



## Agenda

Village of Arlington Heights  
Ordinance Review Committee  
Community Room, 3rd Floor

Arlington Heights Village Hall  
33 S. Arlington Heights Road  
Arlington Heights, IL 60005  
October 25, 2017  
6:30 PM

### **I. CALL TO ORDER**

### **II. ROLL CALL**

### **III. APPROVAL OF MINUTES**

### **IV. REPORTS**

### **V. OLD BUSINESS**

### **VI. NEW BUSINESS**

- A. Chapter 28 Text Amendments - Phase Two

### **VII. OTHER BUSINESS**

### **VIII. ADJOURNMENT**

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact David Robb, Disability Services Coordinator, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, (847)368-5793 (Voice), (847)368-5980 (Fax) or drobb@vah.com.



**Item:** Chapter 28 Text Amendments - Phase Two

**Department:** Planning & Community Development

## **BACKGROUND**

Phase One of the Chapter 28 text amendments included amendments to Planned Unit Developments, the Permitted Use table, Special Use waivers, definitions and several other minor clarifications.

Phase Two includes proposed amendments to various sections of the code, some of which are related to formatting to eliminate repetitive text within Chapter 28 and/or eliminates text which is already covered in other Chapters of the Municipal Code.

In addition, staff is recommending amendments to various code requirements which impact the development standards. The following includes summaries of the significant changes in each section. The attachments reflect the proposed code amendments for each Section of Chapter 28. It may take two ORC meetings to discuss these amendments.

## **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
Staff Memo	Memorandum
Section 28-5 Use Districts	Exhibits
Section 28-6 General Provision	Exhibits
Section 28-7 Non-Conforming Use Buildings	Exhibits
Section 28-10 Signs & Section 28-11 Parking	Exhibits
Section 28-12 Zoning Board of Appeals	Exhibits
Section 28-13 Plan Commission	Exhibits
Section 28-14 Design Commission	Exhibits
Hardship Criteria	Exhibits
Building Height Data	Exhibits
Fence Height Data	Exhibits
School Parking Data	Exhibits
Zoning Board of Appeals Parking Variances	Exhibits

## Memorandum

**TO:** Ordinance Review Committee  
**FROM:** Bill Enright, Deputy Director of Planning and Community Development  
**DATE:** October 19, 2017  
**Subject:** ORC Meeting: Wednesday, October 25, 2017 at 6.30PM

Phase One of the Chapter 28 text amendments included amendments to Planned Unit Developments, the Permitted Use table, Special Use waivers, definitions and several other minor clarifications. Phase Two includes proposed amendments to various sections of the code, some of which are related to formatting to eliminate repetitive text within Chapter 28 and/or eliminates text which is already covered in other Chapters of the Municipal Code.

In addition, staff is recommending amendments to various code requirements which impact the development standards. The following includes summaries of the significant changes in each section. The attachments reflect the proposed code amendments for each Section of Chapter 28. It may take two ORC meetings to discuss these amendments.

### **Section 28-5 Use Districts**

*Summary: Various amendments to zoning district standards specifically setback and height standards in the multi family districts. Proposed increase to density standards for the Hickory Kensington Overlay Zone. Also propose amending the spacing between multi family buildings to simplify. Delete repetitive sections of code related to Community Residences and Christmas tree sales. Allows for 49 foot wide lots to be buildable versus current 50 foot minimum and allows lots to be buildable if there is already a house on the lot. Deletes lengthy industrial performance standards as those are already in the other sections of the Municipal Code and thus not necessary in Chapter 28.*

### **Section 28-6 General Provisions**

*Summary: Proposed amendments to increase fence height from 5 to 6 feet for side and rear yards. This responds to complaints about height limit. Also allows for solid fences. Many prefab fences are solid and decorative. Many homeowners want solid fences. Also changes setback for exterior side yard fences to five feet to allow more rear yard for corner lots to be enclosed/private.*

### **Section 28-7 Non Conforming Use and Buildings**

*Summary: Clarifications in language and formatting. No substantive changes.*

### **Section 28-10 Signs**

*Summary: This one sentence section merely refers to Chapter 30 for signage and is not needed in Chapter 28.*

### **Section 28-11 Off Street Parking and Loading**

*Summary: Staff will evaluate the Collective Provision requirement for parking but will require more research to determine how to assess parking for multi purpose uses such as places of worship, community centers, etc. Add a new Substantial Compliance section to allow for smaller parking deficits to be analyzed by staff without having to apply for a Zoning Board variance. Also staff recommends new parking ratio for elementary schools to more closely match actual parking needs for these schools. Clarification of verbiage and delete unnecessary / unclear text. Delete parking accessibility table as this is a State Law, however staff will continue to review for compliance.*

### **Section 28-12 Zoning Board of Appeals**

*Summary: Delete text that is repetitive regarding responsibilities of the ZBA as these standards are included in another section of the Municipal Code (Chapter 6). Also, the Hardship Criteria applies to ZBA as well as the Plan Commission (see below).*

### **Section 28-13 Plan Commission**

*Summary: Staff is evaluating the hardship criteria for granting variations. The current three standards are difficult to analyze and assess. New standards are recommended and would apply to both the ZBA and Plan Commission. One of the packet attachments "Hardship Criteria" list our current criteria and examples of other communities. Also included are the LaSalle factors from a State of Illinois Supreme Court ruling from the 1950's that set forth factors to consider and base decisions regarding land use variations. Court cases to this day utilize these factors as set forth in this ruling. It does not mean local Ordinances have to follow these factors verbatim, but they should serve as a guide for local Ordinances.*

### **Section 28-14 Design Commission**

*Summary: Clarifications in language; delete duplicative sections that exist in Chapter 6 of the Municipal Code.*

Also included as attachments are research data regarding school parking, fences, building height, and examples of hardship criteria from other municipalities.

## **Section 28-5 Use Districts**

**Summary:** *Currently all 8 residential zoning districts and the Institutional district include regulations for Administrative Occupancy Requirements for Community Residences. Staff recommends condensing this in one section so that these requirements are not listed for each district. Therefore the standards are still in code but only once at the end of Section 5 Use Districts. The consolidated section will include a listing of which zoning districts are applicable.*

*In addition the sale of Christmas trees are regulated in the 4 single family districts. Again listing these same requirements 4 times in code is repetitive and therefore will be listed once at the end of Section 5.*

*The commercial B districts each list requirements for outdoor eating cafes. This too will be consolidated into one section at the end of Section 5.*

**Summary:** *Staff recommends deleting the following from the 7 residential zoning districts and Institutional district "Permitted Uses: Additional Requirements" section as this section could potentially contradict an approved Special Use for a school. The verbiage below allows for example a high school (or even a middle or elementary school) to convert to a school for adults or a college without amending the Special Use so long as parking requirements are met.*

*"A special use permit for any type of school shall be restricted to the specific category of school to be established. No change in the type or category of school shall be permitted without granting of an amendment to the special use permit of a new special use in accordance with the procedures set forth in Section 8. Nothing herein contained shall prohibit a school building from being used, for continuing education for adults, university and college courses, staff development programs and unemployed adult training programs provided that its primary function shall be for that category of school designated for special use purposes, and furthermore that the special uses shall not exceed the parking facilities of the institution."*

**Summary:** *There are numerous lots that were platted at 49 feet wide and therefore require a variation per the section below. This amendment will allow for lots 49 feet wide to be buildable if the other conditions of this section are met. Also, the new section "b" will allow smaller lots to be buildable if there is an existing principal residence already on the lot. Currently if a lot has a home but does not meet the conditions in "a" then they need a variation to build and addition or a teardown for a new home.*

### **Section 28-5.1-3 One Family Dwelling District (R-3)**

5.1-3.4 Minimum Lot Size.

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, 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~~ 49 feet.

b. If there is an existing principal residence on a parcel, Section "a" above is not applicable and the parcel shall be buildable and permits may be issued for either a new residence or additions to the existing residence.

**Summary:** *This district allows attached dwellings such as duplexes and single family as well. The code for side yards should reflect the standard for other single family districts, which is 10% of lot width.*

#### **Section 28-5.1-4 Two Family Dwelling District (R-4)**

5.1-4.5 Required Minimum Yard: Side Yard ~~15%~~ 10% of lot width.

**Summary:** *Increases height from 25 feet to 35 feet to reflect current construction preferences. This zoning district is primarily townhome type development. Also, the code requires various spacing between buildings based on the type of rooms for which there are window openings. This is antiquated and a simple 25 foot spacing standard between buildings is recommended.*

#### **5.1-5 Multiple Family Dwelling District (R-5)**

5.1-5.7 Maximum Building Height: ~~25~~ 35 ft. exclusive of stair heads and mechanical equipment facilities ~~with overall height not to exceed 30 ft. above the natural grade.~~

5.1-5.3 Minimum Lot Size (Density);

5.1-5.9 Spacing Between Multi Family Buildings, ~~Including Court Standards. The following standards shall apply for:~~ shall be no less than 25 feet for principal buildings.

~~a. Between the opposing walls of outer and inner courts. Inner courts are not permitted.~~

~~b. When two or more buildings which contain attached dwelling units or multi family dwelling units are located on the same zoning lot.~~

~~c. When the windows of a living unit in a multi family or attached single family building are opposite an accessory building.~~

#### ~~5.1-5.10 Spacing Standards~~

~~Conditions~~ \_\_\_\_\_ ~~Minimum Distance between Opposing Walls~~

~~a. If either or both walls contains a living room window~~ \_\_\_\_\_ ~~50 feet~~

~~b. If either or both walls contains a bedroom window~~ \_\_\_\_\_ ~~30 feet~~

- ~~c. Both walls contain windows of other rooms 24 feet~~
- ~~d. When there are no windows in either of opposing walls 12 feet~~
- ~~e. If either or both walls contains windows of other rooms 15 feet~~

~~5.1-5.11 Additional Court Standards projections in Outer Courts. Projections in outer courts shall not exceed five feet.~~

*Summary: Increases height from 40 feet to 50 feet to reflect current construction preferences. This zoning district is primarily townhome or multi floor type development. Also, the code requires various spacing between buildings based on the type of rooms for which there are window openings. This is antiquated and a simple 25 foot spacing standard between buildings is recommended. New setback standards are recommended as well that establish the setback irregardless of height.*

### 5.1-6 Multiple Family Dwelling District (R-6)

5.1-6.6 Maximum Building Height: ~~40~~ 50 ft. exclusive of elevators, penthouses, stair heads and mechanical equipment.

5.1-6.3 Minimum Lot Size (Density);

5.1-6.8 Spacing Between Multi Family Buildings, ~~Including Court Standards. The following standards shall apply for:~~ shall be no less than 25 feet for principal buildings.

~~a. Between the opposing walls of outer and inner courts. Inner courts are not permitted.~~

~~b. When two or more buildings which contain attached dwelling units or multi family dwelling units are located on the same zoning lot.~~

~~c. When the windows of a living unit in a multi family or attached single family building are opposite an accessory building.~~

### 5.1-6.9 Spacing Standards

<del>Conditions</del>	<del>Minimum Distance between Opposing Walls</del>
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- ~~f. If either or both walls contains a living room window 50 feet~~
- ~~g. If either or both walls contains a bedroom window 30 feet~~
- ~~h. Both walls contain windows of other rooms 24 feet~~
- ~~i. When there are no windows in either of opposing walls 12 feet~~
- ~~j. If either or both walls contains windows of other rooms 15 feet~~

~~5.1-6.10 Additional Court Standards projections in Outer Courts. Projections in outer courts shall not exceed five feet.~~

### 5.1-6.4.1 Required Minimum Yards:

Front Yard: 25 feet ~~plus 1 foot for each foot or fraction thereof by which building height exceeds 25 feet.~~

Side Yard: 10% of lot width ~~plus 1 foot for each foot or fraction thereof which exceeds a building height of 25 feet.~~ Subdivisions created after January 1, 2003 shall provide a minimum side yard of seven feet.

Exterior Side Yard: On corner lots, there shall be maintained a side yard of not less than 20 feet on the side adjacent to the street which intersects the street upon which the building maintains frontage, and in the case of a reversed corner lot, there shall be maintained a setback from the side street of not less than 50% of the front yard required on the lots in the rear of such corner lots, but such yard need not exceed 20 feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than 5 feet to the side lot line of said adjacent.

Rear Yard: 30 feet ~~plus 1 foot for each foot or fraction thereof which exceeds a building height of 25 feet.~~

***Summary:** Maintains height at 60 feet (however the height requirement needs to be added into the code section as it only appears in section 5.3 Table of Height). This zoning district is primarily multi floor type development. Also, the code requires various spacing between buildings based on the type of rooms for which there are window openings. This is antiquated and a simple 25 foot spacing standard between buildings is recommended. New setback standards are recommended as well that establish the setback irregardless of height. Density will need to be further evaluated in order to determine if any changes are recommended.*

### **5.1-7 Multiple Family Dwelling District (R-7)**

5.1-7.8 Maximum Building Height: 60 ft. exclusive of elevators, penthouses, stair heads and mechanical equipment.

5.1-7.4 Minimum Lot Size (Density):

Multiple Family:

2 bedroom or more: 900 sq ft per dwelling unit

1 bedroom or less: 600 sq ft per dwelling unit

5.1-7.9 Spacing Between Multi Family Buildings, ~~including Court Standards. The following standards shall apply for:~~ shall be no less than 25 feet for principal buildings.

~~a. Between the opposing walls of outer and inner courts. Inner courts are not permitted.~~

~~b. When two or more buildings which contain attached dwelling units or multi family dwelling units are located on the same zoning lot.~~

~~c. When the windows of a living unit in a multi family or attached single family building are opposite an accessory building.~~

#### 5.1-7.10 Spacing Standards

~~Conditions ————— Minimum Distance between Opposing Walls~~

~~k. If either or both walls contains a living room window — 50 feet~~

~~l. If either or both walls contains a bedroom window — 30 feet~~

- ~~m. Both walls contain windows of other rooms ————— 24 feet~~
- ~~n. When there are no windows in either of opposing walls 12 feet~~
- ~~o. If either or both walls contains windows of other rooms 15 feet~~

~~5.1-7.11 Additional Court Standards projections in Outer Courts. Projections in outer courts shall not exceed five feet.~~

5.1-7.6 Required Minimum Yards:

Front Yard: 25 feet ~~plus 1 foot for each foot or fraction thereof by which building height exceeds 40 feet.~~

Side Yard: 10% of lot width ~~plus 1 foot for each foot or fraction thereof which exceeds a building height of 40 feet.~~

Exterior Side Yard: On corner lots, there shall be maintained a side yard of not less than 20 feet on the side adjacent to the street which intersects the street upon which the building maintains frontage, and in the case of a reversed corner lot, there shall be maintained a setback from the side street of not less than 50% of the front yard required on the lots in the rear of such corner lots, but such yard need not exceed 20 feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than 5 ft to side lot line of adjacent lots.

5.1-7.7 Maximum Building Lot Coverage: ~~45%~~ 55% for new construction.

**Summary:** Clarifies but does not change density. Current code is poorly written.

**5.1-8 Institutional District.** The Institutional District shall be reserved for institutional non residential and institutional residential uses as ~~described in Definition Section 3.2-111 and 3.2-112 and~~ specified in Permitted Use Table Section 5.45-1. Any development in Institutional “I” District shall be considered in accordance with Planned Unit Development requirements as set forth in Section 9.

5.1-8.4 Minimum Lot Size (Density):

~~Efficiency ————— 18 units per Dwelling Unit — 2,400 sq ft~~

One Bedroom and less ~~18 units per Dwelling Unit — 2,400 sq ft~~ per dwelling unit

Two Bedroom ~~18 units per Dwelling Unit — 2,400 sq ft~~ per dwelling unit

Three Bedroom ~~16 units per Dwelling Unit — 2,700 sq ft~~ per dwelling unit

~~\*3 bedroom dwellings cannot exceed 10% of total number of dwellings.~~

**Summary:** Amends setbacks for the downtown district to reflect desired building forms. Allows for zero lot line for all street frontages unless that frontage is across from R-3 One Family. Also allows for zero lot line along the sides and rear of buildings except if those lot lines are abutting a residential district such as

R-3, R-6, R-7. Thus the building codes will dictate separation requirements along lot lines where buildings abut. This is often determined by whether or not there are windows. Also each B-5 development is subject to a Planned Unit Development, in which case additional setbacks can be required depending on the parcel and its location.

### 5.1-14 Downtown (B-5) District

#### 5.1-14.6 Required Minimum Yards

~~Front Yard: None~~

~~Side Yard: For buildings with dwelling units, open space shall be provided as either:~~

- ~~1. One side yard or two side yards;~~
- ~~2. Outer Court;~~
- ~~3. Combination of side yards and court.~~

~~The total width of all open space shall not be less than 30 feet or less than 30% of the average width of the lot whichever is greater.~~

~~In the case of walls having window openings, there shall be a minimum of 25 feet of open space adjacent to a lot line of another building on the same zoning lot. An additional one half foot of open space shall be provided for each foot or fraction thereof for which building height exceeds 90 feet.~~

~~In the case of courts, the area of courts shall not be less than the area which would otherwise be required for the side yards, provided that in no case shall the depth of the court be less than the required width of the court.~~

~~Rear Yard: A rear yard shall be provided for residential uses located above the first floor, such yard shall not be less than 30 feet depth.~~

~~Public Street Frontages: None, except where 50% or more of property directly across the street frontage is zoned R-3, a 20 foot setback is required along that frontage.~~

~~Interior Yards / Lot Lines: 25 feet if abutting residential zoning districts. Additional setbacks may be required subject to the Planned Unit Development and building code requirements.~~

**Summary:** *The M1, M-2, and PL Public Land Zoning districts all include industrial performance standards which address noise, smoke, odors, vibrations, etc. These standards are also included in Building Codes of the Village. Staff recommends deleting these standards from the zoning code as they are regulated in the Building Code and there is no need for repetition.*

5.1-17.2 M-1 District Industrial Performance Standards

5.1-18.2 M-2 District Industrial Performance Standards

5.1-19.2 PL District Industrial Performance Standards

**Summary:** *Modify density to better align with Overlay Zone standards.*

**5.1-23 Overlay Zoning District – Hickory Kensington Area.**

- e. Minimum Lot Size – Multiple Family 1 bedroom ~~or less~~ 600 450 sq ft per unit
- 2 bedroom 900 750 sq ft per unit

*Summary: This is a an administerial error.*

**Section 28-5.1-17 Research, Development and Light Manufacturing District (M-1).**

5.1-17.10 Maximum Building Lot Coverage: ~~200%~~ None

*Summary: Staff recommends deleting the Table of Development Standards as they are repetative as these standards are listed within each zoning district.*

**Section 28-5.3 Development Standards**

~~**5.3-1.1 Table of Minimum Lot Size and Minimum Lot Width**~~

Summary: This section has a regulation for signage which is already regulated in Chapter 30 Signs.

**Section 5.1-9 Office Transitional (OT)**

5.1-9.2 Conditions of Use

~~c. Only one freestanding sign shall be permitted for each Planned Unit Development. The size of the sign shall be maximum twenty four square feet and not higher than seven feet above the grade as indicated in the Planned Unit Development. Signs must comply with chapter 30 of the Municipal Code. One nameplate per establishment shall also be permitted.~~

## Section 28-6 General Provisions

**Summary:** *This amendment responds to comments from homeowners who prefer 6 foot tall privacy fences rather than 5 feet. More fences are prefabricated composite fences, which are often solid fences with no openings. This amendment would allow solid fences. These amendments would apply to the side and rear yards only.*

*Also, on corner lots the setback for fences in the rear yard abutting the street is half the distance between the house and property line or 5 feet, whichever is greater. If a house is setback 20 feet, then the fence is setback 10 feet, which impacts the rear yard size. This amendment would simply require a five foot setback for all corner lots.*

### Section 28-6.13 Fence Permit Required

#### 6.13-3 Location of Fences.

a. Front Yard. Fences shall not exceed a height of 36 inches and shall not contain any sharp points and must be an open fence; and,

b. Side and Rear Yards. Fences ~~must can~~ be solid, open or semi open and shall not exceed a height of ~~five six~~ feet ~~with subject to~~ the following ~~exceptions~~:

~~1. When parallel to a major or secondary arterial road, fences shall not exceed a height of six feet and may be a solid fence;~~

~~2. When between certain zoning districts and where otherwise specified in Chapter 28;~~

~~3.1.~~ Through Lots. On through lots that are adjacent to non through lots, fences in yards with road frontages may not exceed 36 inches and shall not contain any sharp points and must be an open fence.

~~4.2.~~ Corner Lot. That portion of the side and rear yard with street frontages may have solid, open or semi open fences erected no closer than five feet ~~or half the distance from the building~~ to the perimeter of the lot, ~~whichever is greater~~. Landscaping, a minimum of three foot high and spaced a maximum of 48 inches on center, must be provided along the street side of the fence. The perimeter of the lot is defined as the lot line, sidewalk or street pavement, whichever is closest to the building. In each instance where the building is closer than five feet to the perimeter of the lot, no fence shall extend beyond the line of the principal building. An open fence not exceeding a height of 36 inches, shall be allowed anywhere within the rear yard and shall not contain any sharp points; and,

~~5.3.~~ Visibility. Within 12 feet of intersecting property lines at streets, walks, driveways, bike paths, or walking paths, fences shall not exceed 36 inches and shall not contain any sharp points and must be an open fence.

c. Exterior Side Yards. Fences shall be allowed in an Exterior Side Yard with the following limitations:

1. An solid, open or semi open fence, not exceeding a height of ~~five six~~ feet shall be allowed no closer than five feet ~~or half the distance from the building~~ to the perimeter of the lot, ~~whichever is greater~~. Landscaping, a minimum of three feet high and spaced a maximum of 48 inches on center, must be provided along the street side of the fence. The perimeter of the lot is defined as the lot line, sidewalk or

street pavement, whichever is closest to the building. In each instance where the building is closer than five feet to the perimeter of the lot, no fence shall extend beyond the line of the principal building; and,

2. An open fence, not exceeding a height of 36 inches shall be allowed within the Exterior Side Yard and shall not contain any sharp points.

~~3. When an Exterior Side Yard is parallel to a major or secondary arterial road, a solid fence not exceeding a height of six feet, shall be allowed.~~

**Summary:** *These items are common and adding to the permitted obstructions table will clarify how they are evaluated in terms of where allowed. Also trends are for a slightly larger front entryway to homes as the current 4 feet by 8 feet is tight.*

#### **Section 28-6.6-5.1 Table of Permitted Obstructions**

Add "Generators", "Outdoor living/kitchen space", "Fire Pits", "Sport Courts (fences for Sport Courts to comply with fence regulations)" to list as permitted in Rear Yards only.

"Entryway/Portico" increase size allowed from ~~4 feet by 8 feet~~ to 5 feet by 10 feet.

**Summary:** *Item "a" in this section establishes a setback for detached garages that is already in the building code. Depending on material used this separation can be less via the building code but there is no flexibility in zoning. This should simply be eliminated from zoning and let the building code regulate.*

#### **Section 28-6.5-7 Maximum Size of Accessory Structures.**

~~a. — iv. A detached garage shall be at least ten feet from the principal structure.~~

## **Section 28-7 - Non-Conforming Use And Buildings.**

**7.1 Continuation of Non-Conforming Uses and Building.** A lawfully established use, building or structure which becomes non-conforming with respect to this Code on the effective date thereof or as a result of any subsequent amendment ~~thereto,~~ may be continued except as otherwise provided in this Section.

~~A use illegal at the time of the adoption of the ordinance shall not become a non-conforming use by reason of such adoption, but shall remain an illegal use, except where such illegal use is in a zoning district permitting such use.~~

**7.2 Change of Non-Conforming Use.** The non-conforming use of any building, structure, or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, may not be changed to another non-conforming use.

### **7.3 Discontinuance of Non-Conforming Use.**

~~**7.3-1 Use of Non-Conforming Building.**~~ When the non-conforming use of a building, structure, or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, is discontinued for a continuous period of one year, such building structure, or portion thereof shall thereafter be occupied only by a use which conforms to the use regulations of the district in which it is located.

~~**7.3-2 Other Non-Conforming Uses.**~~ ~~Except for those uses classified and regulated in Subsection 7.3-1 of this Section 7.3, a~~ Any non-conforming use which is discontinued for a continuous period of one year shall not thereafter be resumed, and the premises shall thereafter be resumed, and the premises shall thereafter be occupied only by a use which conforms to the use regulations of the district in which it is located.

### **7.4 Enlargements of Non-Conforming Uses and Buildings.**

~~**7.4-1 Non-Conforming Uses.**~~ There shall be no ~~extension or~~ enlargement of a non-conforming use.

~~**7.4-2 Non-Conforming Buildings.**~~ When a building, structure, or portion thereof, is designed or intended for a use not permitted in the district in which it is located, it shall not be enlarged, added to, or structurally altered in any manner except as may be required by law, unless the ~~said~~ building or structure and use thereof shall be made to conform to the use regulations of the district in which it is located.

**7.5 Repairs and Alterations of Non-Conforming Buildings and Structures.** Repairs and alterations necessary in the ordinary course and operation of a building or structure may be made to a non-conforming building or structure, except that no structural alterations shall be permitted, unless such structural change is for the purpose of conforming with the use district. Alterations designed to increase the intensity of a non-conforming uses are prohibited.

**7.6 Damage or Destruction.** A building or structure which contains a non-conforming use or is designed or intended for a use not permitted in the district in which it is located and which is damaged or destroyed by any means to the extent of 50% of its replacement value shall not ~~thereafter~~ be restored unless ~~said~~ the building or structure and the use thereof shall conform to all the regulations of the district in which it is located.

**7.7 Moving.** No non-conforming building or structure shall be moved in whole or in part to any other location on the lot, except as required by law, unless every portion of such building or structure which is moved has the use thereof made to conform to all the regulations of the district in which it is located.

## **7.8 Termination of Non-Conforming Uses, Buildings, and Structure.**

**7.8-1 Non-Conforming Buildings or Structures.** Any non-conforming building, structure, or portion thereof shall be demolished, removed or remodeled and converted for a use permitted in the zoning district after the termination of the respective periods of time set out hereinafter, which periods are hereby established as a reasonable amortization of the normal, useful life of each class of building and type of construction above the foundation walls or piers.

**7.8-1.1** Fireproof construction of non-combustible materials consisting of exterior walls of solid brick, stone, reinforced concrete, or insulated metal panels between fireproofed steel and with interior structural members of reinforced concrete or fireproofed steel - 30 years from the date the building, structure, or portion thereof, became non-conforming with respect to this code as hereinbefore indicated, or 40 years from the date of issuance of the building permit for the construction of either the whole structure or the initial building or initial part thereof, whichever period shall terminate last.

**7.8-1.2** Fire resistant shell construction consisting of exterior walls of solid brick, stone, reinforced concrete or other masonry units with structural members of unprotected steel, timber or wood joist construction 20 years from the date the building, structure, or portion thereof, became non-conforming with respect to this code as hereinbefore indicated, or 30 years from the date of issuance of the building permit for the construction of either the whole structure or the initial building or initial part thereof, whichever period shall terminate last.

**7.8-1.3** Frame type construction of exterior walls of wood or timber frame construction irrespective of the type of exterior surfaces and all other structures not qualifying under paragraphs 7.8-1.1 or 7.8-1.2 and all physical improvements to land, all or substantially all of which are below or at ground level ten years from the date of the building, structure, or portion thereof became non-conforming with respect to this code as hereinbefore indicated, or 20 years from the date of issuance of the building permit for the construction of either the whole structure or the initial building or initial part thereof, whichever period shall terminate last.

If, prior to the adoption of this ~~code~~ Section, substantially all of a non-conforming building has been reconstructed, rebuilt, or structurally altered, or if an addition at least equal in size or valuation has been structurally attached thereto, then for the purposes of determining the normal useful life of such building, the date of issuance of the building permit therefore shall be taken to

be the date of issuance of the building permit for such reconstruction, alteration, or addition.

**7.8-2 Non-Conforming Use of Conforming Building.** In a Residence District, the non-conforming business or manufacturing use of a building or portion thereof which is designed or intended for a residential purpose, or for a residential accessory purpose, shall be entirely discontinued ~~and shall thereafter cease operation~~ on or before five years from the date the use became non-conforming with respect to this ~~code~~ Section and not be reestablished.

### **7.8-3 Non-Conforming Use of Land.**

**7.8-3.1** The non-conforming use of land in a Residence District shall be terminated not later than two years from the date the use became non-conforming with respect to this ~~code~~ Section in each of the following instances:

- a. Where no buildings or structures are employed in connection with such use or where the only buildings, structures, or other physical improvements employed are accessory or incidental to such use or have an assessed valuation of less than \$5,000 or
- b. Where such use is maintained in connection with a conforming building or structure; except that inadequate off-street parking facilities accessory to a building or structure located in the Residence District and occupied by a use conforming with the requirements of the district may be continued for as long a time as the premises are used for a permitted use.

**7.8-3.2** A non-conforming use of land which is accessory to the non-conforming use of a building or structure shall be discontinued on the same date the non-conforming use of the building or structure is discontinued.

~~**7.8-3.3** The sale of merchandise in the open, when not permitted by the provisions of this ordinance shall be discontinued immediately.~~

**7.8-3.43** A non-conforming use of land which has in connection therewith physical improvements all or substantially all of which are underground or at ground level shall be deemed to be a non-conforming structure, and shall be subject to the applicable provisions of ~~Sub-section~~ Section 7.8.

### **7.8-4 Exempted Buildings, Structures and Uses.**

**7.8-4.1** No lawfully established building, structure, or use shall be subject to the termination provisions of this ~~subsection 7.8~~ Section solely for reasons of being non-conforming with respect to the standards prescribed in this ~~Code Chapter~~ for any of the following: Floor Area Ratio, Yards - Front, Side, Rear, or Transitional; Off-Street Parking or Loading; Lot Area, Building Height and Gross Floor Area.

**7.8-4.2** No non-conforming residential use or building lawfully established in a residential district shall be subject to the termination provisions of this ~~subsection 7.8~~ Section.

**Section 28-10—Signs.**

~~For information on Signs see Chapter 30 of the Municipal Code of the Village of Arlington Heights.~~

**Section 28-110 - Off Street Parking and Loading.**

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**11.1 General Provisions—Parking and Loading.**

~~11.1-1 Scope of Regulations.~~ The off-street parking and loading provisions of this ~~Code Section~~ shall apply as follows:

~~11.1-1.1~~ For all buildings and structures erected and all uses of land established after the effective date of this ~~Ordinance Section~~, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this ~~Ordinance Section~~, and provided that construction is begun within six months of such effective date and diligently ~~prosecuted~~ pursued to completion, parking and loading facilities as required hereinafter need not be provided.

~~11.1-1.2~~ When the intensity of use of any building, structure, or premises ~~shall is planned to~~ be increased through addition of units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

~~11.1-1.3~~ Whenever the existing use of a building or structure ~~shall hereafter be is~~ changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if ~~said the~~ building or structure was erected prior to the effective date of this ~~Ordinance Section~~, additional parking or loading facilities are ~~mandatory required~~ only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this ~~Ordinance Section~~.

~~11.1-2 Existing Parking and Loading Facilities.~~ ~~Accessory off street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this Ordinance or were provided voluntarily after such effective date, shall not hereafter be reduced below, or if already less than, shall not further be reduced below the requirements of this ordinance for a similar new building or use.~~

Commented [WR1]: I think this unnecessary also – I am not even sure what it means.

~~11.1-3 Permissive Parking and Loading Facilities.~~ ~~Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.~~

Commented [WR2]: I am not quite sure what the purpose of this section is . . . I am thinking we could delete it?

~~11.1-4 Damage or Destruction.~~ ~~For any conforming building or use which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is re constructed, re established or repaired, off street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or~~

construction.

Commented [WR3]: Not sure what this is for either . . .

**11.1-5 Control of Off-Site Parking Facilities.** ~~Where required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as to the zoning lot occupied by the building or use to which the parking facilities are accessory.~~ In a residential district, no zoning certificate for ~~such off-site~~ facilities shall be issued until the Plan Commission has conducted a hearing for a special use in accordance with Section 8. No off-site parking shall be located in a residential zoning district unless accessory to a use permitted in that district.

Commented [WR4]: We can't require that ownership of other property never change.

**11.1-6 Submission of ~~Plot~~ Parking Plan.** Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include a ~~plot parking~~ plan drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with this ~~OrdinanceSection~~.

## 11.2 Additional Regulations – Parking.

**11.2-1** Except as otherwise indicated, required accessory off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of ~~passenger automobiles- vehicles~~ of patrons, occupants (or their guest), or employees of such uses.

**11.2-2 Floor Area.** See Section ~~3-2-90 28-3(48)~~ for floor area measurement requirements.

**11.2-3 Employees.** Parking spaces required on an employee basis shall be based on the maximum number of full or part-time employees on duty or residing, or both on the premises at any one time.

**11.2-4 Capacity.** Parking spaces required on the basis of capacity shall be based on the capacity as determined by current Village Building and Fire Codes.

**11.2-5 Computation.** When determination of the number of off-street parking spaces required by this ~~OrdinanceSection~~ results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

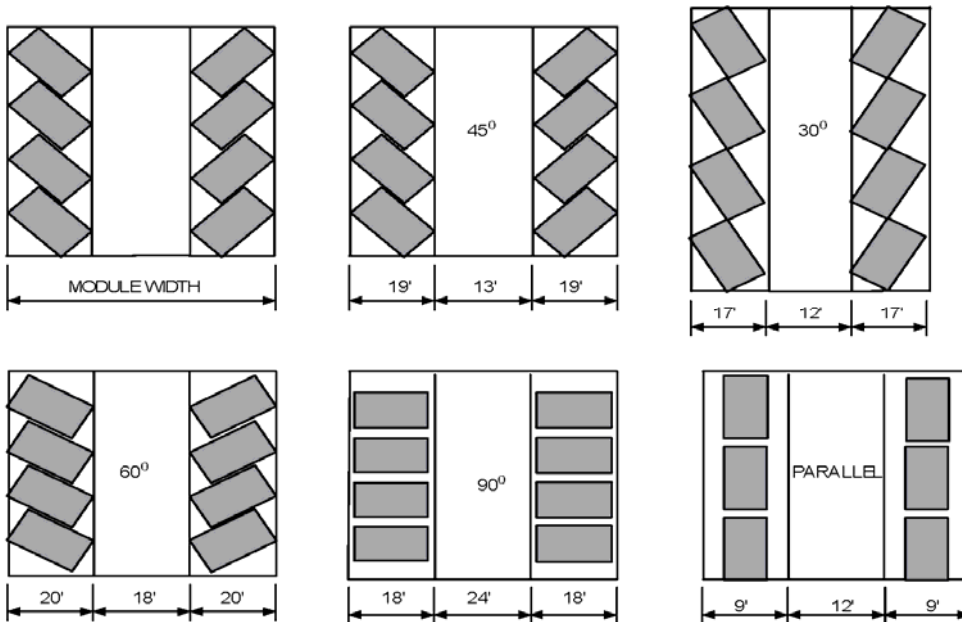
~~**11.2-6 Collective Provision.** Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Plan Commission in accordance with Section 11.1-5.~~

**11.2-7 Size.** A required off-street parking space shall be at least nine feet in width and at least eighteen feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. The length of a parking space can be reduced to sixteen and one half feet including wheel stop if additional space of one and one half feet in length is provided for car overhang. At least three feet, excluding any car overhang space, must be provided for any planting screen. The parking shall have a vertical clearance of at least seven feet.

**11.2-8** Horizontal widths for parking rows, aisles, and modules shall be provided at widths no

less than listed in the following table:

	Parallel	30	One Way 45	60	Two Way 90
Single Row Parking	9'	17'	19'	20'	18'
Driving aisle	12'	12'	13'	18'	24'
Minimum width of module	21'	29'	32'	38'	42'
Two row parking	18'	34'	38'	40'	36'
Driving aisle	12'	12'	13'	18'	24'
Minimum width of module	30'	46'	51'	58'	60'



Certain required off-street parking spaces mandated by this Section may be satisfied by spaces eight and one-half feet in width by 18 feet in length if the Petitioner provides an analysis that justifies the narrower spaces to the satisfaction of ~~under all the following conditions as determined by~~ the Director of Engineering. Spaces predominantly patronized by rapid-turnover parkers do not qualify for the narrower width.

- a. ~~The narrower spaces must be justified by an analysis provided at petitioner's expense.~~
- b. Spaces predominantly patronized by rapid turnover parkers do not qualify for the narrower width.

**11.2-9 Access.** Each required off-street space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

No driveway across public property or requiring a curb cut shall exceed a width of 25 feet, except when, in the opinion of the Director of Engineering, safe and efficient design principals require an increase, in which case the Director of Engineering may authorize a maximum driveway width of 36 feet. Furthermore, no access from a street or alley to off-street parking facilities shall be located less than 35 feet from the intersection of the right-of-way of two intersecting streets.

**11.2-10 Handicapped Parking.** Parking for the handicapped shall be provided at a size, number and location, as specified by the current Illinois Accessibility Code.

**11.2-10.1 Number of Required Spaces\***

TOTAL OFF STREET PARKING SPACES REQUIRED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES
1 to 20	1
21 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5

TOTAL OFF STREET PARKING SPACES REQUIRED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total number
over 1000	20 plus 1 for each 100 over 1000

\*All medical facilities shall meet the applicable provisions of the current State of Illinois Accessibility Standards.

**11.2-10.2 Dimensions of Handicapped Spaces and Access Aisle.** Each parking space shall be at least 16 feet wide and striped in conformance with the current State of Illinois Accessibility Standards. Adjacent parking spaces shall not share a common access aisle. All access aisles shall blend to a common level with an accessible route and shall be diagonally striped.

**11.2-10.3 Signage.** Each parking space designated for handicapped persons shall comply with the current Illinois State Statute as amended and meet the requirements of the current U. S. Department of Transportation Standard for the required sign. Signs shall be vertically mounted on a post or a wall at the front of the parking space, no more than 5' 0" from the front of the parking space, and set a minimum of 4' 0", maximum 6' 0" from grade level to the bottom of the sign. In parking structures, handicapped parking signs may be mounted below the tops of spandrels or parapet walls, even though that mounting may be below 4' 0". In addition, each sign designating a parking facility for persons with disabilities shall also exhibit sign specifying the fine, with the amount to be consistent with the Arlington Heights Municipal Code.

**11.2-10.4** All off street parking areas in existence on the date of adoption of this ordinance shall

**Commented [WR5]:** I am not sure we should set any requirements out, since this is all based on the IAC. If we include any regs, it appears that we are requiring this, when, in fact, we are not. We do not routinely include in the Code regulations for items that we do not have any authority over.

**Commented [WR6]:** I think that we are better off not specifying any details if the details come from State and Federal law. It gets confusing if the law changes.

~~install the required identification signs on or before one year from adoption of this ordinance.~~

~~**11.2-10.5 Maintenance of Parking Spaces.** Each handicapped parking space must be kept clear of snow after two inches or more of snowfall. Each space should be kept clear of ice and shall not be used for storage of snow.~~

**Commented [WR7]:** This section belongs somewhere else, if it is needed, probably in Article I of Chapter 20 and I think it can probably be deleted.

### **11.2-11 In Yards.**

**11.2-11.1** In R-E, R-1, R-2, and R-3 Districts, off-street parking spaces shall be allowed based on the following:

- a. Off-street parking spaces may be located in any yards ~~provided that said parking shall be permitted but~~ only on concrete or asphalt surfaces.
- b. Except as set forth in subsection c. below, no driveway and/or parking area shall exceed a width of 22 feet.
- c. For three car garages, a driveway and/or parking area shall be allowed to be a maximum of 32 feet in width, within 18 feet of the garage's front elevation when, in the opinion of the Director of Engineering, the installation of such driveway will not be detrimental to drainage or alter the character of the area.
- d. When the garage is located to the rear of the residence, the side drive shall be a minimum of nine feet wide. Projections (chimneys, awnings, etc.) shall not be allowed to overhang within this measurement.
- e. For a zoning lot with a lot width of 70 feet or greater, all driveway pavement must be setback at least three feet from the side or rear lot line (whichever lot line applies).
- f. For side-loaded garages (when the garage door(s) face a side lot line), the driveway pavement dimension shall be a minimum of 22 feet from the face of the garage to the edge of the driveway pavement along the side lot line.

Nothing contained herein, however, shall permit ~~that the~~ parking of any vehicle in a portion of yard where such parking would otherwise be prohibited by any provision of ~~this chapter or other section of the~~ Arlington Heights Village Code, nor shall this section be construed to eliminate any requirements for the installation of driveways otherwise imposed by the ~~Arlington Heights Village~~ Code, including specifications for the construction and character of such driveways. Parking upon grass, dirt or other non-hard surface of any vehicle except towed vehicles is prohibited.

**11.2-11.2** In "R-4", "R-5", "R-6" and "R-7" and "M-1" off-street parking spaces may be located in any yard except required front yards.

In O-T Office Transitional Districts off-street parking spaces may be located in any required yard.

In Business and M-2 Districts, off-street parking spaces may be located in any required yard.

### **11.2-12 Design and Maintenance.**

**11.2-12.1 Open and Enclosed Parking Spaces.** Accessory parking spaces located on the same lot occupied by the use served, may be open to the sky or enclosed in a building. Accessory parking spaces located in an "R-5" or "R-7" District elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a Special Use by the Village.

**11.2-12.2 Surfacing and Drainage.** All off-street parking areas except those accessory to one-family dwellings, shall be improved with a compacted base, surfaced with asphaltic concrete or some comparable all-weather dustless material of a design and thickness in accordance with prescribed engineering standards, and shall be so graded and drained as to dispose of surface water accumulation by means of a positive storm water drainage system connected directly or indirectly to a public drainage way.

~~11.2-12.3 Signs. Accessory signs are permitted in parking areas in accordance with the provisions of Chapter 30 of the Municipal Code.~~

~~11.2-12.4 Repair and Service. No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off street parking facilities provided in a Residence or Business District.~~

**11.2-12.5 Lighting.**

- a. All lighting used to illuminate off-street parking areas shall be shielded or otherwise optically controlled so as to provide glareless illumination in such a manner as not to create a nuisance on adjacent property.
- b. All off-street parking areas with lighting shall limit spillage onto adjacent property. Maximum horizontal foot candles as given off by the neighboring property as measured in the following districts shall not exceed:

	Foot Candles	Lux
Single-Family Residential Districts	.1	1.0
Multiple Family Residential Districts	.2	2.0
Business Districts	2.0	21.5
Light Industrial Districts	5.0	53.8
Park, School & Institutional Districts	5.0	53.8

- c. All ~~luminaries-~~ light poles erected 20-feet to 40-feet above ground level:
  - 1. Shall be flat bottom optically controlled sharp cut-offs, as approved by ~~Village the~~ Director of Engineering;
  - 2. Shall not be installed with diffusing refractors; and
  - 3. Shall maintain a ratio of 3:1 or less of luminaire spacing to luminaire mounting heights.
- d. All ~~luminaries-~~ light poles erected 0-feet to 20-feet above ground level:

1. Shall be of translucent materials and not transparent materials, as approved by the ~~Village~~ Director of Engineering; and
  2. Shall not be installed with diffusing refractors.
- e. ~~Luminaries~~ Light Poles shall not be erected higher than 40-feet above ground level.
  - f. Parking installed for the public benefit by Park Districts, educational and religious institutions shall be exempt from the requirements of (c) (3) of this Section.
  - g. All present non-conforming off-street parking areas shall be equipped with the lighting required by this section upon the obsolescence or replacement of the existing lighting.
  - h. Definitions and Terms used in this Section shall be defined by the Illumination Engineering Societies in the current edition of the IES Lighting Handbook.
  - i. Lighting standards in side and rear yard(s) in districts other than R-E through R-7 are exempt from the requirements of (d) of this Section when said side or rear yard(s) are not adjacent to a residential district or roadway and the lighting standards do not cause glare to vehicular traffic.

**11.2-12.6 Curbing.** The perimeter of all parking areas providing space for parking five or more vehicles shall be protected in accordance with prescribed engineering standards.

**11.2-13 Maximum Number of Spaces.** The total number of accessory parking spaces provided for a two-family or multiple-family dwelling or hotel shall not exceed that required by this ~~Ordinance~~ Section for such use or for an equivalent new use by more than 50%. The total number of accessory parking spaces for a single-family residential zoning lot shall be six.

**11.2-14 Parking of Certain Vehicles in Residential Zoning Districts.** The purpose and intent of this Section is to restrict the parking of certain vehicles in residential zoning districts as defined below. No vehicles, other than private passenger vehicles or commercial vehicles subject to the provisions of Section 11.2-14.2, may be parked between the front line of any portion of the building and the street in a residential area for a greater length of time than is required for loading or unloading or for performing services associated with the equipment or materials hauled in commercial vehicles. In no case shall a vehicle, other than a private passenger vehicle or commercial vehicles subject to the provisions of Section 11.2-14.2, be parked between the front line of any portion of the building and the street in a residential area overnight, except as authorized by the Chief of Police as provided elsewhere in this Section.

**11.2-14.1 Parking of Recreational Vehicles.** Recreational Vehicles (RV) may be parked on a residential zoning lot subject to the following:

- a. Front Yard.
  1. RVs shall not be parked between the front line of any portion of the building and the street, unless otherwise specifically provided for in this Chapter.
- b. Side Yard.

1. No more than two RVs may be parked in a side yard.
2. A single RV may not exceed 20 feet in length and two RVs, if parked-end to-end, may not exceed a total combined length of 20 feet.
3. A single RV may not exceed a height of four feet in height, ~~and two RVs stacked shall not exceed a total combined height of four feet.~~
4. Any RV located in an interior side yard shall be parked a minimum of three feet from the side lot line.
5. Any RV located in an interior side yard shall be screened on all sides with a single row of evergreens a minimum of five feet high at time of planting or a semi-open wood fence five feet high.

c. Rear Yard.

1. No more than two RVs shall be parked in a rear yard.
2. A single RV shall not exceed 32 feet in length and two RVs, if parked end-to-end, shall not exceed a total combined length of 32 feet.
3. A single RV shall not exceed a height of 12 feet in height ~~and two RVs stacked shall not exceed a total combined height of 12 feet.~~
4. Any RV located in a rear yard shall be parked a minimum of five feet from the rear lot line and a minimum of three feet from any interior lot line.
5. Any RV located in a rear yard shall be screened on all sides with a single row of evergreens a minimum of five feet high at time of planting or semi-open wood fence five feet high.

d. Exterior Side Yards and Rear Yards Adjacent to a Street or Roadway.

1. No RVs shall be located in an exterior side yard or that portion of a rear yard that is between an adjacent street or roadway and a line extended from the building.

e. Additional Requirements.

1. Not more than two RVs may be parked on any residential zoning lot.
2. At no time shall a parked RV be used for living, sleeping or other purposes. No RV shall be connected to gas, water or sanitary sewer service.
3. Any RV may be parked in a fully enclosed garage unless such parking is specifically prohibited elsewhere in the Code.
4. The owner of an RV shall not park the RV in a manner so as to create a dangerous or unsafe condition on the lot where parked or to adjacent property. Parking in such fashion that the RV may readily tip or roll shall be considered a dangerous or unsafe

condition.

5. The parking surface of an RV in any permitted area shall be a hard surface such as concrete, asphalt or crushed stone.
6. RVs shall not have their wheels removed or be affixed to the ground so as to prevent ready removal of the vehicle.
7. RVs shall not be used as accessory structures in any zoning district.
8. No major automobile repairs, as defined in Section 3 of the Zoning Ordinance, shall be performed on any RV except within a garage or other structure.
9. Temporary parking of RVs for the purpose of loading or unloading shall be permitted for no more than two days within any period of four consecutive days.

**11.2-14.2 Parking of Commercial Vehicles.** Commercial vehicles may be parked on a residential zoning lot subject to the following:

- a. **Size/Weight Limitation.** No commercial vehicle having a license class designation greater than “B” under the Illinois Vehicle Code shall be parked on a residential zoning lot. This limitation shall not apply to a pick-up style commercial vehicle with the license class designation of “D.” All other Class “D” vehicles are prohibited.
- b. **Location.** No commercial vehicle shall be parked on a residential zoning lot unless parked within a private garage. However, a commercial vehicle that meets one of the following criteria is not required to be parked within a private garage:
  1. The vehicle has no signage;
  2. The vehicle’s signage is limited to the identification of the owner or operator affixed, by name or logo, and shall be no larger than 25% of the area of the front door, including glass, on the driver’s side. Such identification may appear on not more than two separate portions of the vehicle.
- c. **Number.** Generally, only one commercial vehicle shall be parked on a residential lot. A second commercial vehicle may be parked on a residential lot only if it meets all of the following criteria:
  1. The vehicle shall not have a license class designation of “B” or greater under the provisions of the Illinois Vehicle Code; and
  2. The vehicle’s signage is limited to the identification of the owner or operator affixed, by name or logo, and shall be no larger than 25% of the area of the front door, including glass, on the driver’s side. Such identification may appear on not more than two separate portions of the vehicle.
- d. Nothing in the provisions of this ~~Ordinance~~Section shall be construed to prohibit trucks and other service vehicles from being parked on the premises temporarily for purposes of making deliveries or rendering service to the property.

- e. The Police Chief, or duly appointed representative, may authorize the parking of commercial vehicles designed for providing emergency services applying the same procedures and restrictions as used for RVs.

**11.2-14.3** No inoperable or unlicensed vehicle shall be permitted on any residential property for more than 48 hours unless it is in an enclosed garage.

**11.3 Location of Accessory Off-Street Parking Facilities.** The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

**11.3-1 For Uses in an R-E, R-1, R-2, R-3, or R-4 District.** Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served.

**11.3-2 For Uses in an R-5, R-6 or R-7 District.** All parking spaces shall be within 500 feet of the use served, except that spaces accessory to a multiple-family dwelling or apartment-hotel shall be within 300 feet of the use served. However, no parking spaces accessory to a use in an R-5 or R-7 District shall be located in an R-E, R-1, R-2, R-3 or R-4 District.

**11.3-3 For Uses in Business and Manufacturing Districts.** All required parking spaces shall be within 1,000 feet of the use served, except for spaces accessory to dwelling units (other than those located in a transient hotel), which shall be within 300 feet of the use served. However, no parking spaces accessory to a use in a Business or Manufacturing District shall be located in a Residence District.

**11.4 Schedule of Parking Requirements.** Accessory off-street parking spaces for the following uses shall be provided as required herein.

<u>USE</u>	<u>REQUIREMENTS</u>
Housing for Elderly	One space for each multi-family dwelling unit. Single family detached and attached dwelling units require two parking spaces per unit.
Dormitories	Two spaces per three residents, plus one space for each staff member.

**11.4-1 RESIDENTIAL USES**

<u>USE</u>	<u>REQUIREMENTS</u>
Multiple Family Dwellings in the R-5 and R-6 Zoning Districts	Two spaces for each dwelling unit
Multiple Family Dwellings in the R-7 Zoning District	One and one-half spaces for each dwelling unit
One & Two Family Dwellings	Two spaces for each dwelling unit

## **11.4-2 RETAIL - COMMERCIAL AND SERVICES USES**

### **USE**

### **REQUIREMENTS**

Amusement Device Arcades	One space for each 300 square feet of floor area
Automobile Service Stations	One space for each employee plus three spaces for each service bay
Banks	One space for each 300 square feet of floor area
Beauty Shop	One space for each 250 square feet of floor area
Bowling Alleys	Three spaces for each alley plus the required spaces for restaurants that are provided
Dance Studio	One space for each 250 square feet of floor area
Furniture and Appliance Stores,	One space for each 600 square feet of floor area
Health Clubs	One space for each 200 and fifty square feet of floor area
Motor Vehicle Sales and Sales	One space for each 600 square Machinery of floor area
Offices - Business, Professional & Governmental	One space for each 300 square feet of floor area
Offices - Medical or Dental Clinics,	One space for every 200 square feet of floor area
Medical Center	(Refer to State of Illinois Accessibility Standards for additional requirements.)
Personal Trainer	One space for each 250 square feet of floor space
Restaurant - Carry-Out	One space for each 300 square feet of floor space
Restaurant - Sit-Down	One space for each 45 square feet of seating area

Retail Stores - Not Otherwise Specified	One space for each 300 square feet of floor area
Theaters (Indoor)	One space for each four seats
Undertaking Establishments, Funeral Parlors	25 spaces for each chapel or parlor

**11.4-3 WHOLESALE, STORAGE & PRODUCTION**

**USE**

**REQUIREMENTS**

Establishments Engaged in Production, Processing, Cleaning, Servicing, or Repair of Materials, Goods or Products, or Engaged in Research and Development	One space for each two employees plus one space for each vehicle used in the Testing the conduct of the enterprise.
Warehouses and Storage	One space for each two employees plus one space for each vehicle used in the conduct of the enterprise
Wholesale Establishments	One space for each two employees plus one space for each vehicle used in the conduct of the enterprise

**11.4-4 COMMUNITY SERVICE USES**

**USE**

**REQUIREMENTS**

Colleges & Universities	One space for every five students at maximum enrollment
Community Centers	Spaces equal in number to 30% of capacity
Church	One space for each five seats
Day Care Centers and Schools	Three spaces for each two employees
Hospital	Three spaces for each hospital bed
Libraries, Art Galleries Museums- Public	One space for each 1000 feet & of gross floor space
Places of Assembly as follows: Stadiums, Arenas, Auditoriums (other than Church, College or Institutional School), Convention Halls, Skating Rinks, and other similar places of assembly	Parking equal in number to 30% of the capacity in persons

Public Utility and Public Service Uses

Spaces as required for similar office, retail uses or industrial

Recreational Facilities

Spaces equal in number to 30% of capacity

Schools, Commercial

One space for each employee plus spaces equal in number to one half of the maximum number of students projected to be in attendance at any one time

Schools, Elementary

~~Two spaces~~ One space per each employee plus one space per classroom plus one space per every five classrooms

Schools, High

Two spaces per each employee plus one space per ten students at maximum

**11.4-5 MISCELLANEOUS USES**

**USE**

**REQUIREMENTS**

Fraternal, Sororities, & Dormitories

One space for each three active member plus one space for the manager thereof

Hotels & Motels

One space for each lodging room plus spaces as required for any restaurant that is included

Nursing Homes

One space for each two beds

Private Clubs and Lodges

One space for each lodging room plus parking spaces equal in number to 30% of the capacity in persons (exclusive of lodging room capacity)

Crematories, Mausoleums

Parking spaces shall be as determined by Plan Commission Fraternal and Religious institutions to serve persons employed or residing on the premises, as well as the visiting public

Other Uses

For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed uses

**11.5 PARKING IN THE ~~CENTRAL-DOWNTOWN~~ BUSINESS DISTRICT**

**11.5-1 Furniture and Appliance Store (B-5)**

**USE**

**REQUIREMENTS**

First Floor	One space for each 1000 square feet of floor area
Other than First Floor	One space for each 1500 square feet of floor area

**11.5-2 Multiple Family Dwellings (B-5)**  
**(Including Apartment Hotels)**

<b><u>USE</u></b>	<b><u>REQUIREMENTS</u></b>
Efficiency and One Bedroom Apartments	One space for each unit
Two Bedroom Apartments	One and one-fourth spaces for each unit
Three Bedroom Apartments	One and one-half spaces for each unit

**11.5-3 Office - Business, Professional, and Governmental (B-5)**

<b><u>USE</u></b>	<b><u>REQUIREMENTS</u></b>
First Floor	One space for each 600 square feet in excess of 1500 square feet of floor area
Second Floor or Basement	One space for each 750 square feet in excess of 2000 square feet of floor area
Above the Second Floor	One space for each 1250 square feet in excess of 2500 square feet of floor area.

**11.5-4 Offices-Medical or Dental and Medical Centers (B-5)**

<b><u>USE</u></b>	<b><u>REQUIREMENTS</u></b>
First Floor	Three spaces for each examination room
Other Than the First Floor	Two spaces for each examination room

**11.5-5 Retail Stores and Banks (B-5)**

<b><u>USE</u></b>	<b><u>REQUIREMENTS</u></b>
First Floor	One space for each 500 square feet in excess of 1500 square feet of floor space
Second Floor or Basement	One space for each 700 and fifty square feet in excess of 2000 square feet of floor area
Above the Second Floor	One space for each 1000 square feet in excess of 2500 square feet of floor area

**11.5-6 Restaurant - Sit-Down (B-5)**

**USE**

First Floor or Basement

Above the First Floor

**REQUIREMENTS**

One space for each two hundred square feet of public seating area

One space for each 250 square feet of public seating area

**11.5-6 Restaurant - Sit-Down (B-5)**

**USE**

Other Uses (B-5)

**REQUIREMENTS**

For uses not listed heretofore in the above schedule of parking requirements for the B-5 zoning district, parking spaces shall be provided at 50% in number as required elsewhere

**11.5-8 Leasing of Parking Spaces.** The off-street parking requirements in the B-5 Downtown District may be met by the leasing of ~~such~~ spaces from the Village. The duration and terms of such lease shall be determined by the President and Board of Trustees. ~~Such lease shall be in a form approved by the Village Attorney and the President and Board of Trustees and shall contain such guarantee of payment or other security as may be required by the President and Board of Trustees.~~ The ~~ancillary~~ parking shall not be separated from the place of business by a major arterial road and shall be within the Downtown District or contiguous to the Downtown District.

11.5-9 Substantial Compliance. If an existing developed parcel does not meet parking requirements but the deficit is either less than ten spaces or no more than five percent less than the number of required parking spaces, the parcel will be deemed to be in substantial compliance with the parking requirements if the property owner can demonstrate to the satisfaction of the Village that there is sufficient parking on-site for the proposed uses.

**11.6 Additional Regulations -- Off-Street Loading.**

**11.6-1 Location.** All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two ton capacity shall be closer than 50 feet to any property in a Residence District unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required side yard and any loading berth located in a required rear yard shall be open to the sky.

**11.6-2 Size.** Unless otherwise specified, a required loading berth shall be at least ten feet in width by at least 35 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.

**11.6-3 Access.** Each required off-street loading berth shall be designed in such a manner that all vehicle maneuvering shall be performed entirely on the property being serviced when the access

is from a street designated on the Village Official Map or Village Comprehensive Plan Map as an arterial or collector street.

~~11.6-4 Surfacing. All open off street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphaltic concrete or some comparable all weather dustless materials.~~

**11.6-54 Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence or Business District.

**11.6-65** Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.

**11.6-76** For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use, as determined by the Plan Commission, shall be provided.

Commented [WR8]: Not quite sure what this is about. . .

**11.6-87** Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities off any adjacent alley, service drive, or open space on the same lot which is accessible by motor vehicle.

**11.7 Schedule of Loading Requirements.** For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area or building or portions thereof devoted to such uses in the amounts shown ~~herebelow:-~~

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM DIMENSIONS OF BERTH
a. Multiple-Family Dwellings	10,000 to 200,000	1-(10 ft. x 35 ft.)
b. Hospitals, sanitariums, and other institutional uses	For each additional 200,000 or fraction thereof	1 additional - (10 ft. x 35 ft.)
c. Hotels, Clubs and Lodges, except as set for in Item (c)		
d. Hotels, Clubs and Lodges - when containing any of the following: Retail Shops	10,000 to 20,000	1-(10 ft. x 35 ft.)
Convention Halls, Auditoriums, Exhibition Halls, or Business or Professional Offices (other than accessory)	20,000 to 150,000	1-(10 ft. x 50 ft.)
	For each additional 150,000 or fraction thereof	1 additional - (10 ft. x 50 ft.)
e. Retail Stores	5,000 to 10,000	1-(10 ft. x 35 ft.)
f. Restaurants - Sit-down	10,000 to 25,000	2-(10 ft. x 35 ft. ea.)
g. Motor Vehicle and Machinery Sales	25,000 to 40,000	2-(10 ft. x 50 ft. ea.)
	40,000 to 100,000	3-(10 ft. x 50 ft. ea.)
h. Wholesale Establishments (but not including warehouse and storage buildings)	200,000 or fraction thereof	1 additional - (10 ft. x 50 ft.)

other than accessory)

<b>USE</b>	<b>GROSS FLOOR AREA IN SQUARE FEET</b>	<b>REQUIRED NUMBER AND MINIMUM DIMENSIONS OF BERTH</b>
i. Auditoriums, Convention Halls, Exhibition Halls, Sports Arenas, Stadiums	10,000 to 20,000 20,000 to 100,000 For each additional	1-(10 ft. x 35 ft.) 1-(10 ft. x 50 ft.) 1 additional -
j. Bowling Alleys	100,000 or fraction thereof	(10 ft. x 50 ft.)
k. Banks and Offices - Business, Professional and Governmental	10,000 to 100,000 for each additional 100,000 or fraction thereof to 500,000 for each additional 500,000 or fraction thereof	1-(10 ft. x 35 ft.) 1 additional - (10 ft. x 35 ft.) 1 additional - (10 ft. x 35 ft.)
l. Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods or Products	5,000 to 10,000 10,000 to 40,000 40,000 to 100,000 For each additional 100,000 or fraction thereof	1-(10 ft. x 35 ft.) 1-(10 ft. x 50 ft.) 2-(10 ft. x 50 ft. ea.) 1 additional (10 ft. x 50 ft.)
m. Warehouses and Storage Buildings		
n. Theaters	8,000 to 25,000 For each additional 50,000 or fraction thereof	1-(10 ft. x 35 ft.) 1 additional - (10 ft. x 35 ft.)
o. Undertaking Establishments and Funeral Parlors	8,000 to 100,000 For each additional 100,000 or fraction thereof	1-(10 ft. x 35 ft.) 1 additional - (10 ft. x 35 ft.)

## Section 28-12 - Zoning Board of Appeals

**12.1 Zoning Board of Appeals.** The powers, duties and responsibilities of the Zoning Board of Appeals are set forth in Chapter 6 of the Municipal Code. ~~The Zoning Board of Appeals shall have the following powers and it shall be its duty:~~

~~(Ord. # 04-059)~~

~~a. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Administrative Officer in the enforcement of this ordinance, or to hear and decide any of the appeals provided for in this section.~~

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~~b. In hearing and deciding appeals the Board shall have the power to:~~

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~~1. Permit the extension of a district where the boundary line of a district divides a lot or tract held in single ownership at the time of the passage of this ordinance;~~

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~~2. Interpret the provision of this ordinance in such a way as to carry out the intent and purposes of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this ordinance where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.~~

~~3. Permit the reconstruction of a non conforming building which has been damaged by explosion, fire, act of God, or public enemy, to the extent of more than fifty percent of its value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the non conforming use is not to continue a monopoly.~~

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~~4. Waive the parking requirements herein before established whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.~~

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~~5. Permit land within two hundred feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.~~

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~~6. Permit a variation in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.~~

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~~7. Permit a limited increase in the number of employees permitted in processing activities in the Business, Commercial, or Industrial Districts, but only when such increase will not adversely affect the commercial character of the establishment, will not be detrimental to or adversely affect the character of surrounding residential development, or will not seriously increase traffic or parking congestion on adjoining streets.~~

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~~(Ord. # 04-059)~~

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~~e. — Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of building or structures or the use of land will impose upon him unusual practical difficulties or particular hardship, such variation of the strict application of the terms of this ordinance as are in harmony with its general purposes and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this ordinance, and at the same time the surrounding property will be protected.~~

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~~In its consideration of the standards of practical difficulties or particular hardships, the Board of Appeals shall require evidence 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 that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the three conditions enumerated.~~

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~~In consideration of all appeals and all proposed variations to the ordinance the Board shall, before making any variation from the ordinance in a special case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village of Arlington Heights. The concurring vote of four members of the Board is necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant in this manner upon which it is required to pass under this ordinance or to effect any variation in this ordinance. Every variation shall be accompanied by findings of fact specifying the reason or reasons for making the variation.~~

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~~(Ord. # 04-059)~~

~~d. — Nothing herein contained shall be construed to give or grant the Board the power or authority to alter or change the Zoning Ordinance or the District Map, such power and authority being reserved to the President and the Board of Trustees of the Village of Arlington Heights in the manner hereinafter provided in Section 18.~~

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~~Decisions by the Zoning Board of Appeals shall be final administrative decisions.~~

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~~In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Administrative Officer from whom the appeal is taken.~~

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~~The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. A notice of the time and place of such public hearing shall be published in a paper of general circulation in the Village of Arlington Heights at least fifteen but not more than thirty days previous to the hearing. Such notice shall contain the address or location of the property for which the variation or other rules of the Board is sought, as well as a brief description of the nature of the appeal.~~

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~~No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Board permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.~~

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(Ord. # 04-059)

~~**12.2 Appeal.**— An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or any officer, department, Board or Bureau affected by a decision of the Administrative Officer. 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 Administrative Officer, as the case may be and with the Zoning Board of Appeals, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrative Officer 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 the life or property, in which case the proceedings shall not be stayed, otherwise than by restraining order, which may be granted by the Zoning Board of Appeals, or by a court of record on application on notice to the Administrative Officer, as the case may be, and on due cause shown.~~

~~The Board shall select a reasonable time and place for the hearing of the appeal and give due notice to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing in person or by duly authorized agent or attorney.~~

Commented [WR1]: This should be moved to Section 6-202 where the rest of the Board's powers are set forth.

~~**12.3 Zoning Board of Appeals Hearing.**— The procedures to be followed for consideration of a variation shall be as follows:~~

(Ord. # 04-009)

~~**12.3-1 Pre Application Conference.** Prior to submission of an application for a variance, the owner or authorized agent of the owner shall meet with the Director of Planning and Community Development to obtain information and guidance prior to submission of application. The applicant may request relief from the requirements of Section 12.3-2 to the Director of Planning and Community Development. Such request will be referred to the Zoning Board of Appeals for decision on such request.~~

(Ord. # 04-059)

~~**12.3-2 Application.** An application for a hearing before the Zoning Board of Appeals verified by the owner of the subject property or their authorized agent shall be filed with the Department of Planning and Community Development upon a form prescribed therefore which shall be accompanied by the application fee and the following:~~

**12.3-2.1**

**a. Plat of Survey.** Nine copies of the Plat Survey, designating dimensions of proposed construction spotted thereon.

~~12.3-2.2 Petition. Written Petition to the Zoning Board of Appeals, detailing variation requested.~~

Commented [WR2]: Isn't this information in the application?

(Ord. #04-059)

~~12.3-2.3 b. Preliminary Plans. The Applicant must submit Nnine copies of detailed preliminary plans relating to the of-variation, requested as determined by the Director of Planning and Community Development and Chair of the Zoning Board of Appeals. If the application is for a fence variation, the placement and height of fence to must be designated on the Plat of Survey.~~

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**12.3-2.4 c. Proof of Ownership.** The applicant shall submit documentation ~~owners Policy of Title insurance and/or Warranty Deed~~ evidencing ownership of property and any lease or rental agreement in effect pertaining to the petition on the subject property. If Title is in Trust, a copy of the Trust Agreement, certified by the Trustee with evidence of all current ownership of beneficial interest together with a letter of authorization from the Trust Company shall be provided.

(Ord. #04-059)

**12.34 Departmental Review.** The Planning Department shall circulate the application and plans to the ~~Village of Arlington Heights municipal appropriate~~ departments for review and recommendations. ~~The departments shall reply in writing stating their review and recommendation to the Planning Department within ten days of receipt of said plans.~~ All reviews and recommendations shall be made available to the applicant prior to the public hearing. The applicant may submit revised plans to the Planning Department for review and all revised plans must be submitted 14 fourteen days prior to the public hearing. The revised plans shall be submitted and reviewed ~~as required in Section 12.3-2.3.~~ The Planning Department shall transmit all recommendations to the Zoning Board of Appeals for their review at least seven days prior to the date of the public hearing.

**12.45 Public Hearing Notification Requirements.** The applicant shall comply with notification requirements as set forth in ~~of~~ Section 18 of this Chapter.

**12.56 Determination.** The Zoning Board of Appeals ~~and Village Board~~ may require additional plans or studies in order to conduct a thorough investigation of a request before them. The findings and recommendations of the Zoning Board of Appeals shall generally be transmitted to the Village Board of Trustees within ~~thirty~~ 30 days of adjournment of the ~~p~~Public ~~h~~Hearing. If the petition also requires a recommendation from the Plan Commission, the findings and recommendations of the Zoning Board of Appeals will generally be transmitted to the Village Board within ~~thirty~~ 30 days of adjournment of the Plan Commission Public Hearing.

(Ord. #06-008)

~~12.7 Zoning Board of Appeal Fees. All applications for zoning amendments submitted to the Zoning Board of Appeals, shall be accompanied by the applicable fee as determined by the following schedule:~~

~~\_\_\_\_\_ Single Family Residential District \_\_\_\_\_ \$200.00~~

<del>Multiple Family or Commercial District</del>	<del>\$350.00</del>
<del>Commercial District</del>	<del>\$500.00</del>
<del>Institutional District</del>	<del>\$330.00</del>

**12.68 Limitation on Requests for Variations.** No request for a variation shall be considered by the Zoning Board of Appeals for property which has been the subject matter of a previous request for a variation for a period of one year after the Zoning Board of Appeals has made a determination or recommendation for a variation on the same property. The Zoning Board of Appeals shall not consider any petition for rehearing of a variation request after a decision or recommendation on a variation has been made unless substantial changes have been made to the evidence or use to adjacent properties.

## Section 28-13 - Plan Commission

**13.1 Plan Commission.** The powers, duties and responsibilities of the Plan Commission are set forth in Chapter 6 of the Municipal Code.

~~**13.1-1 Zoning Regulations.** The Plan Commission shall upon direction from the Board of Trustees, or at its own initiative, review any part of Chapter 28 (Zoning Regulations), hold appropriate public hearings and made recommendations to the Board of Trustees.~~

(Ord. #03-068)

~~**13.1-2 Individual Zoning, Subdivision and Development Petitions.** The Plan Commission will conduct appropriate hearings, unless a majority of the Trustees directs that a specific hearing be held in some other manner, and submit recommendations to the Board of Trustees on petitions involving the following matters:~~

- ~~a. Subdivision, including resubdivision and consolidation.~~
- ~~b. Special Uses. (See Section 8)~~
- ~~c. Planned Unit Development. (See Section 9)~~
- ~~d. Rezoning.~~
- ~~e. Land Use Variations.~~
- ~~f. Such other matters as may be referred to the Commission by the President and Board of Trustees.~~

In applications for Planned Unit Development, Subdivisions, Special Use Permits, Rezoning and Land Use Variations, the Plan Commission may recommend and the Village Board of Trustees may authorize exceptions to the applicable bulk regulations of this ordinance and such other variations from the Zoning Regulations (Chapter 28 and Chapter 29 of the Municipal Code) as may be required within the boundaries of such development without referring the matter to the Zoning Board of Appeals.

~~**Section 13.1-3 Land Use Variations.** The Plan Commission may recommend, and the Village Board authorize upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the use of a building or structures or the use of land will impose upon him unusual practical difficulties or particular hardship, such variation of the strict application of the terms of this ordinance as are in harmony with its general purposes and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this ordinance, and at the same time the surrounding property will be properly protected.~~

~~In its consideration of the standards of practical difficulties or particular hardship, the Plan Commission shall require evidence that (1) the property in question cannot yield a reasonable~~

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return if permitted to be used only under the condition allowed by the regulation in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Plan Commission, sustains each of the three conditions enumerated.

(Ord. # 04-059)

~~In consideration of all appeals and all proposed variations to the ordinance the Plan Commission shall, before recommending any variation from the ordinance in a special case, first shall make a determination that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village of Arlington Heights. The concurrence of a majority of the Plan Commission is necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant any manner upon which it is required to pass under this ordinance or to effect any variation in this ordinance. Every variation shall be accompanied by findings of fact specifying the reason or reasons for making the variation if required by law.~~

~~Nothing herein contained shall be construed to give or grant the Plan Commission the power or authority to alter or change the Zoning Ordinance or the District Map, such power and authority being reserved to the President and the Board of Trustees of the Village of Arlington Heights in the manner hereinafter provided in Section 18.~~

~~Decisions by the Plan Commission shall not be final but shall be subject to review and final decision by the President and Board of Trustees.~~

Commented [WR1]: This should be moved to 6-201 as this is part of their powers.

~~**13.2 Plan Commission Hearings.** The procedures to be followed when considering petitions for special use permit, amendments and reclassification of property, shall be as follows:~~

~~**13.2.1 Pre Application Conference.** Prior to submission of an application for a special use permit, amendment, reclassification of property, plat of subdivision or planned unit development the owner or authorized agent of the owner shall appear before the Village of Arlington Heights Plat and Subdivision Committee and appropriate staff to obtain information and guidance prior to submission of application. The applicant may request relief from certain requirements of Section 13.2.2 at the Plat and Subdivision Committee. Such request will be referred to the Plan Commission Committee of the Whole for decision on such request.~~

~~**13.2.2 Application.** An application verified by the owner of the subject property or their authorized agent shall be filed with the Planning Department upon a form prescribed therefore which shall be accompanied by the application fee and ten complete sets of the following:~~

~~**13.2.2.1 a. Plat of Survey.**~~

~~**13.2.2.2 b. Preliminary and Final Plat of Subdivision.** If required (~~refer to pursuant to~~ Chapter 29: Subdivision Control Regulations).~~

~~(Ord. #04-013)~~

~~13.2-2.3 c.~~ Preliminary architectural drawings as set forth below ~~to include~~ (these are not required for zoning changes to R-E, R-1, R-2, R-3 zoning classification):

- ~~a-1)~~ Detailed site plan to include roadways, driveways, parking area and dimensions, all proposed structures, free standing signs, outdoor lighting, trash storage areas, loading areas, and project data to include total land area, building area, floor area ratio and parking computations.
- ~~b-2)~~ Detailed landscaping plan (required for new construction only) including location, quantity, common names, and size of all landscaping materials.
- ~~c-3)~~ Floor Plan.
- ~~d-4)~~ Building Elevations.
- ~~e-5)~~ Building Sections.
- ~~f-6)~~ Sign Plans.

~~13.2-2.4 d.~~ Preliminary engineering plans and engineering feasibility study (required for new construction or increase in building coverage only).

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~~13.2-2.5 e.~~ **Traffic Study.** If required, (see Section 6.13 of this ordinance)

~~13.2-2.6 f.~~ **Proof of Ownership.** The applicant shall submit ~~owners Policy of Title insurance and/or Warranty Deed- documentation~~ evidencing ownership of property and any lease or rent agreement in effect pertaining to the petition on the subject property. If the title is in a Land Trust, a copy of the Trust Agreement, certified by the Trustee with evidence of all current ownership of beneficial interest together with a letter of authorization from the Trust company shall be provided.

**13.3 Departmental Review.** The Planning Department shall circulate the application and plans to the ~~Village of Arlington Heights municipal- appropriate~~ departments for review and recommendations. ~~The departments shall reply in writing stating their review and recommendations to the Planning Department within ten days of receipt of said plans.~~ All reviews and recommendations shall be made available to the applicant prior to the public hearing. The applicant may submit revised plans to the Planning Department for review and all revised plans must be submitted ~~fourteen~~ at least 14 days prior to public hearing. The revised plans shall be resubmitted and reviewed ~~as required in Section 13.2-2 (a)-(e).~~ The Planning Department shall transmit all recommendations to the Plan Commission for their review ~~at least seven days~~ prior to the date of the public hearing. If any of the plans have been changed, ~~The applicant also~~ shall submit ten ~~additional- new~~ sets of plans ~~as required in Section 12.2-2 (a)-(e)~~ to the Planning Department at least seven days prior to date of public hearing for transmittal to the Plan Commission ~~for their review at least seven days prior to date of Public hearing.~~ Plans submitted for Plan Commission later than seven days prior to date of public hearing may result in a

continuation of the public hearing.

**13.4 Public Hearing Notification Requirements.** The applicant shall comply with notification requirements ~~as set forth in~~ of Section 18 of this Chapter.

**13.5 Determination.** The Plan Commission may require additional plans or studies in order to conduct a thorough investigation of a request before them. The findings and recommendations of the Plan Commission shall be transmitted to the Village Board ~~of Trustees~~ within 30 days of adjournment of the public hearing. ~~If the petition also requires a recommendation from the Zoning Board of Appeals, the findings and recommendations of the Plan Commission will be transmitted to the Village Board within 30 days of adjournment of the Zoning Board of Appeals hearing.~~

(Ord. #03-068, #06-008)

**13.6 Plan Commission Fees:**

<del>Rezoning to R-E, R-1, R-2 and R-3 District Classification</del> (Subdivision fees below)	<del>\$ 900.00</del>
<del>Rezoning to all other district classifications</del>	
<del>0—1.99 acres</del>	<del>\$ 900.00</del>
<del>2—4.99 acres</del>	<del>\$ 1,100.00</del>
<del>5—9.99 acres</del>	<del>\$ 1,300.00</del>
<del>10—14.99 acres</del>	<del>\$ 1,500.00</del>
<del>15+ acres</del>	<del>\$ 1,700.00</del>
<del>Planned Unit Development</del>	
<del>0—4.99 acres</del>	<del>\$ 1,200.00</del>
<del>5—9.99 acres</del>	<del>\$ 1,400.00</del>
<del>10—14.99 acres</del>	<del>\$ 1,600.00</del>
<del>15+ acres</del>	<del>\$ 1,800.00</del>
<del>Planned Unit Development Amendments</del>	
<del>0—4.99 acres</del>	<del>\$ 1,200.00</del>
<del>5—9.99 acres</del>	<del>\$ 1,400.00</del>
<del>10—14.99 acres</del>	<del>\$ 1,600.00</del>
<del>15+ acres</del>	<del>\$ 1,800.00</del>
<del>Special Use Permits (and Amendments)</del>	
<del>Under 3,000 square feet (gross)</del>	<del>\$ 500.00</del>
<del>3,000+ square feet (gross)</del>	<del>\$ 850.00</del>
<del>All drive thoughts</del>	<del>\$ 1,000.00</del>
<del>Subdivisions, except consolidations</del>	<del>\$ 900.00</del> <del>+\$ 55.00 for each new lot created</del>
<del>Land Use Variation</del>	
<del>0—1.99 acres</del>	<del>\$ 900.00</del>
<del>2—4.99 acres</del>	<del>\$ 1,100.00</del>
<del>5—9.99 acres</del>	<del>\$ 1,300.00</del>
<del>10—14.99 acres</del>	<del>\$ 1,500.00</del>
<del>15+ acres</del>	<del>\$ 1,700.00</del>
<del>Consolidations</del>	<del>\$ 300.00</del>

**Commented [WR2]:** We now let the Plan Commission hear anything that would otherwise go to the ZBA in Plan Commission matters, right?



## Section 28-14 - Design Commission

**14.1 Design Commission.** The powers, duties and responsibilities of the Design Commission are set forth in Chapter 6 of the Municipal Code.

(Ord. #13-035)

**14.2 Design-Commission Meetings Review.** The procedures to be followed when ~~considering developments determining when and how design review will occur~~ shall be as follows:

(Ord. #05-037, #13-035)

**14.2-1 a.** For developments where a public hearing is necessary before the Plan Commission or Zoning Board of Appeals, the design review process should, if feasible, be completed by the time of the public hearing. Development proposals requiring rezoning, PUD or other Plan Commission approvals, shall be reviewed by the Design Commission for building and signage only.

(Ord. #13-035)

**14.2-2 b.** For developments where no public hearing is necessary, the applicant for building permit shall be informed ~~of if there is a need for design review and if so, whether that review will be by either the Design Commission or Staff. and the necessity for a public meeting or administrative design review.~~ Developments that do not require a public hearing by the Plan Commission shall be reviewed by the Design Commission or by administrative design review for all elements under the Commission's responsibility.

(Ord. #03-067, #05-037, #13-035)

**14.2-3 c.** For demolition in residential zoning districts and all properties in the B-5 zoning district, design review is required ~~and will evaluate the following,~~ prior to a demolition permit being issued. The review will evaluate the following:

- a. ~~The A~~ development plan; and
- 2.b. ~~The A~~ estimated time frame for demolition and subsequent redevelopment plan and timeline, ~~including verifying that:~~
  1. ~~Criteria for redevelopment plan and timeline for proceeding with demolition and redevelopment;~~
  - a) Proposed redevelopment is in character with the neighborhood and meets the criteria in the design guidelines; and
  - b) Proposed redevelopment will not adversely affect the neighborhood;
  - e) ~~Submittal of materials needs to comply with Section 14.2-4.~~

(Ord. #03-067, #05-037)

**14.2-4 14.3 Application.** ~~An application verified by the owner of the subject property or their authorized agent shall be filed In all cases, either at the time of filing a petition for the Plan Commission or Zoning Board of Appeals or at the time of applying for a building permit, the developer shall provide~~ the Department of Planning & Community Development upon a required form ~~and with~~ eight copies of the following:

- a. ~~If required, all necessary documentation to determine if a redevelopment is appropriate per~~

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~~Section 14.2-3.~~

- ~~b. a.~~ existing and proposed elevations of all building facades (renderings optional);
- ~~c.~~ ~~detailed site plan including parking lot layout, building locations, driveways, site data, etc.;~~
- ~~d. b.~~ landscaping plans - including existing plant material, size and quantity of proposed material;
- ~~e.~~ ~~any storm water control facilities and a site grading plan;~~
- ~~f. c.~~ specifications and rendering of signs, if sign review is required;
- ~~g. d.~~ a statement or sample of all color, kind and texture of materials to be used;
- ~~h.~~ ~~location map with roads, parking, existing buildings and other significant features within approximately 250 feet from proposed building site; and~~

~~(Ord. #06-008, #06-078)~~

~~i.~~ ~~a one time fee for review as follows:~~

<del>Single Family District (Design Commission Review</del>	<del>\$200.00</del>
<del>Single Family District (Administrative Approval Design Review</del>	<del>\$200.00</del>
<del>Multiple Family District</del>	<del>\$350.00</del>
<del>Commercial District</del>	<del>\$500.00</del>
<del>Institutional District</del>	<del>\$300.00</del>
<del>Sign Variation</del>	<del>\$300.00</del>
<del>Downtown Sign Administrative Approval</del>	<del>\$ 50.00</del>

~~(Ord. 13-051)~~

~~14.2-45~~ **Departmental Review.** The Department of Planning & Community Development shall be the administrative contact to the Design Commission responsible for reviewing all petitions, making recommendations for changes or modification in design and providing assistance in interpreting the Design Guidelines. The Director or designee may determine that certain projects do not need formal design review, either by the Design Commission or staff. Such projects may include small (approximately 300 square feet or less) one-store additions in the rear of homes, small commercial building changes and similar small projects. The review will ensure the project is in compliance with the design guidelines, as applicable. In cases where the Village has determined that formal design review is not necessary, no design review fee will be charged.

~~(Ord. #05-037)~~

~~14.2-5.1-5~~ **Design Commission Meeting.** The Design Commission will schedule a public meeting as soon as practicable after complete submittal and review by the Department of Planning & Community Development of the plans, at which time the developer will make a presentation on the project. A decision of approval, modification or denial will be made immediately upon consideration of the Design Guidelines following the applicant's presentation.

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~~(Ord. #05-037)~~

~~14.2-5.2-6~~ **Notice by Sign.** For projects in residential districts requiring Design Commission review, a sign providing notice of the public meeting of the Design Commission shall be required

to be posted by the applicant in accordance with the requirements set forth in Section 18 of this Chapter, for a period not less than 15 days prior to the date before the public meeting, the applicant shall post a readable sign(s) on the property which is the subject of the public meeting, easily visible from the adjacent roadway. Sign(s) must be removed no later than seven days after completion of the public meeting. Petitioner shall provide proof of the posting of the sign, by photograph and a sworn statement verifying the posting of the sign.

**SAMPLE SIGN**

**APPROXIMATE SIZE: 30" HIGH BY 48" WIDE**

**NOTICE OF PUBLIC MEETING\***

**MEETING FOR:** [Fill in current action requested]+

**MEETING LOCATION:** **ARLINGTON HEIGHTS MUNICIPAL BUILDING+**  
**33 S. ARLINGTON HEIGHTS ROAD+**

**DATE:** [Fill in meeting date] **TIME:** [Fill in meeting time]\*

**PUBLIC ATTENDANCE AND COMMENTS INVITED**

**FOR DETAILS CALL:**

[Fill in petitioner's name] **or Village of Arlington Heights**  
[and phone number] **Department of**  
**Planning & Community Development at**  
**847-368-5200**

- **Sign must be posted no less than 15 days prior to meeting date.**
- **Sign must be removed by seven days after the first meeting.**

**\* MUST BE AT LEAST 1½" HIGH**  
**+ MUST BE AT LEAST 1" HIGH**

The sign(s) herein required shall contain the current action requested, date, time and place where the meeting shall be held, a statement that further information can be obtained from the petitioner and the Planning Department of the Village of Arlington Heights, and the phone number of the Village of Arlington Heights and the petitioner. The words, "NOTICE OF PUBLIC MEETING" must appear at the top of the sign(s) in letters no smaller than 1.5". The date and time of the meeting shall also be 1.5". The sign(s) shall meet all other requirements set forth by the Village of Arlington Heights. All costs associated with the public meeting sign(s) are to be borne by the petitioners.

(Ord. #03-067, #05-037)

**14.37 Issuance of a Certificate of Approval.** The Design Commission will issue a Certificate of Approval if:

- The applicant's plans achieve the purpose and intent of the Design Guidelines; and,
- The proposed design is compatible with the character of neighboring buildings contributing to a favorable environment in the Village.
- The existing property or structure is determined not to have significant architectural,

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historical, aesthetic, or cultural value.

If the Commission denies the issuance of a Certificate of Approval, no building permit or demolition permit will be issued on the application except by direction of the Village Board.

(Ord. #03-067)

**14.48 Enforcement of a Development Schedule.** The Certificate of Approval shall be effective for no more than 12 months from the date it was issued. Unless a building permit has been issued and construction commenced within this time period, the ~~C~~ertificate of ~~appropriateness~~ Approval shall be void. An extension of up to 12 months can be obtained by submitting a detailed request to the Planning and Community Development Department.

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(Ord. #05-037)

**14.95. Amendments.** Amendments to a ~~C~~ertificate of ~~Approval~~ will must be obtained through the same process as set forth above.

(Ord. #04-078)

**14.106 Appeal.** For all petitioners appearing before the Design Commission who do not need to also appear before the Plan Commission or Zoning Board of Appeals, the petitioner has the right to appeal directly to the Village ~~President and Board of Trustees~~. ~~The written~~ The appeal must be made in writing ~~and submitted~~ to the Village Manager, within 30 days of receipt of the notice of denial by the Design Commission. The Village Board, at a regular meeting, will ~~then~~ either:

- a. agree with the Design Commission's decision; or
- b. overrule or modify the decision of the Design Commission and direct the issuance of a permit.

For all petitioners appearing before the Design Commission who need to also appear before the Plan Commission or Zoning Board of Appeals, the petitioner has the right to file an appeal to the Village ~~President and Board of Trustees~~. The ~~written~~ appeal must be made in writing and shall be forwarded to the Village Board along with the other documents submitted for their review at the same time as the recommendation from the Plan Commission or Zoning Board of Appeals is submitted to the Village Board along with the other documents submitted for their review. The appeal will then be considered by the Village Board at a regular meeting concurrently with the Village Board's review of the recommendation from the Plan Commission or Zoning Board of Appeals. The Village Board will ~~then~~ either:

- a. agree with the Design Commission's decision; or
- b. overrule or modify the decision of the Design Commission and direct the issuance of a permit.

In all other cases, the Design Commission's decision will be sent to the Plan Commission or Zoning Board of Appeals, so that they are aware of the Design Commission's decision, along with other documents for review and then forwarded to the Board.

**From La Salle National Bank of Chicago v. County of Cook (II Sup Ct. 1957)**

Among the facts which may be considered in determining validity of zoning ordinance are:

- (1) Existing uses and zoning of nearby property,
- (2) Extent to which property values are diminished by particular zoning restrictions,
- (3) Extent to which destruction of property values of plaintiff promotes health, safety, morals or general welfare,
- (4) Relative gain to public as compared to hardship of individual property owner,
- (5) Suitability of property for the zoned purposes, and
- (6) Length of time property has been vacant as zoned.

## **ARLINGTON HEIGHTS**

Authorize upon appeal, whenever a property owner can show that a strict application of the terms of the Zoning Ordinance relating to the construction or alteration of building or structures will impose upon the owner unusual practical difficulties or particular hardship, such variation of the strict application of the terms of the Zoning Ordinance as are in harmony with its general purposes and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the Comprehensive Plan, and at the same time the surrounding property will be properly protected.

In its consideration of the standards of practical difficulties or particular hardship, the Board of Appeals shall require evidence 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 that zone; and
- 2) the plight of the owner is due to unique circumstances; and
- 3) the variation, if granted, will not alter the essential character of the locality.

A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the three conditions enumerated. In consideration of all appeals and all proposed variations to the Zoning Ordinance, the Zoning Board, before granting any variation, shall first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village. The concurring vote of four members of the Zoning Board is necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, or to decide in favor of the applicant in any matter upon which it is required to pass or to effect any variation. Every variation shall be accompanied by findings of fact specifying the reasons for making the variation.

## **SAMPLE 1**

1. The plight of the owner is due to unique circumstances and the proposed variation will not merely serve as a convenience to the petitioner, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations of this chapter were carried out and which particular hardship or practical difficulty is not generally applicable to other comparable properties.
2. The alleged hardship has not been created by any person presently having a proprietary interest in the subject property.
3. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
4. The proposed variation will not impair visibility to the adjacent property, increase the danger of traffic problems or endanger the public safety.
5. The proposed variation will not alter the essential character of the neighborhood; and
6. The proposed variation is in harmony with the spirit and intent of this chapter.

## **SAMPLE 2**

### Standards for Variations:

1. Variations shall not be granted except on findings based upon the evidence of each specific case:
  - a. That the plight of the owner is due to unique circumstances; and
  - b. That the variation, if granted, will not alter the essential character of the locality.
  
2. For the purposes of supplementing the above standards, the zoning board may take into consideration the extent to which the following facts favorable to the applicant have been established by evidence:
  - a. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were called out;
  - b. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district;
  - c. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
  - d. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
  - e. That 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;
  - f. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood; or
  - g. That the granting of the variation will not confer on the applicant any special privilege that is denied by this chapter to the lands, structures, or buildings of the same district.

### **SAMPLE 3**

Variance review findings of fact. The ZBA is permitted to approve, approve with conditions, or deny a request for variance. Each request for a variance must be consistent with the following findings of fact:

- a. Limitation on the use of the property due to physical, topographical, and geologic features.
- b. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
- c. The grant of the variance is not based solely on economic reasons.
- d. The necessity for the variance was not created by the property owner.
- e. The variance requested is the minimum variance necessary to allow reasonable use of the property.
- f. The grant of the variance will not be injurious to the public health, safety, or welfare.
- g. The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.

**Building Heights - R4/R6/R7**  
**Existing and Proposed Projects**

<b>Project Name</b>	<b>Address</b>	<b>Zoning</b>	<b>Variation</b>
Fountains of Arlington	601 W Rand Rd	R6	5.6 ft. (45.6 ft. Proposed, 40 ft. Max Allowed)
	601 W Rand Rd	R6	6.7 ft. (46.7 ft. Proposed, 40 ft. Max Allowed)
Arlington Market	NWC Dryden & Kensington	R6	14 ft. (54 ft. Proposed, 40 ft. Max Allowed)
	NWC Dryden & Kensington	R4	3 ft. (28 ft. Proposed, 25 ft. Max Allowed)
Geimer Property	619-701 E. Dundee Rd.	R6	13.5 ft. (53.5 ft. Proposed, 40 ft. Max Allowed)

<b>Townhomes</b>	<b>Address</b>	<b>Zoning</b>	<b>Height</b>
Brownstones of Arlington	1502-1530 W. Northwest Hwy.	R6	32.75 ft.
Carlyle @ Stonegate	1402-1458 E. Northwest Hwy.	R6	33.25 ft. Max Height, 29 ft. at Midpoint
Arlington Market	Kensington & Dryden	R6	33' 5" from grade (front). 38' 6" from grade (rear)
Arbor Lane	1605-1609 E. Palatine Rd.	R6	30' 4" (to roof midpt.), 39' 3 9/16" to roof midpt. of cupola)

<b>Project Name</b>	<b>Address</b>	<b>Zoning</b>	<b>Height</b>
CA Ventures Sigwalt Apts.	37-45 S. Chestnut St., 36-40 S. Highland St.	R7	62.5 ft. Proposed
Hickory Apts	400-424 & 500-550 NW Hwy.	R7	58' 4" (Both Buildings) Proposed

<b><i>Municipality</i></b>	<b><i>FY Max. Height</i></b>	<b><i>SY Max. Height</i></b>
<i>Palatine</i>	3' if under 20' long	6'
<i>Mount Prospect</i>	N/A	5' (6' if abutting arterial or non-residential area, 8' abutting railroad ROW)
<i>Rolling Meadows</i>	N/A	6'6" , if multi-family then 8'6"
<i>Elk Grove Village</i>	N/A	6'
<i>Buffalo Grove</i>	N/A	6' if open/semi-open, 6' solid if abutting a major road, non-residential, or railroad ROW, 5' if solid
<i>Des Plaines</i>	4', 50% see thru visibility	6' (8' if abutting railroad ROW)
<i>Prospect Heights</i>	N/A	6' (8' if abutting non-residential or a parking area, or if screening a patio, swimming pool, or dog run)

*Wheeling*

3' solid, 4' open

6'

<b><i>RY Max. Height</i></b>	<b><i>Types Allowed (In Brief)</i></b>	<b><i>Types Allowed (Detail)</i></b>
6'	Open or Solid	"All fence types, except barbed wire, electrically charged or other types designed to cause injury, shall be permitted unless otherwise specified"  No barbed wire or electrically charged fences.
5' (6' if under 18' long or abutting non-residential area, 8' abutting railroad ROW)	Open or Solid	Fences for screening must be solid. Fences may be open, "except where adjacent to residential property, in which case, the fence must be a solid style."
6'6" , if multi-family then 8'6"	Open or Solid	Any, so long as constructed of approved materials. (Wood panels, boards, pickets; concrete panels; wrought iron or panel metal; brick, tile, stone, or concrete walls)
6'	Open or Solid	No barbed wire or electrically charged fences. Barbed wire may be used in industrial areas or around public utilities so long as located on top of permitted fence.
6' if open/semi-open, 6' solid if abutting a major road, non-residential, or railroad ROW, 5' if solid	Open or Solid	"Open or Solid/Opaque"
6' (8' if abutting railroad ROW)	Open or Solid (Open only in Front Yard)	In residential districts, any except barbed wire or electrically charged fences. Front yard fences must be at least 50% "See-Through"
6' (8' if abutting non-residential or a parking area, or if screening a patio, swimming pool, or dog run)	Open or Solid	Any. In business districts, use of barbed wire may be used "when deemed necessary for public safety by the zoning administrator"

6'

Open or Solid

Open or Solid

## **Notes**

In exterior side yards: Fences can be set back from the exterior side yard line 1' if open, and 10' if solid.

No permit needed if under 3'6"

## K-8 School Parking Comparison

		<i>Arlington Heights</i>			<i>Mt. Prospect</i>	<i>Wheeling</i>	<i>Elk Grove</i>	<i>Schaumburg</i>	<i>Buffalo Grove</i>	<i>ITE</i>
<b>Ratio Req'd by Code</b>		<b>Per Code:</b> 2 spaces per employee + 1 per classroom	Spaces Required <b>per Variation</b>	Maximum Parking Demand <b>per Traffic Study</b>	1 space per employee + 8 visitor spaces	1 space per every 5 students at max. enrollment + 1 space per employee	2 parking spaces per each classroom	1 for every 10 students at max. capacity	1 space per employee	0.21 spaces per elementary student, 0.1 spaces per middle school student
<b>School and Required Parking</b>	<i>Greenbriar</i>	195	75	79 (83)*	94	190	46	52	86	110
	<i>Windsor</i>	222	101	93 (100)*	103	199	64	52	95	109
	<i>Thomas Middle</i>	314	144	107 (116)*	143	341	88	103	135	103
	<i>Ivy Hill</i>	173	72	55	77	198	70	65	69	135
	<i>Olive-Mary Stitt</i>	167	49	63	76	197	62	65	68	135

\* Note: Number in parens idicates predicted count after school expansion

### School Information

	<i>Number of Staff</i>	<i>Number of Classrooms</i>	<i>Number of Students</i>
<i>Greenbriar</i>	86	23	520
<i>Windsor</i>	95	32	518
<i>Thomas Middle</i>	135	44	1,030
<i>Ivy Hill</i>	69	35	641
<i>Olive-Mary Stitt</i>	68	31	642

**Zoning Board of Appeals**

**Parking Variations**

**October 12, 2017**

<b>ZBA#</b>	<b>Address</b>	<b>Parking Variance</b>	<b>Outcome</b>
17-018	7-25 E. Golf Road	56 to 54	Approved
17-010	1010-1060 W. Rand Road	82 to 76	Approved
16- 058	3265 N. Arlington Heights Rd	152 to 145	Approved
16-029	531 W. Golf Road	390 to 334	Approved
15-010	307 E. Rand Road	99 to 79	Approved
13-039	1800 E. Northwest Hwy.	20 to 10	Approved
13-026	1046 S. Arlington Hts. Rd.	10 to 8	Approved
13-012	1900 S. Arlington Hts. Rd.	16 to 13	Approved