

Section 10
RESIDENTIAL/AGRICULTURAL DISTRICTS

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10.01 **PURPOSE** *Amended, 13-__-__*

The residential and AT Agricultural Transition districts set forth herein are established in order to protect public health and promote public safety, convenience, comfort, morals, prosperity and welfare. These general goals include, among others, the following specific purposes:

1. To protect residential areas against fire, explosion, noxious fumes, offensive odors, noise, smoke, vibrations, dust, heat, glare and other objectionable factors.
2. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through-traffic, and to alleviate congestion by promoting off-street parking.
3. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of buildings.
4. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
5. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
6. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.
7. To promote the best use and development of residential and agricultural land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character and desirable development and protect the value of land and improvements and so strengthen the economic base of the City.

It is the purpose of the ER Estate Residential District to establish regulations for larger single family residential lot areas. It is anticipated that neighborhoods in this district shall consist of very low density single family homes. Because of the large size of the lots in this district, the City Council may waive the requirement that dwelling units be connected to City sewer.

1. Dwelling standards:
 - a. Every one story building hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.
 - b. Every dwelling of more than one story hereafter erected shall have a floor area measured from the outside of the exterior walls of not less than 1,000 square feet in area on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not frequently or during extended periods for living, eating or sleeping purposes.
2. Accessory buildings: The following accessory buildings shall be permitted on an ER Estate Residential District zoning lot:
 - a. Up to a four-car garage, not exceeding 1,400 square feet.
 - b. Swimming pool with a bath house not exceeding 300 square feet.
 - c. Tennis courts no closer than 25 feet to the property line
 - d. Greenhouses (total square feet shall not exceed 300 square feet).
 - e. Guest house up to 850 square feet in area if the lot is two acres or more in size. The guest house shall not be rented or leased.
 - f. Accessory buildings shall not be located in any required yard.
 - g. Accessory buildings shall only be permitted behind the building setback line.
3. Lot requirements:
 - a. The minimum lot size is one acre (43,560 square feet) in area.
 - b. The minimum lot width shall be 100 feet.

- c. The minimum setbacks shall be:
 - i. Front yard, 50 feet;
 - ii. Corner side yard setback, 50 feet;
 - iii. Interior side yard setback, 25 feet;
 - iv. Rear yard setback, 50 feet; and
 - v. Maximum lot coverage shall be 30 percent.
4. Permitted uses:
- a. Single family detached dwelling on any one platted lot or parcel.
 - b. Home occupations pursuant to Section 5.11 of this Zoning Code.
 - c. Group homes, subject to the following:
 - i. the group home houses no more than 8 persons plus staff;
 - ii. the group home is licensed or certified by the State of Illinois; and
 - iii. there is a minimum distance of 1,000 feet maintained between group homes.
 - d. Lots containing five or more acres may have up to three horses. A stable or barn housing the horses shall be not less than 200 feet from the property line. Horses shall not be permitted in the front yard. No stables or other quarters shall be erected, maintained or used on any portion of the property for stabling or accommodating any cattle, swine, goats, sheep, bees or fowl.
 - e. Parks and recreational facilities when publicly owned.
5. Special uses:
- a. Golf courses including accessory driving ranges, bars, restaurants, meeting and banquet rooms.
 - b. Country clubs including accessory driving ranges, bars, restaurants, meeting and banquet rooms.
 - c. Group homes pursuant to Section 16.8 of this Zoning Code.
 - d. Bed and breakfast establishments.

10.03 **R-1 SINGLE FAMILY DISTRICT** *Amended, 09-9-2*

- A. Dwelling standards:

1. Every one story building hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.
 2. Every dwelling of more than one story hereafter erected shall have a floor area measured from the outside of the exterior walls of not less than 1,000 square feet in area on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not frequently or during extended periods for living, eating or sleeping purposes.
- B. Building allowance: Only one principal building shall be permitted on any one platted lot.
- C. Accessory buildings:
1. No accessory building shall exceed 15 feet in height.
 2. No part of an accessory building shall be located: closer than 5 feet to the side lot line; closer than 5 feet to the rear lot line; and closer than 10 feet to the principal building.
 3. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
 4. Use of any accessory structure as a dwelling is strictly prohibited.
 5. Accessory building shall not cover more than 30 percent of the rear yard.
 6. Accessory buildings are only allowed behind the building setback line.
- D. Lot and building requirements:
1. Minimum lot area shall be 14,000 square feet.
 2. Minimum lot width shall be 74 feet at the established building line.
 3. Minimum principal building setbacks shall be:
 - a. Front yard setback, 25 feet
 - b. Corner side yard setback, 25 feet
 - c. Interior side yard setback is 10 percent of the lot width at the building line, but not less than 10 feet.
 - d. Rear yard setback, 30 feet
 - e. Maximum principal structure height, 30 feet

f. Maximum lot coverage, 30 percent

E. Permitted Uses:

1. Single family dwellings
2. Group homes subject to the following:
 - a. the group home houses no more than 8 persons plus staff;
 - b. the group home is licensed or certified by the State of Illinois; and
 - c. there is a minimum distance of 1,000 feet maintained between group homes.
3. Home occupations as provided in Section 5.11 herein.
4. Parks and recreational areas when publicly owned.

F. Special Uses:

1. Public or private schools (elementary, middle, high, junior college, university) including playground and athletic fields.
2. Churches, chapels, temples, synagogues
3. Convents, monastery and religious retreats
4. Golf courses including accessory uses such as driving ranges, bars, restaurants, meeting and banquet rooms. This does not include miniature golf courses and pitch and putt courses.
5. Public library
6. Museums
7. Cemeteries
8. Hospitals and nursing home
9. Planned developments
10. Public utilities
11. Group homes subject to Section 16.8 of this Zoning Code
12. Bed and breakfast establishments

- G. No building shall be erected or maintained on any portion of a residential district for manufacturing or industrial purposes; and no noxious or offensive trade shall be carried on upon any portion of a residential district nor shall anything be done thereon which may be or become a legal nuisance to the neighborhood.

10.04 **R-2 SINGLE FAMILY DISTRICT** *Amended, 09-9-2*

It is the purpose of this district to establish regulations for single family dwellings in established residential neighborhoods. This district is not to be used in newly developed areas.

A. Dwelling standards:

1. Every one story building hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.
2. Every dwelling of more than one story hereafter erected shall have a floor area measured from the outside of the exterior walls of not less than 1,000 square feet in area on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not frequently or during extended periods for living, eating or sleeping purposes.

B. Building allowance: Only one principal building shall be permitted on any one platted lot.

C. Accessory buildings:

1. No accessory building shall exceed 15 feet in height.
2. No part of an accessory building shall be located: closer than 5 feet to the side lot line; closer than 5 feet to the rear lot line; and closer than 10 feet to the principal building.
3. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
4. Use of any accessory structure as a dwelling is strictly prohibited.
5. Accessory building shall not cover more than 30 percent of the rear yard.
6. Accessory buildings are only allowed behind the building setback line.

D. Lot and building requirements:

1. Minimum lot area shall be 7,500 square feet.
2. Minimum lot width shall be 60 feet at the established building line.
3. Minimum principal building setbacks shall be:
 - a. Front yard setback, 25 feet
 - b. Corner side yard setback, 20 feet
 - c. Interior side yard setback is 10 percent of the lot width at the building line, but not less than 10 feet.
 - d. Rear yard setback, 25 feet
 - e. Maximum principal structure height, 30 feet
 - f. Maximum lot coverage, 30 percent

E. Permitted Uses:

1. Single family dwellings
2. Group homes, subject to the following:
 - a. the group home houses no more than 8 persons plus staff;
 - b. the group home is licensed or certified by the State of Illinois; and
 - c. there is a minimum distance of 1,000 feet maintained between group homes.
3. Home occupations as provided in Section 5.11 herein.
4. Parks and recreational areas when publicly owned.

F. Special Uses:

1. Public or private schools (elementary, middle, high, junior college, university) including playground and athletic fields.
2. Churches, chapels, temples, synagogues
3. Convents, monastery and religious retreats
4. Golf courses including accessory uses such as driving ranges, bars, restaurants, meeting and banquet rooms. This does not include miniature golf courses and pitch and putt courses.
5. Public library

6. Museums
7. Cemeteries
8. Hospitals and nursing home
9. Planned developments
10. Public utilities
11. Group homes subject to Section 16.8 of this Zoning Code.

G. No building shall be erected or maintained on any portion of a residential district for manufacturing or industrial purposes; and no noxious or offensive trade shall be carried on upon any portion of a residential district nor shall anything be done thereon which may be or become a legal nuisance to the neighborhood.

10.05 **R-3 SINGLE FAMILY DISTRICT** *Amended, 09-9-2, 04-5-5*

It is the purpose of this district to establish regulations for single family dwellings in established residential neighborhoods which are in transition. This district is not to be used in newly developed areas.

1. Dwelling standards:
 - a. Every one story building hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.
 - b. Every dwelling of more than one story hereafter erected shall have a floor area measured from the outside of the exterior walls of not less than 1,000 square feet in area on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not frequently or during extended periods for living, eating or sleeping purposes.
 - c. Two-family dwelling structures shall have a total floor area of not less than 700 square feet for each dwelling unit including utility rooms but excluding all other areas not used for eating and sleeping purposes.
2. Building allowance: Only one principal building shall be permitted on any one platted lot.
3. Accessory buildings:

- a. No accessory building shall exceed 15 feet in height.
 - b. No part of an accessory building shall be located: closer than 5 feet to the side lot line; closer than 5 feet to the rear lot line; and closer than 10 feet to the principal building.
 - c. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
 - d. Use of any accessory structure as a dwelling is strictly prohibited.
 - e. Accessory building shall not cover more than 30 percent of the rear yard.
 - f. Accessory buildings are only allowed behind the building setback line.
4. Lot and building requirements:
- a. Minimum lot area shall be 7,500 square feet.
 - b. Minimum lot width shall be 60 feet at the established building line.
 - c. Minimum principal building setbacks shall be:
 - i. Front yard setback, 25 feet
 - ii. Corner side yard setback, 20 feet
 - iii. Interior side yard setback is 10 percent of the lot width at the building line, but not less than 10 feet.
 - iv. Rear yard setback, 25 feet
 - v. Maximum principal structure height, 30 feet
 - vi. Maximum lot coverage, 30 percent

5. Permitted Uses:

Single family dwellings: a special use permit shall be required for all new construction that abuts a primary thoroughfare designated by a state or federal highway number.

Group homes, subject to the following:

- a. The group home houses no more than 8 persons plus staff;
- b. The group home is licensed or certified by the State of Illinois; and
- c. There is a minimum distance of 1,000 feet maintained between group homes.

Home occupations as provided in Section 5.11 herein.

Parks and recreational areas when publicly owned.

6. Special Uses:

Bed and breakfast establishments

Cemeteries

Churches, chapels, temples, synagogues

Convents, monastery and religious retreats

Conversion of single family dwelling into two-family dwelling only when the following conditions are met:

- a. When divided each dwelling unit shall have a minimum of 600 square feet in floor area including space used for utility rooms but excluding all other areas not used for living and/or sleeping purposes.
- b. On-site paved parking area shall be provided. Parking areas shall not be in the required yard setback areas with the exception of the driveway; there shall be a minimum of two parking spaces for each dwelling.
- c. All other building and yard requirements for this district must be met.

Conversion of existing structures (not including newly constructed structures) into offices for professionals such as physicians, dentists, attorneys-at-law, architects, engineers, music teachers, artists, teachers, accountants, photographers, real estate agents, insurance agents, public stenographers, brokers, business consultants and other professional offices as determined by the Commission. These properties must meet the following conditions:

- a. Paved parking approved by the City Council.
- b. All parking shall be behind the front building line.
- c. Signage shall be approved by the City Council.
- d. The subject property shall abut a state designated highway.

Golf courses including accessory uses such as driving ranges, bars, restaurants, meeting and banquet rooms. This does not include miniature golf courses and pitch and putt courses.

Group homes subject to Section 16.8 of this Zoning Code.

Hospitals and nursing homes

Museums

Planned developments

Public library

Public or private schools (elementary, middle, high, junior college, university) including playground and athletic fields.

Public utilities

Two-family dwellings.

7. No building shall be erected or maintained on any portion of a residential district for manufacturing or industrial purposes; and no noxious or offensive trade shall be carried on upon any portion of a residential district nor shall anything be done thereon which may be or become a legal nuisance to the neighborhood.

10.06 **R-5 MULTIPLE FAMILY DISTRICT**

It is the purpose of this district to establish regulations for multiple family dwelling districts. These regulations establish limitations on the use and character of development so as to take advantage of, and to avoid conflict with, natural topography and existing development.

1. Dwelling Standards

- a. Every one story dwelling hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.
- b. Every dwelling of more than one story hereafter erected shall have a floor area, measured from the outside of the exterior walls of not less than 1,000 square feet on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not used frequently or during extended periods for living, eating or sleeping purposes.
- c. Two-family dwelling structures shall have a total floor area of not less than 700 square feet for each dwelling unit including utility rooms but excluding all other areas not used for eating or sleeping purposes.
- d. Multiple family dwelling structures shall have a total floor area of not less than the following:
 - i. Efficiency apartments shall have a floor area of no less than 600 square feet per dwelling unit.

- ii. One bedroom apartments shall have a total floor area of not less than 800 square feet per dwelling unit.
 - iii. Apartments of more than one bedroom shall have a total floor area of not less than that required for a one bedroom apartment plus 150 square feet of floor space for each additional bedroom.
- 2. Building allowance: Only one principal building shall be erected on any single platted lot.
- 3. Accessory buildings:
 - a. No accessory building shall exceed 15 feet in height.
 - b. No part of an accessory building shall be located closer than: 10 feet to the side lot line; 5 feet to the rear lot line; and 10 feet to the principal building.
 - c. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
 - d. Use of any accessory structure as a dwelling is strictly prohibited.
 - e. Accessory building shall not cover more than 30 percent of the rear yard.
 - f. Accessory buildings shall only be permitted behind the building setback line.
- 4. Lot and building requirements:
 - a. The minimum lot area shall be as follows:
 - i. Single family dwelling, 14,000 square feet.
 - ii. Two-family dwelling, 14,000 square feet.
 - iii. Multiple family dwelling, 5,000 square feet for each dwelling unit but not less than 14,000 square feet total. This standard applies to new construction. This standard also applies to the conversion of homes originally constructed as single family dwelling into a building which has more than three dwelling units within one structure.
 - b. The minimum lot width shall be 60 feet at the established building line.
 - c. The minimum principal building setbacks shall be:

- i. Front yard, 25 feet. For buildings exceeding 25 feet in height, the minimum front yard shall be increased by one foot for each 2 feet or fraction thereof by which the building exceeds 25 feet.
- ii. Corner side yard, 20 feet.
- iii. Interior side yard, 10 percent of the lot width at the building line but no less than 10 feet.
- iv. Rear yard, 25 feet.

For through lots the setback from each street shall be the same as the front yard requirements.

- d. Maximum lot coverage is 30 percent;
- e. Maximum height is limited to 3 stories and 50 feet.

5. Permitted Uses:

Group homes, subject to the following:

- a. the group home houses no more than 8 persons plus staff;
- b. the group home is licensed or certified by the State of Illinois; and
- c. there is a minimum distance of 1,000 feet maintained between group homes.

Home occupations pursuant to Section 5.11 of this Zoning Code.

Multiple family dwellings

Parks and recreation areas when publicly owned

Single family dwellings

Two-family dwellings

6. Special Uses:

Barber shops and/or beauty shops

Bed and breakfasts

Cemeteries

Churches, chapels, temples, synagogues

Convents, monastery and religious retreats

Convenience stores

Conversion of existing structures (not including newly constructed structures) into offices for professionals such as physicians, dentists, attorneys-at-law, architects, engineers, music teachers, artists, teachers, accountants, photographers, real estate agents, insurance agents, public stenographers, brokers, business consultants and other professional offices as determined by the Commission. These properties must meet the following conditions:

- a. Paved parking approved by the City Council.
- b. All parking must be behind the front building line.
- c. Signage shall be approved by the City Council.
- d. The subject property shall abut a state designated highway.

Drug stores

Golf courses including accessory uses such as driving ranges, bars, restaurants, meeting and banquet rooms. This does not include miniature golf courses and pitch and putt courses.

Group homes subject to Section 16.8 of this Zoning Code.

Hospitals

Medical and dental offices and group medical centers

Mobile home and manufactured home park designed and intended for residential purposes, provided they meet the following requirements:

- a. Single family dwelling units only
- b. Each dwelling unit shall be located on a lot which has a minimum size of 5,000 square feet in area with a minimum lot width of 35 feet.
- c. Each lot must front on a street
- d. Streets (including public and private) shall have a minimum of a 60-foot right-of-way and a pavement width of 30 feet (face to face). The pavement structure shall consist of 6" BBC base, 2" Class B surface or 6" PC concrete, or 10" aggregate base, Type B (100% crushed), 2½" Class I surface (1½" binder and 1" surface). Curb and cutter (M-6.12, B-6.12) are required. A 4-foot wide sidewalk is required unless an off-street system is provided and approved by the City Council.

- e. Each unit shall be properly anchored by a method which is approved by the City.
- f. Each unit will contain a NOAA early warning weather radio
- g. Each park will have a minimum of 10 units
- h. Common recreational areas shall be provided as follows:
 - i. Up to 20 units, 700 square feet per unit.
 - ii. 21 to 50 units, 14,000 square feet plus 600 feet per unit in excess of 20 units.
 - iii. 51 to 100 units, 32,000 square feet plus 400 feet per unit in excess of 51 units.
- i. A minimum of 2 off-street parking spaces per individual lot shall be provided.
- j. All lots must be serviced by City water and sewer. The size of the mains shall be determined by the City Engineer.
- k. All utilities shall be placed underground.
- l. No sales of new or used units by dealers or brokers shall be permitted unless the unit has been placed on a lot and connected to City sewer and water.

Museums

Planned developments

Public library

Public or private schools (elementary, middle, high, junior college, university) including playground and athletic fields.

Public utilities

Religious retreats

Restaurants

Rest homes, nursing homes hospitals, sanitariums which are licensed and /or registered

10.07 AT AGRICULTURAL TRANSITION DISTRICT 13-__-__

The AT Agricultural Transition District is intended to anticipate expansion of the City into agricultural areas (lands). At the time agricultural areas are annexed into the City, the dwelling standards, building allowance, accessory buildings and lot and building requirements of the McHenry County Zoning Ordinance, as amended September 15, 2009, are applicable until such time as the property owners petition for re-classification pursuant to this Zoning Code. The following uses are designated for the AT Agricultural Transition District:

USE	TYPE OF USE
Animal: exotic, breeding and training	Special use
Animal: show, circus	Temporary
Arena, equine enclosed	Special use
Auction	Temporary
Beach, private	Permitted
Beach, public	Special use
Blacksmith shop (horse related)	Permitted
Cemetery	Special use
Christmas tree sales	Temporary
Clinic, large animal	Special use
Clinic, small animal	Special use
Single family dwelling	Special use
Electrical distribution center (non-exempt)	Special use
Festival	Temporary
Flea market	Temporary
Game breeding (for sport)	Special use
Golf, country club	Special use
Golf, driving range	Special use
Grain elevator, commercial	Special use
Greenhouse, commercial	Special use
Horse farm	Permitted
Kennel, commercial	Special use
Kennel, private	Special use
Nursery, commercial	Special use
Public service, fire and rescue	Special use
Public service, police	Special use
Roadside sales stand for produce grown on premises	Special use
Stable, private	Special use
Stable, public	Special use
Stable, public (i.e. livery)	Special use
Tent theater, religious meeting, festival	Temporary
Tower	Special use
Utility facility, non-exempt	Special use
Utility, power producer	Special use

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