



# VILLAGE OF LINCOLNSHIRE

## **AGENDA COMMITTEE OF THE WHOLE Virtual Meeting Monday, August 24, 2020 Following Regular Village Board**

*This meeting will be conducted by audio or video conference without a quorum of the public body physically present because of a disaster declaration related to COVID-19 public health concerns affecting the Village of Lincolnshire. The Mayor determined that an in-person meeting at the Village Hall with all participants is not practical or prudent because of the disaster.*

### **PUBLIC REMOTE PARTICIPATION OPTIONS**

#### **• View/Listen**

- Watch live on Cable Channel 10 or <https://global.gotomeeting.com/install/151062269>.
- Listen live via phone 408-650-3123 (Access Code = 151-062-269).
- Meetings posted to [www.lincolnshireil.gov/government/about/agendas-minutes-packets-video](http://www.lincolnshireil.gov/government/about/agendas-minutes-packets-video) the day after meeting.

#### **• Public Comment – Items Not Requiring a Public Hearing**

- Call 847-913-2312 to leave a voicemail message with your comment by 5:00 p.m. on Monday, August 24, 2020. For members of the public leaving voicemails, the voicemails must be:
  - Articulate and audibly comprehensible.
  - Inclusive of the commenter's name, organization/agency being represented, address (street, city, state), phone number, and the topic or agenda item number the commenter is addressing.
  - No more than two minutes in length.
  - Free of any abusive or obscene language.
- Email your comment to [VOLPublicComment@lincolnshireil.gov](mailto:VOLPublicComment@lincolnshireil.gov) by 5:00 p.m. on Monday, August 24, 2020. You may also submit a letter by dropping it off in the Village Hall vestibule or mailing it via the United States Postal Service. For members of the public submitting comment via email or letter, the written notice must be:
  - Typed or written legibly.
  - Inclusive of the commenter's name, organization/agency being represented, address (street, city, state), phone number, and the topic or agenda item number the commenter is addressing.
  - No more than 200 words in length.
  - Free of any abusive or obscene language.
- Comments received before the meeting will be read concurrent with respective agenda item. Comments may be sent to the [VOLPublicComment@lincolnshireil.gov](mailto:VOLPublicComment@lincolnshireil.gov) email address during the meeting, but it is not guaranteed they will be read until the end of the meeting.

## **CALL TO ORDER**

### **1.0 ROLL CALL**

### **2.0 ITEMS OF GENERAL BUSINESS**

#### **2.1 Planning, Zoning and Land Use**

2.11 Consideration of an Ordinance Amending Title 1 (Administration), Chapter 8 (Village Finances), Chapter 10 (Annexation Procedures), and Chapter 15 (Comprehensive Fee Schedule) of the Lincolnshire Village Code Regarding Planning/Application/Escrow Fees and Annexation Procedures (Village of Lincolnshire)

2.12 Consideration of an Ordinance Regarding Text Amendments to Chapters 2 (Zoning Definitions) and Chapter 3 (General Zoning Regulations) of Title 6 (Zoning of the Lincolnshire Village Code to Define and Regulate Massage Businesses as Special Accessory Uses (Village of Lincolnshire)

2.13 Consideration of 2020 Fall Special Events (Village of Lincolnshire)

#### **2.2 Finance and Administration**

2.21 Consideration of Staff Report regarding Potential Storm Water Utility Fee (Village of Lincolnshire)

#### **2.3 Public Works**

2.31 Consideration of Approval of a Contract with American Underground at a Cost not to Exceed \$60,461.56 for the 2020 Sanitary and Storm Sewer Cleaning and Televising Project (Village of Lincolnshire)

#### **2.4 Public Safety**

2.41 Consideration of a Resolution Approving an Agreement Pertaining to the Regulation of Traffic and Parking at 400, 450, 405, 425 and 445 South Village Green (Village Place Condominiums & Village Green of Lincolnshire Condominium Association)

#### **2.5 Parks and Recreation**

#### **2.6 Judiciary and Personnel**

### **3.0 UNFINISHED BUSINESS**

### **4.0 NEW BUSINESS**

### **5.0 EXECUTIVE SESSION**

### **6.0 ADJOURNMENT**

*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.*



**ITEM SUMMARY**

<b>Reviewing Body / Meeting Date</b>	Committee of the Whole – August 24, 2020
<b>Subject:</b>	Planning Application/Escrow Fees and Annexation Procedures
<b>Action Requested (Address – Petitioner):</b>	Consideration of an Ordinance Amending Title 1 (Administration), Chapter 8 (Village Finances), Chapter 10 (Annexation Procedures), and Chapter 15 (Comprehensive Fee Schedule) of the Lincolnshire Village Code regarding Planning Application/Escrow Fees and Annexation Procedures (Village of Lincolnshire)
<b>Prepared By:</b>	Carol Lustig – Administrative Assistant Tonya Zozulya – Planning & Development Manager Ben Gilbertson – Assistant Village Manager/Community & Economic Development Director
<b>Staff Recommendation:</b>	Placement on the September 14, 2020 Regular Village Board agenda for approval
<b>Meeting History:</b>	<a href="#">Committee of the Whole – July 13, 2020</a>
<b>Tentative Meeting Schedule:</b>	Regular Village Board – September 14, 2020
<b>Reports / Documents Attached:</b>	<ol style="list-style-type: none"> <li>1) A draft ordinance amending Title 1 (Administration), Chapter 8 (Village Finances), Chapter 10 (Annexation Procedures), and Chapter 15 (Comprehensive Fee Schedule) of the Lincolnshire Village Code regarding planning application/escrow fees and annexation procedures, prepared by the Village Attorney</li> <li>2) Redlined Title 1 (Administration), Chapter 8 (Village Finances)</li> <li>3) Redlined Title 1 (Administration), Chapter 10 (Annexation Procedures)</li> <li>4) Redlined Title 1 (Administration), Chapter 15 (Comprehensive Fee Schedule) of the Lincolnshire Village Code regarding application fees</li> <li>5) Current and proposed planning/zoning application fees in Lincolnshire &amp; surrounding communities</li> <li>6) July 13, 2020, Committee of the Whole meeting minutes.</li> </ol>

**Background**

On July 13, 2020, staff presented research and recommendations regarding planning/zoning application and escrow fees during the Committee of the Whole meeting. The Village Board (“Board”) was in favor of establishing a new escrow administrative fee (to cover costs of staff time creating and managing escrow accounts) and adding certain new fees to reflect current review procedures. The Board was not in favor of automatic annual fee increases and wanted the ability to review fees on a regular basis. Staff also discussed the process and procedures for escrow charges and recommended expanding escrow charges to include all in-house planning, building, engineering, and forestry reviews for all planning and zoning applications. Some trustees had concerns about escrow fee increases and directed staff to conduct further review and bring back additional recommendations.



**Summary of Revisions**

**Chapter 8 – Village Finances**

Based on feedback from the Village Board and per the recommendation of the Village Attorney, staff proposes to clarify the Village’s third-party fee reimbursement for planning, building, engineering, and forestry reviews via applicant’s escrow accounts. However, the proposal no longer includes the expansion of in-house escrow fees related to engineering, forestry review or other services. The proposed code changes clarify the only in-house escrow fee applies to staff time for the preparation of Village Board and advisory board reports. This recommendation is based on further discussion with the Village Attorney and avoiding a potential challenge for application fee and escrow charges being viewed as “double billing” services typically provided during the development review process.

The proposed escrow account administrative fee, which was discussed at the July 13 Committee of the Whole meeting, is also included in the amended versions of Chapter 8 and Chapter 15.

**Chapter 10 – Annexation Procedures**

Following the July 13 Committee of the Whole meeting, the Village Attorney recommended cleanup of Chapter 10 (Annexation Procedures) to reword “pre-annexation agreement” to “annexation agreement” to use a more accurate term, resulting in the removal of the pre-application fee from Chapter 10 and Chapter 15 (Comprehensive Fee Schedule). Another proposed change is the timeframe for the payment of annexation fees following Village Board approvals from 30 days to 7 days, and to state the fee is due prior to the annexation ordinance being recorded to ensure more timely payment.

**Chapter 15 – Comprehensive Fee Schedule**

As mentioned above, staff no longer recommends the expansion of in-house escrow fees per direction from the Village Attorney. Instead, staff proposes increasing application fees for certain applications to offset administrative costs associated with the processing of development applications, based on Lincolnshire’s fees being lower than the majority of surrounding communities (see survey attached). The proposed increase amounts, percentages, as well as current and proposed ranking are shown in Table 1 below:

**Table 1: Lincolnshire’s Current & Proposed Application Fees**

<b>Application Fee</b>	<b>Existing Fee</b>	<b>Proposed Fee</b>	<b>% Increase</b>
New Special Use (SU)	\$500	\$750	50%
Minor SU Amendment	N/A	\$250	N/A
Major SU Amendment	N/A	\$500	N/A
Zoning Variance	\$250	\$500	100%
Zoning Map Amendment (Rezoning)	\$500	\$750	50%
Zoning Text Amendment	\$500	\$750	50%
Annexation (per acre)	\$500	\$500	0%
Pre-Annexation Agreement (to be removed)	\$500	N/A	N/A
Appeals	\$100	\$250	150%
ARB Minor	\$250	\$250	0%
ARB Major	\$500/structure	\$500/structure	0%
New Planned Unit Development (PUD)	\$2,000	\$2,000	0%
Minor PUD Amendment	N/A	\$250	N/A
Major PUD Amendment	N/A	\$500	N/A
Site Plan Review (to be changed to “Development Review Team Review”)	\$50/acre (\$150 min; \$2,500 max)	\$100/acre (\$2,500 max)	100%
Sign Variance	\$250	\$500	100%
Subdivision	\$1,000 + \$1,300/acre	\$1,000 + \$1,300/acre	0%



Staff also proposes incorporating a new requirement to charge a one-time supplemental application fee equal to the original fee if an applicant exceeds two staff reviews or board meetings at any point during the review and approval process. The ability to charge this fee is intended to encourage quality submittals, motivate applicants to be responsive to staff's feedback, and offset staff time.

**Staff Recommendation / Next Steps**

If the proposed revisions are acceptable to the Village Board, staff recommends placing the ordinance for approval at the September 14, 2020, Regular Village Board meeting.

**VILLAGE OF LINCOLNSHIRE  
LAKE COUNTY, ILLINOIS**

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 1, CHAPTERS 8, 10 AND 15  
OF THE LINCOLNSHIRE VILLAGE CODE**

**WHEREAS**, the Village of Lincolnshire (hereinafter, the “Village”), is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970; and

**WHEREAS**, the Village of Lincolnshire has adopted certain regulations in Title 1 of the Lincolnshire Village Code related to the reimbursement of out-of-pocket expenses made for the benefit of land use applicants, the annexation of new territory, and to establish a comprehensive fee schedule; and

**WHEREAS**, the Mayor and Board of Trustees desire to update and revise the aforesaid regulations to ensure they remain equitable and that regulatory fees and charges rationally relate to the cost of administering and enforcing the Village ordinances.

**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. RECITALS.** The foregoing recitals represent the purpose and intent of this Ordinance and as such shall be incorporated as though fully set forth herein. In the event of any ambiguity or invalidity regarding the enforcement of this ordinance it is the intent of the corporate authorities that this ordinance be liberally construed or reformed to accomplish the purpose and intent so described.

**SECTION 2. AMENDMENTS TO TITLE 1.** All amendments described below are presented in redline format, where revisions are shown in red font, underlined material is added and stricken material is deleted.

A. Title 1, Chapter 8, Article D of the Village Code is hereby revised in the manner described in Exhibit A, attached hereto and incorporated by reference.

B. Title 1, Chapter 10 of the Village Code is hereby revised in the manner described in Exhibit B, attached hereto and incorporated by reference.

C. Title 1, Chapter 15 of the Village Code is hereby revised in the manner described in Exhibit C, attached hereto and incorporated by reference.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the Corporate Authorities of the Village of Lincolnshire on a roll call vote as follows:

**AYES:**

**NAYS:**

**ABSENT:**

**APPROVED** This \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Elizabeth J. Brandt, Mayor

**ATTEST:**

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Barbara Mastandrea, Village Clerk

Published in pamphlet form this \_\_\_\_\_ Day  
of \_\_\_\_\_, 2020 by the authority of the  
Village Board of the Village of Lincolnshire,  
Lake County, Illinois.

**EXHIBIT A**  
**TITLE 1, CHAPTER 8, ARTICLE D**  
**REIMBURSEMENT OF VILLAGE EXPENSES**

**EXHIBIT B**  
**TITLE 1, CHAPTER 10**  
**ANNEXATION PROCEDURES**

**EXHIBIT C**  
**TITLE 1, CHAPTER 15**  
**COMPREHENSIVE FEE SCHEDULE**

**CHAPTER 8  
VILLAGE FINANCE  
ARTICLE D. REIMBURSEMENT OF VILLAGE EXPENSES**

**SECTION:**

**1-8D-1: Developers Fees and Charges**

**1-8D-2: Late Payments**

**1-8D-1: DEVELOPERS FEES AND CHARGES:**

In connection with all ~~petitions and~~ applications for building permits and reviews under Titles 5, 6, 7, 12 and 13 of the Village Code, annexation, rezoning, special use permits, variations and plats of subdivision, the owner and developer shall reimburse the Village for all actual expenses incurred by the Village, including expenses incurred for third-party legal, engineering, planning, building, and forestry reviews and for in-house staff time as liaison for the Village Board and advisory boards. The Village shall also collect an Escrow Administrative fee, as established in the Comprehensive Fee Schedule set forth as described in Chapter 15 of Title 1 of this Code, for the administration of the owner's or developer's escrow account related to each application. The Village Manager or his designee may require each Village consultant to submit a budget estimate in advance indicating projected review costs. The Village Manager or his designee shall invoice the owner and developer for an estimated amount prior to directing that work proceed on such reviews. If the actual cost for such reviews exceeds the budgeted amounts, the owner and developer shall reimburse the Village for such excess, and if the actual cost is less than such budget estimates, the Village will reimburse the owner and developer for the difference. In the event the actual costs for such reviews exceeds the budgeted amounts and a good faith estimate of the remaining costs exceeds Five Hundred Dollars (\$500), the Village Manager or his designee may require an additional deposit equal to the additional estimate of remaining costs. ~~(Amd. Ord. 07-2981-09, eff. 4/23/07)~~

**1-8D-2: LATE PAYMENTS:**

Whenever under any of the codes or ordinances of this Village, or otherwise, any person becomes indebted to this Village and the Village has rendered an invoice or bill to such person for such indebtedness or the person has been required to pay a fine and the same has not been paid within thirty (30) days after rendition of such invoice, bill or judgment, such indebtedness due shall be deemed and is hereby declared to be delinquent and simple interest equal to two percent (2%) per month of the principal amount due shall be added to such indebtedness. Such additional amount shall continue to accrue and accumulate until the full indebtedness (both the original indebtedness and such simple interest) is paid in full. The final amount of such interest shall be computed to and including the date of payment in full. Provided, however, the provisions of this Section shall not apply to delinquent water and sewer use bills which shall continue to be governed by the separate code provisions regarding late payment of such bills. (Amd. Ord. 07-3004-32, eff. 10/8/07)

In the event an individual or entity is in default to the Village for the reimbursement of any or all of the fees and charges provided for in this Chapter 8, any such developer shall not be entitled to the issuance of any building permits, real estate transfer tax stamps, certificates of occupancy, permits or licenses of any kind whatsoever by the Village while any such default remains. (Ord. 81-634-37, Amd. Ord. 92-1260-38 eff. 8/10/92)

CHAPTER 10  
ANNEXATION PROCEDURES

SECTION:

- 1-10-1: Petition for Annexation
- 1-10-2: Annexation Fees
- 1-10-3: Notices
- 1-10-4: Pre-Annexation Agreements
- 1-10-5: Approval of Plat of Annexation

**1-10-1:** **VOLUNTARY PETITION FOR ANNEXATION:** Anyone desiring to annex territory contiguous to the corporate boundaries of the Village shall file with the Village Clerk a legally sufficient petition for annexation as provided by law. Such petition will be reviewed by the Village to determine its adequacy, including whether such territory is, in fact, contiguous to the Village and whether the form of petition meets with all legal requirements. If the owner of record of said territory is a land trust, the petitioner will comply with the land trust disclosure ordinance of the Village<sup>1</sup> by filing concurrently with the petition for annexation an appropriate land trust disclosure statement. Attached to said petition for annexation shall be a plat of annexation covering the territory involved in said annexation. If such petition is found to be in satisfactory form, it shall be then transmitted to the Village Board.

**1-10-2:** **ANNEXATION FEES:** For any annexation of territory to the Village there shall be charged a fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Such fee shall be due and payable no later than ~~seventy~~ thirty (30) days after the adoption of an annexation ordinance of the territory by the Village, but before the recording of said ordinance. Such fee shall not be applicable to involuntary annexations.

**1-10-3:** **NOTICES:** ~~Repealed Ord. 93-1279-09 eff. 3/8/93~~ Prior to enacting any annexation ordinance, the Village shall deliver all notices required by law in Article 7 of the Illinois Municipal Code, or any successor thereto.

**1-10-4:** **ALTERNATIVE ANNEXATION PROCEDURES:** The Village may exercise any alternate and additional authority provided by law to annex new territory and is not limited to the procedure described in Section 1-10-1.

**1-10-5:** **PRE-ANNEXATION AGREEMENTS:** If the territory which is the subject matter of a petition for annexation ~~either under section 7-1-8 of the Illinois Municipal Code or other applicable sections of the Illinois Municipal Code,~~ is proposed to be annexed pursuant to a pre-annexation agreement under sections 11-15.1-1 et seq. of the Illinois Municipal Code, an additional petition must be filed proposing said preannexation agreement, ~~which petition shall be accompanied by~~

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1 See Chapter 12 of this Title

~~an additional filing fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.~~ Such petition shall be made in triplicate, shall be in such form and accompanied by such information as shall be prescribed by the Village from time to time, but shall in any event include the following:

- A. The petitioner's name, address and interest in the petition, and the name, address and interest of every person represented by the petitioner in the petition.
- B. A draft of the proposed ~~pre~~-annexation agreement.
- C. A statement containing all the circumstances, factors and arguments that the petitioner offers in support of the proposed agreement.

Such petition for ~~an pre~~-annexation agreement will be filed with the Village Manager, or his designee, who will conduct a thorough review and study of the proposed ~~pre~~-annexation agreement, make his recommendations regarding modifications of the same, if any, and otherwise report all relevant factors and circumstances to the Village Board. The Village Manager, or his ~~her~~ designee, shall consult with the heads of the Village Departments and Village Attorney as he deems desirable or necessary in connection with said ~~pre~~-annexation agreement. All costs incurred by the Village in relation to review of the ~~pre~~-annexation agreement shall be subject to reimbursement under the terms of ~~pre-annexation agreement~~. Section 1-8D-1 of this Code (Ord. 75-367-17; amd. Ord. 93-1279-09 eff. 3/8/93)

**~~1-10-65:~~ APPROVAL OF PLAT OF ANNEXATION:** The Village Board shall upon motion and majority vote, approve the annexation of any property and authorize the Mayor and Village Clerk to sign the original tracing. The certificate shall be in the following form: (Ord. Amd. 98-1541-03, eff. 2/9/98)

*Approved by the Mayor and Board of Trustees of the Village of Lincolnshire at a meeting held*

\_\_\_\_\_  
*Mayor*

\_\_\_\_\_  
*Village Clerk*

**TITLE 1: ADMINISTRATION  
CHAPTER 15: COMPREHENSIVE FEE SCHEDULE**

**SECTION:**

- 1-15-1: Administration**
- 1-15-2: Boards and Commissions**
- 1-15-3: Business and License Regulations**
- 1-15-4: Health and Sanitation**
- 1-15-5: Building Regulations**
- 1-15-6: Zoning**
- 1-15-7: Subdivisions and Land Development**
- 1-15-8: Public Ways and Property**
- 1-15-9: Police Regulations**
- 1-15-10: Motor Vehicles and Traffic**
- 1-15-11: Misdemeanors**
- 1-15-12: Sign Control**
- 1-15-13: Tree Preservations and Landscaping**

**PURPOSE:** The purpose of this Chapter is to include all Village fees and charges in one chapter for ease of application and understanding by Village personnel and the public.

**1-15-1: ADMINISTRATION (TITLE 1)**

<u>ADMINISTRATIVE FEES</u>	<u>AMOUNT OF FEE</u>	<u>CODE SECTION</u>
<u>Escrow Administrative Fee</u>	<u>\$50.00 for initial escrow deposits less than or equal to \$1,000.00.</u>  <u>\$75.00 for initial escrow deposits greater than \$1,000.00.</u>	<u>1-8D-1</u>
Annexation of territory, per acre	\$500.00	1-10-2
<del>Pre-annexation agreement, per filing</del>	<del>\$500.00</del>	<del>1-10-4</del>
Audit	\$20.00	1-15-2
Budget	\$20.00	1-15-2
Entire Municipal Code (loose leaf)	\$225.00	1-15-2
Building Code	\$33.00	1-15-2
Landscaping Code	\$20.00	1-15-2
Public Works Standards	\$30.00	1-15-2
Sign Code	\$22.00	1-15-2
Subdivision Code	\$26.00	1-15-2
Zoning Code	\$45.00	1-15-2
Comprehensive Plan	\$35.00	1-15-2
Zoning and House Number Maps	\$1.00	1-15-2
Land Use Maps	\$2.00	1-15-2
Board Meeting Recordings	\$5.00	1-15-2
Electronic Media	\$.75/per CD or DVD	1-15-2
Video Tapes (Police Department)	\$100.00	1-15-2
Audio Tapes (Police Department)	\$50.00	1-15-2
For all documents or records copied on Village black/white Photocopier – letter size or legal size	\$.15/page	1-15-2

<b><u>ADMINISTRATIVE FEES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
For all documents or records copied on Village black/white Photocopier – 11”X17”	\$.20/page	1-15-2
For all documents or records copied on Village colored Photocopier – letter size or legal size	\$.25/page	1-15-2
For all documents or records copied on Village colored Photocopier – 11” X 17”	\$.30/page	1-15-2
For all plans and oversize prints	\$5.00/page	1-15-2
<b><u>ADMINISTRATIVE FEES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
<del>Filing fee, preliminary plat of subdivision</del>	<del>\$1.00 per lot, but no less than \$25.00</del>	<del>1-15-2</del>
Returned Check Fee (NSF Check –All Departments)	\$25.00	1-15-2
Traffic Crash Accident Report Fee (Police Department)	\$5.00	1-15-2
Accident Reconstruction Report Fee (Police Department)	\$20.00	1-15-2
<del>Appeals to Administrative Decisions/Rebuttals to Board and Commission recommendations</del>	<del>\$100.00</del>	<del>1-15-3</del>
<del>Architectural Review Board: Minor improvements to existing sites/structures</del>	<del>\$250.00</del>	<del>1-15-3</del>
<del>Major Improvements, per structure or type of structure</del>	<del>\$500.00</del>	<del>1-15-3</del>
<del>Planned Unit Developments</del>	<del>\$2000.00</del>	<del>1-15-3</del>
<del>Newsrack inspection fee if reinstalled after removal</del>	<del>\$10.00</del>	<del>1-15-8</del>

<b>1-15-2: BOARDS AND COMMISSIONS (TITLE 2)</b>		
<b><u>BOARDS &amp; COMMISSIONS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
None		

<b>1-15-3: BUSINESS AND LICENSE REGULATIONS (TITLE 3)</b>		
<b><u>MUNICIPAL OCCUPATION TAXES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Retail Occupation Tax, percent of gross receipts	1.00%	3-1-1
Service Occupation Tax, percent of cost of tangible property	1.00%	3-1-2
Natural Gas Tax on distributor, supplier, furnisher or seller	5.0% of gross receipts	3-1-3-2
Utility Tax, percent of gross receipts	5.00%	3-1-3-2(A-C)
Electricity Consumption Tax imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser.	-For the first 2,000 kilowatt hours used or consumed in a month, 0.536 cents per kilowatt hour.  -For the next 48,000 kilowatt hours used or consumed in a month, 0.366 cents per kilowatt hour.	3-1-3-2.1A-(1a)
Electricity Consumption Tax imposed upon	-For the next 50,000	3-1-3-2.1A-(1a)

the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser	kilowatt hours used or consumed in a month, 0.325 cents per kilowatt hour. -For the next 400,000 kilowatt hours used or consumed in a month, 0.321 cents per kilowatt hour. -For the first 500,000 kilowatt hours used or consumed in a month, 0.319 cents per kilowatt hours. -For the next 2,000,000 kilowatt hours used or consumed in a month, 0.315 cents per kilowatt hour. -For the next 2,000,000 kilowatt hours used or consumed in a month, 0.250 cents per kilowatt hour. -For the next 10,000,000 kilowatt hours used or consumed in a month, 0.150 cents per kilowatt hour. -For the next 2,000,000 kilowatt hours used or consumed in a month, 0.100 cents per kilowatt hour.	
Gas Use Tax	\$ .045 per therm	3-1-3-2.2-(B1)
Hotel and motel room Tax, percent of gross revenues	5.00% Effective 08/01/01	3-1-4-2
Admission Tax on the sale price of the ticket-movie theater	4.00%	3-1-5-2
Admission Tax on the sale price of the ticket-live theater	1.50%	3-1-5-2
Real Estate Transfer Tax, per \$1,000 of selling price	\$3.00	3-1-6
Municipal Replacement Vehicle Tax	\$50.00 per vehicle	3-1-8

**Appendix B**

<b><u>LIQUOR CONTROL</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Liquor License, application	\$250.00	3-3-4-2
Liquor License, Review Fee	\$250.00	3-3-4-2
Liquor License – Class A (Not-for-profit clubs and organizations)	\$500.00 plus \$200.00 ea. bar	3-3-2-3
Liquor License – Class B (Restaurant – full liquor)	\$2,500.00 plus \$500.00 ea. bar	3-3-2-3

Liquor License – Class B-1 (Restaurant – Mixed Retail – full liquor)	\$3,000 plus \$500 each bar	3-3-2-3
Liquor License – Class C (Restaurant – beer and wine only)	\$2,500.00	3-3-2-3
Liquor License – Class C-1 (Restaurant – Mixed Retail – beer and wine only)	\$3,000	3-3-2-3
Liquor License – Class D (Hotel/motel)	\$2,500.00	3-3-2-3
Liquor License – Class D-1 (Hotel/motel – Mixed Retail – full liquor)	\$3,000	3-3-2-3
Liquor License – Class E (Bar or lounge – hotel/motel only)	\$2,500.00 plus \$500.00 ea. bar	3-3-2-3
<b>LIQUOR CONTROL</b>	<b>AMOUNT OF FEE</b>	<b>CODE SECTION</b>
Liquor License – Class F (Golf courses and private clubs for profit)	\$2,500.00 plus \$500.00 ea. bar	3-3-2-3
Liquor License – Class G (One day license)	\$25.00	3-3-2-3
Liquor License – Class H (Package liquor)	\$2,000.00	3-3-2-3
Liquor License – Class I (Package beer and wine only)	\$1,500.00	3-3-2-3
Liquor License – Class J (Catering)	\$500.00	3-3-2-3
Liquor License – Class K (Brew Pub – Mixed Retail – full liquor)	\$3,000.00	3-3-2-3
Liquor License – Class L (Salon/Day Spas)	\$1,000.00	3-3-2-3
Liquor License – Class M (Movie Theaters)	\$2,500.00	3-3-2-3
Liquor License – Class N (Banquets)	\$3,000.00	3-3-2-3
Additional licenses, per license	\$500.00	3-3-2-3
Liquor License, Change of Location, Upgrading of License, Sale of Business	\$2,500.00	3-3-4-8

<b>AMUSEMENTS</b>	<b>AMOUNT OF FEE</b>	<b>CODE SECTION</b>
Entertainment on licensed premises, additional fees	\$100.00	3-3-8
Exhibitions, carnivals, application fee, per day	\$50.00	3-4A-2
Athletic Events – Less than 100 seats	\$100.00	3-4B-1
Athletic Events – 500 to 1,000 seats	\$200.00	3-4B-1
Athletic Events – over 1,000 seats	\$300.00	3-4B-1
Motion Picture Theatrical – Less than 500 seats	\$100.00	3-4C-1
Motion Picture Theatrical –500 to 1,000 seats	\$200.00	3-4C-1
Motion Picture Theatrical – over 1,000 seats	\$300.00	3-4C-1
Dance, public, each dance	\$5.00	3-4D-2

<b>AUTOMATIC AMUSEMENT DEVICES</b>	<b>AMOUNT OF FEE</b>	<b>CODE SECTION</b>
Automatic Amusement Device, License Application Fee	\$250.00	3-4E-2
Automatic Amusement Device, decal, per machine	\$75.00	3-4E-9
Automatic Amusement Device, transfer fee, per machine	\$10.00	3-4E-9

<b><u>FIREWORKS DISPLAYS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Fireworks License	\$50.00	3-4F-3

<b><u>PEDDLER AND SOLICITOR</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Raffles License, per annum	\$25.00	3-4G5
Peddlers & Solicitors License Fee, license per 30 days	\$50.00	3-5-4
Peddlers & Solicitors Renewal fee, up to two additional 30 day periods in one calendar year	\$25.00	3-5-4
Photo ID card and vest deposit	\$50.00	3-5-4
Replacement photo ID card	\$10.00	3-5-4

<b><u>BROADBAND (CABLE) COMMUNICATIONS SYSTEMS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Cable-TV Franchise Fee, percent of gross revenues	5.00%	3-7-7(A)

<b><u>SURCHARGE FOR E911 TELEPHONE SYSTEM</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Emergency 911 Telephone Tax, per month, per line	\$1.50	3-9-2(A)

<b><u>SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Simplified Telecommunications Tax	6.00%	3-11-2

<b><u>SEXUALLY ORIENTED BUSINESSES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Sexually Oriented Business License, due at time of application	\$2,500.00	3-12-10
Sexually Oriented Business Employee License, due at time of application	\$500.00	3-12-10

<b><u>1-15-4: HEALTH &amp; SANITATION (TITLE 4)</u></b>		
<b><u>NUISANCES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Lien Release Fee – Foreclosures	\$25.00	4-1A-3

<b><u>ENVIRONMENTAL CONTROL</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Controlled Burn Permit Fee: Commercial/Industrial, per season, per address	\$100.00	4-2A-3C-2(d)
Residential, per season, per address	\$50.00	

<b><u>1-15-5: BUILDING REGULATIONS (TITLE 5)</u></b>		
<b><u>ADMINISTRATION AND ENFORCEMENT</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Extension of 10% of entire building permit fee valid permit minus bond and utilities	Minimum \$200.00	5-1-8-1

<b><u>BUILDING PERMITS AND INSPECTIONS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Occupancy – Final Residential Commercial 0 to 10,000 square feet	\$50.00 \$135.00	5-2-3(C)

10,000 to 50,000 square feet	\$275.00	
Over 50,000 square feet	\$400.00	
Final Occupancy – Commercial Other than construction	Same as “Occupancy – Final” fee Schedule	5-2-3(C)
Occupancy – Residential Temporary Commercial	\$125.00 Double the Final occupancy fee	5-2-3-1(A)
Temporary Residential Certificate of Commercial Occupancy – Cash Deposit	Minimum \$1,000.00 Minimum \$2,000.00	5-2-3-1(B)
Uncompleted Construction Lien Release Fee	\$15.00	5-2-3-1(H)
Uncompleted TCO Work, Administrative Fee	\$500.00	5-2-3-1(I)
PLAN REVIEW FEE \$0 - \$5,000	\$10.00	5-3-1
\$5,001 - \$10,000	\$25.00	
COMMERCIAL \$10,001 - \$50,000	\$50.00	
(Based on \$50,001 - \$100,000	\$125.00	
Construction costs) \$100,001 - \$300,000	\$300.00	
Includes 3 reviews \$300,001 and over	\$500.00 plus \$35.00 per 1,000 square feet.	
Residential, New Single Family Includes 3 reviews Dwelling New Two Family Dwelling	\$400.00 \$225.00 per unit	
Additional - 4 <sup>th</sup> and subsequent reviews thereafter	\$50.00 per additional review	
Additional Commercial Review – 4 <sup>th</sup> and subsequent reviews thereafter	\$100.00 per additional review	
Expedited Review Fees – Double the applicable fees for the cash receipt codes (on fee sheets) listed to the right.	(118), (114), (115), (116), (154), (113)	5-3-1
Consultants – Consultant cost	Per Invoice	
Review Fee		

<b><u>BUILDING FEES AND CHARGES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Building Permit Fee (Based on Construction Cost)		5-3-1
\$1 - \$200,000	Multiply by 1%	
\$200,001 - \$500,000	Multiply the cost in excess of \$200,000 by 0.6% plus above	
\$500,001 and over	Multiply the cost in excess of \$500,000 by 0.25% plus both above fees \$50.00	
Minimum Permit Fee Inspection	\$40.00 per inspection	

Deck Permit	Planning & Building Permit Fee Schedule	5-3-1
Detached Accessory Structure Permit	Planning & Building Permit Fee Schedule	5-3-1
Demolition Permit -Residential	\$6,000.00/\$2,500.00 refundable deposit	5-3-1
- Commercial	\$6,000.00/\$5,000.00 refundable deposit	
Dumpster Permit – Min. 7 days, Max. 28 days	\$40.00 per 7-day increments, plus \$100.00 refundable deposit	5-3-1
Electrical Permit – 0.3% of electrical construction cost -Amps -Circuits Inspection	Minimum \$50.00 \$25.00 per 100 amp \$4.00 per circuit \$40.00 per inspection	5-3-1
Heating, Venting Construction and Air Conditioning (HVAC) Permit – 0.3% of mechanical cost  Equipment Inspection	Minimum \$50.00  \$50.00 per Unit \$40.00 per inspection	5-3-1
Plumbing Permit – 0.3% of plumbing construction cost Fixtures Inspection	Minimum \$50.00 \$8.00 per fixture \$60.00 per inspection	5-3-1
<b><u>BUILDING FEES AND CHARGES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Elevator Permit -Building Permit Fee -Schedule -Electrical/Plumbing Fees (may apply) Consultant Review/Consultant Cost -Fee -Inspection (Construction related) -Semi-annual Inspection – Not included in permit fees, performed by Consultant, invoiced separately (Amd. Ord 14-3314-40, eff 2/10/14) -Re-Inspection	Per Invoice  \$55.00 per inspection \$55.00 per inspection \$55.00 per re-inspection	5-3-1 5-3-2
Emergency Home Repair Permit – Permit Fee (HVAC, Water Heater, etc.) Inspection	\$10.00 \$40.00	5-3-1
Exterior Satellite (only for dishes 6’ in diameter and greater) Earth Station S.E.S.A. Permit Consultant/Consultants Costs Review Fees	\$10.00    \$40.00	5-3-1
Fence Permit		5-3-1

- Residential - Commercial	\$50.00 Building Permit Fee Schedule	
Lawn Irrigation Permit - Residential - Commercial	\$50.00 Building Permit Fee Schedule	5-3-1
Moving a Structure Permit Fee  A Cash Deposit(s) may apply	\$50.00  Amount to be determined by each department on case-by-case basis	5-3-1
Roofing Permit - Residential - Commercial  - Consultant Cost	\$50.00 Building Permit Fee Schedule Per Invoice	5-3-1

<b>BUILDING FEES AND CHARGES</b>	<b>AMOUNT OF FEE</b>	<b>CODE SECTION</b>
Sign Permit -Directional -Illuminated  -Non-Illuminated  -Temporary -Consultant Cost -Electrical Fee may apply	\$25.00 \$70.00, plus \$1.00 per square foot \$50.00, plus \$1.00 per square foot \$50.00 Per Invoice Permit fee schedule	5-3-1
Swimming Pool Permit -Planning & Building Permit Fee Schedule -Electrical/Plumbing & Mechanical fees may apply	Minimum \$50.00 per fee schedule	5-3-1
Tent Permit -3 Day -7 Day -30 Day -120 Day -180 Day	\$50.00 \$70.00 \$90.00 \$120.00	5-3-1
Construction Trailer Permit -Residential  -Commercial	\$10.00 per trailer, per month, thru duration of construction  \$100.00 per trailer, per month, thru duration of construction, (6) six month minimum	5-3-1
Underground Storage Tank (UGST)/Above Ground Storage Tank (AGST) Permit – Copy of permit from the OSFM required prior to issuance of permit  Review Fee  Inspection/Consultant Costs	\$40.00 per tank  Consultant cost to be passed to applicant  Per Invoice	5-3-1
Fire Alarm System Permit  Review Fee  Inspection/Consultant Costs	\$100.00  \$100.00 or Consultant cost to be passed to applicant, plus administrative fee (Min. \$10.00, Max. \$50.00), determined by the Building Official, based on project needs.  Per Invoice	5-3-1 5-3-2
Fire Suppression/Systems Permit  Review Fee	\$100.00  \$100.00 or Consultant	5-3-1 5-3-2

	cost to be passed to applicant, plus administrative fee (Min. \$10.00, Max. \$50.00), determined by Building Official, based on project needs.	
Inspection/Consultants Costs	Per Invoice	
Fire Suppression/Alternate System Permit (wet chemical, dry chemical, Halon, etc.)	\$100.00	5-3-1 5-3-2
Review Fee	\$100.00 or Consultant cost to be passed to applicant, plus administrative fee (Min. \$10.00, Max. \$50.00), determined by Building Official, based on project needs.	
Inspection/Consultants Costs	Per Invoice	
Kitchen Hood and Ansul System Permits	\$100.00	5-3-1 5-3-2
Review Fee	\$100.00 or Consultant cost to be passed to applicant, plus administrative fee (Min. \$10.00, Max. \$50.00), determined by Building Official, based on project needs	
Inspection Fee	Per Invoice	
Wooded Site Development – New Construction -Commercial Subdivision and Property Unit Development -Residential Lot	\$200.00/acre of green space \$200/lot	5-3-1 13-1-1
Wooded Site Development – Alteration -Commercial Subdivision and Property Unit Development -Residential Lot	\$125/acre of green space \$100/lot	
Reinspection Fees – Inspector’s discretion, based on contractor readiness	\$40.00 per inspection	5-3-1
Final Reinspection Fees – Inspector’s discretion, based on contractor readiness	\$80.00 per discipline	5-3-1
Administrative Fee – 5% of the combined building permit fees (account – 118)	Minimum \$10.00	5-3-1
Expired or Cancelled Application (Applicable when Review Fees incurred): - Residential	\$50.00 plus internal	5-3-1 5-3-2

- Commercial	review fee or consultant fees.  \$100.00 plus internal review fee or consultant review fees.	
- Miscellaneous	Base fee determined by the Building Official plus internal review fee or consultant review fees.	
Renewal of Expired or Cancelled Application (Fees for “Expired or Cancelled Application” must be paid prior to renewal)		5-3-1 5-3-2
- Residential	\$50.00	
- Commercial	\$100.00	
- Miscellaneous	Base fee determined by the Building Official plus cost incurred.	
Renewal of Expired Permit – 10% of permit	Minimum \$200.00	5-3-1

<b><u>ENGINEERING FEES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Driveway Permit - Residential - Commercial	\$50.00 \$100.00, plus performance deposit (calculated by Village Engineer)	5-3-1
Parking Lot Improvement Permit, plus \$40.00 per required inspection - New or Remove/Replace - Overlay, Resurface, or Sealing	\$200.00, plus \$150.00 refundable deposit. \$100.00, plus \$75.00 refundable deposit.	5-3-1
Sidewalk Permit, plus \$40.00 per required inspection. - Residential - Commercial	\$50.00 (Incl. 2 Inspections) \$100.00 (Incl. 2 Inspections)	5-3-1
Utility Permit – Repairs, Disconnections, or work that does not require connection fees plus \$40.00 per required inspection. - Residential Storm - Residential Water or Sanitary - Commercial Storm - Commercial Water or Sanitary	\$50.00 (Incl. 2 Inspections) \$100.00 (Incl. 3 Inspections) \$50.00 (Incl. 2 Inspections) \$150.00 (Incl. 3 Inspections)	5-3-1

<b><u>WATER &amp; SEWER CONNECTION CHARGES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Water Fees – Water Connection Charge, per EDU	\$2,242 (Eff. 12/08/14)	5-3-4(C)
Water Fees Outside – Water connection Charge, corporate limits, per EDU	\$3,923 (Eff. 12/08/14)	5-3-4(C)
Sewer Fees – Sewer Connection Charge, per EDU	\$1,115 (Eff. 12/08/14)	5-3-4(D)
Sewer Fees Outside – Sewer Connection Charge, corporate limits, per EDU	\$1,951 (Eff. 12/08/14)	5-3-4(D)

<b><u>SITE GRADING, DRAINAGE &amp; EROSION CONTROL</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Major Site Work Permit Fee More than 5,000 square feet of disturbed are	\$250, plus required inspections – minimum of 2 @ \$40 each.	5-8-6
Minor Site Work Permit Fee	\$50.00 (includes two inspections, permits and review) \$40.00/each additional inspection	5-8-6
Major Site Work Review Fee Includes: 4 reviews for Residential 3 reviews for Commercial Expedited Reviews:	\$250/acre, minimum one acre) \$30.00/each additional review \$100.00/each additional review Double the applicable fees (permit, review and inspection)	5-8-6
Subdivision Plan Review Fee	Consultant Cost, plus 5% of combined permit fees.	5-8-6

<b>1-15-6: ZONING (TITLE 6)</b>		
<b><u>ADMINISTRATION AND ENFORCEMENT</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
<u>Supplemental Application Fee</u>	<u>Equal to original fee amount</u>	<u>6-14-14</u>
<u>Development Review Team Fee Site Plan Review Process:</u> — <u>Single Subdivided</u> - <u>Any other property P</u> per acre lot - Minimum charge - Shall not exceed	<u>\$150.00</u> <u>\$10050.00</u> <u>\$150.00</u> <u>\$2,500.00</u>	<u>6-14-146</u>

<b><u>ADMINISTRATION AND ENFORCEMENT</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
<u>Planned Unit Development, New:</u>	<u>\$2,000.00</u>	<u>1-15-3-6-14-14</u>
<u>Planned Unit Development, Amendment:</u> - <u>major amendment</u>	<u>\$500.00</u>	<u>6-14-14</u>

- <u>minor amendment</u>	<u>\$250.00</u>	
<u>Site Development Plan Amendment</u>	<u>\$250.00</u>	<u>6-14-14</u>
Special Use, <u>New</u> : — <u>per single residential subdivided lot of record</u> — <u>all other petitions</u>	\$ <del>750500</del> .00 \$500.00 <u>plus costs incurred</u>	6-14- <del>14</del> <u>6</u>
<u>Special Use, Amendment</u> : - <u>major amendment</u> - <u>minor amendment</u>	<u>\$500.00</u> <u>\$250.00</u>	<u>6-14-14</u>
<u>Variations</u> : — <u>Per single residential subdivided lot of record</u> — <u>All other petitions</u> -	\$ <del>500250</del> .00 <u>plus costs incurred</u> \$250.00 <u>plus costs incurred</u>	6-14- <del>14</del> <u>6</u>
Zoning Map Amendments	\$ <del>750500</del> .00 <u>plus costs incurred</u>	6-14- <del>14</del> <u>6</u>
Zoning Text Amendments	\$ <del>750500</del> .00 <u>plus costs incurred</u>	6-14- <del>14</del> <u>6</u>
<b>GENERAL ZONING REGULATIONS</b>	<b>AMOUNT OF FEE</b>	<b>CODE SECTION</b>
Temporary Use Permit – Garage Sales	\$10.00	6-3-6
Temporary Use Permit - Other	\$100.00	6-3-6
<b>1-15-7: SUBDIVISIONS AND LAND DEVELOPMENT (TITLE 7)</b>		
<b>ACREAGE FEES</b>	<b>AMOUNT OF FEE</b>	<b>CODE SECTION</b>
Conservancy area monument, per marker	\$50.00	7-1-5(A)
Acreage Fees, per acre	\$1,300.00	7-1-5
Subdivision – Filing Preliminary Plat	\$1,000.00 <u>plus costs incurred</u>	7-3-3(D)
<b>VARIABLES USED IN CALCULATING DEVELOPER DONATIONS: The following variables shall be used to determine developer donations for school, park and library purposes in accordance with the method of calculation and provisions outlined in Title 7 of the Village Code</b>		
	<b>AMOUNT OF VARIABLE</b>	
Basic Library Contribution: - One Bedroom Dwelling Unit - Each additional Bedroom - Fair Market Value of Once Acre Land - Mean number of Persons per Occupied Housing Unit (Per latest United States Census or Special Census Statistics) (Amend. Ord. 95-1371-01, eff. 1/9/95), (Amend. Ord. 99-1666-50, eff. 8/9/99), (Amend. Ord. 03-1842-19, eff. 4/28/03), (Amend. Ord. 04-1890-05, eff. 03/08/04), (Amend. Ord. 06-2961-53, eff. 11/13/06), (Amend. Ord. 07-3012-40, eff. 12/10/07)	\$200.00 \$100.00 \$545,000.00 2.75	7-7-1
Appeals to Developer Donations – Cash Deposit	\$10,000.00	7-7-4

**1-15-8: PUBLIC WAYS AND PROPERTY (TITLE 8)**

<b><u>SWIMMING FACILITIES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Per day, resident	\$4.00	8-1A-1(A)
Per day, guest of resident	\$4.00	8-1A-1(A)
Per day, non-resident	\$8.00	8-1A-1(A)
Per year, resident	\$24.00	8-1A-2(A)
Per year, resident family	\$60.00	8-1A-2(A)
Per year, non-resident	\$48.00	8-1A-2(A)
Per year, non-resident family	\$120.00	8-1A-2(A)
Beach Permit Application	\$10.00	8-1A-5
Beach Use by school district/not-for-profit groups	\$1.50 per person	8-1A-5(IJ)
<b><u>PICNIC PERMITS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Picnic Permit Application, resident – 30 to 99 guests	\$50.00	8-1B-2(B)
Picnic Permit Application, non-resident – 30 to 99 guests	\$100.00	8-1B-2(B)
Picnic Permit Application, resident – 100 to 200 guests	\$100.00	8-1B-2(B)
Picnic Permit Application, non-resident – 100 to 200 guests	\$200.00	8-1B-2(B)
<b><u>FIRE PLACE/FIRE PIT PERMITS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Resident use fire place Season at North Park	\$25.00	8-1B-3(B)
Non-Resident use of fire place at North Park	\$50.00	8-1B-3(B)
<b><u>CANOE LAUNCH RACK PERMIT</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Canoe Structure Permit		8-1D-4(A)
- Seasonal	\$50.00	
- 3-Day Rental	\$5.00	

<b><u>ATHLETIC FIELDS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
<b><u>Baseball/Softball/Soccer/Kickball</u></b>		
Classification A	No Fee. No deposit required.	8-1E-1(A)

<b><u>ATHLETIC FIELDS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
<b><u>Baseball/Softball/Soccer/Kickball</u></b>		
Classification B	A \$35.00 per participant fee charged for unlighted fields. No deposit required.  \$15.00 per hour fee charged for lighted fields. No deposit required.	8-1E-1(A)
Classification C	\$75.00 per participant fee charged for unlighted fields. No deposit required.  \$80.00 per hour fee charged for lighted fields. No deposit required.	8-1E-1(A)

<b><u>ATHLETIC FIELDS – TEAM FEES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
<b><u>Baseball/Softball/Soccer/Kickball</u></b>		

<p>Team Fees (only applicable to Classification C)</p>	<p>Team Fees:</p> <p>5 – 16 hours: \$1,200.00 per team for 12 – 13 week season.</p> <p>17 – 32 hours: \$2,400.00 per team for 12 – 13 week season.</p> <p>33 – 48 hours: \$3,600.00 per team for 12 – 13 week season.</p> <p>For every 5% of the team participants who are Lincolnshire residents a 5% reduction fee will be provided to a minimum fee of:</p> <p>5 – 16 hours: \$375.00 per season.</p> <p>17 – 32 hours: \$1,275.00 per season</p> <p>33 – 48 hours: \$2,475.00 per season.</p> <p>Any hours requested over the maximum 48 will require an hourly payment at the rate of \$80.00 per hour.</p> <p>No Deposit Required</p>	<p>8-1E-2(A1)</p>
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**1-15-8: PUBLIC WAYS AND PROPERTY (TITLE 8)**

<u>WATER AND SEWER RATES</u>	<u>AMOUNT OF FEE</u>	<u>CODE SECTION</u>
Utility Service Filing Fee	\$150.00 Water Connection Charge, Per EDU	8-2-3
Well Permit	\$50.00	8-2-3(B)
Sewer – Excess BOD Surcharge	\$.13 per excess BOD	8-2A-1(B1)
Sewer – Excess SS Surcharge	\$.19 per excess SS	8-2A-1(B2)
Residential Water rate, per 1,000 gallons	\$6.83 (Eff. 1/1/20 Billing Period)	8-2A-2
Residential Sewer rate, per 1,000 gallons of water usage	\$6.49 (Eff. 1/1/20 Billing Period)	8-2A-2
Residential Water rate, Out-of-Village, per 1,000 gallons of water usage	\$7.51 (Eff. 1/1/20 Billing Period)	8-2A-2
Residential Sewer rate, Out-of-Village, per 1,000 gallons of water usage	\$7.14 (Eff. 1/1/20 Billing Period)	8-2A-2

COMMERCIAL WATER AND SEWER RATES		
Commercial Water rate, per 1,000 gallons of water usage, first 50,000 gallons	\$6.83 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Sewer rate, per 1,000 gallons of water usage, first 50,000 gallons	\$6.49 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Water rate, out of Village, per 1,000 gallons of water usage, first 50,000 gallons	\$7.51 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Sewer rate, out of Village, per 1,000 gallons, first 50,000 gallons	\$7.14 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Water rate, per 1,000 gallons of water usage, 51,000 gallons - 400,000 gallons	\$7.08 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Sewer rate, per 1,000 gallons of water usage, 51,000 gallons - 400,000 gallons	\$6.73 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Water rate, out of Village, per 1,000 gallons of water usage, 51,000 gallons - 400,000 gallons	\$7.78 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Sewer rate, out of Village, per 1,000 gallons of water usage, 51,000 gallons - 400,000 gallons	\$7.40 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Water rate, per 1,000 gallons of water usage, 401,000 gallons - 750,000 gallons	\$7.56 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Sewer rate, per 1,000 gallons of water usage, 401,000 gallons - 750,000 gallons	\$7.19 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Water rate, out of Village, per 1,000 gallons of water usage, 401,000 gallons - 750,000 gallons	\$8.32 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Sewer rate, out of Village, per 1,000 gallons of water usage, 401,000 gallons - 750,000 gallons	\$7.92 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Water rate, per 1,000 gallons of water usage, 751,000 gallons - 1,099,000 gallons	\$8.10 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Sewer rate, per 1,000 gallons of water usage, 751,000 gallons - 1,099,000 gallons	\$7.70 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Water rate, out of Village, per 1,000 gallons of water usage, 751,000 gallons - 1,099,000 gallons	\$8.90 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Sewer rate, out of Village, per 1,000 gallons of water usage, 751,000 gallons - 1,099,000 gallons	\$8.47 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Water rate, per 1,000 gallons of water usage, 1,100,000 gallons or more	\$8.66 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Sewer rate, per 1,000 gallons of water usage, 1,100,000 gallons or more	\$8.23 (Eff. 1/1/20 Billing Period)	8-2A-2
Commercial Water rate, out of Village, per 1,000 gallons of water usage, 1,100,000 gallons or more	\$9.52 (Eff. 1/1/20 Billing Period)	8-2A-2

Commercial Sewer rate, out of Village, per 1,000 gallons of water usage, 1,100,000 gallons or more	\$9.06 (Eff. 1/1/20 Billing Period)	8-2A-2
Construction use water, per acre (one acre minimum for all building permits involving construction water)	\$125.00	8-2A-2(D)
3/4" M-25 meter with Orion ME encoder and brass connection set	\$355.00 Effective 3/12/18, 18-3765-193	8-2A-2(E)
3/4" M-35 meter (short) with Orion ME encoder and brass connection set	\$385.00 Effective 3/12/18, 18-3765-193	8-2A-2(E)
1" M-55 meter with Orion ME encoder and brass connection set	\$455.00 Effective 3/12/18, 18-3765-193	8-2A-2(E)
1" M-70 meter with Orion ME encoder and brass connection set	\$490.00 Effective 3/12/18, 18-3765-193	8-2A-2(E)
1 1/2" M-120 elliptical long meter, Orion ME encoder, with cast iron connection set	\$790.00 Effective 1/28/19, 19-3794-224	8-2A-2(E)
2" Recordall compound meter, Orion ME encoder, with cast iron round connection set	\$2,640.00 Effective 1/28/19, 19-3794-224	8-2A-2(E)

3" Recordall compound meter, Orion ME encoder, with cast iron round connection set	\$3,045.00 Effective 1/28/19, 19-3794-224	8-2A-2(E)
4" Recordall compound meter, Orion ME encoder, with cast iron round connection set	\$4,535.00 Effective 1/28/19, 19-3794-224	8-2A-2(E)
6" Recordall compound meter, Orion ME encoder, with cast iron round connection set	\$6,300.00 Effective 1/28/19, 19-3794-224	8-2A-2(E)
Lien Release Fee	\$15.00	8-2A-6
Unpaid Water/Sewer Fees – Lien Release Fee	\$15.00	8-2A-6
<b><u>WATER AND SEWER RATES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Discontinuing Service – Administration Fee	\$25.00	8-2A-7
Reinstatement of Utility Service Admin. Fee	\$25.00	8-2A-7

Residential meters are installed by Water Department personnel. Meter fee includes purchase of the meter, inspection, all accessories, administrative costs and installation.

Commercial meter installation is performed by the contractor. Meter fee includes purchase of the meter, all accessories, administrative costs and inspection. (Amd. Ord. 08-3074-57, eff. 12/8/08), (Amd. Ord. 11-3186-08, eff. 2/28/11).

**CONNECTION FEE ESTABLISHED**

In order for the Village to collect a fair and reasonable charge for connection to the water and sanitary sewer systems of this Village, the parcels as set forth in Exhibit “A” shall pay to the Village, prior to connecting to the system of the Village, the sums as set forth in Exhibit “B” for each such parcel. Such sums shall be in addition to, and not as a credit against, all other connection or hook-on fees as may be imposed by other rule, regulation, resolution or ordinance of this Village, or shown by its fee schedule, the connection fee hereby imposed being directly related to the costs to the Village of constructing, expanding and extending the existing systems to accommodate the parcels as set forth in Exhibit “A”.

**ADJUSTMENT FOR FUTURE COSTS AND EXPENSES**

The allocation of connection fees as set forth in Exhibit “B” is based upon actually incurred as well as estimated future costs to the Village of constructing, expanding and extending the water and sewer systems as determined as of the date of this ordinance. In the event costs as actually incurred by the Village vary from those estimated, the Village reserves the right, for any parcel for which payment in full of connection fees has not been received, to modify, alter or amend the allocation of connection fees to such parcel to reflect the actual costs to the Village of constructing, expanding and extending the waterworks and sewerage systems. The Village further reserves the right to increase such connection fees to reflect any financing and interest costs or other changes which the Village reasonably determines are to be allocated to the construction, expansion and extension of said water and sewer systems.

The allocation of connection fees (Exhibit “B”) is further based upon the presently existing or anticipated future zoning of such parcels and the anticipated water and sewer requirements related thereto. In the event any such parcel is zoned differently than anticipated at the time of request for connection to the Village water or sanitary sewer system, the Village reserves the right to alter or amend the connection fees for such parcel in order to reflect such change in zoning and water or sewer requirements.

This ordinance shall further serve as notice to affected property owners of the additional connection fees associated with connection of their parcels to the Village water and sewer systems. Affected property owners must contact the Village in order to determine the adjustment, if any, to the connection fee figures as set forth herein which will be applicable to any specific parcel and arising out of changes in costs, allocation of interest or other charges, charges in zoning, or other similar costs related to the construction, expansion and extension of the systems.

<b><u>STREETS AND PARKWAYS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Excavation Permit Fee Deposit	\$100.00	8-3-2
Right-of-Way Obstruction	\$100.00	8-3-9
Right-of-Way Obstruction Fee (may apply)	\$100.00	8-3-9(D)

<b><u>REFUSE COLLECTION AND WASTE HAULER SERVICES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Wastehauler, 4 or more regular annual customers	\$500.00/year	8-4-5(A)
Wastehauler 3 or fewer regular annual customers	\$250.00/year	8-4-5(A)
Wastehauler, periodic, annual	\$50.00/year	8-4-5B(B)

<b><u>NEWSRACKS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Newsrack permit	\$30.00	8-5-5(B)
Newsrack renewal	\$30.00	8-5-5(C)

<b><u>SMALL WIRELESS FACILITIES</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Collocation, single small wireless facility on existing utility pole or wireless support structure	\$650.00	8-6-4(G)
Collocation, more than one small wireless facility on an existing utility pole or wireless support structure	\$350.00/each	8-6-4(G)
Installation, small wireless facility that will require a new utility pole	\$1,000.00	8-6-4(G)

<b><u>1-15-9: POLICE REGULATIONS (TITLE 9)</u></b>		
<b><u>TYPE</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
None		

<b><u>1-15-10: MOTOR VEHICLES AND TRAFFIC (TITLE 10)</u></b>		
<b><u>ENFORCEMENT OF TRAFFIC REGULATIONS</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Vehicle Seizure and Impoundment Tow Fee	\$350.00 Effective 1/1/07	10-1-13-2

<b><u>1-15-11: MISDEMEANORS (TITLE 11)</u></b>		
<b><u>TYPE</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
None		

<b><u>1-15-12: SIGN CONTROL (TITLE 12)</u></b>		
<b><u>SIGN PERMIT</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>
Directional sign permit fee	\$25.00	12-4-1(J)
Illuminated sign permit fee	\$70.00	12-4-1(J)
- plus cost per square foot	\$1.00	
Non-illuminated sign permit fee	\$50.00	12-4-1(J)
- plus cost per square foot	\$1.00	
Temporary Sign Permit Fee	\$50.00	12-13-1(A1)
Sign Variance <del>Filing</del> Fee	<del>\$500</del> 250.00	12-17-1(E)

<b><u>1-15-13: TREE PRESERVATION AND LANDSCAPING (TITLE 13)</u></b>		
<b><u>TREE PRESERVATION</u></b>	<b><u>AMOUNT OF FEE</u></b>	<b><u>CODE SECTION</u></b>

Tree Removal Permit	\$50.00 for up to 10 trees, \$5.00 per additional tree	13-1-1
Wooded Site Development – New Construction: - Commercial Subdivision and Property Unit Development - Residential Lot  Alteration: - Commercial Subdivision and Property Unit Development - Residential Lot	\$400.00/acre of green space \$400.00/lot  \$125.00/acre of green space \$100.00/lot	13-1-1
Non-Wooded Site Development – New Construction: - Commercial Subdivision and Property Unit Development - Residential Lot  Alteration: - Commercial Subdivision and Property Unit Development - Residential Lot	\$200.00/acre of green space \$200.00/lot  \$125.00/acre of green space \$100.00/lot	13-1-1
Tree Replacement Fee – Appendix A Tree Species	\$150.00 per caliper inch of tree replacement required – Paid to Village Tree Bank	13-1-3(E)
Tree Replacement Fee – Non-Appendix A Tree Species	\$50.00 per caliper inch of tree replacement required	13-1-3(E)

**Table 1: Current & Proposed Planning/Zoning Application Fees in Lincolnshire & Surrounding Communities**

Application Fee	Lincolnshire			Bannockburn	Deerfield	Highland Park	Lake Bluff	Lake Forest	Northbrook	Vernon Hills	Winnetka
	Existing Fee Increase <i>(ranking)</i>	Proposed Fee <i>(ranking)</i>	%								
New Special Use (SU)	\$500 (6 of 9)	\$750 (4 of 9)	50%	\$250	\$175 (plus legal notice)	\$1,000	\$750 (plus \$10/acre over 1 acre)	\$755 (existing) \$1,035 (new)	\$250	\$750	\$935
Minor SU Amendment	N/A	\$250	N/A								
Major SU Amendment	N/A	\$500	N/A								
Zoning Variance	\$250 (5 of 9 if minimum fee is used)	\$500 (T-1 of 9)	100%	\$250	\$175 (plus legal notice)	\$225-\$500	\$500 (minor) \$750 (major)	\$287	\$350 (residential) \$600 (other)	\$100 (residential) \$500 (other)	\$400 (ZB) \$800 (VB)
Zoning Map Amendment (Rezoning)	\$500 (6 of 9)	\$750 (T-3 of 9)	50%	\$250	\$175 (plus legal notice)	\$750	\$750	\$3,328	\$500	\$750	\$800
Zoning Text Amendment	\$500 (6 of 9)	\$750 (T-3 of 9)	50%	\$250	\$175 (plus legal notice)	\$750	\$750	\$3,328	\$250	\$750	\$800
Annexation (per acre)	\$500 (2 of 3)	\$500 (2 of 3)	0%	N/A	\$175 (plus legal notice)	N/A	\$1,000	N/A	N/A	N/A	N/A
Pre-Annexation Agreement*	\$500 (tied for first)	N/A	N/A	N/A	N/A	N/A	\$500/ac	N/A	N/A	N/A	N/A
Appeals	\$100 (T-7 of 7)	\$250 (T-3 of 7)	150%	\$250	N/A	N/A	\$100	\$150	\$350	\$100	\$450
ARB Minor	\$250 (1 of 5)	\$250 (1 of 5)	0%	\$75	N/A	\$100-\$250	\$100	N/A	N/A	N/A	\$125
ARB Major	\$500/structure (T-1 of 5)	\$500/structure (T-1 of 5)	0%	\$150-\$250	N/A	\$500	\$300	N/A	N/A	N/A	\$450
New Planned Unit Development (PUD)	\$2,000 (T-1 of 8)	\$2,000 (T-1 of 8)	0%	\$250/phase	\$175 (plus legal notice)	\$2,000 (new) \$750 (minor amend); \$1,000-\$1,500 (major amend)	\$2,000	N/A	\$500	\$1,000 (preliminary) \$500 (final)	\$935
Minor PUD Amendment	N/A	\$250	N/A								
Major PUD Amendment	N/A	\$500	N/A								
Site Plan Review**	\$50/acre (\$150 min; \$2,500 max) (N/A)	\$100/acre (\$2,500 max) (N/A)	100%	\$250	N/A	N/A	\$300	N/A	N/A	\$200-\$500	N/A
Sign Variance	\$250 (3 of 7)	\$500 (T-1 of 7)	100%	\$250	\$175 (plus legal notice)	\$500	\$150	N/A	N/A	\$500	\$220
Subdivision	\$1,000 + \$1,300/acre (N/A)	\$1,000 + \$1,300/acre (N/A)	0%	\$2,000 (preliminary) \$1,000 (final)	N/A	\$400-\$700 (plus \$50/lot over 4)	\$1,000	\$2,184 (minor) \$3,822 (major)	\$300 \$50/lot (no work)	\$1,000 (preliminary) \$500 (final)	\$935

Notes: \*The Pre-Annexation agreement fee is to be removed as pre-annexation agreements are being replaced with annexation agreements.

\*\*Sign Plan Review is proposed to be renamed to Development Review Team to reflect the term used in the code.

Trustee Hancock asked if they would be requiring masks. Ms. Amdur stated they would require masks.

Trustee Hancock asked if food or drink would be served. Ms. Amdur stated no food or drink would be served.

Trustee Raizin asked if they would require a temperature check at the entrance. Ms. Amdur stated the pre-event and on-site messaging, would relay that if you are not well, do not come to the event. Ms. Amdur stated if the Board would require it, she could implement temperature checks.

Trustee Leider asked if they still had commitments from artists to fill the booth. Ms. Amdur stated currently she was over committed and would start by allowing the award winners and those artists with seniority at Lincolnshire's event as having priority.

Trustee Harms Muth and Mayor Brandt expressed their support in allowing the event.

Trustee Raizin asked if there would be live music. Ms. Amdur stated they would not have live music.

Village Attorney asked if this is being allowed in any other town. Ms. Amdur stated they are working with Glenview, Highland Park, Evanston, and Barrington.

Trustees Hancock and Harms Muth stated they were in favor, but would like to only have one entrance. Trustee Raizin stated she was in favor, but would like temperature checks.

It was the consensus of the Board to allow pop-up art market Lincolnshire Art Walk.

**2.14 Consideration of Recommendation Regarding Planning and Escrow Fees in title 1 (Administration), Chapter 15 (Comprehensive Fee Schedule) of the Lincolnshire Village Code for Various Administration, Zoning, Sign Control, and Subdivisions & Land Development Fees; and Chapter 8 (Village Finances) Regarding Reimbursement of Village Expenses (Village of Lincolnshire)**

Planning & Development Manager Zozulya provided a presentation of a recommendation regarding planning and escrow fees in Title 1 (Administration), Chapter 15 (Comprehensive Fee Schedule) of the Lincolnshire village code for various administration, zoning, sign control, and subdivisions & land development fees; and Chapter 8 (Village Finances) regarding reimbursement of village expenses.

Planning & Development Manager Zozulya asked for Board feedback regarding increasing escrow application fees to cover staff time related to forestry, building, and engineering services.

Trustee Pantelis asked if this is what staff is recommending. Planning & Development Manager Zozulya stated this is the recommendation from staff. Trustee Raizin asked other than Northbrook, do other municipalities charge for these types of services. Planning & Development Manager Zozulya stated no other municipalities charge for these activities; they do have escrow accounts but only for outside consulting fees. Village Manager Burke stated if the Village did not have staff available for these services, the community would have to pay for these fees. This would also ensure the applicants are on their game to put their best foot forward in the application process. Trustee Harms Muth stated if Lincolnshire would be the only municipality to charge for these types of fees, it would not interest her to do this at this time. Assistant Village Manager/CED Director Gilbertson provided a more in-depth explanation of the proposed fees for internal staff and the cost of doing business for these projects. Mayor Brandt noted staff is very lean compared to what it used to be which puts added stress on staff. It is important to ensure the Village is not losing money and have fees commensurate with staff review time.

Trustee Raizin stated if we are on the lower end of fees compared to other municipalities, and asked if it made sense to increase some of the other fees. Village Manager Burke stated covering the cost of the escrow is a way to look at operating costs for staff time and other review fees. The application fee has not been intended to cover the cost of business. Village Attorney Simon stated there is some relation to administering the regulations that are being enforced to the extent that the permit fees do not capture all the Village administrative expenses. It is appropriate to capture them through the escrow. Having them paid through the escrow is a way to guarantee that the permit fees do not exceed the Village's costs and protect the Village from charging too much permit fees.

Staff made the recommendation the Board consider an increase certain permit fees by a percentage each year. Trustee Leider stated he would rather look at increases each year through the budget process.

Planning & Development Manager Zozulya asked for Board direction regarding the one-time administrative fee for management of the escrow. Trustee Leider stated if others are doing it, he would approve a \$50.00 fee. All other Trustees supported implementation of such a charge.

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

2.2 Finance and Administration

2.3 Public Works

**2.31 Consideration of Approval of a Contract with H. Linden & Sons Sewer and Water of Plano, IL at a Cost not to Exceed \$127,278.00 for the Lincolnshire Drive Stand Pipe and Outflow Drainage Improvements (Village of Lincolnshire)**

Assistant Public Works Director/Village Engineer Dittrich provided a summary of a proposed contract with H. Linden & Sons Sewer and Water at a cost not to exceed \$127,278.00 for the Lincolnshire Drive stand pipe and outflow drainage improvements.

Trustee Harms Muth asked if this project is part of the Village-wide drainage study identified by Christopher Burke or completely different. Assistant Public Works Director/Village Engineer Dittrich stated this is a project staff brought forward as a result of last year's budget discussions. This project would help the drainage until the improvements identified by Christopher Burke can be completed. The proposed work improves the efficiency at which staff can deploy the pumps and hoses to assist in clearing water from Lincolnshire Drive during flood events.

Trustee Grujanac asked if the stand pipe leads into the recommendations provided by Christopher Burke. Assistant Public Works Director/Village Engineer Dittrich stated the stand pipe would serve as a backup if the other system failed. Assistant Public Works Director/Village Engineer Dittrich stated the lift station is recommended as part of the drainage study, and the proposed stand pipe would be a backup for this.

Mayor Brandt asked why the Village would spend this kind of money to use as a temporary fix. Assistant Public Works Director/Village Engineer Dittrich stated this is the reason staff split the bid, so if the Board does not want to spend the money on the stand pipe, they could award the base bid of \$60,000.00 for primary improvements to the storm water infrastructure outfall. Trustee Harms Muth asked how the \$60,000.00 would be used. Assistant Public Works Director/Village Engineer Dittrich stated the \$60,000.00 is to repair a head wall that has fallen into the Des Plaines River where the storm sewer discharge exits the Village's system. Mayor Brandt asked what the advantage would be to installing the stand pipe if it only gets the Village through two years; until the lift station is installed. Assistant Public Works Director/Village Engineer Dittrich stated the benefit would be to get the Village through until the lift station could be installed. If the Village decided down the road to not install the lift station and recommended



**ITEM SUMMARY**

<b>Reviewing Body / Meeting Date:</b>	Committee of the Whole – August 24, 2020
<b>Subject:</b>	Massage Businesses
<b>Action Requested (Address – Petitioner):</b>	Consideration of an Ordinance regarding Text Amendments to Chapter 2 (Zoning Definitions) and Chapter 3 (General Zoning Regulations) of Title 6 (Zoning) of the Lincolnshire Village Code to Define and Regulate Massage Businesses as Special Accessory Uses (Village of Lincolnshire)
<b>Prepared By:</b>	Ben Gilbertson – Assistant Village Manager/Community & Economic Development Director
<b>Staff Recommendation:</b>	Consideration and approval of the ordinance
<b>Meeting History:</b>	<a href="#">Committee of the Whole – February 10, 2020</a> <a href="#">Zoning Board – March 10, 2020 (public hearing not opened)</a> <a href="#">Zoning Board – August 11, 2020</a>
<b>Tentative Meeting Schedule:</b>	Regular Village Board – September 14, 2020
<b>Reports and Documents Attached:</b>	<ol style="list-style-type: none"> <li>1) Draft ordinance and findings of fact</li> <li>2) Redlined versions of Chapters 2 (Zoning Definitions) and 3 (General Zoning Regulations) of Title 6 (Zoning) of the Lincolnshire Village Code</li> <li>3) Certificate of publication for the public hearing notice in the February 24 edition of the <i>Daily Herald</i></li> <li>4) Certificate of publication for the public hearing notice in the July 25, 2020 edition of the <i>Daily Herald</i></li> <li>5) <a href="#">Minutes from the February 10, 2020, Committee of the Whole meeting</a></li> <li>6) Draft minutes of the August 11, 2020, Zoning Board meeting</li> </ol>

**Background**

Principal use massage therapy establishments, or massage parlors, have been associated with illegal solicitation, prostitution, and human trafficking. Throughout the metropolitan Chicago region in 2019 and 2020, several news stories highlighted aforementioned offenses, with local governments often lacking stringent ordinances to deter massage parlors as primary business uses (as distinguished from massage therapy offered by physician’s offices and day spas – see page 2 for further information). For communities that permit stand-alone massage parlors, officials are often challenged by revoking a business license, only to receive a petition for a similar business shortly thereafter under a different business owner/name.

**State Law, Village Code Regulations, and Staff Recommendation**

Fortunately, Lincolnshire has not had issues with massage therapy establishments promoting illicit activity. There are currently no massage-only businesses operating in the Village. Furthermore, Lincolnshire code does not provide for a business licensing program, and all licensing authority for massage therapists is held with the State of Illinois (225 ILCS 57/55). In accordance with State law, the unlicensed practice of massage is a civil penalty with a fine of up to \$10,000. Furthermore, State law prohibits the advertising of massage services unless the person providing the service is a licensee. The first violation of the Massage Licensing Act is a Class A misdemeanor and subsequent violations are Class 4 felonies.



Pursuant to State statute, Lincolnshire cannot regulate massage licensing; however, the Village does have the power to exercise zoning authority over the location of massage therapy businesses. In consultation with the Village Attorney, staff recommends massage therapists operate only as an accessory use to a day spa or a physician's office – not as a principal use. To assure the Village can enforce this limitation, text amendments to Title 6 (Zoning) of the Lincolnshire Village Code ("Village code") are needed. Should the Village require massage businesses to operate only as an accessory use, the code effectively requires the host business to vouch for the legitimacy of the massage therapists.

Day spas with massage services are currently regulated as Special Uses in the B1 (Retail Business), B2 (General Business), and all O/I (Office/Industrial) zoning districts. Physician's offices may offer massage therapy as part of their medical services, and are currently regulated as permitted uses in the B1 (Retail Business), B2 (General Business), E (Small Scale Office), and all O/I (Office/Industrial) zoning districts. Physician's offices are also regulated as special uses within the R5 (Mixed Use General Residence District) zoning district. To better regulate massage therapy in Lincolnshire, staff recommends the following:

- Provide definitions for "massage", "massage business", and "massage therapist" in Title 6 (Zoning), Chapter 2 (Definitions) of the Village code.
- Add specific requirements for "Massage Businesses" in Title 6 (Zoning), Chapter 3 (General Zoning Regulations) of the Village code such that massage businesses may only be permitted as special accessory uses to a principal use in the R5 (Mixed Use General Residence District), B1 (Retail Business), B2 (General Business), E (Small Scale Office), and all O/I (Office/Industrial) zoning districts. This regulation would not require day spas or physician's that offer massage services to apply for a special use permit, as these services are already permitted within the day spa and physician's office uses.
- Require any person seeking to operate an accessory massage business to apply for a Special Use permit, and provide:
  - Written authorization from principal business operator to apply for approval to operate an accessory massage business;
  - The term of any lease or other occupancy arrangement with principal use operator;
  - The number of massage therapy rooms or beds; and
  - The gross square footage area occupied by the massage business, including, without limitation, any reception area, waiting area, office area, and bathroom.
- Capping massage businesses to 25% of the gross floor area of the principal use.
- Requiring the posting of licenses of each massage therapist in a conspicuous area for all guests to view in non-private areas of the business.

While the proposed text amendments would preclude a massage-only business from becoming a principal use in Lincolnshire – either in a stand-alone or multi-tenant facility, this would not preclude massage businesses from operating as an accessory use in a shared business space.

#### **Zoning Board Recommendation – August 11, 2020**

The Zoning Board considered the proposed massage business text amendments during a public hearing on August 11, 2020. The Zoning Board failed to issue a favorable recommendation to the Village Board, as the motion did not receive four affirmative votes per Village code section 2-6-2-D. The primary reason for opposition to the proposed text amendments was the 25% limitation on total square footage of the principal business. The opposing members felt this was too restrictive and may preclude certain day spas from locating in the Lincolnshire, despite them being potentially reputable businesses.

Staff's initial interpretation of the proposed regulations suggested no business could host massage services if the space dedicated to those services exceeded 25% of the gross floor area – including day spas and physician's offices. After further consultation with the Village Attorney, the 25% threshold



applies to all other uses aside from day spas and physician's offices. Given this interpretation, it is likely Zoning Board's recommendation may have been favorable.

**Staff Recommendation**

While the Zoning Board expressed concern with the square footage limitation for massage service, staff supports the original recommendation given the more liberal interpretation of the proposed amendments. The recommendation allows massage services to be offered by day spas and physician's offices, in addition to a variety of other services. The 25% square footage would apply to all uses other than day spas or physician's offices. Essentially, this threshold ensures massage services are indeed accessory to the principal use, rather than a singular or majority use.

**Approval Process**

Village code section 6-14-8 outlines the general application process for text amendment requests. Specifically, a preliminary evaluation is required with the Village Board, which occurred on February 10, 2020. Following preliminary evaluation, a public hearing with the Zoning Board is required, which occurred on August 11, 2020. With the Zoning Board failing to issue a favorable recommendation, a 2/3 vote from all members of the Village Board is required to override the Zoning Board's recommendation and approve the text amendments.

**VILLAGE OF LINCOLNSHIRE  
LAKE COUNTY, ILLINOIS**

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 6 (ZONING),  
CHAPTERS 2 (ZONING DEFINITIONS) AND 3 (GENERAL ZONING REGULATIONS) OF THE  
LINCOLNSHIRE VILLAGE CODE TO DEFINE AND REGULATE MASSAGE BUSINESSES AS  
SPECIAL ACCESSORY USES**

**WHEREAS**, the Village of Lincolnshire (the “Village”) is an Illinois home rule municipal corporation organized and operating under the Constitution and laws of the State of Illinois; and

**WHEREAS**, the Mayor and Board of Trustees (the "Corporate Authorities") find certain occupations and land uses warrant regulatory oversight because of the unique nature of operations that could harmfully affect the public health, safety, and welfare; and

**WHEREAS**, the Village has seen massage establishments operating in a manner that is harmful to the public health, safety, and welfare; and

**WHEREAS**, the Village’s investigations have found that activities harmful to the public health, safety, and welfare, including illegal solicitation and prostitution, overwhelmingly occur at purported principal use massage establishment businesses; and

**WHEREAS**, these same Village investigations have overwhelmingly found that legitimate massage establishment businesses most often operate as an accessory business to a principal use in shared business space; and

**WHEREAS**, after due and careful consideration and analysis, the Village has determined that new zoning regulations are appropriate to better regulate massage establishments, protect the reputation of reputable massage therapy providers, and promote the public health, safety, and welfare; and

**WHEREAS**, the Corporate Authorities referred certain amendments of Title 6 (Zoning), Chapters 2 (Zoning Definitions) and 3 (General Zoning Regulations) (the “Text Amendments”) of the Lincolnshire Village Code (the “Village Code”) to the Zoning Board for the purpose of regulating the operation of massage therapy establishments, attached hereto as Exhibit B; and

**WHEREAS**, a public hearing on the Text Amendments was duly publicized on February 24, 2020, and July 25, 2020, in the *Daily Herald* and was held by the Zoning Board on August 11, 2020, on which date the Zoning Board voted in favor of recommending approval of the Text Amendments.

**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 1. Recitals; Findings.** The preamble to this Ordinance expresses the Village's purpose and intent for enacting this amendment to the Village Code and it is the intent of the Mayor and Board of Trustees for this Ordinance to be liberally construed to most effectively accomplish the purposes described above. The Corporate Authorities also hereby adopt the findings of fact attached hereto as Exhibit A in support of the amendments enacted by this Ordinance.

**SECTION 2. Text Amendments.** Title 6 (Zoning), Chapters 2 (Zoning Definitions) and 3 (General Zoning Regulations) of the Village Code are hereby amended in the manner described in Exhibit B, attached hereto and incorporated as though fully recited herein. The changes are shown as additions described with underlines and deletions described with strikeouts. Language which is omitted from Exhibit B is not intended to be changed.

**SECTION 3. Severability.** In the event any provision or application of the Village Code enacted by this Ordinance is found to be invalid or unenforceable, it is the intent of the Village Board that all other applications and the remaining provisions shall remain in full force and effect to the extent permitted by law.

**SECTION 4. Effective Date.** This Ordinance shall become effective following its adoption and approval in the manner provided by law.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at Lincolnshire, Lake County,  
Illinois.

AYES:

NAYS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Elizabeth J. Brandt, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Mastandrea, Village Clerk

Published by me in pamphlet form

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**EXHIBIT A  
FINDINGS OF FACT**

## FINDINGS OF FACT

### On An Application for a Text Amendment regarding Massage Businesses

Mayor and Board of Trustees  
Village of Lincolnshire  
1 Olde Half Day Road  
Lincolnshire, IL 60069

Honorable Mayor and Board of Trustees:

We transmit for your consideration a **favorable recommendation** vote by the Zoning Board of the Village of Lincolnshire to recommend approval of the application for a text amendment related to massage businesses. The text amendment would allow massage businesses only as a special accessory use in the R5, B, E, and O/I zoning districts.

Following due notice, as required by the Title 6 (Zoning) of the Lincolnshire Village Code, the Zoning Board held a virtual public hearing on August 11, 2020. Upon having reviewed materials submitted by staff and a staff memorandum with attachments prepared by the Community & Economic Development Department, and having heard Village staff comments and the sworn testimony of all interested parties desiring to be heard at the public hearing, the Zoning Board deliberated and reached the following Findings of Fact:

#### **Standards**

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

The regulation of the location where massage businesses can operate will help prevent the secondary effects which tend to arise from uncontrolled massage businesses, including illegal solicitation and prostitution.

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

The mitigation of any negative secondary effects from massage businesses will preserve the value of property throughout the community.

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

The amendment will not affect the amount of vehicle trips on public streets.

***Chair Brian Bichkoff and Members of the Zoning Board  
August 11, 2020***

**EXHIBIT B  
TEXT AMENDMENTS**

\* \* \*

**TITLE 6: ZONING  
CHAPTER 2: DEFINITIONS**

**6-2-2: DEFINITIONS**

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

**MASSAGE**

A system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. The purpose of the practice of massage is to enhance the general health and well-being of the mind and body of the recipient. "Massage" does not include the diagnosis of a specific pathology. "Massage" does not include those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice as defined in this Chapter. Massage does not include the intentional stimulation, manipulation or use of a device applied to a sexual or genital area.

**MASSAGE BUSINESS**

The premises where a massage therapist engages in or carries on any massage services.

**MASSAGE THERAPIST**

Any person who, for compensation, engages in the practice of massage as defined herein and provides proof of professional license issued by the State of Illinois authorizing the practice of massage therapy under the Massage Licensing Act (225 ILCS 57/1 et seq.).

\* \* \*

**TITLE 6: ZONING  
CHAPTER 3: GENERAL ZONING REGULATIONS**

**6-3-5: ACCESSORY STRUCTURES AND USES**

No accessory structure or use shall be established, erected, altered or moved onto a lot unless it specifically conforms to the requirements of this Section.

\* \* \*

B. Specific Requirements: The following Accessory Structures and Uses shall be permitted subject to the additional specific regulations set forth below:

<b>Massage Business</b>	<u>R1</u>	<u>R2</u>	<u>R2A</u>	<u>R3</u>	<u>R4</u>	<u>R5</u>	<u>B</u>	<u>E</u>	<u>O/I</u>	<u>M</u>
						<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	

- Any person seeking to obtain approval under this Chapter to operate an accessory massage business must, in addition to the special use application, provide the following minimum information: (a) written authorization from principal business operator to apply for approval to operate an accessory massage business; (b) the term of any lease or other occupancy arrangement with principal use operator; (c) the number of massage therapy rooms or beds; and (d) the gross area occupied by the massage business.

including, without limitation, any reception area, waiting area, office area, and bathroom.

- No massage business shall occupy more than 25% of the gross floor area of the principal use, including, without limitation, any reception area, waiting area, office area, and bathroom.
- Parking: Off-street parking shall be required at the same rate required for a day spa.
- The license of each massage therapist engaged in providing massage services shall be conspicuously posted so that an invitee or guest can view the license from non-private areas of the business.

**TITLE 6: ZONING  
CHAPTER 2: DEFINITIONS**

**SECTION:**

- 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](http://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.

**ADULT-USE CANNABIS  
BUSINESS ESTABLISHMENT**

A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization, all as defined in Section 1-10 of the Cannabis Regulation and Tax Act, 410 ILCS 705/1-10, but not including a medical cannabis cultivation center or a medical cannabis dispensary organization.

**AGRICULTURE**

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.

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.

The land area (farm) necessary to constitute an agricultural use is five (5) acres.

**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.

<b>ANIMAL CLINIC/HOSPITAL</b>	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.
<b>ANIMAL HOSPITAL</b>	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".
<b>ANTENNA</b>	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.
<b>APARTMENT</b>	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.
<b>ASSEMBLY USE</b>	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.
<b>ATTIC</b>	The space between the ceiling beams of a top habitable story and the roof rafters.
<b>AUTOMOBILE LAUNDRY</b>	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.
<b>AUTOMOBILE REPAIR FACILITY</b>	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.
<b>AUTOMOBILE SERVICE FACILITY</b>	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.
<b>AUXILLARY USE</b>	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:

- 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 COMPLIANCE**

The written confirmation certifying compliance with the regulations set 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.

**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.

**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**

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.

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)

**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**

Any building or structure which:  
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 inform, 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.

**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.

**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)

<b>DISTILLERY</b>	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.
<b>DISTRICT</b>	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.
<b>DRIVE-THROUGH RESTAURANT</b>	Any business where food or beverages are sold and delivered to the consumer while the consumer is in an automobile or other motorized vehicle.
<b>DRIVEWAY</b>	A pathway for motor vehicles from a street to a structure used for service purposes or for access to the structure only.
<b>DRINKING ESTABLISHMENT</b>	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.
<b>DWELLING</b>	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.
<b>DWELLING/ATTACHED</b>	A dwelling which is joined to another dwelling at one or more sides by party walls.
<b>DWELLING/DETACHED</b>	A dwelling which is entirely surrounded by open space on the same lot.
<b>DWELLING/MULTI-FAMILY</b>	A building, or portion thereof, containing three (3) or more dwelling units, originally constructed for said purpose. (Ord. 86-885-22)
<b>DWELLING/SINGLE-FAMILY</b>	A building containing one dwelling unit only and that is occupied by one family as defined in this Title. (Ord. 90-1182-66)
<b>DWELLING/TWO FAMILY</b>	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)
<b>DWELLING UNIT</b>	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)
<b>EDUCATIONAL INSTITUTION</b>	A public, parochial, private or charitable, or nonprofit school, junior college, college or university, trade or business schools, 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.
<b>EFFICIENCY UNIT</b>	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.

<b>FLOOD</b>	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.
<b>FLOOD BASE ELEVATION</b>	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.
<b>FLOOD-CREST ELEVATION</b>	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.
<b>FLOOD PLAIN AREA</b>	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.
<b>FLOOD TABLE LAND</b>	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.
<b>FLOOR AREA (GROSS FLOOR AREA)</b>	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)
<b>FLOOR AREA (FOR THE PURPOSE OF DETERMINING OFF-STREET PARKING AND LOADING REQUIREMENTS)</b>	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)

**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)

**MASSAGE**

A system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. The purpose of the practice of massage is to enhance the general health and well-being of the mind and body of the recipient. "Massage" does not include the diagnosis of a specific pathology. "Massage" does not include those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice as defined in this Chapter. Massage does not include the intentional stimulation, manipulation or use of a device applied to a sexual or genital area.

**MESSAGE BUSINESS**

The premises where a massage therapist engages in or carries on any massage services.

**MESSAGE THERAPIST**

Any person who, for compensation, engages in the practice of massage as defined herein and provides proof of professional license issued by the State of Illinois authorizing the practice of massage therapy under the Massage Licensing Act (225 ILCS 57/1 et seq.).

**MEDICAL CANNABIS 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 Program Act (410 ILCS 103/1, et seq.).

**MEDICAL CANNABIS 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.

**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 internment 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:

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 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.

**NONCONFORMING/USE STRUCTURE, LOT**

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.

**NOXIOUS MATTER**

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.

**NURSING HOME (CONVALESCENT HOME, SHELTERED CARE HOME)**

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.

**OCTAVE BAND**

A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**ODOROUS MATTER**

Any matter or material that yields an odor which is offensive in any way. (Ord. 86-885-22)

**OFFICE**

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’s office or the production, distribution or sales of goods or commodities which are physically located on the premises.

**OPEN SALE LOT**

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)

**ORNAMENTAL METAL FENCE** 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)

**OUTDOOR STORAGE** 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)

**PARKING AREA** One or more parking spaces, and may also include access drives, aisles, ramps, and maneuvering area.

**PARKING LOT** 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.

**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, individual, 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)

**PHYSICIAN'S 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 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.

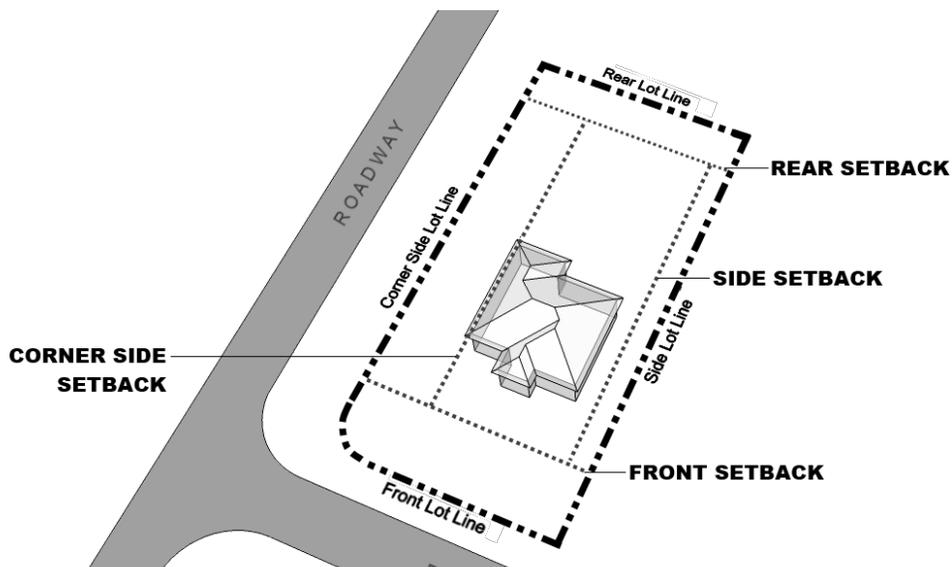
**SETBACK, REAR**

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.

<b>TEMPORARY EVENT</b>	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.
<b>TEMPORARY SALES</b>	Temporary sales of overstock and similar products manufactured, warehoused or distributed in the normal business operation of the principal use.
<b>TENT, PERMANENT</b>	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.
<b>TENT, TEMPORARY</b>	An enclosure or shelter with walls or roofing constructed of pliable materials and intended for seasonal use.
<b>THREE-COMPONENT MEASURING SYSTEM</b>	A complement of instruments or seismograph which can record, simultaneously, vibration vectors in three (3) mutually-perpendicular directions.
<b>TOXIC MATERIAL</b>	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.
<b>TRAILER</b>	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.
<b>TRANSIENT GUEST</b>	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.
<b>TREE CHIPPING</b>	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)
<b>TUTORING CENTER</b>	An office or classroom-style space where students receive assistance in either a personal or small group setting to become more successful academically.
<b>URGENT MEDICAL CARE CENTER/CLINIC</b>	An establishment comprised of physicians and other medical staff engaged in providing surgical services or emergency care services on an outpatient basis.
<b>USE</b>	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.
<b>USE, PERMITTED</b>	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.

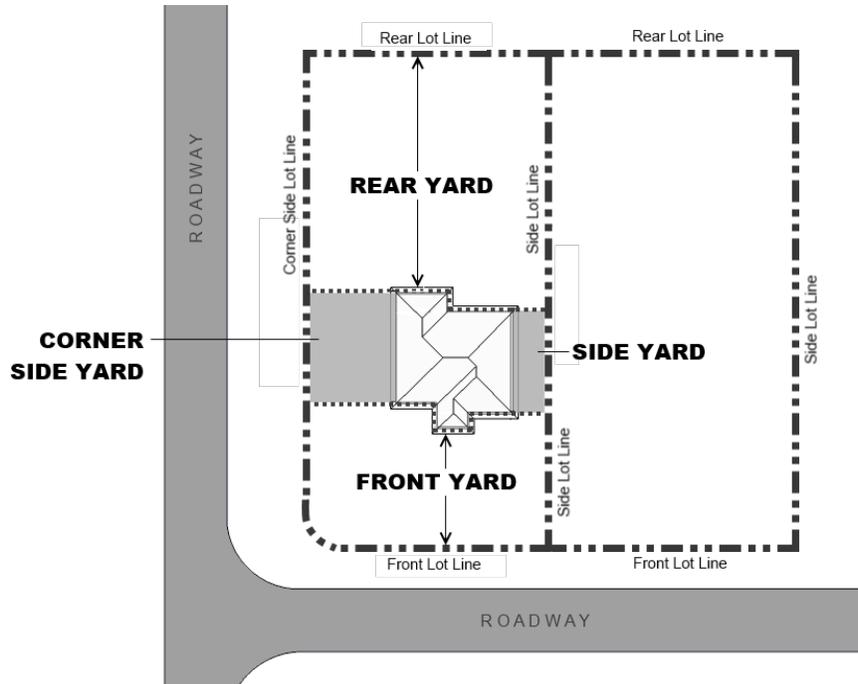
**YARD/REAR**

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

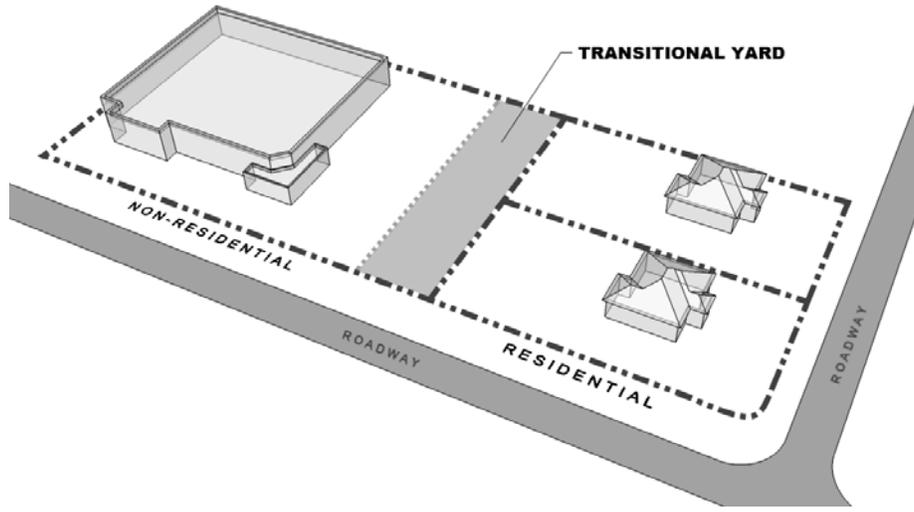


**YARD/TRANSITIONAL**

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 3: GENERAL ZONING REGULATIONS**

**SECTION:**

- 6-3-1: Buildings on a Lot**
- 6-3-2: Allowable Uses of Land and Buildings**
- 6-3-3: Controls Established**
- 6-3-4: Building Height**
- 6-3-5: Accessory Structures and Uses**
- 6-3-6: Temporary Structures and Uses**
- 6-3-7: Special Uses**
- 6-3-8: Yards**
- 6-3-9: Floodplain Regulations**
- 6-3-10: Occupancy of Dwelling Units**
- 6-3-11: Conversion of Existing Structures for Residential Uses**
- 6-3-12: Heating Requirements**
- 6-3-13: Construction and Installation of Exterior Satellite Earth Station Antennas**
- 6-3-14: Sales Activities; Vending and Ice Machines**
- 6-3-15: Outdoor Lighting**
- 6-3-16: Adult Use Cannabis Business Establishments**

**6-3-1: BUILDINGS ON A LOT**

Except in the case of planned developments, special uses, Master Development plans for Mixed Use Developments in the R5-Mixed Use General Residence District, and personal wireless service facilities subject to the provisions of Chapter 16, not more than one principal structure shall be located on a lot in any zoning district. In addition to the principal structure, detached accessory structure(s) may be located on a lot as permitted in Section 6-3-5 of this Title. Carports are specifically prohibited. (Amd. Ord. 97-1534-58, eff. 11/10/97)

**6-3-2: ALLOWABLE USES OF LAND AND BUILDINGS**

The following uses of land and buildings and no others are allowed in the districts established hereinafter under the requirements specified in this Zoning Code.

- A. Permitted uses listed in this Zoning Code.
- B. Special uses listed in this Zoning Code only with the approval of the Mayor and Board of Trustees in each case and only in accordance with all the provisions and procedures as set forth in Chapter 14.
- C. Uses lawfully established on the effective date of this Zoning Code are subject to all provisions on Chapter 13.
- D. Where a building permit for a building or structure has been issued in accordance with law prior to the date of this Zoning Code and where construction has been started within one hundred eight (180) days of such effective date and diligently prosecuted completion, said building or structure may be completed accordance with approved plans on the basis of which the building permit was issued; and, further may upon completion be occupied under a certificate of use and occupancy for the use original designated; subject to the provisions of Chapter 13 of this Zoning Code.

**6-3-3: CONTROLS ESTABLISHED**

- A. Control Over Use: No lot, building, structure or premises shall hereafter be used or occupied and no building, structure or premises or part thereof shall be erected, razed, moved, reconstructed, extended, enlarged, or structurally altered except in conformity with the regulations and requirements herein specified for the district in which it is located, except as hereinafter provided. In residence districts, a lot shown on a plot properly recorded in the office of the County Recorder prior to the effective date of this Zoning Code which does not meet the requirements of this Zoning Code as to width or area, may be used for single-family detached dwelling purpose if it conforms to other requirements of this Zoning Code. However, said recorded nonconforming lot may not be used if it was held in common ownership with one or more adjoining lots at any time subsequent to the effective date of this Zoning Code and if such lots held in common ownership together meet the requirements of this Zoning Code, when used as a single parcel. Where two (2) or more adjoining lots shown in a plot properly recorded with the office of County Recorder have been held in common ownership at any time subsequent to the effective date of this Zoning Code and the use of such use of such adjoining lots as a single parcel would meet the requirements of this Zoning Code, the ownership of said lots shall not be separated nor shall any of the lots be used in any way to conflict with the regulations of this Zoning Code. No building permits shall be issued for the use of any lot or portion of said lot, transferred, or conveyed in violation of the provisions of this Section.
- B. Control Over Bulk: All new buildings and structures shall conform to the bulk regulations established herein for the district in which each building or structure is located. No existing building or structure shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this Zoning Code for the district in which such building or structure is located.

**6-3-4: BUILDING HEIGHT**

In R1, R2, and R3 Districts, an allowable nonresidential building may be erected to a height not to exceed sixty feet (60') when the required front and rear yards are increased in depth, and side yards are increased in width, one foot (1') for each foot of height that such building exceeds the building height regulations of the district in which it is located.

**6-3-5: ACCESSORY STRUCTURES AND USES**

No accessory structure or use shall be established, erected, altered or moved onto a lot unless it is specifically conforms to the requirements of this Section.

**A. General Requirements**

1. Floor Area Ratio: The maximum size shall not exceed 10% of the gross square feet of the Principal Structure on the lot, except as further regulated in Section 6-3-5(B).
2. Height: The maximum height shall not exceed fifteen (15) feet, except as further regulated in Section 6-3-5(B).
3. Location: Shall meet the minimum required Setbacks applicable to the Principal Structure on the lot, except as otherwise permitted in Section 6-3-5(B).
4. Relationship to Principal Structure: No portion of an Accessory Structure shall extend beyond the front façade of the Principal Structure on the lot.
5. Tree Removal: Any tree removal related to the installation of an Accessory Structure shall be subject to the tree removal requirements of Section 13-1-3(I).

6. **Quantity:** A maximum of two Accessory Structures shall be permitted on a lot. No two Accessory Structures shall be the same, with the exception of Play Structures. These restrictions shall not apply to permanent tent structures or small wireless structures.
7. **Establishment:** An Accessory Structure shall not be erected, altered or moved onto a lot prior to the establishment of a permitted Principal Structure on the same lot. Accessory Structures to any non-residential use or structure shall require Architectural Review Board approval prior to establishment.
8. **Appeal:** Any person or entity aggrieved by Staff determination regarding the application or interpretations of these requirements may submit a written appeal, as specified in Section 6-14-12 of the Lincolnshire Village Code, to the Architectural Review Board or Zoning Board, for final decision by the Village Board of Trustees.

B. **Specific Requirements:** The following Accessory Structures and Uses shall be permitted subject to the additional specific regulations set forth below:

ACCESSORY STRUCTURES AND USES 6-3-5(B)										P = Permitted S = Special Use	
<b>Flagpole &amp; Flags</b>	R1 P	R2 P	R2A P	R3 P	R4 P	R5 P	B P	E P	O/I P	M P	
<ul style="list-style-type: none"> <li>Flagpoles shall not exceed a height of fifteen feet (15') or 75% of the height of the Principal Structure, whichever is greater.</li> <li>Flagpoles may be located beyond the front façade of the Principal Structure and shall comply with all required building setbacks or setbacks shall be equal to the pole height, whichever is greater.</li> <li>Flagpoles shall be exempt from the Quantity requirement of Section 6-3-5(A)(6). In addition, Flagpoles in single-family residential lots shall be limited to one (1) flagpole per lot.</li> </ul>											
<b>Gazebo</b>	R1 P	R2 P	R2A P	R3 P	R4 P	R5 P	B P	E P	O/I P	M	
<ul style="list-style-type: none"> <li>Shall incorporate traditional/classical architectural detailing and ornamentation in the pillars, railings, walls, eave brackets, structural members, roof and/or similar elements</li> <li>Shall have a shape of six (6) or more sides, with a maximum diameter of fifteen feet (15').</li> <li>Shall be open sided, with no more than 50% of any exterior side of the structure consisting of a solid wall surface.</li> <li>Installation of natural gas, water supply or sanitary sewer service; plumbing fixtures; hot tubs; whirlpool tubs or similar equipment is prohibited.</li> <li>Permanent or temporary windows or other installations are prohibited. The installation of screens to control insects and ceiling fans are permitted.</li> <li>Storage is prohibited.</li> <li>Shall be constructed of wood materials erected upon concrete piers or a structural foundation</li> <li>Permitted within the required rear yard setback, provided the Gazebo is no closer than ten feet (10') from the nearest property line(s).</li> </ul>											
<b>Greenhouse</b>	R1 P	R2 P	R2A P	R3 P	R4	R5	B	E	O/I P	M	
<ul style="list-style-type: none"> <li>At least two walls and the roof of the structure must be glass or similar transparent materials.</li> <li>Storage of materials other than plants shall not be visible from adjacent properties and public ways</li> </ul>											
<b>Massage Business</b>	<u>R1</u>	<u>R2</u>	<u>R2A</u>	<u>R3</u>	<u>R4</u>	<u>R5</u> S	<u>B</u> S	<u>E</u> S	<u>O/I</u> S	<u>M</u>	
<ul style="list-style-type: none"> <li><u>Any person seeking to obtain approval under this Chapter to operate an accessory massage business must, in addition to the special use application, provide the following minimum information: (a) written authorization from principal business operator to apply for approval to operate an accessory massage business; (b) the term of any lease or other occupancy arrangement with principal use operator; (c) the number of massage therapy rooms or beds; and (d) the gross area occupied by the massage business, including, without limitation, any reception area, waiting area, office area, and bathroom.</u></li> <li><u>No massage business shall occupy more than 25% of the gross floor area of the principal use, including, without limitation, any reception area, waiting area, office area, and bathroom.</u></li> <li><u>Parking: Off-street parking shall be required at the same rate required for a day spa.</u></li> <li><u>The license of each massage therapist engaged in providing massage services shall be conspicuously posted so that an invitee or guest can view the license from non-private areas of the business.</u></li> </ul>											
<b>Memorial Garden</b>	R1 P	R2 P	R2A P	R3 P	R4 P	R5 P	B	E	O/I	M	
<ul style="list-style-type: none"> <li>As defined in Section 6-2-2</li> </ul>											
<b>Memorial Assembly Facility</b>	R1	R2	R2A	R3	R4	R5	B	E	O/I	M	

- |  |   |   |   |   |   |   |  |  |  |  |
|--|---|---|---|---|---|---|--|--|--|--|
|  | S | S | S | S | S | S |  |  |  |  |
|--|---|---|---|---|---|---|--|--|--|--|
- Shall only be permitted as an accessory use to an assembly use, including but not limited to religious institutions or schools.
  - Shall be permitted inside the principal structure on the lot.
  - If located outside as an accessory structure, the following shall apply:
    1. Shall be located not less than 100 feet from any Lot Line where there is Frontage.
    2. Shall maintain a minimum distance of 135 feet from any Lot Line where there is no Frontage.
    3. Shall be located not more than 20 feet from the principal structure on the lot.
    4. Shall comprise an area no greater than 600 square feet.
    5. The structure shall have a height not greater than 3 feet.
    6. The structure shall be concealed from the adjacent right-of-way and contiguous residential Lots with vegetation which provides complete screening during the entire year and shall be a minimum of 6 feet tall at the time of planting (such vegetation shall not be considered part of the permitted area).
    7. The face of the structure into which cremated human remains are interned must substantially face towards the principal structure on the Lot.

<b>Parking Garage Structure</b>	R1	R2	R2A	R3	R4 S	R5 S	B S	E S	O/I S	M
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- Refer to permitted zoning districts for specific regulations.

<b>Permanent Tents</b>	R1	R2	R2A	R3	R4	R5	B P	E	O/I	M
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- Permitted on properties measuring 100 acres or greater.
- Permitted for assembly purposes only.
- Shall include a permanent foundation.
- Shall not exceed a height of twenty-five (25') feet from the established grade.
- Shall have a maximum gross floor area no greater than 10% of the gross floor area of the Principal Structure on the lot or 15,000 square feet, whichever is less.
- Storage of materials is prohibited except for limited storage of tables and chairs used in the tent.
- May be located within the required side and rear yard setbacks, provided they are no closer than ten (10') from the side and rear property lines.

<b>Personal Recreation Facility</b>	R1 P	R2 P	R2A P	R3 P	R4 P	R5 P	B	E	O/I	M
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- Recreation courts/facilities which do not require a foundation, concrete slab, or impervious surface floor shall not require a building permit.
- Permitted within the required rear yard setback, provided they are no closer than ten feet (10') from the nearest property line(s).
- Lighting shall be positioned and operated to minimize the amount of light and glare cast onto any adjacent property or street to not be a nuisance.

<b>Play Structure</b>	R1 P	R2 P	R2A P	R3 P	R4 P	R5	B	E	O/I	M
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- Structures which do not include a foundation or concrete slab shall not require a building permit.
- Playhouses shall not exceed 8 feet in height and a maximum floor area of sixty (60) square feet.
- Storage of materials is prohibited.
- Permitted within the required rear yard setback, provided they are no closer than ten feet (10') from the nearest property line(s).

<b>Private Residential Swimming Pools &amp; Pool Houses</b>	R1 P	R2 P	R2A P	R3 P	R4 P	R5 P	B	E	O/I	M
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- Private Residential Swimming Pools – Refer to Chapter 5 of Title 5 for specific requirements.
- The combination of a Private Residential Swimming Pool and Pool House shall be classified as one Accessory Structure/Use and exempt from the Quantity requirement of Section 6-3-5(A)(6).
- The use of a Pool Houses as a Second Residential Unit is prohibited.
- Pool Houses shall be constructed with the same materials used on the Principal Structure.
- Pool Houses shall be permitted only in conjunction with an in-ground swimming pool. Installation of natural gas, water supply or sanitary sewer service; plumbing fixtures; heating/air conditioning is permitted.

<b>Second Residential Unit</b>	R1 S	R2	R2A	R3	R4	R5	B	E	O/I	M
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- Refer to Section 6-5A-2(H) for specific requirements.

<b>Small Wireless Facility</b>	R1 S	R2 S	R2A S	R3 S	R4 S	R5 S	B P	E P	O/I P	M P
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- Small Wireless Facilities which require a special use must also meet the definition of a “no impact” facility, as described in Section 6-2-2.
- The maximum height of a small wireless facility collocated on an existing structure shall be limited to 10 feet above the structure on which the small wireless facility is collocated.
- The maximum height of a new small wireless facility which is not collocated on an existing structure may not exceed: (i) 10 feet in height above the tallest existing utility pole that is in place on the date the application is submitted, that is located within 300 feet of the small wireless facility and that is in the same right-of-way within the Village; or (ii) 45 feet above ground level.

- A small wireless facility collocated on an existing structure shall not count toward the floor area ratio and shall be exempt from Section 6-3-5(A)(1).

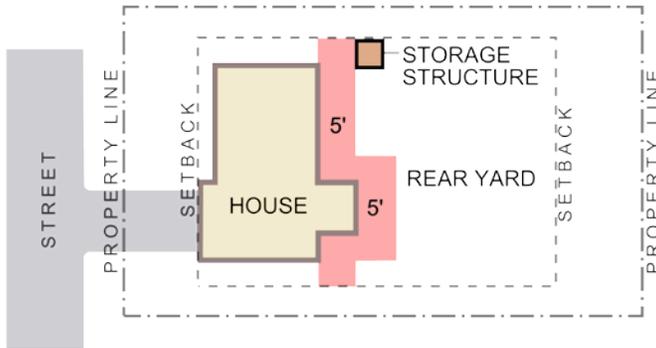
**Short-Term Rental**

- Except as otherwise provided herein, leasing a residential dwelling in any Residential zoning district (R1 through R5, inclusive) for less than three (3) months shall be prohibited.
- The term of any lease which has satisfied the minimum term required by these rules may be extended on a month-to-month basis so long as the tenant(s) remain the same.
- Residential dwellings shall not be leased more than two (2) times during any consecutive twelve (12) month period unless the rental agreement has been terminated by reason of a tenant default.
- The rental premises may comprise all or a part of the principal structure.
- The rental premises shall not count toward the limit of accessory structures otherwise permitted by this Chapter.
- The form of consideration exchanged for the rental premises does not affect whether it is treated as a short term rental for the purposes of this Chapter.
- The property owner shall remain responsible for compliance with all Village Codes during the term of any rental agreement unless the owner can show by clear and convincing evidence that the tenant caused the violation despite good faith efforts by the owner to abate the violation.
- No Temporary Structure shall be permitted to be used for short term rental.
- The prohibition on short term rentals for less than three (3) months shall not apply when the immediately preceding owner maintains possession of the dwelling unit after closing and leases it from the successor owner under a written lease agreement.

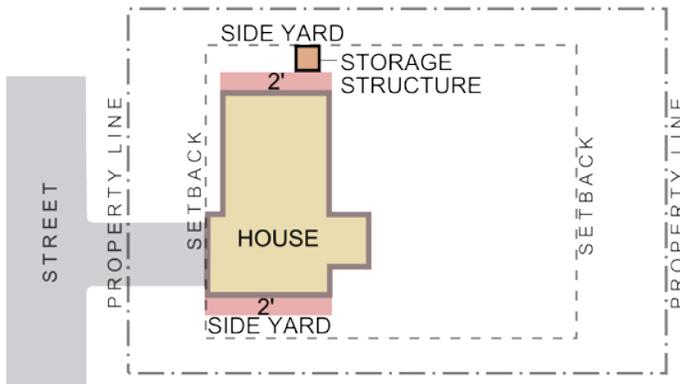
**Storage Structure**

R1	R2	R2A	R3	R4	R5	B	E	O/I	M
P	P	P	P						

- Shall be located in one of the following locations:  
 Rear Yard: Within five feet (5') of the Principal Structure (see figure below)



- Side Yard: Within two feet (2') of the Principal Structure (see figure below)



- Shall have a maximum floor area of 100 square feet.
- Shall not exceed a height of ten feet (10') from the established grade.
- Shall be placed on a hard surface, including but not limited to a concrete pad, cement blocks or similar materials.
- Shall be screened by plant material that provides visual relief throughout the year from both the public way and adjacent properties.
- Plastic, corrugated metal, fiberglass and dryvit/stucco are prohibited unless they are the primary material(s) on the principal structure.

**END OF ACCESSORY STRUCTURES AND USES LIST**

6-3-5(B)

- C. Existing Non-Conforming Accessory Structures: Accessory structures existing as of July 10, 1995 shall be considered Non-Conforming and may be preserved, maintained and used subject to the restrictions in Chapter 13 of this Title.
  - 1. Detached garages located within the Stonegate Circle Subdivision, as defined in Ordinance No. 62-000-70, shall not be subject to the restrictions in Chapter 13 of this Title, but shall be subject to flood plain and flood way regulations and are permitted to perform normal maintenance and incidental repair, reconstruction and restorations but may not increase the existing garage floor area.

**6-3-6: TEMPORARY STRUCTURES AND USES**

No temporary structure or use shall be established or erected on a lot unless it is specifically permitted by the requirements of this Section.

A. General Requirements

- 1. Authorization: Except as set forth in 6-3-6(B), a Temporary Use Permit shall be required from the Department of Community & Economic Development prior to the establishment of any temporary structure or use.
- 2. Location: All Temporary Structures shall meet the minimum required setbacks applicable to the Principal Structure on the lot, except as otherwise permitted in Section 6-3-6(B).
- 3. Temporary Use Permit: Application for a Temporary Use Permit shall be submitted to the Department of Community & Economic Development and shall be issued upon full compliance with the standards and submittal requirements set forth below:
  - a. An accurate site plan of the property to be used for the Temporary Use or Structure, including all information necessary to accurately locate and portray the Temporary Use or Structure on the premises. Sufficient information to determine compliance with yard requirements, availability of off-street parking, and adequate traffic circulation to service the proposed Temporary Use or Structure shall also be provided, as determined by the Department of Community & Economic Development.
  - b. A detailed written description of the proposed Temporary Use and/or depiction or illustration of building elevations for any proposed Temporary Structure.
  - c. Consent from the property owner or legal representative of the land owner shall be obtained in writing. A copy of such authorization shall be included with the Temporary Use Permit.
  - d. Such other data and/or certifications as may reasonably be required by the Director of Community & Economic Development for the purpose of enforcing the regulations set forth in this Title.
- 4. Conditions: A Temporary Use Permit may be subject to such special conditions and restrictions on the location and operation as deemed reasonably necessary by the Director of Community & Economic Development to protect the public health, safety and welfare in consideration of site specific conditions.
- 5. Revocation: A Temporary Use Permit shall be revoked if any of the standards and conditions imposed pursuant to this Section, or permit, are violated.

6. **Length of Permit:** A Temporary Use Permit is valid for one (1) year from the date of issuance and shall be renewed each year, except as further regulated by Section 6-3-6(B). A permit fee in the amount outlined in the Comprehensive Fee Schedule shall be collected for the permit.
  7. **Appeal:** Any person or entity aggrieved by Staff determination regarding the application or interpretations of these requirements may submit a written appeal, as specified in Section 6-14-12 of the Lincolnshire Village Code, to the Zoning Board, for final decision by the Village Board of Trustees.
- B Specific Requirements:** The following Temporary Structures and Uses shall be permitted and are further subject to the specific regulations set forth below:

<b>TEMPORARY STRUCTURES AND USES</b> 6-3-6(B)		<b>TUP = Temporary Use Permit Required</b> <b>P = Permitted (No Permit Required)</b> <b>BP = Building Permit Required</b>									
<b>Construction/Contractor</b>	R1	R2	R2A	R3	R4	R5	B	E	O/I	M	
<b>Trailer/Office</b>	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	
<ul style="list-style-type: none"> <li>Refer to Section 5-1-8(7), <i>Temporary Trailers</i>, for specific requirements.</li> </ul>											
<b>Farmers Market</b>	R1	R2	R2A	R3	R4	R5 TUP	B TUP	E TUP	O/Ia TUP	M	
<ul style="list-style-type: none"> <li>Permitted a maximum of one (1) day within a consecutive seven (7) day period. The hours of operation are limited to a maximum six (6) hour period, which includes vendor set-up and removal, subject to the approval of the Director of Community &amp; Economic Development.</li> <li>All products sold by vendors must be home-grown or home-made, and sold by the producer(s), family member(s), employee(s), or designated representative(s). In the event a vendor is deemed not to meet these criteria, but is determined the vendor adds material value to the market, the Director of Community &amp; Economic Development has authority to make exceptions to such criteria.</li> <li>Other related activities, special programs and events may be conducted on the premises subject to the review and approval of the Director of Community &amp; Economic Development.</li> <li>A Market Manager shall be designated by the Applicant to serve as the principal person responsible for overseeing the operations of the market. The Market Manager shall ensure all waste, debris, or any other evidence of the market is removed from the premises no later than two (2) hours after closing time.</li> <li>All vendors shall have a valid Illinois State Sales Tax License, except when a temporary (daily) sale is assigned, and shall abide by all food, safety, and health regulations of the Village of Lincolnshire and the Lake County Department of Health and the State of Illinois at all times.</li> </ul>											
<b>Garage Sales</b>	R1 TUP	R2 TUP	R2A TUP	R3 TUP	R4 TUP	R5	B	E	O/I	M	
<ul style="list-style-type: none"> <li>Shall be permitted up to three (3) consecutive days between the hours of 8:00 a.m. and 5:00 p.m. each day. Not more than two (2) garage sales shall be conducted on the same premises within a calendar year with a minimum thirty (30) days between each sale. In the event of rain during the three (3) day sale period, such sale period may be extended one additional day within the subsequent seven (7) days for each day of rain.</li> <li>A Temporary Use Permit shall be obtained from the Department of Community &amp; Economic Development not less than 48 hours prior to the start of any garage sale.</li> <li>Signage shall be in compliance with Section 12-13-1, <i>Temporary Signs</i>, of the Lincolnshire Sign Control.</li> </ul>											
<b>Holiday Decoration Sales Lot</b>	R1	R2	R2A	R3	R4	R5 TUP	B TUP	E	O/Ia TUP	M	
<ul style="list-style-type: none"> <li>Shall be permitted during the months of October, November and December.</li> <li>All items to be displayed and sold shall consist of natural materials (for example; pumpkins, holiday trees and wreaths, etc.).</li> <li>Adequate vehicular access and off-street parking provisions shall be provided on-premises of the operation, subject to the determination of the Director of Community &amp; Economic Development.</li> <li>Daily operations shall conclude at 9:00 PM.</li> <li>One temporary structure shall be permitted for office, sales, or storage uses and shall comply with all yard requirements of this Title.</li> <li>Outdoor lighting as described in Section 6-3-15 shall apply, regardless of location.</li> <li>All vendors shall have a valid Illinois State Sales Tax License, except when a temporary (daily) sale is assigned, and shall abide by all food, safety, and health regulations of the Village of Lincolnshire Health Code, the Lake County Department of Health and the State of Illinois.</li> </ul>											
<b>Mobile Services</b>	R1	R2	R2A	R3	R4	R5	B TUP	E TUP	O/I TUP	M TUP	
<ul style="list-style-type: none"> <li>Shall be located entirely on private property and shall only provide service to the owner, tenants and their respective employees or</li> </ul>											

customers with a scheduled appointment window of less than thirty (30) minutes. Consent from the property owner or legal representative of the property owner must be obtained in writing in advance, and a copy of such authorization shall remain on file with the Community & Economic Development Department.

- All services and product storage shall occur within a fully enclosed facility, which may include a mobile facility. All waste, including fluids, shall be contained within the facility and properly disposed pursuant to local, state, and federal guidelines/regulations. Minor services may be permitted outdoors, as authorized by the Department of Community & Economic Development.
- Permitted a maximum of three (3) days in a consecutive seven (7) day period.
- All signage, product and service information must be securely attached to the mobile facility. Directional signs may be permitted to ensure proper traffic circulation and access, as authorized by the Department of Community Economic Development.
- The location of the operation shall not interfere with vehicle ingress and egress to the premises, nor impede traffic circulation in any way.
- Set-up and removal of the Mobile Services must occur within the same day of operation. Overnight storage and parking of equipment is prohibited.
- A separate Temporary Use Permit shall be required for each individual location of operation, regardless if all services are performed by the same owner/operator.
- All vendors shall have a valid Illinois State Sales Tax License, except when a temporary (daily) sale is assigned, and shall abide by all food, safety, and health regulations of the Village of Lincolnshire Health Code, the Lake County Department of Health and the State of Illinois.

Mobile Food Vendor	North Park, Spring Lake, Public Schools TUP				R5 TUP	B TUP	E TUP	O/I TUP	M TUP
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- Shall possess a valid license for operation from the Lake County (IL) Health Department. A copy must be submitted to the Department of Community & Economic Development prior to operation.
- Parking or standing in any public right-of-way for the purpose of preparing, cooking, serving or selling products shall be prohibited, with the exception of ice cream vending.
- All of the proprietor’s activity associated with a Mobile Food Vendor must occur within the vehicle.
- Consent from the property owner or legal representative of the land owner, either written or verbal, must be obtained prior to operation.
- All signage, product and menu information must be securely attached to the mobile food vehicle.
- Operation shall be permitted for a maximum of four (4) hours at any single location.

Model Sales Office/Unit/Trailer	R1 BP	R2 BP	R2A BP	R3 BP	R4 BP	R5 BP	B	E	O/I	M
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- Shall be permitted upon the recording of a final plat of subdivision for sales or marketing of any residential development and shall not be used for general office purposes.
- Shall be located on the same premises as the development site and must be securely affixed to the ground and meet all applicable codes and regulations of the Village, including building setbacks, light, ventilation, egress, and space for the occupancy of a structure.
- Must be removed upon the sale of the last unit of the development.
- Shall not contain any sleeping or cooking accommodations, unless located in a model unit.

Seasonal Structure	R1 P	R2 P	R2A P	R3 P	R4 P	R5	B	E	O/I	M
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- Only one (1) Seasonal Structure shall be permitted at any one time.
- Shall be permitted for a portion of the year for seasonal use only, and shall not remain for an uninterrupted period longer than six (6) months within any consecutive twelve (12) month period.
- Shall not include a permanent foundation.
- Shall not exceed a height of fifteen feet (15’) from the established grade.
- Shall have a maximum floor area ratio no greater than 10% of the gross square feet of the Principal Structure on the lot.
- Storage of materials is prohibited.
- Installation of natural gas, water supply or sanitary sewer service, plumbing fixtures or similar utilities is prohibited.
- May be located within the required side and rear yard setbacks, provided they are no closer than ten feet (10’) from the side and rear property lines.

Temporary Event	R1	R2	R2A	R3	R4	R5 TUP	B TUP	E TUP	O/I TUP	M TUP
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- Event hours are limited between the hours of 9:00 a.m. and 11:00 p.m.
- Permitted a maximum of three (3) consecutive days.
- No more than two (2) temporary events shall be permitted on the same premises in any calendar year.
- An Event Manager shall be designated to serve as the principal person responsible for overseeing the operations of the event. The Event Manager shall ensure all waste, debris or any other evidence of the event is removed from the premises no later than two (2) hours after the closing time.
- Adequate off-street parking shall be provided on the premises of the temporary event, as determined by the Department of Community Development. Off-premises parking locations may be permitted, subject to the authority of the Department of Community Development.

- Signage shall be in compliance with Section 12-13-1, *Temporary Signs*, of the Lincolnshire Sign Control.

<b>Temporary Sales</b>	R1	R2	R2A	R3	R4	R5	B	E TUP	O/I TUP	M TUP
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- Shall be associated with an existing permitted use or Special Use.
- Products to be sold shall be manufactured, warehoused or distributed in the normal business operation. No products shall be brought from other sources for the purposes of the temporary sale.
- All temporary retail sales, including the display of products, shall take place within the fully enclosed building associated with the principal use.
- No more than three (3) temporary sales events shall be permitted on the same premises in any calendar year.
- Adequate off-street parking shall be provided on the premises of the temporary sale, as determined by the Department of Community Development.
- Signage shall be in compliance with Section 12-13-1, *Temporary Signs*, of the Lincolnshire Sign Control.

<b>Temporary Tents</b>	R1 P	R2 P	R2A P	R3 P	R4 P	R5 P	B P	E P	O/I P	M P
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- Shall be permitted for a portion of the year for seasonal use only.
- Shall not remain for an uninterrupted period longer than six (6) months in non-residential districts and 30 days in residential districts within any consecutive twelve (12) month period.
- Shall not exceed a height of twenty-five (25') from the established grade.
- Shall have a maximum gross floor area ratio no greater than 10% of the gross floor area of the Principal Structure on the lot or 5,000 square feet, whichever is less.
- Storage of materials is prohibited.
- Installation of natural gas, water supply or sanitary sewer service, plumbing fixtures or similar utilities is prohibited.
- May be located within the required side and rear yard setbacks, provided they are no closer than ten feet (10') from the side and rear property lines.

**End of Temporary Structures and Uses List** 6-3-6(B)

**6-3-7: SPECIAL USES**

Where a lawful use exists on the effective date of this Zoning Code or an amendment thereto and it is classified as a special use in the district in which it is located by this Zoning Code, it shall be considered as a lawful special use.

**6-3-8: YARDS**

**A. General**

1. For the purposes of this Section, "Required Yard" shall mean any yard subject to building setbacks.
2. No lot shall be reduced in area so that the yards or other open spaces become less than required by this Zoning Code.
3. On a vacant corner lot, any street lot line may be established as the front lot line; except where two (2) or more contiguous lots have duly established a front lot line, the same street lot line shall thereafter be deemed the front lot line. On a through lot, a front yard shall be provided along both street lot lines.

**B. Permitted Obstruction in Any Required Yard Setback**

1. Chimneys, overhanging roof eaves, open terraces, and awnings adjoining the principal building, provided they do not exceed ten percent (10%) of the depth or width of the yard.
2. Ornamental light poles and fixtures.
3. Landscaping as regulated in Sections 8-3-4(B); *Parkways*; and 13-2-5; *Landscape Requirements in Pubic Right-of-Ways*, provided that on corner lots, no obstruction

higher than thirty inches (30") above curb level shall be located within twenty feet (20') of the lot corner formed by the intersection of any two (2) right-of-way lines.

4. Fences and Screens as regulated in Chapter 15 of Title 6.
5. Off-street Parking and Loading Improvements as regulated in Chapter 11 of Title 6.
6. Paved surfaces provided they are no closer than five feet (5') from any Property Line.
7. Signs as regulated in Title 12.
8. Cable satellite antennas or SESA no larger than twenty-four inches (24") in diameter.
9. Underground lawn irrigation systems as regulated in Section 8-3-9.
10. Electric dog fences as regulated in Section 8-3-9.

C. Permitted Obstructions in Required Front Yard Setback

1. Mailboxes
2. Decorative walls subject to the following requirements:
  - a. A maximum overall height of three and one half feet (3'-6").
  - b. A maximum of two (2) columns per wall segment and a maximum of two (2) wall segments per frontage or primary curb cut.
  - c. Columns shall not exceed an overall height of five feet (5') and have a maximum square width of twenty-four inches (24").
  - d. The total length of the decorative wall, including columns, shall not exceed fifteen percent (15%) of the lot's frontage.
  - e. Decorative walls and columns shall be finished in the same exterior materials as the Principal Structure.
  - f. A light element is permitted atop columns and shall not exceed eighteen inches (18") in overall height in addition to the overall height of the columns.
3. Decorative columns subject to the following requirements:
  - a. A maximum height of five feet (5') and have a maximum square width of twenty-four inches (24");
  - b. Shall be finished in the same exterior materials as the Principal Structure.
  - c. A light element is permitted atop columns and shall not exceed eighteen inches (18") in overall height in addition to the overall height of the columns.

D. Permitted Obstructions in Required Side Yard Setback

1. Fences as regulated in Chapter 15 of Title 6 provided that no portion of a fence shall be constructed within a dedicated conservancy area/ easement, which extends continuously between adjacent lot lines.
2. Swimming pools, hot tubs, and spas, as regulated in Chapter 5 of Title 5.

3. Seasonal Structures, provided a minimum ten foot (10') setback from the side property line is established.

E. Permitted Obstructions in Required Rear Yard Setback

1. Play Structures, provided a minimum ten foot (10') setback from any property line is established.
2. Laundry Drying Equipment.
3. Arbors and Trellises.
4. Gazebo, provided gazebo is no closer than ten (10') feet from the nearest property line(s).
5. Personal Recreation Facility, provided they are no closer than ten (10') feet from the nearest property line(s).
6. Swimming pools, hot tubs and spas, as regulated in Chapter 5 of Title 5.
7. Seasonal Structures, provided they are no closer than ten (10') feet from the nearest property line(s).
8. Fences as regulated in Chapter 15 of Title 6 provided that no portion of a fence shall be constructed within a dedicated conservancy area/ easement, continuously between adjacent lot lines.

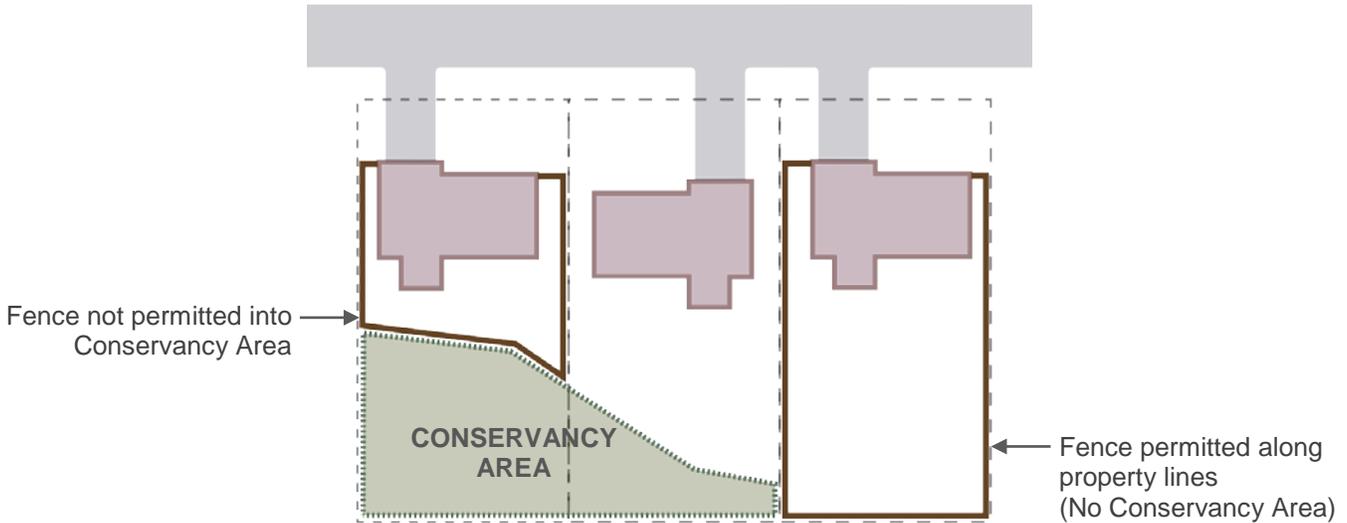


Illustration for 6-3-8-E(8)

**6-3-9: FLOODPLAIN REGULATIONS**

The provisions of Title 5 Chapter 7 entitled "Flood Damage Prevention" be and are hereby incorporated by reference as regulations governing all development under this Zoning Code, and such provisions shall apply to the full extent as if set forth at length herein. (Ord. 80-643-50)

**6-3-10: OCCUPANCY OF DWELLING UNITS**

- A. No dwelling units shall be occupied by more than one family as defined by this Zoning Code, except as hereinafter provided.

- B. No dwelling unit which contains less than one thousand seven hundred fifty (1,750) square feet of floor area shall be used to provide living quarters for roomers, servants or permanent guests.
- C. Where a dwelling unit is not occupied by a family as provided in A or B above, said dwelling unit may be occupied by not more than three (3) unrelated persons; provided that said dwelling unit contains not less than five hundred eighty three (583) square feet of floor area for each such occupant.
- D. Where the floor area of a dwelling unit exceeds one thousand seven hundred fifty (1,750) square feet, and the "family" occupying said dwelling unit does not consist of unrelated persons, said dwelling unit may be used for living quarters for not more than two (2) servants, roomers, or permanent guests, provided that said living quarters are located within and are physically an integral part of the dwelling unit.

**6-3-11: CONVERSION OF EXISTING STRUCTURES FOR RESIDENTIAL USES**

- A. No building may be converted to a use or in a manner not allowed by the regulations of the zoning district within which said building is located.
- B. Every conversion must comply with the regulations of the Building Code, Title 5 of this Code, and all other applicable regulations of the Village.
- C. Where a building is nonconforming in respect to height, bulk, lot area per dwelling unit, required yards or off-street parking (See Chapter 13 of this Title), no conversion shall be permitted, unless said building is brought into conformity with all applicable requirements of this Zoning Code (Ord. 65138-15).

**6-3-12: HEATING REQUIREMENTS**

All primary heating units shall be operated by electricity, gas, oil or solar energy. (Ord. 82-744-51)

**6-3-13: CONSTRUCTION AND INSTALLATION OF EXTERIOR SATELLITE EARTH STATION ANTENNAS**

- A. Village Policy: It is the stated policy of the Village that installation of satellite earth station antennas (SESA) and equipment can, unless controlled, adversely affect health, safety and aesthetic values and objectives of the Village and its residents in all zoning districts. The Village considers the rural ambience and residential character to be an extremely important aspect of the community's quality of life. Great care is taken to protect these aesthetic values through preservation of natural resources and protection of the visual environment. One of the very important means by which this goal can be achieved is by recognizing that satellite earth station antennas of all sizes, shapes, varieties and uses constitute physical additions and potential hazards to the Village of such character that their construction, placement, installation and use requires close examination and constant review by the Village. Satellite earth station antennas are structures quite different in appearance from typical structures anticipated by the Codes of the Village and the installation of satellite earth station antennas may not be compatible with existing structures and land uses in the Village. The appearance of this SESA from neighboring properties and the removal of desirable vegetation to allow placement of the SESA are major negative consequences of such systems. In addition, it is extremely important that all safety aspects be addressed to protect persons and property including wind loads, attractive nuisances to children, site lines on roadways and other factors.

In every case the entire installation must be compatible with the character of the surrounding area of the Village and shall not have an adverse impact on the health, safety or aesthetic values and planning objectives of the area.

In view of the foregoing, in order to protect the health, safety and welfare of the Village and to provide for reasonable regulation, all exterior satellite earth station antennas, including all forms of receivers of satellite transmissions, shall be considered structures subject to the terms of the Village Code and shall be subject to all ordinances relating to structures.

**B. General Regulations:** The construction and installation of the satellite earth station antenna must strictly conform to all Village Ordinances.

1. **Appearance:** The installation must exhibit architectural quality.

a. **Location**

- (1) All portions of the satellite earth station antenna shall be located only in rear yards and not within a required rear or side yard setback as defined in the Zoning Title, unless otherwise provided for in this Section.
- (2) Installations shall not be permitted in, or be permitted to extend into that portion of a lot between any front facade of a building and a public way.
- (3) Consideration shall be given to protection of the health, safety, and welfare of children as in the case of an attractive nuisance.
- (4) No satellite antenna shall be installed on a vacant lot.

b. **Height**

- (1) Installation on poles (other than the mount), masts and towers is prohibited.
- (2) Installation shall be subject to the specific regulations for type of antenna: ground, roof, wall-mounted.

c. **Materials**

- (1) The satellite earth station antenna shall be constructed of noncombustible and corrosive resistant materials.
- (2) The reflector element of the SESA shall be mesh construction unless otherwise specifically allowed by these regulations.

d. **Color:** All parts of the satellite earth station antenna and appurtenant equipment shall be of a color that will blend with the surroundings and any immediately adjacent structure.

e. **Miscellaneous:** Advertising names and logos shall not be permitted on the structure except when the removal of such name or logo would interfere with adequate reception.

2. **Installation:** All systems shall be installed strictly in accordance with all codes adopted by the Village, shall exhibit structural integrity at all times, and shall comply with the manufacturer's requirements.

- a. **Method of Attachment:** The permanent foundation or mounting for the antenna shall be adequate for anticipated wind loads. Fixed elevation antennas shall be installed to withstand 125 m.p.h. winds, while adjustable installations must be designed to withstand 100 m.p.h. winds.
  - (1) **Ground Mounted:** The supporting structure for the SESA is to be permanently ground mounted and embedded in, or an integral part of a monolithic concrete footing to a depth below the frost line. The SESA or supporting structure shall not be attached to any building or structure on the lot.
  - (2) **Roof Mounted:** Installation of an antenna on a roof must accommodate both live and dead load requirements.
  - (3) **Wall Mounted:** The mast and foot assembly shall be in accordance with the manufacturer's requirements based on the material to which the structure is to be mounted.
- b. **Safety:** The unit shall be adequately grounded for protection against a direct lightning strike or accidental electrical energizing of the unit.
- 3. **Maintenance:** All portions of the SESA and required screening shall be maintained in a safe, clean and attractive condition by the property owner.
- 4. **Miscellaneous:** The exterior display of samples, models or facsimiles of an SESA used by any business establishment such as a company, firm, installer or contractor for the purpose of promoting the sale thereof, shall be subject to all of the applicable requirements of this Section. Experimental or temporary installations, inferior materials and questionable stability shall not be permitted.

C. **Specific Regulations**

- 1. **Ground Mounted Antenna**
  - a. **Location:** Located a minimum of 10' from any building or structure on the lot and entirely behind the rear building facade.
  - b. **Height:** The height of a ground mounted SESA or any portion thereof, shall not extend more than the diameter of the satellite reflector element plus two feet (2') from ground level.
  - c. **Size:** The diameter of the satellite earth station antenna reflector element shall be the smallest practical size and in no instance shall exceed 10'.
  - d. **Material:** The reflector element shall be constructed of mesh materials unless otherwise provided for in this Section, or if the size of the reflector element is 24" or less in diameter.
  - e. **Color:** A color which blends with the natural surroundings of the site or immediately adjacent structure.
  - f. **Quantity:** Not more than one ground mounted satellite earth station antenna shall be installed on a single zoning lot or building site.
  - g. **Screening:** An earth berm, fence, walls, arbors or other appropriate landscaping (and also natural woodland vegetation), including trees, shrubs, and hedges

approved by the Village Forester shall be installed and maintained to screen the SESA as completely as possible without preventing reception to said antenna. The SESA shall be screened so as to obscure views of the system from adjoining properties and public ways at all times.

2. Roof Mounted Antenna

Single Family Detached Residential Structures

The installation of the SESA shall be permitted on a peak, pitched, sloped, flat roof or chimney provided the design of the system is in keeping with the Village Policy for the Construction and Installation of Exterior Satellite Earth Station Antennas and in accordance with the following regulations:

- a. Location: The SESA shall be located on a side of the principal structure which does not face a public way.
- b. Height: The maximum height of the SESA and all appurtenant equipment shall not exceed the maximum building height for the applicable zoning district.
- c. Size: The diameter of the SESA shall not exceed 24".
- d. Material: Unrestricted.
- e. Color: A color which blends with the natural surroundings of the site or immediately adjacent structure.
- f. Quantity: No more than one (1) SESA shall be permitted per principal structure.
- g. Screening: The SESA shall be so located that views of the system are obscured from public ways.

All Other Structures

Flat Roof: The SESA must be screened in full compliance with rooftop equipment screening requirements of the Village Code.

Peak, Pitched, Sloped Roofs: Installation on a peak, pitched, or sloped roof shall require an Architectural Review recommendation and Village Board approval.

3. Wall Mounted: Wall mounted antennas shall be permitted for a single family detached residence only as regulated below.

- a. Location: Any facade of a building which does not face a public way.
- b. Height: The maximum height of the SESA and all appurtenant equipment shall not exceed the maximum building height for the applicable zoning district.
- c. Size: Maximum size of the reflector element shall be 24" in diameter.
- d. Material: May be of solid construction.
- e. Color: A color which blends with the adjacent wall to which it is attached and shall otherwise blend with the natural surroundings of the site. In no instance

shall the wall mounted antenna be of a contrasting color with the wall to which it is attached.

- f. Quantity: Not more than one (1) wall mounted antenna shall be allowed per principal structure.
- g. Screening: Not required.

D. Permit Requirements

1. Application: Any person wishing to install a satellite earth station antenna shall submit a complete application for a building permit on a form provided by the Department of Community Development for review, approval and issuance prior to installation. Said application shall be accompanied by three (3) complete sets of the documents and plans outlined below. No building permit shall be granted for a satellite earth station antenna unless all regulations pertaining to the installation are in compliance with the applicable Village Code regulations.
2. Plat of Survey or Rooftop Equipment Plan: An accurate plat of survey of the lot in question indicating the proposed location of the satellite earth station antenna, all structures on the subject property, location and name of all immediately adjacent streets, location of the principal structure on immediately adjacent properties and existing vegetation on the subject property or a rooftop equipment plan drawn to scale.
3. Reflector Element Projections: The projections of the reflector element at extremes of the satellite band to be viewed in order to depict the reception lanes. This requirement will be satisfied by drawing radial lines from a point representing the pivot point of the SESA to each end of the satellite band and then drawing a line perpendicular to each radial at a distance between the rim of the reflector element to the pivot point. Each perpendicular line should be scaled to the diameter of the reflector element to show its maximum projection on the plan at the extremes of its satellite scan. Compass directions will be adequate for this requirement.
4. Plans/Specifications/Cut Sheets
  - a. Plans and specifications for the entire installation including elevations, SESA configuration, mount, foundation, electrical wiring and any motorization, or other proposed housing. Plans and specifications must be certified by the preparer to comply with all applicable Village Codes and must be drawn to scale.
  - b. Manufacturer's installation instructions and requirements.
  - c. Structural Engineer Design Criteria Drawings and Calculations stamped by an Illinois Licensed Structural Engineer must be submitted if required by the Department of Community Development for rooftop installations.
5. Landscape Plan: Landscape plan for screening the installation from the view of neighboring properties and public and private streets as required for ground mounted installations.

E. Variations

1. **Administrative Variations:** Where there are practical difficulties in carrying out the requirements of this Section which prevent reception, the applicant may submit a written request for consideration of an Administrative Variation to the requirement(s). Said request shall be submitted to the Department of Community Development and shall detail the specific code requirement(s) and how reception is prevented. The Department of Community Development shall review the request.

In the event a hardship occurs in meeting the strict application of these regulations as they pertain to adequate reception only, the Department of Community Development shall be authorized to grant an administrative variation provided the following is substantiated:

- The specific hardship that exists.
- The requested variation is in keeping with the spirit of this Section and the public health, welfare, and safety.

The Department of Community Development may, at the applicant's expense, choose to hire an independent consultant to verify that adequate reception would not be possible if the strict application of the requirements were applied.

Specific reasons for granting an Administrative Variation shall be provided in writing and shall be attached to the permit issued for the applicable antenna. The Administrative Variation shall be identified by the appropriate Village Code Section and the specific allowance shall be indicated on the permit.

2. **All Other Zoning Variations:** In the event the person charged with administering the provisions of this Section determines that a requested variation is not based solely on the provision for adequate reception, a recommendation from the Zoning Board and a zoning variation approved by the Mayor and Board of Trustees must be granted prior to a building permit being issued to install said antenna.

- F. **Appeals:** The Village Board shall hear and decide appeals from and review any order, requirement, decision or determination made by the person charged with the enforcement of this Section. (amd. entire section 6-3-13 Ord. 95-1380-10, eff. 2/13/95)

**6-3-14: SALES ACTIVITIES; VENDING AND ICE MACHINES**

All sales activities conducted in all zoning districts, including sales from vending machines and ice machines, shall be conducted within completely enclosed buildings. In addition, no vending machine or ice machine shall be stored or displayed outside a completely enclosed building in any zoning district. The restrictions of this Section shall not apply to news racks which are covered by the provisions of Chapter 5 of Title 8 of this Code. (Ord. 90-1178-62) The restrictions of this Section shall not apply to Temporary Uses which shall be regulated by the provisions of Section 6-3-6 of this Code.

**6-3-15: OUTDOOR LIGHTING:**

- A. **Application:** These regulations shall govern the design and operation of all outdoor luminaires in all nonresidential zoning districts and by all non-residential uses in all residential zoning districts. However, to promote safety in the ordinary and intended use of rights-of-way these regulations shall not apply to any luminaires owned and operated by a State or local highway authority for the purpose of illuminating the right-of-way.

- B. **Light Intensity:** Any permitted outdoor luminaire shall be so designed, arranged and operated so as to mitigate the amount of light and glare being cast onto any adjacent property or street. No outdoor luminaire, regardless of the zoning lot onto or from which it causes illumination, shall produce an intensity in excess of one-half (0.5) footcandles, as measured at the property line at a height of 60 inches above grade in a plane at any angle of inclination.
- C. **Installed Luminaire Height:** The installed height of any luminaire used for outdoor lighting on any zoning lot shall not exceed 25 feet from the established grade. (Ord. 08-3049-32, eff. 08/11/08)

**6-3-16: ADULT USE CANNABIS BUSINESS ESTABLISHMENTS**

- A. All Adult Use Cannabis Business Establishments, as defined in Section 6-2-2 of this Title, are prohibited. No person shall locate, operate, own, suffer, allow to be operated, aide, abet, or assist in the operation of an Adult Use Cannabis Business Establishment within the Village's corporate limits. Adult Use Cannabis Business Establishments do not include Medical Cannabis Cultivation Centers or Medical Cannabis Dispensary Organizations as set forth in Section 6-2-2 of this Title.

**Notice of Public Hearing**

Notice is hereby given that the Zoning Board of the Village of Lincolnshire will conduct two Public Hearings on **Tuesday, March 10, 2020** beginning at 7:00 p.m., or as soon thereafter as practical, in the Board Room of the Lincolnshire Village Hall, 1 Olde Half Day Road, Lincolnshire, Illinois 60069, to consider the following:

A text amendment to revise Chapters 2 (Zoning Definitions), 3 (General Zoning Regulations), 5A (R1, R2, and R3 Single-Family Residence Districts), 5B (R2A Single-Family Residence District), and 6B (B2 General Business District) of Title 6 (Zoning) of the Lincolnshire Village Code, to define and regulate certain accessory structures and uses, including greenhouses, hoop houses, the harboring of chickens on residential property, and the harboring of bees on nonresidential property.

A text amendment to revise Chapters 2 (Zoning Definitions), 3 (General Zoning Regulations), 5D (Mixed Use General Residence District), 6A (B1 Retail Business District), 6B (B2 General Business District), 6C (E Small Scale Office District), and 8 (Office/Industrial District) of Title 6 (Zoning) of the Lincolnshire Village Code to define and regulate massage therapy businesses as special accessory uses.

The petitioner for both applications is the Village of Lincolnshire. The project files are available for viewing in the Community & Economic Development Department of the Village of Lincolnshire during normal business hours to any interested persons who wish to obtain additional information regarding this request. All interested persons present at the Public Hearings will be given an opportunity to be heard. Interested parties may also submit written evidence or testimony in advance to the Community & Economic Development Department. The above indicated hearings may be continued from time to time and without further notice, on the motion of the Zoning Board.

/s/ Brian Bichkoff, Chair  
Zoning Board, Village of Lincolnshire  
2/21/2020  
Published in Daily Herald February 24, 2020 (4541140)

**CERTIFICATE OF PUBLICATION**

**Paddock Publications, Inc.**

**Daily Herald**

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of

Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery, Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

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

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

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 02/24/2020 in said DAILY HERALD.

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

PADDOCK PUBLICATIONS, INC.  
DAILY HERALD NEWSPAPERS

BY   
Authorized Agent

Control # 4541140

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Zoning Board of the Village of Lincolnshire will conduct Public Hearings on **Tuesday, August 11, 2020**, beginning at 7 p.m., or as soon thereafter as practical, in a virtual/remote meeting, to consider the following applications:

1. A text amendment to revise Chapters 2 (Zoning Definitions), 3 (General Zoning Regulations), 5A (R1, R2, and R3 Single-Family Residence Districts), 5B (R2A Single-Family Residence District), and 6B (B2 General Business District) of Title 6 (Zoning) of the Lincolnshire Village Code, to define and regulate certain accessory structures and uses, including greenhouses, hoop houses, the harboring of chickens on residential property, and the harboring of bees on nonresidential property.

2. A text amendment to revise Chapters 2 (Zoning Definitions), 3 (General Zoning Regulations), 5D (Mixed Use General Residence District), 6A (B1 Retail Business District), 6B (B2 General Business District), 6C (E Small Scale Office District), and 8 (Office/Industrial Districts) of Title 6 (Zoning) of the Lincolnshire Village Code to define and regulate massage therapy businesses as special accessory uses.

The petitioner for both applications is the Village of Lincolnshire. The project files are available for viewing in the Community & Economic Development Department of the Village of Lincolnshire during normal business hours to any interested persons who wish to obtain additional information regarding these applications. All interested persons participating in the Public Hearings will be given an opportunity to be heard. Interested parties may also submit written evidence or testimony in advance to the Community & Economic Development Department. The above indicated Public Hearings may be continued from time to time and without further notice, on the motion of the Zoning Board. Below are remote public participation options:

**View/Listen**

- o Watch live on Cable Channel 10 or <https://global.gotomeeting.com/join/573024269>.
- o Listen live via phone at 312-757-3121 (access code 573-024-269).

**Public Comment & Testimony**

o Call 847-913-2312 to leave a voicemail message with your comment by 5:00 p.m. on Tuesday, August 11, 2020. For members of the public leaving voicemails, the voicemails must be:

Inclusive of the commenter's name, organization/agency being represented, address (street, city, state), phone number, and the topic or agenda item number the commenter is addressing.

- o No more than two minutes in length.
- o Free of any abusive or obscene language.

o Email your comment to [VOLPublicComment@lincolnshireil.gov](mailto:VOLPublicComment@lincolnshireil.gov) by 5:00 p.m. on Tuesday, August 11, 2020. You may also submit a letter by dropping it off in the Village Hall vestibule or mailing it to 1 Old Half Day Road, Lincolnshire, IL 60069 via the United States Postal Service. For members of the public submitting comment via email or letter, the written notice must be:

Typed or written legibly.  
Inclusive of the commenter's name, organization/agency being represented, address (street, city, state), phone number, and the topic or agenda item number the commenter is addressing.

Free of any abusive or obscene language.

- o Comments received before the meeting will be read/played concurrent with respective agenda item.
- o Participants who register to participate in the GoTo-Meeting web conference will be given an opportunity to present public comment, evidence, or testimony during the Public Hearing. Participants who wish to submit documents as evidence must submit such documents by mail or email to [VOLPublicComment@lincolnshireil.gov](mailto:VOLPublicComment@lincolnshireil.gov) no later than 5:00 p.m. two (2) days prior to the date of the Public Hearing.

/s/ Brian Bickhoff, Chair  
Zoning Board  
Village of Lincolnshire  
07/23/2020  
Published in Daily Herald July 25, 2020 4549093

**CERTIFICATE OF PUBLICATION**

**Paddock Publications, Inc.**

**Daily Herald**

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Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills,  
Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn,  
East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake,  
Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake,  
Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods,  
Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake,  
Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich,  
Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery,  
Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake,  
Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods,  
Rolling Meadows, Rosemont, Round Lake, Round Lake Beach,  
Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow,  
St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills,  
Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood,  
Wilmette

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

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

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 07/25/2020 in said DAILY HERALD.

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

PADDOCK PUBLICATIONS, INC.  
DAILY HERALD NEWSPAPERS

BY *Danula Baltz*  
Authorized Agent

Control # 4549093



# VILLAGE OF LINCOLNSHIRE

## MINUTES ZONING BOARD MEETING Day, Date, Year

Present:

Chair Bichkoff

~~Member Hersch~~

Member Kalina

Alternate Member Kelly

Assistant Village Manager/Community &

Economic Development Director Gilbertson

Member Udoni

Member Curtin

Member Josephson

Trustee Harms Muth

Planning & Development Manager Zozulya

\*This was a remote video-conference meeting\*

### 1.0 ROLL CALL

Chair Bichkoff called the meeting to order at 7:03 p.m., and Assistant Village Manager/Community & Economic Development Director Gilbertson (“AVM/CEDD Gilbertson”) called the Roll and declared a quorum to be present.

### 2.0 APPROVAL OF MINUTES

#### 2.1 Approval of the minutes of the Zoning Board meeting held on Tuesday, March 10, 2020.

Member Udoni moved and Member Kalina seconded the motion to approve the minutes as presented for the Tuesday, March 10, 2020.

AYES: Kalina, Kelly, Udoni, Curtin, Josephson, and Bichkoff.

NAYS: None

ABSENT: Hersch

ABSTAIN: None

Chair Bichkoff declared the motion carried.

### 3.0 ITEMS OF GENERAL BUSINESS

#### 3.1 Continued Public Hearing regarding Text Amendments to Revise Chapters 2 (Zoning Definitions) and 3 (General Zoning Regulations) of Title 6 (Zoning) of the Lincolnshire Village Code to Define and Regulate Certain Accessory Structures and Uses, including:

3.1(a) Temporary Season-Extending Growing Structures;

3.1(b) the Harboring of Bees on Non-Residential Property;

3.1(c) the Harboring of Chickens on Residential Property; and

3.1(d) the Number/Type of Accessory Structures Permitted on Residential Property (Village of Lincolnshire)

**DRAFT IN PROGRESS**

**3.2 Public Hearing regarding Text Amendments to Chapters 2 (Zoning Definitions) and 3 (General Zoning Regulations) of Title 6 (Zoning) of the Lincolnshire Village Code to Define and Regulate Massage Businesses as Special Accessory Uses (Village of Lincolnshire)**

Chair Bichkoff opened the public hearing.

AVM/CEDD Gilbertson stated the proposed code amendments would prohibit principal use massage therapy establishments in an effort to prohibit illegal solicitation, prostitution, and human trafficking. He noted these amendments are proposed upon the advice of the Village Attorney to prohibit standalone massage therapy establishments. AVM/CEDD Gilbertson noted Lincolnshire does not issue business licenses and the sole licensing authority for massage therapy is held with the State of Illinois. While Lincolnshire cannot regulate massage licensing, AVM/CEDD Gilbertson said the Village does have the authority to regulate massage therapy businesses through zoning. The Village Attorney and staff recommends massage businesses operate only as a special accessory use to a day spa or physician's office – not as a principal use with a 25% cap on gross floor area dedicated to massage therapy.

AVM/CEDD Gilbertson requested the findings of fact be entered into the record.

AVM/CEDD Gilbertson reviewed the current regulations which permit day spas with massage services as special uses in B1, B2, and all O/I zoning districts. Physicians' offices may offer massage therapy as part of their medical services and are currently regulated as permitted uses in the B1, B2, E, and all O/I zoning districts. Physicians' offices are also regulated as special uses within the R5 zoning district.

Chair Bichkoff asked if any members of the public were present and wish to be heard. Having no comments from the public, Chair Bichkoff opened comment floor to the members.

Member Kalina asked if there is a petition for a massage business to locate in the Village. AVM/CEDD Gilbertson replied there was not a petition currently, and that the request for text amendment was initiated by the Village Attorney. Member Josephson expressed concern with comingling legitimate massage therapy businesses with illegitimate or illegal businesses; by limiting the allowable space to 25% of gross floor area, residents would have to use higher end day spas which are generally more expensive than the chain massage establishments. Member Josephson added there may be other avenues available to prosecute violators. AVM/CEDD Gilbertson stated a chain massage establishment could locate in the Village, and they would have to offer other services with massage therapy while limiting massage services to 25% of the gross floor area. Member Udoni asked if the purpose is to tighten restrictions. AVM/CEDD Gilbertson stated this was indeed the intent, and that the current Zoning Code does not define massage businesses, massage, or massage therapy, and further regulations are proposed to restrict to certain zoning districts via the special use process.

Member Curtin stated his understanding of this amendment was that it was recommended by the Village Attorney to clarify existing code requirements

based challenges faced by other municipalities; the proposed recommendation make sense. Member Kalina stated his concern regarding limiting franchise massage businesses, and fairness to landowners leasing spaces. Member Kalina also noted his concern on future sales tax revenue. Member Josephson also expressed concern with not being able to capture sales tax revenue with this change. Chair Bickhoff noted massage businesses do not necessarily produce sales tax as this is more a service based industry.

Chair Bickhoff asked if The St. James would offer massage services. AVM/CEDD Gilbertson stated they would. In responding to Member Kalina's earlier question, AVM/CEDD Gilbertson said he believes the Village could not discriminate on franchise versus independent massage businesses.

Chair Bickhoff and Member Udoni discussed increasing the allowable square footage. Member Kalina asked if a request for special use for a massage business comes before the Zoning Board, they could request a text amendment to increase the allowable square footage. Member Josephson stated he would recommend a higher percentage because going through a text amendment could take months. Chair Bickhoff inquired how the 25% was determined. AVM/CEDD Gilbertson stated this was the recommendation of the Village Attorney. He further added the Zoning Board could recommend a higher percentage to the Village Board as part of their motion for the Village Board's consideration.

Member Kelly inquired about physical therapy businesses with massage services. AVM/CEDD Gilbertson stated the principal business owner would have to provide proof of licenses in order for the special use to be granted, and that they would be subject to the same square footage thresholds for massage services.

Member Kalina repeated his concern about the regulations and impact on the franchise establishments, and asked if a minimum total square footage versus a percentage should be considered. Member Kelly inquired about adding financial requirements to the zoning restrictions. AVM/CEDD Gilbertson stated zoning based upon financial benchmarks would not be permitted. Member Curtin reaffirmed his comfort with the Village Attorney's recommendation and suggested the Zoning Board should vote on the recommendation as proposed.

Chair Bickhoff closed the public hearing.

Member Josephson moved, seconded by Member Udoni to recommend approval to the Village Board the proposed text amendments to Chapter 2, Zoning Definitions, and Chapter 3, General Zoning Regulations, of Title 6, Zoning, to define and regulate massage businesses as special accessory uses.

AYES: Udoni, Curtin, and Bickhoff  
NAYS: Kalina, Josephson, and Kelly  
ABSENT: Hersch  
ABSTAIN: None

Chair Bickhoff declared the motion failed.

**4.0 UNFINISHED BUSINESS** None

**5.0 NEW BUSINESS** None

**6.0 CITIZENS COMMENTS** None

**7.0 ADJOURNMENT**

Member Josephson moved and Member Udoni seconded the motion to adjourn the Zoning Board Meeting. The voice vote was unanimous and Chair Bichkoff declared the meeting adjourned at 9:13 p.m.

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



**ITEM SUMMARY**

<b>Reviewing Body / Meeting Date:</b>	Committee of the Whole – August 24, 2020
<b>Subject:</b>	2020 Boo Bash, Holiday Tree Lighting, and Halloween Trick-or-Treating
<b>Action Requested (Address – Petitioner):</b>	Consideration and Discussion of 2020 Fall Special Events (Village of Lincolnshire)
<b>Prepared By:</b>	Tonya Zozulya - Planning & Development Manager
<b>Staff Recommendation:</b>	Consideration and Direction regarding 2020 Boo Bash, Holiday Tree Lighting, and Halloween Trick-or-Treating Events
<b>Meeting History:</b>	<a href="#">Committee of the Whole – April 27, 2020</a> <a href="#">Committee of the Whole – July 13, 2020</a>
<b>Tentative Meeting Schedule:</b>	N/A
<b>Reports/Documents Attached:</b>	N/A

**Background**

At the April 27, 2020, and July 13, 2020, Committee of the Whole meetings, the Village Board (“Board”) canceled the 4<sup>th</sup> of July “Red, White, & BOOM!”, Food Truck Fridays, and Heroes Night events for 2020 due to the COVID-19 pandemic. The Village Board authorized a private pop-up art event (“Art Walk”) for August 15 and 16 due to special safety measures, including no-contact layout, advance ticket reservations, and social distancing measures. Staff has started to look toward planning for fall events and activities and recommends the following for Village Board consideration/discussion.

**Boo Bash and Holiday Tree Lighting Events**

On July 24, 2020, Governor Pritzker reaffirmed that all regions in Illinois currently remain in [Phase 4](#) of the [Restore Illinois plan](#). Regions may enter [Phase 5](#) when either a vaccine or treatment, as well as testing and contact tracing, are readily available. According to the state’s guidance, large festivals and events will not be permitted until Phase 5.

The current gathering size restrictions, as well as the direct interaction between attendees and rides/equipment and vendors, presents challenges for staff to plan and manage Boo Bash and Holiday Tree Lighting (scheduled for October 23 and December 4, respectively). Planning for these events would begin in August, and requires guidance from the Village Board so staff can plan accordingly. Several local communities have indicated fall and winter event cancellations. Bannockburn recently cancelled its annual Halloween Haunted Trail and Highland Park canceled its annual “Light Up the Night” winter event. Staff also learned the Lincolnshire Sports Association plans to cancel the 2021 Skate Night event at North Park due to anticipated limited participation.

**Halloween Trick-or-Treating**

Halloween is on Saturday, October 31 this year. Staff surveyed a number of local communities regarding their plans and learned many are still evaluating options. The Village of Vernon Hills indicated their intent to move forward with trick-or-treating. The Villages of Skokie and Kenilworth have decided to strongly discourage trick-or-treating and not post trick-or-treat hours to encourage residents to celebrate the holiday safely at home with their families. Staff recommends developing a communication plan to discourage trick-or-treating. Staff also requests the Board’s consideration of changing traditional trick-or-treating hours of 4-8 p.m. to limit the amount of trick-or-treating.



**Approval Process**

The Village Board can make a determination regarding Boo Bash, Holiday Tree Lighting, and Halloween trick-or-treating at the August 24, 2020 meeting.

**Staff Recommendation / Next Steps**

Staff requests the Board's consideration whether Boo Bash and Holiday Tree Lighting should be canceled this year and the trick-or-treating discouraged with a possible limitation on the hours. If the Board decides to cancel one or both events, staff will notify event partners and sponsors and prepare a press release. Staff is discussing alternative opportunities to celebrate fall and winter holidays, including costume or house decorating contest, drive-in movies, and food drives.



**ITEM SUMMARY**

<b>Reviewing Body / Meeting Date:</b>	Committee of the Whole – August 24, 2020
<b>Subject:</b>	Storm Water Utility Fee
<b>Action Requested (Address – Petitioner):</b>	Consideration of Staff Report regarding Potential Storm Water Utility Fee (Village of Lincolnshire)
<b>Prepared By:</b>	Ben Gilbertson – Assistant Village Manager/Community & Economic Development Director Julia Gabbard – Senior Accountant Marc Facchini – Public Works Management Analyst Jack Cascone – Administrative Intern Lexi Araoz – GIS Analyst, Municipal GIS Partners, Inc.
<b>Staff Recommendation:</b>	Consideration and direction to staff
<b>Budgeted Amount:</b>	\$50,000 (consultant fees)
<b>Actual Amount:</b>	\$0 (in-house resources)
<b>Level of Service Impact:</b>	TBD
<b>Meeting History:</b>	<a href="#">Committee of the Whole – May 26, 2020</a> (Presentation of the Village-Wide Drainage Study) <a href="#">Special Committee of the Whole – June 29, 2020</a> (Presentation of the 10-Year Capital Plan)
<b>Tentative Meeting Schedule:</b>	Committee of the Whole – September 14, 2020 (2 <sup>nd</sup> Staff Report to Village Board) Committee of the Whole – September 29, 2020 (3 <sup>rd</sup> Staff Report to Village Board) Special Committee of the Whole – October / November Budget Workshops (Final Recommendation on Fee Structure) Committee of the Whole – November 9, 2020 (First Reading of the Proposed Fiscal Year 2021 Budget and Ordinance Establishing a Storm Water Utility Fee) Regular Village Board – November 23, 2020 (Approval of the Fiscal Year 2021 Budget and Ordinance Establishing a Storm Water Utility Fee)
<b>Reports and Documents Attached:</b>	1) <a href="#">Village-Wide Drainage Study – Chapter 7- Funding of Capital Projects – Storm Water Management Plan</a> 2) Memo from Village Attorney Simon regarding Legal Considerations for Establishing a Storm Water Utility Fee – July 13, 2020 3) Map of Planimetric Data History

**Request Summary**

During the June 29, 2020, Special Committee of the Whole meeting, staff presented an initial report regarding the adoption of a storm water utility fee to offset costs related to storm water capital projects. The fee was first suggested as a financing option within the Village-Wide Drainage Study, developed by Christopher B. Burke Engineering, Ltd. (“CBBEL”) and presented to the Village Board (“Board”) in May



2020. Based on existing infrastructure conditions, CBBEL estimated the following funding is needed for the respective categories of possible projects:

- \$19 million in public storm water capital improvement projects
- \$2.4-4.7 million detention basins improvements (entailing public and private property improvements)
- \$3 million in private property drainage concerns (e.g., backyard flooding)

During the June 29, 2020, Special Committee of the Whole meeting, staff also requested the Board’s consideration of approving \$50,000 for a consultant to further evaluate implementing a storm water utility fee. It was the consensus of the Board to forego the consultant expenses and instead explore the adoption of a fee with in-house resources. Staff have since formed a committee consisting of employees across all departments to take on the work that a consultant would have performed. The sections below outline the committee’s work thus far, as well as considerations for the Village Board to help the committee determine its course of action.

**Potential Financing Options**

(Note: for a more detailed description of storm water utility fee financing considerations, read Village Attorney Simon’s memo which is attached as Document 2.)

***Fee Structures***

Fee structures vary across communities that have adopted storm water utility fees including:

- Median lot size (and tiered fees for properties larger than the median value);
- Flat fee for all property owners; and
- Impervious surface calculations (staff’s preliminary recommendation; see below).

The latter method typically calculates average impervious surface for single-family residential properties to determine an “equivalent residential unit” or “ERU”. All single-family residential properties can be assigned 1 ERU (even if some properties have more impervious surface), or there may be a tiered structure within single-family residential properties (i.e., a higher fee for more impervious surface and lower fee for less impervious surface). Based on the ERU value, all other multi-family and non-residential properties would pay a minimum of 1 ERU or more, depending on the actual impervious surface on individual properties. The amount charged per ERU depends on the total amount needed for storm water infrastructure projects. This approach is similar to the Village’s current methodology for calculating water and sewer connection fees, in that connection fees use equivalent dwelling units (“EDUs”) based on the average water or sewer usage for residential users.

To provide initial context for the Village Board, staff have calculated impervious data for: (1) the entire Village; (2) average impervious surface within each zoning district; and (3) average impervious surface for single-family residential properties (note: these numbers exclude right-of-way impervious surface).

<b>Total Impervious Surface Area per Zoning District</b>	<b>Sq. Ft.</b>	<b>%</b>
<i>B1</i>	412,805	1.31%
<i>B2</i>	5,508,187	17.42%
<i>(Dedicated)</i>	500,131	1.58%
<i>E</i>	360,917	1.14%
<i>M1</i>	502,265	1.59%
<i>O/Ia</i>	2,560,146	8.09%
<i>O/Ib</i>	1,109,280	3.51%
<i>O/Ic</i>	2,754,528	8.71%



<i>O/Id</i>	4,029,184	12.74%
<i>R1</i>	2,647,396	8.37%
<i>R2</i>	282,299	0.89%
<i>R2A</i>	1,749,171	5.53%
<i>R3</i>	6,366,798	20.13%
<i>R4</i>	1,995,741	6.31%
<i>R5</i>	848,654	2.68%
<b>TOTAL</b>	<b>31,627,501</b>	<b>100.00%</b>

<b>Average Impervious Surface per Zoning District</b>	<b>Sq. Ft.</b>
<i>B1</i>	22,934
<i>B2</i>	114,754
<i>(Dedicated)</i>	13,880
<i>E</i>	30,076
<i>M1</i>	62,783
<i>O/Ia</i>	128,007
<i>O/Ib</i>	184,880
<i>O/Ic</i>	86,079
<i>O/Id</i>	73,258
<i>R1</i>	33,511
<i>R2</i>	6,006
<i>R2A</i>	4,805
<i>R3</i>	4,412
<i>R4</i>	6,336
<i>R5</i>	42,433

\*Parcels without impervious surface were excluded from calculating the average value.

Staff’s initial recommendation is to develop the storm water utility fee on impervious surface data, as impervious surface has a direct impact on the strain placed on storm water infrastructure. However, staff have not yet calculated an ERU estimate, given the limitations with current impervious surface data (see the “Impervious Surface Data” section below for further details). Based on the resources needed to update impervious surface data, staff may modify their recommendation to an alternative fee structure.

The 10-Year Capital Improvement Program has approximately \$21.6 million programmed for storm water capital improvements. To fund 100% of these programmed improvements with a flat storm water utility fee, each single-family residential account would need to pay approximately \$905/year over the next 10 years (note: this estimate is for illustrative purposes only and does not include all other non-single-family residential accounts. This estimates also does not include interest payments associated with bond issuance).

Considerations for the Village Board

- 1) Fee structure based on lot size, flat fees and tiered structures, property use (e.g., residential versus non-residential), or impervious surface

**Special Service Areas**

In addition to a storm water utility fee for all property owners in the Village, the creation of a special service area (“SSA”) is also be an option to fund storm water capital projects. SSAs provide utility services for a specific geographic area, whereby benefitting property owners within the specified geographic area



are assessed a special tax for a defined period of time to pay for infrastructure improvements. As highlighted in the Village-Wide Drainage Study, certain areas of the Village are more prone to flooding due to proximity to the Des Plaines River, establishment within a flood plain, and/or undersized storm sewer capacity. SSAs are a more equitable way of storm water system users paying for projects that directly benefit them, as well as reducing the ERU amount paid by all property owners in the Village. Per the Village-Wide Drainage Study, the following flood study areas may be served best by SSAs (project costs and properties benefitted in parentheses):

- [Lincolnshire Drive North](#) (\$4.3 million; 111 properties benefitted)
- [Lincolnshire Drive South](#) (\$7.5 million; 83 properties benefitted)
- [Lincolnshire Creek – Coventry Lane](#) (\$2.2 million; 38 properties benefitted)
- [Southeast – Windsor Drive](#) (\$4.3 million; 101 properties benefitted)
- [Surrey Lane – East of Riverwoods Road](#) (\$546,000; 10 properties benefitted)

Given the equity of special taxes tied to directly-benefitted property owners, staff recommends exploring the creation of SSAs for one or more of the flood study areas. Per State law, property owners and registered voters within the proposed geographic area will have the opportunity to register their support of the proposed SSA that would allow an SSA to be created, or prevent it from being formed.

#### ***Green Infrastructure Credits / Waivers***

Property owners have the opportunity to mitigate storm water runoff via green infrastructure improvements (e.g., rain gardens, rain barrels, bioswales), and may therefore be eligible for credits / waivers to the storm water utility fee. Per the Village Attorney's memo (see Document 2), in order for the proposed charge to be considered a "fee" as opposed to a "tax," the fee must (1) fund the operation and/or maintenance of the storm sewer system; (2) be based on cost that is proportionate to a property's impact on the storm sewer system; and (3) be charged based on a property owner's voluntary use of the system. The "voluntary" aspect of the fee requires the Village to have some method for property owners to offset the fee based on efforts to reduce the volume of storm water from entering the system on their properties – hence the credit or waiver option.

The Village has the ability to set a maximum credit. Property owners must demonstrate the improvements made to capture and retain storm water on their property warrant credits set by the Village. Staff have not yet determined a framework for this program. Additionally, any new program implemented requires a thorough analysis of potential administrative resources and costs to manage the program.

#### **Considerations for the Village Board**

- 1) Validity and eligibility of a credit/waiver program based on green infrastructure improvements (e.g., residential property owners offsetting private property drainage and/or detention basin improvements)

#### **Fee Integration with Financial Software**

As of August 19, 2020, there are currently 2,378 residential utility accounts and 235 commercial utility accounts in Lincolnshire. Staff have determined the current utility billing system can seamlessly incorporate:

- A flat fee for all accounts (e.g., \$20/month)
- A flat fee for residential and non-residential users (e.g., \$10/month for residential users, \$12/month for non-residential users)
- A rate based on ERUs unique to each address (e.g., \$50/ERU/month)
- A discounted percentage for potential account credits for green infrastructure improvements



Assuming an ERU model is used for utility billing, new accounts will require calculating an ERU value before billing is activated. This can be handled during the building permitting process based on impervious surface data. Decisions on a particular fee structure would influence the administrative time required to create and manage utility billing accounts. For example, a tiered rate structure would take more time to manager as opposed to a flat rate for all properties.

### **Impervious Surface Data**

Approximately 50% of the Village's planimetric data (e.g., building outlines, elevations, utilities, and water features) are more than 10 years old. Document 3 of this packet identifies those areas with outdated planimetric data, consisting primarily of areas west of the Des Plaines River and certain residential neighborhoods. The age of data may prove challenging to equitably implement a storm water utility fee based on impervious surface data for all properties in the Village. That is, properties may have more (or less) impervious surface currently than what is captured in outdated planimetric data, and may not pay their "fair share" compared to properties with more recent planimetric data.

Updated planimetric data typically requires the use of a consultant to fly areas of the Village in the spring (when no or low foliage is present on trees) to more accurately calculate impervious surface area. The data is refined over several months and delivered in the summer. Staff will also reach out to Lake County GIS staff to determine if the County's planimetric data is more recent and, if so, available to incorporate into the Village's data layers. Another option may be for Village staff to update planimetric data with in-house resources via drone footage, though it is undetermined the resources necessary to capture and refine this data. Furthermore, future construction or tear downs will require additional impervious surface analysis in integration with the utility billing system. Still another option might be to refer to building permit plans to update impervious surface data without heavily investing in aerial planimetric data.

### **Considerations for the Village Board**

- 1) Updated planimetric data via consultant resources
- 2) Updated planimetric data via Lake County GIS
- 3) Updated planimetric data via in-house drone resources
- 4) Updated impervious surface data via building permit history
- 5) Frequency of potential fee updates based on future planimetric data changes.

### **Community Education Campaign**

Implementing a new fee charged to all property owners requires engagement with and education of the community. Staff proposes to launch this campaign once the Village Board reaches consensus on preliminary rate methodology and/or structure (e.g., flat versus tiered rate). Engagement and education can include – but is not limited to – the following:

- Village-Wide Newsletter Article
- Direct mailings
- Dedicated Webpage
- Regular updates to the Village Board to provide community input opportunities
- Virtual open houses/presentations

### **Consideration for the Village Board**

- 1) Timing and methods for community outreach, and opportunities for the community to provide feedback

### **Staff Recommendation / Next Steps**

Staff requests feedback from the Village Board regarding the considerations identified in this report, as well as any other thoughts regarding the potential storm water utility fee. Staff will incorporate directions



from the Village Board into the storm water utility fee committee's work plan over the next several months. Staff will continue to provide updates to the Board as the committee progresses towards a more firm recommendation regarding rate structure, financing, and impervious surface calculations.



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# MEMORANDUM

**To:** Mayor and Village Board  
Village of Lincolnshire

**CC:** Bradly Burke, Village Manager  
Brad Woodbury, Director of Public Works  
Walter Dittrich, Village Engineer/Ass't. Director of Public Works

**From:** Adam B. Simon

**Subject:** Legal Considerations for Establishing a Storm Water Utility Fee

**Date:** July 13, 2020

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Across Illinois, storm water utility fees are gaining popularity as an efficient means of funding improvements to storm sewer infrastructure. Beyond the direct financial benefits, these fees internalize costs of runoff created by a development, which encourages more sustainable design. In response to this trend, the Village Board has been considering the establishment of a Village-wide storm water utility fee to fund storm water improvement projects identified in the Village-Wide Drainage Study. This memorandum provides a general overview of the Village's authority to charge a storm water utility fee and the specific requirements for the fee to be considered constitutional.

## I. Authority

### A. *Storm Water Utility and Fees*

As a home rule municipality, the Village may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health and safety; to tax; and to incur debt.<sup>1</sup> Because of the breadth of the Village's power, there is little doubt it has the authority to collect from property owners a charge for the operation of a storm water utility. However, depending on the structure of the storm water utility program, the money collected may be characterized as a fee or a tax, which will affect the scope of properties against which the charge can be collected. Therefore, below I will explore some common municipal powers which tend to support the characterization of the storm water charge as a fee rather than an exercise of the Village's home rule taxing authority.

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<sup>1</sup> Il. Const. Art. VII, §6.

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Village of Lincolnshire

Legal Considerations for Establishing a Storm Water Utility Fee

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The most common sources of authority cited by municipalities for the operation of a storm water utility are Division 139<sup>2</sup> and Division 141<sup>3</sup> of the Illinois Municipal Code. Under these laws, the power to operate a sewerage system includes the authority to construct, operate and maintain storm sewers, both expressly and by inference. This conclusion is supported by the plain language of the law and Illinois Supreme Court precedent. In the case Connor v. City of Elmhurst, the Court interpreted the scope of earlier versions of both Division 139 and Division 141. The Court held, in part, “that the definition of ‘sewerage system’ in Division 139 includes necessary incidental storm water sewers.”<sup>4</sup> Furthermore, because of the common legislative history the Court commented that the two divisions should be interpreted similarly. Between the Court’s liberal interpretation and the expanded language introduced by later dated amendments, the authority to operate storm sewers is well established.

In addition to operating a storm sewer system, the Village wants to be able to charge fees for its use. Authority for establishing rates for the use of the storm sewers can also be found in Division 139<sup>5</sup> and Division 141<sup>6</sup> of the Illinois Municipal Code. Based on the foregoing statutory authority, a municipality, may construct, operate and maintain a storm sewer system and establish and collect reasonable rates from the users of such system, whether connected directly or indirectly.

#### *B. Borrowing Money to Finance Storm Water Projects*

The Village’s storm water utility also may issue one or more series of bonds to finance the cost of the improvements. Hence, it is important to confirm the Village’s power to borrow money for this purpose. As mentioned above, the Village may exercise home rule power to borrow money. However, the Village will want to ensure the revenue pledged to pay the bonds is limited to the storm water utility fees, rather than ad valorem taxes, so the cost of the bonds is not added to the property tax levy.

The Village should consult with bond counsel to ensure it can receive a legal opinion which supports the sale of bonds for this purpose. Likewise, before finalizing the storm water utility fee structure, I recommend the Village consult with a financial advisor or underwriter about the bond market’s expectations related to the characteristics of the bonds and the revenue source pledged to repay the debt (e.g. matching the revenue stream to the payment schedule; a reserve fund; interest rate limitations; etc.).

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<sup>2</sup> 65 ILCS 5/11-139-1

<sup>3</sup> 65 ILCS 5/11-141-1

<sup>4</sup> Conner v. City of Elmhurst, 28 Ill.2d 221, 226, 190 N.E.2d 760, 763 (1963)

<sup>5</sup> 65 ILCS 5/11-139-8

<sup>6</sup> 65 ILCS 5/11-141-7

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 Legal Considerations for Establishing a Storm Water Utility Fee  
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## II. Key Characteristics of Storm Water Utility Fees:

For the reasons more fully explained in this section, the general principles of a storm water utility program are as follows:

- Fees are set to cover the cost of providing a predetermined level of service;
- Fees are determined based on the amount of storm water runoff per property;
- Fees are dedicated to a storm water management program and cannot be used for unrelated purposes; and
- The program must have an opt-out option (credit or waiver) if storm water runoff is reduced or eliminated. Note that tax-exempt property is not automatically exempt from a storm water utility fee.

### A. *Tax v. Fee*

Under Illinois law, municipalities are authorized to charge residents for government services, as long as the charge functions as a “fee,” and not a “tax.” Designing the storm water charge as a fee rather than a tax is important for the Village to be allowed to collect it from all property in the community. Under Illinois law, a storm water assessment is a “fee” if it meets three criteria: (1) the charge must serve a regulatory purpose rather than to raise revenue; (2) the charge must be proportionate to the necessary cost of the service; and (3) the charge must be voluntary.<sup>7</sup> A tax is assessed to provide general revenue rather than compensation.<sup>8</sup> A fee, on the other hand, is proportional to a benefit or service rendered.<sup>9</sup>

In *Church of Peace*, the court found that Rock Island’s storm water utility charge, similar to the ones used across Illinois, was a “fee,” not a tax because it: 1) funded the operation and maintenance of the storm sewer system; 2) was based on the proportion of impervious area on a property; and 3) was charged based on the owner’s voluntary use of the storm water system. *Church of Peace*, 357 Ill. App. 3d at 476. The court noted that impervious surfaces (i.e. driveways, roofs) are known to cause increased runoff of storm water. Landowners typically use storm sewer systems to collect and convey this storm water away from the area. More impervious area brings about greater use of the storm system.

<sup>7</sup> *Church of Peace v. City of Rock Island*, 357 Ill. App. 3d 471, 474 (2005)

<sup>8</sup> *Id.*

<sup>9</sup> *Church of Peace*, 357 Ill. App. 3d at 475 (citing *Crocker v. Finley*, 99 Ill.2d 444 (1984))

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*B. Fee Structure*

A stormwater utility fee is a user-based fee, typically based on the amount of impervious area on a parcel. The assumption being the more impervious area on a parcel, the more stormwater runoff the parcel is generating and sending into the local storm sewer system. A typical billing unit for a stormwater utility fee is referred to as an equivalent residential unit (ERU). An ERU is the average amount of impervious area on a residential parcel.

Most municipalities set a flat rate for single family residential lots. For non-single family residential properties (i.e. commercial, industrial, hospitals, etc.) the actual impervious area is computed and their charges determined based on the number of ERUs on the property. The amount charged per ERU depends on the amount needed by the municipality to implement the storm water management plan. The cost of implementation, as estimated by the municipality, is divided by the total number of ERUs to get a cost per ERU. Finally, the municipality calculates the number of ERUs on each lot, applies the rate and includes the final storm water utility fee as a line item in the water or sewer utility bill. This is referred to as an “ERU Model” rate structure.

Under the ERU Model, all detached single family homes may be grouped in one classification and treated identically, notwithstanding the specific amount of impervious surface measured on each parcel. Therefore, we must ensure that such a group classification can survive judicial scrutiny. The test which courts apply to test legislative classifications is explained in the case McDonald Mobile Homes, Inc. v. Vill. of Swansea, which reviewed a challenge to a sewer rate structure adopted under Division 141 of the Illinois Municipal Code.<sup>10</sup> The rate structure adopted by the Village of Swansea applied the same user charge to all residential units and more specifically charged non-residential units, like the ERU Model described above. In finding in favor of the Village’s rate structure, the court held:

A municipality may establish various distinctions between persons and things in order to achieve a particular legislative objective. Such legislative classifications, however, cannot be arbitrary but must be reasonably related to the purposes of the particular ordinance. A legislative classification is never held to be arbitrary or unreasonable where there is any rational basis for the distinction which reasonably relates to the purposes to be accomplished by the enactment...Courts will not interfere with a legislative classification if the reasonableness of the classification is fairly debatable.<sup>11</sup>

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<sup>10</sup> 56 Ill. App. 3d 759, 371 N.E.2d 1155 (1977)

<sup>11</sup> Swansea, supra, at 764, 1158–59 (1977).

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I believe the ERU Model meets these tests. A rational basis exists for grouping all detached single family homes separately from other users. First, it is based on a reasonable assumption that similar categories of uses generally have similar impacts on the storm sewer system. It also results in an equalization of the distribution of costs of providing storm water management services among similar property uses, which has been found to be a proper legislative objective.<sup>12</sup>

### C. *Credits or Waivers*

In the storm water context, municipalities use impervious area to estimate impacts (or costs) that are “specifically and uniquely attributable” to an individual property. The Village’s overall cost of storm water management is broken down into cost per unit of impervious area being served by the system. Again, greater impervious area causes greater runoff volume and greater impact on the storm water management infrastructure.

The Village is only impacted by the *net* discharge of storm water from a property. If a property offsets all of the cost of its discharge by removing an equivalent amount of storm water before it reaches the storm water system, there is no resulting cost “specifically and uniquely attributable” to that property. If a property owner can meet the burden to prove the impact estimated by the storm water utility is incorrect, a credit or waiver should be granted. It is the ability for owners to apply for and obtain this type of relief which satisfies the voluntariness requirement described in the *Church of Peace* case.

Instead of granting full waivers for on-site retention, many utilities provide for a maximum credit, or minimum charges, if storm water is managed on site. Ostensibly, these municipalities do not issue a full credit because the municipality must still maintain costly storm water infrastructure for each waiver property, in case discharge resumes. The municipalities maintain storm drains to service each property, whether or not the property uses rain gardens or permeable concrete to recapture all runoff. To the extent the storm water utility system establishes “minimum charges,” there should be a direct evidentiary foundation to support the fixed costs that such charges are meant to offset.

### III. Conclusion

The Village has statutory and home rule authority to establish a storm water utility fee. Likewise, the Village has the power to borrow money for the purpose of financing the construction of storm water management facilities. Before adopting a plan that relies on the sale of bonds, I strongly recommend that the Village consult with bond counsel to confirm the

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<sup>12</sup> Id.

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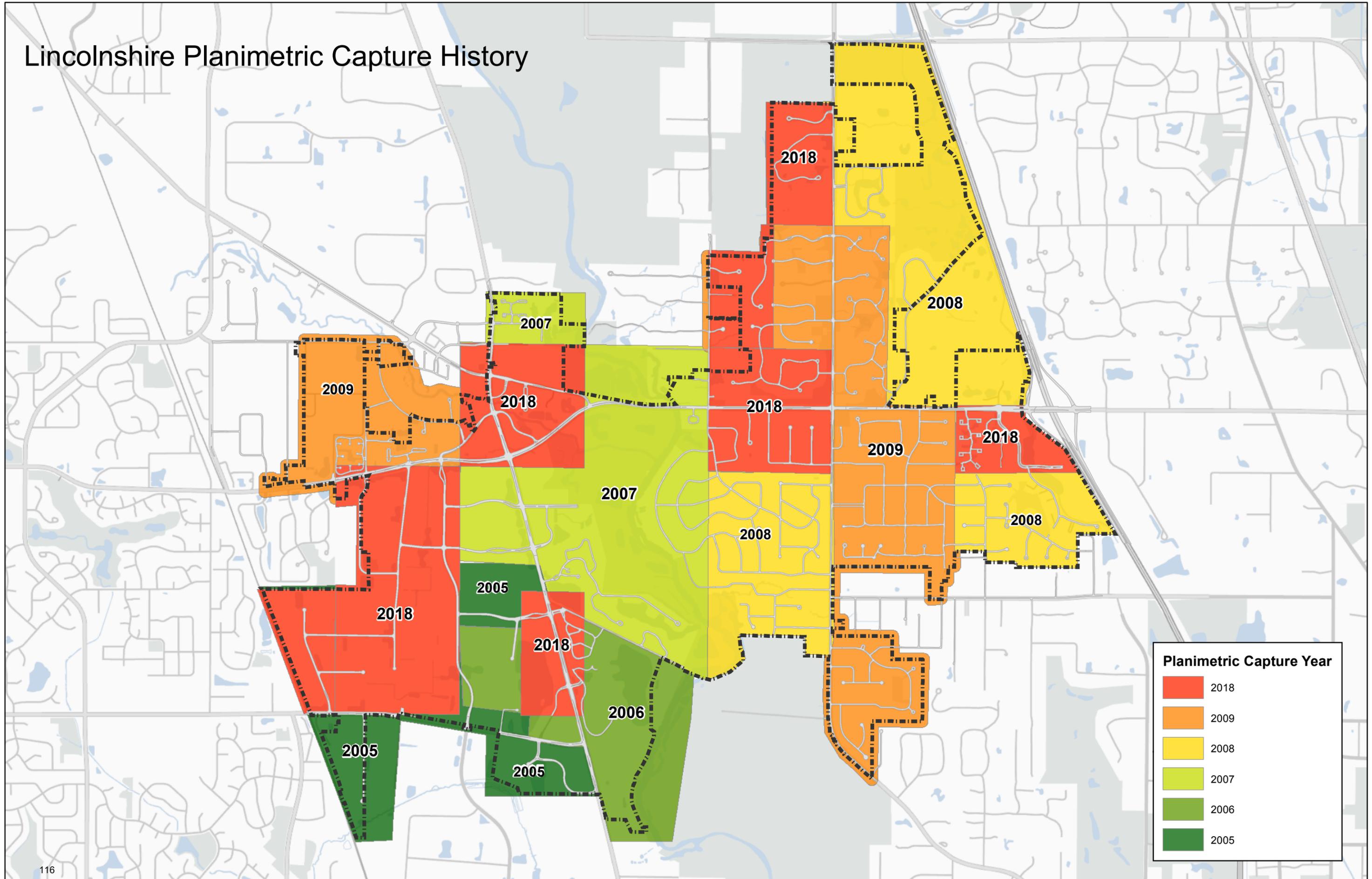
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financing plan is compliant with tax exempt bond regulations. The Village should also engage a financial advisor or underwriter to ensure the bonds and financing schedule are compatible with market requirements for municipal debt.

In the course of establishing a fee schedule for the storm water utility, the Village must ensure the charges will be characterized as a fee rather than a tax, or else the Village will be unable to collect the charge against all properties that contribute to the storm water sewer system. Overall, the Village must ensure the fees are roughly proportional to the cost of providing storm water management services to each parcel. In addition, while the Village may create classes of residential customers to whom a common number of ERUs are assigned, such classes must have a rational basis that is reasonably related to the purpose of the utility.

Please feel free to contact me with any follow up questions.

# Lincolnshire Planimetric Capture History





**ITEM SUMMARY**

<b>Reviewing Body:</b>	Committee of the Whole
<b>Meeting Date:</b>	August 24, 2020
<b>Subject:</b>	Consideration of Approval of a Contract with American Underground at a Cost not to Exceed \$60,461.56 for the 2020 Sanitary and Storm Sewer Cleaning and Televising Project
<b>Prepared By:</b>	Wally Dittrich – Assistant Public Works Director/Village Engineer
<b>Staff Recommendation:</b>	Consideration and discussion
<b>Budgeted Amount:</b>	Sanitary Sewer Cleaning/Televising - \$57,000.00 Storm Sewer Cleaning/Televising - \$39,000
<b>Actual Amount:</b>	Sanitary Sewer Cleaning/Televising - \$46,549.06 Storm Sewer Cleaning/Televising - \$13,912.50
<b>Level of Service Impact:</b>	N/A
<b>Tentative Meeting Schedule:</b>	August 10, 2020
<b>Reports and Documents Attached:</b>	1) Project Locations

**Request Summary**

Village staff requests approval of a contract with American Underground, to complete the Village’s 2020 Sanitary and Storm Sewer cleaning and televising project in an amount not to exceed \$60,461.56.

**Project Description**

In 2015, the Village of Lincolnshire participated in a joint bid opportunity for storm and sanitary sewer televising and cleaning. The current contract was bid with an option for the Village to renew the contract in both 2016, 2017, and 2018. The current contractor has agreed to hold the pricing from 2018 and extend it to 2019 as well. Staff recommends approval of a renewal contract with the previous low bidder American Underground in the amount of \$60,461.56 to perform storm and sanitary sewer televising data collection and evaluation reporting in the areas shown on the project location map (attached).

Staff recommends these locations based on the greatest need and in conjunction with future road project locations. American Underground has been performing the Village’s televising and cleaning since 2012. The company is local and regularly performs work throughout Chicago-land area. Staff’s experience with this company has always been very good and they have a good reputation throughout the industry.



	Footage	Unit Cost (\$/L.F.)	Total
Storm Sewer Televising (6"-42")	7,950	\$1.57	\$12,481.50
Storm Sewer Review	7,950	\$0.18	\$1,431.00
Sanitary Sewer Televising (8" to 18")	23,202	\$1.35	\$31,322.70
Sanitary Sewer Review	23,202	\$0.18	\$4,176.36
Sanitary Manhole Televising	130 each	\$85.00	\$11,050.00
		<b>TOTAL</b>	<b>\$60,461.56</b>

**Budget Impact**

The total budgeted amount for this work is \$57,000 for sanitary sewer and \$39,000 for storm sewer. \$14,697.05 was previously expended earlier this year for storm sewer cleaning in advance of the resurfacing project.

**Level of Service Impact**

N/A

**Approval Process**

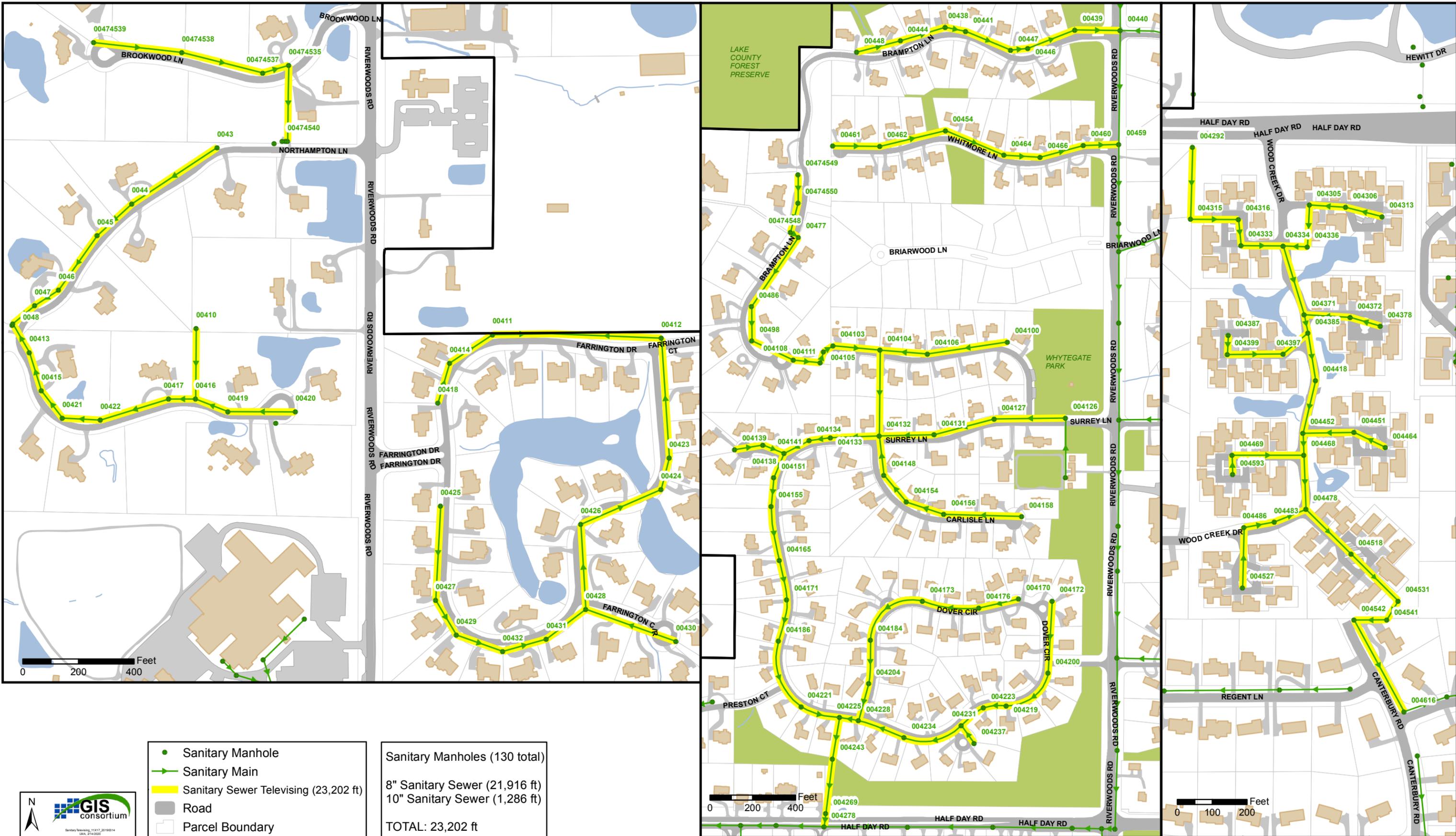
An initial review by the Committee of the Whole on August 24, 2020, with a recommendation to be placed on the Consent Agenda for final approval September 14, 2020.

**Staff Recommendation / Next Steps**

Staff's recommends approval of the 2020 Sanitary and Storm Sewer Cleaning and Televising Project.



# 2020 Sanitary Sewer Televising Location Map



- Sanitary Manhole
- Sanitary Main
- Sanitary Sewer Televising (23,202 ft)
- Road
- Parcel Boundary

Sanitary Manholes (130 total)  
 8" Sanitary Sewer (21,916 ft)  
 10" Sanitary Sewer (1,286 ft)  
**TOTAL: 23,202 ft**

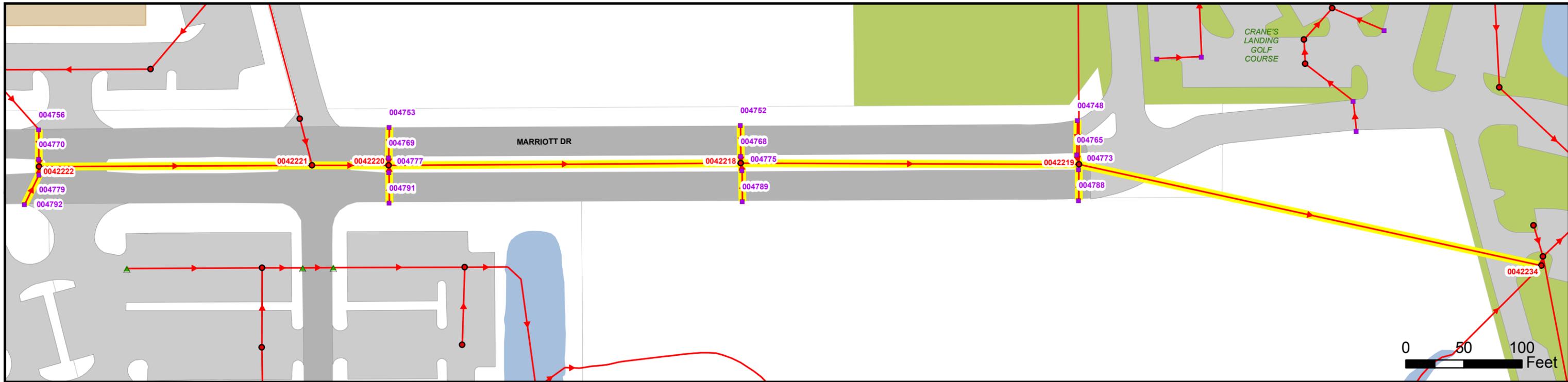
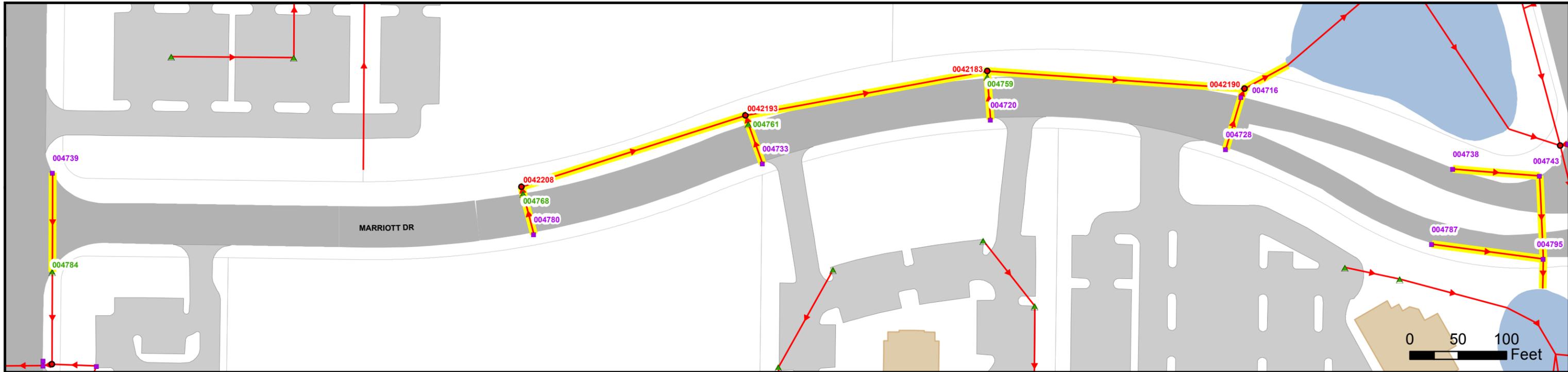






# 2020 Storm Sewer Televising Location Map

(1 of 2)



- ▲ Storm Catch Basins
- Storm Inlets
- Storm Manholes
- Storm Main
- Storm Sewer Televising (7,950 ft)

8" Storm Sewer (15 ft)	21" Storm Sewer (291 ft)
10" Storm Sewer (1,241 ft)	24" Storm Sewer (1,053 ft)
12" Storm Sewer (2,071 ft)	27" Storm Sewer (254 ft)
15" Storm Sewer (755 ft)	30" Storm Sewer (392 ft)
18" Storm Sewer (1,763 ft)	Unknown Storm Sewer (115 ft)
<b>TOTAL: 7,950 ft</b>	





**ITEM SUMMARY**

<b>Reviewing Body / Meeting Date:</b>	Committee of the Whole – Aug. 24, 2020
<b>Subject:</b>	Agreement Pertaining to the Regulation of Traffic and Parking at Village Place Condominiums and Village Green of Lincolnshire Condominium Association
<b>Action Requested:</b>	Consideration of a Resolution Approving an Agreement Pertaining to the Regulation of Traffic and Parking at 400, 450, 405, 425 and 445 South Village Green
<b>Prepared By:</b>	Joseph Leonas, Chief of Police
<b>Staff Recommendation:</b>	Consideration and Approval
<b>Budgeted Amount:</b>	N/A
<b>Actual Amount:</b>	N/A
<b>Level of Service Impact:</b>	N/A
<b>Meeting History:</b>	N/A
<b>Tentative Meeting Schedule:</b>	Aug. 24, 2020 Committee of the Whole – Introduction Sept. 14, 2020 Regular Village Board - Approval (Tentative)
<b>Reports / Documents Attached:</b>	1) Proposed Resolution 2) Agreement pertaining to Regulation of Traffic and Parking at Village Place Condominiums and Village Green Condominium Association

**Background**

On February 14, 2005, the Village Green of Lincolnshire Condominium Association entered into an agreement with the Village of Lincolnshire for the regulation of traffic and parking on the property known as Village Green South in Lincolnshire, located at 405, 425 and 445 Village Green. The current agreement is set to expire on February 14, 2025. The Lincolnshire Place Condominium Association has requested to join the Village Green of Lincolnshire Condominium Association in an agreement to provide for regulation of traffic and parking in the common areas located at 400 and 450 Village Green. The Village Green of Lincolnshire Condominium Association and the Lincolnshire Place Condominium Association will be collectively referred to as the Village Green South Associations.

The Village Green South Associations have agreed to bear the cost of purchasing required signs up to an amount of \$330.00, and the Village will install the requested signs.

The initial term of this new agreement is for five (5) years and will automatically renew for up to three (3) additional five-year terms unless cancelled by either party. This agreement allows the Police Department to enforce various traffic and parking regulations at the common areas located on Village Green South Association’s property that would be unenforceable absent this agreement.

**Staff Recommendation / Next Steps**

Staff recommends approval of the resolution, as presented.

**VILLAGE OF LINCOLNSHIRE  
RESOLUTION NO.**

**A RESOLUTION APPROVING AN AGREEMENT PERTAINING TO THE  
REGULATION OF TRAFFIC AND PARKING ON VILLAGE GREEN SOUTH  
ASSOCIATIONS PROPERTY**

**WHEREAS**, Chapter 625 ILCS, Section 5/11-209.1 of the Illinois Compiled Statutes authorizes any person or board of directors owning, operating or representing a residential subdivision, development, apartment house or apartment project; containing a minimum of 10 apartments or single family residences may file a written request, with the appropriate local authority wherein such property is situated, requesting their law enforcement agency enforce the provisions of the Illinois Vehicle Code on all private streets or roads open to or used by the tenants, owners, employees or the public for the purposes of vehicular traffic by permission of such person or board of directors and not as a matter of public right; and

**WHEREAS**, Village Green South Associations, located at 400, 450, 405, 425 and 445 Village Green, is a residential development within the corporate limits of the Village of Lincolnshire; and

**WHEREAS**, the Village Green South Associations have requested that the Village of Lincolnshire and its Police Department regulate traffic, parking and access to its property; and

**NOW THEREFORE, BE IT RESOLVED** by the Village of Lincolnshire as follows:

**SECTION 1. APPROVAL OF AGREEMENT.** The Lincolnshire Village Board hereby approves the Agreement pertaining to the regulation of traffic and parking on Village Green South Associations property.

**SECTION 2.** This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this \_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Elizabeth J. Brandt

ATTEST:

\_\_\_\_\_  
Village Clerk Barbara Mastandrea



2. The establishment and posting of restricted parking signs.
3. The enforcement of all Village traffic ordinances applicable and the enforcement of all traffic regulations in Chapter 625 ILCS of the Illinois Compiled Statutes.

B. The Village Green South shall bear the cost of such additional signs, signals and markings as determined to be required pursuant to the terms hereof and/or the ordinances of the Village, which cost shall not exceed \$330.00. Such cost shall not include the cost of installation.

C. The Village shall bear the cost of the establishment of the regulations referenced herein as well as the enforcement of same.

D. The Village Green South Associations common areas shall include the entry driveway, adjacent parking areas and exterior thoroughfares designated for vehicular and pedestrian traffic.

E. The authorizations contained under the terms of this agreement shall be in addition to any other authority of the Village existing by reason of any other Statute of the State of Illinois and/or ordinances of the Village of Lincolnshire and such additional authorizations shall not be construed to be in lieu of such other Statute or law.

F. The term of this agreement shall be for five (5) years from the date hereof and be automatically renewable to three (3) additional five-year terms unless cancelled by either party at any time upon at least three (3) months prior written notice to the other party.

G. The Village shall record this agreement in the office of the Recorder of Deeds of Lake County, Illinois.

{Signature pages to follow}

IN WITNESS WHEREOF, the parties hereto have caused the foregoing agreement to be witnessed by their respective duly authorized officers.

Dated at Lincolnshire, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

VILLAGE OF LINCOLNSHIRE, ILLINOIS,  
a Municipal Corporation, in Lake County, Illinois

BY: \_\_\_\_\_  
Mayor

ATTEST:

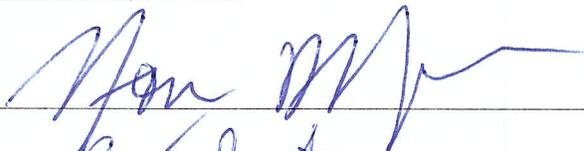
\_\_\_\_\_  
Village Clerk

IN WITNESS WHEREOF, the parties hereto have caused the foregoing agreement to be witnessed by their respective duly authorized officers.

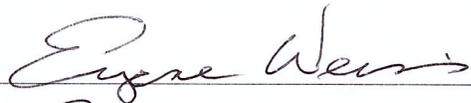
Dated at Lincolnshire, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Village Green South Associations

Lincolnshire Place Condominium Association  
400 and 450 Village Green

NAME:   
TITLE: President

Village Green of Lincolnshire Condominium Association  
405, 425 and 445 Village Green

NAME:   
TITLE: PRESIDENT

ATTEST OR NOTARY:

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