§ 16.52.010 PURPOSE.

Overlay zoning districts create special controls in certain areas of the County that have special characteristics or development issues. The intent of an overlay district is to provide common controls over areas that require a specific type of zoning control in addition to the regulations of the base zoning district.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 13.1; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O-201808-10-033, passed 8-21-2018)

§ 16.52.020 REGULATIONS OF THE BASE ZONING DISTRICT.

Unless modified by the overlay district regulations, the regulations of the base zoning district apply.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 13.2; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O-201808-10-033, passed 8-21-2018)

§ 16.52.050 BAY VIEW BEACH ON THE FOX RIVER SUBDIVISION OVERLAY DISTRICT.

A. *Purpose.* The Bay View Beach on the Fox River Subdivision Overlay District is intended to accommodate redevelopment and rehabilitation of accessory structures on specific nonconforming water-covered lots and parcels created prior to March 4, 2025.

B. *Eligibility of Lots and Parcels.*

   1. For a lot or parcel to be eligible for the Bay View Beach on the Fox River Subdivision Overlay District supplemental standards, it must meet the following criteria:

      a. The lot or parcel must be located within the Bay View Beach on the Fox River Subdivision Overlay District mapped area (see Appendix B)

      b. The lot or parcel must have been recorded in the McHenry County Recorder's Office prior to March 4, 2025.

C. *Bay View Beach on the Fox River Subdivision Overlay District Supplemental Standards.* Bay View Beach on the Fox River Subdivision Overlay District supplemental standards are a set of allowances and flexibilities affecting standards for development.

   1. *Supplemental Standards for Accessory Structures.*

      a. Accessory structures which were constructed prior to March 4, 2025, may be replaced, altered, or rehabilitated so long as the new structure does not exceed the footprint, height, and setbacks of the existing accessory structure, when such development does not comply with Table 16.52-2: Bay View Beach on the Fox River Overlay District Bulk and Setback Regulations.

      b. Accessory structures which do not meet §16.52.050.C.1.a requirements must comply with Table 16.52-2: Bay View Beach on the Fox River Overlay District Bulk and Setback Regulations.

2. *Supplemental Standards for Accessory Structures.* Structures may be rehabilitated, replaced, altered, or expanded so long as such development complies with Table 16.52-2: Bay View Beach on the Fox River Subdivision Overlay District Bulk and Setback Regulations.

Table 16.52-2: Bay View Beach on the Fox River Subdivision Overlay District Bulk and Setback Regulations	
	Accessory Structures
Maximum Building Height	35'
Maximum Building Coverage	50%
Maximum Impervious Surface Coverage	50%
Minimum Street Setback	5'
Minimum Interior Side Setback	5'
Minimum Waterfront Rear Setback[1]	0'
Minimum Space Between Structures	5'

APPENDIX B: OVERLAY DISTRICTS REFERENCE MAPS.

The following maps are provided for reference purposes only. Please refer to original documents to determine if the overlay district regulations apply.

- Mapping of the SARA Overlay District is established by the Sensitive Aquifer Recharge Area map.
- The Class III Overlay District consists of all areas designated as Class III Special Resources Groundwater Protection areas identified by the Illinois Pollution Control Board, and as may be amended from time to time.
- The Legacy Neighborhood (LN) Overlay District is identified by the included maps.
- The Bay View Beach on the Fox River Subdivision Overlay District is identified by the included map.

Bay View Beach on the Fox River Subdivision Overlay District Map