

1923

ORDINANCE No. 512.

AN ORDINANCE classifying, regulating and restricting the location of trades and industries and the location of buildings designed for specified uses; regulating and limiting the height and bulk of buildings hereafter erected or altered, regulating and limiting the intensity of the use of lot areas and regulating and determining the area of yards, courts and other open spaces within and surrounding such buildings; establishing the boundaries of districts for the said purposes; and prescribing penalties for the violation of its provisions.

THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, ILLINOIS, ORDAIN:

SECTION 1.—DEFINITIONS.

For the purpose of this ordinance, certain terms and words are hereby defined, as follows:

Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; and the word "building" includes the word "structure". Any words not herein defined shall be construed as defined in the Building Ordinance of the Village of Glen Ellyn.

Block: That property abutting on one side of a street between the two nearest intersecting streets, railroad rights-of-way, or other natural barrier.

Building Area: The maximum horizontal projected area of a building and its accessory buildings, excluding open steps, terraces, and cornices projecting not more than thirty (30) inches.

Depth of Rear Yard: The mean horizontal distance between the rear line of the building and the center line of the alley, where an alley exists, otherwise the rear lot line.

Depth of Lot: The mean horizontal distance between the front and rear lot lines.

District: A section of the Village of Glen Ellyn for which the regulations governing the height, area, and use of buildings and premises are the same.

Family: Any number of individuals living and cooking together on the premises as a single housekeeping unit.

Height of Building: The vertical distance measured from the sidewalk or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof or flat roofs; and to the mean height level (between eaves and ridge) for gable and hip roofs. Where a building is located upon a terrace or slope the height may be measured from the average ground level at the building wall.

Height of Court or Yard: The vertical distance from the lowest level of such court or yard to the highest point of any building wall.

Length of Outer Court: The mean horizontal distance between the open and closed ends of the court.

Lot: Land occupied or to be occupied by one building and accessory buildings and uses and including the open spaces required under these regulations. A lot may be land so recorded on the Records of the Recorder of Deeds of DuPage County, Illinois.

Lot Lines: The lines bounding a lot as defined herein.

Non-Conforming Use: A building or premises occupied for a use that does not conform with the regulations of the district in which it is situated.

Outer Court: An open unoccupied space on the same lot with a building, extending to and opening upon a street, alley or yard.

Rear Yard: An open space unoccupied except for accessory buildings on the same lot with a building between the rear line of the building and the rear line of the lot, for the full width of the lot, except as modified by side yard restrictions.

Set Back: The minimum horizontal distance between the front line of the building and the street line.

Side Yard: An open unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the front lot line to the rear yard.

Single Family Dwelling: A detached building having accommodations for and occupied by one family only, and including a garage with living quarters therein.

Street Wall: The main wall nearest to and facing on a street, including sun parlors, but not including bay windows that do not aggregate in width more than one third of the width of the frontage of the building, nor ground story porches and piazzas that are not closed in.

SECTION 2.—DISTRICT REGULATIONS.

In order to classify, regulate and restrict the locations of trades and industries, and the location of buildings designed for specified uses, and to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the Village of Glen Ellyn is hereby divided into four classes of "DISTRICTS". The Use, Height and Area regulations are uniform in each class of district and said districts shall be known as:

- 1—"A" Residence Districts
- 2—"B" Residence Districts
- 3—Local Business Districts
- 4—Commercial Districts

The boundaries of each district are indicated upon the Zoning Map of the Village of Glen Ellyn, which map is hereto attached and made a part of this ordinance. The said Zoning Map of Glen Ellyn and all the notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references and other matters set forth by said map were all fully described herein.

Except as hereinafter provided,

(1) No building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the District in which such building or premises are located:

(2) No building shall be erected or altered to exceed in height the limit herein established for the District in which such building is located:

(3) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the area regulations hereby established for the District in which such building is located.

SECTION 3—"A" RESIDENCE DISTRICT REGULATIONS.

Use: No building or premises shall be used and no building shall be hereafter erected or altered within any "A" Residence District, unless otherwise provided in this ordinance, except for the following uses:

1. Single Family Dwellings.
2. Libraries and Public Museums.
3. Churches and Temples.
4. Schools and Colleges.
5. Parks, Recreation Buildings, and County Clubs operated by the Village of Glen Ellyn, the Glen Ellyn Park District, or for the use of private members only, and not conducted as a business or for profit.
6. Farming, Truck Gardening, and Nurseries.

7. Temporary Buildings and Uses for Construction Purposes, for a period not to exceed one year.

8. Accessory uses incident to the above uses, including private garages, professional offices, home occupations, and signs advertising premises for sale or rent, but not including the conduct of any retail or wholesale business or manufacture.

Height: No building shall hereafter be erected or altered to exceed thirty five (35) feet in height, or two and one half (2½) stories.

Area: Rear Yard: There shall be a rear yard having a depth of not less than fifteen (15) per cent of the depth of the lot, provided such rear yard be not less than ten (10) feet, and need not exceed twenty five (25) feet in depth.

Side Yard: There shall be a side yard on each side of the building having a width of not less than ten per cent of the width of the lot.

Intensity of Use: No building with its accessory buildings shall occupy in excess of thirty per cent (30%) of the area of an interior lot, nor in excess of thirty five per cent (35%) of the area of a corner lot. No dwelling or group of dwellings shall hereafter be erected or altered to accommodate or make provision for more than six (6) families on any acre of land, or make provision for more than a proportional number of families on any fractional part of an acre of land, except that a single family dwelling may be erected on any lot having an area of less than one-sixth of an acre, provided that such lot shall have been duly recorded prior to the passage of this ordinance.

SECTION 4—"B" RESIDENCE DISTRICT REGULATIONS.

Use: No building or premises shall be used and no building shall be hereafter erected or altered within any "B" Residence District, unless otherwise provided for in this ordinance, except for the uses permitted in the "A" Residence Districts and the following uses:

1. Apartment Houses and Multiple Dwellings.
2. Private Clubs not used for Hotel purposes.
3. Boarding and Lodging Houses.
4. Institutions of an educational, philanthropic or eleemosynary nature.
5. Greenhouses.
6. Hospitals.

Height: No building shall hereafter be erected or altered to exceed forty five (45) feet in height or three (3) stories.

Area: Rear Yard: There shall be a rear yard of not less than ten per cent (10%) of the depth of a corner lot, nor less than fifteen (15) per cent of the depth of an interior lot, provided however, such rear yard need not exceed ten (10) and fifteen (15) feet respectively.

Side Yard: There shall be a side yard on each side of the building having a width of not less than ten per

cent (10%) of the width of the lot.

Outer Court: An outer court shall be not less than five (5) feet wide, nor less than two and one half (2½) inches wide for each foot of height of such court, nor be less than two and one half (2½) inches wide for each foot of length of such court from the closed end.

Inner Court: An inner court shall have a width of not less than six (6) feet, nor less than two and one half (2½) inches wide for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

Intensity of Use of Lot: No building with its accessory buildings shall occupy in excess of fifty (50) per cent of the area of an interior lot, nor in excess of sixty (60) per cent of the area of a corner lot. No dwelling or group of dwellings shall hereafter be erected or altered to accommodate or make provision for more than twenty (20) families on an acre of land, nor make provision for more than a proportional number of families on a fractional part of any acre of land.

SECTION 5—LOCAL BUSINESS DISTRICT REGULATIONS.

Use: No building or premises shall be used and no building shall be hereafter erected or altered, within any Local Business District unless otherwise provided in this ordinance except for the uses permitted in the Residence Districts and for the following uses:

1. Amusement Places.
2. Auction Rooms.
3. Bakeries, employing not more than five (5) persons.
4. Banks.
5. Barber Shops.
6. Battery Service Stations.
7. Blacksmith or Horseshoeing Shops.
8. Catering Establishments.
9. Conservatories.
10. Comfort Stations.
11. Dancing Academies.
12. Dressmaking Establishments.
13. Dyeing and Cleaning Works, employing not more than five (5) persons.
14. Electric Repair Shops.
15. Employment Agencies.
16. Freight Stations.
17. Gasoline and Oil Stations.
18. Hotels.
19. Laundries employing not more than five (5) persons.
20. Laboratories.
21. Locksmith Shops.
22. Lodge Halls.
23. Messenger or Telegraph Service Stations.
24. Millinery Shops.
25. Offices.
26. Painting and Decorating Shops.
27. Photograph Galleries.
28. Plumbing Shops.
29. Police and Fire Department Stations.
30. Post Offices.
31. Printing Shops.
32. Public Garages, subject to the regulations of the present or hereinafter adopted ordinances of the Village of Glen Ellyn.
33. Railroad Passenger Stations.
34. Recreation Buildings and Structures.
35. Restaurants.
36. Roofing or Plastering Shops.
37. Sales or Show Rooms.
38. Sharpening or Grinding Shops.
39. Stores and Shops for the conduct of Retail Business.
40. Shoe Repairing Shops.
41. Studios.
42. Tailor Shops employing not more than five (5) persons.
43. Telephone Exchanges.
44. Tinsmithing Shops.
45. Tire Repairing Shops.
46. Undertaking Establishments.
47. Upholstering Shops.

Any building primarily used for any of the above enumerated uses may have not more than forty (40) per cent of the floor area devoted to industry or storage purposes incidental to such primary use; provided that not more than five (5) employees shall be engaged at any time on the premises in any such incidental use.

Height: No building shall hereafter be erected or altered to exceed forty five (45) feet in height or three (3) stories.

Area:

Rear Yard: There shall be a yard of not less than ten (10) per cent of the depth of the lot, provided, however, such rear yard need not exceed ten (10) feet in depth.

Side Yard: A side yard, if provided, shall be not less than three (3) feet wide.

Outer Court: An outer court shall be not less than five (5) feet wide, nor less than two (2) inches wide for each foot of length of such court from the closed end.

Inner Court: An inner court shall be not less than six (6) feet wide, nor shall its area be less than twice the square of its required least dimension.

Intensity of Use of Lot: No building with its accessory buildings, to be used for commercial purposes, shall occupy in excess of ninety (90) per cent of the area of the lot. Buildings or parts of buildings used wholly for residential purposes shall conform to the restrictions provided herein for such buildings in the "B" Residence District.

SECTION 6—COMMERCIAL DISTRICT REGULATIONS.

Use: No building or premises shall be used and no building shall be hereafter erected or altered, within a Commercial District, unless otherwise provided in this ordinance, except for the uses permitted in the other districts and the following uses:

1. Bakeries, employing more than five (5) persons.
2. Building Material Storage Yards.
3. Carting, Express, Hauling or Storage Yards.
4. Contractors Plant or Storage Yards.
5. Coal, Coke or Wood Yards.
6. Dyeing and Cleaning Works, employing more than five (5) persons.
7. Laundries employing more than five (5) persons.
8. Public Stables.
9. Public Service Buildings and Uses.
10. Lumber Yards.
11. Milk Bottling and Distributing Stations.
12. Stone Yards.
13. Storage Warehouse and Storage Yards.

Height: No building shall hereafter be erected or altered to exceed forty five (45) feet in height or three (3) stories.

Area:

Rear Yard: There shall be a rear yard of not less than ten (10) per cent of the depth of the lot, provided, however, such rear yard need not exceed ten (10) feet in depth.

Side Yard: A side yard, if provided, shall be not less than three (3) feet wide.

Outer Court: An outer court shall be not less than five (5) feet wide, nor less than two (2) inches wide for each foot of length of such court from the closed end.

Inner Court: An inner court shall be not less than six (6) feet wide, nor shall its area be less than twice the square of its required least dimension.

Intensity of use of Lot: No building with its accessory building to be used for commercial purposes shall occupy in excess of ninety (90) per cent of the area of the lot. Buildings

or parts of buildings used wholly for residential purposes shall conform to the restrictions provided for such buildings in the "B" Residence Districts.

SECTION 7—NON-CONFORMING USES.

The lawful use of a building or premises existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building or premises lawfully acquired previous to the adoption of this ordinance. A non-conforming use may be changed to a use of the same or higher classification according to the provisions of this ordinance, and whenever a District shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of a similar or higher classification, provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a use of a lower classification.

No building which has been damaged by fire or other causes to the extent of more than fifty (50) per cent of its value shall be repaired or rebuilt except in conformity with the regulations of this ordinance.

SECTION 8—HEIGHT and AREA EXCEPTIONS.

The foregoing requirements in the height regulations shall be subject to the following exceptions:

1. Public or semi-public buildings, churches, hospitals, sanitariums, or schools may be erected to a height not exceeding sixty (60) feet, but when they are located in any residential District, they must be set back from each property line at least one foot for each foot of additional building height above the limit for the district, in addition to the other area requirements of the District.

2. Dwellings in the residence districts may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided. Such dwellings, however, shall not exceed three (3) stories in height.

3. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, pent houses, stacks, stage towers, or scenery lifts, tanks, water towers, ornamental towers and spires, wireless towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the Village of Glen Ellyn.

Area:

1. In the case of buildings upon lots running through from street to street the requirements for a rear yard may be waived when such buildings comply with the percentage of lot occupancy by furnishing other space in lieu of such required rear yard.

2. In computing the depth of a rear yard or the width of a side yard or open court for any building where such yard or court opens on to an alley, one half of the alley width may be assumed to be a portion of the yard or court.

3. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sky-lights above the bottom of such yard or court, and except for the projections of sills, belt courses, cornices and ornamental features not to exceed four (4) inches.

4. Open or lattice enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers projecting into a yard not more

than five (5) feet or into a court not more than three and one half (3½) feet, and the ordinary projections of chimneys and flues shall be permitted.

5. No yard, court or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be used as a yard, court or other space for another building.

6. In "A" and "B" Residence Districts no accessory building shall be located within ten feet of its rear or side lot line where either such line forms part of the front half of the side line of an adjacent lot, but the foregoing rule shall not prohibit the erection of an accessory building fifty feet or more from any street bounding the block.

SECTION 9—BUILDING LINE SET BACK.

No building shall be erected in either residence district whose street wall is nearer than thirty feet from the street line, provided that:

(a) Where a block is occupied or partially occupied by buildings which existed in the block at the time of the passage of this ordinance, the average of the distances of the street walls of buildings in the residence section of such block from the street line, shall be the established building line; but no building shall be required to set back more than thirty five feet in any case.

(b) Where the rear line or side line of a lot in a business or commercial District forms part of the side line of a lot restricted to residence use, the residence lot shall be for a distance of fifty feet from the rear or side line of the business lot required to observe only half the established set back for the residence section of the block.

(c) Where owners of all properties in a block petition in writing for the establishment of a building line within that block, which building line differs from that which would otherwise be established by the provisions of this Section, the Board of Appeals may, after due notice and hearings, recommend to the council the adoption of the building line proposed by the petitioners.

SECTION 10—BOARD OF APPEALS.

Creation and Membership: A Board of Appeals is hereby authorized to be established. The word "Board" when used in this section shall be construed to mean the Board of Appeals. The said Board shall consist of three (3) members appointed by the President of the Village and subject to confirmation by the Village Board. One of said members shall be by the President of the Village designated as Chairman of said Board and shall hold his office for a period of three years and until his successor is appointed and qualified. One of said members shall be by the President of the Village designated to hold office for a period of two years and until his successor is appointed and qualified. One of said members shall be by the President of the Village designated to hold office for a period of one year and until his successor is appointed and qualified. At the expiration of the respective terms of office hereby created, and thereafter, the members of said Board shall be appointed in the manner hereinabove set forth for a term of three years each and until their respective successors are duly appointed and qualified. All of the members of said Board shall serve without compensation and they shall not be subject to removal by either the President or the Board of the Village, except for just cause.

Meetings: Meetings of the Board may determine. The Board shall adopt its own rules of procedure and keep a record of its proceedings shall be held at such times as the

ings showing the action of the Board and the vote of each member upon each question considered.

Appeal: Appeal from the rulings of the Building Commissioner concerning the enforcement of the provisions of this ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board by general rule. The appellant shall file with the Building Commissioner and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Commissioner shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Jurisdiction: (1) The Board shall, upon application, review the actions of the Building Commissioner in order to determine whether they are in accordance with the provisions of this ordinance, and in case of disagreement the decision of the Board shall supersede that of the Building Commissioner.

(2) The Board shall have the power to recommend to the Village Board such changes in the district boundaries or regulations as it may deem necessary or desirable, as more particularly set forth in Section 18 of this ordinance.

(3) The Board may from time to time adopt such rules and regulations as may be deemed necessary to carry into effect the provisions of this ordinance.

(4) The Board shall have the power to call on any of the other village departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.

SECTION 11—OCCUPANCY PERMITS.

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate shall have been issued by the Building Commissioner stating that the building complies with all the building and health laws and ordinances and with the provisions of these regulations. No change of use shall be made in any building or part thereof now or hereafter erected or altered, without a permit having been issued by the Building Commissioner, and no permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance or amendments thereto hereafter duly enacted.

Nothing in this section shall prevent the continuance of the present occupancy or use of any existing building, except as may be necessary for safety of life and property.

Certificates for occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such buildings shall have been completed. A record of all certificates shall be kept on file in the office of the Building Commissioner and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected.

No permit for excavation for or the erection of any building shall be issued before application has been made for certificate of occupancy and compliance. No building or premises may be occupied until such certificate shall have been issued.

SECTION 12—FLATS.

All applications for building permits shall be accompanied by a plat in duplicate, drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be necessary to

provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Building Commissioner.

SECTION 13—INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this ordinance or which shall be adopted, or issued, pursuant to law relating to the use of buildings or premises, nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of building or requires larger open spaces than are imposed or required by such ordinances, rules, regulations or permits, or easements, covenants, or agreements, the provisions of this ordinance shall control.

SECTION 14—COMPLETION OF BUILDINGS UNDER EXISTING PERMITS.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued or complete plans for which are on file with the Building Commissioner at the time of the passage of this ordinance, and a permit for the erection of which is issued within one month after the passage of this ordinance and the construction of which, in either case, shall have been diligently prosecuted within three months of the date of such permit, and which entire building shall have been completed according to such plans as filed within one year from the date of the passage of this ordinance.

SECTION 15—VIOLATION, PENALTY, ENFORCEMENT.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this ordinance shall, upon conviction, be fined not less than ten (10) dollars, nor more than one hundred (100) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The Building Commissioner is hereby designated and authorized to enforce this ordinance.

SECTION 16—BOUNDARIES OF DISTRICTS.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning map the following rules shall apply:

(a) The district boundaries are either streets or alleys, unless otherwise shown and there the designations on the Zoning map indicate that the various districts are approximately bounded by street or alley lines, such alleys or streets shall be construed to be the boundaries of such districts.

(b) Where the district boundaries are not shown to be streets or alleys and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the Zoning map indicate that the various districts are approximately bounded by lot lines, such lot lines shall be construed to be the boundaries of such districts.

(c) Where the district boundaries are not shown by streets or alleys, or lot or block lines, the district boundaries shall be determined by use of the scale shown on the map.

SECTION 17—VALIDITY.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole nor any part thereof, other than the part so declared to be invalid.

SECTION 18—CHANGES AND AMENDMENTS.

The Board of Appeals shall of its own motion, or upon petition signed by one or more property owners of any district or portion thereof, or upon instruction from the Village Board, cause to be prepared a notice indicating the changes proposed to be made in the regulations or in the district boundary lines, describing

the boundaries of the territory to be affected. Such notice shall state the time and place of a public hearing for consideration of such proposed amendment, supplement or change and the place where maps of the proposed amendment, supplement or change will be accessible for examination by interested parties.

Notice of such public hearing shall be published at least fifteen (15) days in advance thereof in at least two newspapers of general circulation in the Village of Glen Ellyn. After such public hearing, the Board of Appeals shall report to the Village Board of Trustees on the proposed amendment, supplement or change, and may cause an ordinance authorizing such proposed amendment, supplement or change to be introduced in the Village Board of Trustees of the Village of Glen Ellyn. Such hearing may be adjourned from time to time. Whenever a written protest against such

proposed amendment, supplement or change, signed by the owners of twenty (20) per cent of the frontage proposed to be altered, or by the owners of twenty (20) per cent of the frontage immediately adjoining in the same block or in the block back of or across an alley therefrom, or by the owners of twenty (20) per cent of the frontage in the block directly opposite the frontage proposed to be altered, shall have been filed with the Board of Appeals or with the Village Board of Trustees within thirty days after the adjournment of said public hearing, the ordinance providing for such proposed amendment, supplement or change shall not be passed except by the favorable vote of two thirds of the members of the Village Board of Trustees.

SECTION 19—WHEN EFFECTIVE.

This ordinance shall become effective from and after its passage, approval and publication.

Passed April 12, 1922.

Approved April 12, 1922.

Published, May 11, 1922.

Herbert S. Gilbert
President

Attest:

J. L. Snapp
Village Clerk