

CHAPTER 5

RESIDENCE DISTRICTS

SECTION:

- 6-5-1: Exemptions from Certain Yard Requirements**
- 6-5-2: Certain Structures, Uses Prohibited**
- 6-5-3: Home Occupations**
- 6-5-4: Fences and Other Obstructions**

6-5-1 Exemptions from Certain Yard Requirements

A. Certain Exemptions for Lots Platted Prior to February 12, 1988

Except as set forth in Subsection B below, the provisions of the following subsections of the Lincolnshire Village Code shall not be applied to any lot, the platting of which was approved by the Village pursuant to Section 7-4-3 of Title 7 of the Village Code prior to February 12, 1988:

- Subsection 5A-3(A.3)
- Subsection 5A-3(B.2)
- Subsection 5A-4(A.3)
- Subsection 5A-4(B.2)
- Subsection 5B-5(A.3)
- Subsection 5B-5(B.2)

Rather, the restrictions that were in existence immediately prior to February 12, 1988 shall be applied to such platted lots.

B. Maintenance of Record

Solely for the convenience of Village residents, the Village shall maintain, in the Department of Community Development, a record of those platted lots which are subject to the various exceptions set forth in this Section 6-5-1. Because that record is for convenience only, if there is a conflict between that record and the Village Code, the Village Code shall prevail. (Ord. Amd. 99-1619-03, eff. 1/11/99)

6-5-2: CERTAIN STRUCTURES, USES PROHIBITED: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other building shall be used on any lot at any time as a residence, either temporarily or permanently, and no structure other than a completed single-family dwelling shall be used at any time as a residence.

6-5-3: HOME OCCUPATIONS:

A. Any gainful activity which is not a permitted home occupation as defined in this Zoning Code shall be considered as business use and is prohibited in a residence district. Any such use existing on the effective date of this Zoning Code shall be subject to provisions of Chapter 13 for the elimination of nonconforming use.

B. Home occupations which involve teaching or other type of instruction shall be limited to six (6) pupils at a time except for occasional seminar groups. (Ord. 65-138-15)

Day care homes/baby-sitting services are permitted as home occupations subject, however, to the following restrictions:

1. Any person wishing to operate a day care home/baby-sitting service is required to obtain a license from the Illinois Department of Children and Family Services before commencing the operation of such service.
2. Day care homes/baby-sitting services are limited to no more than six (6) children at any one time.
3. Any person wishing to have more than six (6) children at any one time must first obtain a special use permit for such additional children, pursuant to Section 6-14-14 of Title 6.
4. Day care homes/baby-sitting services may only care for children under eighteen (18) years of age. (Ord. 88-987-19)

C. The following home occupations are prohibited:

1. Any wholesale, jobbing, or retail business unless it is conducted entirely by mail and/or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises,
2. Any manufacturing business,

3. A repair shop or service, establishment operating on or from the premises,
 4. A clinic or hospital,
 5. A barber shop or beauty parlor,
 6. A stable, animal hospital, dog kennel, or dovecote,
 7. A restaurant,
 8. Any activity that produces noxious matter or employs or produces flammable matter,
 9. Any occupation which employs persons not residing on the premises, and
 10. Any occupation which involves the use of any mechanical equipment other than what is usual for purely domestic or hobby purposes.
- D. Exterior displays and signs are prohibited except those permitted by the sign regulation of this Zoning Code for residence districts.¹ Displays and signs so located inside as to be viewed through a window from outside the building are also prohibited.
- E. The outside storage of equipment or materials used in home occupations, or used in an occupation or business conducted elsewhere is prohibited. (Ord. 65-138-15)

6-5-4: FENCES AND OTHER OBSTRUCTIONS: Repealed Ord. 92-1248-26 eff. 5/11/92)

¹See Chapter 12 of this Title

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ARTICLE A. R1, R2 AND R3 SINGLE-FAMILY

RESIDENCE DISTRICTS

SECTION:

- 6-5A-1: Permitted Uses**
- 6-5A-2: Special Uses**
- 6-5A-3: R1 Single-Family Residence District**
- 6-5A-4: R2 Single-Family Residence District**
- 6-5A-5: R3 Single-Family Residence District**
- 6-5A-6: Off-Street Parking**

6-5A-1: PERMITTED USES:

- A. Single-family detached dwellings.
- B. Home occupation - as regulated in Section 6-5-3.
- C. Signs - as regulated in Title 12.
- D. Uses and buildings accessory to single-family detached dwellings. (Ord. 65-138-15)
- E. Dog runs - as regulated in Section 6-5-4b. (Ord. 74-358-34)
- F. Community residential homes of less than four (4) persons. (Ord. 90-1182-66)
- G. Memorial Garden, as an accessory use to an assembly use, including, for example, religious institutions or schools; provided the memorial garden is not located in any required yards. (Amd. Ord. 08-3070-53, eff. 11/24/08)

6-5A-2: SPECIAL USES:

- A. Art galleries, libraries and museums not operated for profit.
- B. Automobile parking lots open to the public or accessory to a use not permitted in the district.
- C. Churches.
- D. Golf courses - but not including commercially operated driving ranges or miniature golf courses.
- E. Parks, playgrounds, recreational and community buildings.
- F. Public schools, elementary and high and private schools having a curriculum equivalent to a public elementary and having no rooms regularly used for housing or sleeping purposes; provided, however, no private kindergarten or nursery school shall be permitted except as otherwise provided in this Zoning Code.
- G. Public utility uses, including outside telephone pay booths and public transportation facilities such as shelters, terminals, parking areas, service building and turnarounds.
- H. Where a single-family detached dwelling with not less than four thousand (4,000) square feet of floor area is located on a lot not less than eighty thousand (80,000) square feet in area, a second dwelling unit located in an existing building accessory to the principal dwelling may be allowed for domestic help and provided that such second dwelling unit shall not contain living quarters for roomers, lodgers, or permanent guests.
- I. Temporary building and uses for construction purposes for a period not to exceed one year. (Ord. 65-138-15)
- J. Indoor Tennis Club.
- K. Nursery schools, when accessory to the use of a church or public school permitted under this Article, provided that the number of children in attendance at any one time is not in excess of twenty five (25), the building used for the nursery school meets the State requirements for such school and is located on a site of a minimum of four (4) acres with direct access to a major thoroughfare and adequate off-street parking. (Ord. 70-221-3)
- L. Planned Development, R3 Single-Family Residence District:
 - 1. Land Area: An area of not less than three (3) acres of which not less than thirty

percent (30%) when fully developed will be devoted to commons. The commons area may not include paved surfaces.

2. Permitted Uses and Special Uses: As in R1, R2, and R3 Single-Family Residence Districts.
 3. Lot Area: No requirement.
 4. Frontage: No requirement.
 5. Floor Area Ratio: No requirement.
 6. Floor Area:
 - a. General: Not less than one thousand five hundred (1,500) square feet.
 - b. Ground Floor Area Per Dwelling: One-story dwelling - not less than one thousand five hundred (1,500) square feet. More than one - story dwelling - not less than eight hundred fifty (850) square feet.
 7. Building Height: As in R1, R2, and R3 Single-Family District.
 8. Yards:

Front	No requirement.
Side	No requirement.
Rear	No requirement.
 9. Density: See subsection 6-14-14M of this Zoning Title. (Ord. 89-1042-09)
- M. Detached garage only in an Historic District as defined herein. (Ord. 87-956-42)
- N. Memorial Assembly Facility: (Amd. Ord. 08-3070-53, eff. 11/24/08)
1. Shall only be permitted as an accessory use to an assembly use, including, for example, religious institutions or schools.
 2. Shall be permitted
 - a. inside the principle structure on the Lot, or
 - b. as a accessory structure subject to compliance with the following design and setback standards:
 - i. Shall be located not less than one-hundred feet (100') from

- ii. any Lot Line where there is Frontage; Shall maintain a minimum distance of one hundred and thirty-five feet (135') from any Lot Line where there is no Frontage;
- iii. Shall be located not more than twenty feet (20') from the principle structure on the Lot;
- iv. Shall comprise an area no greater than six hundred (600) square feet;
- v. The structure shall have a height not greater than three feet (3');
- vi. 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 six feet (6') tall at the time of planting, but which vegetation shall not be considered part of the Memorial Assembly Facility for the purpose of measuring the permitted area thereof; and
- vii. The face of the structure into which cremated human remains are interned must substantially face towards the principal structure to which it is accessory.

6-5A-3: R1 SINGLE-FAMILY RESIDENCE DISTRICT

A. Site and Structure Provisions

1. Minimum Lot Area. The lot area for each dwelling unit shall not be less than 80,000 square feet.
2. Setback. The distance between the front lot line and the nearest supporting wall or portion of the structure on the lot shall not be less than 50 feet nor more than 1/3 the depth of the average of the side lot lines.
3. Frontage. The lot width of each zoning lot shall not be less than 150 feet. If the frontage of a lot is on a cul-de-sac, as defined in Section 7-1-4 of Title 7 of this Code, the frontage shall not be less than 55 feet. *(Refer to Section 6-5-1)
4. Floor Area Requirement. The maximum floor area ratio shall not exceed 0.25 and the minimum floor area per dwelling unit shall not be less than 1,750 square feet. The ground floor area of one story dwellings shall not be less than 1,750 square,

or for dwellings with more than one story, the ground floor area shall not be less than 1,000 square feet.

5. Building Height. The maximum building height shall be 2½ stories or 40 feet which ever is lower. Public buildings, churches, temples, colleges, or schools may be erected to a height not exceeding 60 feet. However if such building is located in any residence district it shall be set back from each property line at least one foot per each foot of additional building height above the limit for the district, in addition to the other requirements of this Zoning Code. This clause shall not be construed as modifying the other provisions of this Zoning Code limiting the use of property in any other district.
6. Maximum Impervious Surface. The maximum impervious surface may not exceed 30% of the Gross Lot Area, notwithstanding whether the calculation of the Buildable Area for the subject Lot results in a larger area for permitted structures and uses. (Amd. Ord. 07-2973-01B, eff. 1/22/07)
7. Where a setback greater than the minimum required front yard setback has been maintained for existing buildings on lots having frontage of seventy-five percent (75%) or more of the total frontage of that block, the front yard setback for any new principal building, attached accessory building or building addition shall be no closer than the front yard setback established by the existing principal building on that side of that portion of that street with the least front yard setback, excluding existing principal buildings permitted by virtue of a variance to this regulation; provided that this regulation is not to be interpreted to permit a setback less than that required in the designated zoning district. Further, this regulation shall not apply to any building in a new subdivision for the first five (5) years from the approval of the Final Plat of Subdivision. (Amd Ord. 07-2977-05, eff. 3/12/07)(Amd. Ord. 07-2999-27, eff. 7/23/07)

B. Yard Requirements

1. Front Yard. In the R1 District, the front yard shall not be less than 50 feet.
2. Side Yards. Two side yards, each a minimum of 30 feet in width, shall be provided.
*(Refer to Section 6-5-1)
3. Rear Yard. In the R1 District, the rear yard shall not be less than 50 feet.

4. Corner Side Yard. A side yard abutting a street shall not be less than 20 feet in width.
(Ord. Amd. 99-1619-03, eff. 1/11/99)
5. Building Side Setback Plane. For all new single-family residential dwelling units and additions to existing single-family residential dwelling units, a “Building Side Setback Plane must be calculated, inside which said dwelling unit must be contained. The Building Side Setback Plane shall be measured beginning at ten feet (10') directly above the established grade on the Side Lot Line. (Ord. Amd. 07-2973-01B, eff. 1/2/07)

6-5A-4: R2 SINGLE-FAMILY RESIDENCE DISTRICT

A. Site and Structure Provisions

1. Minimum Lot Area. The lot area for each dwelling unit shall not be less than 40,000 square feet.
2. Setback. The distance between the front lot line and the nearest supporting wall or portion of the structure on the lot shall not be less than 40 feet nor more than 80 feet.
3. Frontage. The lot width of each zoning lot shall not be less than 120 feet. If the frontage of a lot is one a cul-de-sac, as defined in Section 7-1-4 of Title 7 of this Code, the frontage shall not be less than 55 feet. *(Refer to Section 6-5-1)
4. Floor Area Requirements. The maximum floor area ratio shall not exceed 0.25 and the minimum floor area per dwelling unit shall not be less than 1,750 square feet. The ground floor area of one story dwellings shall not be less than 1,750 square, or for dwellings with more than one story, the ground floor area shall not be less than 1,000 square feet.
5. Building Height. The maximum building height shall be 2½ stories or 35 feet which ever is lower. Public buildings, churches, temples, colleges, or schools may be erected to a height not exceeding 60 feet. However if such building is located in any residence district it shall be set back from each property line at least one foot per each foot of additional building height above the limit for the district, in addition to the other requirements of this Zoning Code. This clause shall not be construed as modifying the other provisions of this Zoning Code limiting the use of property in any other district.

6. Maximum Impervious Surface. The maximum impervious surface may not exceed 35% of the Gross Lot Area, notwithstanding whether the calculation of the Buildable Area for the subject Lot results in a larger area for permitted structures and uses. (Amd. Ord. 07-2973-01B, eff. 1/22/07)
7. Where a setback greater than the minimum required front yard setback has been maintained for existing buildings on lots having frontage of seventy-five percent (75%) or more of the total frontage of that block, the front yard setback for any new principal building, attached accessory building or building addition shall be no closer than the front yard setback established by the existing principal building on that side of that portion of that street with the least front yard setback, excluding existing principal buildings permitted by virtue of a variance to this regulation; provided that this regulation is not to be interpreted to permit a setback less than that required in the designated zoning district. Further, this regulation shall not apply to any building in a new subdivision for the first five (5) years from the approval of the Final Plat of Subdivision. (Amd. Ord. 07-2977-05, eff. 3/12/07)(Amd. Ord. 07-2999-27, eff. 7/23/07)

B. Yard Requirements

1. Front Yard. In the R2 District, the front yard shall not be less than 40 feet.
2. Side Yards. Two side yards, each a minimum of 20 feet in width, shall be provided. *(Refer to Section 6-5-1)
3. Rear Yard. In the R2 District, the rear yard shall not be less than 40 feet.
4. Corner Side Yard. A side yard abutting a street shall not be less than 20 feet in width. (Ord. Amd. 99-1619-03, eff. 1/11/99)
5. Building Side Setback Plane. For all new single-family residential dwelling units and additions to existing single-family residential dwelling units, a "Building Side Setback Plane must be calculated, inside which said dwelling unit must be contained. The Building Side Setback Plane shall be measured beginning at ten feet (10') directly above the established grade on the Side Lot Line. (Amd. Ord. 07-2973-01B, eff. 1/22/07)

6-5A-5: R3 SINGLE-FAMILY RESIDENCE DISTRICT

A. Site and Structure Provisions

1. Minimum Lot Area. The lot area for each dwelling unit shall not be less than 20,000 square feet.
2. Setback. The distance between the front lot line and the nearest supporting wall or portion of the structure on the lot shall not be less than 30 feet nor more than 80 feet.
3. Frontage. The lot width of each zoning lot shall not be less than 100 feet. If the frontage of a lot is one a cul-de-sac, as defined in Section 7-1-4 of Title 7 of this Code, the frontage shall not be less than 55 feet. *(Refer to Section 6-5-1)
4. Floor Area Requirements. The maximum floor area ratio shall not exceed 0.25 and the minimum floor area per dwelling unit shall not be less than 1,750 square feet. The ground floor area of one story dwellings shall not be less than 1,750 square, or for dwellings with more than one story, the ground floor area shall not be less than 1,000 square feet.
5. Building Height. The maximum building height shall be 2 stories or 30 feet, whichever is lower. Public buildings, churches, temples, colleges, or schools may be erected to a height not exceeding 60 feet. However if such building is located in any residence district it shall be set back from each property line at least one foot per each foot of additional building height above the limit for the district, in addition to the other requirements of this Zoning Code. This clause shall not be construed as modifying the other provisions of this Zoning Code limiting the use of property in any other district.
6. Maximum Impervious Surface. The maximum impervious surface may not exceed 40% of the Gross Lot Area, notwithstanding whether the calculation of the Buildable Area for the subject Lot results in a larger area for permitted structures and uses. (Amd. Ord. 07-2973-01B, eff. 1/22/07)
7. Where a setback greater than the minimum required front yard setback has been maintained for existing buildings on lots having frontage of seventy-five percent (75%) or more of the total frontage of that block, the front yard setback for any new principal building, attached accessory building or building addition shall be no closer than the front yard setback established by the existing principal building on that side of that portion of that street with the least front yard setback, excluding existing principal buildings permitted by virtue of a variance to this regulation; provided that this regulation is not to be interpreted to permit a setback less than that required in the designated zoning district. Further, this regulation shall not apply to any building in a new subdivision for the first five (5) years from the

approval of the Final Plat of Subdivision. (Amd Ord. 07-2977-05, eff. 3/12/07)(Amd. Ord. 07-2999-27, eff. 7/23/07)

B. Yard Requirements

1. Front Yard. In the R3 District, the front yard shall not be less than 30 feet.
2. Side Yards. Two side yards, each a minimum of 10 feet in width shall be provided. (Ord. Amd. 04-1934-50, eff.11/8/04)
3. Rear Yard. In the R3 District, the rear yard shall not be less than 30 feet.
4. Corner Side Yard. A side yard abutting a street shall not be less than 20 feet in width. If a corner lot, duly recorded prior to the effective date of this Zoning Code, has insufficient width to provide a side yard 20 feet in width and still maintain a buildable width of 27 feet, then the side yard abutting the street may be reduced in width to permit a building width of 27 feet, provided such side yard is not less than five feet in width. (Ord. Amd. 99-1619-03, eff. 1/11/99)
5. Building Side Setback Plane. For all new single-family residential dwelling units and additions to existing single-family residential dwelling units, a Building Side Setback Plane must be calculated, inside which said dwelling unit must be contained. The Building Side Setback Plane shall be measured beginning at 10' directly above the Side Lot Line. (Ord. Amd. 04-1934-50, eff.11/8/04)

6-5A-6: OFF-STREET PARKING: Parking spaces in accordance with provisions set forth in Section 6-11-3 of this Zoning Code. (Ord. 65-138-15)

CHAPTER 5

RESIDENCE DISTRICTS

ARTICLE B. R2A SINGLE-FAMILY RESIDENCE DISTRICT

SECTION:

- 6-5B-1: Intent**
- 6-5B-2: Permitted Uses**
- 6-5B-3: Special Uses**
- 6-5B-4: Lot Area, Setback and Height Requirements**
- 6-5B-5: Yard Requirements**
- 6-5B-6: Site Plan Review Process**
- 6-5B-6-1: Policy Phase**
- 6-5B-6-2: Technical Phase**
- 6-5B-7: Environmental and Comprehensive Policies Plan Criteria**

6-5B-1: INTENT: The R2A Single-Family Residence District is designed to permit the development of environmentally sensitive large lot areas through the application responsible environmental and other planning criteria. The intent is to encourage a creative approach to the use of land, preserve natural vegetation, topographic and geologic features, enhance the appearance of the neighborhoods by the conservation of forested areas, water bodies and the preservation of natural vegetation and wildlife and advance the various Lincolnshire planning policies outlined in the Official Comprehensive Policies Plan. Specific environmental and planning criteria will be applied through the site plan review process.

6-5B-2: PERMITTED USES: In the R2A Single-Family Residence District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Article.

- A. Single-family dwellings.

- B. Parks, forest preserves, hiking and bicycle trails.
- C. Educational Institutions (non boarding).
- D. Accessory uses and buildings incidental to and on the same zoning lot as a principal use, as follows:
 - 1. Athletic fields and playgrounds.
 - 2. Attached garages.
 - 3. Greenhouses and conservatories for private use.
 - 4. Swimming pools.
 - 5. Storage of building materials and equipment, fences and temporary buildings for construction purposes, for a period not to exceed the duration of such construction. No accessory use or building shall be located in areas of the building lot which are reserved by deed restriction for preservation of natural environment or are otherwise restricted. (Ord. 77-470-4)
- E. Community residential homes of less than four (4) persons. (Ord. 90-1182-66)
- F. Memorial Garden, as an accessory use to an assembly use, including, for example, religious institutions or schools; provided the memorial garden is not located in any required yards. (Amd. Ord. 08-3070-53, eff. 11/24/08)

6-5B-3: SPECIAL USES:

- A. Churches and religious institutions.
- B. Deleted by Ord. 11-3205-27, eff. 6/13/11)
- C. Cemeteries.
- D. Rest homes.
- E. Golf courses (but not golf driving ranges, pitch and putt or miniature golf courses).
- F. Cultural institutions, including:

1. Public libraries.
 2. Public museums.
- G. Publicly owned utilities, and civic buildings as follows:
1. Fire station.
 2. Police station.
 3. Post office.
 4. Municipal offices and buildings.
- H. Noncommercial recreational and social facilities, as follows:
1. Recreation clubs, including grounds (excluding hunt or gun clubs).
 2. Community centers.
 3. Deleted by Ord. 11-3205-27, eff. 6/13/11)
- I. Planned single-family residential developments.
- J. Horticulture, nature preserves, arboretum and agriculture (except animal husbandry, mushroom farming, retail sales, and any other agricultural use deemed noxious by the Zoning Administrator. (Ord. 77-470-4)
- K. Detached garage only in an Historic District, as defined herein. (Ord. 87-956-42)
- L. Memorial Assembly Facility: (Amd. Ord. 08-3070-53, eff. 11/24/08)
1. Shall only be permitted as an accessory use to an assembly use, including, for example, religious institutions or schools.
 2. Shall be permitted
 - a. inside the principle structure on the Lot, or
 - b. as a accessory structure subject to compliance with the following design and setback standards:
 - i. Shall be located not less than one-hundred feet (100') from any Lot Line where there is Frontage;

- ii. Shall maintain a minimum distance of one hundred and thirty-five feet (135') from any Lot Line where there is no Frontage;
- iii. Shall be located not more than twenty feet (20') from the principle structure on the Lot;
- iv. Shall comprise an area no greater than six hundred (600) square feet;
- v. The structure shall have a height not greater than three feet (3');
- vi. 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 six feet (6') tall at the time of planting, but which vegetation shall not be considered part of the Memorial Assembly Facility for the purpose of measuring the permitted area thereof; and
- vii. The face of the structure into which cremated human remains are interned must substantially face towards the principal structure to which it is accessory.

6-5B-4: LOT AREA, SETBACK AND HEIGHT REQUIREMENTS:

- A. Density for Single-Family Residential Use: Allowable density on each tract of land shall be five-tenths (0.5) to one dwelling unit per acre. However, where specific elements of the Comprehensive Policies Plan are being significantly advanced, the Zoning Board may recommend and the Village Board may approve density premiums to permit densities up to one and one-quarter (1.25) units per acre. Density premiums shall be granted only where the petitioner shows special attention to protection and preservation of natural environmental resources and where the proposed development significantly advances the policy objectives of the Official Comprehensive Policies Plan of the Village.

The determination of final density on each tract shall be a subject of the site plan review process in accordance with environmental and planning criteria provided for herein. Final density shall be as set forth on the zoning site plan as approved by the Village Board.

- B. Lot Area:

- 1. Single Family: Lot area may vary within this District in order to achieve creative lot design and protect the environmental resources of each tract of land. Lot area shall be determined through the site plan review process in accordance with environmental and planning criteria and with the following:
 - a. In no case shall lots be smaller than twenty thousand (20,000) square feet in area, and,

- b. Average lot size on any individual tract shall not be less than twenty two thousand (22,000) square feet in area. (Individual tract being defined as being under single ownership and being developed under a single plan of development.) (Ord. 77-470-4)
 - c. Frontage: No less than one hundred feet (100') unless the frontage of a lot is on a cul-de-sac, as defined in Section 7-1-4 of Title 7 of this Code, the frontage shall be not less than fifty five feet (55'). (Ord. 88-978-10)
2. The determination of preliminary lot area shall be a subject of the site plan review process in accordance with environmental and planning criteria provided for herein. Final lot area and design in the R2A Zone shall be established as part of the subdivision plat process. Final lot area and design shall however substantially conform in layout, area and design to the preliminary lots shown on the zoning site plan.
3. Uses Other than Single-Family:

a. Permitted Uses:

Park, forest preserves no size limitations

Horticulture and agriculture 5 acres

Educational institutions with 10 or more self-contained classrooms 10 acres

Educational institutions with less than 10 self-contained classrooms 5 acres

b. Special Uses:

	<u>Suggested Lot Size</u>	
Churches		2 acres
Cemeteries		10 acres
Rest homes		3 acres
Golf courses		20 acres

Cultural institutions	3 acres
Public utilities and services	.5 acres
Recreational and social (non-commercial)	2 acres
Planned developments residential	5 acres

- C. **Building Height:** The maximum building height shall be two and one-half (2-1/2) stories or thirty five feet (35') whichever is lower.
- D. **Property Line Setbacks from Major Roads:** The property line shall be set back as follows in all mature forested areas:
1. Riverwoods Road, one hundred sixty five feet (165') from center line.
 2. Half Day Road, one hundred eighty five feet (185') from center line.
 3. For other major roads designated by the Zoning Board, the setback to the property line from the center line shall be no less than one hundred twenty five feet (125'). However, the Zoning Board may recommend and the Village Board may approve up to a twenty percent (20%) variation in the above property line setbacks in order to accommodate Comprehensive Policies Plan and environmental preservation objectives, and may approve other variances on parcels of ten (10) acres or less to alleviate hardship situations or other unusual circumstances.
- E. **Floor Area Requirements.** The maximum floor area ratio shall not exceed 0.25 and the minimum floor area per dwelling unit shall not be less than 1,750 square feet. The ground floor area of a one story dwelling shall not be less than 1,750 square feet, or for dwellings with more than one story, the ground floor area shall not be less than 1,000 square feet. (Amd. Ord. 07-2973-01B, eff. 1/22/07)
- F. **Building Side Setback Plane.** For all new single-family residential dwelling units and additions to existing single-family residential dwelling units, a “Building Side Setback Plane must be calculated, inside which said dwelling unit must be contained. The Building Side Setback Plane shall be measured beginning at ten feet (10') directly above the established grade on the Side Lot Line. (Amd. Ord. 07-2973-01B, eff. 1/22/07)

G. Where a setback greater than the minimum required front yard setback has been maintained for existing buildings on lots having frontage of seventy-five percent (75%) or more of the total frontage of that block, the front yard setback for any new principal building, attached accessory building or building addition shall be no closer than the front yard setback established by the nearest existing principal building on that side of that portion of that street; provided that this regulation is not to be interpreted to permit a setback less than that required in the designated zoning district. Further, this regulation shall not apply to any building in a new subdivision for the first five (5) years from the approval of the Final Plat of Subdivision. (Amd Ord. 07-2977-05, eff. 3/12/07)

6-5B-5: YARD REQUIREMENTS: Yard requirements shall be as follows:

A. Single-Family Residential:

1. Front Yard and side yard abutting a street: 20 feet

(Except when an attached garage protrudes into the required front yard or corner side yard, the garage portion of the structure may extend up to 10 feet into the required front yard or corner side yard.) (Amd. Ord. 07-2973-01B, eff.1/22/07)

2. Side Yard 10 feet

3. Rear Yard 35 feet

4. Corner Side 20 feet

B. All other uses involving buildings or structures:

1. Front yard and side yard abutting a street 50 feet

2. Side yard 20 feet

3. Rear yard 75 feet

6-5B-6: SITE PLAN REVIEW PROCESS:

- A. Applicability: Applications or petitions for R2A zoning for tracts of land five (5) acres or greater or where approval of a density greater than one-half (½) dwelling unit per acre is requested, shall be subject to the site plan review process.
- B. Purpose: Whereas the proper maintenance and use of areas of high environmental value are important to the physical, aesthetic, recreational and economic well-being of present and future residents, and whereas each tract and its environmental resources are unique, each zoning permit application shall be reviewed on an individual basis.
- C. Review Responsibility: Each application shall be reviewed in accordance with the procedures and standards contained in this Section, and in accordance with criteria contained herein and established from time to time by the Zoning Board and approved by the Village Board.

The Community Development Department shall have responsibility for the site plan review process. The Village Manager shall utilize the services of the Community Development Department and various other Village Departments including the Village Attorney as well as the local Fire District for technical and advisory aspects of the site plan review in accordance with normal Zoning Board operating procedures.

- D. Procedure for Site Plan Review: Site plan review process for the R2A Zoning District shall occur in two (2) phases; a policy phase, and a technical phase which includes the steps involved in subdivision platting. Zoning approval shall be evidenced by acceptance of a zoning site plan by the Village Board at the end of the policy phase. However, no land clearance, grading or construction shall commence until acceptance of a final subdivision plat, and the issuance of individual lot development permits and building permits in accordance with the provisions hereinafter set forth and other applicable Village ordinances.
- E. Application: Applications for each phase shall be made on forms provided by the Community Development Department and shall be accompanied by the required plans and documents. The application at each phase shall be submitted to and certified by the Community Development Department as being complete and in proper form.

6-5B-6-1: POLICY PHASE:

A. Step 1. Pre-application Conference: Prior to filing a formal application for a zoning permit, the applicant shall request a preliminary conference with the Community Development Department.

1. At the pre-application conference, the developer shall present, at a minimum, the following material:

Written description of the proposed development and proposed design team.

Area and specific location maps and surrounding land-use maps.

Title information regarding ownership of all the land including full disclosure of all beneficiaries of any land trust involved and full disclosure of all partners in any general or limited partnership, with supporting documentation.

Topographic map available at five foot (5') intervals.

Sketch plans and concepts regarding land-use, site design, access, street layout, surface drainage and utility service.

Aerial photograph at a four hundred foot (400') scale or larger.

2. The Community Development Department shall determine and advise the applicant of required material, data and plans to be submitted in Step 2, Zoning Site Plan Review and Public Hearing. The Community Development Department shall further advise the applicant of Comprehensive Policies Plan objectives which may affect the tract of land in question and any other issues of particular concern to the Community Development Department.

B. Step 2: Zoning Site Plan Review and Public Hearing: An application with all accompanying material as designated herein and as may be required at the conclusion of Step 1 shall be submitted to the Community Development Department who shall certify the submittal as complete and in proper form. The Community Development Department shall forward the application to the Zoning Board for the consideration of Zoning Board subcommittees, Village staff, Village advisory bodies and other affected governmental bodies.

1. Prior to the public hearing, the Zoning Board may provide the applicant with the opportunity to present his proposed development. After such presentation, the Village development staff shall prepare a written review of the proposed site plan and supporting plans and concepts. After the Zoning Board has completed its preliminary

review and studied the staff report, it shall hold a public hearing on the proposed site plan in accordance with its normal public hearing procedures.

2. The applicant shall submit the following material for this phase of the site plan review:

General development information.

Housing designs, materials, prototype floor plans.

Market information including bedroom mix, price range, targeted purchasers and marketing concept.

Land purchase agreements if not owner of record.

Site plan and environmental protection concepts.

Engineering concepts.

Description of variations to the subdivision improvement regulations requested, if any.

Aerial surveys at a scale of one hundred feet equals one inch (1" 100').

Other data, maps, surveys or plans as may be required for the review of the various studies outlined in Section 6-5B-6-1A.

3. The Zoning Board shall hold a public hearing in accordance with Section 6-14-3 of this Zoning Code.
4. Following the public hearing and review of the development staff report the Zoning Board shall submit its findings and recommendations to the Village Board. Findings of fact will be submitted in written form and include recommendations to approve the zoning permit, approve with conditions or deny the application. Such recommendations may include those specific engineering and environmental studies beyond those required in the subdivision regulations which are found necessary and reasonable to properly manage the development of the site given unique site characteristics, variations from the subdivision regulations requested by the applicant or recommended by the Zoning Board, and shall include a designation of that area for which a detailed tree survey shall be required, if any.

- C. Step 3. Village Board Approval or Denial: The Village Board shall grant zoning permit approval, conditional approval or shall disapprove the zoning site plan. This approval shall constitute zoning approval only. It does not constitute subdivision, lot development or building permit approval.

6-5B-6-2: TECHNICAL PHASE: The technical phase involves four (4) steps: 1) submission of detailed studies; 2) approval of the preliminary subdivision plat (with such additional studies as recommended by the Zoning Board); 3) approval of the final plat; 4) approval of individual lot development plans and issuance of lot development permits. The technical phase shall occur simultaneously with and be closely coordinated with the subdivision plat approval process.

- A. Step 1: Detailed Engineering and Environmental Studies.

1. As part of the submission of a preliminary subdivision plat, the applicant shall submit the following detailed studies to the Village Manager:

A survey, mapped and drawn to a scale of fifty feet equals one inch (1" = 50') of all trees eight inches (8") or more in diameter measured fifty four inches (54") from the ground. Each such tree shall be noted as to location, size, species and general condition. The survey shall be prepared by an approved forester and shall encompass that area designated by the Zoning Board in Section 6-5B-6-1B4.

Topographic survey showing existing and proposed contours at one foot (1') intervals.

A plan showing all existing utilities including sanitary sewers, water and gas mains, telephone and electric lines.

A plan showing the location of all existing drainage systems, natural and man-made, which influence the site. This plan should include information on drainage to and from adjacent parcels to the extent that they may be affected by the proposed drainage concepts proposed for the subject site.

Natural resource and ecological studies of marsh, wetlands, ponds or other water bodies completed by a professional in the natural sciences approved by the Village Manager when such studies are deemed appropriate as part of the policy phase deliberation.

2. The Zoning Board may require the submission of additional detailed studies as they deem appropriate, and/or may waive the requirement of submitting a particular study or studies as set forth herein.

3. The Village Manager shall refer these studies to members of the Village development staff for review to assure the substantial compliance of the preliminary subdivision plat to the zoning site plan.

B. Step 2: Approval of a Preliminary Plat by the Village Board: The applicant shall submit a preliminary plat to the Zoning Board in accordance with the procedures contained in the Subdivision Code of the Village¹. The preliminary plat shall conform in substance to the approved zoning site plan. The preliminary plat shall contain all items and attachments required in the Subdivision Code and, in addition, the following:

1. Location and extent of all deed restricted portions of individual lots showing those areas of each lot which shall remain in a natural and undisturbed state.
2. Preliminary engineering drawings for the entire parcel at a level of detail to be determined by the Village Engineer. (Final engineering plans and specifications shall be submitted for "units" representing successive phases of the development.)
3. Designation on each lot of the construction envelope which shall be that area where construction activity and ingress and egress to the building site shall be permitted.
4. Designation of that area to be covered by deed restrictions, if any
5. A phasing plan identifying units of the proposed subdivision and the sequence of staging of these units.
6. Documentation of the type of corrective actions to be taken on trees within or along the edge of the construction envelope that may be damaged or adversely impacted by the construction process.
7. Documentation that the developer will fence the construction envelope of each lot.
8. The Zoning Board shall, following receipt of the preliminary plat, submit its recommendations to the Village Board in accordance with the provisions of the Subdivision Code.
9. Upon receipt of the preliminary plat, and any attachments thereto, from the Zoning Board along with their written recommendations, the Village Board shall approve,

¹See Title 7 of this Village Code

approve with conditions or disapprove the preliminary plat in accordance with the Subdivision Code.

C. Step 3: Approval of the Final Plat:

1. The Zoning Board shall, following receipt of the final plat, submit its recommendations to the Village Board in accordance with the provisions of the Subdivision Code.
2. Upon receipt of the final plat, and any attachments thereto, from the Zoning Board along with their written recommendations, the Village Board shall approve, approve with conditions or disapprove the final plat in accordance with the Subdivision Code.

D. Step 4: Individual Lot Development Plans and Permit: Prior to issuance of a building permit and prior to any lot preparation whatsoever, the applicant shall apply for a lot development permit and file a lot development plan for review and approval. This final step in the site plan review process shall take place after approval of a final subdivision plat for a portion of the subdivision or for the entire subdivision.

1. Application: The applicant shall submit six (6) copies of a lot development plan for each lot to the Village Manager. The Village Manager shall refer the lot plan to the Village Engineer and Village Forester for their review and approval.

No lot development permit or building permit shall be issued for any lot within the R2A Zoning District without the signature of the Village Engineer and Village Forester on the face of the lot development plan indicating approval.

2. Designation of Lot Activity Areas: The lot development plan shall locate the activity zones of each lot delineating:
 - a. The building and grading area.
 - b. The construction envelope.
 - c. The deed restricted area, if any.

The building and grading area shall be restricted to:

- a. The building pad area.

- b. An area not to exceed the greater of that area fifteen feet (15') immediately beyond the building pad or that area necessary to comply with the final plat.
- c. The area proposed to be used as the driveway and for necessary utility lines.

The construction envelope shall be that area needed for the movement and placement of equipment and material to be used in the construction of the dwelling unit. It shall be as small as possible but include the entire building and grading area. The construction envelope shall be placed so as to minimize tree damage.

Any deed restricted undisturbed area shall be located on each lot to blend into the restricted areas of adjacent lots. The undisturbed areas should extend the entire length of the lot wherever this is feasible in the overall design of the subdivision.

- 3. Data to be Included: The lot development plan shall be drawn at a scale of one inch equals fifty feet (1" = 50') and include the following information:

Existing contours at one foot (1') intervals.

The location of all trees eight inches (8") or more in diameter measured fifty four inches (54") from the ground within the construction envelope and fifteen feet (15') beyond, and an indication of all such trees proposed to be removed.

The location of all existing and proposed streets, driveways, easements and rights of way.

The location of all existing and proposed utilities including sewers, water mains, gas lines, telephone service lines and electric service lines.

The location of all existing and proposed drainage across, to and from the lot. The proposed location of all drainage structures such as culverts, swales, ditches, etc. The proposed location of sump pump discharge.

The location and extent of areas to be graded or filled.

The location of snow fencing or other suitable protective barriers to be placed around and within the construction envelope to protect trees and avoid unnecessary soil compaction.

Statement of earliest starting date for lot grading.

Statement that no tree shall be removed by bulldozing and that all trees to be removed will be cut and the stumps ground with a stump remover.

4. Lot Development Permit: No lot grading or removal of any vegetation shall take place without an approved lot development plan and a lot development permit issued by the Village is displayed at each lot. Work will proceed only after the appropriate inspections as indicated on the lot development permit.
5. A copy of the approved lot development plan shall be kept at the lot during the time that lot development work is underway.

The Village Forester shall make the necessary inspections required to check compliance with the lot development plan. The schedule of inspections and a place for signature indicating satisfactory inspection shall be on the face of the lot development permit.

The first inspection shall be required after the building corners are staked, grading area marked, driveway located and snow fencing or other suitable protective barrier put in place but prior to any clearing of vegetation or grading. The second inspection shall be made after rough grading is complete. Excess excavation spoil, as determined by the Village Forester, shall be removed from the forested portions of a project. The third inspection shall be made when all lot development work is complete.

Where it is found that the condition of the lot or progress of lot development work does not conform to the approved lot development plan, the Village Forester shall issue a stop work order. No building permit shall be issued until after the second inspection has been made and approved by the Village Forester.

6. Final Grading: All finished grading shall be performed by the developer prior to issuance of an occupancy permit, and in accordance with Village standards and an approved grading plan.

6-5B-7: ENVIRONMENTAL AND COMPREHENSIVE POLICIES PLAN

CRITERIA: The following criteria shall be used in evaluating the zoning site plan, preliminary plat and lot development plan for each tract within the R2A Zone. The purpose of these criteria is to promote the preservation of trees and natural vegetation, to preserve unique natural features, to prevent flooding and drainage problems, to maintain vistas, to provide for open space, park and recreation areas and to promote the implementation of the Official Comprehensive Policies Plan of the Village. The Zoning Board and Village development staff shall utilize this criteria in its review of the zoning site plan, preliminary plats and lot development plans. Final site density shall depend upon the extent to which each development proposal satisfies the environmental criteria and promotes policy objectives of the Comprehensive Policies Plan. In utilizing these criteria the Zoning

Board shall give consideration to the unique environmental and locational characteristics of the tract of land.

A. Environmental Criteria:

1. Maximum tree preservation in forested areas including design treatment to minimize tree damage and removal, the location of open space to protect tree and tree rehabilitation commitments where unavoidable damage is likely to occur.
2. The amount and location of open space, dedicated or otherwise reserved, and the extent to which it is used to protect unique natural features and vistas. At a minimum, five percent (5%) of the site shall be dedicated open space at one-half ($\frac{1}{2}$) unit per acre; ten percent (10%) at one unit per acre and fifteen percent (15%) for densities above one unit per acre. However the Zoning Board can recommend and the Village Board can approve a cash donation in lieu of the required open space or a portion thereof. Park land should abut existing parks or open space wherever possible.
3. Forested areas and areas containing unique natural features or constituting important natural habitats should be protected by deed restrictions wherever possible keeping such lands in a natural undisturbed state.
4. Areas of poor visual impact due to exposure to major roads or disharmonious land uses should be screened by the use of berming and landscaped with natural vegetative materials.
5. A variety of site design techniques including variable yards, moderate clustering and variable lot size should be used to create large undeveloped areas within the development.
6. Ponds, streams and wetlands should be preserved in their natural condition and included as part of dedicated open space wherever feasible and advisable.
7. Steep slopes should be protected from development.
8. In forested areas, drainage improvements should be designed so as to minimize any change in the existing groundwater level.
9. In forested areas, engineering improvements should be concentrated into as narrow a corridor as is consistent with current engineering standards so that clearing of wooded rights of way can be minimized.

B. Comprehensive Policies Plan Objectives:

1. For subdivisions of forty (40) acres or more in total area, the density should decrease as the distance from major State or County collector or arterial highways increases.

2. All aspects of the development proposal, including site design, street layout and design, engineering, land use, housing character, landscape treatment, conservation measures and the treatment of community facilities such as parks and schools, should be consistent with and advance the objectives contained within the Official Comprehensive Policies Plan of the Village. Particular emphasis should be placed on advancing the plan's open space strategy and upon the following:

The preservation in a natural state of forested land.

The provision of bikeway and pedestrian ways linked to the Village's system.

Property lines of lots to be subdivided should be substantially set back from all major roads. While minimum setbacks are required, additional setbacks should be included wherever possible.

The preservation of semirural vistas of open meadows and woodlots should be given design consideration.

The provision for park improvements in addition to dedicated or otherwise reserved open space.

Open space in the form of nature preserves as well as parks should be included as integral parts of residential neighborhoods.

Conformance with the transportation and road plan elements.

Maintaining the visual character of Village and County roads.

The coordination of development with School Districts 103 and 125, expansion and program objectives.

The avoidance of highway commercial land uses along Route 22 and Riverwoods Road and all local roads.

The development of estate, large lot residential and very low density single-family cluster developments in areas designated as "environmentally sensitive residential areas".

Developments should be as nearly self-sustaining as possible in terms of their Municipal cost-revenue effect. (Ord. 77-470-4)

CHAPTER 5

RESIDENCE DISTRICTS

ARTICLE C. R4 SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT

SECTION:

- 6-5C-1: Intent and Scope of Regulations**
- 6-5C-2: Permitted Uses**
- 6-5C-3: Special Uses**
- 6-5C-4: Lot Size Requirements**
- 6-5C-5: Yard Requirements**
- 6-5C-6: Building Height Limitations**
- 6-5C-7: Signs**
- 6-5C-8: Off-Street Parking and Loading Requirements**

6-5C-1: INTENT AND SCOPE OF REGULATIONS: The R4 District is intended to provide low to moderate density multi-family residential options in areas adjacent to commercial districts, other moderate density residential districts, public or non-residential land uses. This district is meant to be occupied primarily by attached single-family dwellings in structures of a size that are compatible with the single-family character of Lincolnshire. Density of projects for attached single-family dwellings are meant to be low for developments of this type. Density for multiple-family dwellings are meant to be moderate and should be based on the degree to which the development fulfills the objectives of the Official Comprehensive Plan.
(amd. Ord. 95-1377-7, eff.1/9/95)

Areas containing unique natural features, transition areas adjacent to residential districts and areas at or near major intersections are identified as being of significant impact to the Village. This is due to the need to protect valued natural resources, the integrity and environment of the Village's residential neighborhoods, traffic safety conditions and the land use character of key intersections. Therefore, all development proposed within this District shall be subject to site plan review and approved as specified in Section 6-14-7 of this Code.

6-5C-2: PERMITTED USES: No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than any of the following uses:

Accessory uses (attached to the principal building only).

Parks, playgrounds and forest preserves.

Single-family attached in structures containing not more than four (4) dwelling units. (Ord. 86-885-22) (amd. Ord. 95-1377-7, eff. 1/9/95)

Community residential homes of less than four (4) persons. (Ord. 90-1182-66)

Memorial Garden, as an accessory use to an assembly use, including, for example, religious institutions or schools; provided the memorial garden is not located in any required yards. (Amd. Ord. 08-3070-53, eff. 11/24/08)

6-5C-3: SPECIAL USES: The following special uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-14-14 of this Code, as appropriate:

Cemeteries.

Churches and Synagogues.

Multiple-family structures. (amd. Ord. 95-1377-7, eff. 1/9/95)

Planned unit developments.

Private recreation clubs and community buildings (but not including commercial recreation businesses).

Public utility uses.

Schools and day care facilities.

Continue Care Retirement Campus, so long as the same determined on site plan review to fulfill the objectives of the Official Comprehensive Plan. (Ord. 03-1862-39, eff. 8/25/03)

Memorial Assembly Facility: (Amd. Ord. 08-3070-53, eff. 11/24/08)

1. Shall only be permitted as an accessory use to an assembly use, including, for example, religious institutions or schools.
2. Shall be permitted
 - a. inside the principle structure on the Lot, or
 - b. as a accessory structure subject to compliance with the following design and setback standards:

- i. Shall be located not less than one-hundred feet (100') from any Lot Line where there is Frontage;
- ii. Shall maintain a minimum distance of one hundred and thirty-five feet (135') from any Lot Line where there is no Frontage;
- iii. Shall be located not more than twenty feet (20') from the principle structure on the Lot;
- iv. Shall comprise an area no greater than six hundred (600) square feet;
- v. The structure shall have a height not greater than three feet (3');
- vi. 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 six feet (6') tall at the time of planting, but which vegetation shall not be considered part of the Memorial Assembly Facility for the purpose of measuring the permitted area thereof; and
- vii. The face of the structure into which cremated human remains are interned must substantially face towards the principal structure to which it is accessory.

6-5C-4: LOT SIZE REQUIREMENTS: The minimum lot sizes required in the R4 District shall be as follows:

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
<u>Permitted Uses:</u>		
Single-family attached structures	5,000 sq. ft. per unit each unit in the structure	100 ft. plus 15 additional feet for
Parks, playgrounds and forest preserves	10,000 sq. ft.	75 ft.
<u>Special Uses:</u>		
Churches and Synagogues	By Zoning Board	
Multiple-family structures	Existing structure: 4,000 sq. ft. per unit	350 ft. of frontage on a public road
	Proposed structure: Per Zoning Board based on number of dwelling	

units proposed and the
Official Comprehensive
Plan

Private recreation clubs and community buildings	By Zoning Board	
Public utility uses	By Zoning Board	
Schools	2 acres	200 ft.
Day care facilities	1 acre	125 ft.
Cemeteries	3 acres	200 ft.
Planned unit developments	3 acres	none

Accessory Uses:

Each accessory use may be established on the same lot as a principal use, provided such lot meets the lot size requirements of the R4 District.

6-5C-5: YARD REQUIREMENTS: The minimum yard requirements in the R4 District shall be as follows:

	<u>Front and Corner Side</u>	<u>Interior Side</u>	<u>Rear</u>
<u>Permitted Uses:</u>			
Single-family attached structures	25 ft.	12 ft.	30 ft.
Parks, playground and forest preserves		None	

	Front and <u>Corner Side</u>	<u>Interior Side</u>	<u>Rear</u>
<u>Special Uses:</u>			
Churches and Synagogues	30 ft.	20 ft.	30 ft.
Memorial Assembly Facility	By Section 6-5C-3		
Multiple-family structures	50 ft.	25 ft.	50 ft.
Private Recreation Clubs and Community Buildings	30 ft.	20 ft.	30 ft.
Public Utility Uses	By Zoning Board		
Schools, day care facilities	30 ft.	20 ft.	30 ft.
Cemeteries	30 ft.	12 ft.	12 ft.
Planned unit developments (amd. Ord. 95-1377-7, eff. 1/9/95)	By Village Board		

6-5C-6: BUILDING HEIGHT LIMITATIONS: In the R4 District no building or other structure erected within the R4 District shall exceed three (3) stories or thirty six feet (36') in height except for church steeples.

6-5C-7: SIGNS: Signs shall be subject to the regulations contained in Title 12 of this Code.

6-5C-8: OFF-STREET PARKING AND LOADING REQUIREMENTS:

Off-street parking and loading facilities shall be provided as required in Chapter 11 of this Title. (Ord. 86-885-22)

CHAPTER 5

RESIDENCE DISTRICTS

ARTICLE D. R5 MIXED USE GENERAL RESIDENCE DISTRICT

SECTION:

- 6-5D-1: Intent and Scope of Regulations**
- 6-5D-2: Permitted Uses**
- 6-5D-3: Special Uses**
- 6-5D-4: Lot Sizes**
- 6-5D-5: Yards**
- 6-5D-6: Building Height**
- 6-5D-7: Signs**
- 6-5D-8: Off-Street Parking and Loading Requirements**
- 6-5D-9: Site Plan Review Board Review Criteria**

6-5D-1: INTENT AND SCOPE OF REGULATIONS: The R5 District is primarily intended to accommodate multiple-family residential uses adjacent to commercial districts and to provide reuse potential for older commercial areas. However, as a transitional district between commercial and residential uses this District can also accommodate a limited mix of selected retail uses. Accordingly mixed-use developments incorporating residential and commercial uses in the same or in attached structures may be consistent with this District.

Areas containing unique natural features, transition areas adjacent to residential districts and areas at or near major intersections are identified as being of significant impact to the Village. This is due to the need to protect valued natural resources, the integrity and environment of the Village's residential neighborhoods, and the viability of the downtown area and to optimize traffic safety conditions and to permit flexibility in the planning of key intersections.

The R5 District is also intended to recognize the special complexity and interaction of land uses in and around the Village Green and Milwaukee Avenue; to allow for flexibility in land use and design which allows multiple structures on one lot; to encourage opportunities for mixed use development; to facilitate the creation of a convenient, attractive and harmonious context of buildings and streets, pedestrian ways, parks and open spaces; and to encourage public and private investment that will promote vitality, activity, and safety in the area.

Therefore, all petitions for zoning, either permitted or special uses proposed within this District shall be subject to site plan review and approval as specified in Section 6-14-7.

6-5D-2: PERMITTED USES: No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for any other than of the following uses:

Single-family attached dwellings. (Ord. 86-885-22)

Community residential homes of less than four (4) persons. (Ord. 90-1182-66)

Memorial Garden, as an accessory use to an assembly use, including, for example, religious institutions or schools; provided the memorial garden is not located in any required yards.

(Amd. Ord. 08-3070-53, eff. 11/24/08)

6-5D-3: SPECIAL USES: The following special uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-14-14 of this Code as appropriate:

- A. Separate dwelling units above the ground floor of mixed-use buildings and in multiple family structures only.
- B. Commercial and office uses in mixed-use buildings fronting on Illinois Route 22, U.S. Route 45 or Illinois Route 21. Commercial and office uses are limited to the following and must be part of an approved site development plan in accordance with the 1993 Downtown Redevelopment Implementation Program or provided for as a planned unit development.

Antique stores

Art, office and school supply stores

Book stores

Camera and photographic supply stores
(excluding processing of any kind)

Clothing stores

Custom dressmaking

Dry goods stores

Farmers Market

Furniture shops

Furrier shops

Gift shops

Hobby shops

Household goods stores

(not including major appliance sales)

Interior decorating shops

Jewelry stores

Offices, business or professional

Office equipment sales

Other retail and service uses

(which the Zoning Board deems suitable for inclusion into mixed use projects and of a size and scale that do not negatively impact the residential uses, the project or adjacent parcels)
Specialty food stores
(no larger than two thousand five hundred (2,500) square feet in size and excluding the consumption of food on the premises)

C. Other Uses as Follows:

Churches and synagogues

Memorial Assembly Facility: (Amd. Ord. 08-3070-53, eff. 11/24/08)

1. Shall only be permitted as an accessory use to an assembly use, including, for example, religious institutions or schools.
2. Shall be permitted
 - a. inside the principle structure on the Lot, or
 - b. as a accessory structure subject to compliance with the following design and setback standards:
 - i. Shall be located not less than one-hundred feet (100') from any Lot Line where there is Frontage;
 - ii. Shall maintain a minimum distance of one hundred and thirty-five feet (135') from any Lot Line where there is no Frontage;
 - iii. Shall be located not more than twenty feet (20') from the principle structure on the Lot;
 - iv. Shall comprise an area no greater than six hundred (600) square feet;
 - v. The structure shall have a height not greater than three feet (3');
 - vi. 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 six feet (6') tall at the time of planting, but which vegetation shall not be considered part of the Memorial Assembly Facility for the purpose of measuring the permitted area thereof; and
 - vii. The face of the structure into which cremated human remains are interned must substantially face towards the principal structure to which it is accessory.

Park and recreation facilities

Parking lots accessory to uses permitted in the district

Planned unit developments

Public utilities

Schools

6-5D-4: LOT SIZES:

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
<u>Permitted Uses:</u> Single-family attached (maximum 6 units/structure)	4,000 sq. ft.	60 ft. plus 20 additional per unitfeet for each dwelling unit to a maximum required lot width of 160 ft.
<u>Special Uses:</u> Dwelling unit on the second floor of mixed-use buildings	2,000 sq. ft. per unit	By Zoning Board
Retail or office uses as part of mixed use buildings	By Zoning Board	
Churches and Synagogues	20,000 sq. ft.	100 ft.
Parks and playgrounds	10,000 sq. ft.	75 ft.
Recreation and community buildings	By Zoning Board	
Public utility uses	By Zoning Board	
Schools and day care	7,500 sq. ft.	50 ft.
Planned unit developments	3 acres	
Farmers Market	45,000 sq. ft.	200 ft.

6-5D-5: YARDS:

	<u>Front*</u>	<u>Side**</u>	<u>Corner Side</u>	<u>Rear</u>
<u>Permitted Uses:</u>				
Single-family attached dwelling	25 ft.	16 ft.	20 ft.	25 ft.
<u>Special Uses:</u>				
Mixed-use projects including commercial, retail or office uses	25 ft.	16 ft.	25 ft.	30 ft.
Churches and synagogues	30 ft.	10 ft.***	25 ft.	30 ft.
Memorial Assembly Facility		By Section 6-5D-3		
Parks and playground	None			
Recreation and community buildings	25 ft.	16 ft.	25 ft.	30 ft.
Public utility uses	By Zoning Board			
School and day care centers	25 ft.	16 ft.	25 ft.	30 ft.
Planned unit developments	By Village Board			

* When adjacent to the Village Green the front yard shall be 0 feet.

** When adjacent to a single-family detached district side yard shall be 25 feet.

*** Plus 1 foot for every 2 feet the structure exceeds 25 feet in height.

6-5D-6: BUILDING HEIGHT: In the R5 District no building or other structure shall exceed three and one-half (3 ½) stories or forty feet (40') in height except steeples for houses of worship.

6-5D-7: SIGNS: Signs shall be subject to the regulations contained in Title 12 of this Code.

6-5D-8: OFF-STREET PARKING AND LOADING REQUIREMENTS: Off-street parking and loading facilities shall be provided as required in Chapter 11 of this Title unless otherwise recommended by the Zoning Board and approved by motion of the Corporate Authorities for projects in the downtown redevelopment area. (Ord. 86-885-22)

6-5D-9: SITE PLAN REVIEW BOARD REVIEW CRITERIA: Recommendations and review comments of the Site Plan Review Board shall be based on a review and analysis of a master development plan demonstrating general compliance with the Downtown Redevelopment Implementation Program, the Lincolnshire Village Center Design Guidelines, the Official Comprehensive Plan, and other policies, plans and ordinances of the Village.

Specific criteria for review shall include, but not be limited to the following:

1. Nature of the proposed uses including:
 - a. Ground floor pedestrian traffic patterns;
 - b. Compatibility with adjacent street front uses;
 - c. Compatibility of any proposed residential uses with other uses in the vicinity.
2. The location and adequacy of off-street parking and loading provisions.
3. Traffic generation characteristics and specific design measures to accommodate safe, coordinated vehicular and pedestrian circulation and its relationship to open space.
4. The location, design, landscaping, and other significant characteristics of public and private open space in relation to the site and adjacent sites.
5. Architectural integrity and compatibility with nearby existing buildings both on and off site. Architectural considerations shall include siting, massing, proportion, scale, materials, colors, details, facade treatments, fenestration, parapets, site features, lighting and signage. The openness of ground floor facades which face the Village Green, adjacent roads or circulation routes shall

be maximized to promote pedestrian activity and increase visibility of activity from the interior of the buildings.
6. Building height, setback, and footprint in relation to adjacent and nearby significant structures and open space. Buildings shall be designed and placed so their facade

orientation faces and relates to the Village Green, adjacent roads, and circulation routes.

7. Site plans which include more than one building on a site are recommended to encourage compilation of smaller parcels of land and to allow for comprehensive site development in the downtown areas.
8. Parking and loading requirements may be reduced up to 25% of the Village Code requirements provided a comprehensive treatment of the parking site design and layout is proposed.
9. The Site Plan Review Board may recommend modifications to the review criteria, policies, plans, ordinances and Village Code regulations for acceptable site development plans when such modification is essential to further the intent of objectives of the Downtown Redevelopment Implementation Program. Modifications shall be permitted pursuant to the establishment of findings of fact by the Zoning Board and a motion for approval by the Corporate Authorities.

(Amend Ord. 95-1394-24)

CHAPTER 5

RESIDENCE DISTRICTS

ARTICLE E. COMMUNITY RESIDENCE HOMES

SECTION:

- 6-5E-1: Purpose**
- 6-5E-2: Criteria for the Issuance of an Administrative Occupancy Permit**
- 6-5E-3: Standards for the Issuance of a Special Use Permit**
- 6-5E-4: Spacing and Density Requirements**
- 6-5E-5: Chart Outlining Zoning Provisions Related to Community Residential Homes**

6-5E-1: PURPOSE: It is declared to be the policy and intent of the Board of Trustees of the Village to assure that there are adequate available sites for community residences within the Village. In order to attain this goal, the Board of Trustees has done and has taken into consideration the following:

- A. In accordance with the Plan for Compliance with the Community Residence Location Planning Act that the Mayor and Board of Trustees approved at the June 11, 1990 regular Village Board meeting, the Village is demonstrating that adequate provisions are being made to provide for sites for community residential homes serving people with disabilities in areas zoned primarily for single-family residential use and to comply with the Federal Fair Housing Act of 1988.
- B. That the established spacing requirements for community residential homes will foster the integration of such residences into the residential nature of single-family residential neighborhoods.
- C. That the established density standards are necessary to preserve the Village's ability to protect the public safety and to provide for adequate public facilities.

- D. That the Village is fully committed to ensure that persons with disabilities are able to live in appropriate community residential homes which operate to promote their safety residing within all residentially zoned areas of the community.
- E. That the Village desires to promote the State and local public policy of deinstitutionalization of persons with disabilities which benefit both the individual and the community as a whole, because it enhances the individual lives of all disabled persons and improves society through the integration of persons with disabilities into the mainstream of their community.
- F. That the Village finds that the dispersal of community residential homes will directly encourage and facilitate the implementation of the residential setting intent of the State statute.
- G. That it is necessary to protect the health, safety and welfare of the residents of the community residential homes by requiring compliance with all applicable State statutes, regulations and licensing requirements as well as all building, fire and safety ordinances and regulations of the Village.
- H. That community residential homes of seven (7) or more persons with disabilities pose sufficient different and unique problems relating to the health and safety of the residents as well as the appearance of "institutionalization" and the Village shall require that such community residential homes apply for and receive a special use permit prior to occupancy.
- I. That the maximum number of six (6) unrelated persons who are permitted to reside in a residential zoning district as a right through an administrative occupancy permit was arrived at by taking the current average household size in the Village of two and ninety five-hundredths (2.95) persons, rounded to three (3), multiplied by two (2).
- J. That the maximum number of twelve (12) unrelated persons who are permitted to reside in a residential zoning district upon the issuance of a special use permit was arrived at by taking the current average household size in the Village of two and ninety five-hundredths (2.95) persons, rounded to three (3), multiplied by four (4).

6-5E-2: CRITERIA FOR THE ISSUANCE OF AN ADMINISTRATIVE

OCCUPANCY PERMIT: Any community residential home consisting of four (4) or more residents shall not be occupied by any resident unless the sponsor shall have first obtained from the Village Manager or his designee an administrative occupancy permit authorizing the use of the dwelling unit as a community residential home.

All community residential homes shall be licensed in accordance with the "Standards and Licensure Requirements for Community-Integrated Living Arrangements" as established by the Department of Mental Health and Developmental Disabilities or the Department of Public Health.

All administrative occupancy permits shall be issued upon written application upon forms furnished by the Village Manager or his designee. The application shall be under oath and shall state the following:

- A. The date of application;
- B. The name and address of the applicant, and if a corporation the name and address of the registered agent, president, secretary and treasurer, and if a partnership, the name and address of all partners, including limited partners;
- C. The proposed location of the community residential home;
- D. The number of residents to be housed in the community residential home;
- E. The proposed date of occupancy by residents;
- F. The number of other persons that will reside within the dwelling unit, classified according to their respective duties;
- G. The number of other persons that will work at the home or provide support services at the home to its residents, classified according to their respective duties; and
- H. Any other information that the Village Manager may reasonably require.

The application shall be accompanied by reliable evidence that the sponsor is licensed or similarly authorized by an agency of the State of Illinois of competent jurisdiction to operate the proposed community residential home in the proposed location. The absence of such evidence shall constitute sufficient grounds to deny the administrative occupancy permit.

The application shall also be accompanied by a certificate or affidavit of the sponsor that the residents to be housed in the community residential home have been evaluated and screened as required under applicable statutes and administrative regulations and that the residents are capable of community living if provided with an appropriate level of supervision, assistance, and support services. The applicant or sponsor shall be responsible for updating the application within fourteen (14) days of any change and at a minimum of once a year.

No administrative occupancy permit shall be issued for a community residential home that does not comply with any ordinance of the Village or applicable regulation of the State of Illinois or its agencies.

No administrative occupancy permit shall be issued for a community residential home that does not comply with the provisions of this Article.

An administrative occupancy shall not be required to operate a community residential home consisting of three (3) or fewer residents.

The Village Manager may revoke an administrative occupancy permit on the following grounds:

- A. The permit was obtained by fraudulent means, material misrepresentation or by submitting false information;
- B. The sponsor is no longer licensed or authorized by an agency of the State of Illinois of competent jurisdiction to operate a community residential home at the location specified in the permit;
- C. The sponsor has unlawfully refused to permit an inspection of the home by an authorized official of the Village; or
- D. The dwelling unit has been determined by an appropriate official of the Village to be unsafe for human habitation.

Prior to the revocation of an administrative occupancy permit, the Village Manager or his designee shall investigate whether probable cause for revocation may exist and, if so, shall notify the sponsor in writing of reasons for the proposed revocation and grant the sponsor the opportunity to appear before the Village Manager or his designee at a time and place specified within such notice. Such hearing shall be held not less than ten (10) days after the notice is received by the sponsor. Hearings shall be conducted under rules issued by the Village Manager. Such rules shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross examine witnesses and be represented by legal counsel. If after the hearing the Village Manager or his designee determines that the permit should be revoked, a written order revoking the permit shall be issued.

An administrative occupancy permit is not transferable to any other person.

6-5E-3: STANDARDS FOR THE ISSUANCE OF A SPECIAL USE PERMIT:

Any community residential home consisting of seven (7) or more residents shall not be

occupied by any residents unless and until the sponsor has first obtained a special use permit as provided for in this Section.

No special use permit shall be recommended by the Zoning Board for any community residential home, unless it shall find that each and every one of the following criteria are met:

- A. That the design, location and operation of the community residential home will not be detrimental to or endanger the public health, safety and welfare;
- B. That the community residential home will not substantially diminish the economic value of properties in the vicinity of the proposed home;
- C. That the granting of the permit would not result in the concentration of community residential homes or of such other facilities for service dependent populations such that the nature and character of the area would be substantially altered; and
- D. That the proposed use of the affected property complies with all the applicable ordinances of the Village.

In addition to supplying all of the information required for an administrative occupancy permit, the party seeking issuance of a special use permit shall submit such evidence as may be requested by the Mayor and Board of Trustees to make the findings required by this Section.

The issuance of a special use permit for a community residential home shall also be in accordance with the provisions of Section 6-14-14, subsections I, J, K and L of this Title 6, provided, however, that the references to subsections H in I1 and J2 shall, solely for purposes of this Section, be amended to read Section 6-5E-2.

6-5E-4: SPACING AND DENSITY REQUIREMENTS: In order to avoid a saturation/concentration effect in the siting of community residential homes, spacing requirements have been established to regulate the siting and operation of community residential homes in the Village.

Due to the unique character of street configuration within the Village, a standard for the appropriate number of community residential homes related to the size of a block is not appropriate. Therefore, this Section includes a minimum spacing distance established according to a simple formula; Required lot frontage in the zoning district x 10 (an average number of homes per block in a residential area laid out on the typical grid system). These numbers establish a distance that is comparable to one community residential home per block.

The spacing requirements would assume that saturation/concentration would not occur in any one area of the Village. It is the intent of these requirements to assimilate residents of community residential homes into the entire community rather than establishing concentrations of community residential homes in any one neighborhood.

6-5E-5: CHART OUTLINING ZONING PROVISIONS RELATED TO COMMUNITY RESIDENTIAL HOMES: The foregoing provisions of this Article as to administrative occupancy permits, special use permits, numbers of unrelated persons residing in a residential home and spacing requirements relative to community residential homes located in all residential zoning districts are outlined in the following chart:

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CHART OF
VILLAGE OF LINCOLNSHIRE
ZONING PROVISIONS RELATED TO
COMMUNITY RESIDENTIAL HOMES

NUMBER OF RESIDENTS PER COMMUNITY RESIDENTIAL HOME*	ZONING DISTRICTS				
	R1	R2	R2A,R3	R4	R5
Up to a maximum number of unrelated persons with disabilities allowed under zoning ordinance definition of "family"	P 3	P 3	P 3	P 3	P 3
Spacing distance	None	None	None	None	None
4 - 6 unrelated persons	P-A	P-A	P-A	P-A	P-A
Minimum spacing distance	1500'	1200'	1000'	500'	800'
7 - 12 unrelated persons	SUP	SUP	SUP	SUP	SUP
Minimum spacing distance	1500'	1200'	1000'	500'	800'

P = Permitted as of right under zoning definition of "family" with no restrictions or conditions.

P-A = Permitted as of right through an administrative occupancy permit that requires licensing or certification and a spacing requirement no greater than indicated here.

SUP = Permitted by special use permit with objective standards and rational spacing requirement no greater than indicated here.

* And per the most recent edition of the BOCA National Property Maintenance Code standards for all Residential Properties, Section PM-403.3. (Ord. 90-1182-66)

CHAPTER 5

RESIDENCE DISTRICTS

ARTICLE F. R6 MIXED USE ESTATE DISTRICT

SECTION:

6-5F-1:	Purpose
6-5F-2:	Permitted Uses
6-5F-3:	Special Uses
6-5F-4:	Lot Area, Setback, Bulk and Height Requirements
6-5F-5:	Yards
6-5F-6:	Off-Street Parking and Loading Requirements
6-5F-7:	Other Regulations

6-5F-1: PURPOSE: The Mixed Use Estate District is established to permit an owner of a residence on a larger residential parcel to maintain a separate building that may house limited business uses while providing protection to surrounding uses by requiring restrictions on the operator of the business and sufficient setbacks for all buildings. The district may be of particular significance after the Village annexes property in previously unincorporated areas that may contain planned or existing mixed uses. It is recognized that the benefit in annexing such properties may outweigh any detriment to the Village by permitting such mixed uses.

6-5F-2: PERMITTED USES:

- A. Single Family detached dwellings.
- B. Business uses as regulated in Section 6-5F-7.

- C. Signs as regulated in Title 12 and Section 6-5F-7.
- D. Uses and building accessory to single family detached dwellings. (Ord. 65-138-15)
- E. Dog runs as regulated in Section 6-5F-4B. (Ord. 74-358-34)
- F. Community residential homes of less than four (4) persons. (Ord. 90-1182-66)

6-5F-3: SPECIAL USES:

There are no special uses in the Mixed Use Estate District.

6-5F-4: LOT AREA SETBACK, BULK AND HEIGHT REQUIREMENTS

- A. Lot Area and Setbacks.
 - 1. Lot Area. Not less than three (3) acres.
 - 2. Sideyard Setbacks. Not less than thirty (30) feet.
 - 3. Front and Rear Yard Setbacks. Not less than fifty (50) feet.
 - 4. There shall be at least 100 feet between the two primary structures on the property.
- B. Frontages.
 - 1. Not less than three hundred (300) feet.
- C. Floor Area Ratio.
 - 1. Not to exceed .25 for the two primary buildings.
- D. Ground Floor Area Per Dwelling.
 - 1. 1-story dwelling, not less than one thousand seven hundred fifty (1,750) square feet.
 - 2. Dwellings having more than one (1) story, not less than one thousand (1,000) square feet. (Ord. 65-138-15)
- E. Size of Non-Residential Building.

The non-residential building shall be no greater than three thousand (3,000) square feet in size.
- F. Building Height.

The maximum building height shall be two and one-half (2-1/2) stories, or thirty-five (35) feet, whichever is higher.

6-5F-5: YARDS:

- A. Front and Rear Yards:
Not less than fifty (50) feet.
- B. Side yards:
Not less than thirty (30) feet.

6-5F-6: OFF-STREET PARKING AND LOADING:

- 1. Parking spaces in accordance with provisions set forth in Section 6-11-3 of this Zoning Code. (Ord. 65-138-15)
- 2. No business, service or delivery vehicles may be parked outside overnight.

6-5F-7: OTHER PROVISIONS:

- A. Two principal structures are permitted on a lot zoned Mixed Use Estate District.
- B. All operations of the business enterprise shall be conducted indoors. No operations at all may take place out of doors.
- C. There shall be no outside storage of the business enterprise materials or supplies on the property and no accessory storage buildings for the business enterprise may be constructed or maintained on the property.
- D. There shall be no business advertising or identification signs on the property.
- E. There shall be no more than two persons employed by the enterprise and no more than three persons including the owner working at the enterprise at any time. The owner of the property must be the owner of the enterprise and shall reside at the residence on the property.
- F. Such a lot must be contiguous to at least one property on which two or more buildings have been constructed.

G. Retail sales, wholesale showrooms, and traffic-intensive service uses are not permitted in the Mixed Use Estate District. Rather, the uses permitted shall be the uses listed below and those similar type uses:

1. Professional offices.
2. Graphic design studio.
3. Photographer's studio.
4. Interior decorating workroom.
5. Custom tailoring or dressmaking workroom.
6. Appliance repair workroom.
7. Machine shop for automotive engine repair provided no vehicles may be parked, stored, or worked on out of doors.
8. Greenhouses.

(Amend. Ord. 95-1399-29)

(Amend Ord. 06-2014-05, eff. 2/13/06)