design features, such as material or quality of architectural design, provided that a finding of inappropriateness shall state not only that such inappropriateness exists, but that it is of such a nature as to be reasonably expected to provoke one or more of the

harmful effects sought to be avoided hereunder.

G. Such other factors, including aesthetic factors, as the Board deems appropriate.

2-3-5: REPORTS AND RECOMMENDATIONS: The Architectural Review Board shall convene a public meeting/hearing to review and consider any application identified in Section 2-3-3 herein, within sixty (60) days from which a complete application has been referred to it. The ARB shall submit to the Village Board of Trustees written findings and/or recommendations within sixty (60) days from the vote, in relation to the items set forth in Section 2-3-4 of this Chapter.

The Village Board of Trustees shall act upon the recommendation of the ARB within not more than sixty (60) days from the last date the ARB votes on an application. The failure of the ARB to forward its recommendation to the Village Board of Trustees within the time period provided herein, or as extended with the agreement of the applicant, shall result in the recommendation on the application or request being deemed approved, and the Village Board of Trustees shall consider the recommendation accordingly. Without further public hearing, the Village Board of Trustees shall approve, deny the application, or refer it back to the ARB for further consideration. An application which fails to receive an approval recommendation of the ARB must include written findings based upon the items set forth in Section 2-3-4 of this Chapter and must receive a favorable vote of two-thirds (2/3) of all the elected members of the Village Board of Trustees to be approved. An application which receives the approval recommendation of the ARB may be denied by a majority vote of the Village Board of Trustees.

In no case shall a building permit be issued where the permit plans are not in strict compliance with the conditions for final approval. Any building permit issued in violation of this Section shall be null and void.

2-3-6: APPEALS: Any person aggrieved by action taken under the regulations of this Chapter may appeal any order, requirement, decision or determination made by the ARB. Within thirty (30) days from the determination made by the ARB, an application for appeal shall be filed with the Zoning Administrator, who shall forward such appeal to the Village Board of Trustees for its consideration. Any applicant seeking an appeal will also be provided an opportunity to present oral comments directly to the Village Board of Trustees.


**Agenda Item
3.21 COW**

**REQUEST FOR BOARD ACTION
Committee of the Whole Meeting
November 26, 2018**

Subject:	Fiscal Year 2019 Budget (Village of Lincolnshire)
Action Requested:	Consideration of Final Changes to Proposed Fiscal Year 2019 Budget and Direct Placement on the December 10, 2018 Regular Village Board Meeting Agenda for Approval
Originated By/Contact:	Michael Peterson, Finance Director Brad Burke, Village Manager
Referred To:	Mayor and Village Board of Trustees

Summary / Background:

The Village Board met over the course of several meetings in October and November to discuss the proposed budget for Fiscal Year 2019 (FY19). As a result of Board direction and staff's continued work on the proposed budget, several changes have been identified since the original draft was distributed in early October. These changes are reflected on the attached spreadsheet and will be reviewed by staff at the November 26, 2018 Committee of the Whole Meeting. Many of the proposed changes reflect a refinement in the proposed budget numbers as a result of feedback received through the budget deliberation process.

Staff will be available at Monday's meeting to answer any questions the Board may have regarding the final revisions to the proposed budget for Fiscal Year 2019.

The proposed 2019 budget reflects revenues based upon the Village's current fee and revenue structure. No new taxes or fees are being proposed. The total expenditures for all funds are \$27,356,321 with revenues of \$26,661,226 and use of reserves in the amount of \$993,094. The proposed budget for 2019 functions and reflects the use of reserves to fund necessary required capital projects as designed. The General Fund operating budget and Water & Sewer Fund operations budget are balanced and reflect anticipated revenues adequate to fund day to day operations.

Recommendation:

Staff recommends incorporating final changes into the proposed budget for Fiscal Year 2019 and approval of the Fiscal Year 2019 Budget as presented at the December 10, 2018 Regular Village Board meeting.

Reports and Documents Attached:

- Spreadsheet Detailing Changes to Proposed Budget from Initial Draft
- Summary of Revenue / Expenditures All Funds

Meeting History	
Special Committee of the Whole Budget Discussion & Workshops	October 29, 2018 November 1, 2018
Committee of the Whole Meeting:	November 12, 2018
Committee of the Whole Meeting:	November 26, 2018

Changes to 2019 Budget since Draft Print

Account Description	Original	Original	New	New	Difference	Difference
	Est. 2018	Budget 2019	Est. 2018	Budget 2019	Est. 2018	New vs Original Budget 2019
FUND 01 - GENERAL FUND						
REVENUES						
01-00-85-4340 Police Services	200,000	200,000	200,000	300,000	\$0	100,000
ADMINISTRATION						
FINANCE						
POLICE						
COMMUNITY & ECONOMIC DEVELOPMENT						
01-08-61-9000 Outside Services	-	-	-	5,000	\$0	5,000
01-08-63-1004 Memb- Visit Lake County	18,750	30,175	18,750	20,000	\$0	(10,175)
INSURANCE & COMMON EXPENSES						
01-12-61-8800 Property/Liability Ins	77,620	83,140	77,620	80,840	\$0	(2,300)
01-12-61-8801 Workers Comp	95,460	144,500	95,460	149,600	\$0	5,100
PW PARKS & OPEN SPACE						
01-22-61-9008 Cont Svc- Custodial Parks	1,900	2,000	\$1,900	7,000	\$0	5,000
BUILDINGS						
01-25-61-9007 Cont Svc- Custodial PW	5,300	6,000	5,300	16,000	\$0	10,000
01-25-61-9008 Cont Svc- Custodial VH	25,000	25,000	25,000	30,000	\$0	5,000
DEBT & TRANSFERS						
01-26-96-5100 Transfer Out- General Cap	2,400,000	500,000	2,272,326	825,646	\$127,674	325,646
01-26-97-0700 Transfer Out- WS Imp: Cap Proj	\$900,000	\$1,197,150	\$900,000	\$1,011,945	\$0	(185,205)
FUND 02 - WATER SEWER OPERATIONS FUND						
REVENUE						
02-00-75-4180 Water User Fees	\$2,260,000	\$2,375,000	\$2,260,000	\$2,857,000	\$0	482,000
W&S ADMINISTRATION						
02-01-61-8800 Property/Liability Ins	\$40,600	\$37,100	\$40,600	\$36,070	\$0	(1,030)
02-01-61-8801 Workers Comp	\$42,600	\$15,300	\$42,600	\$15,840	\$0	540
TRANSFERS						
02-01-96-0700 Transfer Out- WS Improv	407,790	590,000	407,790	801,095	\$0	211,095
W&S OPERATIONS						
02-02-61-9500 Water Purchase	1,295,000	1,285,000	1,295,000	1,530,200	\$0	245,200
FUND 05 - POLICE PENSION FUND						
FUND 07 - WATER SEWER IMPROVEMENT FUND						
TRANSFER IN						
07-00-98-0126 Transfer In- General Fund	900,000	1,197,150	900,000	1,011,945	\$0	(185,205)
07-00-98-0200 Transfer In- WS Oper Fund	407,790	590,000	407,790	801,095	\$0	211,095
FUND 11 - FRAUD ALCOHOL DRUG ENFORCEMENT FUND						
11-05-96-5100 Transfer Out- Gen Cap	-	-	-	43,500	\$0	43,500
FUND 12 - VEHICLE MAINTENANCE FUND						
12-01-61-8800 Property/Liability Ins	7,170	7,670	7,170	7,460	\$0	(210)
12-01-61-8801 Workers Comp	8,880	10,200	8,880	10,560	\$0	360
FUND 17 - E911 FUND						
FUND 18 - PARK DEVELOPMENT FUND						
FUND 51 - GENERAL CAPITAL FUND						
TRANSFERS IN						
51-00-98-0100 Transfer In- General Fund	2,400,000	500,000	2,272,326	825,646	\$127,674	325,646
51-00-98-1100 Transfer In- Fraud Alcohol Drug Fund	-	-	-	43,500	\$0	43,500
TRANSFERS OUT						
51-00-98-1100 Transfer In- Fraud Alcohol Drug Fund	-	-	-	43,500	\$0	43,500
EQUIPMENT						
51-05-80-3008 Equip- Veh Retrofits	30,000	40,500	30,000	54,000	\$0	13,500
VEHICLES						
51-05-80-7001 veh- Police	90,000	60,000	90,000	105,000	\$0	45,000

**VILLAGE OF LINCOLNSHIRE
ENTITY WIDE SUMMARY**

Remove duplicated expenditures and transfer out

				Est 2018 vs	Budget 2019	Budget 2019	
				Budget 2018	vs Est 2018	vs Budget 2018	
				over / (under)	over / (under)	increase / (decrease)	
GENERAL FUND							
01-01 Administration		302,990	291,300	337,520	-3.86%	15.87%	11.40%
01-02 Finance		331,285	327,810	340,290	-1.05%	3.81%	2.72%
01-05 Police		4,332,435	4,014,010	4,181,210	-7.35%	4.17%	-2.69%
01-05-98-1200	Transfer Out- VMF	(35,700)	-	-			
01-08 Community & Economic Dev.		1,052,920	984,160	1,017,020	-6.53%	3.34%	-3.43%
01-08-98-1200	Transfer Out- VMF	(4,800)	(3,270)	(4,820)			
01-12 Insurance & Common		1,539,625	1,295,890	1,631,220	-15.83%	25.88%	5.95%
01-20 PW: Administration		254,407	264,830	255,170	4.10%	-3.65%	0.30%
01-21 PW: Streets		1,274,375	1,220,840	1,244,790	-4.20%	1.96%	-2.75%
01-21-98-1200	Transfer Out- VMF	(143,000)	(98,040)	(144,510)			
01-22 PW: Parks & Open Spaces		1,391,085	1,303,160	1,345,730	-6.32%	3.27%	-6.41%
01-22-98-1200	Transfer Out- VMF	(75,160)	(110,790)	(114,114)			
01-25 Buildings & Grounds		131,300	116,024	147,120	-11.63%	26.80%	12.49%
01-25-98-1200	Transfer Out- VMF	(4,800)	(3,270)	(4,820)			
01-26 Debt & Transfers		1,700,000	3,172,326	1,837,591	86.61%	-42.07%	
01-26-98-0700	Transfer Out- WS Improv: Debt						
01-26-98-5100	Transfer Out- General Cap	(800,000)	(2,272,326)	(825,646)			
01-26-99-0700	Transfer Out- WS Imp: Cap Proj	(900,000)	(900,000)	(1,011,945)			
TOTAL GENERAL FUND		\$ 10,346,962	\$ 9,602,654	\$ 10,231,806	-7.19%	6.55%	-1.11%
CAPITAL PROJECT FUNDS							
51-xx General Capital		1,980,320	1,496,756	2,836,500			
TOTAL CAPITAL PROJECT FUNDS		\$ 1,980,320	\$ 1,496,756	\$ 2,836,500	-24.42%	89.51%	43.23%
ENTERPRISE FUNDS							
02-01 Water & Sewer Administration		908,680	910,910	1,285,930	0.25%	41.17%	-3.20%
02-01-98-0700	Transfer Out- WS Improvement Fund	(407,795)	(407,790)	(801,095)			
02-02 Public Works Operating		3,676,320	3,670,225	3,948,580	-0.17%	7.58%	7.49%
02-02-98-1200	Transfer Out- VMF	(47,700)	(32,680)	(48,170)			
07-01 Water & Sewer Improvements		2,007,000	1,949,339	2,474,000	-2.87%	26.91%	23.27%
TOTAL ENTERPRISE FUNDS		\$ 6,136,505	\$ 6,090,004	\$ 6,859,245	-0.76%	12.63%	11.78%
NON-OPERATING FUNDS							
03-01 Motor Fuel Tax		175,000	175,000	175,000	0.00%	0.00%	0.00%
11-05 Fraud Alcohol Drug Enforcement		60,630	-	64,710	-100.00%		6.73%
12-01 Vehicle Maintenance		481,860	481,860	481,860	0.00%	0.00%	0.00%
17-01 E-911		308,800	327,000	340,050	5.89%	3.99%	10.12%
18-01 Park Development Fund		860,000	621,850	991,000	-27.69%	59.36%	15.23%
TOTAL NON-OPERATING FUNDS		\$ 1,886,290	\$ 1,605,710	\$ 2,052,620			
TRUST FUNDS							
05-01 Police Pension Fund**		1,200,000	1,199,270	1,235,960	-0.06%	3.06%	3.00%
20-01 Sedgebrook SSA		1,180,200	1,170,000	1,185,070	-0.86%	1.29%	0.41%
TOTAL TRUST FUNDS		\$ 2,380,200	\$ 2,369,270	\$ 2,421,030			
TOTALS		\$ 22,730,277	\$ 21,164,394	\$ 24,401,201	-6.89%	15.29%	7.35%



**Agenda Item
3.22 COW**

**REQUEST FOR BOARD ACTION
Committee of the Whole Meeting
November 26, 2018**

Subject: Workers Compensation Insurance Coverage; Property and Casualty Insurance Coverage; and a Resolution to Enroll in the Municipal Insurance Cooperative Agency

Action Requested: Consideration and Discussion of Approving Workers Compensation Insurance Coverage for the Period of January 1, 2019 to December 31, 2019 with the Illinois Public Risk Fund in the Amount of \$144,794; Property and Liability Insurance Coverage for the Period of January 1, 2019 to April 30, 2019 with the Municipal Insurance Cooperative Agency in the Amount of \$41,455; and a Resolution to Enroll in the Municipal Insurance Cooperative Agency (Village of Lincolnshire)

Originated By/Contact: Brad Burke, Village Manager
Ben Gilbertson, Assistant Village Manager/Community & Economic Development Director
Michael Peterson, Finance Director

Referred To: Village Board

Summary / Background

Alliant/Mesirow Insurance Services (formerly Mesirow Insurance) continues to provide broker services to the Village for Property and Liability insurance through September 1, 2019. This past fall, the Village's Account Executive with Alliant/Mesirow Insurance Services marketed the Village's property and liability insurance program to Travelers Insurance. Additionally, Village staff requested a quote from the Municipal Insurance Cooperative Agency (MICA).

Village staff recommends securing workers compensation coverage through our existing provider, Illinois Public Risk Fund (IPRF), in the amount of \$144,794 for 2019. Staff further recommends securing Property and Liability insurance with MICA in the amount of \$124,365 annually. To participate, the Village Board must approve a resolution for the Village to enroll in MICA (this resolution will be provided at the December 10, 2018 Regular Village Board meeting). MICA utilizes a May 1 – April 30 coverage period. To accommodate Lincolnshire's request to participate, MICA agrees to provide coverage for the period January 1, 2019 – April 30, 2019 at the prorated amount of \$41,455, and \$124,365 for the period of May 1, 2019 – April 30, 2020.



**Agenda Item
3.22 COW**

Budget Impact:

The fiscal year 2019 (FY19) Budget includes \$300,370 for Workers Compensation and Property and Liability Insurance. The total annual quote for the Workers Compensation and Property and Liability coverage is \$269,159, which is \$31,211 (10.4%) below the FY19 budget.

Recommendation:

Approval of workers compensation insurance coverage for January 1, 2019 to December 31, 2019. Approval of property and liability insurance program for January 1, 2019 to April 30, 2019. Adoption of a resolution to enroll in MICA.

Reports and Documents Attached:

- MICA proposal

Meeting History	
Committee of Whole Meeting:	November 26, 2018
Regular Village Board Meeting:	December 10, 2018



Insurance Proposal for:

Village of Lincolnshire

Effective: December 31, 2018





Introduction

The Municipal Insurance Cooperative Agency (MICA) is a self-insurance Pool formed under the laws of the State of Illinois for the benefit of municipalities in the State of Illinois only. The annual premium charged by MICA is derived from the Village of Lincolnshire (Lincolnshire) exposures, historical losses, MICA's own operating expenses and risk transfer costs. If the Pool's claims and operating expenses are less than premiums, the excess funds result in a surplus to MICA, which, after a safety net is built up to mitigate any peaks in loss experience, is returned to participating cities as credits or offsets to future premiums. Money held in reserve to pay claims earns investment income which also contributes to surplus.

Unlike commercial insurance companies, excess funds and any investment income earned on the premium held by MICA accrues to the benefit of its membership. The MICA program offers a progressive and widely-utilized alternative to the uncertainties of the commercial insurance marketplace. The program is designed to deliver long-term benefits and control to the participating Members. MICA currently has 23 participating member cities in the Pool and assets of over \$31M and surplus over \$9.6M. Its mission is to be a strong and stable member driven risk management program dedicated to controlling losses, managing claims, and providing comprehensive and competitive insurance coverage for its Members.

MICA is pleased to provide the Village of Lincolnshire (Lincolnshire) with a proposal for its insurance coverages as outlined herein. The MICA proposal is effective December 31, 2018. All the costs shown in the proposal are on an annual basis so that Lincolnshire can easily perform its due diligence with the renewal terms from the existing program. However, the MICA program operates on a May 1st renewal cycle for all its Members so Lincolnshire will actually have a policy from December 31, 2018 to May 1, 2019 and then an annual policy that runs from May 1, 2019 to May 1, 2020. MICA will guarantee your rates through the entire short-term and annual premium periods.

Included herein is a summary of the specific renewal terms and conditions for property, liability, workers' compensation and ancillary lines of insurance provided to Lincolnshire for the policy period noted above. This includes your deductibles, limits by line of coverage and total premium. Also included is an overview of the coverage and services provided by MICA, a listing of the current Members and the service contact list.

In the back portion of the renewal proposal packet is an "Authorization to Bind" document that must be reviewed, signed, and returned prior to binding to confirm your agreement to these proposed terms.

If you have questions please call either:

Kate Kenny
Frank Cella

312.627.6524
312.627.6029

(kate.kenny@marsh.com)
(frank.d.cella@marsh.com)

Advantages of Joining MICA



About MICA

The Municipal Insurance Cooperative Agency was formed in the mid-1980's when several villages and cities in Illinois decided to collaborate in managing the costs of their property and casualty insurance needs. The Members join together to provide a source of coverage for their property, automobile, general liability, law enforcement, public officials, employment practices, excess liability, crime, equipment breakdown, workers compensation and other ancillary line exposures.

By participating in MICA, Lincolnshire will benefit from the program's success. Detailed below is an overview of how MICA will provide:

1. A financially sound and stable source of coverage
2. Ownership & control by participating cities and villages
3. Dedicated administrative team to the Members for services
4. Engaged Safety and Claims Administration
5. Customized Coverage designed for Illinois cities and villages

1. Financially Sound and Stable Source of Coverage:

Self-insurance Pools were originally created to meet a need for risk financing in the public sector in the early 1970s. However, most of the 500+ pools in existence today were formed during the hard insurance market in the late 1980's when insurance was very expensive and the coverage was very restrictive or nonexistent. The steady growth in the number of Pools and Pool membership has clearly established that Pools are a successful, long-term, stable alternative to traditional insurance carriers.

In an age of mergers and acquisitions, changing target markets and coverage terms, with unpredictable pricing in the commercial insurance industry, you need not worry about whether MICA will be interested in covering the risk management and insurance needs of Lincolnshire in the future; it is the reason MICA was created.

MICA purchases reinsurance and excess coverage to provide additional financial protection to the Pool so that no one catastrophic claim can financially harm the standing of MICA.

-
- Quality, cost-effective risk management and insurance programs
 - MICA is an organization created specifically for community colleges of Illinois
 - A successful, long-term alternative to traditional insurance carriers
 - Financially sound, stable source of workers compensation, property and liability coverage
-

Advantages of Joining MICA



2. Owned & Controlled by its Members

MICA is owned and controlled by the Members – each village or city that joins MICA appoints one Trustee. Every participating city or village has one vote irrespective of size. The MICA Board is also governed by an Executive Board that is elected from the membership according to the MICA by-laws.

The Executive Board meets regularly throughout the fiscal year to review financial performance, loss trends, large losses and other operating needs associated with MICA.

There are also regularly scheduled meetings of the full membership throughout each fiscal year at which time the results and operations are reviewed with all Members.

3. Administrative/Brokerage Services

Marsh Inc., which administers a significant number of pools nationwide, is the designated Administrator for MICA. As such, their Public Entity Practice provides administrative and underwriting expertise to MICA for objectivity in underwriting the exposures of all prospective members. Marsh also performs brokerage services for the pool, placing reinsurance and excess insurance that provides financial protection to MICA. Certain additional and stand-alone coverages to meet the needs of individual Members can also be procured through Marsh.

4. Engaged Risk Control/Safety Services

The overall goal of the program and its structure is to ease the administrative burden on participating cities and villages, to free up critical dollars and reduce the frequency and severity of injuries to employees and citizens in each city and village that is participating in the trust. MICA is continuously trying to reach these goals with the net result being a program that can allow local staffs more time to concentrate on their mission of governing.

PMA Companies, a subsidiary of the Old Republic Insurance Companies, provides a full complement of loss prevention and safety services and post-loss management and advocacy services that, through the direction of MICA, provide best practices to all Members, including the engagement of each Member in the adjudication of each claim. While PMA is employed by the Pool, they communicate with each Member with the understanding they are the ultimate owners of the Pool.

-
- Member-owned and controlled
 - Managed by Illinois city officials
 - Dedicated administrative and brokerage services to assure Member satisfaction
 - Engaged Risk Control and Claims Management Service
-

Advantages of Joining MICA



5. Customized Coverage Terms for Cities and Villages

The coverage terms, described in the pages that follow, were designed specifically for cities and villages of the State of Illinois and are constantly monitored and reviewed to make sure the package of services and coverage terms provided by MICA are very broad and appropriate for the MICA membership.

Effective claims administration is key to any successful risk management program and with PMA, MICA has a very good partner in the post-loss work. However, they can only work with the coverage terms and conditions of the policy against which a claim is filed. MICA, in partnership with Marsh, designs its coverage terms, and picks the Pool risk transfer partners, that will allow for long term success for both MICA and its Members.

MICA Defines Success

The success of MICA results from its commitment to provide a financially sound and stable source of risk management and insurance services specifically for cities and villages across Illinois. The MICA program also requires a commitment from its Members in exchange for providing its Members with stable premium costs.

MICA can provide broad coverage and superlative professional services, while keeping contribution requirements reasonable, because:

- MICA has no profit loading;
- MICA has improved cash flow over the traditional marketplace;
- MICA enjoys tax-exempt status;
- MICA does not pay commissions; and
- MICA's overhead costs are much lower than that of traditional markets

Insurance companies primarily make money from underwriting as well as investment income, held in reserve to pay claims. Pooling allows Members to enjoy the benefit of that income by retaining it within the program as surplus, available to the Members to provide useful funds for application as they see fit.

In conclusion, Pool Members benefit from having more control over their program costs and from receiving high quality loss control and claims management services that will improve their internal risk management results as well as their outward risk profile well into the future.

-
- Tailored coverage package to meet the needs of Illinois cities and villages
 - MICA has lower overhead costs and a laser focus on the claims of its Members allowing it to succeed
-

Advantages of Joining MICA



Municipal Insurance Cooperative Agency

Members

- Brookfield / North Riverside Water Commission
- Village of Deerfield
- City of Des Plaines
- Village of Glen Ellyn
- Glenbard Waste Water Authority
- Village of Gurnee
- Village of Hodgkins
- Village of Huntley
- Village of Inverness
- Northwest Suburban Municipal (JAWA)
- City of Kewanee
- Village of Montgomery
- Town of Normal
- Village of North Riverside
- Northwest Water Commission
- City of Quincy
- Village of River Grove
- City of Rock Falls
- City of Sterling
- Village of Streamwood
- Village of South Elgin
- City of Streator

Current Executive Board

- Eric Burk, Village of Deerfield
- Dorothy Wisniewski, City of Des Plaines
- Andrew Huhn, Town of Normal
- Kevin Lockhart, JAWA
- Patrick Muetz, Village of Gurnee
- Jeff Zoepfel, Village of Montgomery
- Cathy Haley, Village of Huntley

Advantages of Joining MICA



Service Team:

**MICA
Executive Board**

Consultant

Mike Nugent
P: (847) 412-0410
F: (847) 919-3805
C: (847) 778-7618
nugentllc@comcast.net

Client Executive

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Client Manager**

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Client Manager

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**Central Zone Education
Practice Leader**

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**National Pooling
Expert**

Tom Flynn
National Pooling Expert
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thomas.flynn@marsh.com

Coverage Pricing, Terms & Conditions



WORKERS' COMPENSATION / COMMERCIAL AUTO / GENERAL LIABILITY / PUBLIC OFFICIALS / UMBRELLA & EXCESS LIABILITY / CYBER-RISK / PROPERTY, CRIME, EQUIPMENT BREAKDOWN & AUTOMOBILE PHYSICAL DAMAGE

Insuring Company:	Municipal Insurance Cooperative Agency	Contact:	Kate Kenny
		Date:	November 5, 2018
Named Insured:	Village of Lincolnshire		
Effective Date:	December 31, 2018	Expiration Date:	December 31, 2019*

* To be rewritten on annual basis at 5/1/2019

NAMED INSURED SCHEDULE

#	Company Name	Relationship to first Named Insured	Business Type	Description of Operations	WC	GL/PL	AL/APD
1.	Village of Lincolnshire	Insured	Municipality	Municipal government operations	X	X	X

Coverage Pricing, Terms & Conditions



AUTOMOBILE LIABILITY

Carrier: Municipal Insurance Cooperative Agency
 Policy Term: December 31, 2018 to December 31, 2019 but to be rewritten on annual basis at May 1, 2019

Coverage	Gross Premium	TRIA	Surcharges	Total Premium	Exposure Basis	Exposure
Automobile Liability	\$17,235	N/A	N/A	\$17,235	Power Units	39

Limits/Symbols:	Liability per accident	1	\$15,000,000
(Coverage Applies	Personal Injury Protection	5	Statutory
ONLY when symbol	Medical Payment	2	\$10,000 any one person / \$100,000 any one accident
Appears)	Uninsured Motorists	6	Statutory
	Underinsured Motorists		Statutory
	Physical Damage – Comprehensive	2,8	ACV - \$5,000 deductible
	Physical Damage – Collision	2,8	ACV - \$5,000 deductible

Per Occurrence Liability Deductible: \$0

Defense Costs Will reduce the limit of insurance

Coverage Trigger: Per Accident

Notice of Cancellation 90 day notice / 10 days nonpayment of premium

Coverage Included by Endorsement:

- Lessor – Additional Insured & Loss Payee Endorsement (Blanket)
- Broad Form Named Insured including Newly Acquired Organizations
- Fellow Employee Coverage
- Hired Autos Specified as Covered Autos You Own
- Employees As Insureds
- Unintentional Errors & Omissions
- Notice of Accident or Loss
- Auto Loan / Lease Gap Coverage
- Waiver of Subrogation (Blanket)
- Designated Insured
- Pollution Liability – Broadened Coverage

Standard Policy Exclusions, including but not limited to:

- Nuclear Energy Liability Exclusion
- Economic and Trade Sanctions Condition
- Silica Exclusion

Coverage Pricing, Terms & Conditions



GENERAL LIABILITY / POLICE PROFESSIONAL / UMBRELLA & EXCESS LIABILITY INSURANCE

Carrier: Municipal Insurance Cooperative Agency
 Policy Term: December 31, 2018 to December 31, 2019 but to be rewritten on annual basis at May 1, 2019

Coverage	Gross Premium	TRIA	Surcharges	Total Premium	Exposure basis	Exposure
GL / LEL/ Excess	\$57,150	N/A	N/A	\$57,150	NOE	\$19,823,000

Limits of Liability:	General Aggregate (Other than Products/Completed Operations)	\$15,000,000
	Products/Completed Operations Aggregate	\$15,000,000
	Each Occurrence	\$15,000,000
	Personal & Advertising Injury Liability	\$15,000,000
	Damage to Premises Rented to You	\$15,000,000
	Medical Expense - Any One Person	\$5,000
Employee Benefits	Each Employee	\$15,000,000
Liability	Aggregate Limit	\$15,000,000
(Claims-Made):	Retroactive Date	TBD
	EBL Deductible, each claim	\$1,000

Defense Costs: Will reduce the limit of insurance

Coverage Trigger: General/Products Liability: Occurrence
 Employee Benefits Liability: Claims-made

Additional Coverages:

- Additional Insured – Owners, Lessees or Contractors – Completed Operations
- Bodily Injury Definition Changes
- Broad Form Named Insured including Newly Acquired Organizations
- Incidental Medical Malpractice Coverage
- Knowledge & Notice of Occurrence
- Unintentional Failure to Disclose Hazards
- Waiver of Transfer or Rights of Recovery Against Others to Us

Coverage Pricing, Terms & Conditions



PUBLIC OFFICIALS INSURANCE

Carrier: Municipal Insurance Cooperative Agency
Policy Term: December 31, 2018 to December 31, 2019 but to be rewritten on annual basis at May 1, 2019

Coverage	Gross Premium	TRIA	Surcharges	Total Premium	Exposure Basis	Exposure
Public Officials	\$7,821	N/A	N/A	\$7,821	Employees	63

Limits of Liability: Each Occurrence \$15,000,000
Annual Aggregate \$15,000,000

Defense Costs: Will not reduce the limit of insurance

Coverage Trigger: Public Officials Liability: Claims-made

Coverage Included by Endorsement:

- Bodily Injury Definition Changes
- Broad Form Named Insured including Newly Acquired Organizations
- Incidental Medical Malpractice Coverage
- Knowledge & Notice of Occurrence
- Unintentional Failure to Disclose Hazards
- Waiver of Transfer or Rights of Recovery Against Others to Us
- Primary & Noncontributory – Other Insurance Condition

Coverage Pricing, Terms & Conditions



WORKERS' COMPENSATION & EMPLOYERS LIABILITY

Carrier: Municipal Insurance Cooperative Agency
 Policy Term: December 31, 2018 to December 31, 2019 but to be rewritten on annual basis at May 1, 2019

Coverage	Gross Premium	TRIA	Surcharges	Expense Constant	Total Premium	Exposure Basis	Exposure
Workers Compensation	\$176,362	N/A	N/A	Included	\$176,362	Payroll	\$5,553,000

Coverage Includes:

Part One - Workers
Compensation Insurance

Statutory

Part Two - Employers
Liability Insurance

\$10,000,000 BI by Accident / Each Accident
 \$10,000,000 BI by Disease / Policy Limit
 \$10,000,000 BI by Disease / Each Employee

Part Three - Other States Insurance
Coverage Includes:

Standard: All states except those listed in 3A and ND, OH, PR, VI, WA, WY
 Voluntary Compensation for All Employees
 Waiver of Subrogation – (Blanket)

Coverage Pricing, Terms & Conditions



PROPERTY, EQUIPMENT BREAKDOWN, CRIME, & AUTOMOBILE PHYSICAL DAMAGE INSURANCE

Carrier: Municipal Insurance Cooperative Agency
Policy Term: December 31, 2018 to December 31, 2019 but to be rewritten on annual basis at May 1, 2019

Coverage	Gross Premium	TRIA	Surcharges	Total Premium	Exposure Basis	Exposure
Property, EB, Crime, & APD	\$32,970	N/A	N/A	\$32,970	Statement of Values	\$31,593,158

Property Limit Per Occurrence: \$500,000,000

Subject to the following sublimits and Extensions:

Accounts Receivable	\$10,000,000
Data, Media, Software	\$10,000,000
Personal Effects	\$5,000,000
Personal Property of Others	\$5,000,000
Prototypes	\$1,000,000
Research & Development Documentation	\$1,000,000
Business Income	\$2,500,000
Debris Removal Debris of Insured	\$25,000,000
Debris Removal Debris of Others	\$250,000
Consequential Loss Assumption Coverage	\$250,000
Contract Penalty Clause Coverage	\$250,000
Extended Warranty Coverage	\$250,000
Fine Arts Coverage	
Miscellaneous Unscheduled Fine Art	
Any one item, pair or set	\$50,000
Per Occurrence or Loss Event	\$250,000
Fine Art at Exhibitions	\$50,000
Fire Department Service Charge Coverage	\$250,000
Fire Protection Equipment Coverage	\$250,000
Installation Coverage	\$1,000,000
Loss Avoidance or Mitigation Coverage	\$1,000,000

Coverage Pricing, Terms & Conditions



PROPERTY, EQUIPMENT BREAKDOWN, CRIME, & AUTOMOBILE PHYSICAL DAMAGE INSURANCE (Cont'd)

Property Limit	Per Occurrence	\$500,000,000
Subject to the following sublimits and Extensions:		
Mobile Communication Equipment Coverage		\$250,000
Money & Securities Coverage		\$250,000
Money Orders and Counterfeit Currency Coverage		\$250,000
Realty Tax Coverage		\$250,000
Removal of Property Coverage		\$1,000,000
Reward Coverage		
	Any One Person	\$25,000
	Per Occurrence or Loss Event	\$250,000
Salesperson's Samples Coverage		\$250,000
Tenant's Lease Agreement Coverage		\$250,000
Theft of Precious Commodities Coverage		\$250,000
Business Access Coverage	24 Hour Waiting Period	\$5,000,000
Civil Authority Coverage		\$5,000,000
Delayed Occupancy Coverage		\$2,500,000
Expediting Expense Coverage		\$10,000,000
Leasehold Interest Coverage		\$10,000,000
Research and Development Operations Coverage		\$1,000,000
Communicable Disease Coverage		
	Per Occurrence or Loss Event	\$1,000,000
	Annual Aggregate	\$1,000,000
Fungus Remediation Coverage		\$100,000
Loss Adjustment Expense Coverage		\$1,000,000
Newly Acquired Location Coverage		\$5,000,000
Outdoor Trees, Shrubs, Plants and Lawn Coverage		
	Any one tree, plant or lawn	\$2,500
	Per Occurrence or Loss Event	\$1,000,000
Pollution Clean-Up Coverage		
	Per Occurrence or Loss Event	\$1,000,000
	Annual Aggregate	\$1,000,000
Trade Show Coverage		\$2,500,000
Unintentional Errors & Omissions Coverage		\$10,000,000

Coverage Pricing, Terms & Conditions



PROPERTY, EQUIPMENT BREAKDOWN, CRIME, & AUTOMOBILE PHYSICAL DAMAGE INSURANCE (Cont'd)

Property Limit	Per Occurrence	\$500,000,000
Subject to the following sublimits and Extensions:		
Transit Coverage	Your Vehicles	\$1,000,000
	Carriers for Hire	\$1,000,000
	International Air Shipments	\$1,000,000
Unnamed Location Coverage		\$10,000,000
Utility Services Coverage		\$10,000,000
	Business Income Deductible	24 Hours
	Overhead Transmission Lines & Equipment	Included
Flood	Non High Hazard Location per Occurrence	\$25,000,000
	Annual Aggregate	\$25,000,000
	High Hazard Locations – Per Occurrence	\$2,500,000
	Annual Aggregate	\$2,500,000
Earth Movement	Per Loss Event	\$25,000,000
	Annual Aggregate	\$25,000,000
Equipment Breakdown Coverage	Per Occurrence	\$100,000,000
Automobile Physical Damage	Actual Loss Sustained	
	Comprehensive Deductible	\$5,000
	Collision Deductible	\$5,000
Crime Coverages	Money & Securities	\$500,000
	Forgery or Alteration	\$500,000
	Employee Dishonesty	\$500,000
	Social Engineering Fraud	\$100,000

Authorization to Bind



Entity: Village of Lincolnshire

MICA Administrator:

Marsh USA Inc.

Kate Kenny

Marsh Chicago

312.627.6524

Coverage Period: 12:01 A.M. at Member's mailing address from 12/31/2018 to 12/31/2019

Limits and Deductibles are per Occurrence unless otherwise noted; additional sublimits, aggregates and retroactive date details are shown in the Proposal.

<u>Coverages Provided:</u>	<u>Limit</u>	<u>Deductible</u>
Property – All risks (subject to the standard exclusions)*	\$500,000,000	\$5,000
Total Insurable Value	\$31,593,158	
Earthquake*	\$25,000,000 per Occurrence & Aggregate	\$250,000
Flood*	\$25,000,000 per Occurrence & Aggregate, except \$2,500,000 SFHA	\$250,000 if SFHA
Equipment Breakdown*	\$100,000,000 per Occurrence	
Automobile Physical Damage	\$250,000 per Occurrence	
General Liability, Umbrella & Excess Liability	\$15,000,000 Per Occurrence & Aggregate	\$5,000
Automobile Liability	\$15,000,000 Per Occurrence	\$5,000
Automobile Medical Payments	\$10,000 per Person / 100,000 Any One Accident	
Uninsured Motorists/Underinsured Motorists Coverage	Statutory	
Cyber-Risk Liability		
Automobile Medical Payments	\$1,000,000 Per Occurrence	\$25,000

Authorization to Bind



<u>Coverages Provided:</u>	<u>Limit</u>	<u>Deductible</u>
Public Officials Liability	\$15,000,000 Per Occurrence & Aggregate	\$5,000
Workers' Compensation	Statutory	
Employers Liability –		
Injury by Accident	\$15,000,000 Each Accident	
Injury by Disease	\$15,000,000 Coverage Part Limit	
Injury by Disease	\$15,000,000 Each Employee	
Estimated Payroll:	\$5,553,000	
Payroll Reporting Period:	Annual	
States Covered:	Illinois	
Out of State Workers' Compensation Program:	Not Applicable	
Employee Benefits Liability – CLAIMS MADE	\$15,000,000 Per Occurrence & Aggregate	
Crime		
Money & Securities	\$500,000 – Each Loss	\$5,000 for each coverage
Forgery or Alteration	\$500,000 – Each Loss	
Employee Dishonesty	\$500,000 – Each Loss	

Estimated Total Annual Contribution: **\$ 300,727**

Note: Higher limits and additional coverages may be available upon request. Please contact the MICA Administrator.

Your coverage is issued by a Risk Pool. The Risk Pool is regulated by the Illinois Department of Insurance. State insurance guaranty funds are not available for your risk Pool. This is a fully assessable contract. In the event the Risk Pool is unable to pay its obligations, participating members will be required to contribute through an equitable assessment the money necessary to meet any unfulfilled obligations.

Authorized Signature

Date

PLEASE SIGN AND RETURN TO KATE KENNY (scan & email or fax):

E-mail: kate.kenny@marsh.com

Fax 312.627.6525



**Agenda Item
3.23 COW**

**REQUEST FOR BOARD ACTION
Committee of the Whole Meeting
November 26, 2018**

Subject: Renewal of Cable Franchise Agreement with Comcast of California/Illinois, LLC

Action Requested: Consideration of Proposed Agreement and Direct Placement on the December 10, 2018 Regular Village Board Meeting Consent Agenda for Approval (Village of Lincolnshire)

Originated Brad Burke, Village Manager
By/Contact: Ben Gilbertson, Assistant Village Manager/CED Director

Referred To: Mayor and Village Board of Trustees

Summary / Background:

The Village of Lincolnshire (Village) currently holds a franchise agreement with Comcast of California/Illinois, LLC (Comcast) for the purpose of providing Village residents with cable services, as well as Comcast with access to Village right-of-way. The current agreement has been in place since November 2008 and was written with a 10 year renewal option. Legislation at the State (i.e., the State of Illinois Cable and Video Competition Act and the Cable and Video Customer Protection Law) and federal (i.e., Cable Television Consumer Protection and Competition Act of 1992) levels have standardized the type of local control municipalities have over cable operations and services. In light of this standardization, staff and the Village Attorney have negotiated a renewal agreement with Comcast. The agreement is also based on a model ordinance developed by the Metropolitan Mayors Caucus that area municipalities have used for their franchise agreements since 2010. Below are key provisions of the agreement.

- **Franchise Terms:** The length of the agreement is 10 years and allows to for renewal or termination. Should the Village seek to terminate the franchise, it must notify Comcast of its desire to do so along with its rationale. Comcast is afforded 90 days to respond with any objections. The Village must hold a public hearing to discuss franchise termination. Comcast may appeal the Village's decision within 30 days after said decision.
- **Parking Exemptions:** Comcast is exempt from Village parking restrictions, so long as appropriate vehicle safety markings are deployed
- **Arial and Underground Construction:** If municipal facilities are underground, Comcast must store its facilities underground as well. If municipal utilities are aboveground or underground, Comcast has the option to construct its facilities aboveground or underground. If the Village requires right-of-way users to relocate their facilities underground, Comcast must be given a 60 day notice and is entitled to project cost reimbursement to the extent other right-of-way users are eligible for reimbursement.
- **Restoration of Private Property:** Comcast must repair any and all damages to private property caused by construction in the right-of-way. The Village has authority over the timeframe for Comcast to make such repairs.
- **Annexations:** The Village must provide Comcast with notice of any annexations similar to its notice of other governing bodies with jurisdiction over the annexed area.
- **Franchise Fees:** The Village receives 5% of annual gross revenue in the Franchise Area, or whatever the maximum fee another cable provider charges in the Franchise Area, under



Agenda Item
3.23 COW

state authorization or otherwise. The Village may be eligible for a larger percentage of annual gross revenue if the Cable Act is amended as such.

- **PEG Capital Fee:** The Village may request to collect a PEG Capital Fee of up to thirty-five cents (\$0.35) per customer per month charge to be passed on to each Subscriber. Comcast is responsible for collecting the fee until the Village accumulates the amount required to finance the PEG Capital Plan. Comcast sends payment to Village at the same time and in the same manner as Franchise Fee payments. The capital payments shall be expended for capital costs associated with PEG access. The Village can hold all or a portion of the PEG Capital Fee from year to year as a designated fund to permit the Village to make large capital expenditures, if necessary. If the Village chooses to borrow from itself or a financial institution to access revenue for large PEG capital purchases or capital expenditures, the Village shall be permitted to make periodic repayments using the PEG Capital Fee.
- **Public, Educational, and Governmental (PEG) Access:** The Village is provided one channel for noncommercial public, educational, and government ("PEG") programming, carried on the most basic service tier offered by the Grantee. The Village may request an additional channel so long as it meets the Threshold Use Requirement (i.e., 8 hours per day of non-repetitive, locally-produced programming, Monday-Friday for six consecutive weeks).

Budget Impact:

The Village budgets revenue for Comcast franchise fees on an annual basis. In fiscal year 2019, the Village has budgeted \$175,000, which is slightly lower than recent revenue actuals of approximately \$180,000.

Recommendation:

Staff recommends placing this agreement on the December 10, 2018 consent agenda for approval.

Reports and Documents Attached:

- Draft Agreement, as prepared by the Village Attorney.

Meeting History	
Committee of the Whole Meeting:	November 26, 2018
Regular Village Board Meeting:	December 10, 2018

CABLE TELEVISION FRANCHISE AGREEMENT
BY AND BETWEEN
The
VILLAGE OF LINCOLNSHIRE, ILLINOIS
And
COMCAST OF CALIFORNIA/ILLINOIS, LLC

This Franchise Agreement (hereinafter, the “Agreement” or “Franchise Agreement”) is made between the Village of Lincolnshire, Illinois, a home rule municipal corporation (hereinafter, the “Village”) and Comcast of California/Illinois, LLC, (hereinafter, “Grantee”) this ____ day of December, 2018 (the “Effective Date”).

The Village, having determined that the financial, legal, and technical abilities of the Grantee are reasonably sufficient to provide the services, facilities, and equipment necessary to meet the future cable-related needs of the community, desires to enter into this Franchise Agreement with the Grantee for the construction, operation and maintenance of a Cable System on the terms and conditions set forth herein.

This Agreement is entered into by and between the parties under the authority and shall be governed by the Cable Communications Policy Act of 1984, as amended from time to time, 47 U.S.C. §§ 521 et seq., the Illinois Constitution of 1970, including the Village’s home rule powers, and the Illinois Municipal Code, as amended from time to time, including without limitation, 65 ILCS 5/11-42-11 (the “Municipal Code”); provided that any provisions of the Illinois Municipal Code that are inconsistent with the Cable Act shall be deemed to be preempted and superseded.

SECTION 1: Definition of Terms

For the purpose of this Franchise Agreement, unless otherwise defined in this Agreement, capitalized terms, phrases, words, and abbreviations shall have the meanings ascribed to them in the Cable Act, unless otherwise defined herein.

"Cable Act" or "Act" means the Cable Communications Policy Act of 1984, as amended by the Cable Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, 47 U.S.C. §§ 521 et seq., as the same may be amended from time to time.

“Cable Operator” has the meaning set forth in 47 U.S.C. § 522 of the Cable Act, and means any Person or group of Persons who provides Cable Service over a Cable System and directly or through one or more affiliates owns a significant interest in such Cable System; or who otherwise controls or is responsible for, through any arrangement, the management and operation of such a Cable System.

"Cable Service" has the meaning set forth in 47 U.S.C. § 522 of the Cable Act, and means the one-way transmission to Subscribers of Video Programming or Other Programming Service and Subscriber interaction, if any, which is required for the selection or use of such Video Programming or Other Programming Service.

“Cable System” or “System,” has the meaning set forth in 47 U.S.C. § 522 of the Cable Act, and means Grantee's facilities, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment, that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within the Franchise Area, but such term does not include (i) a facility that serves only to re-transmit the television signals of one or more television broadcast stations; (ii) a facility that serves Subscribers without using any public right-of-way, (iii) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Act, except that such a facility shall be considered a Cable System (other than for purposes of section 621(c) of the Cable Act) to the extent such facility is used in the transmission of Video Programming directly to Subscribers, unless the extent of such use is solely to provide Interactive On-Demand Services; (iv) an open video system that complies with section 653 of the Cable Act; or (v) any facilities of any electric utility used solely for operating its electric utility systems.

“Channel” or “Cable Channel” means a portion of the electromagnetic frequency spectrum which is used in a Cable System and which is capable of delivering a television channel as a television channel is defined by the Federal Communications Commission by regulation.

“Code” or “Village Code” means the Village Code of the Village of Lincolnshire, as it has been and may, from time to time hereafter, be amended.

“Customer” or “Subscriber” means a Person who lawfully receives and pays for Cable Service with the Grantee’s express permission.

“FCC” means the Federal Communications Commission, or successor governmental entity thereto.

“Franchise” has the meaning set forth in 47 U.S.C. § 522 of the Cable Act, and means the initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to Section 626 of the Cable Act [47 U.S.C. §§ 546]),, issued by the Village, whether such authorization is designated as a franchise, agreement, permit, license, resolution, contract, certificate, ordinance or otherwise, which authorizes the construction or operation of a Cable System.

“Franchise Agreement” or “Agreement” shall mean this Agreement and any amendments or modifications hereto.

“Franchise Area” means the present legal boundaries of the Village as of the Effective Date, and shall also include any additions thereto, by annexation or other legal means as provided in this Agreement.

“Grantee” shall mean Comcast of California/Illinois, LLC

“Gross Revenue” means the Cable Service revenue derived by the Grantee from the operation of the Cable System in the Franchise Area to provide Cable Services, calculated in accordance with generally accepted accounting principles. Cable Service revenue includes monthly basic, premium and pay-per-view video fees on all tiers of Cable Service, advertising and home shopping revenue, installation fees, and equipment rental fees. Gross revenues shall also

include such other revenue sources from Cable Service as may now exist or hereafter develop from the operation of the Cable System within the Village, provided that such revenues, fees, receipts, or charges may lawfully be included in the gross revenue base for purposes of computing the Village's permissible franchise fee under the Cable Act, as amended from time to time. Gross Revenue shall not include refundable deposits, bad debt, late fees, investment income, programming launch support payments, third party advertising sales commissions and agency fees, nor any taxes, fees or assessments imposed or assessed by any governmental authority. In the event there is or becomes a conflict between the lists herein described and then applicable generally accepted accounting principles, the latter shall prevail.

The Village intends and desires to collect Franchise Fee revenue on the Franchise Fee as well as all non-subscriber revenue pursuant to *City of Dallas, Texas v. F.C.C.*, 118 F.3d 393 (5th 1997) and *In re: Texas Coalition of Cities for Utility Issues v. F.C.C.*, 324 F.3d 802 (5th Cir. 2003), respectively.

"Illinois Level Playing Field Statute" means Section 11-42-11 of the Illinois Municipal Code, 65 ILCS 5/11-42-11.

"Initial Franchise Service Area" means that portion of the Franchise Area served by the Grantee's Cable System as of the Effective Date of this Franchise Agreement.

"Person" means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for profit, but shall not mean the Village.

"Public, Educational and Governmental (PEG) Access Channel" shall mean a video Channel designated for non-commercial use by the Village, the public, and/or educational institutions.

"Public, Educational and Government (PEG) Access Programming" shall mean non-commercial programming and the use of designated facilities, equipment and/or Channels of the Cable System in accordance with 47 U.S.C. 531.

"Public Way" shall mean, pursuant and in addition to the Village's Right of Way Ordinance (Title 8, Chapter 6 of the Code, Construction of Utility Facilities in Rights of Way,), the surface of, and the space above and below, any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including, but not limited to, public utility easements and other easements dedicated for compatible uses, now or hereafter held by the Village in the Franchise Area, to the extent that the Village has the right and authority to authorize, regulate, or permit the location of facilities other than those of the Village. Public Way shall not include any real or personal Village property that is not specifically described in this definition and shall not include Village buildings, fixtures, and other structures and improvements, regardless of whether they are situated in the Public Way.

"Right of Way Ordinance" means Title 8, Chapter 6 of the Code, Construction of Utility Facilities in Rights of Way, and amended from time to time.

“Second Report and Order” means the Second Report and Order issued by the FCC in the rulemaking proceeding captioned as “In The Matter of Implementation of Section 621(A)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act Of 1992,” released November 6, 2007.

“Village” means the Village of Lincolnshire, Illinois or the lawful successor, transferee, designee, or assignee thereof.

“Video Programming” or “Programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

SECTION 2: Grant of Authority

2.1. Grant of Franchise. Pursuant to Section 621(a) of the Cable Act, 47 U.S.C. § 541 (a), and 65 ILCS 5/11-42-11(a) of the Illinois Municipal Code, the Illinois Constitution, and Ordinance No. _____ approving and authorizing the execution of this Agreement, the Village hereby grants to the Grantee a nonexclusive Franchise authorizing the Grantee to construct and operate a Cable System in the Public Ways within the Franchise Area, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain or retain a Cable System in any Public Ways in the Franchise Area which includes such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Cable System, and to provide Cable Services, or such other services as may be lawfully allowed, over the Cable System.

2.2. Term of Franchise. The term of the Franchise granted hereunder shall be ten (10) years unless the Franchise is renewed or is lawfully terminated in accordance with the terms of this Franchise Agreement and/or applicable law. From and after the Effective Date of this Franchise Agreement, the Parties acknowledge that this Franchise Agreement is intended to be the sole and exclusive Franchise Agreement between the Parties pertaining to the Grantee’s Franchise for the provision of Cable Service.

2.3. Renewal. Any renewal of this Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, 47 U.S.C. §546, as amended, and any applicable State law which may exist at the time of renewal and which is not superseded by the Cable Act.

2.4. Police Powers. Nothing in this Franchise Agreement shall be construed as an abrogation by the Village of any of its police powers to adopt and enforce generally applicable ordinances deemed necessary for the health, safety, and welfare of the public, and the Grantee shall comply with all generally applicable laws and ordinances enacted by the Village pursuant to such police power.

2.5. Reservation of Authority. Nothing in this Franchise Agreement shall (A) abrogate the right of the Village to authorize the use of Public Ways for public purposes and to perform any public works or public improvements of any description, (B) be construed as a waiver of any laws, codes or ordinances of general applicability promulgated or enforceable by the Village, or (C) be construed as a waiver or release of the rights of the Village in and to the Public Ways.

2.6. Competitive Equity.

2.6.1. Additional Franchise. In the event the Village grants an additional Franchise to use and occupy any Public Way for the purposes of operating a Cable System, the additional Franchise shall only be granted in accordance with applicable federal, state and local law, including the Illinois Level Playing Field Statute, but subject to the distinctions between new entrants and incumbents described by the Second Report and Order.

2.6.2. Franchise or Similar Application. In the event an application for a new cable television franchise or other similar authorization is filed with the Village proposing to serve the Franchise Area, in whole or in part, the Village shall to the extent permitted by law promptly notify the Grantee, or require the Grantee to be notified, and include a copy of such application.

2.7. Parking Exemption. Only to the extent the Village generally grants an exemption to other similarly situated utilities, and provided that appropriate vehicle safety markings have been deployed, Grantee's vehicles shall be exempt from parking restrictions of the Village while used in the course of installation, repair and maintenance work on the Cable System. The foregoing shall not apply to fire lanes or designated handicapped parking spaces.

SECTION 3: Construction and Maintenance of the Cable System

3.1. Construction Standards. Except as may be otherwise provided in this Franchise Agreement, Grantee shall comply with all generally applicable provisions of Title 8, Chapter 6, entitled "Construction Of Utility Facilities in Rights Of Way," of the Village Code.

3.2. Aerial and Underground Construction. At the time of Cable System construction, if all of the transmission and distribution facilities of all of the respective public or municipal utilities in any area of the Franchise Area are underground, the Grantee shall place its Cable Systems' transmission and distribution facilities underground, provided that such underground locations are actually capable of accommodating the Grantee's cable and other equipment without jeopardizing the Cable System's ability to comply with signal quality technical standards enforce by the Commission. In any area of the Franchise Area where the transmission or distribution facilities of the respective public or municipal utilities are both aerial and underground, the Grantee shall have the discretion to construct, operate, and maintain all of its transmission and distribution facilities or any part thereof, aerially or underground. Nothing in this Section shall be construed to require the Grantee to construct, operate, or maintain underground any ground-mounted appurtenances such as customer taps, line extenders, system passive devices, amplifiers, power supplies, pedestals, or other related equipment.

3.3. Undergrounding and Beautification Projects.

3.3.1. In the event the Village requires users of the Public Way who operate aerial facilities to relocate such aerial facilities underground, Grantee shall participate in the planning for relocation of its aerial portion of its Cable System contemporaneously with other utilities. Grantee's relocation costs shall be included in any computation of necessary project funding. Grantee shall be entitled to reimbursement of its relocation costs under this Section from public or private funds, or payment in advance from private funds, allocated for the project to the same extent as such funds are made available to other users of the Public Way, if any, provided that any

utility's exercise of authority granted under its tariff to charge consumers for the said utility's cost of the project that are not reimbursed by the Village shall not be considered to be public or private funds.

3.3.2. The Grantee shall not be required to relocate its facilities unless it has been afforded at least sixty (60) days notice of the necessity to relocate its facilities. Upon adequate notice the Grantee shall provide a written estimate of the cost associated with the work necessary to relocate its facilities. In instances where a third party is seeking the relocation of the Grantee's facilities, the Grantee shall not be required to perform the relocation work until it has received payment for the relocation work.

3.4. Restoration of Private Property. The Grantee agrees that the clean-up and restoration requirements described in the Right-of-Way Ordinance shall apply to any damage to private property directly caused by construction in the right-of-way. The time period provided for restoration may be extended a reasonable term by the Director of Public Works or his/her designee for good cause, as determined in his reasonable discretion.

SECTION 4: Service Obligations

4.1. Initial Service Obligations. As of the Effective Date of this Agreement, Grantee's Cable System has been designed to provide, and is capable of providing, Cable Service to residential Customers throughout the Initial Franchise Service Area. The Grantee shall continue to make Cable Service available in the Initial Service Area throughout the term of this Agreement and Grantee shall extend its Cable System and provide service consistent with the provisions of this Franchise Agreement.

4.2. General Service Obligation. The Grantee shall make Cable Service available beyond the Initial Franchise Service Area to every residential dwelling unit within the Franchise Area where the minimum density is at least thirty (30) dwelling units per linear Cable System network mile as measured from the existing Cable System's technically feasible connection point. Subject to the density requirement, Grantee shall offer Cable Service to all new dwelling units or previously unserved dwelling units located within one hundred twenty-five (125) feet of the Grantee's distribution cable (e.g., a Standard Installation).

4.2.1. The Grantee may elect to provide Cable Service to areas not meeting the above density and distance standards as well as areas not covered in the Initial Franchise Service Area. The Grantee may impose an additional charge in excess of its regular installation charge for any service installation requiring a drop or line extension in excess of a Standard Installation. Any such additional charge shall be computed on a time plus materials basis to be calculated on that portion of the installation that exceeds the standards set forth above.

4.3. Intentionally omitted.

4.4. Technical Standards. The Grantee shall comply with all applicable technical standards of the FCC as published in 47 C.F.R., Part 76, Subpart K, as amended from time to time. The Grantee shall cooperate with the Village in conducting inspections related to these standards upon reasonable prior written request from the Village based on Subscriber complaints which reasonably indicate a material problem with the Cable System.

4.5. Annexations and New/Planned Developments. In cases of annexation, the Village shall provide the Grantee written notice of such annexation. In cases of new construction, planned developments or property development where undergrounding or extension of the Cable System is required, the Village shall provide or cause the developer or property owner to provide notice of the same. Such notices shall be provided at the time of notice to all utilities or other like occupants of the Village's Public Way. If advance notice of such annexation, new construction, planned development or property development is not provided, the Grantee shall be allowed an adequate time to prepare, plan and provide a detailed report as to the timeframe for it to construct its facilities and provide the services required under this Franchise Agreement.

4.6. Service to School Buildings and Governmental Facilities.

4.6.1. Service to Public Buildings. The Village and the Grantee acknowledge the provisions of 220 ILCS 5/22-501(f), whereby the Grantee shall provide complimentary Basic Cable Service and a free Standard Installation at one outlet to all eligible buildings as defined in said state statute. "Eligible buildings" include those defined in the aforesaid law and are those buildings owned or leased by units of local government for government administrative purposes, and shall not include buildings owned by Village but leased to non-governmental third parties or buildings such as storage facilities at which government employees are not regularly stationed.

4.6.2. Long Drops. The Grantee may impose an additional charge in excess of its regular installation charge for any service installation requiring a drop or line extension in excess of a Standard Installation. Any such additional charge shall be computed on a time plus materials basis to be calculated on that portion of the installation that exceeds a Standard Installation.

4.7. Emergency Alerts. At all times during the term of this Franchise Agreement, the Grantee shall provide and maintain an "Emergency Alert System" ("EAS") consistent with applicable Federal law and regulation – including 47 C.F.R., Part 11 and the "State of Illinois Emergency Alert System State Plan" – as may be amended from time to time. Should the Village become qualified and authorized to activate the EAS, the Grantee shall provide instructions on the access and use of the EAS by the Village to the Village on an annual basis. The Village agrees to indemnify and hold the Grantee harmless from any damages or penalties arising out of the negligence of the Village, its employees or agents in using such system.

4.8. Customer Service Obligations. The Village and Grantee acknowledge that the customer service standards and customer privacy protections are set forth in the Cable and Video Customer Protection Law, 220 ILCS 5/22-501 *et seq.*, and enforcement provisions are included in Title 3, Chapter 7 of the Municipal Code of the Village of Lincolnshire, Illinois. Enforcement of such requirements and standards and the penalties for non-compliance with such standards shall be consistent with the Cable and Video Customer Protection Law, 220 ILCS 5/22-501 *et seq.*

SECTION 5: Oversight and Regulation by Village

5.1. Franchise Fees. The Grantee shall pay to the Village a Franchise Fee in an amount equal to five percent (5%) of annual Gross Revenues received from the operation of the Cable System to provide Cable Service in the Franchise Area; provided, however, that Grantee shall not be compelled to pay any higher percentage of fees than any other video service provider, under

state authorization or otherwise, providing service in the Franchise Area. The payment of Franchise Fees shall be made on a quarterly basis and shall be due forty-five (45) days after the close of each calendar quarter. If mailed, the Franchise Fee shall be considered paid on the date it is postmarked. Each Franchise Fee payment shall be accompanied by a report prepared by a representative of the Grantee showing the basis for the computation of the franchise fees paid during that period. Any undisputed Franchise Fee payment which remains unpaid in whole or in part, after the date specified herein shall be delinquent. For any delinquent Franchise Fee payments, Grantee shall make such payments including interest at the prime lending rate as quoted by JP Morgan Chase & Company or its successor, computed from time due until paid. Any undisputed overpayments made by the Grantee to the Village shall be credited upon discovery of such overpayment until such time when the full value of such credit has been applied to the Franchise Fee liability otherwise accruing under this Section.

5.1.1. The Parties acknowledge that, at present, the Cable Act limits the Village to collection of a maximum permissible Franchise Fee of five percent (5%) of Gross Revenues. In the event that a change in the Cable Act would allow the Village to increase the Franchise Fee above five percent (5%), and the Village actually proposes to increase the Franchise Fee in exercise of such authority, the Village may amend the Franchise Fee percentage. Following the determination to increase the Franchise Fee and enactment of an ordinance enabling the same, the Village shall notify the Grantee of its intent to collect the increased Franchise Fee, and Grantee shall have a reasonable time (not to be less than ninety (90) days from receipt of notice from the Village) to effectuate any changes necessary to begin the collection of such increased Franchise Fee. In the event that the Village increases said Franchise Fee, the Grantee shall notify its Subscribers of the Village's decision to increase said fee prior to the implementation of the collection of said fee from Subscribers as required by law.

5.1.2. In the event a change in state or federal law requires the Village to reduce the franchise fee percentage that may be collected, the parties agree the Grantee shall reduce the percentage of franchise fees collected to the lower of: i) the maximum permissible franchise fee percentage; or ii) the lowest franchise fee percentage paid by any other Cable Operator granted a Cable Franchise by the Village pursuant to the Cable Act, and Section 11-42-11 of the Illinois Municipal Code; provided that: (a) such amendment is in compliance with the change in state or federal law; (b) the Village approves the amendment by ordinance; and (c) the Village notifies Grantee at least ninety (90) days prior to the effective date of such an amendment.

5.1.3. Taxes Not Included. The Grantee acknowledges and agrees that the term "Franchise Fee" does not include any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and Cable Operators on their services but not including a tax, fee, or assessment which is unduly discriminatory against Cable Operators or Cable Subscribers).

5.2. Franchise Fees Subject to Audit. The Village and Grantee acknowledge that the audit standards are set forth in the Illinois Municipal Code at 65 ILCS 5/11-42-11.05 (Municipal Franchise Fee Review; Requests For Information). Any audit shall be conducted in accordance with generally applicable auditing standards. The Village and Grantee agree that the audit procedures set forth in the Local Government Taxpayer's Bill of Rights Ordinance of the Code,

shall be applicable to any audit of PEG Capital payments provided for in this Franchise Agreement.

5.2.1 In accordance with 65 ILCS 5/11-42-11.05 (k), the Village shall provide on an annual basis, a complete list of addresses within the corporate limits of the Village. If an address is not included in the list or if no list is provided, the Grantee shall be held harmless for any franchise fee underpayments (including penalty and interest) from siting errors.

5.3. Proprietary Information. Notwithstanding anything to the contrary set forth in this Agreement, the Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature, with the exception of the information directly related to an audit of Franchise Fees as set forth in Section 5.2. The Village agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to those employees, representatives, and agents of the Village that have a need to know in order to enforce this Franchise Agreement and who agree to maintain the confidentiality of all such information. For purposes of this Section, the terms “proprietary or confidential” include, but are not limited to, information relating to the Cable System design, customer lists, marketing plans, financial information unrelated to the calculation of Franchise Fees or rates pursuant to FCC rules, or other information that is reasonably determined by the Grantee to be competitively sensitive. Grantee may make proprietary or confidential information available for inspection but not copying or removal by the Franchise Authority’s representative. Grantee shall cooperate in responding to any request made upon the Village under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, to the extent a request includes public records in the custody or control of Grantee and are not considered proprietary or confidential in nature. In the event that the Village has in its possession and receives a request under the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*), or similar law for the disclosure of information the Grantee has designated as confidential, trade secret or proprietary, the Village shall notify Grantee of such request and cooperate with Grantee in opposing such request to the extent permitted by law and at Grantee’s expense. Grantee shall indemnify and defend the Village from and against any claims arising from the Village’s opposition to disclosure of any information Grantee designates as proprietary or confidential. Compliance by the Village with an opinion or directive from the Illinois Public Access Counselor or the Illinois Attorney General under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, or with a decision or order of a court with jurisdiction over the Village, shall not be a violation of this Section.

SECTION 6: Transfer of Cable System or Franchise or Control of Grantee

6.1. Neither the Grantee nor any other Person may assign or transfer the Cable System or the Franchise or sell, assign or transfer the Cable System without the prior written consent of the Village as provided for in Section 617 of the Cable Act, 47 U.S.C. §537, and 47 C.F.R. §76.502, or their respective successor in state or Federal law. A transfer of control of the Grantee is defined as an acquisition of fifty-one percent (51%) or greater ownership interest in Grantee.

6.3. No consent shall be required, however, for (i) a transfer in trust, by mortgage, hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or in the Cable System in order to secure indebtedness, or (ii) a transfer to an entity directly or indirectly owned or controlled by Comcast Corporation.

6.4. The Grantee, and any proposed transferee under this Section 6, shall submit a written application to the Village containing or accompanied by such information as is required in accordance with applicable law and FCC regulations, specifically including a completed Form 394 or its successor, and in compliance with the processes established for transfers under FCC rules and regulations, including Section 617 of the Cable Act, 47 U.S.C. §537 and 47 C.F.R. §76.502. As a condition to granting of any consent, the Village may require the transferee to agree in writing to assume the obligations of the Grantee under this Franchise Agreement.

6.5. Any transfer of control resulting from or after the appointment of a receiver or receivers or trustee or trustees, however denominated, designated to take over and conduct the business of the grantee, whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of a one hundred twenty (120) day period, shall be treated as a transfer of control pursuant to 47 U.S.C. §537 and require the Village's consent thereto in the manner described in Section 6 above.

SECTION 7: Insurance and Indemnity

7.1. Insurance. Throughout the term of this Franchise Agreement, the Grantee shall, at its own cost and expense, maintain such insurance and provide the Village certificates of insurance in accordance with Title 8, Chapter 6 of the Lincolnshire, Illinois Municipal Code.

7.2. Indemnification. The Grantee shall indemnify, defend and hold harmless the Village, its officers, employees, and agents (the "Indemnitees") from and against any injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense (the "Indemnification Events"), arising in the course of the Grantee constructing and operating its Cable System within the Village. The Grantee's obligation with respect to the Indemnitees shall apply to Indemnification Events which may occur during the term of this Agreement, notwithstanding that the claim may be made or action filed subsequent to the termination or expiration of this Agreement. The Village shall give the Grantee timely written notice of its obligation to indemnify and defend the Village after the Village's receipt of a claim or action pursuant to this Section. For purposes of this Section, the word "timely" shall mean within a time period that does not cause prejudice to the respective positions of the Grantee and/or the Village. If the Village elects in its own discretion to employ additional counsel, the costs for such additional counsel for the Village shall be the responsibility of the Village.

7.2.1. The Grantee shall not indemnify the Village for any liabilities, damages, costs or expense resulting from any conduct for which the Indemnitees may be liable under the laws of the State of Illinois.

7.2.2. Nothing herein shall be construed to limit the Grantee's duty to indemnify the Village by reference to the limits of insurance coverage described in this Agreement.

SECTION 8: Public, Educational and Governmental (PEG) Access

8.1. PEG Capacity. Throughout the term of this Franchise Agreement, Grantee shall provide capacity at no charge to the Village for the Village's noncommercial public, educational, and government ("PEG") programming through the Grantee's Cable System consistent with the requirements set forth herein. As of the Effective Date of this Agreement, the Grantee provides one (1) channels (the "Initial Channel") for utilization by the Village. As provided for in paragraphs 8.2A-B below, the Grantee may provide one (1) additional channel (the "Additional Channel") for the Village's non-commercial PEG access programming. Unless otherwise agreed to by the Village and the Grantee to the extent required by applicable law, said Initial Channel shall be carried on the most basic service tier offered by the Grantee.

8.2. Threshold Use Requirement.

A. The Village may request an Additional Channel; provided, however, the Village must demonstrate that the Threshold Use Requirement is satisfied. For the purposes of this Agreement, the term "Threshold Use Requirement" means that the Initial Channel shall be programmed by the Village, or any one presenting programming on the PEG Channel by or through the Village, at least eight (8) hours per day with non-repetitive, locally-produced programming, Monday through Friday for a minimum of six (6) consecutive weeks). The Village shall provide the Grantee with written documentation evidencing that the Threshold Use Requirement has been satisfied. Grantee shall have one hundred twenty (120) days from receipt of the Village's request to provide the Additional Channel. Consistent with applicable law and regulation, the Additional Channel may be located on a digital service tier offered by the Grantee.

B. Once provided pursuant to paragraph A above, the Additional Channel may not be removed or withdrawn by Grantee for the first twelve (12) months following the provision of such Additional Channel. After the twelve (12) month period expires, the Grantee may remove or withdraw the Additional Channel if the Threshold Use Requirement is not being met. Any such removal or withdrawal shall not occur until after Grantee has given the Village written notice that the Threshold Use Requirement for the Initial Channel provided as of the Effective Date of this Agreement is not being satisfied. The Village shall have one hundred twenty (120) days to cure, or take diligent steps toward curing the condition, in which to establish that the Threshold Use Requirement on the Initial Channel is or shall be satisfied.

C. Comcast Access Facility Usage. To the extent the Grantee operates and maintains public access studio facilities and equipment in the metropolitan Chicago area, Grantee agrees that these facilities and equipment will be available to residents of the Village on a first-come, non-discriminatory basis for the production of public access programming consistent with the Grantee's public access rules and procedures. Nothing herein shall be construed to require the Grantee to operate or maintain any public access studios or equipment.

D. Initial Channel Assignment. As of the effective date of this Agreement, the PEG channel described in Section 8.1 above has been assigned by the Grantee to channel number 10 on the basic service tier on the Grantee's Cable System.

E. Relocation. During the term of this Franchise Agreement, if Grantee desires to change the location of a PEG channel from that listed in paragraph D above, the Grantee shall exercise good faith efforts to give the Village at least 90 days' prior notice of such relocation. The Grantee shall cooperate with the Village to notify subscribers of the change in channel number. The foregoing shall not apply to changes that are beyond Grantee's control, such as a television station under federal law requiring carriage on a channel currently used by a PEG channel.

F. Rules and Procedures for Use of PEG Access Channels. The Village shall be responsible for establishing and enforcing rules for the non-commercial use of public, educational and governmental access channels.

G. Editorial Control. Grantee shall not exercise any editorial control over any use of PEG channels except to the extent permitted in 47 U.S.C. §531(e).

8.3 Allocation and Use of PEG Channels.

A. By Village. The PEG channels are, and shall be, operated by the Village, and the Village may at any time allocate or reallocate the usage of the PEG channels among and between different uses and Users.

B. By Grantee. The Village shall adopt rules and procedures under which the Grantee may use the PEG channels for the provision of Video Programming if the PEG channels are not being used for their respective purposes pursuant to Section 611(d) of the Cable Act, 47 U.S.C. §531.

8.4 PEG Signal Quality

A. Quality. Provided PEG signal feeds are delivered by the Village to the designated signal input point without material degradation, the PEG channel delivery system from the designated signal input point shall meet the same technical standards as the remainder of the Cable System set forth in this Agreement.

B. Future Changes. Should the Village determine that it wants to change or upgrade a location in service as of the Effective Date, or establish another location from which public, educational and/or governmental Video Programming is originated, the Village will give the Grantee written notice detailing the change in point of origination. The Grantee agrees to submit a cost estimate to implement the Village's plan within a reasonable period of time, but not later than sixty (60) days. After an agreement to reimburse the Grantee for its expenditure, including but not limited to the application of PEG Capital Fees (as defined below), the Grantee will implement any necessary System changes within a reasonable period of time, but not longer than one hundred twenty (120) days.

8.5 PEG Capital Payments for Equipment and Facilities

A. At its sole discretion, the Village may designate PEG access capital projects to be funded by an external charge (the "PEG Capital Fee"). Village shall send written notice of

the Village's desire for Grantee to collect a PEG Capital Fee of up to thirty-five cents (\$0.35) per customer per month charge to be passed on to each Subscriber pursuant Section 622(g)(2)(C) of the Cable Act (47 U.S.C. §542(g)(2)(C)). The notice shall include a description of the intended utilization of the PEG Capital Fee for PEG Access Channel facilities and/or equipment (the "PEG Capital Plan"). The Grantee shall collect the external charge over a period of time sufficient to accumulate the sum required to finance the PEG Capital Plan, and shall make the PEG capital payments from such sums at the same time and in the same manner as Franchise Fee payments. The capital payments shall be expended for capital costs associated with PEG access. Consistent with the description of the intended utilization of the PEG Capital Fee, the Village shall be permitted to hold all or a portion of the PEG Capital Fee from year to year as a designated fund to permit the Village to make large capital expenditures, if necessary. Moreover, if the Village chooses to borrow from itself or a financial institution revenue for large PEG capital purchases or capital expenditures, the Village shall be permitted to make periodic repayments using the PEG Capital Fee. Said PEG Capital Fee shall be imposed within one hundred twenty days (120) of the Village's written request.

B. For any payments owed by Grantee in accordance with this Section 8.5 which are not made on or before the due dates, Grantee shall make such payments including interest at the prime lending rates as quoted by Chase Bank U.S.A. or its successor, whichever is higher, computed daily from time due until paid. Any undisputed overpayments made by the Grantee to the Village shall be credited upon discovery of such overpayment until such time when the full value of such credit has been applied to the Franchise Fee liability otherwise accruing under this section.

C. Grantee and Village agree that the capital obligations set forth in this Section are not "Franchise Fees" within the meaning of 47 U.S.C. § 542.

SECTION 9: Enforcement of Franchise

9.1 Notice of Violation or Default. In the event the Village believes that the Grantee has not complied with a material term of the Franchise, it shall notify the Grantee in writing with specific details regarding the exact nature of the alleged noncompliance or default.

9.2. Grantee's Right to Cure or Respond. The Grantee shall have thirty (30) days from the receipt of the Village's written notice: (A) to respond to the Village, contesting the assertion of noncompliance or default; or (B) to cure such default; or (C) in the event that, by nature of the default, such default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the Village of the steps being taken and the projected date that the cure will be completed.

9.3. Enforcement. Subject to applicable federal and state law, and following notice and an opportunity to cure and respond pursuant to the provisions of Section 9.2 above, in the event the Village determines that the Grantee is in default of any material provision of the Franchise, the Village may:

9.3.1. seek specific performance of any provision that reasonably lends itself to such remedy or seek other relief available at law, including declaratory or injunctive relief; or

9.3.2. in the case of a substantial or frequent default of a material provision of the Franchise, declare the Franchise Agreement to be revoked in accordance with the following:

(i) The Village shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a substantial or frequent default of a material provision by the Grantee. The notice shall set forth with specificity the substantial or frequent default of a material provision. The Grantee shall have ninety (90) days from the receipt of such notice to object in writing and to state its reasons for such objection. In the event the Village has not received a response from the Grantee or upon receipt of the response does not agree with the Grantee's proposed remedy or in the event that the Grantee has not taken action to cure the default, it may then seek termination of the Franchise at a public hearing. The Village shall cause to be served upon the Grantee, at least ten (10) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to request termination of the Franchise.

(ii) At the designated hearing, the Village shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, after which the Village shall determine whether or not the Franchise shall be terminated. The public hearing shall be on the record and an audio/video recording shall be made. A copy of the recording shall be made available to the Grantee within ten (10) business days. The Grantee may, at its sole expense, arrange for a written transcript of the public hearing. The decision of the Village shall be in writing and shall be delivered to the Grantee in a manner authorized by Section 10.2. The Grantee may appeal such determination to any court with jurisdiction within thirty (30) days after receipt of the Village's decision.

9.4. Remedies Not Exclusive. In addition to the remedies set forth in this Section 9, the Grantee acknowledges the Village's ability pursuant to Section 4.8 of this Franchise Agreement to enforce the requirements and standards, and the penalties for non-compliance with such standards, consistent with the Illinois Cable and Video Customer Protection Law enacted by the Village as Title 3, Chapter 7 of the Lincolnshire Municipal Code; and, pursuant to Section 3.1 of this Franchise Agreement and Title 8, Chapter 6 of the Lincolnshire Municipal Code, to enforce the Grantee's compliance with the Village's requirements regarding "Construction of Utility Facilities in the Rights-Of-Way." Notwithstanding the foregoing, nothing in this Agreement shall be interpreted to permit the Village to exercise such rights and remedies in a manner that permits duplicative recovery from, or payments by, the Grantee. Such remedies may be exercised from time to time and as often and in such order as may be deemed expedient by the Village.

SECTION 10: Miscellaneous Provisions

10.1. Force Majeure. The Grantee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default (including termination, cancellation or revocation of the Franchise), where such noncompliance or alleged defaults occurred or were caused by strike, riot, war, earthquake, flood, tidal wave, unusually severe rain or snow storm, hurricane, tornado or other catastrophic act of nature, labor disputes, failure of utility service necessary to operate the Cable System, governmental, administrative or judicial order or regulation or other event that is reasonably beyond the Grantee's ability to anticipate or control. This provision also covers work delays caused by waiting for utility providers to service or monitor their own utility poles on which the Grantee's cable or equipment is attached, as well as unavailability of materials or qualified labor to perform the work necessary. Non-compliance or default shall be corrected within a reasonable amount of time after force majeure has ceased.

10.2. Notice. Any notification that requires a response or action from a party to this franchise within a specific time-frame, or that would trigger a timeline that would affect one or both parties' rights under this franchise, shall be in writing and shall be sufficiently given and served upon the other party by (a) hand delivery, (b) first class mail, registered or certified, return receipt requested, postage prepaid, or (c) reputable overnight courier service and addressed as follows:

To the Village:

Village of Lincolnshire
One Olde Half Day Road
Lincolnshire, Illinois 60069
ATTN: Village Manager

To the Grantee:

Comcast
1500 McConnor Parkway
Schaumburg, Illinois, 60173
ATTN: Director of Government Affairs

Recognizing the widespread usage and acceptance of electronic forms of communication, emails and faxes will be acceptable as formal notification related to the conduct of general business amongst the parties to this contract, including but not limited to programming and price adjustment communications. Such communication should be addressed and directed to the person of record as specified above. Either party may change its address and addressee for notice by notice to the other party under this Section.

10.3. Entire Agreement. This Franchise Agreement embodies the entire understanding and agreement of the Village and the Grantee with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and communications, whether written or oral, and there are no representations or agreements among the parties except as specifically set forth in this Agreement. Except for ordinances adopted pursuant to Sections 2.4 and 2.5 of this Agreement, all ordinances or parts of ordinances related to the provision of Cable Service that are in conflict with or otherwise impose obligations different from the provisions of this Franchise Agreement are superseded by this Franchise Agreement.

10.3.1. The Village may adopt a cable television/video service provider regulatory ordinance that complies with applicable law, provided the provisions of any such ordinance

adopted subsequent to the Effective Date of this Franchise Agreement shall not apply to the Grantee during the term of this Franchise Agreement.

10.4. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Franchise Agreement is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect. In the event any provision hereof is nonetheless found by a final, non-appealable judicial order to be invalid or unenforceable in the manner in which it is applied or implemented by the parties hereto, the parties agree that the change in interpretation and performance of this Agreement shall be solely prospective from the effective date of the order and shall not give rise to any retroactive claims for a party's actions in reliance on this Agreement preceding the date of such order unless such order clearly addresses the retroactive and prospective application of such order. If any material provision of this Agreement is made or found to be unenforceable by such a binding and final decision, either party may notify the other in writing that the Franchise has been materially altered by the finding of unenforceability and elect to begin the franchise renewal process provided by the Cable Act, 47 U.S.C. § 546, with the franchise expiring thirty-six (36) months from the date of service of the written notice.

10.5. Governing Law. This Franchise Agreement shall be deemed to be executed in the State of Illinois, and shall be governed in all respects, including validity, interpretation and effect, and construed in accordance with, the laws of the State of Illinois and/or Federal law, as applicable.

10.6. Venue. Except as to any matter within the jurisdiction of the federal courts or the FCC, all judicial actions relating to any interpretation, enforcement, dispute resolution or any other aspect of this Agreement shall be brought in the Circuit Court of the State of Illinois, Lake County, Illinois. Any matter brought pursuant to the jurisdiction of the federal court shall be brought in the United States District Court of the Northern District of Illinois.

10.7. Modification. Except as provided in Sections 5.1.1 and 5.1.2, no provision of this Franchise Agreement shall be amended or otherwise modified, in whole or in part, except by an instrument, in writing, duly executed by the Village and the Grantee, which amendment shall be authorized on behalf of the Village through the adoption of an appropriate ordinance or resolution by the Village, as required by applicable law.

10.8. No Third-Party Beneficiaries. Nothing in this Franchise Agreement is intended to confer third-party beneficiary status on any person, individual, corporation or member of the public not a signatory to this Agreement to enforce the terms of this Franchise Agreement.

10.9. No Waiver of Rights. Nothing in this Franchise Agreement shall be construed as a waiver of any rights, substantive or procedural, that the Village or Grantee may have under Federal or state law unless such waiver is expressly stated herein.

10.10. Village's Contract Rights; Exercise of Home Rule Authority. The parties hereby acknowledge and agree that the Village's execution and enforcement of this Agreement, and the grant of such benefits given to the Grantee in consideration for the same, are an exercise of the

Village's home rule authority to enter into contracts having a bearing on the local government and affairs

10.11. Authority to Sign Agreement. Grantee warrants to the Village that it is authorized to execute, deliver and perform this Franchise Agreement. The individual signing this Franchise Agreement on behalf of the Grantee warrants to the Village that s/he is authorized to execute this Franchise Agreement in the name of the Grantee.

IN WITNESS WHEREOF, this Franchise Agreement has been executed by the duly authorized representatives of the parties as set forth below, as of the date set forth below:

For the Village of Lincolnshire:

For Comcast of California/Illinois, LLC:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

4824-1073-4720, v. 2



**Agenda Item
3.24 COW**

**REQUEST FOR BOARD ACTION
Committee of the Whole Meeting
November 26, 2018**

Subject: Senior Citizen Property Tax Relief Grant Program – Sunset Provision

Action Requested: Consideration of an Ordinance Amending Title 1 (Administration), Chapter 9 (Senior Citizen Property Tax Relief) of the Lincolnshire Village Code (Village of Lincolnshire)

**Originated
By/Contact:** Brad Burke, Village Manager
Ben Gilbertson, Assistant Village Manager/CED Director

Referred To: Mayor and Village Board of Trustees

Summary / Background:

During the Special Committee of the Whole workshops held for the Fiscal Year 2019 (FY19) budget, the Village Board (Board) reviewed and discussed historical participation in the Senior Citizen Property Tax Relief Grant Program. In 2017 and 2018, the Village budgeted \$5,000 for potential reimbursement of the Village's portion of the property tax bill to qualifying senior citizen homeowners. This program has existed since 1979 and was approved by the Board to assist senior citizens in mitigating the impacts of inflation during the previous decade. According to the Bureau of Labor Statistics, the United States inflation rate between 1969 and 1979 was 92%. For comparison, the U.S. inflation rate between 2008 and 2018 is 17%.

During the FY19 budget workshops, the Board reviewed refund data between 2011 and 2018. During that time, the average refund per household was \$231.03 with the Village paying an average of \$4,601.51 in cumulative refunds each year. Based on this data, as well as estimated home values of 2018 grant applicants, it was the consensus of the Board to "sunset" program participation for FY2019 and beyond for only those homeowners who apply for the program by the end of 2018 (i.e., their participation would be "grandfathered" into future years). Staff has prepared an ordinance and corresponding text amendments to Title 1, Chapter 9 of the Village code that would effectuate this change as of December 31, 2018.

Recommendation:

Consideration of the ordinance regarding the proposed text amendments and placement on the December 10, 2018 consent agenda for approval.

Reports and Documents Attached:

- An Ordinance Amending Title 1 (Administration), Chapter 9 (Senior Citizen Property Tax Relief) of the Lincolnshire Village Code to Add a Sunset Provision

Meeting History	
Special Committee of the Whole Budget Discussion & Workshops	October 29, 2018 November 1, 2018
Committee of the Whole Meeting:	November 26, 2018
Regular Village Board Meeting:	December 10, 2018

ORDINANCE NO. 18-XXXX-XXX**AN ORDINANCE AMENDING TITLE 1 (ADMINISTRATION), CHAPTER 9 (SENIOR CITIZEN PROPERTY TAX RELIEF) OF THE LINCOLNSHIRE VILLAGE CODE TO ADD A SUNSET PROVISION**

WHEREAS, the Village of Lincolnshire, Lake County, Illinois (the "Village"), an Illinois home rule municipal corporation, has the authority to adopt ordinances and promulgate rules and regulations that pertain to its government and affairs, including the ability to levy taxes and provide aid in the form of tax relief to its citizens; and

WHEREAS, in response to the negative impact and influence of inflation experienced by Village homeowners in the then recent years, the Village adopted Ordinance No. 79-561-08 on March 13, 1979, creating the senior citizen property tax relief grant program; and

WHEREAS, the Village Board does not deem current economic conditions necessary to continue this program for persons not already enrolled in the program or having submitted an application by December 31, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lincolnshire, Lake County, Illinois as follows:

SECTION ONE: This ordinance is enacted pursuant to the home rule powers of the Village of Lincolnshire.

SECTION TWO: The foregoing recitals are incorporated into this Ordinance as the findings of the Mayor and Board of Trustees.

SECTION THREE: That Title 1, Section 9 of the Lincolnshire Village Code under the title "Senior Citizen Property Tax Relief" shall be revised as reflected in Exhibit A attached to this ordinance [added or amended text **bolded and double underlined**; deleted text ~~struck through~~].

SECTION FOUR: This ordinance shall be in full force and effect forthwith upon its adoption.

ADOPTED this _____ day of December, _____ by a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of December, _____.

Elizabeth J. Brandt, Mayor

ATTEST:

Barbara Mastandrea, Village Clerk

Exhibit A

CHAPTER 9 SENIOR CITIZEN PROPERTY TAX RELIEF

SECTION:

- 1-9-1: **Definitions**
- 1-9-2: **Relief Grant to Senior Citizens**
- 1-9-3: **Application for Grant**
- 1-9-4: **Decision on Award of Grant**
- 1-9-5: **Confidentiality of Records**
- 1-9-6: **Recovery of False Claims; interest**
- 1-9-7: **Sunset Clause**

1-9-1: **DEFINITIONS:**

HOUSEHOLD A senior citizen hereunder or a senior citizen and his spouse living together in the same residence, regardless of whether other family members also reside therein.

HOUSEHOLD INCOME The combined income of the members of a household.

INCOME Adjusted gross income, properly reportable for Federal income tax purposes under the provisions of the U.S. Internal Revenue Code, modified by adding thereto the sum of the following amounts to the extent deducted or excluded from gross income in the computation of adjusted gross income: An amount equal to all amounts paid or accrued as interest or dividends during the taxable year;

- B. An amount equal to fifty percent (50%) of the excess of net long-term capital gain over the net short-term capital loss for the taxable year.
- C. An amount equal to all amounts received during the taxable year as an annuity under an annuity, endowment or life insurance contract or under any other contract or agreement.
- D. An amount equal to all amounts received as income from tax exempt obligations of Federal, State or local governments or governmental agencies and any other tax exempt income under the U.S. Internal Revenue Code.

- E. An amount equal to the amount of benefits paid under the Federal Social Security Act during the taxable year.
- F. An amount equal to the amount of benefits paid under the Railroad Retirement Act during the taxable year.
- G. An amount equal to the total amount of cash public assistance payments received from any governmental agency during the taxable year.
- H. An amount equal to the amount of unemployment compensation benefits received during the taxable year.

**REAL ESTATE
PROPERTY TAX**

Ad valorem real estate property taxes levied against a residence, but does not include special assessments, interest or water and sewer and other user charges.

RESIDENCE

The principal dwelling place in the Village occupied by a senior citizen or senior citizen's household, and includes single-family homes and personally owned apartment, townhouse and condominium units, but not apartment, townhouse and condominium buildings. (Ord. 79-561-8)

SENIOR CITIZEN

Any individual who is:

- A. The owner of and residing in a single family residence or individual apartment, condominium, or townhome unit in the Village upon which he or she is legally obligated to pay real estate property taxes.
- B. Of the age of sixty-five (65) years or older. (Ord. 82-701-8)
- C. Whose household income as defined herein does not exceed the total maximum social security benefits allowed to be collected. (Ord. 97-1490-14, eff. 5/12/97)

- 1-9-2: RELIEF GRANT TO SENIOR CITIZENS:** Any senior citizen, as defined herein, whose household is liable for payment of real estate property taxes is entitled to a grant pursuant to this Section, which grant will be in an amount equal to that portion of his or her real estate property tax which was levied by and on behalf of the Village. If the senior citizen has resided in the residence being taxed for less than the full year in the applicable taxable

year, he or she shall be entitled to a grant prorated on the basis of one-twelfth (1/12) of the total for each month or portion of a month that he or she owned and occupied that residence.

- 1-9-3: APPLICATION FOR GRANT:** Each senior citizen entitled to a grant hereunder shall file an application for such grant with the Village Manager or his/her designee on a form to be provided **to** the Village by December 31st of the year after the year of the applicable real estate property tax levy (e.g. December 31, **2018** for a grant to apply against the **2017** real estate property tax levy). Such application shall be accompanied by a signed copy of the applicant's real estate property tax bill for the year for which the grant is sought and the applicant's completed personal U.S. Income Tax Return for the taxable year (**2017** Personal Income Tax Return if seeking a grant against the **2017** real estate property tax levy), and such accompanying documents as may be requested by the Village to prove entitlement to the grant, including, but not necessarily limited to, a personal affidavit regarding income received by the senior citizen and his or her spouse which is not reported on said personal Income Tax Return. If the senior citizen and his or her spouse file separate Income Tax Returns, both such returns shall accompany the application and both may be required to submit additional information as aforesaid.

The right to file an application and receive a grant hereunder shall be personal to the applicant and shall not survive the applicant's death, but such right may be exercised on behalf of the applicant by the applicant's legal guardian or custodian or attorney-in-fact; provided, however, if an applicant dies after having filed a timely claim, and said applicant is survived by his or her spouse, then the grant shall be paid to such spouse **if such spouse is also a senior citizen.**

Only one member of a household may file an application and receive a grant hereunder. While both members of a household are otherwise entitled to a grant, they must agree as to which of them will file an application.

- 1-9-4: DECISION ON AWARD OF GRANT:** Upon receipt of a timely filed application and all accompanying documentation as may be required, the Village Manager or his/her designee shall, as soon as practical thereafter, determine whether the applicant is a person entitled to a grant under this Section. If the Village Manager determines that the applicant is entitled to a grant hereunder, he/she shall submit recommendation that the grant be made to the Village Board for final approval and payment.

If the Village Manager determines that the applicant is not so entitled to receive a grant hereunder, he/she shall so notify the applicant in writing and the applicant shall have ten (10) days after receipt of such notice to appeal such determination to the Village Board. Such appeal shall be deemed

properly made by filing a written statement with the Village Clerk within said ten (10) day period, which statement shall include a statement of the reasons upon which the appeal is based, including a statement of any errors alleged to have been made by the Village Manager. As soon as practicable after such appeal is filed, the Village Board shall consider such appeal and make a final determination based upon the written documents submitted by the Village Manager and the applicant. There shall be no oral presentation of such appeal except as may be permitted by the Village Board. If an oral presentation is permitted, both the Village Manager and the applicant will be entitled to participate therein.

The decision of the Village Board shall be final, and there shall be no recourse in either a court of law or otherwise. The decision of the Village Board shall be non-reviewable, and no applicant shall be entitled to a grant hereunder if the applicant or his/her spouse files a lawsuit to obtain a grant hereunder, or to claim any other violation of this Section, it being specifically the intent of the Village Board that this Section would not have been adopted if such prohibition against review of the decision of the Village Board in a court of law is unconstitutional or void, such prohibition being non-severable.

- 1-9-5: CONFIDENTIALITY OF RECORDS:** All records and documents filed with the Village under this Section, or obtained from any investigation conducted hereunder, shall be confidential, except for use for official Village purposes or as may be provided by any law specifically applicable to home rule municipalities as a limit on such home rule municipality's authority.

Nothing contained herein shall prevent the Village from publishing or making available reasonable, in the discretion of the Village, statistics concerning the operation of this grant program provided that it is published or made available in a manner so that no individual grant or claim is disclosed.

- 1-9-6: RECOVERY OF FALSE CLAIMS; INTEREST:** The Village may recover from any claimant any amount paid under this Section on account of an erroneous, false or fraudulent claim, together with interest thereon at twelve percent (12%). (Ord. 79-561-8)

- 1-9-7: SUNSET CLAUSE: Any person not already enrolled or having submitted a grant application by December 31, 2018 shall not be eligible to submit future grant applications nor receive grants within the definitions of this program. For the purpose of this sunset provision, any person who has not filed a grant application within the preceding two (2) years shall not be considered enrolled in the grant program or eligible to apply for a new grant. Furthermore, if a senior citizen skips an application year, such senior citizen shall no longer be eligible to apply for a new grant.**