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# **SINGLE FAMILY RESIDENTIAL DISTRICTS**

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## **3-101 PURPOSE**

Six zoning districts are provided for single family residential development. Residential use and height regulations are identical in all zoning districts except for the Residential and Limited Commercial District. Only service uses that are compatible with the single family residential character of each zoning district and religious organizations and their associated elementary and secondary schools are allowed as permitted or special permit uses in addition to permitted residential uses except for the Residential and Limited Commercial District.

Taken together, the six single family districts blend, in combination with the multiple family districts in Article IV, to provide a broad range of opportunity for the development and preservation of housing responsive to diverse demand. The districts, while distinct, permit a harmonious spectrum of housing alternatives.

The single family districts provide for a range of housing densities from low density estate-type lots in a semi-rural setting (R-1) through lots of modest size with greater density potential (R-5). The intervening districts (R-2, R-3, R-4) provide gradation of lot area, frontage and yard requirements. The Residential and Limited Commercial District provides for a diversity of both residential and community-based commercial uses.

The availability of special permits for planned developments in all single family districts allows for varied plan treatment while maintaining the essential character of the district as it relates both to housing type and overall density.

In the single family district the combination of uniform use regulations and varied bulk and yard regulations is intended to:

- A. Perpetuate the existing high quality residential character of the Village by preserving established neighborhoods while encouraging beneficial new development consistent with the overall character of the existing Village;
- B. Accommodate persons with diverse economic circumstances and life-style preferences seeking to establish or maintain residence in the Village through the various stages of life; and
- C. Implement, through reasonable regulation, the purposes and intent of this Code.

## **3-102 PERMITTED USES**

The following uses and no others are permitted as of right in all Single Family Residential Districts in the Village:

3-102 A. Single family detached dwellings.

3-102 B. Community residences, provided, however, that no such community residence shall be permitted unless it:

1. Has no more than four residents;

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2. Is located at least 1,500 feet from any other community residence; and
  3. Is registered with the Village Manager.

3-102 C. Religious organizations, but only in the R-1 and R-2 Zoning Districts, subject to the following additional standards:

1. Particular attention shall be paid to the impacts of these uses on surrounding residential uses. Religious Organizations shall comply with the buffering provisions of Section 9-107, the lighting provisions of Paragraph 9-101 D15, the sign regulations in Section 9-106, and the off-street parking and loading provisions of Sections 9-104 and 9-105.
2. No for-profit use shall be located in a structure owned or occupied by a not-for-profit Religious Organization. For the purposes of this section, "not-for-profit" shall mean any use operated by an organization that is entitled to exemption from income taxation under Section 501 of the Internal Revenue Code.

### **3-103 ACCESSORY STRUCTURES AND USES**

Accessory structures and uses are permitted in all Single Family Residential Districts subject to the provisions of Section 9-101 of this Code.

### **3-104 HOME OCCUPATIONS**

Home occupations are permitted in all Single Family Residential Districts subject to the provisions of Section 9-102 of this Code.

### **3-105 TEMPORARY USES**

Temporary uses are permitted in all Single Family Residential Districts subject to the provisions of Section 9-103 of this Code.

### **3-106 SPECIAL PERMIT USES**

Except as specifically limited in the following paragraphs, the following uses may be permitted in any Single Family Residential District subject to the issuance of a special permit as provided in Section 11-602 of this Code and subject to the additional standards hereinafter set forth:

3-106 A. Planned Developments, subject to the special procedures and standards set forth in Article XI of this Code and to the following additional standard:

1. Uses in R-1 through R-5 Districts. Uses in planned developments in the R-1 through R-5 Districts shall be limited to single family detached dwellings and the permitted, special, accessory and temporary uses as otherwise permitted in those districts.

3-106 B. Child Day Care Services, subject to the following additional standards:

1. Required Approvals. No child day care service shall be established without the prior licensing, certification or other approval of every public agency charged with the regulation or supervision of any facet of the activity of the proposed service. Every application for a special permit for a child day care service shall set forth each agency that must approve the establishment or operation of the service and shall be accompanied by a formal acknowledgment of approval from each such agency. In the event any such approval has been delayed, the application shall set forth the status of each such application, and shall state any facts known to the applicant that might have contributed to the delay of any required approval that has not been obtained as of the time of the filing of the application for a special permit.

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At the end of every six month period following the effective date of a special permit for child day care services, the permittee shall submit to the Village evidence of all required inspections by the State of Illinois or other entities with jurisdiction within the preceding six month period.

2. Structure Type. Every child day care service shall be located in a building of the type permitted or specially permitted in the district where the facility is located. The type of construction shall be in compliance with the Village Building Code. No alteration of any dwelling unit that would prevent its future use as a single family dwelling shall be permitted.
3. Supervision. Every child day care service shall provide qualified supervisory personnel in sufficient numbers to assure the safety, well-being and appropriate behavior of all children enrolled in the service. The special permit may establish minimum supervision requirements.
4. Outdoor Play Area. Unless waived by the Board of Trustees based on evidence of staggered usage by subgroups of all enrolled children, every child day care service shall provide at least 75 square feet of open space per child, exclusive of any open space located in a required front yard, which shall be completely enclosed by a fence or other suitable barrier sufficient to prevent access of children to neighboring properties or to traffic or other hazards. A fence or barrier previously erected by a neighboring property owner shall not be relied upon to satisfy this requirement unless a written agreement of such owner authorizing such use is filed with the Village Manager.
5. Recreational Devices. No recreational device shall be located within 20 feet of any abutting residential property.
6. Financial Stability. No special permit for a child day care service shall be granted unless the applicant therefor shall establish, to the satisfaction of the Board of Trustees, that there exists a reasonably certain source of continuous and sufficient funds to provide for the operation and maintenance of such facility in accordance with the representations of the application and the various standards applicable to such facility by reason of this Code and other laws and regulations.

3-106 C. Transitional Service Facilities for up to six transitional service facility residents subject to the following additional standards:

1. Required Approvals. No transitional service facility shall be established without the prior licensing, certification or other approval of every public agency charged with the regulation or supervision of any facet of the activity of the proposed facility. Every application for a special permit for a transitional service facility shall set forth each agency that must approve the establishment or operation of the facility and shall be accompanied by a formal acknowledgment of approval from each such agency. In the event any such approval has been delayed, the application shall set forth the status of each such application, and shall state any facts known to the applicant that might have contributed to the delay of any required approval that has not been obtained as of the time of the filing of the application for a special permit.
2. Structure Type. Every transitional service facility shall be located in a single family dwelling of the type permitted in the district where the facility is located. The type of construction shall be in compliance with the Village building code. No alteration of any such single family dwelling that would prevent its future use as a single family dwelling shall be permitted.

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3. Supervision. Every transitional service facility shall provide qualified and experienced supervisory personnel in sufficient numbers and during sufficient and appropriate hours of the day and night to meet all standards of any agency responsible for the licensing or regulation of the transitional service facility and such additional service as may be required by the Board of Trustees. The special permit shall specifically establish minimum standards for supervision. The name and telephone number of at least one person having direct responsibility for the operation of the facility shall be kept on file with the Village Manager and shall be listed in the Northbrook telephone directory under the name of the facility.
  4. Availability of Facilities. Every transitional service facility shall be provided with, or have ready access to, facilities and services necessary and appropriate to the needs of its residents for active and passive recreation; medical care; educational, cultural and religious activities; consumer goods and services; and public transportation.
  5. Financial Stability. No special permit for a transitional service facility shall be granted unless the applicant therefor shall establish to the satisfaction of the Board of Trustees that there exists a reasonably certain source of continuous and sufficient funds to provide for the operation and maintenance of such facility in accordance with the representations of the application and the various standards applicable to such facility by reason of this Code and other laws and regulations.

3-106 D. Public Utility Stations and Electrical Substations, subject to the following additional standards:

1. Structure Appearance & Screening. All buildings and structures either shall have exteriors which give the appearance of a structure permitted in the district where located or shall comply with the buffer and landscape requirements applicable to non-residential uses abutting a residential district pursuant to Subsection 9-107 of this Code.
2. Safety Fencing. All such uses shall be fenced where any hazard to the safety of human or animal life is present.
3. Service and Storage Prohibited. No service or storage yard or building shall be permitted except as permitted for other uses in the district.

3-106 E. Religious organizations, but only in the R-3, R-4, and R-5 Zoning Districts, subject to the following additional standards:

1. Particular attention shall be paid to the impacts of these on surrounding residential uses. Religious Organizations shall comply with the buffering provisions of Section 9-107, the lighting provisions of Paragraph 9-101 D15, the sign regulations in Section 9-106, and the off-street parking and loading provisions of Sections 9-104 and 9-105.
2. No for-profit use shall be located in a structure owned or occupied by a not-for-profit Religious Organization. For the purposes of this section, "not-for-profit" shall mean any use operated by an organization that is entitled to exemption from income taxation under Section 501 of the Internal Revenue Code.

3-106 F. Religious Organizations with Associated Elementary and/or Secondary Schools, subject to the following additional standards:

1. Any such school shall be under the same ownership and control as the religious organization and shall be located on the same zoning lot as, or an adjacent zoning lot to, the religious organization.

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2. Particular attention shall be paid to the impacts of these on surrounding residential uses. Religious Organizations shall comply with the buffering provisions of Section 9-107, the lighting provisions of Paragraph 9-101 D15, the sign regulations in Section 9-106, and the off-street parking and loading provisions of Sections 9-104 and 9-105.
  3. No for-profit use shall be located in a structure owned or occupied by a not-for-profit Religious Organization. For the purposes of this section, "not-for-profit" shall mean any use operated by an organization that is entitled to exemption from income taxation under Section 501 of the Internal Revenue Code.

3-106 G. Home Occupations that include one or both of the following:

1. The presence of more than four employees, clients or independent contractors at one time in the dwelling unit in which the home occupation is conducted; or
2. More than two vehicles visiting the site of a home occupation at any one time or more than eight vehicle visits to the site of the home occupation per day.

### **3-107 PARKING & LOADING REQUIREMENTS**

The parking and loading requirements applicable in all Single Family Residential Districts are set forth in Sections 9-104 and 9-105 of this Code.

### **3-108 SIGN REGULATIONS**

Sign regulations applicable in all Single Family Residential Districts are set forth in Section 9-106 of this Code.

### **3-109 BUFFERS & LANDSCAPING**

Requirements relating to buffering and landscaping of certain uses and structures in Single Family Residential Districts are set forth in Section 9-107 of this Code.

### 3-110 BULK, SPACE AND YARD REQUIREMENTS

The building height, lot area, yard and dwelling size requirements applicable in the Single Family Residential Districts are as set forth in the following table.

<b>BULK, SPACE, AND YARD REQUIREMENTS</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
<b>A. Maximum Height of Principal Structure (whichever is less) (1)(2)(15)</b>					
1. Feet	40	35	35	35	30
2. Stories	3	3	3	3	2
<b>B. Minimum Lot Area and Dimensions (3)(5)</b>					
1. <u>Total Lot Area (square feet)</u>					
a. All Interior Lots	50,000	30,000	20,000	12,000	7,500
b. All Corner Lots	50,000	30,000	20,000	13,000	9,000
c. Planned Development	350,000	200,000	200,000	200,000	200,000
d. Religious Organizations and Associated Elementary & Secondary Schools	50,000	30,000	20,000	20,000	20,000
2. <u>Lot Area Per Dwelling Unit (sq. ft.) (4)</u>					
All Uses	50,000	30,000	20,000	12,000	7,500
3. <u>Lot Width (feet) (5)</u>					
a. All Interior Lots	175	125	100	85	60
b. All Corner Lots	175	125	110	100	75
c. Religious Organizations and Associated Elementary & Secondary Schools	175	125	110	110	110
<b>C. Minimum Yards (1) (4) (5) (6) (7)(8)(9)(10)</b>					
1. Yards and Setbacks for All Uses except Religious Organizations and Associated Elementary & Secondary Schools					
a. <u>Front Yard (feet) (9)(10)(11)(12)</u>	60	40	35	30	25
b. <u>Side yards (feet)(1)(10)(11)(12)(13)</u>					
1) Corner Lots					
i) Corner side	60	40	35	30	25
ii) Interior side	40	12	10	9	6
2) Interior Lots					
i) Minimum per interior side yard	40	12	10	9	6
ii) Minimum total	25% of total lot width				
c. <u>Rear Yard (feet) (10)(12)(13)</u>	40	40	40	40	40
2. Yards and Setbacks for Religious Organizations and Associated Elementary and/or Secondary Schools					
a. Front and Corner Side Yards and Setbacks	60	40	35	35	35
b. Interior Side and Rear Yards and Setbacks	20	20	20	20	20

<b>BULK, SPACE, AND YARD REQUIREMENTS</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
c. Interior Side and Rear Setbacks from any zoning lot with a Single Family Residential Use	40	40	40	40	40
<b>D. Minimum Dwelling Unit Size (sq. ft.)</b>					
1. One Story	1,500	1,500	1,400	1,200	1,100
2. Multiple Stories	2,000	1,800	1,600	1,400	1,200
<b>E. Maximum Gross Floor Area (percent of lot) (14)</b>					
All Uses	40%	40%	40%	40%	40%
<b>F. Maximum Lot Coverage (percent of lot)</b>					
1. All Uses except Religious Organizations and Associated Elementary and/or Secondary Schools	50%	50%	50%	50%	50%
2. Religious Organizations and Associated Elementary & Secondary Schools	70%	70%	70%	70%	70%
<b>G. Maximum Building Coverage (percent of lot)</b>					
All uses	35%	35%	35%	35%	35%

Table represents revisions as per "Bulk Ordinance" Ord No. 98-43 and Ords. 96-20 and 89-22, as well as "Religious and Membership Organizations" Ord. 03-26

### 3-110 H. Exceptions and Explanatory Notes

1. Height of Alterations and Enlargements of Pre-Code Structures. See Section 10-104 of this Code for reduced height limits applicable to certain alterations and enlargements of pre-code structures.
2. Height of Accessory Structures. No accessory structure shall exceed fifteen (15) feet in height when located in any yard or setback required for any principal structure, except as expressly authorized and permitted in Section 9-101 of this Code.
3. Nonconforming Lots. See Section 10-105 of this Code for lot requirements with respect to nonconforming lots of record.
4. Clustering in Planned Developments. In planned developments, minimum lot size per unit requirements are intended only as a limit on overall development density and not as a requirement that each individual unit be placed on a lot of the specified size. In other words, units may be clustered together so long as sufficient common open space is provided within the development to meet the average minimum lot size requirement of the development taken as a whole.
5. Lot Dimensions and Yards in Planned Developments.
  - a) Authority to Waive. The Plan Commission may recommend and the Board of Trustees may authorize the waiver of the lot dimension and yard requirements of the underlying district when approving special permits for planned developments.
  - b) Special Requirements; Limitation of Waiver Authority. Special perimeter open space, and spacing requirements for planned developments are set forth in Article XI of this Code. Such requirements shall not be waived under any circumstances.

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- c) Standards for Waiver. No such waiver shall be recommended or authorized except on the basis of the development's achieving the purposes for which planned developments may be approved pursuant to Article XI of this Code and satisfying the standards applicable to such developments as set forth in Article XI of this Code.
6. Lot Dimensions and Yards for Electrical Substations
- a) Authority to Waive. The Plan Commission may recommend and the Board of Trustees may authorize the waiver of the lot dimension and yard requirements of the underlying district when approving special permits for electrical substations.
- b) Standards for Waiver. No such waiver shall be recommended or authorized except on the basis of need and impact on the surrounding properties.
7. Yard Requirements for Uses Without Structures. On any lot occupied by a use without structures, the minimum yards that would otherwise be required for such lot shall be provided and maintained.
8. Visibility Across Corners. Any other provision of this Code to the contrary notwithstanding, nothing shall be erected, placed, planted, allowed to grow or maintained on any corner lot in any residential district above a height of 2-1/2 feet from grade within the area of a sight triangle as defined in Section 12-206 S of this Code.
9. Special Setbacks for Signs. Special setbacks are established for some signs by Subsections 9-106 F and 9-106 H of this Code; those setbacks shall control over the yard and setbacks established in the table.
10. Specified Structures and Uses in Required Yards. The following structures and uses, except as limited below, may be located in any required yard:
- a) Accessory uses, subject to the limitations of Section 9-101.
  - b) Statuary and ornamental light standards having a height of ten feet or less.
  - c) Arbors and trellises but not in a required front yard.
  - d) Awnings, canopies, eaves and gutters projecting not more than three feet from an exterior wall.
  - e) Balconies projecting not more than three feet from an exterior wall for a distance of not more than 1/3 of the length of such wall; provided that such projections shall come entirely within planes drawn from the main corners of the building at an interior angle of 45 degrees with the wall in question.
  - f) Bay windows projecting not more than three feet from an exterior wall for a distance not more than 1/3 of the length of such wall; provided that such projections shall (i) come entirely within planes drawn from the main corners of the building at an interior angle of 45 degrees with the wall in question and (ii) be located only on the first story when in a required front yard.
  - g) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices and the like projecting not more than two feet from an exterior wall.
  - h) Outside stairways projecting from an exterior wall not more than three feet and having a height of four feet or less.
  - i) Flagpoles.



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- j) Non-mechanical laundry drying equipment, except in front yards.
  - k) Off-street parking and loading of vehicles, but only as expressly authorized and regulated in Sections 9-101, 9-104 and 9-105 of this Code.
  - l) Driveways, but only as expressly authorized and regulated in Section 9-104 of this Code.
  - m) Terraces.
  - n) Recreational devices, except in front yards.
  - o) Fences, walls, and hedges, subject to the limitations of Section 9-107 of this Code.
  - p) No more than one (1) basketball backboard and related support structure per zoning lot may be located in a required yard. Basketball backboards and support structures in front yards shall only be installed adjacent to permitted driveways.
11. Front and Corner Side Yard Adjustment. If a lot in the single family residential districts is not subject to any platted building line or other private agreement, covenant, or relationship establishing a setback, yard or building line, or is subject to such a building line or other requirement that is less than the required front yard or corner side yard in the district, then the front yard or corner side yard, as the case may be, shall be determined as follows:
- a) Interior Lots. For any interior lot, the front yard for that lot shall be determined by taking the average of the front setbacks of the buildings on two adjoining lots on each side of the lot that are located within the same frontage and district; provided, however, that for any interior lot that has only one lot on any side that is within the same frontage and district, the front yard shall be determined by taking the average of the setbacks of the buildings on up to three adjoining lots, if available within the same frontage and district, on one side and one lot on the other side.
  - b) Corner Lots. For any corner lot, the front yard and corner side yard for that lot shall each be determined by taking the average of the setbacks of the buildings on four adjoining lots that are located within the same frontage and district as the affected front yard and corner side yard, respectively; provided, however, that for any corner lot that has less than four adjoining lots within the frontage and the district in which either its front yard or corner side yard is located, the front yard or corner side yard, as applicable, shall be determined by taking the average of the setbacks of the buildings on the adjoining lots within the applicable frontage and district.
  - c) General Rules for Calculating Average Setback. All average yards calculated under this Paragraph shall be subject to the following rules:
    - 1) When any lot used to calculate an average front yard or corner side yard is subject to a platted building line, or other established minimum building setback established by private agreement, covenant, or relationship, as the case may be, in the applicable yard that is: (i) equal to or greater than the required front yard or corner side yard in the district, then the platted building line, or other established minimum building setback established by private agreement, covenant, or relationship, as the case may be, shall be used; (ii) less than the required front yard or corner side yard in the district, then the required front yard or corner side yard, as the case may be, shall be used.

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- 2) When any lot used to calculate an average front yard or corner side yard is not subject to a platted building line, or other established minimum building setback established by private agreement, covenant, or relationship, as the case may be, but is improved with a building that is: (i) located within the required front yard or corner side yard for the district, then the required front yard or corner side yard, as the case may be, shall be used; (ii) located outside the required front yard or corner side yard for the district, then the setback of the building shall be used.
  - 3) When any unimproved lot used to calculate an average front yard or corner side yard is not subject to a platted building line, or other established minimum building setback established by private agreement, covenant, or relationship, as the case may be, the required front yard or corner side yard for that district shall be used.
  - 4) When any building or structure on any lot used to calculate an average front yard or corner side yard has received a variation to allow for a front yard or corner side yard, as the case may be, that is less than the front yard or corner side yard required in the district, then the minimum required front yard or corner side yard, as the case may be, of the applicable district shall be used rather than the yard allowed pursuant to such variation.
  - 5) In no event shall the average front yard or corner side yard established under this Paragraph be less than the applicable yard requirement for the district in which the lot is located.
12. Platted Building and Setback Lines. See Subsection 12-101 F of this Code.
  13. Side and Rear Yard Regulations for Accessory Structures. Notwithstanding the otherwise applicable side and rear yard regulations established for principal structures and uses by the district regulations of this Code, detached accessory structures and uses located in whole or in part within the rear twenty percent (20%) of the lot shall not be required to maintain an interior side or rear yard in excess of five (5) feet; provided, however, that this special regulation shall not apply to residential recreational facilities and provided, further, that no accessory structure or use, or combination of such structures or uses, located in whole or in part within an otherwise required side or rear yard pursuant to this Paragraph shall occupy more than thirty percent (30%) of such required yard.
  14. Calculating Maximum Gross Floor Area. To determine maximum gross floor area, see the definitions of Floor Area, Gross" in Subsection 12-206 F of this Code for the definition applicable to a building or structure.
  15. Height Exceptions. Structures housing religious organizations may extend to a height of 55 feet and may include spires and minarets that extend to a height of 70 feet.