Ordinance 1588-19

Passed on the 22nd day
of August, 2019

An Ordinance Adopting Residence Overlay District Text Amendments to the Village of Island Lake Zoning Ordinance

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Text Amendments to the
Village of Island Lake Zoning Ordinance

WHEREAS, the Village of Island Lake is an Illinois municipal corporation in Lake and McHenry Counties and pursuant to the Illinois Municipal Code, the Village has the authority to modify the official Village code;

WHEREAS, a request has been made by the corporate authorities of the Village and the Village's Planning and Zoning Commission, after conducting the necessary public hearing, made recommendations regarding proposed text amendments to the Village of Island Lake Zoning Ordinance; and

WHEREAS, a public hearing on said petition was held before the Planning and Zoning Commission in the manner prescribed by ordinance and statute, and as a result of said hearing, the Planning and Zoning Commission did recommend to the Village Board that the requested zoning text amendments be granted;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Island Lake, Lake and McHenry Counties, Illinois, as follows:

SECTION 1: Paragraph A, Residential Districts, of Section 9-2-1, Establishment of Zoning Districts, is hereby amended to add the R-3 Residence Overlay District and read as follows:

A. Residential Districts (chapter 3)

E-1 Residence District
R-1 Residence District
R-2 Residence District
R-3 Residence District
R-3 Residence Overlay District
R-4 Residence District
R-5 Residence District

SECTION 2: Section 9-2-2, Interpretation of District Sequence, shall be amended adding a Paragraph C, R-3 Residence Overlay District Rule, as follows:

C. R-3 Residence Overlay District Rule. With regard to the R-3 Residence Overlay District, the permitted and conditional uses permitted therein shall be same as those permitted in the R-3 District.

SECTION 3: Paragraph A, *Map Incorporated*, of Section 9-2-3, Zoning Map, is hereby amended to read as follows:

A. Map Incorporated. The location and boundaries of the zoning districts established by this code are as shown on a map entitled "Zoning Map of the Village of Island Lake, Illinois," hereinafter referred to as the zoning map, which is by this reference incorporated as part of this code. All notations, references, and other information shown on the zoning map, and all amendments thereto, shall be as much a part of this code as if specifically set forth and literally described herein. No land shall at any time be classified in more than one zoning district, except land may be classified in any zoning district as an overlay district where circumstances exist to eliminate excessive legal non-conformities.

SECTION 4: Section 9-3-1, Purposes, of Chapter 3, Residential Districts, is hereby amended to read as follows:

The residential district regulations are intended to protect the overall character of the Village by preserving established residential areas and encouraging new development consistent with the character of the Village.

Seven zoning districts are provided for residential development. The residential districts (E-1, R-1, R-2, R-3, R-3 Residence Overlay, R-4, and R-5 districts), together with the regulations permitting planned unit developments, provide ample opportunity for the development and preservation of a variety of housing types consistent with the Village's character. The purpose of the R-3 Residence Overlay District is to preserve, protect and maintain the character of the R-3 District and eliminate many of the legal non-conformities that exist.

SECTION 5: Paragraph D, R-3 Residence District, of Section 9-3-2, Permitted Uses, of Chapter 3, Residential Districts, shall be amended adding a new Paragraph E, R-3 Overlay District, as follows, and the remaining paragraphs to be renumbered:

E. R-3 Residence Overlay District. Same as R-3 Residence District.

SECTION 6: Paragraph A, Requirements, of Section 9-3-11, Bulk, Space, and Yard Requirements, of Chapter 3, Residential Districts, is hereby amended to read as follows:

	E-1	R-1	R-2	R-3	R-3 Residence Overlay	R-4	R-5
Minimum Lot Area (square feet)1	110,000	40,000	20,000	10,000	7,200	10,000	100,000
Minimum Lot Width at Frontage (feet)	200	150	100	75	60	70	200
Maximum Lot Coverage for all Buildings	15%	15%	20%	20%	20%	35%	35%
Minimum Front Yard Setback (feet)	75	50	35	35	25	35	35

	E-1	R-1	R-2	R-3	R-3 Residence Overlay	R-4	R-5
Minimum Side Yard Setback (feet)2	30	20	15	10 feet or 10% of lot width, whichever is greater	5 feet or 10% of lot width, whichever is greater and a minimum distance of 10 feet between primary structures between adjoining lots	20	20
Minimum Rear Yard Setback (feet)	50	35	25	25	25	30	30
Maximum Principal Building Height (feet)	35	35	30	30	30	37	37
Maximum Accessory Building Height (feet)	20	20	20	20	20	25	25
Minimum Dwelling Size (square feet)	1,350	1,100	1,100	1,000	1,000	1 bedroom unit – 690 2 bedroom unit – 850 3 bedroom unit and single family detached dwelling - 1,000	1 bedroom unit – 690 2 bedroom unit – 850 3 bedroom unit and single family detached dwelling - 1,000
Maximum number of multiple family dwelling units per acre, if applicable	N/A	N/A	N/A	N/A	N/A	4	5

SECTION 7: Paragraph B.2.a., of Section 9-3-11, Bulk, Space, and Yard Requirements, of Chapter 3, Residential Districts, is hereby amended to read as follows:

2. Corner Lots. On corner lots, the longest dimension of the lot is to be considered the side yard and the shortest dimension of the lot is to be considered the front yard. In addition, the following regulations shall apply:

   a. The side yard requirements shall be the same as for interior lots; however, the following minimum side yard shall be established on the side adjacent to the street that is not the frontage:

      i. E-1 District: 40 feet

ii. R-1 District: 20 feet

iii. R-2 District: 20 feet

iv. R-3 District: 20 feet

v. R-3 Residence Overlay District: 20 feet

SECTION 8: The Village Zoning map shall be amended to include the R-3 Residence Overlay District as outlined on the drawing attached hereto as "Zoning Overlay Exhibit A".

SECTION 9: Section 9-10-5B. Authority to Use, of the Village Municipal Code, is hereby repealed.

9-10-5 LEGAL NONCONFORMING LOTS OF RECORD A. Definition. A legal nonconforming lot of record is a lot that: 1. Is shown by a recorded plat or deed to have been a lot of record owned separately or individually from adjoining tracts of land at a time when the creation of a lot of such size, depth, and width at such location would not have been prohibited by any zoning or other ordinance or regulation; and 2. Has remained in separate or individual ownership from such adjoining tracts of land continuously during the entire time since such lot became nonconforming by reason of this code or any predecessor zoning or other ordinance or regulation. For purposes of this section, a lot shall not be deemed to have been owned separately or individually unless the owner of such lot did not, directly or indirectly, have legal title to or a beneficial interest in the adjoining tracts of land at any relevant time.

SECTION 9: Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 9: Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 10: Effective Date. This Ordinance shall be in full force and effect from after its passage and approval.

PASSED on the 22nd day of August, 2019.

	AYES	NAYS	ABSTAIN	ABSENT
Chris Carlsen	x			
Charles Cermak	x			
Harold England	x			
Richard McLaughlin	x			
Dan Powell	x			
Will Ziegler	x			

APPROVED on the 23rd day of August, 2019

Charles R. Amrich, Mayor

ATTEST:

Georgine Cooper, Village Clerk

CERTIFICATION

I, Georgine Cooper, do hereby certify that I am the duly qualified Clerk of the Village of Island Lake, Lake and McHenry Counties, Illinois, and that as such Clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the Mayor and Board of Trustees of said Village of Island Lake.

I do hereby further certify that at a meeting of the Mayor and Board of Trustees of the Village of Island Lake, held on the 22nd day of August, 2019, the foregoing Ordinance entitled *An Ordinance Adopting Residence Overlay District Text Amendments to the Village of Island Lake Zoning Ordinance* was duly passed and approved by the Mayor and Board of Trustees of the Village of Island Lake.

The pamphlet form of Ordinance No. 1588-19, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available from the Village Clerk commencing on the 23rd day of August 2019, and continuing for at least 10 days thereafter.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 23rd day of August, 2019.

Georgine Cooper, Clerk
Village of Island Lake
Lake and McHenry Counties, Illinois