

## CHAPTER 3

### ZONING DISTRICTS

#### 9-3-1: Intent

For the purpose of this Title, the incorporated area of the Village of Holiday Hills, Illinois (hereinafter referred to as “the Village of Holiday Hills”, or as “the Village”), is hereby divided into Zoning Districts. These districts plan, regulate and manage land use changes, particularly the conversion of the rural land to urban uses. It is recognized that a diversity of lifestyles and land uses should be maintained for the residents of the Village.

#### 9-3-2: Official Zoning Map

##### 9-3-2-1: Adoption of Map

To implement the intent of this Chapter, the Village of Holiday Hills is hereby divided into Zoning Districts as shown on the OFFICIAL ZONING MAP OF THE VILLAGE OF HOLIDAY HILLS, ILLINOIS, as amended from time to time (hereinafter referred to as “the Map”, or as “the Official Zoning Map”), which, together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this Title. To the extent that the Official Zoning Map is ambiguous, invalid, or ineffective, all property shall be deemed and considered to be part of the R-1 Residential Zoning District until and unless otherwise provided by a separate ordinance of the Village Board.

##### 9-3-2-2: Description of the Maps

The Map shall be shown the boundary lines of each Zoning District, the identification and classification of each district and any explanatory notations or other matters deemed necessary for the understanding of the Map.

##### 9-3-2-3: Certification

The Official Zoning Map shall be certified by the signature of the Village President, attested by the Village Clerk, and shall bear the seal of the Village of Holiday Hills, Illinois.

Prior to the first day of March each year, the Map showing zoning shall be submitted to the Village Board for certification and re-publication during March. Such Map shall show the Zoning District boundaries and other such information as is necessary to give a clear understanding of the Zoning Districts created by this Title and subsequent amendments as of December 31 of the previous year.

9-3-2-4: Unclassified Lands or Added Lands

It is the intent of this Title that every part of the area regulated be included in one of the Zoning Districts established. Any land located in the Village and not shown to be included in a Zoning District on the Official Zoning Map of the Village of Holiday Hills, Illinois, shall be deemed to be in the “R-1” Residential Zoning District.

The following rules shall be used to determine the precise location of any Zoning District boundary shown on the Official Zoning Map. (It is recommended that the Amending Ordinance be reviewed for legal description of the parcel in question.)

1. Boundaries shown as following or approximately following the corporate limits of the Village shall be construed as following such limits.
2. Boundaries shown as following or approximately following streets shall be construed as following the center lines of such streets.
3. Boundary lines which follow or approximately follow platted lot lines or other property lines as designated in the official County plat books shall be construed as following such lines.
4. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines, shall be construed as following such lines.
5. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main track of such railroad line.
6. Boundaries shown as following or approximately following shore lines of any lakes shall be construed as following the mean high water lines of such lakes, and, in the event of change in the mean high water line, shall be construed as moving with the actual mean high water line.
7. Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such watercourses taken at mean low waterline and in the event of a natural change in the location of such streams, rivers, or other watercourses the district boundary shall be construed as moving with the channel center line.

8. Boundaries shown as separated from and parallel or approximately parallel to any of the features listed in paragraphs above, shall be construed to be parallel to such features and at such distances therefrom as is shown on the maps. Distances not specifically indicated on the maps shall be determined by the scale of the maps.

#### 9-3-2-5: Changes

If by amendment to this Title, the boundary of any Zoning District as shown on the Official Zoning Map, or any other matter shown thereon, is changed by action of the Village Board, such change shall be promptly indicated on the Official Zoning Map of the Village of Holiday Hills, Illinois, by the Zoning Enforcement Officer or someone under his direction.

#### 9-3-3: Zoning Districts

##### 9-3-3-1: Agricultural Zoning Districts

The Zoning Ordinance has provided Agricultural Zoning Districts which are intended to benefit and protect agricultural uses in the Village as well as allow for individual rural homesites on parcels less conducive to agricultural uses.

9-3-3-1-1: A-1 Agricultural: This Zoning District is designed principally to maintain agricultural uses and restrict those uses that would conflict with this purpose. One hundred sixty (160) acres is the minimum lot or parcel size in this Zoning District for a single family residence.

9-3-3-1-2: A-2 Agricultural: This Zoning District is designed principally to permit individual residences in areas zoned as A-1 Agriculture. One (1) acre is the minimum parcel size, and each parcel hereunder created will be subject to the Estate District bulk requirements as set forth for the respective parcel sizes. It is the intent that this District be designed so that land unsuitable for agricultural use may be utilized for residential purposes. All activities within this District shall be compatible with surrounding agricultural operations, and shall maintain, preserve and enhance agricultural land. Agricultural activities are allowed in this District, however the keeping of farm animals must be in compliance with the McHenry County Public Health Ordinance, as amended from time to time, which is hereby incorporated into this Title by reference, as well as this Zoning Ordinance.

1. This District does not include subdivision developments as a permitted use due to the incompatibility of such development in agricultural areas. Rezoning to this District will not be permitted unless the parcels created meet one of the following “exceptions” to the Plat Act, 765 ILCS 205/0.01, et seq.

- A. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access;
- B. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
- C. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973 and provided also that this exemption does not invalidate any requirement of the McHenry County Subdivision Regulations, as amended from time to time, or any other ordinance of this Village as they may exist from time to time, which are applicable to the subdivision of land.

A minimum of one-half (1/2) acre of suitable soils for a septic system for each parcel hereunder created is required. Frontage for each parcel created shall meet all requirements established by this Title for the Estate Districts as set forth for the respective parcel sizes.

- 2. At least one of the following criteria must be met prior to rezoning of property to this District:
  - A. Existence of man-made and natural physical features which serve as barriers to agricultural use on a majority of the property.
  - B. Tree cover, either covering the majority of the property or the location of which serves as a barrier to agricultural use on the property.
  - C. Topography and slope uncondusive to agricultural use even under conservation practices.
  - D. Existence of USDA-SCS non-prime farmland soil types and low productivity of soils based on University of Illinois farm productivity index.

#### 9-3-3-2: Estate Zoning Districts

The Zoning Ordinance has provided Estate Zoning Districts for single family residences which are intended to be used for a transitional buffer between dense development in and the surrounding countryside.

9-3-3-2-1: E-5 Estate: This Zoning District is designed principally for a residential use of five (5) acres or more per lot or parcel that is topographically and locationally well suited for single family use. Agricultural purposes are allowed in this Zoning District. However, the keeping of farm animals must be in compliance with the McHenry County Public Health Ordinance, as amended from time to time.

9-3-3-2-2: E-3 Estate: This Zoning District is designed principally for a residential use of three (3) acres or more per lot or parcel that is topographically and locationally well suited for single family use. Agricultural uses are allowed in this Zoning District. However, the keeping of farm animals must be in compliance with the McHenry County Public Health Ordinance, as amended from time to time.

9-3-3-2-3: E-2 Estate: This Zoning District is designed principally for a residential use of two (2) acres or more per lot or parcel, that is topographically and locationally well suited for single family use. Agricultural uses are allowed in this Zoning District. However, the keeping of farm animals must be in compliance with the McHenry County Public Health Ordinance, as amended from time to time.

9-3-3-2-4: E-1 Estate: This Zoning District is designed principally for a residential use of one (1) acre or more per lot or parcel, that is topographically and locationally well suited for single family use. Agricultural uses are allowed in this Zoning District. However, the keeping of farm animals must be on a lot which is a minimum of two (2) acres in size, and in compliance with the McHenry County Public Health Ordinance, as amended from time to time.

9-3-3-3: Residential Zoning Districts; Minimum Floor Areas

1. The Zoning Ordinance provides Residential Zoning Districts which are intended to provide areas of higher density than the Estate Districts, (located adjacent to or where central water and/or central sanitary sewer systems services are available and more accessible.
2. The minimum finished floor area for any residential building, excluding the floor area of any garage and/or basement, shall be:
  - A. For a one-story building, 1,200 square feet;
  - B. For a two-story building, 900 square feet on the first floor and at least 300 additional square feet in a second floor or in a habitable basement; and
  - C. For a tri-level building, 1,600 square feet.

9-3-3-3-1: R-1 Single Family Residential: This Zoning District provides for a single family residential use. A minimum of eight thousand (8,000) square feet of lot area is required. No farm animals are allowed in this Zoning District.

9-3-3-3-2: R-2 Two Family Residential: This Zoning District provides for a single family dwelling on each lot. The minimum lot size is one (1) acre. A two (2) family dwelling may only be built on a one (1) acre lot which is served by both central water and central sanitary sewer services.

9-3-3-3-3: R-3 Multiple Family Residential: This Zoning District provides for multiple family residential use only in areas which are served by both central water and central sanitary sewer service. The minimum lot size for a three (3) unit residence is two acres. Where more than three (3) units are involved, a supplement of one-quarter (1/4) of an acre of lot size shall be required for each additional unit.

#### 9-3-3-4: Business Zoning Districts

The Zoning Ordinance has provided Business Zoning Districts that are intended to provide areas for commercial uses, ranging from low impact local uses to more intense regional uses. These districts should be easily accessible to transportation routes.

9-3-3-4-1: B-1 Neighborhood Business: This Zoning District provides for service in adjacent residential areas satisfying those basic shopping or service needs which occur frequently. One (1) apartment is allowed in a building housing a business or businesses and shall be located in the story below (step apartment) or above the stories for the business, providing height restrictions are met.

9-3-3-4-2: B-2 Liquor Business: This Zoning District provides for the establishment of businesses which serve alcoholic beverages for consumption on the same business site. Package liquor sale is likewise permitted in this Zoning District.

9-3-3-4-3: B-3 General Business: This Zoning District provides for those businesses and services that cater to the needs of a relatively larger more specialized population from a larger regional area, but is a more intense use than the B-1 Zoning District, and typically would generate truck traffic.

#### 9-3-3-5: O Office/Research

This Zoning District provides for office and research facilities and other related non-production activities.

#### 9-3-3-6: Industrial Zoning Districts

The Zoning Ordinance has provided Industrial Zoning Districts that are intended to provide areas for light and heavy industrial uses. These areas should be separated from residential development and located near transportation facilities.

9-3-3-6-1: I-1 Light Industry: This Zoning District provides for light industrial, wholesale, warehousing, research, administrative and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses. Uses in this Zoning District shall conform to the Industrial Use Regulations of this Title.

9-3-3-6-2: I-2 General and Intensive Industry: This Zoning District provides for general and intensive (heavy) industry including manufacturing, assembling and fabricating activities and large scale or specialized operations whose external effects will be felt to some degree by surrounding districts. Uses in this Zoning District shall conform to the Industrial Use Regulations of this Title.

#### 9-3-4: Uses Permitted in Zoning District

##### 9-3-4-1: Tabulation of Uses

The intention of this section is to provide an inventory of representative uses allowed in various Zoning Districts, either by right, as accessory uses or as special uses, or by permit, as temporary uses.

##### 9-3-4-2: Adoption of Table 1

In order to implement the objectives of this section, Table 1 is hereby adopted by reference and declared to be a part of this Title.

##### 9-3-4-3: Uses Not Tabulated

The uses in Table 1 are permitted in the Zoning Districts designated. However, the Zoning Enforcement Officer shall have the right to allow any other uses which are similar to and compatible with the other uses allowed in a particular district in relation to hours of operation, traffic generation, intensity of use, size of lot or parcel, size of building and type of use. Such determination by the Zoning Enforcement Officer shall be in writing and an objection shall be appealable to the Zoning Board of Appeals. A record shall be kept on each additional use allowed, and shall be available for public inspection.

##### 9-3-4-4: Table 1 – Uses Permitted in Zoning Districts

Uses are listed vertically down the center of each page. Each vertical column represents a Zoning District, with that district's designation at the top. The symbols in the following key indicate the permitted degree of use. When a symbol appears in a district column opposite a listed use, the use is permitted to that extent.

X = Use Permitted by Right

- C = Use permitted as a special use subsequent to hearing process and conditions applied.
- T = Use allowed by permit granted on a specified time period, generally less than one (1) year, as issued by the Zoning Enforcement Officer.
- L = Sale of liquor for consumption on premises is allowed as an accessory use upon receipt of necessary liquor licenses.
- H = Permitted as a home occupation only in compliance with Section 9-5-3; without this designation, such uses are prohibited as home occupations.

Please note: More than one (1) “X” opposite a listed use denotes that strict interpretations of Zoning District descriptions (Section 9-3-3, Zoning Districts) are required. Special consideration of scale, intensity, and compatibility with other land uses within the district shall be made to determine the suitability of the particular use in question.

#### 9-3-5: Lot Area, Parcel Area, Yard and Bulk Requirements in All Zones

##### 9-3-5-1: Intent

It is the purpose of this section:

1. To set forth the requirements of minimum lot areas, minimum frontage widths, and the dimensions of the required front, rear, side, and other yards for lots in all zoning districts for principal, other permitted and special uses for all Zoning Districts.
2. To set forth maximum land coverage percentages and height limitations for principal and accessory uses for all Zoning Districts.
3. To summarize lot area, yard and bulk requirements in tabular form for the convenience of persons referring to this Title for information, compliance or administrative purposes.

##### 9-3-5-2: Adoption of Table 2

To implement the intent of this section, Table 2 and all descriptive matter printed therein and pertaining thereto, is hereby adopted by reference and declared to be a part of this Title.

##### 9-3-5-3: Table 2 – Lot Area, Yard and Bulk Regulations

1. Requirements are tabulated along the top of the Bulk Chart. Zoning District designations and names are tabulated along the left edge of the Bulk Chart.



2. For all areas adjoining state highways, and county highways or Village roads or streets, the setbacks shall be a minimum of thirty (30) feet from the right-of-way lines of such highways. All setbacks on any future highways shall be determined at the time of planning. Along all limited access highways the minimum setback for advertising devices shall be five hundred (500) feet from the right-of-way line.
3. All lot area, yard, and bulk regulations in all districts may be subject to stricter requirements for Special Uses.

9-3-6: Accessory Buildings, Structures and Uses

9-3-6-1: Standards

The uses of land, buildings and other structures permitted in each of the Zoning Districts established by this Title are designated by listing the principal uses permitted in Table 1. It is the intent of this Section to regulate uses customarily incidental to any principal use permitted in the Zoning District.

9-3-6-2: Each permitted accessory use shall meet the following standards:

1. A building permit shall be required.
2. It shall be constructed after or at the same time as the principal structure.
3. It shall be incidental to the principal use established on the same lot, and shall serve no other principal use or purpose, provided, however, accessory buildings and structures are permitted on a contiguous lot held in common ownership with the lot on which an existing principal residential use is located (adequate proof of common ownership must be provided to the Zoning Enforcement Officer), and the separate conveyance of one of the lots so held in common ownership shall constitute a violation of this Section unless the accessory building or structure has been removed.
4. In residential Zoning Districts, accessory buildings and structures shall be subordinate in volume, floor area, intensity, extent and purpose to the principal use.
5. It shall contribute to the comfort, convenience or necessity of users of the principal use.
6. No accessory building or structure shall be used for residential purposes.

9-3-6-3: Height limits of structures for accessory uses are tabulated in Table 2.

9-3-6-4: Regulations

1. No accessory building or buildings shall occupy more than a total of twenty (20) percent of the area tabulated under “Maximum Land Coverage of Building or Structure” pursuant to Table 2 - Bulk Chart.
2. No accessory buildings or structures shall be located closer than ten (10) feet to any other accessory or principal building.
3. No more than one detached private garage shall be allowed on any lot or parcel.
4. Accessory buildings, structures and uses shall not be erected or altered in required yards (specified in bulk chart), except as follows:

For accessory structures the rear and side yard setback shall be ten (10) feet, unless otherwise required by building setback regulations on corner lots.

NOTE:

- F = Denotes permitted obstruction in front yards and side yards contiguous to streets
  - S = Denotes permitted obstruction in interior side yards
  - R = Denotes permitted obstruction in rear yard
- A. Fences complying with Section 9-3-7 below: F S R
  - B. Garages or carports attached: F S R
  - C. Garages or carports detached: S R
  - D. Island and pumps and underground fuel storage tanks for gasoline service station: F S R
  - E. Sheds and storage buildings for garden equipment and household items as accessory to dwellings: R S
  - F. Signs in accordance with the McHenry County Sign Ordinance, as amended from time to time, which is hereby incorporated herein by reference: F
  - G. Swimming pools, private, when conforming with the McHenry County Health Ordinance, as amended from time to time: R
  - H. Kennels and Stables: S R

9-3-7: Fences

Fences are allowed in all districts, subject to the following restrictions, and in any event, no fence shall be erected unless a permit is obtained in advance from the Building and Zoning Department.

- A. Except as otherwise provided in this Section, no fence shall exceed six (6) feet in height.
- B. No fence shall be constructed within any building setback for any lot lines abutting a street.
- C. No fence shall be constructed on a front lot line or within any actual front yard.
- D. A fence may exceed six (6) feet in height if the fence is constructed within all building setback lines.
- E. The use of barbed wire or electrical fences is prohibited in Residential Zoning Districts. In Industrial Zoning Districts, the use of barbed wire and electrical fences are prohibited except barbed wire is restricted to the area of a fence exceeding six (6) feet in height.

9-3-8: Screening

Screening shall be designed, planted or constructed and maintained in accordance with the following general guidelines.

- 1. Permanent screening during all seasons shall be required of Industrial, Business and Office District uses in the following instances:
  - A. A screen shall be required for an Industrial use when it is adjoining an Agricultural, Residential, Estate, Business or Office District (See Section 9-5-2, "Industrial Use Regulations" for standards which must be complied with).
  - B. A screen shall be required for a Business use when it is adjoining an Agricultural, Residential, Estate or Office District.
  - C. A screen shall be required for Office use when it is adjoining an Agricultural, Residential, or Estate District.
- 2. No screening shall interfere with sight requirements for safe ingress and egress.
- 3. One (1) of the following screening types or a combination of the following screening types shall be used:

- A. A dense compact screen of plantings to be maintained at the dimensions specified within a five (5) year time span.
  - B. A solid fence [less than fifty (50) percent view through the fence] to be maintained at the dimensions specified.
  - C. A ground contoured earthen berm to be maintained at the dimensions specified.
4. Vegetation and grassed earth berms should be used whenever possible.
  5. Earthen berms shall have a side slope not less than four (4) feet horizontal distance for each one (1) foot of vertical distance.
  6. Screening shall be six (6) feet in height excluding vegetation growth.
  7. A plan specifying dimensions, locations and types of screening shall be supplied at the time a building permit is applied for.
  8. Screening shall be in place prior to the issuance of an Occupancy Certificate.

9-3-9: Exceptions to Zone Regulations

The following exceptions are established to provide relief from the Zoning District Bulk Regulations where applicable.

9-3-9-1: Height Exceptions: The following structures or parts thereof, are exempt from the height limitations set forth in Table 2, except as limited by height restriction imposed by an airport authority or similar agency operating an airport.

1. Agricultural Buildings, Excluding Dwellings
2. Bell Towers
3. Bulk Storage Silos and Towers
4. Cooling Towers
5. Flagpoles not used for advertising
6. Gravity Feed Apparatus
7. Public Utility Poles, Towers, Wires and other Apparatus
8. Towers and Customary, Necessary Accessory Structures (subject to the requirements of Article Four and Article Five).
9. Water Tanks and Standpipes
10. Solar or Wind Alternative Energy Systems

9-3-9-2: Yard and Building Setback Exceptions: A limited number of structures are allowed to project into or be constructed in a required yard within the area otherwise prohibited by building setback lines. The structures allowed and the requirements governing such intrusion are listed in the Building Code of this Village.

9-3-10: Mobile Living Conditions and Camping Prohibited

1. No mobile home, camper, land cruiser, house trailer, nor any motor vehicle or trailer designed or used for living purposes, shall be used or occupied on any lot in the Village, nor shall they be parked or stored on any vacant lot in the Village, nor shall they be parked or used on any public right-of-way or park within the Village for camping or living purposes.
2. Camping overnight is hereby prohibited on vacant lots within the Village.