

ARTICLE FOUR: DEVELOPMENT STANDARDS

Section 4.1 General

4.1.1. Purpose: The purpose of these requirements is to:

- A. Provide adequate light, air, ventilation, privacy, and convenient access to properties to meet modern livability standards.
- B. Provide useable open space for building occupants.
- C. Provide for adequate access for fire and emergency equipment.
- D. Control overall density in relation to demand for urban services such as fire, police, and parks.
- E. Control overall density in order not to exceed the capacity of infrastructure such as streets, sewers, and drainage improvements.
- F. Protect visibility for traffic.
- G. Maintain and protect neighborhood character through compatible design standards.

4.1.2 Application: Except as otherwise specified, every principal structure in the Village shall be subject to the applicable standards for maximum height, minimum lot area, maximum floor area ratio, minimum open space ratio, average lot width, and minimum front, side and rear yards, as indicated in this Article.

Section 4.2 Lot Requirements

4.2.1 Substandard Lots Established Prior to Adoption of Ordinance:

- A. In any district, a new building or structure for any of the uses permitted in the respective districts may not be erected on a single lot of record (on the date of adoption of this Ordinance) or a combination of lots or portions of lots of record (on the date of adoption of this Ordinance) which has less than the minimum lot area or minimum width specified for the respective district.
- B. If two or more lots, or combinations of lots and portions of lots, with continuous frontage in single ownership are of record as of the date of adoption of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and

area in their particular zoning district, the lands involved shall be considered an undivided parcel for the purpose of this Ordinance. No portion of said undivided parcel shall be used or sold in a manner which diminishes compliance with that district's lot width and area requirements established by this Ordinance, or shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

4.2.2 Combination and Division of Zoning Lots:

- A. Two or more lots may be combined to create a single zoning lot. Such lots shall be under the same ownership at the time of zoning approval for any structure on the zoning lot. Upon construction of such improvements, the zoning lot shall be considered one lot.
- B. No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all standards for buildings on a lot and have met the requirements of this Ordinance.

4.2.3 Principal Structures on a Lot:

- A. Every principal structure hereafter erected or structurally altered shall be located on a zoning lot, and in no residential district shall there be more than one principal structure on one zoning lot, except as provided for elsewhere in this Ordinance.
- B. In the event that a lot is to be occupied by a group of two or more related principal structures to be used for multi-family dwellings, institutional, or hotel purposes; there may be more than one principal structure on the zoning lot when adequate open space is provided between all buildings in accordance with the open space standards in this Ordinance.
- C. For all industrial lots abutting residential districts, unless authorized by special exception, in no case shall any building or structure be erected closer than one hundred feet to any residential district, or shall any parking area be closer than forty feet to any residential district, for which said forty feet shall be maintained as a green area covered entirely by grass, shrubs, and/or trees.

4.2.4 Provisions for Common-Lot-Line Dwelling Units:

- A. The fee simple transfer of ownership of that portion of a lot improved with a rowhouse, townhouse, or duplex for the purpose of establishing separate ownership of common-lot-line dwelling unit(s) shall constitute a subdivision and shall be subject to the provisions of this Ordinance.

- B. After a subdivision containing or used for common-lot-line dwellings has been recorded, the lots shall be used exclusively for common-lot-line dwelling units and for no other type of development. Any change in the use of said platted lot(s) from common-lot-line dwellings shall require approval of a new subdivision plat.
- C. All fee simple transfers of ownership that were recorded prior to the adoption of this Ordinance, shall be deemed to be legal and conforming uses and shall not require any further approval of a subdivision plat to be established as common-lot-line dwelling units.
- D. Subdivisions which contain common-lot-line dwelling units shall be subject to and comply with the standards set forth in this Ordinance, except as provided in Section 4.2.5. Each lot which contains a common-lot-line dwelling unit shall be considered separate and independent from adjoining common-lot-line dwelling units for the purpose of calculating Floor Area Ratio (FAR), Open Space Ratio (OSR), front yards, and rear yards.

4.2.5 Standards for Common-Lot-Line Dwellings or Townhouse Lots:

- A. In the R-3 and R-4 Districts, where a common-lot-line structure is constructed for sale, with each unit on an individual lot, for individual ownership, such common-lot-line dwelling is subject to the standards for principal buildings as described in this Article, except that no side yard setback is required for the interior portion of a lot for a common-lot-line structure.
- B. In the R-4 District, where townhouse and rowhouse buildings are permitted and one of these structures is constructed for sale, with each unit on an individual lot, to individual owners, such structures shall not be subject to the minimum lot area per dwelling unit requirements of this Article Four, but instead shall be subject to the following minimum requirements:
 1. A townhouse or common-lot-line dwelling shall be developed on a subdivided lot with no more than seven dwelling units per structure. No structure shall exceed one hundred fifty feet in length.
 2. Minimum lot area per unit shall be not less than one thousand eight hundred square feet and shall have a minimum frontage on a public street of not less than twenty feet.
 3. **Front yard.** On a lot containing a townhouse or rowhouse there shall be a front yard of not less than twenty feet.

4. **Side yard.** On a lot containing a townhouse or rowhouse, no side yards shall be required for interior lots. Exterior lots at the end of each structure shall have a side yard setback of not less than six feet and shall have a minimum distance between structures of not less than twelve feet.
5. **Rear yard.** There shall be a rear yard which has an area of at least six hundred fifty square feet for each unit in the townhouse or rowhouse.

4.2.6 Minimum Lot Areas and Widths for Use Districts:

- A. **AG-1 District.** Every lot used for residential purposes shall have a minimum width at the building line of 200 feet and a minimum lot area of one acre (43,560 square feet). No building shall be erected for residential purposes having a ground floor area of less than 680 square feet, exclusive of unenclosed porches, terraces and garages.
- B. **RS District.** Every building or other structure erected or used for any use permitted in this district shall have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet at the building line. No building shall be erected for residential purposes having a ground floor area of less than 1,600 square feet, if a single story dwelling, or a ground floor area of less than 900 square feet if more than one story, exclusive of unenclosed porches, terraces and garages.
- C. **R-1 District.** Every building or other structure erected or used for any use permitted in this district shall have a minimum lot area of 9,600 square feet and a minimum lot width of 80 feet at the building line. No building shall be erected for residential purposes having a ground floor area of less than 1,300 square feet if a single story dwelling or a ground floor area of less than 800 square feet if more than one story, exclusive of unenclosed porches, terraces and garages.
- D. **R-2 District.** Every building or other structure erected or used for any use permitted in this district shall have a minimum lot area of 6,500 square feet and a minimum lot width of 65 feet at the building line. No building shall be erected for residential purposes having a ground floor area of less than 720 square feet, exclusive of unenclosed porches, terraces and garages.
- E. **R-3 District.** Every building or other structure erected or used for any dwelling use permitted in this district shall have a minimum lot area per housing unit and a minimum lot width at the building line per unit in accordance with the following table:

<u>Type of Dwelling Unit</u>	<u>Minimum Lot Area Per Dwelling Unit</u>	<u>Minimum Lot Width Per Dwelling</u>
Single Family Dwelling	6,500 sq. ft.	65 ft.
Two Family Dwelling	3,750 sq. ft.	65 ft.

For every building erected, altered or used for any other uses permitted in this district, there shall be a lot area of not less than 6,500 square feet and a lot width of not less than 65 feet at the building line.

No building shall be erected for residential purposes having a ground floor area of less than 720 square feet for a single family dwelling plus an additional floor area of 400 square feet per additional family unit, exclusive of unenclosed porches, terraces and garages.

- F. **R-4 District.** Every building or other structure erected or used for any dwelling use permitted in this district shall have a minimum lot area per housing unit and a minimum lot width at the building line per unit in accordance with the following table:

<u>Type of Dwelling Unit</u>	<u>Minimum Lot Area Per Dwelling Unit</u>	<u>Minimum Lot Width Per Unit</u>
Single Family Dwelling	6,500 sq. ft.	65 ft.
Two Family Dwelling	3,750 sq. ft.	65 ft.
Multifamily - 3 Bedroom	2,500 sq. ft.	65 ft.
Multifamily - 2 Bedroom	2,000 sq. ft.	65 ft.
Multifamily - 1 Bedroom	1,500 sq. ft.	65 ft.

For every building erected, altered or used for any other uses permitted in this district, there shall be a lot area of not less than 6,500 square feet and a lot width of not less than 65 feet at the building line.

No building shall be erected for residential purposes having a ground floor area of less than 720 square feet for a single family dwelling plus an additional floor area of 400 square feet per additional family unit, exclusive of unenclosed porches, terraces and garages.

- G. **CB District.** A minimum lot area of not less than 3,500 square feet and a lot width of not less than 25 feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this district. In the case of developmental plan, the heights of buildings and other structures erected or enlarged in this district, and area, width, yard and building coverage requirements therefore shall be as specified on or in connection with the aforesaid development plan. No more than ninety percent of any lot may be covered by buildings.

- H. **CN District.** A minimum lot area of not less than 6,500 square feet and a lot width of not less than 65 feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this district. In the case of developmental plan, the heights of buildings and other structures erected or enlarged in

this district, and area, width, yard and building coverage requirements therefore shall be as specified on or in connection with the aforesaid development plan. No more than thirty-five percent of any lot may be covered by buildings.

- I. **I-1 District.** A lot area of not less than 8,000 square feet and a lot width of not less than 70 feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this district.
- J. **PL District.** Minimum lot areas and widths shall reflect the requirements of the underlying district.

Section 4.3 Yards and Setback Requirements

4.3.1 **General:** Except as otherwise specified in this Ordinance, every permitted, provisional, and special use shall be subject to the applicable development standards in this Article.

4.3.2 **Front Yards:**

- A. **Double frontage lots.** Where a lot extends through the block from street to street the required front yards shall be provided along each street.
- B. **Corner lots where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner lot faces the adjacent street (generally at a ninety degree angle).** There shall be a required front yard on each street side of this corner lot, subject to the provisions for existing lots in developed areas.
- C. **Corner lots where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner lot faces the next parallel street (generally at a one hundred and eighty degree angle).** There shall be a required front yard on the front street side of the corner lot, and a required side yard width towards the adjacent street, such that the requirements of the visibility site triangle can be met, subject to the provisions for existing lots in developed areas.
- D. **AG-1, RS, R-1, R-2, R-3, R-4, and CN Districts.** There shall be a front yard between the building line and the highway or street along all highways or streets, specifically set forth as follows:
 - 1. On existing and new two-lane and four-lane federal and state highways, a distance of forty feet from the right-of-way line.

2. On existing and new designated arterial streets (eighty foot right-of-way minimum), a distance of thirty-five feet from the right-of-way line.
 3. On existing and new designated collector streets (seventy foot right-of-way minimum), a distance of thirty feet from the right-of-way line.
 4. On existing and new local (sixty foot right-of-way minimum) and other streets, a distance of thirty feet from the right-of-way line.
 5. **Exception for CN district areas that front US Route 45.** On the west side of US Route 45, from the north right-of-way line of Walnut St, south to the south right-of-way line for Benham St, and on the east side of US Route 45, from the north end of land parcel 252-003 (NE 1/4, Section 26, T 18 N, R 8 E), south to the south right-of-way line from Benham St, a distance of ten feet from the right-of-way line.
- E. CB District.** There shall be a front yard on each lot, the depth of which shall be not less than ten feet from the right-of-way line. Setbacks for lots situated adjacent to a residential district shall comply with the buffer yard and screening requirements contained in this Ordinance.
- F. I-1 District.** There shall be a front yard on each lot which shall be not less than thirty feet in depth. Setbacks for lots situated adjacent to a residential district shall comply with the buffer yard and screening requirements contained in this Ordinance.
- G. PL District.** Front yard setbacks shall reflect the requirements of the underlying district.
- 4.3.3 Side Yards:** Where a side wall of a building is not substantially parallel with the side lot line, or where a side yard is substantially irregular, the average side yard width may be considered the required minimum width, provided that the side yard shall not be narrower than five feet or less than one-half the required minimum width as required in this Section of the Ordinance.
- A. AG-1 District.** Each lot, except as otherwise specified, shall have two side yards each having a width of not less than fifteen feet and the aggregate width of both side yards in any lot shall be not less than thirty percent of the width of the lot.
- B. RS District.**
1. On each interior lot, there shall be two side yards, having an aggregate width of not less than thirty feet, neither side yard having a width of less than fifteen feet.

2. On each corner lot, there shall be two side yards, the side yard abutting the street having a width of not less than thirty feet, and the side yard not abutting the street having a width of not less than fifteen feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.
3. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than fifteen feet.

C. R-1 District.

1. On each interior lot, there shall be two side yards, having an aggregate width of not less than twenty feet, neither side yard having a width of less than ten feet.
2. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner lot faces the adjacent street (generally at a ninety degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than thirty feet, and the side yard not abutting the street having a width of not less than ten feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.
3. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner lot faces the next parallel street (generally at a one hundred and eighty degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than twenty feet (as required by the site visibility triangle), and the side yard not abutting the street having a width of not less than ten feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.
4. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five feet.

D. R-2 District.

1. On each interior lot, there shall be two side yards having an aggregate width of not less than ten feet, neither side yard having a width of less than five feet.

2. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner lot faces the adjacent street (generally at a ninety degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than thirty feet, and the side yard not abutting the street having a width of not less than five feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.
3. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner lot faces the next parallel street (generally at a one hundred and eighty degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than twenty feet (as required by the site visibility triangle), and the side yard not abutting the street having a width of not less than five feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.
4. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five feet.

E. R-3 District.

1. On each interior lot, side yards shall be provided in accordance with the following table:

<u>Type of Dwelling</u>	<u>Minimum Aggregate Width</u>	<u>Minimum for Any One Side Yard</u>
Single Family Dwelling	10 ft.	5 ft.
Two Family Dwelling	10 ft.	5 ft.

2. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner lot faces the adjacent street (generally at a ninety degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than thirty feet, and the side yard not abutting the street having a width of not less than five feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.
3. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner lot faces the next parallel street (generally at a one hundred and eighty degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than twenty feet (as required by the site visibility triangle), and the side yard not abutting the street having a width of not less than five feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.

4. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five feet.

F. R-4 District.

1. On each interior lot, side yards shall be provided in accordance with the following table:

<u>Type of Dwelling</u>	<u>Minimum Aggregate Width</u>	<u>Minimum for Any One Side Yard</u>
Single Family Dwelling	10 ft.	5 ft.
Two Family Dwelling	10 ft.	5 ft.
Multifamily Dwelling	10 ft.	5 ft.

2. On each corner lot, except where the lot is occupied by a townhouse or row house, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner lot faces the adjacent street (generally at a ninety degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than thirty feet, and the side yard not abutting the street having a width of not less than five feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.
3. On each corner lot, except where the lot is occupied by a townhouse or row house, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner lot faces the next parallel street (generally at a one hundred and eighty degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than twenty feet (as required by the site visibility triangle), and the side yard not abutting the street having a width of not less than five feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.
4. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five feet, and a private garage may be erected and maintained on adjacent lots within the rear quarters thereof having a wall in common located on the common side lot line.

G. CB District.

1. On each corner lot, there shall be a side yard, abutting the street, having a width of not less than ten feet, and another side yard having a width of not less than five feet unless the building employs a common party wall with the building on the adjoining lot.
2. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than twelve feet, which shall be effectively screened from abutting lots by strip of planting not less than twelve feet in ultimate width, such planting consisting of not less than fifty percent evergreen material scattered throughout.
3. Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.
4. All interior lots shall have two side yards, each having a width of not less than five feet, except where party walls are used.

H. CN District.

1. On each interior lot, there shall be two side yards having an aggregate width of not less than ten feet, neither side yard having a width of less than five feet. Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.
2. On each corner lot, where the corner lot building faces one street and the building on the lot to the rear of the corner lot faces the adjacent street (generally at a ninety degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than thirty feet, and the side yard not abutting the street having a width of not less than five feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.
3. On each corner lot, where the corner lot building faces one street and the building on the lot to the rear of the corner lot faces the next parallel street (generally at a one hundred and eighty degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than twenty feet (as required by the site visibility triangle), and the side yard not abutting the street having a width of not less than five feet. The width of the side yard on the street side is subject to the provisions of 4.3.2.D.

4. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than twelve feet, which shall be effectively screened from abutting lots by strip of planting not less than twelve feet in ultimate width, such planting consisting of not less than fifty percent evergreen material scattered throughout.

I. I-1 District.

1. On each interior lot there shall be two side yards having an aggregate width of not less than twenty-five feet, neither side yard having a width of less than ten feet.
2. On each corner lot there shall be two side yards, the side yard abutting the street having a width of not less than twenty-five feet and the side yard not abutting the street having a width of not less than ten feet.

J. PL District. Side yard setbacks shall reflect the requirements of the underlying district.

4.3.4 Rear Yards: In the case of an irregular shaped lot (non-rectangular), the required minimum depth of a rear yard at any one point shall not be less than the required minimum side yard. In the aggregate, the square footage of the rear yard must equal the minimum zoning district requirements for a rectangular lot, with dimensions equal to the depth and average width of the irregular lot.

- A. **AG-1 District.** There shall be a rear yard of not less than twenty-five percent of the depth of the lot.
- B. **RS District.** There shall be a rear yard on each lot, the depth of which shall be not less than thirty feet, except that an accessory use structure may be erected within the rear yard not closer to the property line than fifteen feet.
- C. **R-1 District.** There shall be a rear yard on each lot, the depth of which shall be not less than thirty feet, except that an accessory use structure may be erected within the rear yard not closer to the property line than ten feet.
- D. **R-2 District.** There shall be a rear yard on each lot, the depth of which shall be not less than twenty feet, except that an accessory use structure may be erected within the rear yard not closer to the property line than ten feet.
- E. **R-3 and R-4 Districts.** There shall be a rear yard on each lot, the depth of which shall be not less than twenty-five feet, except that an accessory use structure may be erected within the rear yard not closer to the rear lot line than ten feet.

- F. **CB District.** Where abutting lots have buildings or other structures employing a common party wall, no rear yard setback is required. Where the rear lot lines abut an alley, no rear yard setback is required. Where the rear lot line does not abut an alley or another building or structure employing a common party wall, the rear yard setback shall be ten feet.
- G. **CN District.** There shall be a rear yard on each lot, the depth of which shall not be less than ten feet. **Exception for CN district areas that front US Route 45.** On the west side of US Route 45, from the north right-of-way line of Walnut St, south to the south right-of-way line for Benham St, and on the east side of US Route 45, from the north end of land parcel 252-003 (NE 1/4, Section 26, T 18 N, R 8 E), south to the south right-of-way line from Benham St, no rear setback is required.
- H. **I-1 District.** There shall be a rear yard on each lot the depth of which shall be not less than twenty feet.
- I. **PL District.** Rear yard setbacks shall reflect the requirements of the underlying district.

4.3.5 **Visibility Triangle Setbacks:** Where a lot is located at the intersection of two or more streets, no parking or structure of any kind shall be located within the visibility triangle, except in the CB district. Landscaping in this area shall either be shrubs at a height of three feet or less or deciduous trees from the list in the Village's Tree Ordinance, with branches having a clearance of six feet.

4.3.6 **Front Yard Average Setback:** Except as otherwise specified, in any residential zoning district, the front yard may be reduced to a setback equal to the average alignment of structures on the same side of the street upon meeting the following conditions:

- A. Fifty-one percent or more of the lots on the same side of the street, within the same block, are improved with residential buildings.
- B. Seventy-five percent of the residential buildings extend into the required front yard.
- C. No structure shall project beyond the average alignment of structures on the same side of the street, within the same block, and within two hundred feet.
- D. No structure shall project beyond the shortest depth of existing front yards on the lots abutting on each side.

Section 4.4 Special Yard Requirements for Certain Lots of Record:

4.4.1 Lot Width for Corner Lots Recorded Prior to Adoption of this Ordinance: Lots of record as of the date of adoption of this Ordinance do not have to provide the additional lot width required for corner lots.

4.4.2 Corner Lots Established Prior to Adoption of this Ordinance: Lots of record as of the date of adoption of this Ordinance shall comply with the following regulations:

A. For corner lots which were a legal lot of record at the date of adoption of this Zoning Ordinance and which are located in a R-1 District, a side yard on the street side of a corner lot shall have a width of not less than fifteen feet.

B. In the R-2, R-3, and R-4 Districts, a side yard on the street side of a corner lot shall have a width of not less than ten feet, except where such lot abuts in the rear either directly or across an alley, a lot in an R-1 District, in which case the side yard on the street side of the corner lot shall be not less than fifteen feet.

4.4.3 Application of Development Standards to Specific Uses: The following development standards shall apply:

A. Religious institutions and schools in the residential districts shall meet the side yard and landscape setback/buffer requirements of an R-4 district.

B. Hospitals, nursing homes, and lodges shall meet the side yard and landscape setback requirements of a non-residential land use in the applicable district in which it is located.

Section 4.5 Floor Area Ratio, Open Space Ratio, Open Space Between Buildings

4.5.1 Floor Area Ratio - Defined: Floor area ratio (FAR) shall mean gross floor area divided by total lot area.

4.5.2 Floor Area - Defined: Floor area means gross floor area, measured to the outside walls, but exclusive of such floor area as may be used for:

A. Parking facilities within the principal building.

B. Cellars in single-family dwellings.

C. Penthouse housing ventilators, heating systems, and similar uses.

4.5.3 FAR Requirements:

- A. AG-1 District.** The maximum FAR for the principal building in the AG-1 district shall be 0.20.
- B. RS District.** The maximum FAR for the principal building in the RS district shall be 0.25.
- C. R-1 District.** The maximum FAR for the principal building in the R-1 district shall be 0.35.
- D. R-2 District.** The maximum FAR for the principal building in the R-2 district shall be 0.40.
- E. R-3 District.** The maximum FAR for the principal building in the R-3 district shall be 0.40.
- F. R-4 District.** The maximum FAR for the principal building in the R-4 district shall be 0.40 for single family dwellings and duplexes and 0.90 for multifamily dwellings.
- G. CB District.** The maximum FAR for the principal building in the CB district shall be 4.00.
- H. CN District.** The maximum FAR for the principal building in the CN district shall be 0.40.
- I. I-1 District.** The maximum FAR for the principal building in the I-1 district shall be 2.00.

4.5.4 Open Space Ratio - Defined: Open space ratio (OSR) shall mean usable open space divided by the total gross floor area on the lot. For the purposes of this definition, "floor area" and "usable open space" as defined in this Article shall govern.

4.5.5 Usable Open Space - Defined: Usable open space shall mean that required portion of a lot at ground level, outside the buildings' exterior walls, unoccupied by principal or accessory buildings, or mechanical equipment, and available to all occupants of the building. This usable open space shall be unobstructed to the sky and shall not be devoted to service driveways, off-street parking spaces, or loading berths. Such space shall be usable for greenery, drying yards, recreational space, and other leisure activities normally carried on outdoors. Balconies may be considered as usable open space if they meet the requirements of Section 4.5.6.B.

4.5.6 Usable Open Space Requirements:

- A. Usable open space shall be provided in a compact area having no dimension less than eighteen feet, except as permitted under the provisions of subsection B. of this Section.**
- B. In calculating the usable open space for a multi-family dwelling, residential use, or any other dwelling, up to twenty-five percent of the required open space may be provided by a balcony which has a minimum dimension of five feet by nine feet.**

4.5.7 OSR Requirements:

- A. AG-1 District. The minimum open space ratio for the AG-1 district shall be 0.55.**
- B. RS District. The minimum open space ratio for the RS district shall be 0.55.**
- C. R-1 District. The minimum open space ratio for the R-1 district shall be 0.45.**
- D. R-2 and R-3 Districts. The minimum open space ratio for the R-2 and R-3 districts shall be 0.40.**
- E. R-4 District. The minimum open space ratio for the R-4 district shall be 0.40 for single family dwellings and duplexes and 0.35 for multifamily dwellings.**

4.5.8 Open Space Between Two or More Main Buildings on One Lot: In the event that a lot is to be occupied by two or more buildings to be used for multiple dwellings, institutional, commercial, office, or hotel purposes in accordance with the provisions of this Ordinance, adequate separation of structures is required in accordance with the following standards:

- A. The required minimum separation of structures shall be determined in relation to the height and length of each such building, wall, and the placement of walls therein, as follows:
 - 1. If the wall contains one or more windows, the minimum separation of structures shall be fifteen feet, plus two feet for each story in height, plus one foot for each fifteen feet in length of such wall.**
 - 2. If the wall contains no windows, the minimum separation of structures shall be five feet, plus one foot for each story in height, plus one foot for each fifteen feet in length of such wall.****
- B. The minimum separation of structures, for the purpose of these standards, shall be measured perpendicular to the building wall at all points.**

4.6 Maximum Height

4.6.1 General:

- A.** All construction on a lot must be in compliance with the maximum height for a structure in the applicable zoning district.
- B.** Where the maximum height permitted for a principal building is in relation to the distance from the building line to the center of a street and the lot has frontage on more than one street, the widest of such streets shall determine the maximum height of such principal building.
- C.** For the purpose of determining the maximum height of principal buildings in relation to street right-of-way width, such width shall be deemed to include all street right-of-way widths between private property lines on plazas, and pedestrian ways.

4.6.2 Use Districts:

- A. AG-1 District.** The maximum height of any building shall not exceed fifty feet.
- B. RS, R-1, R-2, R-3 Districts.** The maximum height of buildings and other structures erected or enlarged in these districts shall be:
 - 1.** For any dwelling thirty-five feet, not exceeding two and one-half stories.
 - 2.** For any building accessory to any dwelling use, fourteen feet, not exceeding one story.
 - 3.** For any other non-residential building or their structure, thirty-five feet, except that such height may be increased to a maximum of sixty-five feet provided that for every foot of height in excess of thirty-five feet there shall be added to each yard requirement one corresponding foot of width or depth.
- C. R-4 District.** The maximum height of single-family and duplex buildings erected or enlarged in this district shall be thirty-five feet, not exceeding two and one-half stories. The maximum height for multifamily buildings erected or enlarged in this district shall be fifty feet, not exceeding three stories.
- D. CB District.** The maximum height of any building or other structure shall be four stories or not more than fifty feet.
- E. CN District.** The maximum height of any building shall be two and one-half stories not to exceed thirty-five feet.

F. **I-1 District.** The maximum height of buildings and other structures erected or enlarged in this district shall be thirty-five feet, except that such height may be increased to a maximum of eighty-five feet provided that for every foot of height in excess of thirty-five feet there shall be added to each yard requirement one corresponding foot of width or depth.

G. **PL District.** Maximum heights of buildings and other structures shall reflect the requirements of the underlying district.

4.6.3 **Height Modifications:** The height limitations stipulated in this Article shall not apply to the following:

A. Places of public assembly in religious institutions, schools, and other permitted public buildings in the RS, R-1, and R-2 districts, provided that for each three feet by which the height of such buildings exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by one additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

B. Barns, silos, other farm structures, spires, belfries, cupolas, domes, monuments, water-storage tanks, fire and hose towers, transmission towers, windmills, chimneys, smoke stacks, flag poles, radio and television towers, masts and aerials, and parapet walls extending not more than four feet above the limiting height of the building.

C. Bulkheads, roof structures covering fixed mechanical equipment, cooling towers and scenery lofts, provided that no linear dimension shall exceed fifty percent of the corresponding lot line frontage. All such structures above the height otherwise permitted in the district shall not occupy more than twenty-five percent of the area of the lot.

Section 4.7 Projections, Encroachments and Accessory Buildings in Yards

4.7.1 **Projections and Encroachments into Yards:** Unless otherwise provided in this Ordinance, no building or structure, portion of any building, structure, or mechanical equipment shall be erected in, occupy, or obstruct a required front, rear, or side yard except for the following:

A. Cornices, sills, eaves, and other ornamental features may encroach to a distance of not more than two feet six inches, but in no case less than four feet from a side lot line.

- B.
 - 1. Fire escapes to a distance of not more than four feet six inches, or enclosed fire escapes, and enclosed balconies leading from fire towers in required rear yards, when such projection is not more than ten feet when the main structure was built prior to the effective date of this Ordinance.
 - 2. On all structures for which a building permit is issued on or after the effective date of this Ordinance, this encroachment or projection shall not be permitted.
- C.
 - 1. Uncovered stairways and necessary landings, to a distance of not more than four feet six inches, provided that each stair and landing shall not extend above the entrance floor of the building.
 - 2. The railing may exceed three feet in height above the landing.
 - 3. The stairway or landing may be covered, but not enclosed, if the covering does not exceed one-third of the length of the building wall on which it is located.
 - 4. This provision is only applicable when the main structure was built prior to the effective date of this Ordinance.
 - 5. On all structures for which a building permit is issued on or after the effective date of this Zoning Ordinance, this encroachment or projection shall not be permitted.
- D. Bay windows and chimneys to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located, and provided, further, that in no case shall a bay window or chimney project into a required side yard be more than one-third of such yard.
- E. An unenclosed porch, not more than fourteen feet in height, may be erected to extend into a required front or rear yard at a distance of not more than ten feet, provided that in no case shall it extend into such front or rear yards more than one-half of the required depth of the yard.
- F. A porte-cochere may be erected over a driveway in a required side yard, provided that such structure is:
 - 1. Not more than fourteen feet in height and twenty feet in length, and
 - 2. Entirely open on at least two sides, exclusive of the necessary supporting columns and customary architectural features, and

3. Side yards remain as set forth in the district regulations.

G. Driveways, walks, fences, and underground structures.

H. Concrete, asphaltic concrete, or all weather surfaces on yards except as otherwise permitted herein. If the yard to be surfaced is a required front or side yard, then the surface must be so located or constructed that an automobile cannot be driven or cannot project upon it from a driveway, parking space, street, or alley.

I. Flag poles, clothes lines, trellises, bird houses and the like.

J. Decks may be constructed in a rear yard (not in a front or side yard) provided that their elevation is not higher than the first floor elevation of the principal structure, and may extend into any required rear yard up to a maximum distance of fifty percent of that required rear yard.

K. Open unenclosed porches, that is, porches which may have roofs and mesh screening, but which are not glassed in or otherwise walled or enclosed above a height of two and one-half feet above the porch floor, may be constructed in a rear yard (not in a front or side yard) to a distance of ten feet into said rear yard, but not within ten feet of the lot line. The elevation of the porch floor shall not be higher than the first floor elevation of the principal structure.

4.7.2 Standards for Accessory Structures:

A. In any district, accessory structures, including private garages, and uses which do not involve the conduct of a business, if attached to the principal structure, may be erected in any space other than a required yard.

B. 1. When an accessory or structure is detached from the principal building, it shall be separated by a minimum distance of three feet.

2. With the exception of corner lots, no detached accessory building or structure shall be located less than sixty feet from the front lot line. In the event of a corner lot, an accessory structure must be placed in the rear yard, with a setback from the second property line abutting a public street equal to or greater than the setback for the principal structure abutting the public street.

3. If a detached accessory structure is to be located on a lot containing a one or two family dwelling, the aggregate area of all accessory structures shall not exceed seven hundred and fifty square feet in area. Maximum height shall not exceed fourteen feet.

4. For accessory buildings in the CN district, the maximum height shall not exceed fourteen feet. For accessory buildings in CB and I-1 districts, the height standards for principal buildings on a lot shall apply.
- C. Where mutual ownership of a private garage existing prior to the effective date of this Ordinance, the joint garage can be repaired or enlarged without regard to the side yard setback provisions subject to the following conditions:
1. The garage shall only be for private use.
 2. There is mutual written consent for continuance or enlargement filed with the Zoning Administrator which is signed by all owners.
- D. Swimming pools not located within a building:
1. The use of such pools shall be restricted to occupants of the principal use and guests for whom no admission or membership fees are charged.
 2. If accessory to a non-residential use, the edge of the pool shall be located not less than one hundred feet from any lot line.
 3. If accessory to a residential use, the edge of the pool shall be located not less than ten feet from any lot line.
 4. Illumination of such pools shall be limited to underwater lighting. Swimming pool clubs are not considered accessory uses.
 5. All swimming pools constructed under this Section D shall be completely enclosed by a protective wall, fence or other barrier. The entire barrier, including doors and gates, shall be at least six (6) feet high measured on the inside and outside, shall not provide ready footing for climbing, and shall prevent passage through it. Fences for above ground swimming pools that are attached to the pool deck or pool sidewalls shall extend to at least six (6) feet above the adjoining ground. The enclosure shall be in general accord with Section 820.200, General Design Requirements, of Title 77 Part 820 of the Illinois Administrative Code, Illinois Swimming Pool and Bathing Beach Code.

END OF ARTICLE FOUR.