

**ORDINANCE AMENDING SECTIONS 5-5-4 AND 5-5-5  
OF THE VILLAGE CODE**

**WHEREAS**, the Zoning Board of Appeals of the Village of Barrington Hills, Illinois, a home-rule municipality (the "Village") has reviewed the administrative provisions of the Village Zoning Code and has determined that it would be in the best interest of the Village to amend Sections 5-5-4 and 5-5-5 of the Zoning Code;

**WHEREAS**, on July 15, 2013 the Village Zoning Board of Appeals ("ZBA"), pursuant to the direction of the Village Board, held a public hearing to consider public comments on the proposed amendatory language to Sections 5-5-4 and 5-5-5 ("Text Amendment") prepared by the Village Attorney with assistance from the ZBA. Pursuant to a motion by ZBA Member Mullen, seconded by ZBA Member Benkendorf, the ZBA voted to recommend approval of the proposed Text Amendment to the Board of Trustees for the Village; and

**WHEREAS**, in order to promote the health, safety, morals and general welfare of the Village and to protect the public health and safety of the citizens residing in the Village, the President and the Board of Trustees of the Village find and believe it to be in the best interest of the Village to amend Sections 5-5-4 and 5-5-5 as provided in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

**Section 1. Incorporation of Preambles.** The Village Board hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate them into this Ordinance by this reference.

**Section 2. Lot Area.** Section 5-5-4 of the Village Zoning Code is hereby amended as follows (strike-through represents language deleted from the existing Zoning Code and underline represents language added to the existing Zoning Code):

5-5-4: LOT AREA:

Lot area requirements shall be as set forth under each zoning district.

(A) No use shall be established or hereafter maintained on a lot recorded after April 1, 1963, which is of less area than prescribed hereinafter for such use in the zoning district in which it is to be located, unless such lot is a lot of record or is subject to the provisions of Section 5-5-4 (C) below. (Ord. 63-1, 4-1-1963; amd. 1977 Code)

(B) In any residence district, on a lot which was is a lot of record, a single-family dwelling may be established regardless of the area of the lot, provided that all other requirements of this title are met. (Ord. 89-8, 7-24-1989)

(C) A zoning lot that is a conforming lot or an existing lot of record that is reduced in area by the exercise of the right of eminent domain by an authorized governmental body or by reason of a conveyance to an authorized governmental body under threat of eminent domain if such lot is no longer conforming, shall be treated as a lot of record for purposes of this Section 5-5-4.

(C)(D) In any residence district, a lot of record which does not meet the area requirements of this title may be voluntarily increased in area, provided that all other requirements of this title are met.

(D)(E) No existing building shall be converted so as to conflict with, or further conflict with, the lot area requirements of the district in which such building is located. (Ord. 63-1, 4-1-1963; amd. 1977 Code).

**Section 3. Average Lot Width.** Section 5-5-5 of the Village Zoning Code is hereby amended as follows (strike-through represents language deleted from the existing Zoning Code and underline represents language added to the existing Zoning Code):

5-5-5: AVERAGE LOT WIDTH:

Average lot width requirements shall be as set forth under each zoning district.

(A) No use shall be established on a lot which was recorded as a lot after January 26, 1981, which is of less "average lot width", as that phrase is defined and determined according to section 5-2-1 of this title, than is prescribed hereinafter for such use in the zoning district in which it is to be located.

(B) In any residence district, on a lot which was recorded between April 1, 1963, and January 26, 1981, the average lot width as prescribed hereinafter shall be calculated using only the front lot line. (Ord. 84-5, 3-26-1984).

(C) In any residence district, on a lot which was is a lot of record, a single-family dwelling may be established regardless of the width of the lot, provided that all other requirements of this title are met. (Ord. 89-8, 7-24-1989).

(D) A zoning lot that is a conforming lot or an existing lot of record that is reduced in width by the exercise of the right of eminent domain by an authorized governmental body or by reason of a conveyance under threat of eminent domain if such lot is no longer conforming, shall be treated as a lot of record for purposes of this Section 5-5-5.

**Section 4. Validity.** Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.



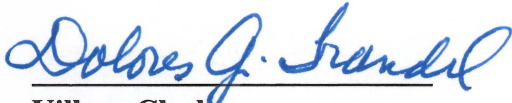
**Section 5. Superseder and Effective Date.** All ordinances, resolutions, motions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded; and this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 22nd day of July, 2013.

Ayes: 6 Nays; 0, Absent: 1, Abstain; 0

APPROVED THIS 22nd day of July, 2013.

ATTEST:

  
Village Clerk

  
Village President