

# ARTICLE 6. ZONING DISTRICTS & OFFICIAL ZONING MAP

CURRENT CODE	REORGANIZED CODE PROVISIONS
§2-101	<p><b>6.1 ESTABLISHMENT OF ZONING DISTRICTS</b></p> <p>To carry out the purposes of this Code, the Village is hereby divided into the following zoning districts:</p> <p><b>A. Residential Districts</b></p> <ul style="list-style-type: none"><li>R-1 Single-Family Residential District</li><li>R-2 Single-Family Residential District</li><li>R-3 Single-Family Residential District</li><li>R-4 Single-Family Residential District</li><li>R-5 Multiple-Family Residential District</li><li>R-6 Multiple-Family Residential District</li></ul> <p><b>B. Business Districts</b></p> <ul style="list-style-type: none"><li>B-1 Community Business District</li><li>B-2 Central Business District</li><li>B-3 General Business District</li></ul> <p><b>C. Office Districts</b></p> <ul style="list-style-type: none"><li>O-1 Specialty Office District</li><li>O-2 Limited Office District</li><li>O-3 General Office District</li></ul> <p><b>D. Special Purpose Districts</b></p> <ul style="list-style-type: none"><li>HS Health Services District</li><li>OS Open Space District</li><li>IB Institutional Buildings District</li></ul> <p><b>E. Overlay Districts</b></p> <ul style="list-style-type: none"><li>DR Historical Gateway Design Review Overlay District</li></ul>
§2-102	<p><del><b>2.2 INTERPRETATION OF DISTRICT SEQUENCE</b></del></p> <p><del><b>A. General Rule</b></del></p> <p><del>This Code rejects as outdated and inappropriate the concept of hierarchical and cumulative zoning districts and, except as noted below, is based on the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development, and to protect that development from being encroached upon by incompatible types of development.</del></p> <p><del><b>B. Special Rule</b></del></p> <p><del>Within the foregoing philosophy, however, it is recognized that when different</del></p>

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~~districts are juxtaposed, their differing characters may require special treatment to ameliorate incompatibilities that might otherwise result. For this limited purpose, this Code recognizes the concept of "more restrictive" and "less restrictive" districts. For this purpose, the districts established by this Code shall be considered "more restrictive" or "less restrictive" in accordance with the following rules:~~

- ~~1. The R-1 District shall be deemed to be the most restrictive residential district and the R-6 District shall be deemed to be the least restrictive residential district, and the residential districts shall be deemed to become less restrictive as the district number increases.~~
- ~~2. The residential districts shall be deemed to be more restrictive than any nonresidential district except the Open Space District.~~
- ~~3. The business and office districts shall be deemed to become less restrictive as the district number increases.~~
- ~~4. The Health Services District shall be deemed to be less restrictive than the office districts.~~
- ~~5. The Open Space District shall be deemed to be more restrictive than any other district.~~
- ~~6. The Institutional Buildings District shall be deemed to be more restrictive than the office districts but less restrictive than any residential district.~~
- ~~7. Overlay Districts shall not be considered in determining the restrictiveness of the underlying district.~~

This section, regarding a listing of what is more less or restrictive, is an older zoning technique that has fallen out of practice. In a traditional Euclidean zoning code, uses between districts are permitted cumulatively. For example, the R-2 District will allow all permitted and special uses within the R-1 District, plus some additional uses. The R-3 District will allow all permitted and special uses within the R-2 District, plus more additional uses. In older codes, this pattern will continue through the commercial districts as well, which is where you see that single-family homes are permitted in business districts. This is where the terminology of more or less restrictive comes from – an R-1 District is the most restrictive because it permits the least number of uses. The highest multi-family district, such as an R-5 District, would be the least restrictive because it permits the greatest number of uses. Because the current Code is not organized in such a fashion, the use of terms more or less restrictive are not applicable. This section is unnecessary and does not enhance the general understanding of the nature of the zoning districts. The Zoning Task Force has recommended its elimination

§2-103

**6.2 ZONING MAP****A. Map incorporated**

The location and boundaries of the zoning districts established by this Code are as shown on a map entitled "Zoning Map of the Village of Hinsdale, Illinois," hereafter referred to as the Zoning Map, which is by this reference incorporated as part of this Code. All notations, references and other information shown on the Zoning Map, and all amendments thereto, shall be as much a part of this Code as if specifically set forth and literally described

herein.

#### **B. Omitted Land**

It is the intent of this Code that the entire area of the Village, including all land and water areas, be included in the districts established by this Code. Any area lying within the Village but not shown on the Zoning Map as being included in such a district shall be deemed to be, and it is hereby, classified in the ~~R-4~~ R-2 District.

#### **C. District Boundaries**

In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. The district boundaries are the centerlines of tollways, expressways, highways, streets, alleys, waterways, railroads, and other rights-of-way unless otherwise indicated. When the designation of a boundary line on the Zoning Map coincides with the location of any such right-of-way, the centerline of such right-of-way shall be construed to be the boundary of such district.
2. When a district boundary does not coincide with the location of the centerline of any right-of-way but does coincide with a lot line, such lot line shall be construed to be the boundary of such district.
3. When a district boundary does not coincide with the location of the centerline of any right-of-way or lot line, the district boundary shall be determined by the use of the scale shown on the Zoning Map.

#### **D. Maintenance and Availability of Official Zoning Map**

The official copy of the Zoning Map shall be maintained by the Village Manager and shall be available for public inspection during Village business hours at the Village Memorial Building. Any amendment to zoning district boundaries or any change in any other information shown on the Zoning Map made by amendment to this Code shall be indicated on the official copy of the Zoning Map.

#### **E. Mapping of Parcels Affected by Court Decrees**

Parcels of land affected by court decrees shall be shown on the Zoning Map ~~in accordance with the provisions of Subsection 12-106B of this Code.~~ Whenever the provisions of this Code are declared invalid in their application to any particular parcel of land, the Zoning Map of this Code shall continue to show such parcel in the zoning district applicable to it pursuant to this Code unless and until such district is changed by an amendment adopted by the Village Board. The parcel in question shall be marked with a star or other distinctive marking to direct attention to the court decree affecting said parcel. The Village Manager shall maintain a file of any such decrees. The provisions of any such decree shall be deemed to modify the otherwise applicable provisions of this Code as they apply to said parcel to the extent provided in said decree but said parcel shall otherwise remain subject to the provisions of

this Code.

#### F. Availability of Zoning Map

A revised, up-to-date copy of the Zoning Map, certified as to being inclusive of all amendments and drawn to a convenient scale, shall be published at least once annually and made available for sale at the Village Memorial Building.

**Item 6.2.B:** The designation for omitted land was changed to the R-2 District. Please see the discussion item under Section 6.3 below for explanation.

**Item 6.2.E:** The zoning map should not show parcels subject to court decrees. The zoning map should only show districts. It is important to remember that the zoning map is officially part of the Code and so any changes made require a map amendment.

§2-104

### 6.3 ANNEXED LAND

#### A. Annexation of Land

All land annexed to the Village after the effective date of this Code shall be classified automatically upon such annexation in the ~~R-1~~ R-2 District. The owner of any land proposed to be annexed to the Village shall file, with the petition for annexation, an application for a Certificate of Zoning Compliance pursuant to ~~Section 11-301~~ of this Code. In the case of an involuntary annexation, the Village Manager shall complete the required application.

#### B. Application for Different Classification

When any land is classified pursuant to this Section, it shall remain so classified unless and until an application to amend such classification is filed and granted pursuant to ~~Sections 11-301 and 11-601~~ of this Code. Such application may be filed prior to or contemporaneously with the annexation of the land in question.

**It is recommended that a zoning district be assigned automatically for any annexed land. Typically, this “automatic district” is a single-family district. In the current Code, annexed land is assigned the R-1 District designation. It is our understanding that most lots are assigned the R-2 District designation (the smaller lot single-family district) in practice. Therefore the automatic designation should be revised to that of the R-2 District to codify current practice. Simplified language for this is found in the Technical Review Report.**