

VILLAGE OF SOUTH BARRINGTON

ORDINANCE NO. 2018-1180

**AN ORDINANCE AMENDING THE ZONING ORDINANCE TO DEFINE
AND REGULATE ACCESSORY BUILDINGS AND STRUCTURES
IN RESIDENTIAL ZONING DISTRICTS OF THE VILLAGE**

WHEREAS, pursuant to Section 11-4 entitled “Amendments” of Title 10 entitled “Zoning,” of the Municipal Code of Ordinances of the Village of South Barrington (the “Village”), amendments to Title 10 entitled “Zoning” are appropriate after a public hearing is held before the Plan Commission; and

WHEREAS, the Village petitioned the Plan Commission to consider text amendments to certain sections of Title 10 entitled “Zoning” in order to define and regulate accessory buildings and structures in residential zoning districts of the Village (“Petition”); and

WHEREAS, the Plan Commission, subject to due notice, conducted a public hearing on May 31, 2018, to consider the proposed text amendments; and

WHEREAS, after taking and considering all public testimony, the Plan Commission recommended that the Village Board approve the Petition; and

WHEREAS, the Corporate Authorities of the Village find that it is in the best interest of the Village to approve the Petition and amend the Zoning Ordinance of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of South Barrington, Cook County, Illinois, as follows:

Section 1: That Section 1-3, entitled “Definitions,” of Chapter 1, entitled “Zoning Ordinance, Interpretation and Definitions,” of Title 10, entitled “Zoning,” of the South Barrington Village Code, as amended, is hereby amended further by deleting the definition of the term “Accessory Use or Building,” and inserting the following definitions in alphabetical order:

ACCESSORY BUILDING or ACCESSORY STRUCTURE: A building, subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building including, but not be limited to: swimming pools, spas, pergolas, gazebos, cabanas, decks, hardscape, fountains, sport courts and tennis courts. Private-detached garages and sheds are specifically excluded from this definition. This definition will not be construed towards private-detached garages and sheds, as those structures are separately defined and regulated in this Ordinance.

ACCESSORY USE: A use incidental and subordinate to the main use of the land on the same zoning lot with the main building, structure or use being served.

Section 2: That Section 1-3, entitled “Definitions,” of Chapter 1, entitled “Zoning Ordinance, Interpretation and Definitions,” of Title 10, entitled “Zoning,” of the South Barrington Village Code, as amended, is hereby amended further by revising the definitions of “Garage, Private” and “Structure”, and by adding the definition of the term “Shed,” and inserting the following definitions in alphabetical order:

GARAGE, PRIVATE-DETACHED: A detached building or structure designed, arranged, used or intended to be used for the storage of automobiles and/or possessions of the owner and/or occupants of the premises.

STRUCTURE: An assembly of materials forming a construction for occupancy or use, including but not limited to: buildings, swimming pools, spas, tennis courts, sports courts, stadia, reviewing stands, platforms, antenna towers, observation towers, radio towers and other communication towers, windmills, open sheds, shelters, pergolas, gazebos, cabanas, patios, fountains, display signs, piers and fences.

SHED: A small structure, with or without foundations, not attached to the primary structure, designed to be used as a storage space, shelter or a workshop.

Section 3. That Section 4A-1, entitled “Uses Permitted,” of Article A, entitled “A-1 (5 Acres) Single-Family Residence District,” of Chapter 4, entitled “Residence Districts,” of Title 10, entitled “Zoning,” of the South Barrington Village Code, as amended, is hereby further amended to read as follows:

4A-1 Uses Permitted

No building or premises improved or unimproved shall be used and no building shall be hereafter erected or altered within any A-1 residence district unless otherwise provided in this ordinance, except for the following uses:

Accessory buildings and accessory structures, as defined in Section 1-3 of this Ordinance

Churches and temples for public worship, on any zoning lot having an area of not less than ten (10) acres, having not more than thirty percent (30%) of the lot occupied by buildings, and having sufficient area to provide for both building space and off street parking area as required in chapter 8 of this Ordinance.

Convents, monasteries, rectories or parish houses, to be occupied by not more than fifteen (15) persons.

Home occupations as regulated by Section 2-8 of this Ordinance.

Residential off street parking facilities as regulated or permitted by Chapter 8 of this Ordinance.

Single-family detached dwellings.

Small residential care homes provided: 1) they are eligible to have obtained a state license or certification or the sponsoring agency is licensed or certified by the state to operate residential care homes; 2) they are located not less than two thousand five hundred feet (2,500') from another small residential care home; and 3) prior to occupancy, a certificate of zoning compliance is applied for and received.

Section 4: That Section 4B-1, entitled "Uses Permitted," of Article B, entitled "A-2 (2 ½ Acres) Single-Family Residence District," of Chapter 4, entitled "Residence Districts," of Title 10, entitled "Zoning," of the South Barrington Village Code, as amended, is hereby further amended to read as follows:

4B-1 Uses Permitted

No building or premises improved or unimproved shall be used and no building shall be hereafter erected or altered within any A-2 residence district unless otherwise provided in this ordinance, except for the following uses:

Accessory buildings and accessory structures, as defined in Section 1-3 of this Ordinance.

Churches and temples for public worship, on any zoning lot having an area of not less than ten (10) acres, having not more than thirty percent (30%) of the lot occupied by buildings, and having sufficient area to provide for both building space and off street parking area as required in chapter 8 of this Ordinance.

Convents, monasteries, rectories or parish houses, to be occupied by not more than fifteen (15) persons.

Home occupations as regulated by Section 2-8 of this Ordinance.

Residential off street parking facilities as regulated or permitted by Chapter 8 of this Ordinance.

Single-family detached dwellings.

Small residential care homes provided: 1) they are eligible to have obtained a state license or certification or the sponsoring agency is licensed or certified by the state to operate residential care homes; 2) they are located not less than two thousand five hundred feet (2,500') from another small residential care home; and 3) prior to occupancy, a certificate of zoning compliance is applied for and received.

Section 5: That paragraph A of Section 4C-1, entitled "Uses Permitted," of Article C, entitled "A-3 (1 Acre) Single-Family Residence District," of Chapter 4, entitled "Residence Districts," of Title 10, entitled "Zoning," of the South Barrington Village Code, as amended, is hereby further amended to read as follows:

4C-1 Uses Permitted

No building or premises improved or unimproved shall be used and no building shall be hereafter erected or altered within any A-3 residence district unless otherwise provided in this Ordinance, except for the following uses:

A. Permitted Uses:

Accessory buildings and accessory structures, as defined in Section 1-3 of this Ordinance.

Churches and temples for public worship, on any zoning lot having an area of not less than ten (10) acres, having not more than thirty percent (30%) of the lot occupied by buildings, and having sufficient area to provide for both building space and off street parking area as required in chapter 8 of this Ordinance.

Convents, monasteries, rectories or parish houses, to be occupied by not more than fifteen (15) persons.

Home occupations as regulated by Section 2-8 of this Ordinance.

Residential off street parking facilities as regulated or permitted by Chapter 8 of this Ordinance.

Single-family detached dwellings.

Small residential care homes provided: 1) they are eligible to have obtained a state license or certification or the sponsoring agency is licensed or certified by the state to operate residential care homes; 2) they are located not less than two thousand five hundred feet (2,500') from another small residential care home; and 3) prior to occupancy, a certificate of zoning compliance is applied for and received.

Section 6: That Section 4D-2, entitled "Uses Permitted," of Article D, entitled "A-4 (30,000 Square Feet Minimum) Single-Family Residence District," of Chapter 4, entitled "Residence Districts," of Title 10, entitled "Zoning," of the South Barrington Village Code, as amended, is hereby further amended to read as follows:

4D-2 Uses Permitted

No building or premises improved or unimproved shall be used and no building shall be hereafter erected or altered within any A-4 Single-Family Residence District unless otherwise provided in this ordinance, except for the following uses:

Accessory buildings and accessory structures, as defined in Section 1-3 of this Ordinance.

Churches and temples for public worship, on any zoning lot having an area of not less than ten (10) acres, having not more than thirty percent (30%) of the lot occupied by buildings, and having sufficient area to provide for both building space and off street parking area as required in chapter 8 of this Ordinance.

Convents, monasteries, rectories or parish houses, to be occupied by not more than fifteen (15) persons.

Home occupations as regulated by Section 2-8 of this Ordinance.

Residential off street parking facilities as regulated or permitted by Chapter 8 of this Ordinance.

Single-family detached dwellings.

Small residential care homes provided: 1) they are eligible to have obtained a state license or certification or the sponsoring agency is licensed or certified by the state to operate residential care homes; 2) they are located not less than two thousand five hundred feet (2,500') from another small residential care home; and 3) prior to occupancy, a certificate of zoning compliance is applied for and received.

Section 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.


Section 8: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Section 9: The findings and recitals herein are declared to be prima facie evidence of the law of the Village and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Section 10: That this Ordinance shall be in full force and effect as of its passage, approval and publication in pamphlet form.

PASSED and APPROVED this 7th day of June, 2018.

APPROVED:


Paula McCombie, Village President

ATTEST:


Donna Wood, Village Clerk

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 3

PUBLISHED: June 8, 2018