



- R-1 ONE FAMILY
- R-2 ONE FAMILY
- R-3 TWO FAMILY
- R-4 MULTIPLE FAMILY
- B-1 NEIGHBORHOOD BUSINESS
- B-2 CENTRAL BUSINESS
- M MANUFACTURING
- SPECIAL USE

ZONING MAP
 HOFFMAN ESTATES
 SCHAUMBURG TOWNSHIP
 COOK COUNTY
 ILLINOIS

1" = 400'
 SCALE IN FEET

ORDINANCE # 26

ARTICLE I

TITLE

SECTION 1. This ordinance shall be known, cited and referred to as the "Zoning Ordinance of the Village of Hoffman Estates".

ARTICLE II

INTENT AND PURPOSE

SECTION 1. For the purpose of dividing the Village into zones, or districts, restricting and regulating therein the locations, erection, construction, reconstruction, alteration and use of buildings, structures, and land for trace, industry, residence and other specified uses; to regulate and determine the area of open spaces surrounding such buildings; to establish building lines and the location of buildings designed for specified industrial, business, residential and other uses within such areas; to fix standards to which buildings or structures shall conform therein; to prohibit uses, buildings or structures incompatible with the character of such districts, respectively; to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder; to limit congestion in the public streets by providing for the off-street parking and loading and unloading of vehicles, providing for the gradual elimination of nonconforming uses of land, buildings and structures; and prescribing penalties for the violation of the ordinance; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the taxable value of land and buildings throughout the Village; and to promote the public health, safety and general welfare.

SECTION 2. DEFINITIONS For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular; the word "building" shall include the word "structure" ; and the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not directory.

Accessory Building or Use

- An "accessory building or use" is one which:
a. is subordinate to and serves a principal building or principal use; and,
b. is subordinate in area, extent, or purpose to the principal building or principal use served; and
c. contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
d. is located on the same lot as the principal building or use served, with the single exception of such accessory off-street parking facilities as the Village Board may permit to be located elsewhere than on the same lot with the building or use served.

Agriculture: the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, verticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Acresage: any tract or parcel of land which has not been subdivided and platted.

Alley: A public thoroughfare, not less than twenty (20) feet wide, and not more than forty (40) feet in width, which affords only a secondary means of access to abutting property.

Apartment: A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a house-keeping unit for a single family.

Automobile Repair: general repair, engine rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

Automobile Service Station: A place where gasoline stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile repairs and rebuilding. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

Basement: A story partly or wholly underground. Where more than one-half of its height is above the average level of the adjoining ground a basement shall be counted as a story for purpose of height measurement.

Billboard: any structure or portion thereof upon which are signs or advertisements used on an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or signs advertising the sale or lease of the premises on which the sign is located.

Building: any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Building Area: the buildable area of a lot is the space remaining after the minimum open space requirements of this ordinance have been complied with.

Building Height: the vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Line: for the purpose of this ordinance the building line is the same as a front yard set-back line.

Car port: a structure attached or made a part of the main structure, and which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor driven vehicles

District: a section or sections of the incorporated area of the city for which the regulations and provisions governing the use of building and land are uniform for each class of use permitted therein

Dwelling: a building or portion thereof, but not an automobile house trailer, designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses.

Dwelling - one-family: a detached building designed exclusively for occupancy by one (1) family.

Dwelling - two-family: a building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling - multiple: a building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

Family: a "family" consists of one or more persons occupying a premises and living as a single housekeeping unit, and related to each other by birth, adoption, or marriage. A "family" includes any domestic servants and not more than one gratuitous guest residing with said "family".

Floor Area, Gross: the sum of the gross horizontal areas of the several floors of such building or buildings - measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings. In particular "gross floor area" shall include:

- a. basement space if at least one-half of the basement story height is above the established curb level or where the curb level has not been established, above the average level of the finished grade.
- b. elevator shafts and stairwells at each floor.
- c. floor space used for mechanical equipment where the structural headroom exceed seven and one-half ($7\frac{1}{2}$) feet, except equipment, open or enclosed, located on the roof, ie; bulkheads, water tanks and cooling towers.
- d. attic floor space where the structural headroom exceeds seven and one-half ($7\frac{1}{2}$) feet.
- e. interior balconies and mezzanines.
- f. enclosed porches, but not terraces and breezeways.
- g. accessory uses, other than floor space devoted exclusively to accessory off-street parking or loading.

Floor Area Ratio: the numerical value obtained through dividing the Gross Floor Area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located

Garage - Private: an accessory building for the storage of not more than three (3) motor driven vehicles, of which not more than one (1) shall be a commercial vehicle of not more than two (2) ton capacity.

Ground Floor Living Area: the gross area of a building or buildings taken as a plane through the building, excluding accessory uses such as a garage.

Home Occupation: any use conducted entirely within the dwelling and carried on by the INHABITANTS thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family. Only clinics, doctors' offices, hospitals, barber shops, beauty parlors, dress shops, millinery shops, real estate offices, tea rooms, tourist homes, animal hospitals, kennels, among others shall not be deemed to be home occupations.

Lot: a parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one (1) principal building and accessory building(s); the open spaces required hereunder for off-street parking or loading facilities and having its principal frontage upon a street or upon an officially approved place.

Lot, Corner: a lot situated at the intersection of two (2) or more streets.

Lot, Interior: a lot other than a corner lot.

Lot Width: the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Lot Depth: the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Nonconforming Use: any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the regulations of this ordinance.

Signs, Outdoor Advertising: any card, cloth, paper, metal, painted, glass, wooden, plaster, stone or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, glueing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever.

Setback: the horizontal distance between the front line of the building or structure and the front property line.

Structural Alterations: any change, other than incidental repairs, which would prolong the life of supporting members of a building such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Use, Principal: the main use of a land or building as distinguished from a subordinate or accessory use. A "principal use" may be either "permitted" or "special".

Use, Permitted: a use which may lawfully be established in a particular district or districts, provided it complies with all requirements, regulations and standards of such district.

Use, Special: a use, either public or private, which because of its unique characteristics, cannot properly be classified as a permitted use in any particular district or districts. After due consideration in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "special use" may or may not be granted.

Yard: an open space between a building and the adjoining lot lines, unoccupied and unobstructed, except as herein provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building shall be used.

Yard, Front: a yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the principal building or any projections thereof other than the projection of usual uncovered steps, unenclosed balconies, unenclosed porches, or unenclosed patios.

Yard, Rear: a yard extending across the rear of a lot, measured between the side lot line, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than the projection of usual uncovered steps, unenclosed balconies, unenclosed porches, and unenclosed patios.

Yard, Side: a yard between the principal building and the side line of a lot extending from the front setback line to the rear setback line, and being the minimum horizontal distance between the side of the principal building and any projections thereof.

ARTICLE III

GENERAL PROVISIONSSECTION 3.1 INTERPRETATION

- (1) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- (2) Where the conditions imposed by any provision of this ordinance upon the use of land or buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements shall govern.
- (3) This ordinance is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulation of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.
- (4) No building, structure, or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in the manner that, said unlawful building, structure, or use is in conflict with the requirements of this ordinance, said building, structure, or use remains unlawful hereunder.

SECTION 3.2 SEPARABILITY

It is hereby declared to be the intention of the Village Board of the Village of Hoffman Estates that the several provisions of this ordinance are separable, in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

SECTION 3.3 SCOPE OF REGULATIONS

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the districts in which such buildings, uses, or land shall be located.

Where, however, a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within one (1) year from such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and, further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated - subject thereafter to the provisions of Section 3.10 (Nonconforming Buildings, Structures and Uses).

SECTION 3.4 NUMBER OF BUILDINGS ON LOT

Not more than one (1) principal detached residential building shall be located on any lot, nor shall a principal detached building be located on the same lot with any other principal building.

SECTION 3.5 ACCESSORY BUILDING

- (1) No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is necessary.
- (2) No detached accessory building or buildings shall occupy more than fifty (50) percent of the area of a required rear yard.
- (3) No detached accessory building located in a required rear yard shall exceed fifteen (15) feet in height.

SECTION 3.6 HOUSE TRAILERS

- (1) A house trailer shall not be considered to be permissible as an accessory building, or as a principal building.
- (2) No person shall park, store, or occupy a house trailer except that:

A house trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located, only during the time construction or development is actively under way.

SECTION 3.7 OFF-STREET PARKING AND LOADING FACILITIES

In the following cases:

- (a) when any building or structure is hereafter erected or any use of land hereafter established; or
- (b) when the intensity of use of any building or structure, or premises, is increased; or
- (c) when any existing use of a building or structure is changed or converted to a new use;

the Village Board shall prescribe the off-street parking and off-street loading facilities, if any, deemed adequate and proper in such case, and such facilities shall be provided. The Village Board may require and receive of the Plan Commission its recommendations in this regard.

SECTION 3.8 SEWAGE DISPOSAL AND WATER SUPPLY

Regardless of the other provisions of this ordinance, in all classifications and in all districts there shall always be sufficient ground area left unoccupied by a building, structure or paving for a proper system of sewage disposal and water supply conforming with the standards and requirements of any ordinance or code of the Village of Hoffman Estates and all amendments thereto, and such other requirements as may be imposed by the State of Illinois or other affected requirements as may be imposed by the State of Illinois or other affected governmental body. Plot plans accompanying building permit applications shall show clearly the proposed sewage disposal system and well locations, if any.

SECTION 3.9 EXISTING SPECIAL USES

Where a use is classified as a special use under this ordinance, and exists as a special or permitted use at the date of the adoption of this ordinance, it shall be considered to be a legal special use.

Where a use is not allowed as a special or permitted use under this ordinance, and exists as a special use at the date of the adoption of this ordinance, it shall be considered to be a nonconforming use and shall be subject to the provisions of Section 3.10 hereof.

SECTION 3.10 NONCONFORMING BUILDINGS, STRUCTURES, AND USES

Any nonconforming use, building or structure which existed lawfully at the date of the adoption of this ordinance and which remains nonconforming, and any such use, building or structure which shall become nonconforming upon the date of the adoption of this ordinance or any subsequent amendment hereto, may be continued or converted to a conforming use, provided:

- (1) No structural alterations shall be made to a nonconforming building or structure, except as may be required by law or to make the building or structure and use thereof conform to the regulations of the district in which located:
- (2) No such nonconforming building or structure shall be moved in whole or in part to any new location, unless made to conform to all regulations of the district to which moved:
- (3) A nonconforming building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration of the destroyed or damaged portion shall exceed fifty (50) percent of the cost of the restoration of the entire building new, shall not be restored unless made to conform to all regulations of the district in which located:
- (4) Any nonconforming building or structure which is or hereafter becomes vacant and remains unoccupied or is not used for a continuous period of one (1) year, shall not thereafter be occupied or used except by a use which is conforming:
- (5) Any nonconforming use which is discontinued for a period of one (1) year shall not be renewed:
- (6) No nonconforming building or structure or use shall be enlarged, expanded or extended, nor shall any such building, structure or use be changed to another nonconforming use.

SECTION 3.11 ZONING OF ANNEXED LAND

Any territory annexed to the Village of Hoffman Estates shall be automatically classified as "R-2 Residence District" until otherwise reclassified by amendment.

SECTION 3.12 TRAFFIC OBSTRUCTIONS

No wall, fence, or shrubbery shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility on a curb or at any street intersection.

ARTICLE IV

DISTRICTS AND BOUNDARIES THEREOF

SECTION 4.1 ESTABLISHMENT OF DISTRICTS

In order to carry out the purposes and provisions of this ordinance, the Village of Hoffman Estates is hereby divided into the following districts:

- R-1 One Family
- R-2 One Family
- R-3 Two Family
- R-4 Multiple Family
- B-1 Neighborhood Business
- B-2 Central Business
- M Manufacturing
- F Farming

SECTION 4.2 ZONING MAPS, INCORPORATION OF

The location and boundaries of the districts established by this ordinance are shown upon the zoning maps which are attached to and incorporated into this ordinance. The said zoning maps, together with all notations, references and other information shown thereon, and all amendments thereto, shall have the same force and effect and be as much a part of this ordinance as if fully set forth and described herein.

SECTION 4.3 LOCATION OF DISTRICT BOUNDARIES

Where district boundary lines are indicated as following streets or extensions thereof, such boundary lines shall be construed to be the center lines of said streets or extensions thereof.

Dimensioned district boundary lines shown on the zoning maps are intended usually to (but do not always) coincide with lot lines. Where a dimensioned boundary line coincides approximately but not exactly with a lot line which existed on the effective date of the incorporation of such boundary line into the zoning maps, the said boundary line shall be construed to be the lot line at that location.

In unsubdivided property the district boundary lines on the zoning maps shall be determined by use of the scale appearing thereon.

Streets which are shown on the zoning maps and which have heretofore been vacated, or which may hereafter be vacated, shall be in the same district as the lots, pieces, parcels abutting each side of the street involved. If the lots, pieces, or parcels abutting each side of the street were located in different districts before the said street were vacated, the center line of such vacated street shall be the boundary line of the respective districts.

ARTICLE V

R-1 RESIDENCE DISTRICT

SECTION 5.1 PERMITTED USES

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the R-1 Residence District under the conditions specified. No building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of the following:

- (a) uses lawfully established on the effective date of this ordinance, and
- (b) special uses allowed in accordance with the provisions of Section 5.2

The following uses are permitted in the R-1 Residence District:

- (1) Single-family dwellings
- (2) Public libraries
- (3) Public fire stations.
- (4) Parks and playgrounds, owned or operated by public or non-commercial agencies
- (5) Schools, non-boarding
- (6) Churches, rectories, and parish houses
- (7) Golf courses, excepting commercially operated driving ranges or miniature golf courses
- (8) One sign on each lot not exceeding twelve (12) square feet in area, appertaining to the lease or sale of the building or premises on which the sign is located
- (9) Accessory uses, including, but not limited to, the following:
 - (a) Club houses and other structures on the grounds of private clubs, golf courses, and tennis clubs
 - (b) Garages and carports
 - (c) Greenhouses and conservatories, private
 - (d) Home occupations
 - (e) Sewage disposal units, private
 - (f) Storage of building materials (during the course of construction only)
 - (g) Swimming pools and tennis courts, private
 - (h) Temporary buildings for construction purposes only, but not to exceed the period of construction
 - (i) Tool houses, sheds and similar buildings for the storage of domestic supplies
 - (j) Water systems, individual

SECTION 5.2 SPECIAL USES

Special uses, as hereinafter enumerated, may be allowed in the R-1 Residence District, subject to the issuance of special use permits in accordance with the provisions of Article XIII, Section 13.8. The following special uses may be allowed in the R-1 Residence District:

- (1) Public utility and public service uses
- (2) Municipal buildings and uses
- (3) Athletic fields and recreational facilities, non-commercial
- (4) Hospitals

SECTION 5.3 HEIGHT REGULATIONS

No building shall hereafter be erected to exceed thirty-five (35) feet in height.

SECTION 5.4 AREA REGULATIONS

- 5.4-1 Front Yard There shall be a front yard having a depth of not less than thirty (30) feet.
- 5.4-2 Side Yard There shall be a side yard on each side of a building having a width of not less than fifteen (15) feet except where a side yard adjoins a street in which case the required side yard shall be twenty-five (25) feet.
- 5.4-3 Rear Yard Except as hereinafter provided there shall be a rear yard having a depth of not less than thirty (30) feet or thirty (30) percent of the depth of the lot, whichever is greater.
- 5.4-4 Intensity of Use Every lot upon which any dwelling is hereafter erected shall have an area of not less than twenty thousand (20,000) square feet and a lineal width of not less than one hundred (100) feet measured at the building line. The Village Board may prescribe the minimum lot area side yard and width for buildings other than dwellings in this district. The limitations imposed by this section shall not apply to lots of record at the date of the adoption of this ordinance.
- 5.4-5 Ground Floor Living Area per Dwelling One-story dwellings shall have a total ground floor living area of not less than eleven hundred (1100) square feet of living area measured from the exterior faces of exterior walls including utility rooms but excluding open porches and terraces. Dwelling having more than one story shall have not less than eight hundred fifty (850) square feet of ground floor area measured as prescribed for one story dwellings.
- 5.4-6 Floor Area Ratio The floor area ratio shall not exceed 0.2.

SECTION 5.5 OFF-STREET PARKING REGULATIONS

Adequate provision shall be made in all cases for off-street parking and off-street loading (if required) in accordance with the provisions of Article III, Section 3.7.

ARTICLE VI

R-2 RESIDENCE DISTRICT

SECTION 6.1 PERMITTED USES

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the R-2 Residence District under the conditions specified. No building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of the following:

- (a) uses lawfully established on the effective date of this ordinance, and
- (b) special uses allowed in accordance with the provisions of Section 6.2

The following uses are permitted in the R-2 Residence District:

- (1) Single-family dwellings
- (2) Public libraries
- (3) Public fire stations
- (4) Parks and playgrounds, owned or operated by public or non-commercial agencies
- (5) Schools, non-boarding
- (6) Churches, rectories, and parish houses
- (7) Golf courses, excepting commercially operated driving ranges or miniature golf courses
- (8) One sign on each lot not exceeding twelve (12) square feet in area, appertaining to the lease or sale of the building or premises on which the sign is located
- (9) Accessory uses, including, but not limited to, the following:
 - (a) Club houses and other structures on the grounds of private clubs, golf courses, and tennis clubs
 - (b) Garages and carports
 - (c) Greenhouses and conservatories, private
 - (d) Home occupations
 - (e) Sewage disposal units, private
 - (f) Storage of building materials (during the course of construction only)
 - (g) Swimming pools and tennis courts, private
 - (h) Temporary buildings for construction purposes only, but not to exceed the period of construction
 - (i) Tool houses, sheds and similar buildings for the storage of domestic supplies.
 - (j) Water systems, individual

SECTION 6.2 SPECIAL USES

Special uses, as hereinafter enumerated, may be allowed in the R-2 Residence District, subject to the issuance of special use permits in accordance with the provisions of Article XIII, Section 13.8. The following special uses may be allowed in the R-2 Residence District:

- (1) Public utility and public service uses
- (2) Municipal buildings and uses
- (3) Athletic fields and recreational facilities, non-commercial
- (4) Hospitals

SECTION 6.3 HEIGHT REGULATIONS

No building shall hereafter be erected to exceed thirty-five (35) feet in height.

SECTION 6.4 AREA REGULATIONS

- 6.4-1. FRONT YARD There shall be a front yard having a depth of not less than thirty (30) feet.
- 6.4-2. SIDE YARD There shall be a side yard on each side of a building having a width of not less than ten (10) feet except where a side yard adjoins a street in which case the required side yard shall be twenty-five (25) feet.
- 6.4-3. REAR YARD Except as hereinafter provided there shall be a rear yard having a depth of not less than twenty (20) feet or twenty (20) percent of the depth of the lot, whichever is greater.
- 6.4-4. INTENSITY OF USE Every lot upon which any dwelling is hereafter erected shall have an area of not less than ten thousand (10,000) square feet and a lineal width of not less than seventy (70) feet measured at the building line. The Village Board may prescribe the minimum lot area, side yard, and width for buildings other than dwellings in this district. The limitations imposed by this section shall not apply to lots of record at the date of the adoption of this ordinance.
- 6.4-5. GROUND FLOOR LIVING AREA PER DWELLING One-story dwellings shall have a total ground floor living area of not less than eleven hundred (1100) square feet of living area measured from the exterior faces of exterior walls including utility rooms but excluding open porches and terraces. Dwellings having more than one story shall have not less than eight hundred fifty (850) square feet of ground floor area measured as prescribed for one story dwellings.
- 6.4-6. FLOOR AREA RATIO The floor area ratio on a lot shall not exceed 0.3.
- 6.4-7. OFF-STREET PARKING REGULATIONS Adequate provision shall be made in all cases for off-street parking and off-street loading (if required) in accordance with the provisions of Article III, Section 3.7.

ARTICLE VII

R-3 TWO-FAMILY DWELLING DISTRICTSECTION 7.1 PERMITTED USES

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the R-3 Residence District under the conditions specified. No building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of the following:

- (a) uses lawfully established on the effective date of this ordinance, and
- (b) special uses allowed in accordance with the provisions of Section 7.2

The following uses are permitted in the R-3 Residence District:

- (1) Single-family dwellings
- (2) Public libraries
- (3) Public fire stations
- (4) Parks and playgrounds, owned or operated by public or non-commercial agencies
- (5) Schools, non-boarding
- (6) Churches, rectories, and parish houses
- (7) Golf courses, excepting commercially operated driving ranges or miniature golf courses
- (8) One sign on each lot not exceeding twelve (12) square feet in area, appertaining to the lease or sale of the building or premises on which the sign is located
- (9) Two-family dwellings
- (10) Hospitals and sanitoriums having not more than sixty (60) beds
- (11) Nursery schools and day nursery
- (12) Accessory uses, including, but not limited to, the following:
 - (a) Club houses, and other structures on the grounds of private clubs, golf courses, and tennis clubs
 - (b) Garages and carports
 - (c) Greenhouses and conservatories, private
 - (d) Home occupations
 - (e) Sewage disposal units, private
 - (f) Storage of building materials (during the course of construction only)
 - (g) Swimming pools and tennis courts, private
 - (h) Temporary buildings for construction purposes only, but not to exceed the period of construction
 - (i) Tool houses, sheds and similar buildings for the storage of domestic supplies
 - (j) Water systems, individual

SECTION 7.2 SPECIAL USES

Special uses, as hereinafter enumerated, may be allowed in the R-3 Residential District, subject to the issuance of special use permits in accordance with the provisions of Article XIII, Section 13.8. The following special uses may be allowed in the R-3 Residential District:

- (1) Public utility and public service uses
- (2) Municipal buildings and uses
- (3) Athletic fields and recreational facilities, non-commercial
- (4) Hospitals

SECTION 7.3 HEIGHT REGULATIONS

No building shall hereafter be erected to exceed thirty-five (35) feet in height.

SECTION 7.4 AREA REGULATIONS

- 7.4-1 FRONT YARD There shall be a front yard having a depth of not less than thirty (30) feet.
- 7.4-2 SIDE YARD There shall be a side yard on each side of a building having a width of not less than ten (10) feet except where a side yard adjoins a street in which case the required side yard shall be twenty-five (25) feet.
- 7.4-3 REAR YARD Except as hereinafter provided there shall be a rear yard having a depth of not less than twenty (20) feet or twenty (20) percent of the depth of the lot, whichever is greater.
- 7.4-4 INTENSITY OF USE Every lot upon which any dwelling is hereafter erected shall have an area of not less than five thousand (5,000) square feet and a lineal width of not less than seventy (70) feet measured at the building line. The Village Board may prescribe the minimum lot area side yard and width for buildings other than dwellings in this district. The limitations imposed by this section shall not apply to lots of record at the date of the adoption of this ordinance.
- 7.4-5 GROUND FLOOR LIVING AREA PER DWELLING One-story dwellings shall have a total ground floor area of not less than eleven hundred (1100) square feet of living area measured from the exterior faces of exterior walls including utility rooms but excluding open porches and terraces. Dwellings having more than one story shall have not less than eight hundred fifty (850) square feet of ground floor living area measured as prescribed for one-story dwellings.
- 7.4-6 FLOOR AREA RATIO The floor area ratio on a lot shall not exceed 0.45.

SECTION 7.5 OFF-STREET PARKING REGULATIONS

Adequate provision shall be made in all cases for off-street parking and off-street loading (if required) in accordance with the provisions of Article III, Section 3.7.

ARTICLE VIII

R-4 MULTIPLE-FAMILY DWELLINGSECTION 8.1 PERMITTED USES

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the R-4 Residence District under the conditions specified. No building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of the following:

- (a) uses lawfully established on the effective date of this ordinance, and
- (b) special uses allowed in accordance with the provisions of Section 8.2

The following uses are permitted in the R-4 Residence District

- (1) Single-family dwellings
- (2) Public libraries
- (3) Public fire stations
- (4) Parks and playgrounds, owned or operated by public or non-commercial agencies
- (5) Schools, non-boarding
- (6) Churches, rectories, and parish houses
- (7) Golf courses, excepting commercially operated driving ranges or miniature golf courses
- (8) One sign on each lot not exceeding twelve (12) square feet in area, appertaining to the lease or sale of the building or premises on which the sign is located
- (9) Two-family dwellings
- (10) Hospitals and sanitoriums having not more than sixty (60) beds
- (11) Nursery schools and day nursery
- (12) Multiple-family dwellings
- (13) Accessory uses, including, but not limited to, the following:
 - (a) Club houses and other structures on the grounds of private clubs, golf courses, and tennis clubs
 - (b) Garages and carports
 - (c) Greenhouses and conservatories, private
 - (d) Home occupations
 - (e) Sewage disposal units, private
 - (f) Storage of building materials (during the course of construction only)
 - (g) Swimming pools and tennis courts, private
 - (h) Temporary buildings for construction purposes only, but not to exceed the period of construction
 - (i) Tool houses, sheds and similar buildings for the storage of domestic supplies
 - (j) Water systems, individual

SECTION 8.2 SPECIAL USES

Special uses, as hereinafter enumerated, may be allowed in the R-4 Residential District, subject to the issuance of special use permits in accordance with the provisions of Article XIII, Section 8. The following special uses may be allowed in the R-4 Residence District:

- (1) Public utility and public service uses
- (2) Municipal buildings and uses
- (3) Athletic fields and recreational facilities, non-commercial
- (4) Hospitals

SECTION 8.3 HEIGHT REGULATIONS

No building whall hereafter be erected to exceed thirty-five (35) feet in height.

SECTION 8.4 AREA REGULATIONS

- 8.4-1 FRONT YARD There shall be a front yard having a depth of not less than thirty (30) feet.
- 8.4-2 SIDE YARD There shall be a side yard on each side of a building having a width of not less than ten (10) feet except where a side yard adjoins a street in which case the required side yard shall be twenty-five (25) feet.
- 8.4-3 REAR YARD Except as hereinafter provided there shall be a rear yard having a depth of not less than twenty (20) feet or twenty (20) percent of the depth of the lot, whichever is greater.
- 8.4-4 INTENSITY OF USE Every lot upon which any dwelling is hereafter erected shall have an area of not less than five thousand (5000) square feet and a lineal width of not less than seventy (70) feet measured at the building line. The Village Board may prescribe the minimum lot area side yard and width for buildings other than dwellings in this district. The limitations imposed by this section shall not apply to lots of record at the date of the adoption of this ordinance.
- 8.4-5 GROUND FLOOR LIVING AREA PER DWELLING One-story dwellings shall have a total ground floor area of not less than eleven hundred (1100) square feet of living area measured from the exterior faces of exterior walls including utility rooms but excluding open porches and terraces. Dwellings having more than one story shall have not less than eight hundred fifty (850) square feet of ground floor living area measured as prescribed for one-story dwellings.
- 8.4-6 FLOOR AREA RATIO The floor area ratio on a lot shall not exceed 0.5.

SECTION 8.5 OFF-STREET PARKING REGULATIONS

Adequate provision shall be made in all cases for off-street parking and off-street loading (if required) in accordance with the provisions of Article III, Section 3.7.

ARTICLE IX

B-1 NEIGHBORHOOD BUSINESS DISTRICT

SECTION 9.1 PERMITTED USES

Permitted uses of land or buildings, as hereinafter enumerated, shall be permitted in the B-1 Business District under the conditions specified. No building or lot shall be devoted to any uses other than a use permitted hereunder, with the exception of the following:

- (a) uses lawfully established on the effective date of this ordinance, and
- (b) special uses allowed in accordance with the provisions of Section 9.2

The following uses are permitted in the B-1 Business District:

- (1) Banks
- (2) Bakeries, where all goods are sold on the premises at retail
- (3) Barber shops and beauty parlors
- (4) Business, music, dance or commercial schools
- (5) Book or stationery stores
- (6) Dry cleaners employing facilities for not more than one thousand (1000) pounds of dry goods per day and using carbon tetrachloride or other noninflammable cleaning agents
- (7) Drug stores
- (8) Electrical appliance shops and repair
- (9) Florist shops and greenhouses for retail trade only
- (10) Grocer, fruit or vegetable store
- (11) Hardware store
- (12) Launderettes and laundromats
- (13) Meat market or poultry store, if no slaughter or stripping is involved
- (14) Medical and dental clinics
- (15) Pet shop or animal hospitals when conducted wholly within the enclosed buildings
- (16) Photographers or artists' studios
- (17) Professional or service offices
- (18) Radio and television sales and service
- (19) Restaurants, excepting drive-in restaurants, and provided that no alcoholic beverages are furnished or sold for consumption on the premises
- (20) Retail stores, and services, but expressly excluding those uses listed in districts B-2 and M
- (21) Shoe repair shops
- (22) Signs relating only to the name and use of the store or premises. Such signs shall be attached to the building with no portion of the sign projecting more than one (1) foot from the structure, and if illuminated, shall not be of the flashing or intermittent type. In no case shall the sign project above the roof line
- (23) Tailor and dressmaking shops
- (24) Accessory uses

SECTION 9.2 SPECIAL USES

Special uses, as hereinafter enumerated, may be allowed in the B-1 Business District, subject to the issuance of special use permits in accordance with the provisions of Article XIII, Section 13.8.

The following special uses may be allowed in the B-1 Business District;

- (1) Public utility or public service use
- (2) Municipal buildings and uses
- (3) Automobile service stations
- (4) Drive-in restaurants
- (5) Motels
- (6) Taverns and cocktail lounges

SECTION 9.3 HEIGHT REGULATIONS

No building shall be erected or enlarged to exceed a height of two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height.

SECTION 9.4 AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

- 9.4-1 FRONT SETBACK All new structures permitted in this district shall be set back from the front street lines a distance not less than thirty (30) feet.
- 9.4-2 SIDE YARD Where a lot is used for any of the purposes permitted in this district, a side yard is not required except on a lot adjoining a residential district, in which case the side adjoining the residential district shall have the same yard requirements as the adjoining residential district.
- 9.4-3 REAR YARD There shall be a rear yard having a depth of not less than twenty (20) feet
- 9.4-4 LOT AREA The same regulations as applying in the R-3 multi-family dwelling district shall apply to units erected or structurally altered in this district.
- 9.4-5 OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS Off-street parking and off-street loading facilities shall be provided in every case in accordance with the provisions of Article III, Section 3.7.

ARTICLE X

B-2 CENTRAL BUSINESS DISTRICT

SECTION 10.1 PERMITTED USES

Permitted uses of land or buildings, as hereinafter enumerated, shall be permitted in the B-2 Business District under the conditions specified. No building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of the following:

- (a) uses lawfully established on the effective date of this ordinance, and
- (b) special uses allowed in accordance with the provisions of Section 10.2

The following uses are permitted in the Central Business District:

- (1) Any of the uses permitted in the B-1 Neighborhood Business District
- (2) Agricultural implement sales and service conducted wholly within a completely enclosed building
- (3) Air conditioning and heating sales and service
- (4) Auditoriums
- (5) Automobile sales and service shop conducted wholly within a completely enclosed building and as one integrated business operation
- (6) Battery and tire service stations within an enclosed building
- (7) Beverage distributors, but not including bottling plants
- (8) Bowling alleys
- (9) Catering establishments
- (10) Department, furniture and home appliance stores
- (11) Dressmaking establishments
- (12) Employment agencies
- (13) Garages, public, for storage of private passenger automobiles, but not including repair service
- (14) Hand laundries
- (15) Hotels
- (16) Laundry employing facilities for not more than one thousand (1000) pounds of dry goods per day
- (17) Painting and decorating shops
- (18) Plumbing, heating and roofing supply and work shop
- (19) Printing, publishing and issuing of newspapers, periodicals, books and other reading matter
- (20) Printing shops
- (21) Tailor shops
- (22) Taxi service stations
- (23) Theaters, indoor (not including outdoor theaters)
- (24) Wholesale establishments, excluding a building the principal use of which is for a storage warehouse

SECTION 10.2 SPECIAL USES

Special uses, as hereinafter enumerated, may be allowed in the B-2 Central Business District subject to the issuance of special use permits in accordance with the provisions of Article XIII, Section 13.8

The following special uses may be allowed in the B-2 Central Business District:

- (1) Public utility or public service uses
- (2) Municipal buildings and uses
- (3) Automobile service stations
- (4) Drive-in restaurants
- (5) Motels
- (6) Taverns and cocktail lounges

SECTION 10.3 HEIGHT REGULATIONS

No building or structure shall be erected or structurally altered to exceed a height of three (3) stories nor shall it exceed forty-five (45) feet in height.

SECTION 10.4 AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

- 10.4-1 SIDE YARD Where a lot is used for any of the purposes permitted in this district, a side yard is not required except on a lot adjoining a residential district, in which case the side adjoining the residential district shall have the same side yard requirements as the adjoining residential district.
- 10.4-2 REAR YARD There shall be a rear yard having a depth of not less than twenty (20) feet.
- 10.4-3 LOT AREA The same regulations as applying in the R-3 Multi-family dwelling district shall apply to units erected or structurally altered in this district.
- 10.4-4 OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS Off-street parking and off-street loading facilities shall be provided in every case in accordance with the provisions of Article III, Section 3.7.
- 10.4-5 FRONT SETBACK All new structures permitted in this district shall be set back from the front street lines a distance not less than ten (10) feet.

ARTICLE XI

F FARMING DISTRICTSECTION 11.1 PERMITTED USES:

Permitted uses of land or buildings, as hereinafter enumerated, shall be permitted in the F Farming District under the conditions specified. No building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of the following:

- (a) uses lawfully established on the effective date of this ordinance, and
- (b) special uses allowed in accordance with the provisions of Section 11.2.

The following uses are permitted in the F Farming District:

- (1) Any use permitted in the R-1 Residence District
- (2) Agriculture, provided that no offensive odors or dust are created
- (3) Dog kennels
- (4) Riding stables
- (5) Veterinary establishments
- (6) Athletic fields and recreational facilities, non-commercial
- (7) Skeet or trap shooting, if not nearer than eight hundred (800) feet to any dwelling other than that of the owner or lessor
- (8) Cemeteries
- (9) Accessory uses

SECTION 11.2 SPECIAL USES

Special uses, as hereinafter enumerated, may be allowed in the F Farming District, subject to the issuance of special use permits in accordance with the provisions of Article XIII, Section 13.8. The following special uses may be allowed in the F Farming District:

- (1) Public utility and public service uses
- (2) Municipal buildings and uses
- (3) Hospitals
- (4) Motels

SECTION 11.3 HEIGHT REGULATIONS

The height regulations are the same as those specified in the R-1 Residence District

SECTION 11.4 AREA REGULATIONS

The area regulations are the same as those specified in the R-1 Residence District.

SECTION 11.5 OFF-STREET PARKING AND LOADING REGULATIONS

Off-street parking and off-street loading facilities shall be provided in accordance with the provisions of Article III, Section 5.7.

ARTICLE XII

M MANUFACTURING DISTRICTSECTION 12.1 PERMITTED USES

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the M Manufacturing District under the conditions specified. No building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of the following:

- (a) uses lawfully established on the effective date of this ordinance, and
- (b) special uses allowed in accordance with the provisions of Section 12.2

The following uses are permitted in the M Manufacturing District:

- (1) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, good, or products - except those uses involving the storage, utilization, or manufacture of materials or products which decompose by detonation, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious materials, odors, fire or explosive hazards, or glare or heat
- (2) Cartage and express facilities
- (3) Building material storage and sales
- (4) Dry cleaning establishment with no limitations on the number of employees
- (5) Wholesale establishments including storage warehouses
- (6) Motor freight terminals
- (7) Public utility and service uses
- (8) Pet shop animal hospital kennel not conducted wholly within an enclosed building
- (9) Radio and/or television station
- (10) Wholesale florist shop or greenhouses
- (11) Theaters, outdoor

SECTION 12.2 SPECIAL USES

Special uses authorized by the Board of Trustees, as hereinafter enumerated, may be allowed in the M Manufacturing District, subject to the issuance of special use permits in accordance with the provisions of Article XIII, Section 13.8. The following uses may be allowed in the M Manufacturing District:

- (1) Public utility and public service uses
- (2) Municipal buildings and uses
- (3) Athletic fields and recreational facilities, non-commercial
- (4) Hospitals

SECTION 12.3 HEIGHT REGULATIONS

No building shall hereafter be erected to exceed thirty-five (35) feet in height.

SECTION 12.4 AREA REGULATIONS

- 12.4-1 FRONT SETBACK There shall be a front yard having a depth of not less than thirty (30) feet.
- 12.4-2 SIDE YARD There shall be a side yard on each side of a building having a width of not less than ten (10) feet except where a side yard adjoins a street in which case the required side yard shall be twenty-five (25) feet.
- 12.4-3 REAR YARD Except as hereinafter provided there shall be a rear yard having a depth of not less than twenty (20) feet.
- 12.4-4 INTENSITY OF USE Every lot upon which any dwelling is hereafter erected shall have an area of not less than five-thousand (5000) square feet and a lineal width of not less than seventy (70) feet measured at the building line. The Village Board may prescribe the minimum lot area side yard and width for buildings other than dwellings in this district. The limitations imposed by this section shall not apply to lots of record at the date of the adoption of this ordinance.
- 12.4-5 FLOOR AREA RATIO The floor area ratio on a lot shall not exceed 1.5.

ARTICLE XIII

ADMINISTRATION AND ENFORCEMENT

SECTION 13.1 DUTIES OF BUILDING COMMISSIONER The Building Commissioner shall enforce this ordinance, and, in addition thereto and in furtherance of said authority, he shall:

- (1) issue all Zoning Certificates, and make and maintain records thereof;
- (2) issue all Certificates of Occupancy, and make and maintain records thereof;
- (3) conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this ordinance;
- (4) maintain permanent and current records of the ordinance, including, but not limited to, all maps, amendments and special uses, variations, appeals and applications therefor;
- (5) receive, file and forward to the Village Board all applications for special uses and amendments to this ordinance;
- (6) receive, file and forward to the Zoning Board of Appeals all applications for appeal, variations, or other matters on which the said Board is required to act under this ordinance.

ZONING BOARD OF APPEALS

SECTION 13.2-1 CREATION AND MEMBERSHIP A Zoning Board of Appeals is hereby authorized to be established. The word "Board" when used in this section shall be construed to mean the Zoning Board of Appeals. The said Board shall consist of seven (7) members appointed by the President by and with the consent of the Village Board. The members of said Board shall serve respectively for the following terms, or until their respective successors are appointed and qualified; one for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years, and one for seven (7) years, for the first seven appointed, and five (5) years each for those following the first seven appointed. One of members of said Board shall be designated by the President with the consent of the Village Board, as Chairman of said Board, and shall hold his office as Chairman until his successor is appointed. The President shall have the power to remove any member of said Board for cause and after a public hearing. Vacancies upon said Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such member. The members of the Board shall receive such salaries as may be determined and fixed by the Village Board.

SECTION 13.2-2 JURISDICTION The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority

- (1) To hear and decide appeals from any order, requirement, decision, or determination made by the Building Commissioner under this ordinance;
- (2) To hear and act upon all applications for variations, special uses, and amendments, in the manner and subject to the standards prescribed herein; and to report its findings and recommendations to the Village Board; and
- (3) To hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

SECTION 13.2-3 MEETING AND RULES

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All meetings conducted by such Board shall be open to the public. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this ordinance or with the applicable state statutes, and may select or appoint such officers as it deems necessary.

SECTION 13.2-4 FINALITY OF DECISIONS OF THE ZONING BOARD OF APPEALS

All decisions and findings of the Zoning Board of Appeals shall, in all instances, except as may otherwise be indicated, be deemed final administrative determinations and subject to judicial review as provided by law.

ZONING CERTIFICATESSECTION 13.3-1 ZONING CERTIFICATES

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department or employee of this Village unless the application for such permit has been examined by the Office of the Building Commissioner and has affixed to it a certificate of Office of the Building Commissioner that the proposed building or structure complies with all the provisions of this ordinance. Any permit or certificate of occupancy issued in conflict with the provisions of this ordinance shall be null and void.

SECTION 13.3-2 PLATS

Every application for a building permit shall be accompanied by:

- (1) a plat of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions and certified by a Land Surveyor or Civil Engineer licensed by the State of Illinois, as a true copy of the piece or parcel, lot, lots block or blocks or portions thereof, according to the registered or recorded plat of such land; and
- (2) a plat drawn to scale in such form as may, from time to time, be prescribed by the Building Commissioner, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building or structure or land, and such other information as may be required by the Building Commissioner for the proper enforcement of this ordinance.

OCCUPANCY CERTIFICATES

SECTION 13.4 OCCUPANCY CERTIFICATES No building, or addition thereto, constructed after the effective date of this ordinance and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this ordinance shall be used for any purpose, until a certificate of occupancy has been issued by the Office of the Building Commissioner. No change in a use other than that of a permitted use in a district shall be made until the certificate of occupancy has been issued by the Office of the Building Commissioner. Every certificate of occupancy shall state that the use of occupancy complies with all the provisions of this ordinance.

SECTION 13.4-1 APPLICATION FOR OCCUPANCY CERTIFICATE Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy permit for a new use of land where no building permit is required shall be made directly to the Office of the Building Commissioner.

SECTION 13.4-2 ISSUANCE OF OCCUPANCY CERTIFICATE No occupancy certificate for a building or addition thereto, constructed after the effective date of this ordinance, shall be issued until the construction has been completed and the premises inspected and certified by the Office of the Building Commissioner which the zoning certificate was based. No occupancy certificate for a building or addition thereto, constructed after the effective date of this ordinance, shall be issued, and no addition to a previously existing building shall be occupied, until the premises have been inspected and certified by the Office of the Building Commissioner to be in compliance with all requirements of this ordinance and standards that may be prescribed by the Village Board. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period of not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reason why a certificate cannot be issued, not later than thirty (30) days after the Office of the Building Commissioner is notified in writing that the building or premises is ready for occupancy.

VARIATIONS

SECTION 13.5-1 PURPOSE The Zoning Board of Appeals may recommend to the Village Board variations of the regulations of this ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board makes a finding of fact based upon the standards hereinafter prescribed, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.

SECTION 13.5-2 APPLICATION FOR VARIATION AND NOTICE OF HEARING

An application for variation shall be filed with the Zoning Board of Appeals. The application shall contain such information as the Board may from time to time by rule provide. Not more than ninety (90) days after the filing of such application, a hearing shall be held on the application. Notice of the hearing shall be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published, or of general circulation in the Village of Hoffman Estates. The notice shall state the particular location for which the variation is requested as well as a brief statement of what the proposed variation consists.

SECTION 13.5-3 STANDARDS FOR VARIATIONS The Zoning Board of Appeals shall not recommend the variation of the regulations of this ordinance, as hereinafter authorized in Section 13.5-4, unless it shall first make findings based upon the evidence presented to it in each specific case that:

- (1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;
- (2) The plight of the owner is due to unique circumstances;
- (3) The variation, if granted, will not alter the essential character of the locality.

For the purpose of implementing the above rules, the Board shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence:

- (1) the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification;
- (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
- (4) the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values in the neighborhood.

The Zoning Board of Appeals may recommend to the Village Board that such conditions and restrictions be imposed upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this ordinance.

SECTION 13.5-4 AUTHORIZED VARIATIONS Variations from the regulations of this ordinance may be recommended by the Zoning Board of Appeals only in accordance with the standards set forth in Section 13.5-3 and may be recommended in the following instances and to others:

- (1) to permit any yard or setback less than the yard or setback required by the applicable regulations.
- (2) to permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots but in no event shall the respective area and width of the lot or lots be less than ninety (90) percent of the required area and width.
- (3) to permit exceptions to the height regulations imposed hereunder.

SECTION 13.5-5 VOTE REQUIRED The concurring vote of four members of the Zoning Board of Appeals shall be necessary to recommend any variations to the Village Board.

SECTION 13.5-6 ACTION BY THE VILLAGE BOARD All decisions and findings of the Zoning Board of Appeals upon variations arrived at after hearing shall in all instances be referred to the Village Board with a report (containing findings of fact) and recommendations. The Village Board, after receiving the report and recommendation of the Zoning Board of Appeals and without further public hearing, may adopt by ordinance any proposed variation or may refer it back to the Board for further consideration, and any proposed variation which fails to receive the approval of the Zoning Board of Appeals shall not be passed by the Village Board except by the favorable vote of two-thirds of all the Trustees.

APPEALS

SECTION 13.6-1 SCOPE OF APPEAL An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any officer, department, board or bureau aggrieved by a decision of the Office of the Building Commissioner. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the office of the Building Commissioner and with the Board a notice of appeal, specifying the grounds thereof. The Building Commissioner shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed was taken.

SECTION 13.6-2 FINDINGS ON APPEALS An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Commissioner certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Building Commissioner and Zoning Board of Appeals and on due cause shown.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a written decision on the appeal without unreasonable delay. The Board may affirm or may, upon the concurring vote of four (4) members, reverse, wholly or in part, or modify the order, requirement, decision, or determination, as in its opinion ought to be done, and to that end shall have all the powers of the officer from whom the appeal is taken.

The Building Commissioner shall maintain complete records of all actions of the Board relative to Appeals and shall keep the proper committee of the Village Board informed on a current basis of the disposition of each case.

AMENDMENTS

SECTION 13.7-1 AUTHORITY For the purposes of promoting the public health, safety, morals, comfort, and general welfare, conserving the values of property throughout the Village, and lessening or avoiding congestion in the public streets and highways, the Village Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed and the districts created by this ordinance, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantage of the entire Village, and the uses to which property is devoted at the time of the adoption of any such amendatory ordinance.

SECTION 13.7-2 INITIATION OF AMENDMENT Amendments may be proposed by the Commissioner, or by any interested person or other organization. President, any Trustee, Building

SECTION 13.7-3 APPLICATION FOR AMENDMENT An application for an amendment shall be filed with the Village Clerk, in such form and accompanied by such information as required by the Village Board, and such application upon receipt thereof shall be transmitted by the Village Clerk to the Zoning Board of Appeals.

SECTION 13.7-4 HEARING ON APPLICATION The Zoning Board of Appeals shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Board. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Zoning Board of Appeals shall, by rule, prescribe from time to time.

SECTION 13.7-5 NOTICE OF PUBLIC HEARING Notice of the time and place of such hearing shall be published at least once in a newspaper published, or of general circulation in the Village of Hoffman Estates, not more than thirty (30) nor less than fifteen (15) days before such hearing. Supplemental or additional notices may be published or distributed as the Zoning Board of Appeals may, by rule, prescribe from time to time.

SECTION 13.7-6 FINDINGS OF FACT AND RECOMMENDATIONS OF THE BOARD

After the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the Village Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Zoning Board shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- (1) Existing uses of property within the general area of the property in question;
- (2) The zoning classification of property within the general area of the property in question;
- (3) The suitability of the property in question for the uses permitted under the existing zoning classification;
- (4) The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification.

The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this section the R Residence District shall be considered the highest classification and the M Manufacturing District shall be considered the lowest classification.

SECTION 13.7-7 ACTION BY THE VILLAGE BOARD

- (1) The Village Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Zoning Board of Appeals on the proposed amendment.
- (2) In cases where the Zoning Board of Appeals recommends that a proposed amendment not be adopted or in case of written protest against any proposed amendment, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, filed with the Village Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all Trustees of the Village.
- (3) If an application for a proposed amendment is not acted upon by the Village Board within one (1) year of the date upon which said application is filed with the Village Clerk, it shall be deemed to have been denied.

SECTION 13.7-8 MINIMUM SIZE OF PARCEL A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses one hundred (100) feet of frontage or contains thirty thousand (30000) square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

SPECIAL USES

SECTION 13.8-1 PURPOSE The development and execution of a zoning ordinance is based upon the division of the Village into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot properly be classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:

- (1) Uses publicly operated or traditionally affected with a public interest.
- (2) Uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

SECTION 13.8-2 INITIATION OF SPECIAL USE Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this ordinance in the zoning district in which the land is situated.

SECTION 13.8-3 APPLICATION FOR SPECIAL USE An application for a special use shall be filed with the Building Commissioner on a form prescribed by the Zoning Board of Appeals. The application shall be accompanied by such plans and/or data prescribed by the said Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in Section 13.8-6.

SECTION 13.8-4 HEARING ON APPLICATION Upon receipt in proper form of the application and statement referred to in Section 13.8-3, the Zoning Board of Appeals shall hold a public hearing on such application, and at least fifteen (15) days in advance of such hearing shall cause notice of the time and place of such hearing to be published once in a newspaper published in, or of general circulation in the Village of Hoffman Estates.

SECTION 13.8-5 AUTHORIZATION For each application for a special use the Zoning Board of Appeals shall report to the Village Board its findings and recommendations, including the stipulations or additional conditions, and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Village Board may grant or deny any application for a special use; provided, however, that in the event of written protest against any proposed special use, signed and acknowledged by the owners of twenty (20) percent of the frontage immediately adjoining the property proposed for a special use, or by owners of twenty (20) percent of the frontage across an alley or directly opposite therefrom, filed with the Village Clerk, such special use shall not be granted except by the favorable vote of two-thirds of all the Trustees of the Village.

SECTION 13.8-6 STANDARDS No special use shall be recommended by the Board unless said Board shall find:

- (1) That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets;
- (6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except in each instance as such regulations may be modified by the Village Board pursuant to the recommendation of the Zoning Board of Appeals.

SECTION 13.8-7 CONDITIONS AND GUARANTEES Prior to the granting of any special use the Zoning Board of Appeals may recommend, and the Village Board shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 13.8-6. In all cases in which special uses are granted the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with.

SECTION 13.8-8 EFFECT OF DENIAL OF A SPECIAL USE No application for a special use, which has been denied wholly or in part by the Village Board shall be resubmitted for a period of two (2) years from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals and the Village Board.

SECTION 13.8-9 REVOCATION In any case where a special use has not been established within one (1) year from the date of granting thereof, then without further action by the Zoning Board of Appeals or the Village Board, the special use authorization shall be null and void.

FEESSECTION 13.9-1 FEES

- (1) Any application for an amendment, variation, or special use filed by, or on behalf of, the owner or owners of the property affected shall be accompanied by a fee of seventy-five (75.00) dollars.
- (2) Fees for the issuance of zoning or occupancy certificates, or in case of appeal, shall be fixed by the Village Board.
- (3) All fees shall be paid to the Village Treasurer. There shall be no such fee, however, in case of applications filed in the public interest by the President, any Trustee, or the Building Commissioner.

PENALTIES

SECTION 13.10-1 PENALTIES Any person, firm or corporation who violates, disobeys, omits, neglect, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be subject to a fine of not more than two hundred (200.00) dollars or imprisonment for not more than six (6) months, or both, for each offense; and each day a violation continues to exist shall constitute a separate offense.

SECTION 13.10-2 OTHER REMEDIES In addition to other remedies, wherever provided, the Village may institute any appropriate action or proceeding as may be specified under the provisions of Section 73-9 of the Revised Cities and Villages Act, as amended (Chapter 24, Illinois Revised Statutes, 1957, Section 73-9).

EFFECTIVE DATE

SECTION 13.11-1 EFFECTIVE DATE This ordinance shall take effect and be in force from and after its passage, approval, and publication according to law.

SECTION 13.11-2 PUBLICATION This ordinance shall be published in pamphlet form as provided by law, and there shall appear on the first or title page of said ordinance the following:

Passed 12-8-60