

## Memorandum

*To: Chairperson Dawson and Members of the Plan Commission*

*From: Bill Enright, Assistant Director Planning and Community Development*

*Date: August 19, 2021*

*Subject: Chapter 28 Text Amendments*

*Plan Commission Public Hearing August 25, 2021*

### Background

In 2018, the Plan Commission recommended and the Village Board approved numerous amendments to Chapter 28 Zoning regulations. When the Ordinance was drafted by staff for approval by the Board, the Ordinance mistakenly merged the minimum lot size standard within each of the residential zoning districts with the minimum lot width standards. Exhibit A attached depicts how the R-3 district (R-3 is highlighted as an example of the issue with all the Residential districts) was written prior to the 2018 amendments, and Exhibit B depicts how the code is written currently. The proposed new amended Chapter 28 is presented in Ordinance format and is included in the Novus packet. Basically this new Ordinance corrects the errors from the 2018 Ordinance.

In addition to the residential districts minimum lot size errors, in 2018 there was one subsection from code that was incorrectly added to the R-3 district when it should not have been added. This section is depicted in Exhibit B Section 5.1-3.1 (a) and (b). These two subsections ('a' and 'b') are sections from the other R districts which should not have been added to the R-3 section. Therefore the new proposed Ordinance deletes these two subsections from the R-3 district only.

Lastly, one definition was deleted from code which in retrospect should have remained. That definition is for Institution Residential. Staff recommends the following definition:

*Institution, Residential: A housing facility owned, managed, supervised or controlled by an organization such as a place of worship, public school, hospital, intermediate care facility or municipal owned or operated building. Such housing facility shall be used for dwelling purposes only and be limited to members of, or persons under the supervision or control of the institutional organization such as, but not limited to, elderly, students, clergy, and disabled.*

### Recommendation

The Plan Commission recommends approval of the attached amendments to Chapter 28 Zoning Regulations.

EXHIBIT A: Code prior to 2018  
**ARLINGTON HEIGHTS MUNICIPAL CODE**

- c. Spacing Requirement for Community Residence, Large. No community residence, large, shall be located within 1,200 lineal feet (as measured property line to property line) from an existing or approved Community Residence, Large; unless petitioner can prove that the legitimate government interest of normalization through dispersion can be maintained.

**5.1-3.3 Area for Zoning District:** None.

**5.1-3.4 Minimum Lot Size:** Standard 8,750-sq.ft., Corner 9,900-sq.ft., Churches, Convents & Monastery: 20,000-sq. ft. Standard & Corner

(Ord. #04-059)

- a. In an R-3 District, the Director of Building may issue a building permit for the erection of a single family residence on any parcel of land which does not meet the minimum lot requirements of width or area or both, of the District, if such parcel fronts on a street which has a majority of the developed lots that both front on said street and are contained between two adjacent streets which intersect with said street (or in lieu of a second intersecting street, a public park, cemetery, railroad right-of-way, a cul-de-sac, waterway or a corporate boundary line of the Village) that are either less than the minimum area or width, or both required by the District; provided that no permit shall be issued pursuant hereto for any parcel containing less than 6,250-square feet and a frontage less than 50 feet.

**5.1-3.5 Minimum Lot Width At Building Line:** Standard 70-ft.; Corner 90-ft.; Churches, Convents & Monastery: 100-ft. Standard & Corner

Minimum Lot Width for residential lots *in a new subdivision*, measured at the building setback lines thereof, shall meet the following standards:

- a. 70 feet when the lot contains an area of 8,750-sq. ft. or more, but less than 10,000-sq. ft.;
- b. 75 feet when the lot contains an area of 10,000-sq. ft. or more, but less than 15,000-sq. ft.;
- c. 90 feet when the lot contains an area of 15,000-sq. ft. or more but less than 20,000- sq. ft.;
- d. 100 feet when the lot contains an area of 20,000-sq. ft. or more, but less than 20,000-sq. ft.;
- e. 125 feet when the lot contains an area of 30,000-sq. ft. or more, but less than one acre;
- f. 50 feet when the lot contains an area of one acre or more.

Where lots front upon a cul-de-sac or curved street having a radius of 200 feet or less, minimum lot widths as set forth above shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their frontage length, as measured on the arc of such right-of-way line is not less than 50% of the required lot width measured at the building setback line. Refer to Chapter 29 of the Municipal Code for further information regarding layout and design of lots.

## EXHIBIT B: Code as Currently Written

frontage between two intersecting streets are developed with buildings having a yard of more than ten feet in depth adjacent to the street, the average of such yards shall establish the minimum exterior side yard for the entire frontage. A minimum exterior side yard of 10% of the lot width, with a minimum of ten feet, shall be required for all lots. In no case shall an exterior side yard of more than 40 feet be required.

- d. Rear Yard: 30 feet.

### **5.1-2.3 Maximum Floor Area Ratio.**

- a. For Single Family Uses:

1. Lots up to 8,750 sq. feet =  $LA \times 0.45$
2. Lots over 8,750 sq. feet =  $3938 + [(LA - 8750) \times 0.4]$

- b. For All Other Uses: 50%

### **5.1-2.4 Maximum Building Lot Coverage and Maximum Impervious Surface Coverage.**

- a. Maximum Permitted Building Lot Coverage is 35% for lots 6,000 square feet or greater and 40% for lots less than 6,000 square feet
- b. Maximum Impervious Surface Coverage:
  1. Lots less than or equal to 6,600 sq. feet in area: Total Lot Maximum of 55%. As part of that 55%, no more than 50% of the front yard, plus, if it is a corner lot, the exterior side yard, shall be impervious surface.
  2. Lots Greater than 6,600 sq. feet in area: Total Lot Maximum of 50%. As part of that 50%, no more than 50% of the front yard, plus, if it is a corner lot, the exterior side yard, shall be impervious surface.
- c. Existing Impervious Surface Exception: Existing non-conforming residential lots needing to repair or replace essential elements only, such as driveways, walkways to home and patios, may receive an administrative exception from the Director of Building from the impervious surface coverage maximum. An administrative exception shall only be permitted if:
  1. Replacement of deteriorated essential elements the exact same dimension as existed at the adoption of this ordinance; and
  2. Modification of these areas is not practical or feasible; and
  3. Such exception shall not be detrimental to public health, safety and welfare.

### **5.1-2.5 Maximum Height: 25 feet and 2-1/2 stories.**

### **5.1-3 One Family Dwelling District: R-3**

#### **5.1-3.1 Minimum Lot Size and Minimum Lot Width at Building Line:**

<u>Minimum Lot Size</u>		<u>Minimum Lot Width at Building Line</u>
Standard or Corner	8,750-9,999 sq. feet	70 feet
Standard or Corner	10,000-14,999 sq. feet	75 feet
Standard or Corner	15,000-19,999 sq. feet	90 feet
Standard or Corner	20,000-29,999 sq. feet	100 feet
Standard or Corner	30,000-less than one acre	125 feet
Standard or Corner	one acre or more	150 feet
Churches, Convents and Monasteries	20,000 sq. feet	90 feet

- a. When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the Use District in which they are located, are contiguous and are held in one ownership prior to December 21, 1959, they shall be maintained and used as one zoning lot for such use.
- b. Any single lot or parcel of land, held in one ownership prior to October 4, 1955 which was of record as of March 15, 2004, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or usable open space are not less than 75% of the minimum required dimensions of areas.
- c. Where lots front upon a cul-de-sac or curved street having a radius of 200 feet or less, minimum lot widths as set forth above shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their frontage length, as measured on the arc of such right-of-way line is not less than 50% of the required lot width measured at the building setback line. Refer to Chapter 29 of the Municipal Code for further information regarding layout and design of lots.
- d. The Director of Building may issue a building permit for the erection of a single family residence on any parcel of land which does not meet the minimum lot requirements of width or area or both, of the District, if such parcel fronts on a street which has a majority of the developed lots that both front on said street and are contained between two adjacent streets which intersect with said street (or in lieu of a second intersecting street, a public park, cemetery, railroad right-of-way, a cul-de-sac, waterway or a corporate boundary line of the Village) that are either less than the minimum area or width, or both required by the District; provided that no permit shall be issued pursuant hereto for any parcel containing less than 6,250-square feet and a frontage less than 49 feet.

If there is an existing principal residence on a parcel, this paragraph is not applicable. The parcel is deemed buildable and permits may be issued for either a new residence or alterations to the existing residence.

#### **5.1-3.2 Required Minimum Yards.**

- a. Front Yard: 25 feet except where a building line has been established on a recorded plat of subdivision, prior to December 21, 1959 such building line shall determine the front yard requirements of this ordinance and shall be observed.