

VILLAGE OF LILY LAKE

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ORDINANCE NO. 2018-01

AN ORDINANCE AMENDING THE VILLAGE CODE

(Chapter 20—Zoning)

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ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF LILY LAKE

April 23, 2018

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Published in pamphlet form by authority of the President and Board of Trustees of  
the Village of Lily Lake, Kane County, Illinois

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**AN ORDINANCE AMENDING VILLAGE CODE**

**(Chapter 20—Zoning)**

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BE IT ORDAINED by the President and the Board of Trustees of the Village of Lily Lake, Kane County, Illinois, that the Village Code, as amended, be further amended as follows:

**§ 1. Amending Village Code**

(a) The following sections and subsections of Chapter 20—Zoning, are amended to read as follows:

**SUBCHAPTER 2 - GENERAL ZONING PROVISIONS**

**§ 2004. Control over use**

The use of land and the erection, alteration and use of buildings or structures is limited to:

- (a) Uses lawfully established and existing on October 18, 1993, except uses lawfully established and existing on October 18, 1993 and rendered nonconforming by the provisions of this Chapter are subject to the regulations of Subchapter 9 of this Chapter;
- (b) Uses permitted or specially permitted in the zoning district in which the land, building or structure is to be located;
- (c) Uses existing on October 18, 1993 that were classified as special uses by this Chapter;
- (d) Buildings or structures, the construction of which was begun prior to October 18, 1993 and prosecuted to completion;

(e) Buildings or structures, the plans for which had been filed with the Village within 10 days after October 18, 1993, and the construction of which was commenced within 6 months of filing and completed within one year.

**§ 2005. Control over bulk**

(a) New buildings or structures must conform with the bulk regulations established by this Chapter for the district in which the building or structure is to be located. No existing building or structure may be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or to increase any existing conflict, with the bulk regulations of this Chapter for the district in which such building or structure is located;

(b) A lot of record on October 18, 1993 in a residence district that does not meet the area or yard requirements of this Chapter may be used for a single-family detached dwelling if it meets all the other requirements of this Chapter and other applicable Village ordinances, regulations and codes. A lot of record on October 18, 1993, is—

(1) a lot, parcel or tract of land in a residence district that was recorded in the office of the Recorder of Deeds of Kane County prior to October 18, 1993; or

(2) a lot in a subdivision in a residence district that was recorded after October 18, 1993, if a preliminary plat for such subdivision had been given tentative approval under the subdivision ordinance of the Village before October 18, 1993 and a final plat of such subdivision had been approved by the Village and thereafter recorded in the office of the recorder of deeds of Kane County within the time required by the subdivision ordinance.

(c) The Building Officer shall issue a zoning certificate for erecting a single-family detached dwelling on a lot of record upon compliance with all of the foregoing provisions.

**§ 2006. Number of buildings on lot**

In any residence district, every single-family detached dwelling erected or structurally altered after October 18, 1993 must be located on a lot, and not more than one such dwelling is permitted on a lot.

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**§ 2007. Lot division**

No lot may be divided in order to secure one or more additional lots unless each lot resulting from the division and the remainder of the original lot meet the minimum lot area, lot width and yard requirements of this Chapter for the district in which the lot is located.

**§ 2008. Yards**

(a) Yards and other open spaces required by this Chapter must be located on the same lot as the principal building, structure or use.

(b) On through lots, the Building Officer shall designate the front lot line. If a front lot line has already been established for any lot in the same block, the Building Officer shall designate the same front lot line for all other through lots in that block. On a through lot only those obstructions permitted in front yards are permitted in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard, except where a no-access strip has been provided for such lots on the recorded plat.

(c) No legally required yards, open space or lot area for any use or structure may be used to satisfy yard, open space or lot area requirements for any other structure or use.

(d) No yards allocated to a building, structure or use existing on October 18, 1993 may be subsequently reduced or further reduced below the yard requirements of this Chapter, except a yard adjoining a street may be reduced in depth if the right-of-way of the street is subsequently increased.

**§ 2009. Setbacks along streets**

Setbacks on lots abutting a street must minimally be the distance required for a front yard, or side yard adjoining a street, in the districts where such lots are located. The setback distance is measured from the line of the existing right-of-way or from the proposed line of the right-of-way as designated on the Official Map of the Village, or as established by other ordinances of the Village, or the Kane County or State of Illinois highway authorities, whichever requires the widest right-of-way.

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**§ 2010. Accessory buildings, structures and uses**

(a) Accessory buildings, structures and uses (I) must be compatible with the principal use, (ii) must not be erected or altered in required yards except those that are permitted as obstructions in yards, and (iii) must not be established prior to the establishment of the principal use.

(b) Accessory uses do not include the keeping, propagation or culture of pigeons, ~~rabbits~~, bees, livestock or other non-household animals, except on conforming lots zoned A-Agriculture, and except as permitted in § 2031.

(c) Except as may be otherwise required for a specific accessory use, detached accessory buildings erected or altered after October 18, 1993, at any location on a lot—

(1) may not be more than one story or 15 feet in height, whichever is lower;

(2) together with all other accessory buildings, may not cover more than 1½% of the area of the lot;

(3) may not be located less than 10 feet from a lot line of any adjoining lot, except—

(A) on a corner lot, not nearer to the side street than the distance required in the district in which the lot is located for a side yard adjoining a street;

(B) on a through lot that does not have a rear lot line adjoining a no-access strip, not nearer to the rear lot line adjoining a street than the distance required for a front yard; and

(C) on a lot abutting a public alley, not nearer to the center line of the alley than 11 feet;

(4) may not be nearer than 10 feet from the principal building on the lot; and

(5) must be architecturally compatible with the principal building on the lot if in excess of 200 square feet of floor area.

**§ 2011. Permitted accessory buildings, structures, uses in required yards**

For accessory buildings, structures and uses which are permitted and may be obstructions in yards see Appendix A.

**§ 2012. Vision clearance for corner lots**

On corner lots within that part of a yard located within a radius of 25 feet from the point of intersection of the two street right-of-way lines forming the lot corner, no structures or shrubs permitted as obstructions in front yards or side yards adjoining a street, may be erected, altered or planted which are more than 30 inches above grade, and any trees planted in such areas must be maintained in a manner so that no branches are lower than 8 feet above grade.

\* \* \* \* \*

**§ 2014. Sewerage and water systems**

(a) A lot that was not a lot of record on October 18, 1993 that is to be used for a single-family detached dwelling served with an individual sewerage disposal system must have an area of not less than 1 ⅓ acres and a width of not less than 150 feet.

(b) Installation of individual sewage disposal systems and private wells or community sewerage and water systems must conform with the standards and specifications set forth in the applicable laws of Kane County, the State of Illinois, and the Village.

(c) All buildings, other than single-family detached dwellings located on lots less than 1 ⅓ acres in area, may be served with individual sewage disposal systems and individual wells if the lot conforms with the area and width requirements of the district where such uses are located, provided:

(1) Greater lot areas and widths will be required when necessary to provide areas of adequate size, that are not covered by buildings, structures and pavements, to conform with State of Illinois and Kane County standards for installation of individual sewage disposal systems and individual wells; and

(2) The construction of such building complies in all respects with the Chapter 4, Subchapter 3 of this Code.

**§ 2015. Flood plain**

Construction within the flood plain must comply in all respects with the Chapter 4, Subchapter 3 of this Code.

**§ 2016. Building height**

No building may be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit for the district in which the building is located, except that structures housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, antennae, water tanks, silos, storage hoppers, or similar structures may be erected above the height limits when recommended by the Plan Commission and approved by the Board of Trustees.

**§ 2017. Exemptions**

The regulations of this Chapter will not be exercised so as to deprive the owner of any existing property of the use to which it is lawfully devoted on October 18, 1993 or on the date of any subsequent amendment of this Chapter.

**SUBCHAPTER 3—ZONING DISTRICTS, MAPS****§ 2018. Establishment of districts**

In order to carry out the purposes and intent of this Chapter, the Village is divided into the following districts:

- A - Agricultural District
- E1 - Estate Residence District
- E2 - Estate Residence District
- R1 - Single-family Detached Residence District
- R2 - Single-family Detached Residence District
- R3 - Single-family Attached and Multiple-family Residence District
- B1 - Business District
- B2 - Commercial District
- M1 - Manufacturing District

- M2 - Manufacturing District
- TND - Traditional Neighborhood Development District
- H - Historic District

**§ 2019. Zoning map - boundaries of districts**

(a) **Zoning Map.** The zoning districts and their boundaries are as shown on the zoning map entitled Zoning Map, Village of Lily Lake, Kane County, Illinois. The map and all amendments to the map and all notations, references and other information shown on the map are incorporated into and made a part of this Chapter, with the same force and effect as if fully set forth. The original map, properly attested, will be filed with the Village Clerk.

(b) **Boundaries of Districts.** Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the map, the following rules apply:

- (1) District boundary lines are either:
  - (A) the center lines of railroads, highways, streets, alleys, easements or waterways,
  - (B) the boundary lines of sections, quarter sections and divisions of sections,
  - (C) property lines of record on October 18, 1993 for tracts and lots, or
  - (D) such lines extended unless otherwise indicated.
- (2) Where a district boundary line divides a lot in single ownership, the regulations for the more restrictive district extend to the entire lot.
- (3) The Board of Trustees will resolve questions concerning the exact locations of zoning district boundary lines after receiving recommendations from the Plan Commission.

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(b) Section 2029 (c)(7) is repealed and the following is added as new § 2030 and the following sections are renumbered accordingly.

#### SUBCHAPTER 4—AGRICULTURAL DISTRICT

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**§ 2030. Off-street parking and loading.** In accordance with the regulations set forth in Subchapter 10 of this Chapter.

#### SUBCHAPTER 5—RESIDENCE DISTRICTS

**§ 2033. E1 Estate residence district**

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(I) **Off-street parking and loading.** In accordance with the regulations set forth in Subchapter 10 of this Chapter.

**§ 2034. E2 Estate Residence District**

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(I) **Off-street parking and loading.** In accordance with the regulations set forth in Subchapter 10 of this Chapter.

**§ 2035. R1 Single-family detached residence district**

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(I) **Off-street parking and loading.** In accordance with the regulations set forth in Subchapter 10 of this Chapter.

**§ 2036. R2 Single-family detached residence district**

\* \* \* \* \*

(I) **Off-street parking and loading.** In accordance with the regulations set forth in Subchapter 10 of this Chapter.

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**§ 2037. R3 Single-family attached and multiple family residence district**

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(j) **Off-street parking and loading.** In accordance with the regulations set forth in Subchapter 10 of this Chapter.

**SUBCHAPTER 6—BUSINESS DISTRICTS**

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**§ 2039. General provisions**

The following provisions apply to all business districts:

(a) **Dwelling units.** Dwelling units and lodging rooms are not permitted on the ground floor level in any business district except in a permitted hotel, motel or as a lawful nonconforming use existing on October 18, 1993.

(b) **Enclosure of operations.** All business, servicing or processing must be completely enclosed within a building except—

- (1) Off-street parking or off-street loading;
- (2) Drive-in type operations when conducted as a permitted or special use;
- (3) Open sales lots when operated as a permitted use;
- (4) Contractors offices and shops and machine, sheet-metal or welding shops when operated as a special use in the B1 Business District and then only in strict compliance with the ordinance approving the special use; and
- (5) Sales of fuel.

(c) **Performance standards.** All activities must conform with the performance standards established for the M1 Manufacturing District, in every case measured at the boundaries of the lot on which any such activities take place.

(d) **Parking limitations.** Truck parking when accessory to the conduct of a permitted use is limited to vehicles having a capacity not exceeding 1½ tons except for pickup or delivery services during normal business hours.

(e) **Landscaping and screening.** Landscaping and screening will be required. Required landscaping may include, but is not limited to, street trees, foundation plants, parking lot landscaping, screening and berming. Proposed landscaping will be reviewed by the Hearing Officer and Plan Commission and forwarded with recommendations to the Board of Trustees as part of the approval process. To evaluate any proposed screening and landscaping the Village may require preliminary and final site plans and landscape plans including details of proposed screening and location, species, size and quantities of plant materials, planting specifications, and other information required to evaluate the proposed project or application.

#### § 2040. B1 Business District

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(c) **Special uses.** Special uses in the B1 Business District are those marked with the letter "S" in Appendix D.

(1) **Certain special uses.** Contractor's and landscape contractor's offices and shops, feed, fertilizer and seed stores, retail and wholesale greenhouses and garden centers, live bait shops, and machine, sheet-metal or welding shops permitted as special uses in the B1 Business District are subject to additional restrictions. Outside storage of vehicles, equipment, or other property may be restricted by location, type, and duration or prohibited altogether. Number, type, weight, capacity and hours of operation of vehicles to be parked on the property or used in the operation of the special use may be restricted. Certain activities may be required to be completely enclosed within a building or screened from view. Hours of operation may be restricted. Additional screening and noise regulations may be imposed.

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(I) **Off-street parking and loading.** In accordance with regulations set forth in Subchapter 10 of this Chapter.

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**§ 2041. B2 Business District**

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(I) **Off-street parking and loading.** In accordance with regulations set forth in Subchapter 10 of this Chapter.

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**§ 2077. Authority to continue nonconformance**

Any building, structure or use that lawfully existed on October 18, 1993, and became nonconforming upon the enactment of the Village's Zoning Ordinance on October 18, 1993, or on the effective date of any subsequent amendment to this Chapter, may be continued only in accordance with the following regulations.

(a) **Nonconforming building or structure.**

(1) **Repairs and alterations.** Only ordinary repairs and alterations required by law or required to make the building or structure and its use conform to the regulations of the district in which it is located may be made to a lawfully nonconforming building or structure. The Building Officer shall determine what repairs and alterations are ordinary.

(2) **Additions and enlargements.**

(A) A lawfully nonconforming building or structure may not be added to or enlarged in any manner unless the building or structure and its use, including all additions and enlargements, are made to conform to all of the regulations of the district in which it is located.

(B) A lawfully nonconforming building or structure that is nonconforming only as to bulk may be added to or enlarged if such additions or enlargements conform to all regulations of the district in which it is located.

(3) **Moving.** No lawfully nonconforming building or structure may be moved in whole or in part to any other location unless every portion of the building or structure and its use, are made to conform to all regulations of the district to which the building or structure is to be moved.

(4) **Restoration or repair.** If the cost of restoration or repair will exceed 60% of the cost of reconstructing the entire building or structure, a lawfully nonconforming building or structure that is damaged or destroyed by fire or other casualty may not be restored or repaired unless the building or structure and its use conforms to all regulations of the district in which it is located. If the damage is less than 60% of the cost of reconstruction, no repairs or restoration may be made unless the work is started within one year from the date of the occurrence.

(5) **Change of use.** The lawful nonconforming use of all or part of a lawfully nonconforming building or structure may be continued. The use may be changed at any time to a use permitted in the district in which the building or structure is located. Once the use is changed to a conforming use, the building or structure may not again be used for a nonconforming use.

(b) **Nonconforming use of conforming building or structure.**

(1) **Expansion.** The nonconforming use of a portion of a conforming building or structure may not be expanded or extended to any other portion, nor changed to any other nonconforming use.

(2) **Abandonment.** If a nonconforming use is discontinued for a period of 6 consecutive months it may not be renewed, and any subsequent use of the building or structure must conform to the use regulations of the district in which the building or structure is located.

(3) Any nonconforming use in a residence district must be discontinued within 10 years from October 18, 1993, or the effective date of the amendment to this Chapter making such use nonconforming, as the case may be.

(c) **Nonconforming use of land.**

(1) **Expansion.** The nonconforming use of land may not be expanded or extended to any other portion of the land or changed to another nonconforming use.

(2) **Abandonment.** If a nonconforming use of land is discontinued for a period of 6 consecutive months, it may not be renewed, and any subsequent

use of the land must conform to the regulations of the district in which the land is located.

(3) **Duration of accessory use.** Where the nonconforming use of land is accessory to the nonconforming use of a building or structure, it must be discontinued on the same date as the nonconforming use of the building or structure.

\* \* \* \* \*

(c) That portion of Appendix A allowing fences as obstructions in required yards is amended as shown below.

**Appendix A - Obstructions Permitted in Yards**

	F	S	R
Fences—not more than 8 feet in height in business and manufacturing districts; may be open or opaque in type; finished or "good" side as determined by the Building Officer must face adjoining properties	✓	✓	✓
Fences—not more than 6 feet in height in residence districts; may be open or opaque in type; finished or "good" side as determined by the Building Officer must face adjoining properties		✓	✓
Fences—not more than 4 feet in height in residence districts; may be open or opaque in type; finished or "good" side as determined by the Building Officer must face adjoining properties	✓		

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(d) Appendix D is amended to permit animal hospitals, contractor's offices and shops with limited outdoor storage, feed fertilizer and seed stores, retail and wholesale greenhouses and garden centers, landscaping contractor's offices and shops with limited outdoor storage, live bait stores, and machine, sheet-metal or welding shops as special uses in the B-1 Business District.

**§ 2. Repealer**

Any ordinance or any provision of any ordinance in conflict with the provisions of this ordinance is, to the extent of such conflict, repealed.

**§ 3. Effective Date**

This ordinance is fully effective from and after its passage, approval and publication as provided by law.

Adopted on April 23, 2018 pursuant to a roll call vote as follows:

[Signature page follows.]

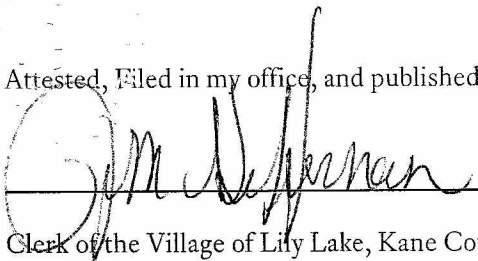
Trustee	Yes	No	Absent	Abstain
Conn			X	
Dell	X			
Damisch	X		1	
Marlovits			X	
Vaughn	X			
Walsh	X			
Overstreet				
Totals	4		2	

Approved April 23, 2018.



President

Attested, Filed in my office, and published in pamphlet form on April 18, 2018.



Clerk of the Village of Lily Lake, Kane County, Illinois