

**AN ORDINANCE AMENDING CHAPTER 28
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE**

WHEREAS, the Village of Arlington Heights is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, Chapter 28 of the Arlington Heights Municipal Code, as amended ("*Village Code*"), regulates zoning within the Village; and

WHEREAS, on August 25, 2021, in Petition Number 21-017, pursuant to notice, the Plan Commission of the Village of Arlington Heights conducted a public hearing concerning amendments to certain sections of Chapter 28, Zoning Regulations, of the Municipal Code and has recommended to the Board of Trustees adoption of those amendments; and

WHEREAS, the President and Board of Trustees have determined that certain amendments to Chapter 28, Zoning Regulations, of the Municipal Code, is in the best interests of the Village of Arlington Heights,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. That Section 28-3-Definitions, of Chapter 28, Zoning Regulations of the Arlington Heights Municipal Code, is hereby amended as follows (the language being added is highlighted)

65. 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.

SECTION 2. That Section 28-5-Use Districts, of Chapter 28, Zoning Regulations of the Arlington Heights Municipal Code, is hereby amended as follows (the language being added is highlighted and the language being deleted is stricken):

a. That Section 5.1-0, One Family Dwelling District (R-E), is hereby amended as follows:

1. Sections 5.1-0.1 through 5.1-0.5 are hereby renumbered 5.1-0.2 through 5.1-0.6 accordingly.
2. Section 5.1-0.1 Minimum Lot Size in an R-E District is hereby added as follows:

5.1-0.1 Minimum Lot Size: 20,000-sq. ft. Standard and Corner; Churches, Convents & Monasteries: 20,000-sq. ft. Standard and Corner

3. The following portion of Section 5.1-0.2, Minimum Lot Size and Minimum Lot Width at Building Line, is hereby amended as follows:

5.1-0.12 ~~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	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	up to 29,999 sq. feet	100 feet
Churches, Convents and Monasteries	30,000 sq. feet-less than one acre	125 feet
Churches, Convents and Monasteries	one acre or more	150 feet

- b. That Section 5.1-1, One Family Dwelling District (R-1), is hereby amended as follows:

1. That Sections 5.1-1.1 through 5.1-1.5 are hereby renumbered 5.1-1.2 through 5.1-1.6 accordingly.
2. That Section 5.1-1.1 Minimum Lot Size in an R-1 District is hereby added as follows:

5.1-1.1 Minimum Lot Size: 15,000-sq. ft. Standard & Corner; Churches, Convents & Monasteries: 20,000-sq. ft. Standard & Corner

3. The following portion of Section 5.1-1.2, Minimum Lot Size and Minimum Lot Width at Building Line, is hereby amended as follows:

5.1-1.12 ~~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	15,000-19,999 sq. feet	90 feet
Standard or Corner	20,000-29,999 sq. feet	100 feet
Standard or Corner	30,000 sq. feet-less than one acre	125 feet
Standard or Corner	one acre or more	150 feet
Churches, Convents and Monasteries	up to 29,999 sq. feet	100 feet
Churches, Convents and Monasteries	30,000 sq. feet-less than one acre	125 feet
Churches, Convents and Monasteries	one acre or more	150 feet

- c. That Section 5.1-2, One Family Dwelling District (R-2), is hereby amended as follows:

1. That Sections 5.1-2.1 through 5.1-2.5 are hereby renumbered 5.1-2. through 5.1-2.6 accordingly.
2. That Section 5.1-2.1 Minimum Lot Size in an R-2 District is hereby added as follows:

5.1-2.1 Minimum Lot Size: Standard 10,000-sq. ft., Corner 10,000-sq. ft.; Churches, Convents & Monasteries: 20,000-sq. ft. Standard & Corner

3. The following portion of Section 5.1-2.2, Minimum Lot Size and Minimum Lot Width at

Building Line, is hereby amended as follows:

5.1-2.12 ~~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	10,000-14,999 sq. feet	75 feet (standard) 90 feet (corner)
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 sq. feet-less than one acre	125 feet
Standard or Corner	one acre or more	150 feet
Churches, Convents and Monasteries	up to 29,999 sq. feet	100 feet
Churches, Convents and Monasteries	30,000 sq. feet-less than one acre	125 feet
Churches, Convents and Monasteries	one acre or more	150 feet

d. That Section 5.1-3, One Family Dwelling District (R-3), is hereby amended as follows:

1. That Sections 5.1-3.1 through 5.1-3.5 are hereby renumbered 5.1-3.2 through 5.1-3.6 accordingly.
2. That Section 5.1-3.1 Minimum Lot Size, in an R-3 District is hereby added as follows:

5.1-3.1 Minimum Lot Size: Standard 8,750-sq. ft., Corner 9,900-sq. ft., Churches, Convents & Monasteries: 20,000-sq. ft. Standard & Corner

3. The following portion of Section 5.1-3.2, Minimum Lot Size and Minimum Lot Width at Building Line, is hereby amended as follows:

5.1-3.12 ~~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) 90 feet (corner)
Standard or Corner	10,000-14,999 sq. feet	75 feet (standard) 90 feet (corner)
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 sq. feet-less than one acre	125 feet
Standard or Corner	one acre or more	150 feet
Churches, Convents and Monasteries	up to 29,999 sq. feet	100 feet
Churches, Convents and Monasteries	30,000 sq. feet-less than one acre	125 feet
Churches, Convents and Monasteries	one acre or more	150 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.~~
- ea. 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.
- db. 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.

- e. That Section 5.1-4, Two Family Dwelling District (R-4), is hereby amended as follows:
 - 1. That Sections 5.1-4.1 through 5.1-4.6 are hereby renumbered 5.1-4.2 through 5.1-4.7 accordingly.
 - 2. That Section 5.1-4.1 Minimum Lot Size, in an R-4 District is hereby added as follows:

5.1-4.1 Minimum Lot Size:

a. Single Family: Standard 8,750-sq. ft., Corner 9,900-sq. ft., Churches, Convents & Monasteries: 20,000-sq. ft. Standard & Corner

b. For Two Family Dwellings, Standard or Corner:

Minimum Lot Size

4-bedroom	7,000 sq. feet per dwelling unit
3-bedroom	6,000 sq. feet per dwelling unit
2-bedroom	5,000 sq. feet per dwelling unit

3. The following portion of Section 5.1-4.2, Minimum Lot Size and Minimum Lot Width at Building Line, is hereby amended as follows:

5.1-4.12 ~~Minimum Lot Size and~~ Minimum Lot Width at Building Line.

a. Single Family Dwellings:

	<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) 90 feet (corner)
Standard or Corner	10,000-14,999 sq. feet	75 feet (standard) 90 feet (corner)
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 sq. feet-less than one acre	125 feet
Standard or Corner	one acre or more	150 feet
Churches, Convents and Monasteries	up to 29,999 sq. feet	100 feet
Churches, Convents and Monasteries	30,000 sq. feet-less than one acre	125 feet
Churches, Convents and Monasteries	one acre or more	150 feet

b. Two Family Dwellings:

Minimum Lot Width at Building Line
Standard or Corner
4 bedroom: 105

3 bedroom: 90
2 bedroom: 50

f. That Section 5.1-5, Multiple Family Dwelling District (R-5), is hereby amended as follows:

1. That Sections 5.1-5.1 through 5.1-5.7 are hereby renumbered 5.1-5.2 through 5.1-5.8 accordingly.
2. That Section 5.1-5.2 Minimum Lot Size/Density and Minimum Lot Width at Building Line, is hereby amended as follows:

5.1-5.12 Minimum Lot Size/Density and Minimum Lot Width at Building Line. Each multi-family building or buildings shall be situated on a zoning lot with a net area of not less than 20,000-square feet.

Minimum Lot Size:

a. Single Family: Standard 8,750-sq. ft., Corner 9,900-sq. ft., Churches, Convents, Monasteries: 20,00 sq. ft. Standard & Corner

b. Multiple Two Family Dwellings

	<u>Minimum Lot Size Density</u> (No minimum lot width)
4-bedroom	5,000 sq. feet per dwelling unit
3-bedroom	4,000 sq. feet per dwelling unit
2-bedroom or less	3,500 sq. feet per dwelling unit

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) 90 feet (corner)
Standard or Corner	10,000-14,999 sq. feet	75 feet (standard) 90 feet (corner)
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 sq. feet-less than one acre	125 feet
Standard or Corner	one acre or more	150 feet
Churches, Convents and Monasteries	up to 29,999 sq. feet	100 feet
Churches, Convents and Monasteries	30,000 sq. feet-less than one acre	125 feet
Churches, Convents and Monasteries	one acre or more	150 feet

g. That Section 5.1-6, Multiple Family Dwelling District (R-6), is hereby amended as follows:

1. That Sections 5.1-6.1 through 5.1-6.7 are hereby renumbered 5.1-6.2 through 5.1-6.8 accordingly.
2. That Section 5.1-6.1 Minimum Size Zoning District, in an R-6 District is hereby added as follows:

5.1-6.1 Minimum Size Zoning District: One-Acre

3. That Section 5.1-6.2 Minimum Lot Size/Density and Minimum Lot Width at Building Line, is hereby amended as follows:

5.1-6.2 Minimum Lot Size/Density and Minimum Lot Width at Building Line.

Minimum Lot Size:

a. Single Family: Standard 8,750-sq. ft., Corner 9,900-sq. ft. Churches, Convents & Monasteries 20,000-sq. ft. Standard and Corner

b. Multiple Family Dwellings:

	<u>Minimum Lot Size Density</u> (No minimum lot width)
4-bedroom	4,000 sq. feet per dwelling unit
3-bedroom	3,500 sq. feet per dwelling unit
2-bedroom or less	2,500 sq. feet per dwelling unit

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) 90 feet (corner)
Standard or Corner	10,000-14,999 sq. feet	75 feet (standard) 90 feet (corner)
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 sq. feet-less than one acre	125 feet
Standard or Corner	one acre or more	150 feet
Churches, Convents and Monasteries	up to 29,999 sq. feet	100 feet
Churches, Convents and Monasteries	30,000 sq. feet-less than one acre	125 feet
Churches, Convents and Monasteries	one acre or more	150 feet

SECTION 3. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this 20th day of September, 2021.

Village President

ATTEST:

Village Clerk