

Chapter 37 DU PAGE COUNTY ZONING ORDINANCE

ARTICLE I. TITLE

37-100: TITLE.

This chapter shall be known, cited and referred to as the *DU PAGE COUNTY ZONING ORDINANCE*.
(2005 Code)

ARTICLE II. PURPOSE AND INTENT

37-200: PURPOSE AND INTENT.

The comprehensive amendment to the Zoning Ordinance of DuPage County adopted pursuant to the provision of "An Act in Relation to County Zoning"¹, as amended, is intended to serve the following:

For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the County, lessening or avoiding congestion in the public streets and highways, and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters, the County Board shall have the power to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other uses which may be specified by the board, to regulate and restrict the intensity of such uses, to establish building or setback lines on or along any street, trafficway, drive, parkway or storm or floodwater runoff channel or basin outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances; to divide the entire County outside the limits of such cities, villages and incorporated towns into districts of such number, shape, area and of such different classes, according to the use of land and buildings, the intensity of such use (including height of buildings and structures and surrounding open space) and other classification, as may be deemed best suited to carry out the purposes of this chapter to prohibit uses, buildings or structures incompatible with the character of such districts respectively; and to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder.

(2005 Code)

ARTICLE III. RULES AND DEFINITIONS

37-301: RULES.

The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

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- A. Words used in the singular number shall include the plural number and the plural shall include the singular.
 - B. Words used in the present tense shall include the past tense and the future tense.
 - C. The words "shall," "will" and "must" are mandatory while the word "may" is permissive.
 - D. The masculine gender includes the feminine and neuter.
 - E. The word "person" shall include a firm, association, organization, partnership, trust, company or corporation as well as an individual.
 - F. All measured distances and values shall be to the nearest integral number. If a fraction is one-half (½) number or more, the integral number next above shall be taken.
 - G. All distances, unless otherwise stated, shall be measured horizontally.
 - H. The words and phrases, "feet" and "square feet" may have assigned to them throughout the Ordinance the symbol or abbreviation of, " ' " and "sq. ft." Where the symbol or abbreviation is used the term shall have the same affect and force.
 - I. All terms not otherwise defined herein shall have the meaning ascribed to them the meaning as defined in the DuPage County Building Code as amended.

(2005 Code; Ord. No. T-2-11, Exh. 1(15), 10-11-2011)

37-302: DEFINITIONS.

Within the context of this chapter, the following words and terms shall have the meaning set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meaning indicated by common dictionary definition.

Accessory building, structure or use: A building, structure or use which:

- A. Is subordinate in floor area and use to the principal building, structure or use; and
- B. Contributes to the comfort, convenience or necessity of occupants in the principal building, structure or use; and
- C. Is located on the same zoning lot, parcel or land as the principal building, structure or use; and
- D. An accessory building, structure or use may be either detached or attached from/to the principal building, structure or use.

Accessory building, attached: An accessory building which is connected to a principal building by a party wall or a linkage building and which is constructed pursuant to all applicable building, zoning and drainage regulations for a principal building.

Accessory building, detached: An accessory building, which is surrounded by open space on the same lot as a principle building and which is not connected to the principal building. For purposes of this Code an accessory building which is connected to a principal building by a breezeway or other open-air passageway structure shall be considered detached.

Accessory unit: A group of rooms which has complete, permanently installed kitchen and bath facilities and which constitutes a dwelling within a converted dwelling that is separate from the primary unit.

Adjacent: The terms adjacent and contiguous are used as synonymous terms, and mean lots located with the same street frontage in contact with or touching another parcel of land, in contradistinction to lying across a street or alley therefrom.

Adult bookstore and/or video store: An establishment having as a significant or substantial portion of its stock in trade books, magazines, or periodicals or other printed matter, and/or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or the building and/or use or service is provided to or access restricted to people age eighteen (18) years of age or older where no permit or license has been issued otherwise allowing such service to people age eighteen (18) years of age or older.

Adult business use: The use of property for the operation of a massage parlor and/or bathhouse, massage school, or any use of which a significant or substantial portion involves an activity distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, including, but not limited to, the operation of adult bookstore and/or video store, adult mini-motion picture theater, adult motion picture theater, adult motion picture arcade, adult motel, adult card and gift, or novelty store. For the purposes of this chapter an adult business use shall not be deemed a retail business, recreational or social facility, accessory use or general use unless the building and or use and service is provided to or access restricted to people age eighteen (18) of age or older where no permit or license has been issued otherwise allowing such service to people age eighteen (18) of age or older.

"Adult business use" shall also include any other use involving a business use that provides service(s) to patrons (either the general public or club members) that involves the use's employees performing, engaging in or conducting any of the following with a patron: a) bathing/washing; b) private modeling; c) body painting, or d) any exhibition, performance or dance intended to sexually stimulate any patron; and where the activities described in a) through d), above, are performed for, arranged with, or engaged in a location within the use's facility that is not in plain view of other persons within the facility, or not in a direct, unobstructed line of view with a manned managerial or security station, or which involve a patron exposing a Specified Anatomical Area or performing a Specified Sexual Act in view of any employee. For purposes of example and not limitation, exhibitions, performances or dances shall specifically include activities commonly referred to as striptease, table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

Adult card, gift, or novelty store: An establishment having a significant or substantial portion of its stock in trade items, such as cards, games, and novelties which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas or the building and or use or service is provided to or access restricted to people age eighteen (18) years of age or older where no permit or license has been issued otherwise allowing such service to people age eighteen (18) years of age or older.

Adult mini-motion picture theater: An enclosed building or any portion or portions thereof having a capacity from six (6) to fifty (50) persons, where, for any form of consideration (including a coin or token inserted into a coin or token operated projector, video screen, or other image producing device), patrons may view films, motion pictures, videocassettes, slides or similar photographic electronic reproductions in which a significant or substantial portion of the total presentation time is devoted to the showing of materials that are distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or the building and or use or service is provided to or access restricted to people eighteen (18) years of age or older where no permit or license has been issued otherwise allowing such service to people age eighteen (18) years of age or older.

Adult motel: A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other electronic or photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of such transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions; or

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- B. Offers a sleeping room for rent for a period of time that is less than eight (8) hours; or
 - C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight (8) hours.

Adult motion picture arcade: An establishment in which electronic, electrical, or mechanical still or slide projectors, motion picture projectors, video screens, closed circuit television transmissions or other image producing devices operable by insertion of a coin or token or for other consideration are maintained for presentation of images to five (5) or fewer persons at a single time per such device and where images presented are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas or the building and or use or service is provided to or access restricted to people age eighteen (18) years of age or older where no permit or license has been issued otherwise allowing such service to people eighteen (18) years of age or older.

Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons where, for any form of consideration, patrons may view closed circuit television transmissions, films, motion pictures, videocassettes, slides or similar electronic or photographic reproductions in which a significant or substantial portion of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities of specified anatomical areas or the building and or use or service is provided to or access restricted to people age eighteen (18) years of age or older where no permit or license has been issued otherwise allowing such service to people age eighteen (18) years of age or older.

Agriculture: Land, including necessary buildings and structures thereto, shall be considered used for agricultural purposes if: a) the zoning lot contains not less than five (5) acres of land area and b) if the principal use involves the production, cultivation, or growing of crops (including, but not limited to, seed crops, trees, ornamental plants, sod, etc.), and the raising, rearing, keeping, breeding or training of livestock (including horses, bees, fish, etc.), or any byproduct thereof, for sale, lease or personal use, and all necessary and related activities thereof. Lands devoted to soil conservation or forestry management shall also be deemed used for an agricultural purpose.

Airport-heliport: An area of land or water that is used or designed for the landing and take off of aircraft, of any type, and includes its buildings and facilities, for the shelter, servicing or repair of aircraft.

Air rights: Air rights for the purpose of this chapter shall mean the ownership or control of all land or property, and that area of space at and above, a horizontal plane over the ground surface of land utilized for railroad or street rights-of-way. The horizontal plane shall be established at a height which is reasonably necessary or legally required for the full and free use of the ground surface.

Amusement arcade (game room): Any establishment containing mechanical, electronic, and/or coin operated amusement devices and/or games operated on the premises for the amusement of the general public operated as the principal use and/or any business which operates more than twenty (20) amusement devices which are accessory to a principal use.

Amusement device: Any machine, game, table, or device which is designed, intended or used as entertainment, and may be operated by the public upon the insertion of a coin or token, or the use of which is made available for any valuable consideration and is not considered a gambling device by the Illinois Compiled Statutes. Amusement device shall include, but not be limited to, devices commonly known as pinball machines, pool tables, video games, electronic games, kiddie rides, mini-theaters projection devices and video screens, and all games or operations similar thereto, whether or not registering a score under whatever name they may be indicated. Not included within the definition of amusement device are such devices as food, soft drink and cigarette vending machines.

Animal hospital: Any building or portion thereof designed or used for the care, observation, or treatment of animals or pets.

Area, gross: The gross area of a parcel or development site is the area in square feet/acres, in fee ownership, excluding all peripheral rights-of-way.

Automobile laundry (car wash): Any drive-in or drive-through facility where motor vehicles are washed with the use of a conveyor and blower, or other cleaning devices, or a facility providing space, water and equipment for the hand washing of motor vehicles, whether by customer or the operator.

Automobile service station (gas station): Any building or premises used for dispensing or offering for sale of automotive fuels or oils having pumps and underground storage tanks; also, where battery, tire and other similar services are rendered, but only if rendered wholly within a building. When dispensing, sale or offering for sale of any fuels or oils is incidental to the conduct of an automobile repair garage, the premises shall be classified as an automobile repair garage. Automobile service stations shall not include the sales or storage (new or used) of automobiles, trailers, or other vehicles. Automobile service stations may include minimarts as a conditional use.

Automobile wrecking yard: Any place where one (1) or more motor vehicles not in operating condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof.

Banquet facility: An establishment where the only business is the preparation and dispensing of elaborate and often ceremonial meals to numerous persons on the premises and which satisfies the following:

- A. Usually holds a County issued liquor license in the Class B, C, or D.
- B. Does not provide carryout service or service to individuals.
- C. Advertises only on an individual establishment basis for group meal services only.
- D. Provides service by pre-reservation and only to groups (typically twenty (20) or more) for banquets, anniversaries, weddings, retirement parties and other similar type uses.
- E. As part of the banquets may provide, as accessory uses only, facilities such as dance floors and live entertainment such as disc jockeys or bands.

Basement: That portion of a building having one-half (½) or more of its height above the average grade of the adjoining ground. A basement shall be counted as a story for the purposes of floor area ratio and height measurement.

Basement (sub): That portion of a building having more than one-half (½) of its height below the average grade of the adjoining ground. A subbasement shall not be counted as a story for the purpose of floor area ratio and height measurement.

Bay: A principal compartment of the walls, roof or other main structural component of a building or of the whole building.

Bay window: A large window projecting from the outer wall of a building or structure and forming a recess within. For the purposes of this Code a bay window shall not be wider than fifty percent (50%) of the width of the wall of which it is part, nor extend from floor to ceiling

Bed and breakfast establishment: An owner occupied residence providing overnight accommodations available to the general public for compensation. Bed and breakfast establishments shall not include hotels, motels, boarding houses, lodging rooms, or food service establishments as defined in this chapter.

Breezeway: A roofed over open-air passageway connecting a building, structure or use to another building, structure, or use. For purposes of this Code a Breezeway shall be considered a detached accessory structure.

Buildable area: The area remaining on a lot after all yard requirements have been complied with.

Building: Any structure constructed or erected partially or wholly above ground with a permanent roof, separated on all sides from adjacent open space by walls, built for the shelter, or enclosure of persons, animals,

chattels, or property of any kind. The term includes both the aboveground and belowground portion of the structure.

Building, attached: A building is considered attached to another building only when the attachment satisfies the following minimum criteria:

- A. Is constructed on a forty-two inch (42") deep foundation, and
- B. Is enclosed by a roof and permanent walls, and
- C. Is at least six feet (6') wide.
- D. Provides direct access for persons from one (1) building to the other.

Building, detached: A building surrounded by open space on the same lot as a principle building.

Building height: The vertical distance measured from average grade to the highest point of the roof.

Building or structure, nonconforming: Any lawfully constructed building or structure which on the effective date of this chapter, does not comply with all of the applicable regulations of the zoning district in which such building or structure shall be located.

Building, principal: A non accessory building in which the primary use of the lot on which it is located is conducted.

Building, structure or use, nonconforming (regulatory floodplain and/or a wetland area): See definition of Nonconforming Building, Structure or Use (Regulatory Floodplain and/or a Wetland Area).

Bulk: The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another and includes the following:

- A. Size and height of buildings and structures.
- B. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
- C. Gross floor area of buildings in relation to lot area (floor area ratio).
- D. All open spaces allocated to buildings.
- E. Amount of lot area provided per dwelling unit.
- F. Lot width and area.

Cemetery: A parcel of land or structure dedicated to, and at least a portion of which is being used for, the interment of human remains. A cemetery may include administrative buildings, crematories, mausoleums, columbariums and maintenance shops.

Cemetery, pet: A parcel of land or structure dedicated to, and at least a portion of which is being used for, the interment of animal or pet remains. A pet cemetery may include an administrative building, chapel, crematory and maintenance shop.

Childcare services: See definition of Residential Care.

Clinic: A building containing an individual practitioner or an association or group of physicians, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The clinic may include apothecary, dental and medical laboratories, and/or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery.

Club or lodge, private: A place of assembly where a group or association of persons who are bona fide members paying dues, and owns, hires, or leases a building or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of private clubs or lodges are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve

food and meals on the premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that the sale of alcoholic beverages is in compliance with applicable Federal, State, and County laws.

Cluster development: An alternative development technique for single-family homes where individual lot size is reduced in direct ratio to areas set aside within the development for water, other natural features and common open space.

Compact car: Any automobile designated class five (5) through class seven (7). The class number is determined by the length and width (area) of the automobile in square meters, using only the whole numbers.

Example:

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| Ford Escort wagon | $\frac{165'' \times 65.9''}{(39.37'')^2}$ | = 7.01 square meters. |
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Class parameters for compact cars are from five (5) square meters through seven and ninety-nine hundredths (7.99) square meters.

Comprehensive Plan: A plan for DuPage County, including graphic and written proposals, including any unit or part of such plan separately adopted, and any amendment to such plan and parts thereof, adopted by the DuPage County Regional Planning Commission and the DuPage County Board.

Converted dwelling: A single-family dwelling which has been converted into one (1) primary unit and one (1) accessory unit.

Corral: An enclosed or fenced in area for confining horses.

County: The County of DuPage, Illinois.

County Board: The governing body of DuPage County, Illinois.

County Development Committee: County Development Committee is a standing committee of the County Board.

Dangerous animals: Shall include, but not necessarily be limited to, the following: lion, tiger, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, leopard, bear, hyena, wolf, coyote, wolf-dog or coyote-dog hybrid, alligator, crocodile, caiman, poison reptiles, or any other life threatening reptile.

Density, gross: The numerical value used as a measurement for the general intensity of a residential development. Gross density is obtained by dividing the total number of dwelling units in a development by the gross area (in acres) within the development, the result is the number of dwelling units per gross acre of land. (See definition of Floor Area Ratio (FAR)).

Density, net: The numerical value used as a measurement for the specific intensity of that portion of a development upon which buildings are placed. Net density is obtained by dividing the total number of dwelling units in a development by the net area (in acres) within the development, the result is the number of dwelling units per net acre of land. (See also definition of Floor Area Ratio (FAR)).

Derelict Vehicle: Any inoperable, and/or unregistered and/or discarded motor vehicle, regardless of title, is left unattended without justification by the owner of the vehicle or property owner.

Development: Any construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; excavating or filling or any type of other nonagricultural alterations of the ground surface; drilling, mining, excavation of lakes or ponds; channel relocation, channel deepening, filling or dredging; division of land

into two (2) or more parcels by subdivision or deed division; and any use, change or extension in land use or practice, undertaken by public or private entities.

Developmental disability: A disability attributable to mental retardation, cerebral palsy, epilepsy, autism, dyslexia, or similar physical or mental conditions which is manifested in the early stages of life and is expected to continue indefinitely.

Director, Department of Economic Development and Planning: The official appointed by the County Board as the Director, Department of Economic Development and Planning, and being also the administrative official charged with the administration and enforcement of the DuPage County Zoning Ordinance.

Disabled: Having a physical, mental or emotional impairment which substantially limits one (1) or more of such person's major life activities; a record of having such impairment; or being regarded as having such impairment. The term shall include, but not be limited to, persons who are developmentally or physically disabled, the mentally ill, recovering alcoholics, and those who are suffering from AIDS and other diseases. Such term shall not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Action (21 USC 802)) nor shall it include any person whose residency in the home would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

Drive-in or drive-through establishment: Any place of business operated for the sale and purchase at retail of food and other goods, or the rendering of services which facility is designed and equipped so as to allow its patrons to be served or accommodated while remaining in their motor vehicle.

Driveway: A pathway for motor vehicles from a street to a building, structure or parking area.

Dwelling: A building, or portion thereof, designed or used exclusively for residential occupancy including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including mobile homes, hotels, motels, or lodging houses.

Dwelling, group quarters: Group quarters, not a "family" as defined herein, are short or long term living arrangements for groups of people containing more than five (5) persons not related by blood, marriage, adoption, or guardianship. Group quarters shall not include the term "group homes" which is a different category of dwelling. Group quarters are most frequently contained within the following terms and phrases:

- Church oriented schools - boarding
- Colleges, universities - dormitories
- Convents
- Drug abuse centers - boarding
- Emergency shelter (family)
- Fraternity houses
- Monasteries
- Orphanages
- Primary/secondary schools - boarding
- Rehabilitation centers - boarding
- Religious retreats
- Residence for respite care
- Seminaries
- Sorority houses
- YMCA - residence rooms
- YWCA - residence rooms

Dwelling, multiple-family: A building, or portion thereof, consisting of three (3) or more dwelling units of any type.

Dwelling, single-family: A building containing a single dwelling unit only, which is separated from all other dwellings by open space.

Dwelling, two-family: A building consisting of two (2) dwelling units either attached, side by side, or one (1) above the other, with each dwelling unit having a separate entrance.

Dwelling unit: One (1) or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Easement: An authorization or grant by a property owner for the use by another, and for one (1) or more specific purposes, of any designated part of the owner property.

Easement, drainage: An easement used for the conveyance of stormwater run off. All utility easements are considered as potential drainage easements and shall be treated as such.

Easement, utility: An easement for the purpose of a public or private utility company.

Excavating/filling: Except as hereinafter provided, excavation and/or filling shall mean any changing of the grade or sub grade of a tract of land by cutting, scraping, grading, trenching, digging, filling in, or otherwise reshaping the natural contour of the ground. The following shall not be construed as excavating/filling:

- A. Any cutting, grading, trenching, digging, or backfilling of any foundation of a building or structure approved for construction.
- B. Top dressing in an area of existing homes, which top dressing does not change the drainage patterns, does not disturb an area greater than five percent (5%) of the lot area or two thousand (2,000) square feet, whichever is smaller, and does not exceed five (5) cubic yards of fill.
- C. Repairs to existing septic sites under the supervision of the DuPage County Health Department, in which the area of ground disturbed is less than five thousand (5,000) square feet shall not require the issuance of a stormwater management permit.

Cutting, grading, trenching, digging or backfilling of any septic site as part of new construction shall be reviewed for drainage as part of the building permit application, but shall not require drainage review by the Department of Economic Development and Planning when the area of ground disturbed is two thousand (2,000) square feet or less.

Family: One (1) or more persons related by blood, marriage, adoption, or guardianship, or a group of not more than five (5) persons not so related, including their domestic servants or resident staff, maintaining a common household in a dwelling unit.

Fence: A freestanding structure used as a boundary, screen, separation, means of privacy, protection or confinement: For purposes of this chapter a fence shall consist of materials made of wood, plastic, metal, masonry or combination thereof or other similar material

Fence, open: A fence where the surface area of individual boards, planks or construction material, (fence material) of the fence does not exceed six inches (6") in width and where there is open space between the individual fence materials of at least fifty percent (50%) of the size of the individual fence materials.

Fence, solid: A fence where:

The surface area of the fence material of the fence exceeds six inches (6") in width; or

The surface area of the Fence Material of the fence does not exceed six inches (6") in width and where there is open space between the individual fence materials of at least less than fifty percent (50%) of the size of the individual fence materials.

Floor area ratio (FAR): The numerical value obtained by dividing the gross floor area of a building or buildings by the total area of the subject lot or parcel of land on which the building or buildings are located.

When calculating the floor area ratio of the subject lot or parcel of land include any other lot or parcel of land that meets all of the following criteria:

- A. The lot or parcel of land that was previously part of the subject lot or parcel of land and was severed from the subject lot or parcel of land by condemnation proceeding; and
- B. The severed lot or parcel of land is preserved as open space in perpetuity by the condemning authority; and
- C. The condemning authority agrees to transfer the floor area ratio gross density on the severed lot or parcel of land as part of writing in the condemnation proceedings and subsequent to any proceedings transfers the floor area gross density to the subject property.

Floor area ratio, gross (detached accessory buildings): The floor area ratio of all detached accessory buildings shall be the sum of the gross horizontal areas of the several floors of such buildings measured from the exterior faces of exterior walls and shall include but not be limited to the following:

- Breezeway;
- Detached garage/enclosed parking space;
- Detached gazebo; detached hobby shop; detached stable;
- Detached storage shed;
- Detached tool sheds;
- Detached pool house;
- Any similar type building to those listed above.

Floor area ratio, gross (principal building or buildings): The floor area ratio of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings, as measured from the exterior faces of exterior walls, or from the centerline of party walls separating two (2) buildings. In particular "gross floor area" shall include:

- A. Basement as defined herein.
- B. Floor space used for mechanical equipment where the ceiling height exceeds seven and one-half feet (7½'), except equipment open or enclosed located on the roof, i.e., bulkheads, water tanks and cooling towers.
- C. Attic floor space where the ceiling height exceeds seven and one-half feet (7½').
- D. Interior balconies and mezzanines.
- E. Enclosed porches, but not terraces and breezeways.
- F. Accessory buildings.

4-H project: Any project conducted by a 4-H member who has been officially enrolled in the appropriate project by the 4-H organization or a project approved by the DuPage County Agricultural Extension Officer.

Garage, automotive repair: Any building, premises or zoning lot in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Garage, private: A private garage is an accessory building or an accessory portion of the principal building or both, which is intended and used to store motor vehicles of the first division or second division with a gross vehicle weight rating of eight thousand (8,000) pounds or less.

Garage, public: A building or portion thereof, other than a private garage, used primarily for the parking or storage of vehicles and available to the general public for compensation.

Golf courses: Public, semipublic or private golf courses where the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least sixty (60) acres for each standard nine (9) hole course; and thirty (30) acres for each nine (9) hole par three (3) course.

Grade: A reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest point(s) within the area between the building and the lot line or, when the lot line is more than six feet (6') from the building, between the building, and a point located six feet (6') from the building.

Group home: A dwelling unit shared by no more than eight (8) persons not related by blood, marriage, adoption or guardianship, plus their resident staff, who live together as a single housekeeping unit and in a long term family like environment in which staff persons assist in providing care, education and participation in community activities for the residents with the primary goal of enabling residents to live as self-sufficiently as possible in order to function at their maximum potential. A group home may be shared by groups such as, but not limited to, the disabled or persons fifty-five (55) years of age or older, but shall not include halfway houses, hospices, or living quarters which serve persons as a alternative to incarceration for a criminal offense. Facilities in which the total occupancy exceeds the limits set in Section 37-413 of this chapter shall be considered group quarters.

Handicapped: See definition of Disabled.

Helicopter landing pad: A designated area on the ground or on a building meeting the specifications of the Federal Aviation Administration for the exclusive use of landing and takeoff of helicopters, excluding any service buildings and refueling facilities.

Home occupation: Any occupation or profession engaged in by the occupant of a dwelling, where such home occupation is incidental and secondary to the use of the dwelling for dwelling purposes.

Hospital: Any institution, place, building or agency, public or private, organized for profit or not, devoted primarily to the operation and maintenance of facilities for the diagnosis and treatment or care of two (2) or more persons admitted for overnight stay or longer to obtain medical, (including obstetric, psychiatric and nursing) care of illness, disease, injury, infirmity, or deformity. The term "hospital," without regard to length of stay shall also include:

- A. Any facility devoted primarily to provide psychiatric and related services and programs for the diagnosis and treatment or care of two (2) or more persons suffering from emotional or nervous disease.
- B. A place where pregnant females are received, housed, treated or cared for, during delivery irrespective of the number of patients received.

The term "hospital" also includes general and specialized hospitals, tuberculosis sanatoria, mental or psychiatric hospitals and sanatoria, and includes maternity homes, and homes for unwed mothers where aid is given during delivery.

Hotel: An establishment which is open to transient guests, and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone desk service, and the use and upkeep of furniture.

Household accessory equipment: Any device, including any device designed for a commercial application which is used for private purposes only (not for hire) which serves an accessory purpose on a residential zoning lot including, but not limited to garbage containers, snow removal equipment, lawn and garden equipment and similar type devices.

Integrated shopping center: Any group of two (2) or more business uses designed as a single business group, whether or not located on the same lot; connected by party walls, partitions, canopies or other structural members to form one (1) continuous structure, or if located in separate buildings, are interconnected by walkways

and access-ways designed to facilitate customer interchange between the uses; share a common parking area; or otherwise present the appearance of one (1) continuous business area.

Junk and debris: An accumulation of waste, scrap, discarded or salvaged materials, and/or garbage and refuse including, but not limited to, unusable or discarded appliances and home furnishings, auto parts, rubber tires and landscape debris.

Junkyard: An open area where junk, waste, scrap, discarded or salvaged materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, papers, rags, rubber tires, and bottles. A junkyard includes automobile wrecking or salvage yards, used lumberyards and places or yards for storage of salvaged structural steel materials and equipment.

Kennel: Any premises where one (1) or more pets over four (4) months of age which is not owned by a person residing on the premises is kept, trained, maintained, boarded, bred or cared for either for remuneration or gratuitously.

Landscape waste processing/transfer facility: A site where grass, shrubbery cuttings, leaves, and other materials generated by gardening, yard or landscaping activities are brought to be processed, composed or transferred to another facility or end use market. The term shall include, but not be limited to, facilities such as "landscape waste transfer facility" and "landscape waste material processing facility."

Landscaping: The following definitions shall be applicable:

Berm: An earthen mound designed to provide screening of undesirable views, noise reduction, etc.

Landscape Screen: A visual and physical buffer consisting of plant materials, berms, fences and/or walls, or any combination thereof which obscure a higher intensity zoning district or use from a lower intensity zoning district or use.

Landscape Yard: An area of ground contained within a required yard of a zoning lot including paved areas required for pedestrian or vehicular access, which is required to be landscaped for the purposes of screening and buffering a development site from a less intensive zoning district or use.

Ornamental Tree: A deciduous tree planted primarily for its ornamental value, or for screening. May be any size at maturity, but will tend to be smaller than a shade tree.

Parking Lot Island: An area of ground within the boundary of any parking lot which has curbing adjacent to all paved areas. Parking lot islands are used for traffic control and provide space for landscaping which helps screen and shade parking lots.

Performance Bond: A cash deposit or letter of credit in the form acceptable to the County of DuPage to be provided to ensure that landscaping will be completed in the event the applicant does not complete or replace guaranteed plants within the time allowed by the bond.

Plant Average Functional Size: The mature height and spread typical of a category of plants, such as low shrubs, evergreen trees, shade trees, etc.

Plant Preservation Credit: Credit given for the preservation of existing vegetation meeting the functional requirements of this chapter, in lieu of required new landscaping.

Shade Tree: A deciduous (or, rarely, an evergreen) tree planted primarily for its high crown of foliage or overhead canopy.

Shrub, Low: Any shrub which attains a mature height of less than five feet (5') when left unpruned.

Shrub, High: Any shrub which attains a mature height of five feet (5') or more when left unpruned.

Temporary Easement Agreement: A document allowing DuPage County or its agent access to property for the purpose of completing the required landscaping in the event that the owner or petitioner does not install required plant material or does not replace dead plants as required by this chapter.

Turf Grass: Grass as planted, by seeding or sodding, to establish a lawn which is usually maintained by mowing.

Linkage: Any portion of an attached accessory building which connects an attached accessory building to a principal building and satisfies the following minimum requirements:

- A. Is constructed pursuant to all applicable building, zoning and drainage regulations for a principal building; and
- B. Is less than ten feet (10') in length; and
- C. Is less than twenty feet (20') in width.

Lodging room: A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room that provides sleeping accommodations shall be counted as one (1) lodging room.

Lot: A tract of land, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for building development.

Lot area: The area of a horizontal plane bounded by a vertical projection of the property lines of a lot excluding any street, easement for street purposes, or right-of-way.

Lot, corner: A lot situated at the intersection of two (2) or more streets. The interior angle of such intersection shall not exceed one hundred thirty-five (135) degrees.

Lot coverage: The total ground area of a zoning lot occupied by any building or structure as measured from the outside of the surrounding external walls or supporting members of the building or structure.

Lot depth: The mean or average horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries. The mean or average distance shall be determined by measuring every twenty feet (20') throughout the lot, with a point of beginning at the front property line and ending at the rear property line.

Lot, interior: A lot which is any lot other than a corner lot.

Lot line: A property boundary line of any lot, except that were any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley rights-of-way lines.

Lot line, front: For nonresidential lots where one (1) lot line is coincidental with an arterial street, such lot line shall be determined to be the front lot line. On residential corner lots the property owner may select the front lot line. On nonresidential corner lots bounded by two (2) or more principal arterial, minor arterial, or major collector streets, the director, Department of Economic Development and Planning, shall select the front lot line. Where any corner lot is bounded by two (2) streets of unequal classification (e.g., minor arterial and major collector, or major collector and local), the lot line coincidental with the higher classification street shall be determined to be the front lot line.

On lots served by reserve strips the front lot line shall be that lot line which is most nearly parallel with the dedicated street from which the reserve strip originates.

Lot line, rear: The lot line most nearly parallel to, and most distant from, the front line. If the rear lot line is less than ten feet (10') in length, such rear lot line for building setback purposes shall be determined to be a line which is not less than ten feet (10') in length, which line shall be parallel to, and at the maximum distance from, the front lot line.

Lot line, side: That boundary of a lot that is not a front lot line or a rear lot line.

Lot of record: A lot which is part of a subdivision, the plat of which, has been recorded in the Office of the Recorder of DuPage County; or a parcel of land, the deed to which was recorded in the office of said recorder pursuant to Chapter 765 Illinois Compiled Statutes, Act 205 (Plat Act).

Lot of record - historic:

A lot of record created before 1957 which is part of a subdivision platted before 1957, the plat of which has been recorded before 1957 in the Office of the Recorder of DuPage County; or

A parcel of land created before 1957, the deed to which was recorded before 1957 in the Office of the Recorder of DuPage County.

Lot, reversed corner: A lot the side line of which is a continuation of the front lot line of the first lot to its rear.

Lot, through: Any interior lot which has a pair of opposite lot lines along two (2) more or less parallel streets, and which is not a corner lot. On a through lot, both street lines shall be designated front lot lines and front yards shall be provided as required. Where a residential subdivision of three (3) or more acres is created after the effective date of this amendment and which abuts an arterial street or major collector street the following requirements shall apply:

The subdivision shall provide a twenty-five foot (25') wide outlot adjacent to the arterial street or major collector street so that no residential lot will be adjacent to the arterial street or major collector street.

The outlot shall be designated as a landscape easement and shall be owned and maintained by the homeowners' association.

Lot width: The mean or average horizontal distance between the side lot lines of a lot, measured within the lot boundary. The lot width shall be measured perpendicular to the lot depth. The mean or average distance shall be determined by measuring every twenty feet (20') throughout the lot, with a point of beginning at the front property line and ending at the rear property line.

Lot, zoning: A single tract of land located within a single block, which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

Massage or practice of massage: Any method of applying pressure on or friction against or stroking, kneading, rubbing, tapping, pounding or vibrating or stimulating the external soft parts of the body by another individual with or without the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations where said method is not performed by a Massage Therapist as defined herein.

Massage parlor and/or bathhouse: Any massage parlor; Turkish, steam, sauna, or other bathhouse; magnetic healing institute; room; place; establishment; or institution where massage is given or offered by a masseur or masseuse.

Massage school, recognized: A state approved school operating according to state regulations which has a current license, approval, accreditation and/or certification from the state in which it is located and provides an entry level massage training program of a minimum of five hundred (500) hours in class "work" of clinical training, which program shall include anatomy and physiology, kinesiology, ethics, pathology, contraindication and clinical experience, or a massage school program accredited/approved by the Commission of Massage Training/Approval and Accreditation (COMTAA). All coursework for credit hours shall be completed under the physical supervision of faculty.

Schools offering correspondent courses and not requiring actual class attendance shall not be deemed as a "recognized massage school."

Massage therapist: Any person who, for any consideration, engages in the practice of therapeutic massage as defined herein and provides proof of one (1) or more of the following:

- A. Proof of active member status in a professional massage therapy organization whose minimum standards require graduation from a recognized school as defined in this article or the passing of a competency test for active membership.
- B. Graduation and completion of a professional level entry program which consists of five hundred (500) hours or more of in classroom study and one hundred (100) hours or more of clinical experience in a "recognized school"; or
- C. Passage of the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) administered by the National Certification Program for Therapeutic Massage and Bodywork, which is approved by the National Commission for Certifying Agencies (NCAA), the accrediting arm of the National Organization for Competency Insurance (NOCI) or any other examination exhibiting proficiency in massage therapy/bodywork approved by the State of Illinois, or a Federal certifying agency.
- D. The following persons, however, shall not be considered to be massage therapists for purposes of this chapter when practicing therapeutic massage within the scope of their vocation, employment, course of study or volunteer services:
 1. Physicians, physicians' assistants, surgeons, podiatrists, chiropractors, osteopaths, chiropractors, registered nurses, practical nurses, certified nurses assistants, physical therapists, barbers and cosmetologists licensed, registered or certified to practice in the State of Illinois.
 2. Athletic trainers for any athletic program of a private or public school, college or university or for any athletic team regularly organized and engaging in competition.
 3. Any person enrolled in a school or program, licensed by the State of Illinois, or accredited by a national accrediting association, in medicine, osteopathy, chiropractic, podiatry, nursing, physical therapy, barbering or cosmetology.
 4. Any person employed by or working under the direction and supervision of a "massage therapist" as defined herein.

Massage, therapeutic: An application whereby a "massage therapist," as defined herein, uses any method of applying pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, touching or stimulating the external soft parts of the body with the hands, any body part or with the aid of any mechanical or electrical apparatus or appliance, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations.

Masseur or masseuse: Any person who, for any kind of consideration, engages in the practice of massage other than those persons as defined as "massage therapists" herein or those persons engaged in related occupations and agencies as defined herein.

Medical cannabis cultivation center: A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

Medical cannabis dispensary: A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from an Illinois registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to Illinois registered qualifying patients.

Minimart: A convenience shopping establishment selling a limited stock of food and related items to the general public. A minimart may be located in an automobile service station as a conditional use or may be freestanding (such as 7-11, White Hen Pantry, etc.).

Mobile home: A structure designed for permanent habitation, and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent home and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons. Even if the structure rests on a permanent foundation, with wheels, tongue, hitch and axle or lug bolts permanently removed, it shall be construed as a mobile home.

Mobile home, independent: An independent mobile home is a mobile home which has self-contained toilet and bath or shower facilities and is connected to public sanitary sewer and water facilities.

Mobile home park: A tract of land upon which thirty (30) or more independent mobile homes are located and shall include any building, structure, vehicle, open space or enclosure, used, or intended for use, as part of the property and equipment of such mobile home park. A mobile home park shall not include an open sales lots.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A "motel" furnishes services such as maid service and laundering of linen, telephone or desk service and the use and upkeep of furniture.

Motor freight terminal: A building and premise in which freight, brought by motor truck or railroad is received, sorted, or stored for routing for local, intrastate and/or interstate shipment by motor truck.

Municipal solid waste: Garbage, general household and commercial waste, industrial lunchroom or office waste. Municipal solid waste includes landscape waste that is not readily compostable and construction/demolition material that is not recyclable.

Municipal solid waste transfer facility/waste transfer station: A facility which receives municipal solid waste and which transfers or prepares the municipal solid waste for shipment to another site for final disposal or use. The term shall include, but not be limited to, such facilities as "solid waste transfer facility" and mixed solid waste processing facility."

Nonconforming building or structure: See definition of Building or Structure, Nonconforming.

Nonconforming building, structure or use (regulatory floodplain and/or a wetland area): Any lawfully established building, structure or use which, on February 15, 1992, does not comply with all of the applicable stormwater, floodplain and/or wetland management regulations for the regulatory floodplain and/or the wetland areas where such building, structure or use is located.

Nonconforming use: See definition of Use, Nonconforming.

Not for profit corporation: Any chartered corporation where no part of the income is distributable to its members, directors, or officers; provided, however, that the payment of reasonable compensation for services rendered and the making of distributions upon dissolution or final liquidation, as permitted by the "Corporation Act" of the Illinois Compiled Statutes, shall not be deemed a distribution of income.

Off-street loading space or berth: An open or enclosed area other than a street, used for the loading and unloading of goods or materials from motor vehicles and trailers. Design of such space shall comply with Article XII of this chapter.

Off-street parking space: A space within a public or private parking area designed in accordance with the requirements set forth in Article XII of this chapter.

Open sales lot: A lot or parcel of land used or occupied for the purpose of buying, selling, renting, or trading of goods and commodities, including the storage of same prior to rental, sale or exchange.

Open space: All land or water areas not occupied by buildings, roads, parking, or private open areas. It includes park land and play areas, community garden plots, and service areas dedicated to the public or designated or reserved for the sole use and enjoyment of the people having a common proprietary interest in the development. Land required by this chapter to remain as open space may be used for recreation, resource protection, underground utility, amenity and buffer area purposes. Where open space is part of a park and/or school dedication, the entire parcel so dedicated shall be considered as open space.

Open space, public: Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

Paddock: An enclosed or fenced in area used for pasturing or exercising horses.

Parking, reservoir: An area allocated to motor vehicles awaiting entrance to a drive-in establishment.

Pasture: An enclosed or fenced in area of land on a zoning lot used for grazing or exercising horses.

Pet: A domesticated animal (which may include, but not to be limited to, a dog, cat, miniature pig, etc.), customarily kept for pleasure and which typically spends a majority of its time in a dwelling unit. The term shall not include animals which are kept for agricultural or utility purposes, (except for 4-H projects which shall be governed by the district requirements), "dangerous animals," as defined herein, and horses (which shall be governed by the district requirements). Small birds, fish and reptiles shall be deemed to be pets but shall not be counted against the total number of pets allowed on a residential lot. The director shall determine what specific animals, exotic or otherwise, do or do not qualify as pets.

Place of assembly: A premises where members or patrons gather together generally for common reason and generally at regular intervals including for, but not limited to, civic, cultural, fraternal, political, religious or social purpose. It shall be permissible to serve food and meals on the premises, provided it is secondary and incidental to the promotion of some other common objective of the organization and provided adequate dining room space and kitchen facilities are available and is in compliance with applicable Federal, State, and County laws, including, but not limited to the DuPage County Building Code and the DuPage County Health Department regulations. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that the sale of alcoholic beverages is in compliance with applicable Federal, State, and County laws.

Planned development: A parcel of land or contiguous parcels of land initially under the ownership of one (1) landowner or a group of landowners in common agreement with respect to development as a single entity compatible with the development of adjacent parcels. Notwithstanding ownership, any property developed under a planned development ordinance, shall remain in conformance with the approved planned development concept, except as may be modified by ordinance of the County Board.

Pond - ornamental: A nonstormwater facility pond, which is used sole for private purpose for display only.

Pond - stormwater facility: A pond, which is not an ornamental pond and is used in relation ship with a stormwater facility including ditches, channels, bridges, culverts, levees, ponds, natural and man made impoundments, wetlands, wetland buffers, riparian environment, tile, swales, sewers, or other natural or artificial structures or measures which serve as a means of draining surface and subsurface water from land.

Prepared food delivery store: An establishment whose principal business is the dispensing of edible, prepared food and/or beverages for consumption off the premises. It is characterized by the off site delivery by employees of the store of the vast majority of the foodstuffs prepared on the premises. Only incidental carryout of food (usually less than ten percent (10%) of the total business) by customers is allowed. No on premises tables or consumption of food is permitted. A prepared food delivery store shall not be considered a restaurant.

Primary unit: That portion of a converted dwelling which is not part of the accessory unit.

Private utility: An entity where the principal use is conveying, generating or providing electricity, electronic data, natural gas, telephone service, cable television or water or similar type utility at, above or below surface grade where said entity is not regulated by the Illinois Commerce Commission (ICC).

Public utility: An entity where the principal use is conveying, generating or providing electricity, electronic data, natural gas, telephone service, cable television or water or similar type utility at, above or below surface grade where said entity is regulated by the Illinois Commerce Commission (ICC).

Recreational areas, active: The area of a park, forest preserve, or other recreational area, whether publicly or privately owned, whereon buildings, improvements or the land is operated or maintained for the purposes of entertainment, sport or other recreational activity, indoor or outdoor; including, but not limited to, athletic facilities and fields, swimming pools and beaches, fishing and boating lakes and docks, museums, interpretative centers, target ranges, spectator facilities, picnic areas, trails and portages, and all ancillary uses related thereto such as parking lots, roadways, concession/admission stands, offices and restrooms.

Recreational areas, passive: The area of a park, forest preserve, or other recreational area, whether publicly or privately owned, whereon the use is not for any active recreational uses and the area is either: a) not readily accessible to the general public, or b) is designated or otherwise reserved for natural area or wildlife preservation, conservation or restoration.

Recreational center: A building or use of land operated with or without membership requirements, for entertainment or sport, delivered directly to the consumer; including, but not limited to, skating rink, bowling alley, pool hall, racquet club, swim club, indoor or outdoor golf center, miniature golf course, amusement arcade, or indoor archery, pistol or rifle range.

Recyclable materials processing/transfer facility: A facility where secondary materials are gathered, sorted, processed and/or stored before shipment for use at an end market. These materials may include, but are not limited to, recyclables such as glass, newspaper, and aluminum, and construction and demolition materials such as wood, bricks, and metal. Only incidental, de minimis amounts of nonrecyclable waste may be present in recyclable materials loads received at the facility. Any such facility must demonstrate that a secondary market exists for the recyclable materials.

Recycling facility: Any facility where secondary materials are gathered, sorted, processed and/or stored before shipment for use at an end market. Materials handled at a recycling facility shall not have been stored with, or otherwise come in contact with, mixed municipal solid waste. The term shall include, but not be limited to, such facilities as "intermediate processing facility," "multi-material recycling center" and "recycling buy-back center."

Religious institution: A place of assembly which provides meeting areas for regularly scheduled religious activities including Church, Temple, Synagogue, Mosque and similar type uses. A religious use may also provide ancillary operations including but not limited to: caretaker's housing; group living facilities such as convents and priests quarters; meeting space; offices; rectory; religious teaching area, customarily meeting for short periods of time typically on weekends and evenings, separate areas from the main worship area for individual or group prayer. It shall be permissible to serve food and meals on the premises, provided it is secondary and incidental to the promotion of some other common objective of the organization and provided adequate dining room space and kitchen facilities are available and is in compliance with applicable Federal, State, and County laws, including, but not limited to the DuPage County Building Code and the DuPage County Health Department regulations. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that the sale of alcoholic beverages is in compliance with applicable Federal, State, and County laws.

Rent and subrent: When used in reference to an adult motel, shall mean the act of permitting a sleeping room to be occupied for any form of consideration.

Repairs (nonconforming buildings, structures and uses): Repairs shall include the replacement of storage tanks required for the operation of the principal building, where safety of operation of the installation requires

such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as herein above provided.

Reserve lot (flag lot): A buildable lot where access is obtained by way of a narrow strip of land (reserve strip) from a dedicated street only; as follows:

Each reserve lot shall contain a minimum of forty thousand (40,000) square feet, which shall not include the portion of the lot used as the reserve strip. However, where a specific zoning district requires more than forty thousand (40,000) square feet of land area, that portion of the reserve lot used as the reserve strip may be included as part of the minimum area requirement for the zoning district;

Each reserve strip providing access to a lot shall be not less than twenty feet (20') in width;

The lot width may include the width of the reserve strip and shall comply with the minimum lot width requirements in the underlying zoning district.

That not more than three (3) lots consisting of two (2) reserve lots with reserve strips, each twenty feet (20') in width, and one key lot with a frontage of not less than the minimum lot width requirement for the zoning district along the dedicated street shall be permitted;

That where more than one reserve lot is created, the reserve strips access to interior lots, shall be dedicated and marked as a private easement for access to all reserve lots with only one permitted entrance to the dedicated street.

Residential care: All residential care facilities shall comply with all licensing requirements of the State of Illinois, Department of Children and Family Services.

Daycare Center: Any childcare facility which regularly provides daycare for less than twenty-four (24) hour day for: a) more than sixteen (16) children in a family home, or b) more than three (3) children in a facility other than a family home.

Daycare Center; Adult: A facility designed to care for more than five (5) adults, primarily elderly, who do not need institutional care but who, because of their advanced age, require assistance during the day in order to remain active in their community.

Daycare Home: A family home which receives more than three (3) up to a maximum of twelve (12) children for less than twenty-four (24) hours per day. The maximum of twelve (12) children includes the family's natural or adopted children and all other persons under the age of twelve (12). The term does not include facilities which receive only children from a single household.

Group Daycare Home: A family home which receives more than three (3) up to a maximum of sixteen (16) children as determined by the Department of Children and Family Services for less than twenty-four (24) hours per day. The number counted includes the family's natural, adopted and foster children under the age of twelve (12).

All residential care facilities shall comply with all licensing requirements of the State of Illinois, Department of Children and Family Services.

Respite care: Temporary, around the clock care of a person who may be ill or elderly to provide the care giver an interval of rest or relief from the stress of long term care of a family member. Respite care includes the provision of accommodations from one (1) night up to thirty (30) nights with convenient check in times, twenty-four (24) hour supervision, home cooked meals, laundry services, and special activities.

Restaurant: An establishment whose principal business is the dispensing of edible, prepared food and/or beverages for consumption on and/or off the premises. Restaurant is further defined by class as follows:

- A. **Class A Restaurant:** A restaurant which exhibits any four (4) or more of the following characteristics:
 - 1. Sells prepackaged food ready to carryout.

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2. Could have little or no on premises seating for patrons.
 3. Franchised or chain owned businesses.
 4. Has no meeting and/or banquet facilities.
 5. Has no County liquor license.
 6. Does not accept dining reservations.
 7. Little or no advertising on an individual establishment basis.
- B. **Class B Restaurant:** A restaurant which exhibits any four (4) or more of the following characteristics:
1. Holds a County issued liquor license in the Class B, C, or D.
 2. Meeting and/or banquet facilities incidental to the principal use are available.
 3. Normally accepts dining reservations as a standard procedure.
 4. Does not have carryout service on a regular basis.
 5. Advertises primarily on an individual establishment basis.
 6. Utilizes a hostess to seat patrons.
- C. **Class C Restaurant:** A Class C restaurant is any Class B restaurant that exhibits any one (1) of the following characteristics:
1. Has a bar/lounge area separate from the restaurant which is utilized by non eating customers.
 2. Has, on a regular or semi-regular basis, entertainment facilities to include, but not be limited to, dance floors, disc jockeys or live bands.
 3. Has additional facilities other than the restaurant, to attract customers.
 4. Has additional facilities, as established in Subsections C.1. through C.3. of this section, and has been determined by the Director, Department of Economic Development and Planning to severely impact the provision of off-street parking spaces.

Roadside stand: A structure for the display and sale of agricultural products, at least a part of which are raised or grown on the property where such structure is located. A roadside stand shall be located on a lot containing not less than five (5) acres of land area where the principal use is agriculture. The stand, including all off-street parking facilities, shall be located not less than forty feet (40') from any right-of-way line of any public street, shall not have a building height exceeding one (1) story, shall not contain space for customers in the structure, and shall not exceed six hundred (600) square feet of floor area. The farm products sold in the stand may include trees, shrubs, flowers, vegetable, fruit, poultry and poultry products and other similar farm products.

Sanitary landfill: A facility permitted by the Illinois Environmental Protection Agency (IEPA) for the disposal of waste, on land meeting the requirements of the Resource Conservation and Recovery Act, (PL 94-580), and regulations thereunder, and shall operate in such a manner as to minimize nuisances or hazards to the public health, safety, and welfare by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and at such intervals as the County Board may provide by regulations.

Self-storage facility: A building or buildings designed and used exclusively for the storage of personal property and, including varying sizes of individual, compartmentalized and controlled access stalls for the storage of goods or wares, excluding toxic or corrosive substances. A self-storage facility may include a caretaker's residence and administrative offices, but shall not include other uses such as repair, manufacturing, service or similar uses.

Sewage system: A sewage system in DuPage County shall be defined as follows:

Private Sewage System; Nonresidential: A privately owned, nonresidential sewage system which discharges effluent to a public sewage system, a watercourse, or on site.

Private Sewage System; Residential: A privately owned, residential, sewage system which discharges effluent on site or to a watercourse.

Public Sewage System: A sewage system operated by a public agency or public utility and is subject to regulations by the Illinois Environmental Protection Agency (IEPA).

Signs: See Article XI, "Sign Requirement," of this chapter.

Special event: Any temporary occurrence involving a display, demonstration, performance, exhibition or amusement which includes, but is not limited to, festivals, concerts, carnivals, arts and crafts shows, sporting events, socials, parties, rallies and the like.

Specified anatomical areas:

- A. Less than completely or opaquely covered human genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Specified sexual activities:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse, fellatio or sodomy;
- C. Fondling, kissing or other erotic touching of specified anatomical areas;
- D. Flagellation or torture in the context of a sexual relationship;
- E. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- F. Erotic touching, fondling or other such contact with an animal by a human being; or
- G. Human excretion, urination, menstruation or vaginal or anal irrigation as part of or in connection with any of the activities set forth in Subsections A. through F. of this section.

Stable, private: An accessory building located on a single-family residential lot to be used for housing horses for the private use of the resident of the lot.

Street: An improved public or private right-of-way or easement affording primary means of vehicular access to abutting properties designated as a street, avenue, highway, road, boulevard, lane, or throughway. The following street types are based on the functional highway classification for the adopted "The Year 2005 Street and Highway Plan for DuPage County."

Arterial Street: A major or minor street of greater continuity intended to serve as a large volume trafficway for the immediate County area and regions beyond, and may be designated on the County's "Year 2005 Street and Highway Plan" as a major or minor arterial, tollway, freeway or expressway.

Major Collector Street: A street distributing vehicle trips between local street systems and arterial streets. A major collector street will have moderate continuity (generally one (1) to three (3) miles) and may serve intercommunity travel.

Local Streets: The following streets serve primarily a land access function:

- A. **Minor Collector:** A street to collect and distribute local subdivision traffic to major collectors and arterials. Direct residential driveway access to these streets shall be minimized.

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- B. **Industrial Service Street:** A street of limited continuity, used primarily for access to abutting industrial or office research properties.
 - C. **Minor Street:** A street of limited continuity used primarily for access to abutting residential properties.
 - D. **Frontage Road:** A minor street paralleling, adjacent to and often within the right-of-way of an arterial street, providing access to local street systems and protection from through traffic.
 - E. **Other Streets:**
 - 1. **Cul-de-Sac Street:** A minor street of short length having only one (1) outlet and a suitable terminus as approved by the appropriate highway authority providing for the safe and convenient reversal of traffic movement.
 - 2. **Private Street:** An undedicated street privately owned and maintained, or an easement of access benefitting a dominant tenant.

Street frontage: All that property fronting on one (1) side of a street: a) lying between two (2) intersecting streets, b) lying between one (1) intersecting street and the centerline extended of the nearest street connecting with but not intersecting such street, or c) lying between the centerlines extended of the nearest streets connecting with, but not intersecting such street, provided however, the minimum distance between the centerlines of any such streets shall be one hundred fifty feet (150').

Structural alteration: Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls and does not include an addition to the building.

Structure: Anything constructed or erected requiring a location on the ground, or is attached to something having location on the ground, including a fence or freestanding wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

Structure, completely enclosed: A building enclosed by a permanent roof and solid exterior walls with preplanned constructed windows, doors and other appropriate openings.

Structure, detached: Any structure having no party wall or common wall with another structure. Bridges, tunnels, breezeways and other similar means of connecting one (1) structure to another shall not, for the purposes of this chapter, be considered to constitute a party wall or a common wall.

Structure, temporary: Except as hereinafter provided, a temporary structure is a structure designed for a limited period of time or tenure on a zoning lot.

Transition yard: A required yard on a zoning lot which usually acts as buffer between two (2) land uses of different types or intensities and which shall provide a landscape yard in accordance with Section 37-419, "Landscaping," of this chapter. A transition yard shall be located on the zoning lot with the higher intensity use. Transition yards are specifically required as follows:

- A. Between any nonresidential zoning district and any residential zoning district.
- B. Between any nonresidential use and a residential use.
- C. Between any two-family or multiple-family dwelling and a single-family detached dwelling.
- D. On zoning lots containing zoning relief granted by the County Board: variations or conditional uses for nonsingle-family detached development or redevelopment.
- E. On any zoning lot in any nonresidential zoning district which utilizes the fifty percent (50%) yard reduction by conditional use. All required yards on such zoning lots shall be considered transition yards.

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- F. On nonsingle-family detached zoning lots which utilize the interior portion (but no more than twenty percent (20%)) of any required yard for accessory off-street parking, loading or on site circulation.
 - G. On single-family detached zoning lots which request variations or conditional uses.

Use: The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

Use, conditional: A use either public or private having some special impact that requires a careful review of the location, design, configuration, and the desirability of permitting its establishment on any given site. Its use may or may not be appropriate in a particular location depending on a weighing, in each case, of the local impact and effect.

Use, nonconforming: Any lawfully established use of a building or premises which, on the effective date of this chapter, does not comply with all of the applicable use regulations of the zoning district in which such building or premises shall be located. For the purpose of this chapter, any residence located within a business or industrial district, and any use lawfully established on the effective date of this chapter which is nonconforming solely by virtue of lacking off-street parking and loading facilities as required hereinafter for new uses, shall not be deemed a nonconforming use.

Use, principal: The main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a permitted, or a conditional use.

Use, temporary: Any activity or use designed, built, conducted, erected or occupied for short and/or intermittent periods of time and shall include, but not be limited to, garage sales, tents, lunch wagons, dining cars, trailers, and other roofed structures on wheels or other supports used for business, storage, industrial, institutional, assembly, educational or recreational purposes.

Use, unlisted: (See Section 37-403.6, "Interpretation of Use Lists," of this chapter.)

Utility company: A public or private utility conveying or providing electricity, electronic data, natural gas, telephone service, cable television, or water at, above or below surface grade where said entity complies with applicable State and Federal regulations governing such utility company.

Utility, private: An entity where the principal use is conveying, generating or providing electricity, electronic generation, electronic data, natural gas, telephone service, cable television or water or similar type of utility at, above or below surface grade where said entity is not regulated by the Illinois Commerce Commission (ICC).

Utility, public: An entity where the principal use is conveying, generating or providing electricity, electronic data, natural gas, telephone service, cable television or water or similar type of utility at, above or below surface grade where said entity is regulated by the Illinois Commerce Commission (ICC).

Variation: A relaxation of the terms of the zoning ordinance where such variation will be in harmony with the general purpose and intent and not contrary to the public interest, and where, due to conditions peculiar to the property and not the direct result of the actions of the owner, a literal enforcement of the ordinance would result in practical difficulties or a particular hardship. Variations may be granted in the use, construction, or alteration of a building or structure, or in the use of land.

Vehicle: Every device, in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Snowmobile Registration and Safety Act.

Abandoned Vehicle: Any vehicle in a State of disrepair rendering the vehicle incapable of being driven in its condition and/or any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted by its owner.

Antique Vehicle: Any vehicle that is not otherwise inoperable, that is more than twenty-five (25) years of age or that is an authentic replica thereof and that is capable of being driven along any public roadway only going

to and returning from an antique auto show or an exhibition, or for servicing or demonstration and has affixed to the vehicle antiques license plates issued by the appropriate authority.

Bus: Every motor vehicle, other than a commuter van, designed for carrying more than ten (10) persons.

Commercial Vehicle: Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle being used commercially.

Commuter Van: A motor vehicle designed for the transportation of not less than seven (7) nor more sixteen (16) passengers, which is: a) used in a ridesharing arrangement; or b) owned or leased by or on behalf of a company or an employee organization and operated on a nonprofit basis with the primary purpose of transporting employees of the company between the employees' homes and the company's place of business or a public transportation station and in which the operating, administrative, maintenance and reasonable depreciation costs are paid principally by the persons utilizing the commuter van.

Custom Vehicle: Any motor vehicle that is at least twenty-five (25) years of age and of a model year after 1948 or a vehicle that has been certified by an inspector of the national street rod association, on a form prescribed by the secretary of state, to be a custom vehicle manufactured to resemble a vehicle at least twenty-five (25) years of age and of a model year after 1948 and has been altered from the manufacturer's original design or has a body constructed from non original materials and which is maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and which is not used for general daily transportation.

Derelict vehicle: Any inoperable, and/or unregistered, and/or discarded motor vehicle, regardless of title, having lost its character as a substantial property where the vehicle is left unattended without justification by the owner of the vehicle or property owner.

Gross Vehicle Weight Rating (GVWR): The value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit.

Gross Weight: The weight of a vehicle whether operated singly or in combination without load plus the weight of the load thereon.

Hire Vehicles:

For Hire Vehicle: The operation of a vehicle for compensation and subject to Federal regulation by the Interstate Commerce Commission or to state regulation by the Illinois Commerce Commission and those vehicles regulated by the secretary of state.

Not For Hire Vehicle: Operation of a commercial vehicle in furtherance of any commercial or industrial enterprise but not for hire.

Inoperable vehicle: Any vehicle, which is incapable of being, operated which is not otherwise an abandoned, derelict or junk vehicle. The term shall not include a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles, or a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations.

Junk Vehicle: Any vehicle which has been or is being disassembled, crushed, compressed, flattened, destroyed or otherwise reduced to a state in which it no longer is in an operable state.

Limousine: Any privately owned first division vehicle intended to be used for the transportation of persons for hire when the payment is not based on a meter charge, but is prearranged for a designated destination.

Model Year: The year of manufacture of a vehicle based upon the annual production period of the vehicle as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture.

Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Motor Vehicle: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. For this chapter, motor vehicles are divided into two (2) divisions:

- A. **First Division:** Those motor vehicles, which are designed for the carrying of not more than ten (10) persons.
- B. **Second Division:** Those motor vehicles which are designed for carrying more than ten (10) persons, and/or those motor vehicles designed and/or used for living quarters, and/or those motor vehicles designed for pulling or carrying freight cargo and/ or implements of husbandry, and/or those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division.

Multipurpose Passenger Vehicle: A motor vehicle with motive power, except a trailer, designed to carry ten (10) persons or less that is constructed either on a truck chassis or with special features for occasional off road operation.

Noncommercial Vehicle: Any vehicle that is not a commercial vehicle.

Passenger Car: A motor vehicle of the first division including a multipurpose passenger vehicle that is designed for carrying not more than ten (10) persons.

Recreational Vehicle: Every camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially not owned by a commercial business. Also, any towed recreational equipment, including the trailers used for same such as boats, snowmobiles and motorcycles used privately for recreational purposes and not used commercially. The term "recreational vehicle" more specifically includes, but is not limited to the following:

All-Terrain Vehicle: Any motorized off highway device fifty inches (50") or less in width, having a manufacturer's dry weight of six hundred (600) pounds or less, traveling on three (3) or more low pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control.

Camping Trailer: A trailer, not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and of a size or weight not requiring an over dimension permit when towed on a highway.

Motor Home, Mini-Motor Home, or Van Camper: A self-contained motor vehicle, not used commercially, designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk through access to the living quarters from the driver's seat. Such vehicles must include at least four (4) of the following:

1. A cooking facility with an on board fuel source;
2. A gas or electric refrigerator;
3. A toilet with exterior evacuation;

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4. A heating or air conditioning system with an on board power or fuel source separate from the vehicle engine;
 5. A portable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection;
 6. A 110—125 volt electric power supply.

Travel Trailer: A trailer, not used commercially, designed to provide living quarters for recreational, camping or travel use, and of a size or weight not requiring an over dimension permit when towed on a highway.

Truck Camper: A truck, not used commercially, when equipped with a portable unit designed to be loaded onto the bed, which is construed to provide temporary living quarters for recreational, travel or camping use.

Semitrailer: Every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Tow Truck: Every truck designed or altered and equipped for and used to push, tow or draw vehicles by means of a crane, hoist, towbar, tow line or auxiliary axle, or to render assistance to disabled vehicles.

Trailer: Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight rests upon the towing vehicle.

House Trailer:

- A. A trailer or semitrailer equipped and used for living quarters or for human habitation (temporarily or permanently) rather than for transportation of freight, goods, wares and merchandise (see definition of Mobile Home);
- B. A house trailer or semitrailer which is used commercially (temporarily or permanently) for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation for distribution by a private carrier.

Truck: Every motor vehicle, except a road tractor or a truck tractor as otherwise defined in this chapter, designed, used or maintained primarily for the transportation of property.

Truck Tractor: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle Operator: To ride in or on, other than as a passenger, use or control in any manner the operation of any device or vehicle whether motorized or propelled by human power.

Vehicle Owner: A person who holds legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of such vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

Vehicle Owner Operator: A commercial motor vehicle lessor who leases the commercial motor vehicle, with driver, to a lessee.

Warehouse: A building or structure or part thereof, used principally for the storage of goods and merchandise.

Water supply: A water supply in DuPage County shall be defined as follows:

Public Water System: A system for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily, for at least sixty (60) days out of the year. Such term includes: a) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and b) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system."

Community Water System: A community water system serves one (1) or more lots; maintains fifteen (15) or more connections or serves at least twenty-five (25) residents on a regular basis; and meets all Federal and State of Illinois Standards.

Noncommunity Water System: A public water system which is not a community water system.

Private Water System for Human Consumption: A system that serves only one (1) lot and fewer than twenty-five (25) residents.

Private Water System, Nonpotable: Any water system providing water for nonpotable uses.

Yard: An open space on the same zoning lot with a building, structure or use, unoccupied and unobstructed from its lowest level to the sky, except by landscaping and as otherwise permitted in Sections 37-405 and 37-406 of this chapter. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

Yard, Corner Side: A yard extending along a side lot line adjoining a street between the front and rear yards to a width specified in the yard requirements for the zoning district.

Yard, Front: A yard extending along the full length of the front lot line between the side lot lines to a depth specified in the yard requirements for the zoning district.

Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines to a depth specified in the yard requirements for the zoning district.

Yard, Side: A yard extending along a side lot line between the front and rear yards to a width specified in the yard requirements for the zoning district.

Zoning Board of Appeals: The DuPage County Zoning Board of Appeals.

Zoning certificate: A certificate issued by the Director, Department of Economic Development and Planning, certifying that any proposed use, building, or structure to be located on a lot is in accordance with all of the regulations of this chapter.

(2005 Code; Ord. ZP-T-3-05; Ord. ZP-T-4-05, 7-11-2006; Ord. T-3-10A, § 1, 3-20-2011; Ord. T-2-11, Exh. 1(16), 10-11-2011; Ord. T-2-12, 10-23-2012; Ord. T-1-14, § 1, 11-25-2014; Ord. No. T-1-17, § 1, 10-23-2018)

ARTICLE IV. GENERAL PROVISIONS

37-401: INTERPRETATION.

37-401.1: MINIMUM REQUIREMENTS.

The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity and general welfare and the environment of the residents

of the unincorporated areas of DuPage County, and to effectuate the purposes of this chapter and enabling legislation.

(2005 Code)

37-401.2: CONFLICTING PROVISIONS.

Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other applicable statute, law, ordinance, regulation, or rule, the provision which is most restrictive or imposes the higher standards or requirements shall apply.

(2005 Code)

37-401.3: AVAILABLE RELIEF.

Although the requirements of this chapter are written in very specific terms, reasonable flexibility is offered through such devices as appeals, variations, conditional uses and conditional use - planned development.

(2005 Code)

37-401.4: EXISTING AGREEMENTS.

This chapter is not intended to abrogate any easement, covenant, or any other private agreement, provided, that where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this chapter shall govern.

(2005 Code)

37-401.5: EXISTING VIOLATIONS.

No building, structure, or use not lawfully existing at the time of the adoption of this chapter shall become or be made lawful solely by reason of the adoption of this chapter; and to the extent that, in any manner that said unlawful building, structure, or use is in conflict with the requirements of this chapter, said building, structure, or use shall remain unlawful under the provisions of this chapter.

(2005 Code)

37-401.6: PERMITS REQUIRED.

Nothing contained in this chapter shall be deemed to consent to, license, or permit to use any property or to locate, construct, or maintain any building, structure, site, facility, or operation, or to carry on any trade, industry, occupation, or activity without first obtaining an appropriate building permit, stormwater management permit and/or and zoning certificate.

(2005 Code)

37-401.7: PROVISIONS ARE CUMULATIVE.

The provisions of this chapter shall be interpreted to be cumulative of, and to impose limitations in addition to, all other ordinances, laws, codes, and regulations in existence or which may be passed governing any subject matter of this chapter.

To the greatest extent possible, the provisions of this chapter shall be construed to be consistent with, and not in conflict with, the provisions of such other ordinances, laws, codes, and regulations, and with each other, to the end that all such provisions may be given their fullest application.

(2005 Code)

37-402: SEVERABILITY.

A. The several provisions of this chapter shall be severable in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of this chapter invalid, such judgment shall not affect any other provision of this chapter.
2. If any court of competent jurisdiction shall adjudge the application of any provision of this chapter to a particular parcel of land, a particular structure, or a particular development, such judgment shall not affect the application of said provisions to any other land, structure, or development.

B. All such unaffected provisions of this chapter shall remain in full force and effect.

(2005 Code)

37-402.1: JUDGMENT.

If any court of competent jurisdiction shall adjudge any provision of this chapter or any amendments thereto, to be invalid, such judgment shall not affect any other provisions of this chapter or any amendments thereto, not specifically included in said judgment.

(2005 Code)

37-402.2: INDIVIDUAL PROPERTIES.

If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter or any amendments thereto, to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(2005 Code)

37-403: SCOPE OF REGULATIONS.

It is hereby declared that the provisions of this chapter shall apply to all properties in unincorporated DuPage County as hereinafter specifically provided.

(2005 Code)

37-403.1: BUILDING, STRUCTURE OR USE.

- A. All buildings or structures erected hereafter, all uses of land or buildings and structures established hereafter, and all structural alteration or relocation of existing buildings and structures occurring hereafter shall be subject to all regulations of this chapter applicable to the zoning districts in which such buildings, structures, uses, or land shall be located.
- B. Where a lot is to be occupied for a permitted use without buildings or structures, all yards required for such lot shall be provided and maintained unless otherwise stipulated in this chapter, except that side yards shall not be required on lots used for agricultural purposes without buildings or structures and no side or front yards shall be required on lots used for public recreation areas except for buildings.

(2005 Code)

37-403.2: BUILDING PERMITS ISSUED.

Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this chapter and provided that construction is begun within six (6) months after such effective date and diligently prosecuted to completion (completion to be accomplished within eighteen (18) months of the adoption of this chapter), said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued and further, may upon completion be occupied under a certificate of occupancy for the use originally designed, subject thereafter to the provisions of Article V of this chapter.

(2005 Code)

37-403.3: NONCONFORMING BUILDINGS, STRUCTURES AND USES.

Any legal building, structure or use existing at the time of the enactment of the zoning ordinance may be continued, even though such building, structure or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing legal use may be continued, subject to the provisions in Article V of this chapter.

(2005 Code)

37-403.4: EXISTING ZONING RELIEF (I.E. MAP AMENDMENTS, CONDITIONAL USES AND VARIATIONS).

- A. Where a use is hereinafter classified as a conditional use under this chapter and exists as a conditional use or a permitted use on the date of the adoption of this comprehensive amendment, or by any subsequent amendment thereto, such use shall be considered to be a legal conditional use, which use shall be limited to: 1) the specific use in existence on the date of adoption as stated above; 2) the geographic area used by such use on the date of adoption as stated above; and 3) the physical improvements and equipment which constitutes a part of such use on the date of adoption as stated above; provided however, that; a) where individual mobile homes, as an integral part of a mobile home park are currently located within a special flood hazard area (SFHA) and/or wetland area, as determined by section 37-414 of this chapter, such mobile homes shall be anchored in accordance with the criteria established in section 37-705.9, 37-706.9 and 37-707.9 of this chapter.

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- B. Where a use is not allowed as a conditional use, or a permitted use, under this chapter, and exists as a conditional use on the date of adoption of this amendment, or by a subsequent amendment thereto, such use shall be classified as a nonconforming use and, may be continued subject to the provisions of article V of this chapter.
 - C. No legal conditional use shall be changed to any other use, unless such new use is a permitted use in the district in which the property is located; nor shall such legal conditional use be altered or expanded in any manner, except in compliance with the following:
 - 1. Application amending the legal conditional use, filed in accordance with section 37-1413 of this chapter.
 - 2. The use shall comply with all other requirements of the district in which the property is located.
 - 3. The use shall comply with all requirements established under section 37-404 of this chapter. (2005 Code)
 - D. Where a building, structure or use is hereinafter entitled as a Map Amendment, Variation or a Conditional Use by approval by the County Board and exists on the date of the adoption of any subsequent amendment thereto, such building, structure or use shall be considered to be a legal map amendment, variation or conditional use, which use shall be limited to: 1) the specific use in existence on the date of adoption as stated above; 2) the geographic area used by such use on the date of adoption as stated above; and 3) the physical improvements and equipment which constitutes a part of such use on the date of adoption as stated above pursuant to all the terms of relief including specific conditions thereto as approved by the County Board.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-403.5: USES NOT SPECIFICALLY PERMITTED IN DISTRICT/PROHIBITED.

Except as hereinafter provided, when a use is not specifically listed as a permitted or conditional use in any specific zoning district, such use shall be expressly prohibited.

(2005 Code)

37-403.6: INTERPRETATION OF USE LISTS.

- A. **DETERMINATIONS CONCERNING USES NOT SPECIFIED:** When a particular use or uses, or classes of uses, is not specifically identified in this zoning ordinance but which is of the same general character as those listed as permitted principal or accessory uses, or uses permissible by conditional use, the Director, Department of Economic Development and Planning, shall make a determination in the matter. The director shall give due consideration to the intent of the zoning ordinance concerning the district involved, the character of uses specifically identified, and the character of the use or uses in question.
- B. **NOTIFICATIONS CONCERNING DETERMINATIONS:** Upon making a determination, the Director, Department of Economic Development and Planning, shall notify the Zoning Board of Appeals and the County Board Development Committee of that determination.
- C. **EFFECT OF FINDINGS BY DIRECTOR, DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING:** If in making the determination, the director finds that the particular use or class of use is of unusual or transitory nature, or is unlikely to recur frequently, the determination shall thereafter be binding on all officers and agencies of the County of DuPage as an administrative ruling, and without further action or amendment of this zoning ordinance. If the director finds that the particular use or class of use is likely to be common or

recurrent, the director shall include the proposed change in the next forthcoming text amendment to rectify the omission.

(2005 Code)

37-403.7: COMPATIBILITY STANDARDS FOR CLASSIFYING NEW AND UNLISTED USES.

The new or unlisted uses shall be similar in impact, function and characteristics to uses listed in the district. Other standards for determination of compatibility are as follows:

- A. Volume and type of sales, retail or wholesale, size and type of items sold, and the nature of the inventory on the premises.
- B. Any processing done on the premises; assembly, manufacturing, smelting, warehousing, shipping and distribution; and any dangerous, hazardous, toxic or explosive materials used in processing.
- C. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored, i.e., business vehicles, work in progress, inventory and merchandise, construction materials, scrap and junk, and bulk ores, powders and liquids.
- D. The type, size and nature of buildings and structures supporting the use.
- E. The number and density of employees and customers; and the per unit area of site and buildings in relation to business hours and employment shifts.
- F. The business hours the use is in operation or open for business.
- G. Transportation requirements, including mode of transportation, by volume, type and characteristics of traffic generated to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site.
- H. Parking characteristics, turnover and generation, ratio of the number of spaces required per unit area or activity, and potential for shared parking with other uses.
- I. Predilection for attracting or repelling criminal activities to, from, or on the premises.
- J. Amount and nature of nuisances generated on the premises - noise, smoke, odor, glare, vibration, radiation, and fumes.
- K. Any special public utility requirements for serving the use - water supply, wastewater output, pretreatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities required.

(2005 Code)

37-404: BULK AND USE REGULATIONS.

37-404.1: USE.

No building, structure or land shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

(2005 Code)

37-404.2: CONTINUED CONFORMITY WITH BULK REGULATIONS.

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the property owner as long as the building is in existence. Further, no legally required yards, open space, or minimum lot area allocated to any building shall, by virtue of a change in ownership or for any other reason, be used to satisfy yard, open space, or minimum lot area requirements for any other building.

(2005 Code)

37-404.3: BULK.

All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this chapter for the district in which such buildings shall be located.

(2005 Code)

37-404.4: ACCESS TO PUBLIC STREETS.

Except as otherwise provided in Section 37-1414 of this chapter, or as provided for in the DuPage County, Illinois, Subdivision Regulations, every building shall be constructed upon a lot or parcel of land which abuts upon a public street.

(2005 Code)

37-404.5: RESERVED.

(Ord. T-4-05, 7-11-2006)

37-404.6. TWO USES ON A ZONING LOT.

Where two (2) or more permitted or conditional uses, each requiring a minimum lot area, are provided on the same zoning lot, the required lot area for such uses shall be the sum of the areas required for each use individually.

(2005 Code)

37-404.7: DIVISION OF ZONING LOTS.

No zoning lot shall hereafter be divided into two (2) or more lots unless all lots resulting from each such division shall conform to all the applicable bulk regulations of the zoning district where the property is located. Such lots, created by subdivision or deed division, shall be required to make school and park donations in accordance with the DuPage County Subdivision Regulations for all extra lots created, shall conform to the zoning ordinance standards for stormwater management, and shall be required to pay any and all impact fees, which may apply.

(Ord. T-4-05, 7-11-2006)

37-405: LOT COVERAGE.

37-405.1: LOCATION OF REQUIRED YARDS.

All required yards allocated to a building, structure or use shall be located on the same zoning lot as such building, structure or use being served.

(2005 Code)

37-405.2: YARDS.

- A. **REQUIRED YARDS FOR EXISTING BUILDINGS:** No yards allocated to a building, structure or use existing on the effective date of this chapter shall be subsequently reduced, or be further reduced below the yard requirements of this chapter except a yard adjoining a street may be reduced in depth or width in the event and to the extent, that the right-of-way width of such street adjoining such yard is subsequently increased.
- B. **AVERAGE FRONT YARD LESS THAN MINIMUM SETBACK:** On streets where a front yard setback has heretofore been maintained by buildings situated on lots or tracts comprising not less than fifty percent (50%) of the total street frontage on one (1) side of that portion of any street including: 1) lying between two (2) intersecting streets, 2) lying between one (1) intersecting street and the centerline extended of the nearest street connecting with, but not intersecting such street, or 3) lying between the centerlines extended or the nearest streets connecting with, but not intersecting such street, buildings shall maintain a front yard (building setback) as required in the zoning district in which such property is located, or may maintain a lesser front yard, as determined by the average front yard (building setback) provided by existing buildings.

(2005 Code)

37-405.3: VISION CLEARANCE; CORNER LOTS/SERVICE DRIVES.

At the intersection of all streets and/or the intersection of any service entrance drive from a street to a zoning lot, line of sight easements shall be established within the triangular area formed: one (1) at the intersection of any two (2) street right-of-way lines; and/or the intersection of any street right-of-way line with any service entrance drive (both sides of such drive), by a line drawn between such right-of-way lines, and/or such right-of-way line and service entrance drive line, at a distance along such line of twenty-five feet (25') from the point of intersection thereof.

Within the above vision clearance easements, no obstruction shall be permitted which exceeds three feet (3') in height above grade, including, but not limited to, buildings, fences and walls, loading and open storage, plant material, play equipment, parking and structures.

(2005 Code)

37-406: RESERVED.

(Rep. by Ord. T-4-05, 7-11-2006)

37-407: FENCES, WALLS AND SHRUBBERY.

37-407.1: GENERAL REQUIREMENTS.

The following requirements shall apply in all districts:

- A. Fences, walls or shrubbery shall not be erected, constructed or maintained in conflict with the specifications established in Section 37-405.3 of this article.
- B. No fence, wall or shrubbery may be erected, constructed or maintained on any portion of a zoning lot that might impede the natural flow of stormwater.

(2005 Code)

- C. All fences and walls shall require the issuance of a permit, prior to their erection or construction.
- D. All fences located in the front yard shall be an open fence no taller than four feet (4') above grade.
- E. All walls located in the front yard shall be no taller than two feet (2') above average grade.
- F. Fences shall not have an electrical charge sufficient to cause a shock.
- G. Fences for industrial uses and public utility and service conditional uses may have barbed wire on the top provided that they satisfy the following conditions:
 - 1. No more than three (3) strands of barbed wire shall be used.
 - 2. The lowest strand of barbed wire shall have a fence height of not less than eight feet (8').
 - 3. The vertical supports for the strands of barbed wire shall slant away from the property line at an angle from the vertical of not less than forty-five (45) degrees.

(2005 Code; amd. Ord. T-4-05, 7-11-2006)

37-407.2: RESIDENCE DISTRICTS.

A. FRONT YARDS:

- 1. An open fence may be erected at least three (3) inches from any lot line forming a part of the front yard to a height not to exceed four feet six inches (4'6") above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.
- 2. A gate may be erected to a height not to exceed eight feet six inches (8'6") above grade provided the gate is at least five (5) feet from the front property line. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.

B. INTERIOR SIDE/YARDS:

- 1. An open or solid fence or non retaining wall may be erected at least three (3) inches from any lot line forming a part of the side yard to a height not to exceed six feet six inches (6'6") above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.
- 2. Where a side lot line abuts a business or industrial district or a principal arterial roadway or Illinois interstate or freeway, an open or solid fence or non retaining wall may be erected at least three (3) inches from any lot line forming a part of the side yard to a height not to exceed eight feet six inches (8'6") above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.

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3. A gate may be erected to a height not to exceed eight feet six inches (8'6") above grade provided the gate is at least five (5) feet from the side property line. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.

C. CORNER SIDE YARDS:

1. An open fence may be erected at least three (3) inches from any lot line forming a part of the corner side yard to a height not to exceed four feet six inches (4'6") above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.
2. An open or solid fence or non retaining wall may be erected at least ten (10) feet from the property line adjacent to any lot line forming a part of the corner side yard to a height not to exceed six feet six inches (6'6") above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.
3. A gate may be erected to a height not to exceed eight feet six inches (8'6") above grade provided the gate is at least five (5) feet from the corner side property line. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.
4. Where a corner side lot line abuts a business or industrial district or a principal arterial roadway or Illinois interstate or freeway, an open or solid fence or non retaining wall may be erected at least three (3) inches from any lot line forming a part of the corner side yard to a height not to exceed eight feet six inches (8'6") feet above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.

D. REAR YARDS:

1. An open or solid fence or non retaining wall may be erected at least three (3) inches from any lot line forming a part of the rear yard to a height not to exceed six feet six inches (6'6") above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.
2. Within the rear yard of a reversed corner lot an open fence may be erected at least three (3) inches from any lot line forming a part of the rear yard to a height not to exceed four feet six inches (4'6"). The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.
3. Within the rear yard of a reversed corner lot an open or solid fence or non retaining wall may be erected at least ten (10) feet from any lot line forming a part of the rear yard to a height not to exceed six feet six inches (6'6") above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.
4. A gate may be erected to a height not to exceed eight feet six inches (8'6") above grade provided the gate is at least five (5) feet from the rear property line. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.
5. Where a rear lot line abuts a business or industrial district or a principal arterial roadway or Illinois interstate or freeway, an open or solid fence or non retaining wall may be erected at least three (3) inches from any lot line forming a part of the rear yard to a height not to exceed eight feet six inches (8'6") above grade. The finished side or "good" side of any fence or gate shall face outward toward the adjacent property or right-of-way.

(Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(17), 10-11-2011; Ord. No. T-1-17, 2-13-2018)

37-407.3: BUSINESS DISTRICTS.

- A. **FRONT YARDS:** No fence or wall shall be permitted in any required front yard.
- B. **SIDE/REAR YARDS:** An open or solid fence or wall may be erected within three inches (3") of and property line to a height not to exceed eight feet six inches (8'6") above grade.
- C. **CORNER SIDE YARDS:** No fence or wall shall be permitted in any required corner side yard.

(2005 Code; Ord. No. T-1-17, 2-13-2018)

37-407.4: OFFICE RESEARCH DISTRICTS.

- A. **FRONT YARDS:** No fence or wall shall be permitted in any required front yard.
- B. **SIDE/REAR YARDS:** An open or solid fence or wall may be erected within three inches (3") of and property line to a height not to exceed eight feet six inches (8'6") above grade.
- C. **CORNER SIDE YARDS:** No fence or wall shall be permitted in any required corner side yard.

(2005 Code; Ord. No. T-1-17, 2-13-2018)

37-407.5: INDUSTRIAL DISTRICTS.

- A. **FRONT YARDS:** No fence or wall shall be permitted in any required front yard.
- B. **SIDE/REAR YARDS:** An open or solid fence or wall may be erected within three inches (3") of and property line to a height not to exceed eight feet six inches (8'6") above grade.
- C. **CORNER SIDE YARDS:** No fence or wall shall be permitted in any required corner side yard.

(2005 Code; Ord. No. T-1-17, 2-13-2018)

37-408: SPECIAL EVENTS AND TENTS.

Special events are temporary uses which may be allowed in any zoning district provided, that they satisfy the following requirements and are authorized by the County Development Committee.

(2005 Code)

37-408.1: GENERAL RESTRICTIONS.

Special events shall be subject to the following restrictions:

- A. **All Zoning Districts:**
 - 1. All temporary uses, buildings and structures shall observe all yard setback requirements for the districts in which the special events are located.
 - 2. Special events shall be limited to no more than two (2) occurrences per calendar year for each zoning lot.
 - 3. An applicant for a special event must apply for and obtain a special events permit from the Department of Economic Development and Planning. The Director, Department of Economic Development and Planning, shall take the application for a special event to the County

Development Committee for review and comment. After the petitioner has obtained the review and comments of the committee, having complied with any additional conditions imposed by the committee and having paid all fees, a location permit may be issued by the Department of Economic Development and Planning, Zoning Division.

B. *Residence Districts:*

1. Special events shall be limited to duration of one (1) day each unless otherwise approved for a duration extension by the County Development Committee, (except that garage sales may last from Friday through the first Sunday following that Friday) with no less than one hundred twenty (120) days between special events.
3. Special events shall begin activities after 9:00 a.m. and shall cease activities by 10:00 p.m. that same day unless otherwise approved for a time extension by the County Development Committee.

C. *Nonresidential Districts:*

1. All special events shall provide on-site parking for attendee vehicles in accordance with Article XII of this chapter.
2. Special events shall be limited to duration of ten (10) days each with no less than sixty (60) days between special events.
3. Special events shall begin activities after 9:00 a.m. and shall cease activities by 10:00 p.m. that same day unless otherwise approved for a time extension by the County Development Committee.

(2005 Code; Ord. No. T-2-11, Exh. 1(18), 10-11-2011)

37-408.2: APPLICATION REQUIREMENTS AND PROCEDURE.

All persons desiring to conduct a special event (except for residential garage sales) shall first submit an application to the Department of Economic Development and Planning, Zoning Division, no later than five (5) days prior to any scheduled County Development Committee Review. The DuPage County Department of Economic Development and Planning, Zoning Division, shall review all applications for compliance with the ordinance and shall report its findings to the County Development Committee.

Such application shall contain the following:

- A. ***Site Plan:*** Must show all signage, including banners and all temporary signs.
- B. ***Parking and Circulation Plan:*** Must show stalls, circulation paths, access locations and traffic control devices. Need not be required for special events located in residential districts on lots without on site parking.
- C. ***Sanitary Facilities:*** Report from DuPage County Health Department confirming compliance with all applicable health and sanitation codes. May be waived at the discretion of the Director, Department of Economic Development and Planning.
- D. ***Liability Insurance and Hold Harmless:*** Liability insurance shall be required and shall name the County to be coinsured. A "hold harmless" document shall be executed separately or be part of the insurance policy.
- E. ***Traffic Control and Security:*** Contract to provide for off duty police officers or trained security personnel to provide traffic control and security may be waived at the discretion of the Director, Department of Economic Development and Planning.

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- F. **Owner Authorization:** When the applicant for a special event is not the owner of the lot on which the event will occur, the applicant must submit proof of the owner's authorization which shall be in writing, dated, signed by the owner and contain sufficient information so as to identify the property and the proposed special event.
 - G. **Bond or Letter of Credit:** A cash bond or irrevocable standby letter of credit shall be placed with the DuPage County Department of Economic Development and Planning, Zoning Division, to guarantee removal of all temporary structures, tents, junk and debris, etc. from the site upon termination of a special event. The amount of the cash bond or irrevocable standby letter of credit shall be one hundred percent (100%) of the estimated reasonable cost of the removal of the special event items from the lot.

The Director, Department of Economic Development and Planning, and/or County Development Committee may, at his/their discretion, waive the requirements of Subsections B., C., and E. of this section, and may require additional information as he/they determine necessary.

(2005 Code)

37-408.3: COUNTY DEVELOPMENT COMMITTEE APPROVAL.

The County Development Committee may authorize special events and, as part of such authorization, may require the following:

- A. Changes in the location of any temporary use, structure, tent, or signage as shown on the applicant's site plan.
- B. Changes in parking, site circulation, access points, or traffic control devices as shown on the applicant's parking plan.
- C. Additional sanitary facilities to be provided.
- D. Additional liability insurance to be provided in an amount determined by the Development Committee.
- E. Additional traffic control and/or security personnel to be provided and/or that notification of the special event's location and date be transmitted by applicant to any designated law enforcement agency and to the local fire department.

(2005 Code)

37-408.4: TENTS.

Tents are temporary uses which shall not be erected, used or maintained on any zoning lot except for limited periods of time for such uses as carnivals, church socials, tent sales, wedding and yard parties. Tents regulated in this section shall not include tents designed for and used for personal recreation in residence districts.

- A. **General Restrictions:** Tents shall be subject to the following restrictions:
 - 1. Tents shall not be used for the permanent storage of vehicles and other equipment or for the permanent covering of any recreational facilities.
 - 2. Tents shall not be used as a place of permanent residence.
 - 3. Tents shall observe all yard setback requirements in the districts where located and, if involving a commercial, office or industrial use, shall provide on site parking of customer vehicles in accordance with Article XII of this chapter.

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4. The use of a tent on a zoning lot shall be a use, which is clearly accessory to the existing use of the property. Tents shall not be established on any vacant parcel of land.
 5. All uses of tents in nonresidential districts and all nonresidential uses of tents in residential districts shall be limited to no more than ten (10) days at a time and no more than two (2) times in any calendar year.
 6. Before a zoning certificate and permit are issued for the erection, maintenance or use of a tent, a cash bond or irrevocable standby letter of credit shall be placed with the DuPage County Department of Economic Development and Planning, Zoning Division, to guarantee removal of the tent. The amount of the cash bond or irrevocable standby letter of credit shall be one hundred percent (100%) of the estimated reasonable cost of the removal of the tent from the lot.
- B. **Authorization:** The County Development Committee may authorize tents for the above types of uses and, as a part of such authorization, may require the following in addition to the cash bond or letter of credit:
1. A graphic showing of the following:
 - a. Location of buildings and tents.
 - b. Location of off-street parking.
 2. A report from the DuPage County Health Department.
 3. Liability insurance shall be required which shall name the County as coinsured. A "hold harmless" document shall be executed or be part of the insurance policy.
 4. A contract to provide for off duty police officers or trained security guards for traffic control if necessary.

(2005 Code)

37-409: SEWAGE DISPOSAL AND WATER SUPPLY.

Regardless of other provisions of this chapter, in all classifications and in all districts there shall always be sufficient ground area left unoccupied by a structure or a paved area for a proper system of sewage disposal and water supply conforming with the standards and requirements of the DuPage County Private Sewage Disposal Ordinance and private water supply ordinance and all amendments relative thereto, the DuPage County Health Department and the Health Department of the State of Illinois. Plot plans accompanying building permit applications shall show clearly the proposed sewage disposal system and well location, if any.

(2005 Code)

37-410: REGULATIONS GOVERNING EXISTING PLACE OF ASSEMBLY USE.

(Ord. ZP-T-3-05; Ord. No. T-2-11, Exh. 1(1), 10-11-2011)

37-410.1: DECLARATION OF POLICY.

- A. In the development and execution of sections in this Ordinance relative to a new place of assembly use, it is recognized that there exists several uses that fall within the definition of place of assembly use. These existing place of assembly uses have been permitted by virtue of entitlement from the County Board via variation, special or conditional use zoning entitlement prior to the establishment of regulations for a new

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place of assembly use. As such, while a new place of assembly use is permitted in all zoning districts it is necessary and desirable to enable an existing conforming or legal nonconforming place of assembly use to continue.

(Ord. No. T-2-11, Exh. 1(1), 10-11-2011)

37-410.2: CONFORMING EXISTING PLACE OF ASSEMBLY USE: USE, BUILDING, AND STRUCTURE.

- A. Any conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval shall be permitted to continue the use per the entitlements granted to the use.
- B. Any conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval shall not be changed to any other use, unless such new use is a permitted use or a conditional use in the district in which the property is located.
- C. Any conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval shall be limited to the geographic area of the zoning lot established as of October 25, 2011.
- D. Any conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval shall not be altered or expanded in any manner, except in compliance with the following:
 - 1. The alteration is a necessary and customary part of maintenance of the property, building and/or structure on the property;
 - 2. The expansion or alteration does not intensify the existing use of the property, building and/or structure on the property;
 - 3. The alteration or expansion meets all of the requirements of the district; or
 - 4. The owner of the property applies for and receives a conditional use in accordance with section 37-1413 (Conditional Uses) of this Code, to allow an alteration or expansion of the conforming existing place of assembly use.

(Ord. No. T-2-11, Exh. 1(1), 10-11-2011)

37-410.3: LEGAL NONCONFORMING EXISTING PLACE OF ASSEMBLY USE: USE, BUILDING, AND STRUCTURE.

- A. Any legal nonconforming existing place of assembly use established prior to October 25, 2011 which is not established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval may be continued subject to the provisions of Article V, Nonconforming Buildings, Structures and uses.
- B. Any legal nonconforming existing place of assembly use established prior to October 25, 2011 which is not established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval shall not be altered or expanded in any manner, except in compliance with the following:
 - 1. The alteration is a necessary and customary part of maintenance of the property, building and/or structure on the property;

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2. The expansion or alteration does not intensify the existing use of the property, building and/or structure on the property;
 3. The alteration or expansion meets all of the requirements of the district; or
 4. The owner of the property applies for and receives a conditional use in accordance with section 37-1413 (Conditional Uses) of this Code, to allow an alteration or expansion of the nonconforming existing place of assembly use.

(Ord. No. T-2-11, Exh. 1(1), 10-11-2011)

37-411: REGULATIONS GOVERNING AIRPORTS AND THEIR SURROUNDINGS.

Airports and their surroundings are subject to the rules and regulations of the Federal Aviation Administration (FAA) and the State of Illinois, Division of Aeronautics and the following.

(2005 Code)

37-411.1: HEIGHT OF STRUCTURES WITHIN BOUNDARIES.

Height of structures in areas surrounding the boundaries of airports having established approach plans approved by the State of Illinois, Division of Aeronautics shall be in accordance with requirements set forth in the approach plans.

(2005 Code)

37-411.2: AIRPORTS WITHOUT ESTABLISHED APPROACH PLANS.

- A. Height of structures, in areas twenty thousand (20,000) linear feet beyond the boundaries of airports that do not have an established approach plans, shall be in accordance with requirements established by the State of Illinois, Division of Aeronautics, for each type of airport (e.g., restricted landing areas and residential airports.)
- B. All structures within subdivisions surrounding airports without established approach plans or within one thousand (1,000) linear feet of the end of the runways of such airports shall be certified by a registered engineer or surveyor for compliance with height restrictions of the State of Illinois, Division of Aeronautics, prior to the issuance of building permits by the DuPage County Building Division.

(2005 Code)

37-412: DEVELOPMENT OF AIR RIGHTS.

The development of air rights above land located in any zoning district and utilized for public or private use, shall be treated as a conditional use and shall be required to meet the standards of the underlying zoning district where such development is located. However, plans for all such air right developments shall be submitted to the Zoning Board of Appeals, in the same manner as applications for conditional uses, for its recommendations as to the appropriateness of the development in regard to the location of buildings and structures, traffic control, placement of utilities and all other matters related to the physical development of said air rights. Such recommendations shall be forwarded to, and shall be subject to the approval of the County Board.

(2005 Code)

37-413: GROUP HOMES.

37-413.1: PURPOSE.

The provisions of this section provide further clarification of the definition of "group home" by setting minimum requirements for the location and operation of such homes. It is the policy of DuPage County that group homes meeting the requirements of this section are considered as permitted uses in all residential districts.

(2005 Code)

37-413.2: REQUIREMENTS FOR GROUP HOMES.

In addition to satisfying the definition of group homes, group homes shall comply with the following requirements:

- A. The group home shall not be located less than six hundred feet (600'), measured horizontally in any direction, from any other building used as a group home pursuant to this chapter or defined as a group home pursuant to any adjacent jurisdiction's zoning ordinance.
- B. The operator of the group home shall have a license and/or certificate as required by appropriate Federal, State, or local agencies, if any is required, demonstrating the operator's qualifications to operate the group home.
- C. The total occupancy of the group home shall be limited to no more than eight (8) persons not related by blood, marriage, adoption or guardianship, plus no more than two (2) resident staff.
- D. No services including, but not limited to, counseling and other treatment shall be permitted for persons other than residents of the group home.

(2005 Code)

37-413.3: CERTIFICATION OF COMPLIANCE.

Prior to occupancy of a group home, the operator of the home shall obtain a letter from the Director of the Department of Economic Development and Planning certifying that the provisions of this chapter have been met. This certification letter shall be reviewed by the County Development Committee before it is issued to the operator of the group home. It must state that the group home meets the definition of group home as stated in Section 37-302 of this chapter, meets the requirements for group homes as stated in Section 37-413 of this chapter, and meets all other applicable standards and criteria of the DuPage County Zoning Ordinance.

(2005 Code)

37-414: PUBLIC ADDRESS SYSTEMS.

Outside loudspeakers and public address systems shall not be permitted on any property unless specific application is made to the Director, Department of Economic Development and Planning. Said application shall show the intended use of the system and the expected range of the sound emanating from the system. The applicant shall be required to submit a certificate of compliance with the performance standards as required in Section 37-103 of this chapter.

(2005 Code)

37-415: SITE PLAN REVIEW.

37-415.1: PURPOSE.

The provisions of this section establish criteria for submission and approval of site plans, for access control, lighting, signage and landscaping pursuant to the specifications hereinafter established. Access to zoning lots shall be designed, located and controlled pursuant to the Arterial Highway Development Policies and Standards for DuPage County adopted by resolution of the County Board including permit procedures established by the appropriate highway authority.

(2005 Code)

37-415.2: SCOPE OF REGULATIONS.

Site plan review shall be required for any new development or redevelopment which contains one (1) or more transition yards. Redevelopment for the purposes of this section shall mean the increase of the intensity of use of any building, structure or premises through the addition of dwelling units, gross floor area, seating capacity or similar units of measure.

(2005 Code)

37-415.3: SITE PLAN CRITERIA.

- A. **ACCESS CONTROLS:** The following specifications shall be addressed in the submission of a site plan for approval by the Department of Economic Development and Planning.
1. Driveway design and geometrics including curb return radius, width of driveway at the property line, curbed or uncurbed, dimension of any channelizing island or medians, length of driveway (measured parallel to driveway between edge of street and building line) and change in grade between driveway and street (measured where driveway meets the street).
 2. A drawing to scale showing distance between proposed driveways and existing driveways on both sides of the street, within two hundred feet (200') each direction from subject property line, with distances to be measured parallel to the street. Sketch shall also show the name and type of land use currently served by these existing driveways.
 3. Identification of proposed driveway, signing/markings/stripping for intersection control, inbound/outbound movements, turn prohibitions (if any), etc.
 4. Based on a review of site topography, street alignment and other factors, the Director, Department of Economic Development and Planning may require a survey to establish the sight distance to any intersecting street as measured from the driveway.
- B. **LIGHTING:** A lighting plan shall be submitted for approval by the Department of Economic Development and Planning which shall address the following:
1. Size, setback and height of all freestanding lights and wall lights attached to buildings.
 2. Type of lighting on all portions of the site, shielding to prevent off site glare, and level of lighting in foot-candles at all property lines.
- C. **SIGNAGE:** See Article XI, "Sign Requirements," of this chapter.
1. Size, setback and height of all freestanding business and industrial signs.

2. Type of lighting for signage.

D. **LANDSCAPING:** A landscape plan shall be submitted as a part of the site plan review, which plan shall conform to the requirements of Section 37-419, "Landscaping," of this chapter.

(2005 Code)

37-415.4: APPROVAL PROCEDURE.

Site plans subject to Section 37-415 of this chapter shall be submitted to the Director, DuPage County Department of Economic Development and Planning or his designate. No building permits requiring site plan review shall be issued by the building division until the site plans have been approved by the zoning division of the DuPage County Department of Economic Development and Planning.

(2005 Code)

37-416: ADULT BUSINESS USES.

37-416.1: DECLARATION OF POLICY.

In the development and execution of these sections regulating and limiting the location of adult business uses, it is recognized that adult business uses, by virtue of their nature, have serious objectionable operational characteristics which can have a deleterious effect upon areas adjacent to them. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary purpose of these regulations is to control the concentration or location of these uses to the fullest extent allowable by law, in order to eliminate such adverse effects. It is not the intent of these sections to deny adults access to sexually oriented materials and services or the providers of such materials and services their market in a manner that is inconsistent with the law.

In addition, the purpose of these regulations is to regulate a building, use or a service which is provided to or access restricted to people age eighteen (18) years of age or older where no permit or license has been issued otherwise allowing such access to a building, use or service to people age eighteen (18) years of age or older.

(2005 Code; Ord. No. T-1-17, § 1, 10-23-2018)

37-416.2: DISTANCE REQUIREMENTS FROM WHICH AN ADULT BUSINESS USE SHALL BE LOCATED FROM PROTECTED USES.

A. **DISTANCE REQUIREMENTS:**

1. An adult business use shall be located at least one thousand feet (1,000') from the property line of any other adult business use.
2. An adult business use shall be located at least one thousand feet (1,000') from the property line of a residential zoned property.
3. An adult business use shall be located at least one thousand feet (1,000') from the property line of a place of religious worship, daycare center, school, library or active recreational facility.
4. An adult business use shall be located at least five hundred feet (500') from the property line of a passive recreational area or a cemetery.

B. **MEASURING OF DISTANCES:** For the purpose of this section distances shall be measured as follows:

(Supp. No. 10, Update 2)

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1. By following a straight line, without regard to intervening structures, from a point on the property or the land use district boundary line from which the proposed use is to be separated.
 2. Where an adult business use located on a property where there is more than one (1) use, the distances provided for in this section shall be measured by following a straight line, from the outside wall of the building or tenant space containing the adult business use to a point on the property or the land use district boundary line from which the proposed use is to be separated.

(2005 Code)

37-417: ACCESSORY HOUSING.

37-417.1: DECLARATION OF POLICY.

The County Board of DuPage County, Illinois, recognizes that the number of persons living in the County who are sixty-two (62) years old or older is increasing and that many of these persons who would otherwise desire to maintain separate households are unable to do so because of insufficient incomes or need for services. The intent of Section 37-417 of this chapter providing for accessory housing is to alleviate this problem. By permitting an accessory unit to be maintained in single-family dwellings in the single-family residential districts of the County, persons over sixty-two (62) years old or older will be afforded a means of obtaining the additional income and security which will enable them to remain in homes owned and occupied by them. Also other persons owning and occupying single-family dwellings in these districts will be provided with a means of caring and providing companionship for relatives who are sixty-two (62) years or older.

(2005 Code)

37-417.2: REQUIREMENTS FOR ACCESSORY HOUSING CONDITIONAL USE.

An accessory unit may be maintained in a single-family dwelling as a conditional use in the districts hereinafter indicated. Conversion of the dwelling and maintenance of the accessory unit and primary unit must conform to the following requirements:

- A. Only one (1) accessory unit may be maintained in a converted dwelling.
- B. The total floor area of an accessory unit shall not exceed seven hundred (700) square feet.
- C. The accessory unit shall be structurally part of the converted dwelling; no accessory unit or portion thereof shall be maintained in an accessory building.
- D. The converted dwelling must conform to all applicable yard and bulk requirements.
- E. Floor plans for the construction of the accessory unit and for reconversion of both the primary unit and the accessory unit to a single-family dwelling after the expiration of the conditional use must be submitted with the application for conditional use.
- F. The exterior of the converted dwelling must retain the appearance of a single-family dwelling. The number of exterior entries on the front of the converted dwelling shall be the same number as prior to its conversion.
- G. No roomers or boarders allowed by the definition of dwelling unit in Section 37-302 of this chapter shall be permitted in either the primary unit or the accessory unit.
- H. At least one (1) of the occupants of a converted dwelling must be the legal or beneficial owner of the property. If none of the owners who occupy the converted dwelling are sixty-two (62) years old or

older, then the accessory unit must be occupied by a person who is sixty-two (62) years old or older and who is related to one (1) of the owners by blood, marriage, adoption or guardianship.

- I. By January 31 of each year after the occupancy permit for the accessory unit is issued, all owners of the property shall file an affidavit, along with the annual renewal fee, with the Director of the Department of Economic Development and Planning certifying that the property complies with the preceding Subsection A. through I. of this section on the date of the filing.

(2005 Code)

37-417.3: EXPIRATION OF CONDITIONAL USE.

Every conditional use for accessory housing shall expire by its own terms without action by the County Board if the property fails to conform with any of the requirements of Subsection 37-417.2A. through I. of this chapter, or if an affidavit is not filed in accordance with Subsection 37-417.2.I. of this chapter. The expiration date shall be thirty (30) days after the date on which the property first fails to conform with these requirements or thirty (30) days after the date on which the affidavit was to have been filed. The conditional use shall not expire, however, if the property is brought into conformity with the requirements of Subsection 37-417.2A. through I. of this chapter, or if the affidavit is filed as required prior to the expiration date. Every conditional use for accessory housing shall also expire when any owner of the converted dwelling conveys any portion of his or her interest in the property, unless the conveyance is to a trust of which that owner is a beneficiary.

(2005 Code)

37-417.4: RECONVERSION TO SINGLE-FAMILY DWELLING.

Reconversion of the property to a single-family dwelling shall be completed within ninety (90) days after the expiration of the conditional use. The County Development Committee may extend the period of conversion for cause shown. The property shall be reconverted according to the plans submitted at the time the conditional use was applied for.

(2005 Code)

37-417.5: RECORDING OF CONDITIONAL USE.

Every ordinance adopted under Section 37-417 through 37-417.5 of this chapter shall be drawn up and executed in duplicate originals, which shall comply with all requirements for recordation. Within thirty (30) days of the adoption of such an ordinance, the County Clerk shall transmit one (1) of the duplicate originals to the recorder for recording. All fees and costs of recordation shall be borne by the applicant for the conditional use.

(2005 Code)

37-418: HOME OCCUPATIONS AND PRINCIPAL ARTERIAL OFFICE USE.

37-418.1: HOME OCCUPATIONS AND PRINCIPAL ARTERIAL OFFICE USE.

- A. **HOME OCCUPATION REQUIREMENTS:** A home occupation shall be treated as an accessory use, shall be incidental and secondary to the principal use of the residence as a dwelling and shall meet all of the following requirements.

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1. Shall be operated in its entirety within the residence and only by the person or persons maintaining a dwelling therein.
 2. Shall not be operated in an accessory building or attached garage.
 3. Shall not contain a separate entrance from outside the building directly serving and only serving the area of the home occupation.
 4. Shall not display outside the building any evidence of the home occupation, (other than an identification nameplate).
 5. May display one (1) home occupation identification nameplate: The maximum area of such sign shall be no greater than two (2) square feet, and such sign shall be affixed flat against a wall or door or may extend up to eighteen inches (18") from a wall provided safe access is available for patrons.
 6. Shall not permit the conduct of, manufacturing business or repair shop of any kind.
 7. Shall not permit instruction, teaching, or counseling of more than three (3) persons at a time other than persons residing on the premises. Group counseling or encounter groups, teaching of musical instruments, voice, dance, and other similar instruction shall not exceed the three (3) person limitation.
 8. Shall not utilize more than twenty percent (20%) of the gross floor area of the dwelling unit, or four hundred (400) square feet, whichever is smaller.
 9. Shall not utilize commercial or industrial equipment (including but not limited to mechanical or electrical equipment), other than the type commonly found in single-family dwelling.
 10. Shall not permit delivery by other than private passenger vehicles, parcel service, or letter carrier.
 11. Shall not permit the parking of more than three (3) cars simultaneously on the property for customers or clients.
 12. Shall not produce noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure.
 13. Shall not be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.
 14. No more than one (1) home occupation shall be permitted within any single dwelling unit.
 15. Shall not permit more than one (1) of the six (6) resident motor vehicles allowed on the property to be used for off-premise commercial purpose. Such vehicle may have ladder racks, toolboxes, a snowplow and/or company name and logo, etc., on the vehicle.
 16. Shall not permit the on site storage of dangerous substances.

(Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(19), 10-11-2011)

B. *PRINCIPAL ARTERIAL OFFICE USE REQUIREMENTS:*

1. The principal arterial office use shall be limited to business, governmental, medical and professional office uses only. Wholesale or retail sales, repair activities, warehousing, material fabrication, or any other industrial activity shall be prohibited.
2. The principal arterial office use may be conducted in any dwelling unit within the R-1, R-2, R-3 and R-4 single-family residential zoning districts subject to the following qualifications:
 - a. The property which contains the principal arterial office use, must front on a designated principal arterial roadway as defined by the Year 2005 DuPage County Transportation Plan. These roadways include Illinois Route 59, County Farm Road, Main Street - Wheaton between Illinois Route 38 (Roosevelt Road) and Illinois Route 64 (North Avenue), Naperville-Wheaton Road,

Naper Boulevard, Illinois Route 53 south of Illinois Route 38 (Roosevelt Road), Illinois Route 83 (Kingery Highway), Illinois Route 19 (Irving Park Road), U.S. Route 20 (Lake Street), Illinois Route 64 (North Avenue), Illinois Route 38 (Roosevelt Road), 22nd Street from Interstate 294 to Illinois Route 56 (Butterfield Road), Illinois Route 56 (Butterfield Road) from 22nd Street west to the DuPage-Kane County line, U.S. Route 34 (Ogden Avenue) from DuPage-Cook County line to North Aurora Avenue and from 75th Street to the DuPage-Kane County line, North Aurora Avenue from U.S. Route 34 (Ogden Avenue) to Illinois Route 59, and 75th Street from U.S. Route 34 (Ogden Avenue) to Illinois Route 83, Army Trail Road from U.S. Route 20 (Lake Street) to the DuPage-Kane County line.

- b. The vehicular access to the property is exclusively from the principal arterial roadway.
 - c. The property is not defined as a reserve lot.
 - d. The parcel is not part of a planned unit development.
 - e. The principal building is oriented toward the primary arterial roadway.
 - f. The principal building for which the principal arterial office will be located must have been constructed before January 1, 1999.
3. The principal arterial office use shall be subject to all of the following site requirements.
- a. The principal buildings or structures in which the principal arterial office is located shall be subject to the front, side and rear setbacks of the applicable single-family residential zoning district.
 - b. The principal arterial office use shall be conducted completely within the principal building.
 - c. The principal arterial office use may be open to the public Monday through Saturday no earlier than 8:00 a.m. and no later than 7:00 p.m.
 - d. Principal arterial office uses must be owned and operated exclusively by the owner of the property. Leasing of office space to second parties shall be prohibited.
 - e. Any residence with a principal arterial office use on the site must be occupied by the owner of the property.
 - f. All building façades of the principal building must maintain the existing single-family residential character of the structure. The exterior of the single-family residence may be altered or rehabilitated provided the alteration is a nonstructural repair of the building including the replacement of the roof covering, veneering or outer walls and incidental repairs which do not extend or intensify the existing dimensions of the building. The building however, shall not be enlarged, expanded, or extended. Repairs and alterations may be made to the exterior or interior of the building to return the building to a safe condition in accordance with the County Codes.
 - g. Existing landscaping on the site shall be preserved and maintained.
 - h. Excluding provisions as outlined in Article XII, "Off-Street Parking and Loading Requirements," of this chapter, storage of any materials related to the principal arterial office use outside of the principal structure is prohibited.
 - i. Parking requirements shall be based upon the gross floor area of the principal building and shall be determined separately for that portion of the building used for the principal arterial office use and for that portion of the building used for the dwelling. All other parking and loading requirements for the principal arterial office use shall be provided per the minimum requirements of Article XII, "Off-Street Parking and Loading Requirements," of this chapter,

Principal Arterial Office Use. The minimum and maximum parking space requirement is three and three tenths (3.3) spaces per thousand feet of office space.

- j. The principal arterial office use shall be subject to landscape review. All driveways, parking areas and refuse containers shall require a full landscape screen and the remainder of the property shall maintain at least a partial landscape screen around the structures on the property used for the principal arterial office use as well as any additional landscape requirements within the respective single-family residential zoning district.
 - k. Signage shall be limited to those permitted in the applicable single-family residential zoning district in accordance with Article XI, "Sign Requirements," of this chapter as a single-family residential use in a residential district.
 - l. The principal arterial office use shall meet all performance standard requirements including:
 - (1) The office use shall not produce noise, obnoxious odors, toxic material, vibrations, glare, fumes, nuisance, or electrical interference detectable to normal sensory perception outside the structure.
 - (2) Mechanical equipment which emits an unreasonable odor, noise radio interference or other nuisance is prohibited.
 - (3) On site storage of dangerous substances is prohibited.
 - m. The building and use shall meet all DuPage County Building Codes.
4. Property owners meeting the aforementioned requirements and qualifications and intending to conduct a principal arterial office use on their premises shall require a building permit form the DuPage County Department of Economic Development and Planning.

(2005 Code)

37-419: LANDSCAPING.

37-419.1: PURPOSE AND INTENT.

- A. To require landscaping for screening and buffering of subdivisions, planned developments, developments granted zoning relief, and all developments other than single-family residencies to reduce the impact of such developments on adjacent properties.
- B. To encourage the preservation of existing trees and other vegetation which are in healthy condition, especially mature plant material and plants indigenous to the region, which are an important element characterizing the high quality of life in the County.
- C. To encourage the design and location of buildings, parking lots, drainage facilities and other improvements in such a way as to maximize the preservation of existing trees and other desirable vegetation.
- D. To grant plant preservation credits for existing trees and other desirable vegetation which meet landscaping requirements.
- E. To regulate the clearing and disturbing of land during the planning and site development process so as to preserve existing trees and other desirable vegetation when a tree preservation plan has been approved and plant preservation credits have been given.

(2005 Code)

37-419.2: APPLICABILITY.

- A. The requirements of this Section 37-419 shall apply to the following projects in unincorporated DuPage County:
 - 1. All projects requiring a permit and having one (1) or more transition yards.
 - 2. All projects requiring a permit with parking lot areas of ten thousand (10,000) square feet or larger.
 - 3. All projects requiring a permit which have zoning relief.
 - 4. All projects requiring a permit, other than projects on lots which contain single-family residences, which have existing trees of at least three inches (3") in diameter measured four and one-half feet (4½') above the ground.
 - 5. All applications for subdivision approval or zoning relief.
- B. An existing tree survey shall be submitted to the Department of Development and Economic Planning concurrent with the submittal of one (1) of the following:
 - 1. An application for zoning relief.
 - 2. An application for a subdivision.
 - 3. An application for any permit or project, when a transition yard exists on the property, or a transition yard is created through allowed yard reduction on the property.
- C. Existing conditions on developed sites not in conformance with requirements of this section that are otherwise lawful on August 13, 1991, may be continued as a matter of right. Any lawful expansion of nonconforming uses which involve any of the circumstances in Subsection A.1. through A.5. of this section shall be subject to the requirements of this section.
- D. Landscape screening is required in all transitions yards as follows:
 - 1. A partial landscape screen is required where:
 - a. A nonresidential use or district abuts a nonresidential use or nonresidential district if the adjacent lot is vacant.
 - b. A two-family or multi-family use abuts a nonsingle-family detached residential use or nonsingle-family detached residential district if the adjacent lot is vacant.
 - c. A use in a nonresidential district which utilizes the fifty percent (50%) yard reduction by conditional use abuts a nonresidential district.
 - d. A nonsingle-family detached use which utilizes the twenty percent (20%) yard reduction for parking, circulation or loading abuts a nonsingle-family detached use or a nonsingle-family district if the adjacent lot is vacant.
 - e. A single-family detached zoning lot is granted a variation or conditional use, when abutting any nonresidential use or any nonresidential district if the adjacent lot is vacant.
 - 2. A full landscape screen is required where:
 - a. A nonresidential use or district abuts a residential use or any residential district if the adjacent lot is vacant.
 - b. A two-family or multi-family use abuts a single-family detached use or a single-family detached district if the adjacent lot is vacant.

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- c. A use in a nonresidential district which utilizes the fifty percent (50%) yard reduction by conditional use abuts a residential district.
 - d. A nonsingle-family detached use which utilizes the twenty percent (20%) yard reduction for parking, circulation or loading abuts a single-family detached use or a single-family detached district if the adjacent lot is vacant.
 - e. A single-family detached zoning lot is granted a variation or conditional use, when abutting any residential use or any residential district if the adjacent lot is vacant.
- E. The following projects are exempt from the requirements of this section:
- 1. All projects on lots which contain single-family residences which do not have:
 - a. Any transition yards, or
 - b. Existing zoning relief.
 - 2. All projects (other than on lots which contain single-family residences) which do not have:
 - a. Any transition yards, or
 - b. Any parking lot areas of ten thousand (10,000) square feet or more, or
 - c. Any existing zoning relief, or
 - d. Any trees of three inches (3") or larger in diameter measured four and one-half feet (4½') above the ground.
- F. **Alternative compliance:** Certain project conditions may justify approval of alternative methods of compliance within requirements of this section. Conditions may arise where normal compliance is impractical or impossible or where maximum achievement of the County objectives can only be obtained through alternative compliance.
- 1. Requests for alternative compliance will be considered for any application to which the requirements of the ordinance apply when one (1) or more of the following conditions are present:
 - a. Topography, soil, vegetation or other site conditions are such that full compliance is impossible or impractical; or improved environmental quality would result from the alternative compliance.
 - b. Space limitations, unusually shaped lots or prevailing design practices in the surrounding neighborhood may justify alternative compliance for infill sites and for improvements or redevelopment in older developed areas.
 - c. A change of use on an existing site increases the screening required to more than is feasible to provide.
 - d. Safety considerations make alternative compliance necessary.
 - 2. Requests for alternative compliance shall be accompanied by sufficient explanation and justification, written and graphic, to allow appropriate evaluation and decision.
 - 3. A proposed alternative compliance measure must be equal to or better than normal compliance in terms of quality, effectiveness, durability, hardiness and ability to meet the landscape standards of the ordinance.
 - 4. Alternative compliance shall be limited to the specific project under consideration and shall not establish precedents for acceptance in other cases.

(2005 Code)

37-420: DAYCARE HOMES.

A home daycare use shall comply with the following standards and criteria:

- A. The home daycare use shall not:
 - 1. Be operated in an accessory building or detached garage.
 - 2. Contain a separate entrance from outside the building to serve the home daycare use.
 - 3. Permit the conduct of retail business, manufacturing business or repair shop of any kind.
 - 4. Display outside the building any evidence of the home daycare use except those signs which are allowed in residence districts in accordance with Article XI, "Sign Requirements," of this chapter.
 - 5. Permit delivery of mail by other than private passenger vehicles, parcel service or letter carrier.
 - 6. Permit any other home occupation within the same dwelling unit.
- B. All vehicles owned by the residents and by outside employees of the home daycare use shall be parked on the lot in areas as allowed for parking in residence districts. Adequate space shall be provided on the driveway of the home daycare use for the temporary parking of client vehicles while the children are being dropped off and picked up.
- C. The outside play area utilized for the home daycare use shall be separated from neighboring properties by a solid fence or wall.
- D. The home daycare operator shall submit a copy of the current state license to the Department of Economic Development and Planning each time it is renewed.
- E. The home daycare operator shall reside in the home as their principal residence. If the operator resides elsewhere than in the daycare home, it shall be considered a daycare center and shall require a conditional use permit from the County Board.
- F. Where a daycare home is served by private sewage disposal system rather than by public sewers, the daycare operator shall have the sewage disposal system inspected by the DuPage County Health Department to assure safe, sanitary operation thereof prior to establishing the use on the property.
- G. Prior to establishing a daycare home, the operator of the daycare use shall submit a letter to the director of the Department of Economic Development and Planning certifying that the provisions of this chapter have been met. The certification letter must state that the daycare home meets the definition of daycare home as stated in Section 37-302 of this chapter, meets the requirements for daycare homes as stated in Section 37-420 of this chapter, and meets all other applicable standards and criteria of the DuPage County Zoning Ordinance.

(2005 Code)

37-421: BED AND BREAKFAST ESTABLISHMENTS.

A bed and breakfast establishment shall comply with the following standards and criteria:

- A. Shall have no more than five (5) guestrooms for rent.
- B. Shall be in operation for not less than six (6) nights in a six (6) month period.
- C. Shall be located in a single-family detached dwelling, not an accessory building or garage.
- D. Shall maintain a guest register which shall be available at all times for inspection.

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- E. Shall be located on a zoning lot with a minimum width of one hundred sixty-five feet (165') and a minimum area of one hundred thousand (100,000) square feet in an R-1 single-family residence district and a minimum width of one hundred twenty-five feet (125') and a minimum area of forty thousand (40,000) square feet in all other districts where allowed.
 - F. Shall satisfy all requirements of the DuPage County Health Department and Building Division of the Department of Economic Development and Planning prior to the issuance of occupancy permits.
 - G. In addition to the parking requirements for a single-family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guestroom. The off-street parking for a bed and breakfast establishment shall not be located in any required yard, and it shall be screened from adjacent properties by a full landscape screen according to the provisions of Section 37-419, "Landscaping," of this chapter.
 - H. Only one (1) sign shall be permitted for each bed and breakfast establishment in a residence district. The maximum size of such sign shall be four (4) square feet per sign face, and may be double faced.
 - I. Each guestroom may have its own private bath. No guestroom, however, shall have any kitchen facilities.
 - J. Guestroom shall mean sleeping room intended to serve no more than two (2) transient guests per night.
 - K. Accommodations shall be provided in guestrooms only. The length of stay in a bed and breakfast shall be a maximum of one (1) week.
 - L. Any application for a conditional use shall include, in addition to all other documents required for a conditional use application, floor plans drawn to scale accurately showing the guestrooms in relation to the rest of the single-family detached dwelling.
 - M. By January 31 of each year after the occupancy permit for the bed and breakfast establishment is issued, the owner/resident of the property shall file an affidavit along with an annual renewal fee, with the Director, Department of Economic Development and Planning, that the property complies with the preceding Subsections A. through K. of this section on the date of the filing.

(2005 Code)

37-422: THERAPEUTIC MASSAGE USES.

A therapeutic massage use shall comply with the following standards and criteria:

- A. It shall be unlawful for any person, association, firm or corporation to practice or administer any "therapeutic massage" as defined in Section 37-302 of this chapter without first complying with the requirements for therapeutic massage uses as stated in this section and complying with all other applicable standards and criteria of the DuPage County Zoning Ordinance or of the State of Illinois.

(2005 Code)

- B. All uses that are therapeutic massage uses or uses where the practice of therapeutic massage is ancillary to a vocation and within the scope of said vocation, employment, course of study or volunteer services, "massage therapist," as defined in Section 37-302 of this chapter, shall not be considered adult uses as defined under "adult business use," in Section 37-302 of this chapter.
- C. It shall be unlawful for any person, association, firm or corporation to operate or conduct a therapeutic massage use or therapeutic massage business which does not conform to the requirements of the DuPage County Health Department and the State of Illinois Department of Public Health.

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- D. It shall be unlawful for any person, association, firm or corporation to employ as a massage therapist any person who does not hold a current, unrevoked and unsuspended massage therapist certification as defined under "massage therapist" in Section 37-302 of this chapter.
 - E. It shall be unlawful for any person to advertise themselves as a massage therapist without a massage therapist certification as defined under "massage therapist" in Section 37-302 of this chapter.
 - F. It shall be unlawful for any person or establishment to advertise therapeutic massage in DuPage County other than by or under the supervision of a certified massage therapist as defined under "massage therapist" in Section 37-302 of this chapter.
 - G. It shall be the responsibility of the owner of any therapeutic massage use to prominently display at all times while providing the practice of therapeutic massage documentary certification or diploma establishing that the minimal education and/or training and testing criteria required by this section have been satisfied.
 - H. It shall be the responsibility of the owner of any therapeutic massage use to first obtain and then maintain at all times a valid license as required by the DuPage County Code or any other agency while providing the practice of therapeutic massage.
 - I. It shall be the responsibility of the owner of any therapeutic massage use to prominently display at all times any license required by DuPage County or any other agency while providing the practice of therapeutic massage.

(2005 Code)

37-423: RESERVED.

Editor's note(s)—Ord. No. T-1-17, adopted February 13, 2018, amended the Code by repealing former 37-423 in its entirety. Former 37-423 pertained to development in a regulatory floodplain and/or a wetland, and derived from the 2005 Code.

37-424: AUTHORITY TO REGULATE CERTAIN SPECIFIED FACILITIES OF A TELECOMMUNICATIONS CARRIER.

This section hereby adopts and incorporates by reference the authority granted in the Illinois Compiled Statutes to counties with a population of one hundred eighty thousand (180,000) or more which is contained in Counties Code, 55 Illinois Compiled Statutes 5/5-12001.1. Authority to regulate certain specified facilities of a telecommunications carrier, as amended from time to time.

The complete text of Section 5-12001.1 of the Illinois Compiled Statutes is contained in the appendix to this zoning ordinance.

(2005 Code)

37-425: PRIVATE UTILITY REGULATIONS.

Any application for zoning relief for a private utility shall meet the following requirements:

(2005 Code)

37-425.1 ADMINISTRATIVE REQUIREMENTS.

- A. **PUBLIC HEARING REQUIRED:** A public hearing before the Zoning Board of Appeals shall be required.
- B. **CONDITIONAL USE APPLICATION REQUIREMENTS:** As part of any application for a conditional use permit the petitioner shall provide the following:
 - 1. Provide all current State and Federal permits, waivers of permits, licenses and certificates of insurance.
 - 2. Provide a noise modeling study, which indicates that the facility will be in compliance with state.
 - 3. Provide documentation that the development of buildings and structures comply with "Best Available Control Technology," as specified by the Illinois Environmental Protection Agency (IEPA).
 - 4. Provide documentation that the facility will comply with all Federal Aviation Administration (FAA) requirements.

(2005 Code)

37-425.2: GENERAL REQUIREMENTS.

- A. Provide notification to the County of DuPage of any change in site plan, operations, scheduling, intensity of energy output established by the original conditional use. Any change will require an amendment to the conditional use and require a new public hearing.
- B. Any change of use or operator will render the conditional use permit null and void. All new operator/owners of facilities will require a new public hearing and a new conditional use.
- C. Any cessation of operation of a private utility for a period of twelve (12) consecutive months shall render the conditional use null and void. The owner of the use shall remove the facility and return the site to turf grass within the proceeding twelve (12) calendar months. The developer shall post a letter of credit in the amount of one hundred ten percent (110%) of the estimated cost to remove the facility and return the facility to turf grass.
- D. All private utilities shall comply with all conditions of any conditional use permit and all County Codes and ordinances and all State and Federal requirements necessary to operate the facility.

(2005 Code)

37-426: MEDICAL CANNABIS.

37-426.1: DECLARATION OF POLICY.

In the development and execution of sections regulating the location of a medical cannabis dispensary and a cultivation center, it is recognized that medical cannabis dispensary and cultivation center uses, by virtue of their nature, have certain operational characteristics which are unique and can have adverse impacts upon residential areas adjacent to them. Special regulation of these uses is necessary to ensure that these adverse impacts will not contribute to the blighting or downgrading of the surrounding residential neighborhoods. The primary purpose of these regulations is to control the concentration or location of these uses to a reasonable extent allowable by law in order to mitigate any adverse impacts.

It is not the intent of these sections to deny qualifying Illinois registered patients and operators and business entities access to medical cannabis, the ability to dispense medical cannabis or the ability to cultivate medical

cannabis or dispense paraphernalia, or related supplies and educational materials and services but to regulates the providers of such materials and services in a manner that is consistent with the law.

(Ord. T-1-14, § 2, 11-25-2014)

37-426.2: DISTANCE REQUIREMENTS FROM WHICH A MEDICAL CANNABIS CULTIVATION CENTER AND MEDICAL CANNABIS DISPENSARY USE SHALL BE LOCATED FROM PROTECTED USES.

1. MEDICAL CANNABIS CULTIVATION CENTER DISTANCE REQUIREMENTS:

- (a) A cannabis cultivation center shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) and any rules adopted in accordance thereto.
- (b) A medical cannabis cultivation center must be located at least 2,500 feet from the property line of a pre-existing public or private preschool or elementary or secondary school, day care center, day care home, group day care home, part day child care facility, and an area zoned for residential use.

2. MEDICAL CANNABIS DISPENSARY:

- (a) A medical cannabis dispensary shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) and any rules adopted in accordance thereto.
- (b) A medical cannabis dispensary must be located at least one thousand (1,000) feet from the property line of a pre-existing public or private preschool, elementary or secondary school, day care center, day care home, group day care home, part day child care facility and an area zoned for residential use.

3. MEASURING OF DISTANCES: For the purpose of this section distances shall be measured by following a straight line, without regard to intervening structures, from a point on the property or the land use district boundary line from which the proposed use is to be separated.

(Ord. T-1-14, § 2, 11-25-2014)

37-426.3: GENERAL REQUIREMENTS FOR A MEDICAL CANNABIS CULTIVATION CENTER AND/OR MEDICAL CANNABIS DISPENSARY USE.

- 1. It shall be the responsibility any person, association, firm or corporation engaged in the operation or conduct of a medical cannabis cultivation center and/or a medical cannabis dispensary use to first obtain and then maintain at all times a valid permit as required by the DuPage County code or any other agency.
- 2. It shall be the responsibility of any person, association, firm or corporation engaged in the operation or conduct of a medical cannabis cultivation center and/or a medical cannabis dispensary use to prominently display at all times any license or permit required by the State of Illinois and/or County of DuPage County or any other agency while engaged in the operation or conduct of a medical cannabis cultivation center and/or medical cannabis dispensary use.
- 3. It shall be unlawful for any person, association, firm or corporation to operate or conduct a medical cannabis cultivation center and/or a medical cannabis dispensary use which does not conform to the requirements of the DuPage County Health Department and the state of Illinois Department of Public Health.

(Ord. T-1-14, § 2, 11-25-2014)

ARTICLE V. NONCONFORMING BUILDINGS, STRUCTURES AND USES

37-501: PURPOSE.

The purpose of this article is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those circumstances and conditions under which such nonconforming buildings, structures, and uses may be continued and/or redeveloped.

This article establishes separate districts for the location of uses permitted in those districts. It is necessary and consistent with the establishment of those districts that nonconforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction.

(2005 Code)

37-502: AUTHORITY TO CONTINUE NONCONFORMING BUILDINGS, STRUCTURES AND USES.

Any nonconforming building, structure, or use existing lawfully at the time of the adoption of this chapter and remains nonconforming, and any building, structure or use rendered nonconforming by the adoption of this chapter, or by any subsequent amendments thereto, may be continued subject to the regulations that follow.

The burden of establishing that any nonconformity is a legal nonconformity as defined by this chapter shall, in all cases, be the responsibility of the owner or user of the nonconformity.

(2005 Code)

37-502.1: REPAIRS AND ALTERATIONS.

- A. A nonconforming building, structure or use shall not be enlarged upon, expanded, or extended in any way unless the alteration conforms with the regulations of the district within which it is located. Any nonconforming building or structure is eligible for nonstructural repairs including the replacement of roof covering, veneering of outer walls and incidental repairs which do not extend or intensify the nonconformities.
1. Repairs and alterations may be made to return a building or structure to a safe condition in accordance with an order by a public official who is charged with protecting the public safety and who declares such building or structure to be unsafe and orders its restoration to a safe condition, provided that such restoration does not otherwise violate the provisions of Section 37-502.4 of this chapter.
 2. A building containing a nonconforming residential use may be altered to increase the livability of the building, provided that no structural alteration shall be made which would increase the number of dwelling units in the building.

(2005 Code)

37-502.2: STRUCTURAL ALTERATIONS, ADDITIONS AND ENLARGEMENTS.

- A. ***BUILDINGS OR STRUCTURES DESIGNED OR USES NOT CURRENTLY ALLOWED IN THE ZONING DISTRICT:*** Additions or enlargements may be made only to make the building, structure or use conform to the regulations of the district in which it is located.
1. No building or structure partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by the nonconforming use.

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2. No building or structure which is considered nonconforming with respect to this chapter shall be altered or expanded in any manner which would increase the degree or extent of the nonconformity.

- B. **ADDITIONS AND ENLARGEMENTS:** Except for required yards, any nonconforming building or structure, which is nonconforming as to bulk only, and is designed or intended for a use permitted in the district, shall not be added to or enlarged in any manner unless such additions or enlargements thereto conform to all the regulations of the district where such building or structure is located, and unless such nonconforming building or structure, including all additions and enlargements thereto, shall conform to the following:
1. Regulations concerning the amount of lot area per dwelling unit, as provided in this chapter.
 2. The allowable floor area ratio or permitted height as provided in this chapter.
 3. The allowable gross floor area per building or structure s provided in this chapter.
 4. That no required yard shall be encroached upon or further encroached upon where such required yard is already nonconforming.

(2005 Code)

37-502.3: RELOCATION OF BUILDINGS OR STRUCTURES.

No nonconforming building, structure or use shall be moved in whole or in part to any other location on the same or any other zoning lot unless every portion of such building or structure, and the use thereof, conforms to all of the regulations of the district where it is to be located.

(2005 Code)

37-502.4: RESTORATION OF DAMAGED BUILDINGS, ETC. FOR USES NOT ALLOWED.

A nonconforming building, structure or use which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was before the occurrence shall exceed fifty percent (50%) or more of its replacement value at that time, shall not be restored unless said building, structure, or use shall conform to all of the regulations of the district where it is located.

In the event such damage or destruction is less than fifty percent (50%) of the replacement value at the time of replacement, no repairs or reconstruction shall be made unless such restoration is started within one (1) year from the date of partial destruction and is completed within one (1) year thereafter.

If the restoration is not started within one (1) year the building or structure shall be removed and the area cleared by the owner.

(2005 Code)

37-502.5: DISCONTINUANCE OF A NONCONFORMING USE.

If the nonconforming use of a building, structure, or property is discontinued for a continuous period of twelve (12) months, it shall not be renewed, and any subsequent use of the building, structure, or property shall conform to the use regulations of the district where such building, structure or property is located.

(2005 Code)

37-502.6: USE OF LAND.

The nonconforming use of land, not involving a structure or building or in connection with any building or structure thereon, which is incidental or accessory to the principal use of the land, may be continued subject to the following:

- A. A nonconforming use of land shall not be expanded or extended beyond the area included in the ownership existing at the time the use of land became nonconforming.
- B. If the nonconforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.
- C. The nonconforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.
- D. Any recorded lot or tract of land which existed legally at the time of adoption of this chapter and is made nonconforming by this chapter due to bulk requirements, or any lot made nonconforming as to bulk requirements by the acquisition (by negotiation or condemnation) of a portion of said tract for public purposes by any public agencies shall be considered a buildable lot for any permitted or conditional use in the district in which the lot is located, provided that the use meets the requirements of the other codes and ordinances of DuPage County and provided the lot is in compliance with the minimum standards of Section 37-404.5 of this chapter.

(2005 Code)

ARTICLE VI. ZONING DISTRICTS AND MAPS

37-601: ZONING DISTRICTS.

In order to carry out the purpose and intent of this chapter, the unincorporated area of the County is hereby divided into the following districts:

- A. ***Residence Districts:***
 - R-1 Single-family residence district
 - R-2 Single-family residence district
 - R-3 Single-family residence district
 - R-4 Single-family residence district
 - R-5 General residence district
 - R-6 General residence district
 - R-7 General residence district
- B. ***Business Districts:***
 - B-1 Local business district
 - B-2 General business district
- C. ***Office Research Districts:***

O Office district

O-R Office research district

D. **Industrial Districts:**

I-1 Light industrial district

I-2 General industrial district

(2005 Code)

37-602: ZONING MAPS.

The location and boundaries of the districts established by this chapter are as shown on the zoning district map of each township of the County, which together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this chapter. The said zoning maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as if fully set forth and described verbally herein.

(2005 Code)

37-603: BOUNDARIES OF DISTRICTS.

When uncertainty exists with respect to the boundaries of the various districts as shown on the zoning district maps, the following rules shall apply:

- A. District boundary lines are either the centerlines of railroads, highways, streets, alleys, waterways or easements, or the boundary lines of sections, quarter sections, division of sections, tracts or lots, or such lines extended unless otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the street or highway, and the length of the frontage shall be in accordance with dimensions shown on the maps from section, quarter section, or division lines or centerlines of streets, highways, or railroad rights-of-way unless otherwise indicated.
- C. Where a district boundary line divides a lot as defined herein, the regulations for either portion of the lot may, in the owner's discretion, extend to the entire lot, but not more than twenty-five feet (25') beyond the boundary line of the district.
- D. Questions concerning the exact locations of zoning district boundary lines shall be interpreted by the Director, Department of Economic Development and Planning.

(2005 Code)

37-604: DISCONNECTED TERRITORY.

Any additions to the unincorporated area of the County, resulting from disconnection by municipalities shall be classified as R-1 single-family residence districts until otherwise reclassified by amendment.

(2005 Code)

37-605: EXEMPTIONS.

The following uses are exempted by this chapter and permitted in any district:

- A. Cables, conduits, laterals, poles, towers, vaults, wires or any other similar distribution equipment of a public utility as defined in an act entitled, "An Act Concerning Public Utilities," of the Illinois Compiled Statutes.
- B. Agriculture, when situated on a zoning lot of five (5) acres or more provided all buildings associated with the agricultural use, except for single-family homes, shall be set back not less than one hundred fifty feet (150') from any front property line, and not less than thirty feet (30') from any side or rear property line. For the purposes of preventing flood damages and preserving the flood carrying capacity of streams, floodplain and wetland regulations shall apply to all buildings, structures, construction, excavation, and filling in the floodplain and wetland whether or not the land, buildings, structures, construction, excavation or filling are for agricultural purposes. Activities such as gardening, plowing, and similar agricultural practices, that do not involve filling, grading or construction of levees, are allowed in regulatory floodplains and/or wetlands and shall not require a conditional use for modification of a regulatory floodplain and/or wetland.
- C. Temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction activities, provided such facilities shall be located not less than one thousand feet (1,000') from any building used for residential purposes, and provided that the period of such temporary use shall not exceed the duration of the construction contract.

Any use exempted under this chapter shall be required to obtain a location permit from the Director, Department of Economic Development and Planning or his designate.

(2005 Code)

ARTICLE VII. RESIDENCE DISTRICTS

PART 1. GENERAL REQUIREMENTS

37-700: PURPOSE AND GENERAL CONDITIONS.

The residence districts are provided to support and complement the DuPage County Comprehensive Plan including: a) the land use plan, b) the Year 2005 Street and Highway Plan, and c) the development goals and policies, as amended, for DuPage County. Residence district requirements are further established to govern location, intensity and method of development of residential areas in DuPage County and to provide for and encourage construction of a full range of residential developments on land topographically and locationally suited for residential purposes. The regulations for each district are designed to provide protection to existing developments while allowing new construction in accordance with current design standards and density objectives.

(2005 Code)

37-700.1: PERMITTED USES.

Buildings, structures, or uses of land as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. Except as hereinafter provided, no building shall be used and no lot or tract of land shall

be devoted to any use other than a permitted use or conditional use as provided in the zoning district where such building, lot or tract of land shall be located with the exception of the following:

- A. Uses lawfully established on the effective date of this chapter.
- B. Conditional uses allowed in accordance with the provisions of Section 37-700.2 of this chapter.
- C. Buildings, structures or uses already established on the effective date of this chapter and rendered nonconforming by the provisions hereof shall be subject to the regulations of Article V of this chapter.

(2005 Code)

37-700.2: CONDITIONAL USES.

Conditional uses, as hereinafter listed in the zoning districts, may be allowed subject to the granting of a conditional use in accordance with the provisions of Section 37-1413 of this chapter.

(2005 Code)

37-700.3: LOT SIZE REQUIREMENTS.

Lot size requirements shall be as specified under each zoning district in Article VII, Part 2 of this chapter. In addition, the following regulations shall be complied with:

- A. No buildings shall be converted so as to conflict with the lot size requirements of the district where such buildings are located.
- B. Except as provided in Section 37-404.5 of this chapter, no building shall be constructed on a zoning lot after the effective date of this chapter when such lot contains less area or less lot width than prescribed for such use in the zoning district where such use is to be located.

(2005 Code)

37-700.4: YARD REQUIREMENTS.

Yards shall be required as specified under each zoning district in Article VII, Part 2 of this chapter. In addition, the following regulations shall be complied with:

- A. All yards shall be maintained in accordance with the definitions in Section 37-302 of this chapter.
- B. In single-family residential developments, the yard requirements may be altered in order to encourage innovative design. Such alteration of yard requirements shall be affected only by variation pursuant to Section 37-1411.4 of this chapter.

(2005 Code)

37-700.5: BUILDING BULK REQUIREMENTS.

Building bulk requirements shall be expressed in terms of minimum yard requirements and maximum building height, or in terms of floor area ratio (FAR) as prescribed in each zoning district in Article VII, Part 2 of this chapter.

(2005 Code)

37-700.6: SIGNS.

Signs shall be permitted in residence districts in accordance with the provisions set forth in Article XI of this chapter.

(2005 Code)

37-700.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

Off-street parking and loading facilities accessory to uses allowed in residence districts shall be provided in accordance with the regulations established in Section 37-1200 of this chapter.

The following regulations shall apply within the residential zoning districts of this chapter.

A. *Single-Family Residence Districts:*

1. Parking of motor vehicles shall be permitted as follows:
 - a. Any motor vehicle parked on the lot shall be of the first division with a gross vehicle weight rating of eight thousand (8,000) pounds or less; and
 - b. Any motor vehicle parked on the lot shall be limited to only those vehicles customarily kept for enjoyment on residential lots including antique, custom, multi-purpose passenger, non-commercial and recreational vehicles; and
 - c. Any motor vehicles parked on the lot shall be limited to not more than six (6) motor vehicles, all of which shall be owned by the residents of the lot; and
 - d. The owner of the property may use not more than one (1) of the six (6) passenger motor vehicles for off-premise commercial purpose. Such vehicle may have ladder racks, toolboxes, a snowplow and/or company name and logo on the passenger vehicle.
 - e. Any passenger vehicle parked on the lot, which is inoperable, and/or unregistered and/or discarded may be parked within a completely enclosed structure or may be parked in the open within the buildable area of the lot behind the rear wall of the principal structure for a period not to exceed three (3) consecutive months.
 - f. Only personal vehicles of the first division and owned by a resident of the lot may be displayed for sale and then only on the driveway. No vehicle, which is for sale shall be displayed within any right-of-way. Sale of a personal vehicle shall be limited two (2) occurrences per calendar year for a duration of thirty (30) days each, with no less than one hundred twenty (120) days between display for sale.
 - g. Passenger vehicles which are permitted within this section which are covered with a tarp or other protective covering and antique passenger vehicles which are permitted within this section shall be parked, stored or located within an enclosed building or behind the front wall of the principal building which is nearest to the front lot line and in the buildable area of the lot.
2. The following vehicles are prohibited from being parked or stored in a residential zoning district, other than for providing service to the property owners residing on the residential property:
 - a. Abandoned vehicle;
 - b. Commercial vehicle;
 - c. Derelict vehicle;

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- d. For hire vehicle;
 - e. Junk vehicle;
 - f. Not for hire vehicle;
 - g. Limousine;
3. **Recreational Vehicles:** Recreational vehicles owned by the occupant may be parked or on single-family zoning lots in accordance with the following requirements:
- a. All recreational vehicles shall be parked within completely enclosed buildings or in the open within the buildable area of the lot behind the front wall of the residence.
 - b. On residential zoned properties all recreational vehicles shall be located, stored or parked behind the front wall of the principal building, which is nearest to the front lot line. In no instance shall a recreational vehicle be parked within the front and side yard setback requirements of the zoning lot, as set forth for the underlying zoning district.
 - c. No more than five percent (5%) of the gross area of the lot, not to exceed five hundred (500) square feet, shall be used for the parking of recreational vehicles in the open. No recreational vehicle shall exceed a height of fifteen feet (15').
4. Trailers for parking antique, recreational or passenger vehicles and garden trailers shall comply with the following:
- a. Trailers for parking antique, recreational and passenger vehicles shall comply with the following:
 - (1) Shall be licensed/registered trailers capable of transporting vehicles on the public road right-of-way; and
 - (2) Shall have no more than two (2) axles, and
 - (3) Shall be no more than twelve feet (12') in width, and not more than thirty feet (30') in length; and
 - (4) Shall be parked within a completely enclosed building or in the open within the buildable area of the lot behind the front wall of the residence.
 - b. Garden trailers shall comply with the following:
 - (1) Shall be unlicensed/unregistered trailers and capable of being operated only on residential property and not on the public right-of-way; and
 - (2) Shall be single axle; and
 - (3) Shall be no more than ten feet (10') in length and ten feet (10') in width; and
 - (4) Shall be parked within a completely enclosed building or in the open within the buildable area of the lot behind the front wall of the residence.

B. General Residence Districts:

- 1. Parking of motor vehicles shall be permitted as follows:
 - a. Any motor vehicle parked on the lot shall be of the first division with a gross vehicle weight rating of eight thousand (8,000) pounds or less; and
 - b. Any motor vehicle parked on the lot shall be limited to only those vehicles customarily kept for enjoyment on residential lots including antique, custom, multi-purpose passenger, non-commercial and recreational vehicles; and

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- c. Shall be limited to not more than four (4) motor vehicles, all of which shall be owned by the residents of the lot; and
 - d. The owner of the property may use not more than one (1) of the four (4) resident motor vehicles for off-premise commercial purpose. Such vehicle may have ladder racks, toolboxes, a snowplow and/or company name and logo, etc., on the vehicle.
2. **Recreational vehicles:** One (1) recreational vehicle for each five (5) dwelling units constructed on the zoning lot may be parked or stored within the general residence districts where such vehicle is owned by the occupant of any one (1) of the dwelling units and is located within a completely enclosed building or is parked or stored in the open not less than sixty feet (60') from the right-of-way line of any street, and twenty feet (20') from any other property line.
 3. Trailers for parking antique, recreational or passenger vehicles and garden trailers shall comply with the following:
 - a. Trailers for parking antique, recreational and passenger vehicles shall comply with the following:
 - (1) Shall be licensed/registered trailers capable of transporting vehicles on the public road right-of-way; and
 - (2) Shall have no more than two (2) axles, and
 - (3) Shall be no more than twelve feet (12') in width, and not more than thirty feet (30') in length; and
 - (4) Shall be parked within a completely enclosed building or in the open within the buildable area of the lot behind the front wall of the residence.
 - b. Garden trailers shall comply with the following:
 - (1) Shall be unlicensed/unregistered trailers and capable of being operated only on residential property and not on the public right-of-way; and
 - (2) Shall be single axle; and
 - (3) Shall be no more than ten feet (10') in length and ten feet (10') in width; and
 - (4) Shall be parked within a completely enclosed building or in the open within the buildable area of the lot behind the front wall of the residence.

(Ord. T-4-05, 7-11-2006; Ord. No. T-2-12, 10-23-2012)

37-700.8: REQUIRED CONDITIONS.

Permitted or conditional uses established in the residence districts shall comply with the following required conditions:

- A. Not more than one (1) principal building, structure or use shall be located on a zoning lot within these districts, except by a subdivision of land or a planned development.
- B. Lot area or other criteria used to satisfy one (1) use cannot be counted again, or be used to satisfy an additional use, except by a subdivision of land or a planned development.
- C. Garage sales shall be limited to no more than four (4) per calendar year and shall be limited to no more than two (2) consecutive weekends during any calendar year.
- D. The storage of junk and debris shall be prohibited on all residential lots.

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- E. There shall be no more than four (4) pets over four (4) months of age in any dwelling unit.
- F. **Horses:** Where horses are permitted the following shall apply:
1. Horses shall be confined to a pasture, corral or paddock area.
 2. **Designated Area:** The pasture, corral or paddock areas shall be regulated as follows:
 - a. Each horse on a zoning lot shall have a contiguous designated area of at least ten thousand (10,000) square feet per horse, exclusive of all other areas on the property used for principal and accessory buildings, structures and/or uses including septic area and well areas.
 - b. Areas designated for horses shall be at least five feet (5') from all front, side and rear property lines.
 - c. Stables or completely enclosed buildings for horses shall be located on the property as follows:
 - (1) Behind the front wall of the principal building on the property; and
 - (2) One hundred fifty feet (150') from the front property line; and
 - (3) Thirty feet (30') from any side, corner side and rear property line.
 3. **Refuse Container/Area:** Each property maintaining horses shall provide an area for horse refuse/manure within the area designated for the horse; as follows:
 - a. The refuse area shall be enclosed by fences, masonry walls or landscaping around the entire refuse area;
 - b. The refuse area shall be located behind the front wall of the principal building and shall be located at least thirty feet (30') from the side and rear property lines.

(2005 Code; Ord. T-4-05, 7-11-2006; Ord. No. T-2-12, 10-23-2012)

37-700.9: TEMPORARY USES.

On lots in residential districts with legal nonresidential uses, such as, but not limited to, churches, schools, etc., the retail sale of Christmas trees, wreaths and other similar type seasonal items may be allowed but shall require a location permit issued by the Department of Economic Development and Planning. The location permit application shall include a detailed site plan reflecting all yard requirements, location and size of any proposed lights and signage, location of sanitary facilities, written permission of the property owner, and the posting of a cash bond sufficient to assure the removal of all debris and to return the property to its prior condition. Signs shall comply with the sign regulations of this chapter for seasonal sales signs.

(2005 Code)

37-700.10: ADDITIONAL CONDITIONS.

Permitted or conditional uses established in the residence districts shall be required to observe all additional regulations as specified within each zoning district in Article VII, Part 2 of this chapter.

(2005 Code)

PART 2. DISTRICT REQUIREMENTS

37-701: R-1 SINGLE-FAMILY RESIDENCE DISTRICT.

The R-1 single-family residence district is established to preserve and maintain existing single-family areas of the County and permit the continued development of residential uses primarily in areas where public utilities are not readily available.

(2005 Code)

37-701.1: PERMITTED USES.

A. The following uses are permitted:

Accessory buildings, structures and uses:

Attached accessory buildings, structures and uses shall be permitted as follows:

An attached accessory building, structure or use is a building, structure or use which is connected to a principal building or use by a party wall or by a linkage building.

An attached accessory building, structure or use shall be compatible with and subordinate in floor area and size to the principal building.

An attached accessory building, structure or use shall be established at the same time or after the completion of a principal building.

An attached accessory building shall include but not be limited to the following:

Attached garage/enclosed parking space;

Attached gazebo;

Attached pool houses;

Attached enclosed swimming pool/spa;

Attached shed; attached stable;

Attached tool shed;

Attached building similar to those buildings listed above which is not the principal building of the property;

Linkage building shall be considered part of the attached accessory building.

Structures and appurtenances and equipment thereto relating to solar and wind energy including but not limited to roof mounted solar panels and wind turbines.

Floor area requirement: An attached accessory building shall comply with the following square footage requirements:

On a single family residential property containing less than forty thousand (40,000) square feet of lot area the first one thousand (1,000) square feet of an attached accessory building or buildings shall not be counted against the overall floor area ratio allowed on the property. Any portion of the attached accessory building or buildings over one thousand (1,000) square feet shall be counted against the floor area ratio allowed on the property.

On a single family residential property containing more than forty thousand (40,000) square feet of lot area the first two thousand (2,000) square feet of an attached accessory building or buildings shall not be counted against the overall floor area ratio allowed on the

property. Any portion of the attached accessory building or buildings over two thousand (2,000) square feet shall be counted against the floor area ratio allowed on the property.

Setback requirement: An attached accessory building shall meet all setback requirements of the principal building or use as required in the zoning district.

Height requirement: Except as provided herein, an attached accessory building shall meet the maximum height requirement of the principal building or use as required in the zoning district.

Horses: In addition to the allowable floor area for attached buildings, private stables for the keeping of horses are permitted subject to the following conditions:

Where horses are permitted on residential property, two hundred seventy-five (275) square feet of the stable space shall be permitted for each permitted horse.

Stables shall be located not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

The total number of horses permitted on any given lot shall be determined by the use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area;

One (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

Airplane hanger: In addition to the allowable floor area for attached buildings, where a residential property is part of an airport development, hanger space, whether attached or detached, shall contain not more than three thousand six hundred (3,600) square feet of floor area.

Home occupations.

Detached accessory buildings, structures and uses shall be permitted as follows:

A detached accessory building, structure and use is a building, structure and use which is not connected to a principal building or use by a party wall or by a linkage building.

A detached accessory building, structure and use shall be compatible with and subordinate in the floor area and size to the principal building.

A detached accessory building, structure and use shall be established at the same time or after the completion of a principal building.

Structures and appurtenances and equipment thereto relating to solar and wind energy including but not limited to roof mounted solar panels and wind turbines.

A detached accessory building shall include but not be limited to the following:

Detached garage/enclosed parking space;

Detached gazebo;

Detached pool houses;

Detached enclosed swimming pool/spa;

Detached shed; attached stable;

Detached tool shed;

Detached building similar to those buildings listed above which is not the principal building of the property;

A breezeway shall be considered detached and part of the detached accessory building.

Floor area requirement: Detached accessory building shall not exceed the maximum amount of floor area as hereinafter set forth:

On lots containing forty thousand (40,000) square feet or less of lot area, detached accessory building shall contain not more than six hundred fifty (650) square feet of floor area.

On lots containing more than forty thousand (40,000) square feet of lot area, permissible area for detached accessory buildings shall be based on a floor area ratio (FAR) of 0.01625 but shall in no case exceed two thousand six hundred (2,600) square feet of floor area.

If the principal building is constructed without an attached garage, an additional two hundred (200) square feet of gross floor area may be added to the detached accessory buildings permitted herein.

Location: Except as otherwise hereinafter provided a detached accessory building, structure or use shall not be located within the front, side, corner side and rear yard setback requirements of the zoning lot, as set forth for the zoning district:

A detached accessory building, structure or use shall be located, erected, altered, or moved behind the front wall of the principal building, which is nearest to the front lot line.

When located entirely within the rear yard, detached accessory buildings, structure or use may observe the following location standards:

Within the rear yard of a reversed corner lot, a detached accessory building, structure or use, shall be located at least thirty (30) feet from the street lot line.

Within the rear yard of a corner lot, a detached accessory building, structure or use shall be located at least thirty (30) feet from the street line.

Detached accessory buildings, structure or use may be located at least three (3) feet from the rear property line even if they are not located entirely within the rear yard.

If a detached accessory building, structure or use is located completely within the required rear yard of a lot, it may be located at least three (3) feet from the interior side and rear lot lines.

On residential lots of twenty thousand (20,000) square feet or less, detached accessory buildings and structures and use may be located at least three (3) feet from the interior side lot line if they are located behind the front wall of the principal structure.

Height:

On residential zoning lots of less than forty thousand (40,000) square feet, a detached accessory building, structure or use shall not exceed fifteen (15) feet in height.

On residential zoning lots of forty thousand (40,000) square feet or more, a detached accessory building, structure or use shall not exceed twenty-four (24) feet in height.

Horses: In addition to the allowable floor area for detached buildings, private stables for the keeping of horses are permitted subject to the following conditions:

Where horses are permitted on residential property, two hundred seventy-five (275) square feet of stable space shall be permitted for each permitted horse.

Stables shall be located not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

That the total number of horses permitted on any given lot shall be determined by use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area;

One (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

Airplane hanger: In addition to the allowable floor area for detached buildings, where a residential property is part of an airport development, hanger space, whether attached or detached, shall contain not more than three thousand six hundred (3,600) square feet of floor area. Detached buildings containing hanger space shall not exceed thirty feet (30') in height.

Breezeway or any detached open air, roofed or covered accessory structure shall not exceed twenty feet (20') in length.

For purposes of this section the determination of the length of a detached open air, roofed or covered accessory structure shall be the portion of the structure which is most perpendicular to the front, and rear property lines of the zoning lot.

Detached open air, roofed or covered accessory structure shall include but not be limited to the following: breezeway; open porch; portico; terrace; trellis; or any similar type structure to those listed above.

Easement: A detached accessory building shall not encroach on a drainage or utility easement without waivers from the local public or quasi-public entities or utility companies to which such easement was dedicated.

Noncommercial radio and television towers and antennas and accessory buildings containing hangar space shall conform to the height requirements of the residential zoning districts.

Roadside stands where all the farm products are grown or raised on said lot.

4-H projects may be permitted on a zoning lot containing not less than forty thousand (40,000) square feet of land area. All buildings for a 4-H project shall be set back not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Noncommercial radio and television towers and antennas, including the structure thereto, shall be permitted subject to the following conditions:

Shall comply with applicable Federal Communications Commissions (FCC) height restrictions, if any,

No portion of any tower, antenna or support wires may be located within any required yard or closer than ten feet (10') to any lot line, whichever is greater.

All yards shall be increased by one foot (1') for each additional two feet (2') by which the tower or antenna height exceeds thirty feet (30') in height.

In no event shall the tower or antenna exceed one hundred feet (100') in height except by a conditional use permit.

Carrier and racing pigeon lofts where such lofts have been constructed in compliance with the County Building Code.

The storage of household accessory equipment shall be in an enclosed structure.

Trails for recreation or transportation by foot, horse, or non-motorized vehicles.

Daycare homes which receive no more than eight (8) children under the age of twelve (12) (including the provider's own children) and which do not have any outside employees.

Excavation and/or filling. The excavation and/or filling of any land not located within a floodplain and/or wetland area, where the excavation and/or filling operation meets all requirements established in Section 37-1408 of this chapter.

Golf courses, except as regulated elsewhere in this section, provided that all buildings shall be located not less than one hundred feet (100') from any residential lot line and the course shall not be lighted for night operations.

Group homes.

Hens. There shall be no more than five (5) hens permitted on a residential property, subject to the following conditions:

Hens shall be located in an enclosed structure, located behind the front wall of the principal building, which is nearest to the front lot line, and not less than twenty-five feet (25') from any side or rear lot line.

Place of assembly including the following: private club, lodge and fraternal organization; religious institutions (including chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories), where the subject property meets the following criteria:

- a. The property is located adjacent to at least an arterial roadway as defined by the DuPage County Division of Transportation;
- b. The use takes primary access to and from the arterial roadway;
- c. The use is operated using public sewer and water;
- d. The use is not operated in an existing single-family home or dwelling unit.

Public land and buildings.

Totlots.

Single-family detached dwellings.

Temporary buildings and uses:

- A. **Model Home/Temporary Office:** A model home including a temporary office for sale or rental of units within the development or other subdivided land adjoining such development may be constructed as an integral part of the development site (subdivision or planned development). Such model home and/or temporary office shall be permitted for a period of time not to exceed sixty (60) days after the sale of the last unit within the development site. One (1) identification sign shall be permitted.
- B. **Temporary Construction Yard:** The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the construction yard is an integral part, provided such facilities shall be located not less than five hundred feet (500') from any building used for residential purposes (buildings not being a part of the development site, subdivision, or planned development), and provided that the period of such temporary use shall not exceed the duration of construction for the development site.

Any existing principal building or accessory structure located upon the development site may be utilized for office space or for the enclosed storage of equipment and/or building supplies

associated with the development of the site, provided such temporary use of existing buildings shall not exceed the duration of the construction for the development site.

- C. **Other temporary uses.** Temporary uses shall be reviewed by and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot. The director shall have the authority to establish reasonable terms and conditions for the temporary use including, but not limited to, location on the lot, parking and time limit.

- B. **Permitted Encroachments:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

| Use: | Setback or Permitted encroachment into required yard | A. Required Yards | | | |
|---|--|-------------------|---|---|----|
| | | F | S | R | CS |
| Air conditioning window units | May encroach 2' | F | S | R | CS |
| Arbor | 3' Setback | F | S | R | CS |
| Architectural entrance | 5' Setback | F | S | R | CS |
| Architectural feature (not to exceed 4 feet in height) | May encroach 30% | - | S | R | - |
| Awning | May encroach 10% | F | S | R | CS |
| Balcony | May encroach 10% | F | - | R | CS |
| Basketball: Court, poles, rim, net | 10' Setback | - | S | R | - |
| Bay window | May encroach 10% | F | S | R | CS |
| Chimney | May encroach 10% | F | S | R | CS |
| Compressors: For air conditioning units/heat pump | May encroach 10% | - | S | R | - |
| Deck | 15' Setback | - | - | R | - |
| Dog run | 10' Setback | - | - | R | - |
| Driveway: Side loading attached garage | 1' Setback | F | S | R | CS |
| Driveway: Detached garage, carport and open-air parking space behind the house. | 1' Setback | F | S | R | CS |
| Eave and gutter | May encroach 10% | F | S | R | CS |
| Fence. (See also section 37-407 of this article) | 3 inches Setback | F | S | R | CS |
| Firewood | 3' Setback | - | S | R | - |
| Flagpole | 10' Setback | F | S | R | CS |
| Fountain | 10' Setback | F | S | R | CS |
| Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open | 5' Setback | F | - | R | CS |
| Gazebo | 10' Setback | - | - | R | - |
| Generator | May encroach 10% | - | S | R | - |
| Gutter and eave | May encroach 10% | F | S | R | CS |
| Laundry drying equipment | 10' Setback | - | - | R | - |
| Light standard | 5' Setback | F | S | R | CS |
| Outside fireplace | 3' Setback | - | S | R | - |
| Patio | 3' Setback | - | S | R | - |
| Pond: Ornamental | 10' Setback | F | S | R | CS |
| Porch: Open or roofed | May encroach 10% | F | - | R | CS |
| Portico: Open or roofed | May encroach 10% | F | - | R | CS |

| | | | | | |
|---|--|---|---|---|----|
| Recreational structure and equipment | 10' Setback | - | - | R | - |
| Retaining wall | 1' Setback | F | S | R | CS |
| Sidewalk, path and walkway | 1' Setback | F | S | R | CS |
| Sign: (See article XI) | | | | | |
| Statuary | 10' Setback | F | S | R | CS |
| Stoop | May encroach 30% | F | S | R | CS |
| Sump pump and surface water discharge pipes/ structure | 3' Setback | F | S | R | CS |
| Swimming pool, open air outdoor | 10' Setback | - | - | R | - |
| Tennis court | 10' Setback | - | - | R | - |
| Terrace | 3' Setback | - | S | R | - |
| Trellis | 3' Setback | F | S | R | CS |
| Volleyball court | 10' Setback | - | - | R | - |
| Well head | 5' Setback | F | S | R | CS |
| Wing wall (not to exceed 4 feet in height) | May encroach 30% | - | S | R | CS |
| Decks, gazebos, patios and terraces: Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of 20 feet where the rear yard is adjacent to interior common open space which is at least 20 feet wide, decks, gazebos, patios and terraces may be permitted 3 feet from the rear lot line providing the following: 1. The HOA has voted to allow said structures 3 feet or greater from the rear lot line. 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |
| Docks: Residential development adjacent to private lake: | Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following: 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10'). 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |

(2005 Code; Ord. ZP-T-3-05; Ord. No. T-2-11, Exh. 1(2), (20), 10-11-2011; Ord. No. T-2-12, 10-23-2012; Ord. No. T-1-18(a), § 1, 11-1-2018; Ord. No. T-1-20, 8-25-2020)

37-701.2: CONDITIONAL USES.

The following conditional uses require prior approval after public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Accessory housing.

Accessory uses on a residential zoning lot, (including buildings, structures and uses) that are accessory to the principal use, building or structure on a residential zoning lot which have been established on a residential lot for at least five (5) years but without proper authority, (e.g.: without building or zoning permits).

Bed and breakfast establishments.

Cemeteries, provided all buildings shall be located not less than fifty feet (50') from any residential lot line.

Detached accessory buildings or structures having a gross floor area exceeding the maximum accessory building floor area permitted in the R-1 district.

Detached accessory buildings: Increase in the allowable Floor Area Ratio but in no instance shall the increase be larger than the principal building on the property.

Dwelling group quarters.

Existing private airports.

Greenhouses and nurseries (on lots containing less than five (5) acres of land area) including wholesale sales of plant materials and crops, all of which are grown on the zoning lot. Heating plant installation in connection with greenhouse operations shall conform with the applicable performance standards set forth in Section 37-1003 of this chapter.

Heliports, provided that the heliport is located on a parcel of land at least ten (10) acres in area and that the noise levels at the boundary of the ten (10) acre parcel are in conformance with the performance standards contained in Section 37-1004 of this chapter.

Mining, loading and hauling of sand, gravel or other aggregate, but not including equipment, buildings, or structures for screening, crushing, working or storage except as may be specifically authorized for a limited period.

Model home including a sales office may be established on any property when meeting the following criteria:

- A. Shall be located on a street classified as a major collector or arterial street.
- B. Shall be permitted for a period of five (5) years.
- C. Shall provide not less than four (4) parking spaces meeting all criteria of the zoning district in which such use is located.
- D. Shall be permitted one (1) identification sign pursuant to Subsection 37-1105.1B. of this chapter.
- E. No outdoor storage of commercial vehicles, construction vehicles, equipment or supplies shall be permitted on the site of the model home.
- F. Display illumination of the model home shall be directed away from surrounding properties and shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- G. Shall be established only on existing subdivided lots or zoning lots of record.

Noncommercial radio and television towers and antennas, which exceed the maximum height permitted in the R-1 district.

Pets - more than four (4) pets four (4) months of age on a residential lot owned by a resident of the lot.

Planned developments.

Public utility and/or service uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

Wastewater treatment plants.

Waterworks, reservoirs, pumping stations, filtration plants and wells.

Other governmental and utility service uses.

Recreational use which is the principal use of the property:

Basketball court, clubhouse, swimming pool, tennis court or similar type use on lots which are the principal use of the property shall contain a minimum of eighty thousand (80,000) square feet of land area.

Golf courses on a minimum of thirty (30) acres of land area, golf courses lighted for night operation, golf learning centers, driving ranges and miniature golf courses as follows:

- A. All buildings or structures shall be located not less than fifty (50) feet from any residential property line.
- B. Lighting for night operation of recreational uses shall be directed away from surrounding properties.

Place of assembly use established prior to October 25, 2011 which is either a conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval or legal nonconforming existing place of assembly use established prior to October 25, 2011 and not established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval.

Polo fields, fishing ponds, hunt and gun clubs, conservation clubs, archery ranges, picnic grounds, private saddle clubs and swimming pools on lots containing a minimum of five (5) acres of land area.

Public and private parks, playgrounds, picnic groves, play fields and other open spaces.

Stables and riding academies which are the principal use of the property.

Residential care uses:

Daycare centers.

Daycare centers, adult.

Daycare homes which receive from nine (9) to twelve (12) children under the age of twelve (12) (including the provider's own children) or which have one (1) or more outside employees.

Group daycare homes.

Roadside stands where less than one hundred percent (100%) of the farm products are grown or raised on said lot.

Schools, public and private colleges, universities and other institutions of higher learning.

Schools, public and private elementary, junior high and high schools, boarding or nonboarding.

Separate living quarters for domestic servants employed on the premises.

(2005 Code; Ord. No. T-2-11, Exh. 1(2), 10-11-2011; Ord. No. T-2-12, 10-23-2012; Ord. No. T-3-12A, 12-11-2012; Ord. No. T-1-17, 2-13-2018)

37-701.3: LOT REQUIREMENTS, SIZE, WIDTH AND DEPTH: (R-1 DISTRICT)

Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

| Use | Minimum Lot Size | Lot Width | Lot Depth |
|---|---|---|-----------|
| Single-Family Detached Dwellings | 100,000 sq. ft. | 165' | 200' |
| Reserve Lot: | 100,000 sq. ft. | 165' | 200' |
| •Reserve Strip: | NA | 20' reserve strip | NA |
| Historic Lot of Record containing a Single-Family Detached Dwelling | NA | 66' when served with septic and well 50' when served with sewer and well 44' when served with sewer and water | NA |
| Planned Developments | NA | NA | NA |
| Schools | 100,000 sq. ft. for the first 100 pupils, plus 20,000 sq. ft. for each additional 50 pupils or any portion thereof | 165' | 200' |
| Place of Assembly, Indoor Recreational facilities, libraries, museums and art galleries | 100,000 sq. ft. for the first 100 occupants in the main assembly area or building based on design rated occupancy plus an additional 20,000 sq. ft. for each additional 50 occupants or any portion thereof based on design rated occupancy | 165' | 200' |
| All Other Permitted or Conditional Uses | 100,000 sq. ft. | 165' | 200' |

(Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(2), 10-11-2011)

37-701.4: YARD, HEIGHT AND FLOOR AREA RATIO REQUIREMENTS. (R-1):

Notwithstanding section 37-700.4 of this chapter and except as otherwise provided herein, each principal building located in the R-1 district shall provide for one (1) front yard, two (2) interior side yards or one (1) interior side yard and one (1) corner side yard, and one (1) rear yard.

A. Minimum Yard, Height, FAR and Lot Coverage Required:

| Use: | Front Yard | Interior Side Yard | Corner Side Yard | Rear Yard | Height | FAR | Lot Coverage |
|---|------------|--------------------|------------------|-----------|---|-----|--------------|
| Single-family detached dwelling | 40' | 20' | 40' | 50' | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .20 | NA |
| Historic Lot of record containing a single-family detached dwelling | 40' | 20' | 40' | 50' | 36' (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which | .20 | NA |

| | | | | | | | |
|---|-----|--|-----|-----|---|-----|-----|
| | | | | | exceeds the maximum height. In no case shall the height exceed 72'). | | |
| Schools | 40' | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 40' | 50' | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .20 | 50% |
| Place of Assembly, Indoor Recreational facilities, libraries, museums and art galleries | 40' | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 40' | 50' | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .20 | 50% |

| | | | | | | | |
|---|--|-----|-----|-----|---|-----|-----|
| All other permitted or conditional uses | 40' | 20' | 40' | 50' | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .20 | 50% |
| Decks, gazebos, patios and terraces which are located in and part of a Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of 20 feet where the rear yard is adjacent to interior common open space which is at least 20 feet wide, decks, gazebos, patios and terraces may be permitted 3 feet from the rear lot line providing the following: 1. The HOA has voted to allow said structures 3 feet or greater from the rear lot line. 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | | | |
| Docks: Residential development adjacent to private lake: | Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following: 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten (10) feet. 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. (Ord. T-4-05, 7-11-2006) | | | | | | |

B. **Use of Yards:** All nonsingle-family detached uses shall utilize required yards in the following manner:

1. Front and corner side yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-701.7 and 37-1411

of this chapter, accessory off-street parking and on site circulation shall be prohibited in front yards and corner side yards.

2. Interior side yards and rear yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-701.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in interior side and rear yards.

(2005 Code; amd. Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(2), 10-11-2011)

37-701.5: BUILDING BULK REQUIREMENTS.

(Rep. by Ord. T-4-05, 7-11-2006)

37-701.6: SIGNS.

See Article XI of this chapter.

(2005 Code)

37-701.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

In addition to the requirements of Section 37-700.7 of this chapter, see Section 37-1200 of this chapter.

Any nonsingle-family detached use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking or on site circulation. Any nonsingle-family detached use which does utilize up to twenty percent (20%) of any required yard for parking or circulation shall be subject to the provisions of Sections 37-415, "Site Plan Review," and 37-419, "Landscaping," of this chapter.

(2005 Code)

37-701.8: REQUIRED CONDITIONS.

Reserved.

(2005 Code)

37-701.9: ADDITIONAL CONDITIONS.

- A. **TRASH CONTAINERS:** All outside trash containers for any nonsingle-family detached development located in the R-1 single-family residence district shall be enclosed with fences, masonry walls or landscaping which shall provide a full landscape screen according to the provisions of Section 37-419 of this chapter.

(2005 Code)

37-702: R-2 SINGLE-FAMILY RESIDENCE DISTRICT.

The R-2 single-family residence district is established to preserve and maintain existing single-family areas of the County and permit the continued development of residential uses primarily in areas where public utilities are not readily available.

(2005 Code)

37-702.1: PERMITTED USES.

A. The following uses are permitted:

Accessory buildings, structures and uses:

Attached accessory buildings, structures and uses shall be permitted as follows:

An attached accessory building, structure or use is a building, structure or use which is connected to a principal building or use by a party wall or by a linkage building.

An attached accessory building, structure or use shall be compatible with and subordinate in floor area and size to the principal building.

An attached accessory building, structure or use shall be established at the same time or after the completion of a principal building.

An attached accessory building shall include but not be limited to the following:

Attached garage/enclosed parking space;

Attached gazebo;

Attached pool houses;

Attached enclosed swimming pool/spa;

Attached shed; attached stable;

Attached tool shed;

Attached building similar to those buildings listed above which is not the principal building of the property;

Linkage building shall be considered part of the attached accessory building.

Structures and appurtenances and equipment thereto relating to solar and wind energy including but not limited to roof mounted solar panels and wind turbines.

Floor area requirement: An attached accessory building shall comply with the following square footage requirements:

On a single family residential property containing less than forty thousand (40,000) square feet of lot area the first one thousand (1,000) square feet of an attached accessory building or buildings shall not be counted against the overall floor area ratio allowed on the property. Any portion of the attached accessory building or buildings over one thousand (1,000) square feet shall be counted against the floor area ratio allowed on the property.

On a single family residential property containing more than forty thousand (40,000) square feet of lot area the first two thousand (2,000) square feet of an attached accessory building or buildings shall not be counted against the overall floor area ratio allowed on the property. Any portion of the attached accessory building or buildings over two thousand (2,000) square feet shall be counted against the floor area ratio allowed on the property.

Setback requirement: An attached accessory building shall meet all setback requirements of the principal building or use as required in the zoning district.

Height requirement: Except as provided herein, an attached accessory building shall meet the maximum height requirement of the principal building or use as required in the zoning district.

Horses: In addition to the allowable floor area for attached buildings, private stables for the keeping of horses are permitted subject to the following conditions:

Where horses are permitted on residential property, two hundred seventy-five (275) square feet of the stable space shall be permitted for each permitted horse.

Stables shall be located not less than one hundred fifty (150) feet from the front lot line and not less than thirty feet (30') from any side or rear lot line.

The total number of horses permitted on any given lot shall be determined by the use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area;

One (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

Airplane hanger: In addition to the allowable floor area for attached buildings, where a residential property is part of an airport development, hanger space, whether attached or detached, shall contain not more than three thousand six hundred (3,600) square feet of floor area.

Home occupations.

Detached accessory buildings, structures and uses shall be permitted as follows:

A detached accessory building, structure and use is a building, structure and use which is not connected to a principal building or use by a party wall or by a linkage building.

A detached accessory building, structure and use shall be compatible with and subordinate in the floor area and size to the principal building.

A detached accessory building, structure and use shall be established at the same time or after the completion of a principal building.

Structures and appurtenances and equipment thereto relating to solar and wind energy including but not limited to roof mounted solar panels and wind turbines.

A detached accessory building shall include but not be limited to the following:

Detached garage/enclosed parking space;

Detached gazebo;

Detached pool houses;

Detached enclosed swimming pool/spa;

Detached shed; attached stable;

Detached tool shed;

Detached building similar to those buildings listed above which is not the principal building of the property;

A breezeway shall be considered detached and part of the detached accessory building.

Floor area requirement: Detached accessory building shall not exceed the maximum amount of floor area as hereinafter set forth:

On lots containing forty thousand (40,000) square feet or less of lot area, detached accessory building shall contain not more than six hundred fifty (650) square feet of floor area.

On lots containing more than forty thousand (40,000) square feet of lot area, permissible area for detached accessory buildings shall be based on a floor area ratio (FAR) of 0.01625 but shall in no case exceed two thousand six hundred (2,600) square feet of floor area.

If the principal building is constructed without an attached garage, an additional two hundred (200) square feet of gross floor area may be added to the detached accessory buildings permitted herein.

Location: Except as otherwise hereinafter provided a detached accessory building, structure or use shall not be located within the front, side, corner side and rear yard setback requirements of the zoning lot, as set forth for the zoning district:

A detached accessory building, structure or use shall be located, erected, altered, or moved behind the front wall of the principal building, which is nearest to the front lot line.

When located entirely within the rear yard, detached accessory buildings, structure or use may observe the following location standards:

Within the rear yard of a reversed corner lot, a detached accessory building, structure or use, shall be located at least thirty (30) feet from the street lot line.

Within the rear yard of a corner lot, a detached accessory building, structure or use shall be located at least thirty (30) feet from the street line.

Detached accessory buildings, structure or use may be located at least three (3) feet from the rear property line even if they are not located entirely within the rear yard.

If a detached accessory building, structure or use is located completely within the required rear yard of a lot, it may be located at least three (3) feet from the interior side and rear lot lines.

On residential lots of twenty thousand (20,000) square feet or less, detached accessory buildings and structures and use may be located at least three (3) feet from the interior side lot line if they are located behind the front wall of the principal structure.

Height:

On residential zoning lots of less than forty thousand (40,000) square feet, a detached accessory building, structure or use shall not exceed fifteen (15) feet in height.

On residential zoning lots of forty thousand (40,000) square feet or more, a detached accessory building, structure or use shall not exceed twenty-four (24) feet in height.

Horses: In addition to the allowable floor area for detached buildings, private stables for the keeping of horses are permitted subject to the following conditions:

Where horses are permitted on residential property, two hundred seventy-five (275) square feet of stable space shall be permitted for each permitted horse.

Stables shall be located not less than one hundred fifty (150) feet from the front lot line and not less than thirty feet (30') from any side or rear lot line.

That the total number of horses permitted on any given lot shall be determined by use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area;

One (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

Airplane hanger: In addition to the allowable floor area for detached buildings, where a residential property is part of an airport development, hanger space, whether attached or detached, shall contain not more than three thousand six hundred (3,600) square feet of floor area. Detached buildings containing hanger space shall not exceed thirty feet (30') in height.

Breezeway or any detached open air, roofed or covered accessory structure shall not exceed twenty feet (20') in length.

For purposes of this section the determination of the length of a detached open air, roofed or covered accessory structure shall be the portion of the structure which is most perpendicular to the front, and rear property lines of the zoning lot.

Detached open air, roofed or covered accessory structure shall include but not be limited to the following: breezeway,; open porch; portico; terrace; trellis; or any similar type structure to those listed above.

Easement: A detached accessory building shall not encroach on a drainage or utility easement without waivers from the local public or quasi-public entities or utility companies to which such easement was dedicated.

Noncommercial radio and television towers and antennas and accessory buildings containing hangar space shall conform to the height requirements of the residential zoning districts.

Roadside stands where all the farm products are grown or raised on said lot.

4-H projects may be permitted on a zoning lot containing not less than forty thousand (40,000) square feet of land area. All buildings for a 4-H project shall be set back not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Noncommercial radio and television towers and antennas, including the structure thereto, shall be permitted subject to the following conditions:

Shall comply with applicable Federal Communications Commissions (FCC) height restrictions, if any,

No portion of any tower, antenna or support wires may be located within any required yard or closer than ten feet (10') to any lot line, whichever is greater.

All yards shall be increased by one foot (1') for each additional two feet (2') by which the tower or antenna height exceeds thirty feet (30') in height.

In no event shall the tower or antenna exceed one hundred feet (100') in height except by a conditional use permit.

Carrier and racing pigeon lofts where such lofts have been constructed in compliance with the County Building Code.

The storage of household accessory equipment shall be in an enclosed structure.

Trails for recreation or transportation by foot, horse, or non-motorized vehicles.

Daycare homes which receive no more than eight (8) children under the age of twelve (12) (including the provider's own children) and which do not have any outside employees.

Excavation and/or filling. The excavation and/or filling of any land not located within a floodplain and/or wetland area, where the excavation and/or filling operation meets all requirements established in Section 37-1408 of this chapter.

Golf courses, except as regulated elsewhere in this section, provided that all buildings shall be located not less than one hundred feet (100') from any residential lot line and the course shall not be lighted for night operations.

Group homes.

Hens. There shall be no more than five (5) hens permitted on a residential property, subject to the following conditions:

Hens shall be located in an enclosed structure, located behind the front wall of the principal building, which is nearest to the front lot line, and not less than twenty-five feet (25') from any side or rear lot line.

Place of assembly including the following: private club, lodge and fraternal organization; religious institutions (including chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories), where the subject property meets the following criteria:

- a. The property is located adjacent to at least an arterial roadway as defined by the DuPage County Division of Transportation;
- b. The use takes primary access to and from the arterial roadway;
- c. The use is operated using public sewer and water;
- d. The use is not operated in an existing single-family home or dwelling unit.

Public land and buildings.

Totlots.

Single-family detached dwellings.

Temporary buildings and uses:

- A. **Model Home/Temporary Office:** A model home including a temporary office for sale or rental of units within the development or other subdivided land adjoining such development may be constructed as an integral part of the development site (subdivision or planned development). Such model home and/or temporary office shall be permitted for a period of time not to exceed sixty (60) days after the sale of the last unit within the development site. One (1) identification sign shall be permitted.
- B. **Temporary Construction Yard:** The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the construction yard is an integral part, provided such facilities shall be located not less than five hundred feet (500') from any building used for residential purposes (buildings not being a part of the development site, subdivision, or planned development), and provided that the period of such temporary use shall not exceed the duration of construction for the development site.

Any existing principal building or accessory structure located upon the development site may be utilized for office space or for the enclosed storage of equipment and/or building supplies associated with the development of the site, provided such temporary use of existing buildings shall not exceed the duration of the construction for the development site.

- C. **Other temporary uses.** Temporary uses shall be reviewed by and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot.

The director shall have the authority to establish reasonable terms and conditions for the temporary use including, but not limited to, location on the lot, parking and time limit.

B. **Permitted Encroachments:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

| Use: | Setback or Permitted encroachment into required yard | A. Required Yards | | | |
|---|--|-------------------|---|---|----|
| | | F | S | R | CS |
| Air conditioning window units | May encroach 2' | F | S | R | CS |
| Arbor | 3' Setback | F | S | R | CS |
| Architectural entrance | 5' Setback | F | S | R | CS |
| Architectural feature (not to exceed 4 feet in height) | May encroach 30% | - | S | R | - |
| Awning | May encroach 10% | F | S | R | CS |
| Balcony | May encroach 10% | F | - | R | CS |
| Basketball: Court, poles, rim, net | 10' Setback | - | S | R | - |
| Bay window | May encroach 10% | F | S | R | CS |
| Chimney | May encroach 10% | F | S | R | CS |
| Compressors: For air conditioning units/heat pump | May encroach 10% | - | S | R | - |
| Deck | 15' Setback | - | - | R | - |
| Dog run | 10' Setback | - | - | R | - |
| Driveway: Side loading attached garage | 1' Setback | F | S | R | CS |
| Driveway: Detached garage, carport and open-air parking space behind the house. | 1' Setback | F | S | R | CS |
| Eave and gutter | May encroach 10% | F | S | R | CS |
| Fence. (See also section 37-407 of this article) | 3 inches Setback | F | S | R | CS |
| Firewood | 3' Setback | - | S | R | - |
| Flagpole | 10' Setback | F | S | R | CS |
| Fountain | 10' Setback | F | S | R | CS |
| Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open | 5' Setback | F | - | R | CS |
| Gazebo | 10' Setback | - | - | R | - |
| Generator | May encroach 10% | - | S | R | - |
| Gutter and eave | May encroach 10% | F | S | R | CS |
| Laundry drying equipment | 10' Setback | - | - | R | - |
| Light standard | 5' Setback | F | S | R | CS |
| Outside fireplace | 3' Setback | - | S | R | - |
| Patio | 3' Setback | - | S | R | - |
| Pond: Ornamental | 10' Setback | F | S | R | CS |
| Porch: Open or roofed | May encroach 10% | F | - | R | CS |
| Portico: Open or roofed | May encroach 10% | F | - | R | CS |
| Recreational structure and equipment | 10' Setback | - | - | R | - |
| Retaining wall | 1' Setback | F | S | R | CS |
| Sidewalk, path and walkway | 1' Setback | F | S | R | CS |
| Sign: (See article XI) | | | | | |

| | | | | | |
|---|--|---|---|---|----|
| Statuary | 10' Setback | F | S | R | CS |
| Stoop | May encroach 30% | F | S | R | CS |
| Sump pump and surface water discharge pipes/ structure | 3' Setback | F | S | R | CS |
| Swimming pool, open air outdoor | 10' Setback | - | - | R | - |
| Tennis court | 10' Setback | - | - | R | - |
| Terrace | 3' Setback | - | S | R | - |
| Trellis | 3' Setback | F | S | R | CS |
| Volleyball court | 10' Setback | - | - | R | - |
| Well head | 5' Setback | F | S | R | CS |
| Wing wall (not to exceed 4 feet in height) | May encroach 30% | - | S | R | CS |
| Decks, gazebos, patios and terraces: Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of 20 feet where the rear yard is adjacent to interior common open space which is at least 20 feet wide, decks, gazebos, patios and terraces may be permitted 3 feet from the rear lot line providing the following: | | | | |
| | 1. The HOA has voted to allow said structures 3 feet or greater from the rear lot line. | | | | |
| | 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |
| Docks: Residential development adjacent to private lake: | Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following: | | | | |
| | 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10'). | | | | |
| | 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |

(2005 Code; Ord. ZP-T-3-05; Ord. No. T-2-11, Exh. 1(3), (20), 10-11-2011; Ord. No. T-2-12, 10-23-2012; Ord. No. T-1-18(a), § 1, 11-1-2018; Ord. No. T-1-20, 8-25-2020)

37-702.2: CONDITIONAL USES.

The following conditional uses require prior approval after public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Accessory housing.

Accessory uses on a residential zoning lot, (including buildings, structures and uses) that are accessory to the principal use, building or structure on a residential zoning lot which have been established on a residential lot for at least five (5) years but without proper authority, (e.g.: without building or zoning permits).

Bed and breakfast establishments.

Cemeteries, provided all buildings shall be located not less than fifty feet (50') from any residential lot line.

Detached accessory buildings or structures having a gross floor area exceeding the maximum accessory building floor area permitted in the R-2 district.

Detached accessory buildings: Increase in the allowable Floor Area Ratio but in no instance shall the increase be larger than the principal building on the property.

Dwelling group quarters.

Existing private airports.

Greenhouses and nurseries (on lots containing less than five (5) acres of land area) including wholesale sales of plant materials and crops, all of which are grown on the zoning lot. Heating plant installation in connection with greenhouse operations shall conform with the applicable performance standards set forth in Section 37-1003 of this chapter.

Mining, loading and hauling of sand, gravel or other aggregate, but not including equipment, buildings, or structures for screening, crushing, working or storage except as may be specifically authorized for a limited period.

Model home including a sales office may be established on any property when meeting the following criteria:

- A. Shall be located on a street classified as a major collector or arterial street.
- B. Shall be permitted for a period of five (5) years.
- C. Shall provide not less than four (4) parking spaces meeting all criteria of the zoning district in which such use is located.
- D. Shall be permitted one (1) identification sign pursuant to Subsection 37-1105.1.B. of this chapter.
- E. No outdoor storage of commercial vehicles, construction vehicles, equipment or supplies shall be permitted on the site of the model home.
- F. Display illumination of the model home shall be directed away from surrounding properties and shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- G. Shall be established only on existing subdivided lots or zoning lots of record.

Noncommercial radio and television towers and antennas, which exceed the maximum height permitted in the R-2 district.

Pets - more than four (4) pets over four (4) months of age on a residential lot owned by a resident of the lot.

Planned developments.

Public utility and/or service uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

Wastewater treatment plants.

Waterworks, reservoirs, pumping stations, filtration plants and wells.

Other governmental and utility service uses.

Recreational use which is the principal use of the property:

Basketball court, clubhouse, swimming pool, tennis court or similar type use on lots which are the principal use of the property shall contain a minimum of eighty thousand (80,000) square feet of land area.

Golf courses on a minimum of thirty (30) acres of land area, golf courses lighted for night operation, golf learning centers, driving ranges and miniature golf courses as follows:

- A. All buildings or structures shall be located not less than fifty (50) feet from any residential property line.
- B. Lighting for night operation of recreational uses shall be directed away from surrounding properties.

Place of Assembly use established prior to October 25, 2011 which is either a conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval or legal nonconforming existing place of assembly use established prior to October 25, 2011 and not established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval.

Polo fields, fishing ponds, hunt and gun clubs, conservation clubs, archery ranges, picnic grounds, private saddle clubs and swimming pools on lots containing a minimum of five (5) acres of land area.

Public and private parks, playgrounds, picnic groves, play fields and other open spaces.

Stables and riding academies which are the principal use of the property.

Residential care uses:

Daycare centers.

Daycare centers, adult.

Daycare homes which receive from nine (9) to twelve (12) children under the age of twelve (12) (including the provider's own children) or which have one (1) or more outside employees.

Group daycare homes.

Roadside stands where less than one hundred percent (100%) of the farm products are grown or raised on said lot.

Schools, public and private colleges, universities and other institutions of higher learning.

Schools, public and private elementary, junior high and high schools, boarding or nonboarding.

Separate living quarters for domestic servants employed on the premises.

(2005 Code; Ord. No. T-2-11, Exh. 1(3), 10-11-2011; Ord. No. T-2-12, 10-23-2012; Ord. No. T-3-12A, 12-11-2012)

37-702.3: LOT REQUIREMENTS: SIZE, WIDTH AND DEPTH (R-2).

Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

| Use | Minimum Lot Size | Lot Width | | Lot Depth |
|-----|------------------|-----------|--------|-----------|
| | | Interior | Corner | |

| | | | | |
|---|---|---|------|------|
| Single-Family Detached Dwellings | 40,000 sq. ft. | 125 feet | 150' | 100' |
| Reserve Lot exclusive of reserve strip | 40,000 sq. ft. | 125' | NA | 100' |
| • Reserve Strip | NA | 20' reserve strip | NA | NA |
| Historic Lot of Record containing a Single-Family Detached Dwelling | NA | 66' when served with septic and well 50' when served with sewer and well 44' when served with sewer and water | NA | NA |
| Cemeteries | 2 acres | 125' | 150' | 100' |
| Planned Developments | NA | NA | NA | NA |
| Schools | 100,000 sq. ft. a for the first 100 pupils, plus 20,000 sq. ft. for each additional 50 pupils or any portion thereof | 125' | 150' | 100' |
| Place of Assembly, Indoor Recreational facilities, libraries, museums and art galleries | 100,000 sq. ft. for the first 100 occupants in the main assembly area or building based on design rated occupancy plus an additional 20,000 sq. ft. for each additional 50 occupants or any portion thereof based | 125' | 100' | 100' |

| | | | | |
|---|---------------------------|------|------|------|
| | on design rated occupancy | | | |
| All Other Permitted or Conditional Uses | 40,000 sq. ft. | 125' | 150' | 100' |

- A. **Exception:** Average front yard less than minimum setback: On streets where a front yard setback has heretofore been maintained by buildings situated on lots or tracts comprising not less than fifty percent (50%) of the total street frontage on one (1) side of that portion of any street including: 1) lying between two (2) intersecting streets, 2) lying between one (1) intersecting street and the centerline extended of the nearest street connecting with, but not intersecting such street, or 3) lying between the centerlines extended or the nearest streets connecting with, but not intersecting such street, buildings shall maintain a front yard (building setback) as required in the zoning district in which such property is located, or may maintain a lesser front yard, as determined by the average front yard (building setback) provided by existing buildings.

(Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(3), 10-11-2011)

37-702.4: YARD, HEIGHT AND FLOOR AREA RATIO REQUIREMENTS.

Notwithstanding section 37-700.4 of this chapter and except as otherwise provided herein, each principal building located in the R-2 district shall provide for one (1) front yard, two (2) interior side yards or one (1) interior side yard and one (1) corner side yard, and one (1) rear yard.

- A. **Minimum Yard, Height, FAR and Lot Coverage Required:**

| Use: | Front Yard | Interior Side Yard | Corner Side Yard | Rear Yard | Height | FAR | Lot Coverage |
|---------------------------------|------------|--|------------------|-----------|--|-----|--------------|
| Single-family detached dwelling | 30' | 10% of lot width (does not need to exceed 10') | 30' | 25' | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. | .25 | NA |

| | | | | | | | |
|---|-----|--|--|--|---|-----|-----|
| | | | | | In no case shall the height exceed 72'). | | |
| Historic Lot of Record containing a single-family detached dwelling | 30' | 10% of lot width (does not need to exceed 10') | 30' or where the lot is less than 75' wide, 20' | 25' | 36' (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .25 | NA |
| Schools | 30' | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 50' adjacent to a residential zoning district 30' adjacent to a non-residential zoning district | 50' adjacent to a residential zoning district 25' adjacent to a non-residential zoning district | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .25 | 50% |
| Place of Assembly Use, Indoor | 30' | 40' adjacent to a | 50' adjacent to a | 50' adjacent to a | 36', (except that where a lot size is 40,000 sq. ft. or | .25 | 50% |

| | | | | | | | |
|--|-----|---|---|---|--|-----|-----|
| Recreational facilities, Schools, Public and private, libraries, museums and art galleries | | residential zoning district 20' adjacent to a non-residential zoning district | residential zoning district 30' adjacent to a non-residential zoning district | residential zoning district 25' adjacent to a non-residential zoning district | more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | | |
| All other permitted or conditional uses | 30' | 20' | 30' | 25' | 36' (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .25 | 50% |

B. **Permitted Encroachments:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

| Use: | Setback or Permitted Encroachment | Required Yards |
|------|-----------------------------------|----------------|
|------|-----------------------------------|----------------|

| | into Required Yard | | | | |
|--|--------------------|---|---|---|----|
| Air conditioning window units | May encroach 2' | F | S | R | CS |
| Arbor | 3' Setback | F | S | R | CS |
| Architectural entrance | 5' Setback | F | S | R | CS |
| Architectural feature (not to exceed 4 feet in height) | May encroach 30% | - | S | R | - |
| Awning | May encroach 10% | F | S | R | CS |
| Balcony | May encroach 10% | F | - | R | CS |
| Basketball: Court, poles, rim, net | 10' Setback | - | S | R | - |
| Bay window | May encroach 10% | F | S | R | CS |
| Chimney | May encroach 10% | F | S | R | CS |
| Compressors: for air conditioning units/heat pump | May encroach 10% | - | - | R | - |
| Deck | 15' Setback | - | - | R | - |
| Dog run | 10' Setback | - | - | R | - |
| Driveway: side loading attached garage | 1' Setback | F | S | R | CS |
| Driveway: detached garage, carport and open-air parking space behind the house. | 1' Setback | F | S | R | CS |
| Eave and gutter | May encroach 10% | F | S | R | CS |
| Fence. (See also section 37-407 of this article) | 3 inches Setback | F | S | R | CS |
| Firewood | 3' Setback | - | S | R | - |
| Flagpole | 10' Setback | F | S | R | CS |
| Fountain | 10' Setback | F | S | R | CS |
| Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open. | 5' Setback | F | - | R | CS |
| Gazebo | 10' Setback | - | - | R | - |
| Gutter and eave | May encroach 10% | F | S | R | CS |
| Laundry drying equipment | 10' Setback | - | - | R | - |
| Light standard | 5' Setback | F | S | R | CS |
| Outside fireplace | 3' Setback | - | S | R | - |
| Patio | 3' Setback | - | S | R | - |
| Pond: Ornamental | 10' Setback | F | S | R | CS |
| Porch: Open or roofed | May encroach 10% | F | - | R | CS |
| Portico: Open or roofed | May encroach 10% | F | - | R | CS |
| Recreational structure and equipment | 10' Setback | - | - | R | - |
| Retaining wall | 1' Setback | F | S | R | CS |

| | | | | | |
|--|--|---|---|---|----|
| Sidewalk, path and walkway. | 1' Setback | F | S | R | CS |
| Sign: (See Article XI) | | | | | |
| Statuary | 10' Setback | F | S | R | CS |
| Stoop | May encroach 30% | F | S | R | CS |
| Sump pump and surface water discharge pipes/ structure | 3' Setback | F | S | R | CS |
| Swimming pool, open air outdoor | 10' Setback | - | - | R | - |
| Tennis court | 10' Setback | - | - | R | - |
| Terrace | 3' Setback | - | S | R | - |
| Trellis | 3' Setback | F | S | R | CS |
| Volleyball court | 10' Setback | - | - | R | - |
| Well head | 5' Setback | F | S | R | CS |
| Wing Wall (not to exceed 4 feet in height) | May encroach 30% | - | S | R | CS |
| Decks, gazebos, patios and terraces: Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of twenty feet (20') where the rear yard is adjacent to interior common open space which is at least twenty feet (20') wide, decks, gazebos, patios and terraces may be permitted three feet (3') from the rear lot line providing the following: 1. The HOA has voted to allow said structures three feet (3') or greater from the rear lot line. 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |
| Docks: Residential development adjacent to private lake: | Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following: 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10'). 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |

C. **Use of Yards:** All nonsingle-family detached uses shall utilize required yards in the following manner:

-
1. Front and corner side yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-702.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in front yards and corner side yards.
 2. Interior side yards and rear yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-702.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in interior side and rear yards.

(2005 Code; amd. Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(3), 10-11-2011)

37-702.5: RESERVED.

Editor's note(s)—Ord. No. T-2-11, Exh. 1(3), adopted October 11, 2011, repealed § 37-701.5, which pertained to building bulk requirements. See also the Code Comparative Table.

37-702.6: SIGNS.

See Article XI of this chapter.

(2005 Code)

37-702.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

In addition to the requirements of Section 37-700.7 of this chapter, see Section 37-1200 of this chapter.

Any nonsingle-family detached use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking or on site circulation. Any nonsingle-family detached use which does utilize up to twenty percent (20%) of any required yard for parking or circulation shall be subject to the provisions of Sections 37-415, "Site Plan Review," and 37-419, "Landscaping," of this chapter.

(2005 Code)

37-702.8: REQUIRED CONDITIONS.

Reserved.

(2005 Code)

37-702.9: ADDITIONAL CONDITIONS.

- A. **TRASH CONTAINERS:** All outside trash containers for any nonsingle-family detached development located in the R-2 single-family residence district shall be enclosed with fences, masonry walls or landscaping which shall provide a full landscape screen according to the provisions of Section 37-419, "Landscaping," of this chapter.

(2005 Code)

37-703: R-3 SINGLE-FAMILY RESIDENCE DISTRICT.

The R-3 single-family residence district is established to preserve and maintain existing single-family areas of the County and permit the continued development of residential uses primarily in areas where public utilities are readily available.

(2005 Code)

37-703.1: PERMITTED USES.

A. The following uses are permitted:

Accessory buildings, structures and uses:

Attached accessory buildings, structures and uses shall be permitted as follows:

An attached accessory building, structure or use is a building, structure or use which is connected to a principal building or use by a party wall or by a linkage building.

An attached accessory building, structure or use shall be compatible with and subordinate in floor area and size to the principal building.

An attached accessory building, structure or use shall be established at the same time or after the completion of a principal building.

An attached accessory building shall include but not be limited to the following:

Attached garage/enclosed parking space;

Attached gazebo;

Attached pool houses;

Attached enclosed swimming pool/spa;

Attached shed; attached stable;

Attached tool shed;

Attached building similar to those buildings listed above which is not the principal building of the property;

Linkage building shall be considered part of the attached accessory building.

Structures and appurtenances and equipment thereto relating to solar and wind energy including but not limited to roof mounted solar panels and wind turbines.

Floor area requirement: An attached accessory building shall comply with the following square footage requirements:

On a single family residential property containing less than forty thousand (40,000) square feet of lot area the first one thousand (1,000) square feet of an attached accessory building or buildings shall not be counted against the overall floor area ratio allowed on the property. Any portion of the attached accessory building or buildings over one thousand (1,000) square feet shall be counted against the floor area ratio allowed on the property.

On a single family residential property containing more than forty thousand (40,000) square feet of lot area the first two thousand (2,000) square feet of an attached accessory building or buildings shall not be counted against the overall floor area ratio allowed on the

property. Any portion of the attached accessory building or buildings over two thousand (2,000) square feet shall be counted against the floor area ratio allowed on the property.

Setback requirement: An attached accessory building shall meet all setback requirements of the principal building or use as required in the zoning district.

Height requirement: Except as provided herein, an attached accessory building shall meet the maximum height requirement of the principal building or use as required in the zoning district.

Horses: In addition to the allowable floor area for attached buildings, private stables for the keeping of horses are permitted subject to the following conditions:

Where horses are permitted on residential property, two hundred seventy-five (275) square feet of the stable space shall be permitted for each permitted horse.

Stables shall be located not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

The total number of horses permitted on any given lot shall be determined by the use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area;

One (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

Airplane hanger: In addition to the allowable floor area for attached buildings, where a residential property is part of an airport development, hanger space, whether attached or detached, shall contain not more than three thousand six hundred (3,600) square feet of floor area.

Home occupations.

Detached accessory buildings, structures and uses shall be permitted as follows:

A detached accessory building, structure and use is a building, structure and use which is not connected to a principal building or use by a party wall or by a linkage building.

A detached accessory building, structure and use shall be compatible with and subordinate in the floor area and size to the principal building.

A detached accessory building, structure and use shall be established at the same time or after the completion of a principal building.

Structures and appurtenances and equipment thereto relating to solar and wind energy including but not limited to roof mounted solar panels and wind turbines.

A detached accessory building shall include but not be limited to the following:

Detached garage/enclosed parking space;

Detached gazebo;

Detached pool houses;

Detached enclosed swimming pool/spa;

Detached shed; attached stable;

Detached tool shed;

Detached building similar to those buildings listed above which is not the principal building of the property;

A breezeway shall be considered detached and part of the detached accessory building.

Floor area requirement: Detached accessory building shall not exceed the maximum amount of floor area as hereinafter set forth:

On lots containing forty thousand (40,000) square feet or less of lot area, detached accessory building shall contain not more than six hundred fifty (650) square feet of floor area.

On lots containing more than forty thousand (40,000) square feet of lot area, permissible area for detached accessory buildings shall be based on a floor area ratio (FAR) of 0.01625 but shall in no case exceed two thousand six hundred (2,600) square feet of floor area.

If the principal building is constructed without an attached garage, an additional two hundred (200) square feet of gross floor area may be added to the detached accessory buildings permitted herein.

Location: Except as otherwise hereinafter provided a detached accessory building, structure or use shall not be located within the front, side, corner side and rear yard setback requirements of the zoning lot, as set forth for the zoning district:

A detached accessory building, structure or use shall be located, erected, altered, or moved behind the front wall of the principal building, which is nearest to the front lot line.

When located entirely within the rear yard, detached accessory buildings, structure or use may observe the following location standards:

Within the rear yard of a reversed corner lot, a detached accessory building, structure or use, shall be located at least thirty (30) feet from the street lot line.

Within the rear yard of a corner lot, a detached accessory building, structure or use shall be located at least thirty (30) feet from the street line.

Detached accessory buildings, structure or use may be located at least three (3) feet from the rear property line even if they are not located entirely within the rear yard.

If a detached accessory building, structure or use is located completely within the required rear yard of a lot, it may be located at least three (3) feet from the interior side and rear lot lines.

On residential lots of twenty thousand (20,000) square feet or less, detached accessory buildings and structures and use may be located at least three (3) feet from the interior side lot line if they are located behind the front wall of the principal structure.

Height:

On residential zoning lots of less than forty thousand (40,000) square feet, a detached accessory building, structure or use shall not exceed fifteen (15) feet in height.

On residential zoning lots of forty thousand (40,000) square feet or more, a detached accessory building, structure or use shall not exceed twenty-four (24) feet in height.

Horses: In addition to the allowable floor area for detached buildings, private stables for the keeping of horses are permitted subject to the following conditions:

Where horses are permitted on residential property, two hundred seventy-five (275) square feet of stable space shall be permitted for each permitted horse.

Stables shall be located not less than one hundred fifty (150) feet from the front lot line and not less than thirty feet (30') from any side or rear lot line.

That the total number of horses permitted on any given lot shall be determined by use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area;

One (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

Airplane hanger: In addition to the allowable floor area for detached buildings, where a residential property is part of an airport development, hanger space, whether attached or detached, shall contain not more than three thousand six hundred (3,600) square feet of floor area. Detached buildings containing hanger space shall not exceed thirty feet (30') in height.

Breezeway or any detached open air, roofed or covered accessory structure shall not exceed twenty feet (20') in length.

For purposes of this section the determination of the length of a detached open air, roofed or covered accessory structure shall be the portion of the structure which is most perpendicular to the front, and rear property lines of the zoning lot.

Detached open air, roofed or covered accessory structure shall include but not be limited to the following: breezeway,; open porch; portico; terrace; trellis; or any similar type structure to those listed above.

Easement: A detached accessory building shall not encroach on a drainage or utility easement without waivers from the local public or quasi-public entities or utility companies to which such easement was dedicated.

Noncommercial radio and television towers and antennas and accessory buildings containing hangar space shall conform to the height requirements of the residential zoning districts.

Roadside stands where all the farm products are grown or raised on said lot.

4-H projects may be permitted on a zoning lot containing not less than forty thousand (40,000) square feet of land area. All buildings for a 4-H project shall be set back not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Noncommercial radio and television towers and antennas, including the structure thereto, shall be permitted subject to the following conditions:

Shall comply with applicable Federal Communications Commissions (FCC) height restrictions, if any,

No portion of any tower, antenna or support wires may be located within any required yard or closer than ten feet (10') to any lot line, whichever is greater.

All yards shall be increased by one foot (1') for each additional two feet (2') by which the tower or antenna height exceeds thirty feet (30') in height.

In no event shall the tower or antenna exceed one hundred feet (100') in height except by a conditional use permit.

Carrier and racing pigeon lofts where such lofts have been constructed in compliance with the County Building Code.

The storage of household accessory equipment shall be in an enclosed structure.

Trails for recreation or transportation by foot, horse, or non-motorized vehicles.

Daycare homes which receive no more than eight (8) children under the age of twelve (12) (including the provider's own children) and which do not have any outside employees.

Excavation and/or filling. The excavation and/or filling of any land not located within a floodplain and/or wetland area, where the excavation and/or filling operation meets all requirements established in Section 37-1408 of this chapter.

Golf courses, except as regulated elsewhere in this section, provided that all buildings shall be located not less than one hundred feet (100') from any residential lot line and the course shall not be lighted for night operations.

Group homes.

Hens. There shall be no more than five (5) hens permitted on a residential property, subject to the following conditions:

Hens shall be located in an enclosed structure, located behind the front wall of the principal building, which is nearest to the front lot line, and not less than twenty-five feet (25') from any side or rear lot line.

Place of assembly including the following: private club, lodge and fraternal organization; religious institutions (including chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories), where the subject property meets the following criteria:

- a. The property is located adjacent to at least an arterial roadway as defined by the DuPage County Division of Transportation;
- b. The use takes primary access to and from the arterial roadway;
- c. The use is operated using public sewer and water;
- d. The use is not operated in an existing single-family home or dwelling unit.

Public land and buildings.

Totlots.

Single-family detached dwellings.

Temporary buildings and uses:

- A. **Model Home/Temporary Office:** A model home including a temporary office for sale or rental of units within the development or other subdivided land adjoining such development may be constructed as an integral part of the development site (subdivision or planned development). Such model home and/or temporary office shall be permitted for a period of time not to exceed sixty (60) days after the sale of the last unit within the development site. One (1) identification sign shall be permitted.
- B. **Temporary Construction Yard:** The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the construction yard is an integral part, provided such facilities shall be located not less than five hundred feet (500') from any building used for residential purposes (buildings not being a part of the development site, subdivision, or planned development), and provided that the period of such temporary use shall not exceed the duration of construction for the development site.

Any existing principal building or accessory structure located upon the development site may be utilized for office space or for the enclosed storage of equipment and/or building supplies

associated with the development of the site, provided such temporary use of existing buildings shall not exceed the duration of the construction for the development site.

- C. **Other temporary uses.** Temporary uses shall be reviewed by and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot. The director shall have the authority to establish reasonable terms and conditions for the temporary use including, but not limited to, location on the lot, parking and time limit.

- B. **Permitted Encroachments:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

| Use: | Setback or Permitted encroachment into required yard | A. Required Yards | | | |
|---|--|-------------------|---|---|----|
| Air conditioning window units | May encroach 2' | F | S | R | CS |
| Arbor | 3' Setback | F | S | R | CS |
| Architectural entrance | 5' Setback | F | S | R | CS |
| Architectural feature (not to exceed 4 feet in height) | May encroach 30% | - | S | R | - |
| Awning | May encroach 10% | F | S | R | CS |
| Balcony | May encroach 10% | F | - | R | CS |
| Basketball: Court, poles, rim, net | 10' Setback | - | S | R | - |
| Bay window | May encroach 10% | F | S | R | CS |
| Chimney | May encroach 10% | F | S | R | CS |
| Compressors: For air conditioning units/heat pump | May encroach 10% | - | S | R | - |
| Deck | 15' Setback | - | - | R | - |
| Dog run | 10' Setback | - | - | R | - |
| Driveway: Side loading attached garage | 1' Setback | F | S | R | CS |
| Driveway: Detached garage, carport and open-air parking space behind the house. | 1' Setback | F | S | R | CS |
| Eave and gutter | May encroach 10% | F | S | R | CS |
| Fence. (See also section 37-407 of this article) | 3 inches Setback | F | S | R | CS |
| Firewood | 3' Setback | - | S | R | - |
| Flagpole | 10' Setback | F | S | R | CS |
| Fountain | 10' Setback | F | S | R | CS |
| Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open | 5' Setback | F | - | R | CS |
| Gazebo | 10' Setback | - | - | R | - |
| Generator | May encroach 10% | - | S | R | - |
| Gutter and eave | May encroach 10% | F | S | R | CS |
| Laundry drying equipment | 10' Setback | - | - | R | - |
| Light standard | 5' Setback | F | S | R | CS |
| Outside fireplace | 3' Setback | - | S | R | - |
| Patio | 3' Setback | - | S | R | - |
| Pond: Ornamental | 10' Setback | F | S | R | CS |
| Porch: Open or roofed | May encroach 10% | F | - | R | CS |
| Portico: Open or roofed | May encroach 10% | F | - | R | CS |

| | | | | | |
|---|--|---|---|---|----|
| Recreational structure and equipment | 10' Setback | - | - | R | - |
| Retaining wall | 1' Setback | F | S | R | CS |
| Sidewalk, path and walkway | 1' Setback | F | S | R | CS |
| Sign: (See article XI) | | | | | |
| Statuary | 10' Setback | F | S | R | CS |
| Stoop | May encroach 30% | F | S | R | CS |
| Sump pump and surface water discharge pipes/ structure | 3' Setback | F | S | R | CS |
| Swimming pool, open air outdoor | 10' Setback | - | - | R | - |
| Tennis court | 10' Setback | - | - | R | - |
| Terrace | 3' Setback | - | S | R | - |
| Trellis | 3' Setback | F | S | R | CS |
| Volleyball court | 10' Setback | - | - | R | - |
| Well head | 5' Setback | F | S | R | CS |
| Wing wall (not to exceed 4 feet in height) | May encroach 30% | - | S | R | CS |
| Decks, gazebos, patios and terraces: Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of 20 feet where the rear yard is adjacent to interior common open space which is at least 20 feet wide, decks, gazebos, patios and terraces may be permitted 3 feet from the rear lot line providing the following: | | | | |
| | 1. The HOA has voted to allow said structures 3 feet or greater from the rear lot line. | | | | |
| | 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |
| Docks: Residential development adjacent to private lake: | Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following: | | | | |
| | 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10'). | | | | |
| | 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |

(2005 Code; Ord. ZP-T-3-05; Ord. No. T-2-11, Exh. 1(4), (20), 10-11-2011; Ord. No. T-1-18(a), § 1, 11-1-2018; Ord. No. T-1-20, 8-25-2020)

37-703.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Accessory housing.

Accessory uses on a residential zoning lot, (including buildings, structures and uses) that are accessory to the principal use, building or structure on a residential zoning lot which have been established on a residential lot for at least five (5) years but without proper authority, (e.g.: without building or zoning permits).

Bed and breakfast establishments.

Cemeteries, provided all buildings shall be located not less than fifty feet (50') from any residential lot line.

Detached accessory buildings or structures having a gross floor area exceeding the maximum accessory building floor area permitted in the R-3 district.

Detached accessory buildings: Increase in the allowable Floor Area Ratio but in no instance shall the increase be larger than the principal building on the property.

Dwelling group quarters.

Funeral homes where the subject property is located adjacent to a non-residential zoning district boundary line, or the subject property has frontage on at least a minor arterial roadway. Furthermore, that all vehicles related to the operation of the funeral home shall be parked or stored in a completely enclosed building.

Existing private airports.

Greenhouses and nurseries (on lots containing less than five (5) acres of land area) including wholesale sales of plant materials and crops, all of which are grown on the zoning lot. Heating plant installation in connection with greenhouse operations shall conform with the applicable performance standards set forth in Section 37-1003 of this chapter.

Mining, loading and hauling of sand, gravel or other aggregate, but not including equipment, buildings, or structures for screening, crushing, working or storage excepting as may be specifically authorized for a limited period.

Model home including a sales office may be established on any property when meeting the following criteria:

- A. Shall be located on a street classified as a major collector or arterial street.
- B. Shall be permitted for a period of five (5) years.
- C. Shall provide not less than four (4) parking spaces meeting all criteria of the zoning district in which such use is located.
- D. Shall be permitted one (1) identification sign pursuant to Subsection 37-1105.1B. of this chapter.
- E. No outdoor storage of commercial vehicles, construction vehicles, equipment or supplies shall be permitted on the site of the model home.
- F. Display illumination of the model home shall be directed away from surrounding properties and shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- G. Shall be established only on existing subdivided lots or zoning lots of record.

Noncommercial radio and television towers and antennas, which exceed the maximum height permitted in the R-3 district.

Pets - more than four (4) pets over four (4) months of age on a residential lot owned by a resident of the lot.

Planned developments.

Public utility and/or service uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

Wastewater treatment plants.

Waterworks, reservoirs, pumping stations, filtration plants and wells.

Other governmental and utility service uses.

Recreational use which is the principal use of the property:

Basketball court, clubhouse, swimming pool, tennis court or similar type use on lots which are the principal use of the property shall contain a minimum of eighty thousand (80,000) square feet of land area.

Golf courses on a minimum of thirty (30) acres of land area, golf courses lighted for night operation, golf learning centers, driving ranges and miniature golf courses as follows:

- A. All buildings or structures shall be located not less than fifty (50) feet from any residential property line.
- B. Lighting for night operation of recreational uses shall be directed away from surrounding properties.

Place of assembly use established prior to October 25, 2011 which is either a conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval or legal nonconforming existing place of assembly use established prior to October 25, 2011 and not established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval.

Polo fields, fishing ponds, hunt and gun clubs, conservation clubs, archery ranges, picnic grounds, private saddle clubs and swimming pools on lots containing a minimum of five (5) acres of land area.

Public and private parks, playgrounds, picnic groves, play fields and other open spaces.

Stables and riding academies.

Residential care uses:

Daycare centers.

Daycare centers, adult.

Daycare homes which receive from nine (9) to twelve (12) children under the age of twelve (12) (including the provider's own children) or which have one (1) or more outside employees.

Group daycare homes.

Roadside stands where less than one hundred percent (100%) of the farm products are grown or raised on said lot.

Schools, public and private colleges, universities and other institutions of higher learning.

Schools, public and private elementary, junior high and high schools, boarding or nonboarding.

Separate living quarters for domestic servants employed on the premises.

(2005 Code; Ord. No. T-1-11, Exh. 1, 3-22-2011; Ord. No. T-2-11, Exh. 1(4), 10-11-2011; Ord. No. T-2-12, 10-23-2012; Ord. No. T-3-12A, 12-11-2012; Ord. No. T-1-17, 2-13-2018)

37-703.3: LOT REQUIREMENTS: SIZE, WIDTH AND DEPTH.

Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

| Use | Minimum Lot Size | Lot Width | | Lot Depth |
|---|--|---|--------|-----------|
| | | Interior | Corner | |
| Single-Family Detached Dwellings served with septic and well | 40,000 sq. ft. | 125' | 150' | 100' |
| Single-Family Detached Dwellings served with sewer and well | 20,000 sq. ft. | 100' | 125' | 100' |
| Single-Family Detached Dwellings served with septic and water | 15,000 sq. ft. | 100' | 125' | 100' |
| Reserve Lot exclusive of reserve strip | 40,000 sq. ft. | 125' | NA | 100' |
| Reserve Strip | NA | 20' reserve strip | NA | NA |
| Historic Lot of Record containing a Single-Family Detached Dwelling | NA | 66' when served with septic and well 50' when served with sewer and well 44' when served with sewer and water | NA | NA |
| Cemeteries | 2 acres | 125' | 150' | 100' |
| Planned Developments | NA | NA | NA | NA |
| Schools | 100,000 sq. ft. for the first 100 pupils, plus 20,000 sq. ft. for each additional 50 pupils or any portion thereof | 125' | 150' | 100' |
| Place of Assembly Use, Indoor Recreational facilities, libraries, museums and art galleries | 100,000 sq. ft. for the first 100 occupants in the main assembly | 125' | 100' | 100' |

| | | | | |
|---|--|------|------|------|
| | area or building based on design rated occupancy plus an additional 20,000 sq. ft. for each additional 50 occupants or any portion thereof based on design rated occupancy | | | |
| All Other Permitted Or Conditional Uses | 40,000 sq. ft. | 125' | 150' | 100' |

- A. **Exception:** Average front yard less than minimum setback: On streets where a front yard setback has heretofore been maintained by buildings situated on lots or tracts comprising not less than fifty percent (50%) of the total street frontage on one (1) side of that portion of any street including: 1) lying between two (2) intersecting streets, 2) lying between one (1) intersecting street and the centerline extended of the nearest street connecting with, but not intersecting such street, or 3) lying between the centerlines extended or the nearest streets connecting with, but not intersecting such street, buildings shall maintain a front yard (building setback) as required in the zoning district in which such property is located, or may maintain a lesser front yard, as determined by the average front yard (building setback) provided by existing buildings.

(Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(4), 10-11-2011)

37-703.4: YARD, HEIGHT AND FLOOR AREA RATIO REQUIREMENTS.

Notwithstanding section 37-700.4 of this chapter and except as otherwise provided herein, each principal building located in the R-3 district shall provide for one (1) front yard, two (2) interior side yards or one (1) interior side yard and one (1) corner side yard, and one (1) rear yard.

| Use: | Front Yard | Interior Side Yard | Corner Side Yard | Rear Yard | Height | FAR | Lot Coverage |
|---------------------------------|------------|--|------------------|-----------|--|-----|--------------|
| Single-family detached dwelling | 30' | 10% of lot width (does not need to exceed 10') | 30' | 25' | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be | .30 | NA |

| | | | | | | | |
|---|-----|---|---|--|---|-----|-----|
| | | | | | measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72’). | | |
| Historic Lot of Record containing a single-family detached dwelling | 30’ | 10% of lot width (does not need to exceed 10’) | 30’ or where the lot is less than 75’ wide, 20’ | 25’ | 36’, (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1’ for each 1’ all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72’). | .30 | NA |
| Schools | 30’ | 40’ to a residential zoning district 20’ adjacent to a non-residential zoning district | 50’ adjacent to a residential zoning district 30’ to a non-residential zoning district | 50’ adjacent to a residential zoning district 25’ adjacent to a non-residential zoning district | 36’, (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1’ for each 1’ all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. | .25 | 50% |

| | | | | | | | |
|--|-----|--|--|--|---|-----|-----|
| | | | | | In no case shall the height exceed 72'). | | |
| Place of Assembly Use, Indoor Recreational facilities, Schools, Public and private, libraries, museums and art galleries | 30' | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 50' adjacent to a residential zoning district 30' adjacent to a non-residential zoning district | 50' adjacent to a residential zoning district 25' adjacent to a non-residential zoning district | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .25 | 50% |
| All other permitted or conditional uses | 30' | 20' | 30' | 25' | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .25 | 50% |

B. **Permitted Encroachments:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

| Use: | Setback or Permitted Encroachment into Required Yard | Required Yards | | | |
|--|--|----------------|---|---|----|
| | | F | S | R | CS |
| Air conditioning window units | May encroach 2' | F | S | R | CS |
| Arbor | 3' Setback | F | S | R | CS |
| Architectural entrance | 5' Setback | F | S | R | CS |
| Architectural feature (not to exceed 4 feet in height) | May encroach 30% | - | S | R | - |
| Awning | May encroach 10% | F | S | R | CS |
| Balcony | May encroach 10% | F | - | R | CS |
| Basketball: Court, poles, rim, net | 10' Setback | - | S | R | - |
| Bay window | May encroach 10% | F | S | R | CS |
| Chimney | May encroach 10% | F | S | R | CS |
| Compressors: For air conditioning units/heat pump | May encroach 10% | - | - | R | - |
| Deck | 15' Setback | - | - | R | - |
| Dog run | 10' Setback | - | - | R | - |
| Driveway: Side loading attached garage | 1' Setback | F | S | R | CS |
| Driveway: Detached garage, carport and open-air parking space behind the house. | 1' Setback | F | S | R | CS |
| Eave and gutter | May encroach 10% | F | S | R | CS |
| Fence. (See also Section 37-407 of this article) | 3 inches Setback | F | S | R | CS |
| Firewood | 3' Setback | - | S | R | - |
| Flagpole | 10' Setback | F | S | R | CS |
| Fountain | 10' Setback | F | S | R | CS |
| Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open. | 5' Setback | F | - | R | CS |
| Gazebo | 10' Setback | - | - | R | - |
| Gutter and eave | May encroach 10% | F | S | R | CS |
| Laundry drying equipment | 10' Setback | - | - | R | - |
| Light standard | 5' Setback | F | S | R | CS |
| Outside fireplace | 3' Setback | - | S | R | - |
| Patio | 3' Setback | - | S | R | - |

| | | | | | |
|---|---|---|---|---|----|
| Pond: Ornamental | 10' Setback | F | S | R | CS |
| Porch: Open or roofed | May encroach 10% | F | - | R | CS |
| Portico: Open or roofed | May encroach 10% | F | - | R | CS |
| Recreational structure and equipment | 10' Setback | - | - | R | - |
| Retaining wall | 1' Setback | F | S | R | CS |
| Sidewalk, path and walkway. | 1' Setback | F | S | R | CS |
| Sign: (See Article XI) | | | | | |
| Statuary | 10' Setback | F | S | R | CS |
| Stoop | May encroach 30% | F | S | R | CS |
| Sump pump and surface water discharge pipes/ structure | 3' Setback | F | S | R | CS |
| Swimming pool, open air outdoor | 10' Setback | - | - | R | - |
| Tennis court | 10' Setback | - | - | R | - |
| Terrace | 3' Setback | - | S | R | - |
| Trellis | 3' Setback | F | S | R | CS |
| Volleyball court | 10' Setback | - | - | R | - |
| Well head | 5' Setback | F | S | R | CS |
| Wing wall (not to exceed 4 feet in height) | May encroach 30% | - | S | R | CS |
| Decks, gazebos, patios and terraces: Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of 20 feet where the rear yard is adjacent to interior common open space which is at least 20 feet wide, decks, gazebos, patios and terraces may be permitted 3 feet from the rear lot line providing the following: 1. The HOA has voted to allow said structures 3 feet or greater from the rear lot line. 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |
| Docks: Residential development adjacent to private lake: | Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following: 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10'). 2. The HOA has authorized the encroachment and sent to the | | | | |

| | |
|--|---|
| | County an executed document of approval as part of the building permit application. |
|--|---|

C. **Use of Yards:** All nonsingle-family detached uses shall utilize required yards in the following manner:

1. Front and corner side yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Section 37-703.7 of this chapter and Section 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in front yards and corner side yards.
2. Interior side yards and rear yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-703.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in interior side and rear yards.

(2005 Code; Ord. No. T-2-11, Exh. 1(4), 10-11-2011)

37-703.5: RESERVED.

Editor's note(s)—Ord. No. T-2-11, Exh. 1(4), adopted October 11, 2011, repealed § 37-703.5, which pertained to building bulk requirements. See also the Code Comparative Table.

37-703.6: SIGNS.

See Article XI of this chapter.

(2005 Code)

37-703.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

In addition to the requirements of Section 37-700.4 of this chapter, see Section 37-1200 of this chapter.

Any nonsingle-family detached use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking or on site circulation. Any nonsingle-family detached use which does utilize up to twenty percent (20%) of any required yard for parking or circulation shall be subject to the provisions of Sections 37-415, "Site Plan Review," and 37-419, "Landscaping," of this chapter.

(2005 Code)

37-703.8: REQUIRED CONDITIONS.

Reserved.

(2005 Code)

37-703.9: ADDITIONAL CONDITIONS.

A. **TRASH CONTAINERS:** All outside trash containers for any nonsingle-family detached development located in the R-3 single-family residence district shall be enclosed with fences, masonry walls or landscaping which

shall provide a full landscape screen according to the provisions of Section 37-419, "Landscaping" of this chapter.

(2005 Code)

37-704: R-4 SINGLE-FAMILY RESIDENCE DISTRICT.

The R-4 single-family residence district is established to preserve and maintain existing single-family areas of the County and permit the continued development of residential uses in areas where public utilities are readily available.

(2005 Code)

37-704.1: PERMITTED USES.

A. The following uses are permitted:

Accessory buildings, structures and uses:

Attached accessory buildings, structures and uses shall be permitted as follows:

An attached accessory building, structure or use is a building, structure or use which is connected to a principal building or use by a party wall or by a linkage building.

An attached accessory building, structure or use shall be compatible with and subordinate in floor area and size to the principal building.

An attached accessory building, structure or use shall be established at the same time or after the completion of a principal building.

An attached accessory building shall include but not be limited to the following:

Attached garage/enclosed parking space;

Attached gazebo;

Attached pool houses;

Attached enclosed swimming pool/spa;

Attached shed; attached stable;

Attached tool shed;

Attached building similar to those buildings listed above which is not the principal building of the property;

Linkage building shall be considered part of the attached accessory building.

Structures and appurtenances and equipment thereto relating to solar and wind energy including but not limited to roof mounted solar panels and wind turbines.

Floor area requirement: An attached accessory building shall comply with the following square footage requirements:

On a single family residential property containing less than forty thousand (40,000) square feet of lot area the first one thousand (1,000) square feet of an attached accessory building or buildings shall not be counted against the overall floor area ratio allowed on the

property. Any portion of the attached accessory building or buildings over one thousand (1,000) square feet shall be counted against the floor area ratio allowed on the property.

On a single family residential property containing more than forty thousand (40,000) square feet of lot area the first two thousand (2,000) square feet of an attached accessory building or buildings shall not be counted against the overall floor area ratio allowed on the property. Any portion of the attached accessory building or buildings over two thousand (2,000) square feet shall be counted against the floor area ratio allowed on the property.

Setback requirement: An attached accessory building shall meet all setback requirements of the principal building or use as required in the zoning district.

Height requirement: Except as provided herein, an attached accessory building shall meet the maximum height requirement of the principal building or use as required in the zoning district.

Horses: In addition to the allowable floor area for attached buildings, private stables for the keeping of horses are permitted subject to the following conditions:

Where horses are permitted on residential property, two hundred seventy-five (275) square feet of the stable space shall be permitted for each permitted horse.

Stables shall be located not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

The total number of horses permitted on any given lot shall be determined by the use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area;

One (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

Airplane hanger: In addition to the allowable floor area for attached buildings, where a residential property is part of an airport development, hanger space, whether attached or detached, shall contain not more than three thousand six hundred (3,600) square feet of floor area.

Home occupations.

Detached accessory buildings, structures and uses shall be permitted as follows:

A detached accessory building, structure and use is a building, structure and use which is not connected to a principal building or use by a party wall or by a linkage building.

A detached accessory building, structure and use shall be compatible with and subordinate in the floor area and size to the principal building.

A detached accessory building, structure and use shall be established at the same time or after the completion of a principal building.

Structures and appurtenances and equipment thereto relating to solar and wind energy including but not limited to roof mounted solar panels and wind turbines.

A detached accessory building shall include but not be limited to the following:

Detached garage/enclosed parking space;

Detached gazebo;

Detached pool houses;

Detached enclosed swimming pool/spa;

Detached shed; attached stable;

Detached tool shed;

Detached building similar to those buildings listed above which is not the principal building of the property;

A breezeway shall be considered detached and part of the detached accessory building.

Floor area requirement: Detached accessory building shall not exceed the maximum amount of floor area as hereinafter set forth:

On lots containing forty thousand (40,000) square feet or less of lot area, detached accessory building shall contain not more than six hundred fifty (650) square feet of floor area.

On lots containing more than forty thousand (40,000) square feet of lot area, permissible area for detached accessory buildings shall be based on a floor area ratio (FAR) of 0.01625 but shall in no case exceed two thousand six hundred (2,600) square feet of floor area.

If the principal building is constructed without an attached garage, an additional two hundred (200) square feet of gross floor area may be added to the detached accessory buildings permitted herein.

Location: Except as otherwise hereinafter provided a detached accessory building, structure or use shall not be located within the front, side, corner side and rear yard setback requirements of the zoning lot, as set forth for the zoning district:

A detached accessory building, structure or use shall be located, erected, altered, or moved behind the front wall of the principal building, which is nearest to the front lot line.

When located entirely within the rear yard, detached accessory buildings, structure or use may observe the following location standards:

Within the rear yard of a reversed corner lot, a detached accessory building, structure or use, shall be located at least thirty (30) feet from the street lot line.

Within the rear yard of a corner lot, a detached accessory building, structure or use shall be located at least thirty (30) feet from the street line.

Detached accessory buildings, structure or use may be located at least three (3) feet from the rear property line even if they are not located entirely within the rear yard.

If a detached accessory building, structure or use is located completely within the required rear yard of a lot, it may be located at least three (3) feet from the interior side and rear lot lines.

On residential lots of twenty thousand (20,000) square feet or less, detached accessory buildings and structures and use may be located at least three (3) feet from the interior side lot line if they are located behind the front wall of the principal structure.

Height:

On residential zoning lots of less than forty thousand (40,000) square feet, a detached accessory building, structure or use shall not exceed fifteen (15) feet in height.

On residential zoning lots of forty thousand (40,000) square feet or more, a detached accessory building, structure or use shall not exceed twenty-four (24) feet in height.

Horses: In addition to the allowable floor area for detached buildings, private stables for the keeping of horses are permitted subject to the following conditions:

Where horses are permitted on residential property, two hundred seventy-five (275) square feet of stable space shall be permitted for each permitted horse.

Stables shall be located not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

That the total number of horses permitted on any given lot shall be determined by use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area;

One (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

Airplane hanger: In addition to the allowable floor area for detached buildings, where a residential property is part of an airport development, hanger space, whether attached or detached, shall contain not more than three thousand six hundred (3,600) square feet of floor area. Detached buildings containing hanger space shall not exceed thirty feet (30') in height.

Breezeway or any detached open air, roofed or covered accessory structure shall not exceed twenty feet (20') in length.

For purposes of this section the determination of the length of a detached open air, roofed or covered accessory structure shall be the portion of the structure which is most perpendicular to the front, and rear property lines of the zoning lot.

Detached open air, roofed or covered accessory structure shall include but not be limited to the following: breezeway,; open porch; portico; terrace; trellis; or any similar type structure to those listed above.

Easement: A detached accessory building shall not encroach on a drainage or utility easement without waivers from the local public or quasi-public entities or utility companies to which such easement was dedicated.

Noncommercial radio and television towers and antennas and accessory buildings containing hangar space shall conform to the height requirements of the residential zoning districts.

Roadside stands where all the farm products are grown or raised on said lot.

4-H projects may be permitted on a zoning lot containing not less than forty thousand (40,000) square feet of land area. All buildings for a 4-H project shall be set back not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Noncommercial radio and television towers and antennas, including the structure thereto, shall be permitted subject to the following conditions:

Shall comply with applicable Federal Communications Commissions (FCC) height restrictions, if any,

No portion of any tower, antenna or support wires may be located within any required yard or closer than ten feet (10') to any lot line, whichever is greater.

All yards shall be increased by one foot (1') for each additional two feet (2') by which the tower or antenna height exceeds thirty feet (30') in height.

In no event shall the tower or antenna exceed one hundred feet (100') in height except by a conditional use permit.

Carrier and racing pigeon lofts where such lofts have been constructed in compliance with the County Building Code.

The storage of household accessory equipment shall be in an enclosed structure.

Trails for recreation or transportation by foot, horse, or non-motorized vehicles.

Daycare homes which receive no more than eight (8) children under the age of twelve (12) (including the provider's own children) and which do not have any outside employees.

Excavation and/or filling. The excavation and/or filling of any land not located within a floodplain and/or wetland area, where the excavation and/or filling operation meets all requirements established in Section 37-1408 of this chapter.

Golf courses, except as regulated elsewhere in this section, provided that all buildings shall be located not less than one hundred feet (100') from any residential lot line and the course shall not be lighted for night operations.

Group homes.

Hens. There shall be no more than five (5) hens permitted on a residential property, subject to the following conditions:

Hens shall be located in an enclosed structure, located behind the front wall of the principal building, which is nearest to the front lot line, and not less than twenty-five feet (25') from any side or rear lot line.

Place of Assembly including the following: private club, lodge and fraternal organization; religious institutions (including chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories), where the subject property meets the following criteria:

- a. The property is located adjacent to at least an arterial roadway as defined by the DuPage County Division of Transportation;
- b. The use takes primary access to and from the arterial roadway;
- c. The use is operated using public sewer and water;
- d. The use is not operated in an existing single-family home or dwelling unit.

Public land and buildings.

Totlots.

Single-family detached dwellings.

Temporary buildings and uses:

- A. **Model Home/Temporary Office:** A model home including a temporary office for sale or rental of units within the development or other subdivided land adjoining such development may be constructed as an integral part of the development site (subdivision or planned development). Such model home and/or temporary office shall be permitted for a period of time not to exceed sixty (60) days after the sale of the last unit within the development site. One (1) identification sign shall be permitted.
- B. **Temporary Construction Yard:** The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the construction yard is an integral part, provided such facilities shall be located not less than five hundred feet (500') from any building used for

residential purposes (buildings not being a part of the development site, subdivision, or planned development), and provided that the period of such temporary use shall not exceed the duration of construction for the development site.

Any existing principal building or accessory structure located upon the development site may be utilized for office space or for the enclosed storage of equipment and/or building supplies associated with the development of the site, provided such temporary use of existing buildings shall not exceed the duration of the construction for the development site.

- C. **Other temporary uses.** Temporary uses shall be reviewed by and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot. The director shall have the authority to establish reasonable terms and conditions for the temporary use including, but not limited to, location on the lot, parking and time limit.

- B. **Permitted Encroachments:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

| Use: | Setback or Permitted encroachment into required yard | A. Required Yards | | | |
|---|--|-------------------|---|---|----|
| | | F | S | R | CS |
| Air conditioning window units | May encroach 2' | F | S | R | CS |
| Arbor | 3' Setback | F | S | R | CS |
| Architectural entrance | 5' Setback | F | S | R | CS |
| Architectural feature (not to exceed 4 feet in height) | May encroach 30% | - | S | R | - |
| Awning | May encroach 10% | F | S | R | CS |
| Balcony | May encroach 10% | F | - | R | CS |
| Basketball: Court, poles, rim, net | 10' Setback | - | S | R | - |
| Bay window | May encroach 10% | F | S | R | CS |
| Chimney | May encroach 10% | F | S | R | CS |
| Compressors: For air conditioning units/heat pump | May encroach 10% | - | S | R | - |
| Deck | 15' Setback | - | - | R | - |
| Dog run | 10' Setback | - | - | R | - |
| Driveway: Side loading attached garage | 1' Setback | F | S | R | CS |
| Driveway: Detached garage, carport and open-air parking space behind the house. | 1' Setback | F | S | R | CS |
| Eave and gutter | May encroach 10% | F | S | R | CS |
| Fence. (See also section 37-407 of this article) | 3 inches Setback | F | S | R | CS |
| Firewood | 3' Setback | - | S | R | - |
| Flagpole | 10' Setback | F | S | R | CS |
| Fountain | 10' Setback | F | S | R | CS |
| Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open | 5' Setback | F | - | R | CS |
| Gazebo | 10' Setback | - | - | R | - |
| Generator | May encroach 10% | - | S | R | - |
| Gutter and eave | May encroach 10% | F | S | R | CS |
| Laundry drying equipment | 10' Setback | - | - | R | - |
| Light standard | 5' Setback | F | S | R | CS |

| | | | | | |
|---|--|---|---|---|----|
| Outside fireplace | 3' Setback | - | S | R | - |
| Patio | 3' Setback | - | S | R | - |
| Pond: Ornamental | 10' Setback | F | S | R | CS |
| Porch: Open or roofed | May encroach 10% | F | - | R | CS |
| Portico: Open or roofed | May encroach 10% | F | - | R | CS |
| Recreational structure and equipment | 10' Setback | - | - | R | - |
| Retaining wall | 1' Setback | F | S | R | CS |
| Sidewalk, path and walkway | 1' Setback | F | S | R | CS |
| Sign: (See article XI) | | | | | |
| Statuary | 10' Setback | F | S | R | CS |
| Stoop | May encroach 30% | F | S | R | CS |
| Sump pump and surface water discharge pipes/ structure | 3' Setback | F | S | R | CS |
| Swimming pool, open air outdoor | 10' Setback | - | - | R | - |
| Tennis court | 10' Setback | - | - | R | - |
| Terrace | 3' Setback | - | S | R | - |
| Trellis | 3' Setback | F | S | R | CS |
| Volleyball court | 10' Setback | - | - | R | - |
| Well head | 5' Setback | F | S | R | CS |
| Wing wall (not to exceed 4 feet in height) | May encroach 30% | - | S | R | CS |
| Decks, gazebos, patios and terraces: Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of 20 feet where the rear yard is adjacent to interior common open space which is at least 20 feet wide, decks, gazebos, patios and terraces may be permitted 3 feet from the rear lot line providing the following: | | | | |
| | 1. The HOA has voted to allow said structures 3 feet or greater from the rear lot line. | | | | |
| | 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |
| Docks: Residential development adjacent to private lake: | Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following: | | | | |
| | 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10'). | | | | |
| | 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |

(2005 Code; Ord. ZP-T-3-05; Ord. No. T-2-11, Exh. 1(5), (20), 10-11-2011; Ord. No. T-2-12, 10-23-2012; Ord. No. T-1-18(a), § 1, 11-1-2018; Ord. No. T-1-20, 8-25-2020)

37-704.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Accessory housing.

Accessory uses on a residential zoning lot, (including buildings, structures and uses) that are accessory to the principal use, building or structure on a residential zoning lot which have been established on a residential lot for at least five (5) years but without proper authority, (e.g.: without building or zoning permits).

Bed and breakfast establishments.

Cemeteries, provided all buildings shall be located not less than fifty feet (50') from any residential lot line.

Detached accessory buildings or structures having a gross floor area exceeding the maximum accessory building floor area permitted in the R-4 district.

Detached accessory buildings: Increase in the allowable Floor Area Ratio but in no instance shall the increase be larger than the principal building on the property.

Dwelling group quarters.

Funeral homes where the subject property is located adjacent to a non-residential zoning district boundary line, or the subject property has frontage on at least a minor arterial roadway. Furthermore, that all vehicles related to the operation of the funeral home shall be parked or stored in a completely enclosed building.

Existing private airports.

Greenhouses and nurseries (on lots containing less than five (5) acres of land area) including wholesale sales of plant materials and crops, all of which are grown on the zoning lot. Heating plant installation in connection with greenhouse operations shall conform with the applicable performance standards set forth in Section 37-1003 of this chapter.

Mining, loading and hauling of sand, gravel or other aggregate, but not including equipment, buildings, or structures for screening, crushing, working or storage excepting as may be specifically authorized for a limited period.

Model home including a sales office may be established on any property when meeting the following criteria:

- A. Shall be located on a street classified as a major collector or arterial street.
- B. Shall be permitted for a period of five (5) years.
- C. Shall provide not less than four (4) parking spaces meeting all criteria of the zoning district in which such use is located.
- D. Shall be permitted one (1) identification sign pursuant to Subsection 37-1105.1B. of this chapter.
- E. No outdoor storage of commercial vehicles, construction vehicles, equipment or supplies shall be permitted on the site of the model home.
- F. Display illumination of the model home shall be directed away from surrounding properties and shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- G. Shall be established only on existing subdivided lots or zoning lots of record.

Noncommercial radio and television towers and antennas, which exceed the maximum height permitted in the R-4 district.

Pets - more than four (4) pets over four (4) months of age on a residential lot owned by a resident of the lot.

Planned developments.

Public utility and/or service uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

Wastewater treatment plants.

Waterworks, reservoirs, pumping stations, filtration plants and wells.

Other governmental and utility service uses.

Recreational use which is the principal use of the property:

Basketball court, clubhouse, swimming pool, tennis court or similar type use on lots which are the principal use of the property shall contain a minimum of eighty thousand (80,000) square feet of land area.

Golf courses on a minimum of thirty (30) acres of land area, golf courses lighted for night operation, golf learning centers, driving ranges and miniature golf courses as follows:

- A. All buildings or structures shall be located not less than fifty (50) feet from any residential property line.
- B. Lighting for night operation of recreational uses shall be directed away from surrounding properties.

Place of Assembly use established prior to October 25, 2011 which is either a conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval or legal nonconforming existing place of assembly use established prior to October 25, 2011 and not established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval.

Polo fields, fishing ponds, hunt and gun clubs, conservation clubs, archery ranges, picnic grounds, private saddle clubs and swimming pools on lots containing a minimum of five (5) acres of land area.

Public and private parks, playgrounds, picnic groves, play fields and other open spaces.

Stables and riding academies which are the principal use of the property.

Residential care uses:

Daycare centers.

Daycare centers, adult.

Daycare homes which receive from nine (9) to twelve (12) children under the age of twelve (12) (including the provider's own children) or which have one (1) or more outside employees.

Group daycare homes.

Roadside stands where less than one hundred percent (100%) of the farm products are grown or raised on said lot.

Schools, public and private colleges, universities and other institutions of higher learning.

Schools, public and private elementary, junior high and high schools, boarding or nonboarding.

Separate living quarters for domestic servants employed on the premises.

(2005 Code; Ord. No. T-1-11, Exh. 1, 3-22-2011; Ord. No. T-2-11, Exh. 1(5), 10-11-2011; Ord. No. T-2-12, 10-13-2012; Ord. No. T-3-12A, 12-11-2012; Ord. No. T-1-17, 2-13-2018)

37-704.3: LOT REQUIREMENTS - SIZE, WIDTH AND DEPTH.

Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

| Use | Minimum Lot Size | Lot Width | | Lot Depth |
|---|--|--------------------------------------|--------|-----------|
| | | Interior | Corner | |
| Single-Family Detached Dwellings served with septic and well | 40,000 sq. ft. | 125' | 150' | 100' |
| Single-Family Detached Dwellings served with sewer and well | 20,000 sq. ft. | 100' | 125' | 100' |
| Single-Family Detached Dwellings served with septic and water | 10,000 sq. ft. | 75' | 100' | 100' |
| Reserve Lot exclusive of reserve strip | 40,000 sq. ft. | 125 feet | NA | 100' |
| Reserve Strip | NA | 20' reserve strip | NA | NA |
| Historic Lot of Record containing a Single-Family Detached Dwelling | NA | 66' when served with septic and well | NA | NA |
| | | 50' when served with sewer and well | NA | NA |
| | | 44' when served with sewer and water | NA | NA |
| Cemeteries | 80,000 sq. ft. | 125' | 150' | 100' |
| Planned Developments | NA | NA | NA | NA |
| Schools | 100,000 sq. ft. for the first 100 pupils, plus 20,000 sq. ft. for each additional 50 pupils or any portion thereof | 125' | 150' | 100' |

| | | | | |
|---|---|------|------|------|
| Place of Assembly Use, Indoor Recreational facilities, libraries, museums and art galleries | 100,000 sq. ft. for the first 100 occupants in the main assembly area or building based on design rated occupancy plus an additional 20,000 sq. ft. for each additional 50 occupants or any portion thereof based on design rated occupancy | 125' | 100' | 100' |
| All Other Permitted Or Conditional Uses | 40,000 sq. ft. | 125' | 150' | 100' |

- A. **Exception: Average Front Yard Less Than Minimum Setback:** On streets where a front yard setback has heretofore been maintained by buildings situated on lots or tracts comprising not less than fifty percent (50%) of the total street frontage on one (1) side of that portion of any street including: 1) lying between two (2) intersecting streets, 2) lying between one (1) intersecting street and the centerline extended of the nearest street connecting with, but not intersecting such street, or 3) lying between the centerlines extended or the nearest streets connecting with, but not intersecting such street, buildings shall maintain a front yard (building setback) as required in the zoning district in which such property is located, or may maintain a lesser front yard, as determined by the average front yard (building setback) provided by existing buildings.

(Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(5), 10-11-2011)

37-704.4: YARD, HEIGHT AND FLOOR AREA RATIO REQUIREMENTS.

Notwithstanding section 37-700.4 of this chapter and except as otherwise provided herein, each principal building located in the R-4 district shall provide for one (1) front yard, two (2) interior side yards or one (1) interior side yard and one (1) corner side yard, and one (1) rear yard.

- A. **Minimum Yard, Height, FAR and Lot Coverage Required:**

| Use | Front Yard | Interior Side Yard | Corner Side Yard | Rear Yard | Height | FAR | Lot Coverage |
|---------------------------------|------------|--|------------------|-----------|--|-----|--------------|
| Single-family detached dwelling | 30' | 10% of lot width (does not need to exceed 10') | 30' | 25' | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure | .35 | NA |

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|---|-----|--|--|--|---|-----|-----|
| | | | | | may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | | |
| Historic Lot of Record containing a single-family detached dwelling | 30' | 10% of lot width (does not need to exceed 10') | 30' or where the lot is less than 75' wide, 20' | 25' | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .35 | NA |
| Schools | 30' | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 50' adjacent to a residential zoning district 30' adjacent to a non-residential zoning district | 50' adjacent to a residential zoning district 25' adjacent to a non-residential zoning district | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be | .25 | 50% |

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| | | | | | measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | | |
| Place of Assembly Use, Indoor Recreational facilities, Schools, Public and private, libraries, museums and art galleries | 30' | 40' adjacent to a residential zoning district | 50' adjacent to a residential zoning district | 50' adjacent to a residential zoning district | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | .25 | 50% |
| | | 20' adjacent to a non-residential zoning district | 30' adjacent to a non-residential zoning district | 25' adjacent to a non-residential zoning district | | | |
| All other permitted or conditional uses | 30' | 20' | 30' | 25' | 36', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard | .25 | 50% |

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| | | | | | increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 72'). | | |
|--|--|--|--|--|--|--|--|

B. **PERMITTED ENCROACHMENTS:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

| Use: | Setback or Permitted Encroachment into Required Yard | Required Yards | | | |
|---|--|----------------|---|---|----|
| | | F | S | R | CS |
| Air conditioning window units | May encroach 2' | F | S | R | CS |
| Arbor | 3' Setback | F | S | R | CS |
| Architectural entrance | 5' Setback | F | S | R | CS |
| Architectural feature (not to exceed 4 feet in height) | May encroach 30% | - | S | R | - |
| Awning | May encroach 10% | F | S | R | CS |
| Balcony | May encroach 10% | F | - | R | CS |
| Basketball: Court, poles, rim, net | 10' Setback | - | S | R | - |
| Bay window | May encroach 10% | F | S | R | CS |
| Chimney | May encroach 10% | F | S | R | CS |
| Compressors: for air conditioning units/heat pump | May encroach 10% | - | - | R | - |
| Deck | 15' Setback | - | - | R | - |
| Dog run | 10' Setback | - | - | R | - |
| Driveway: side loading attached garage | 1' Setback | F | S | R | CS |
| Driveway: detached garage, carport and open-air parking space behind the house. | 1' Setback | F | S | R | CS |
| Eave and gutter | May encroach 10% | F | S | R | CS |
| Fence. (See also Section 37-407 of this article) | 3 inches Setback | F | S | R | CS |
| Firewood | 3' Setback | - | S | R | - |
| Flagpole | 10' Setback | F | S | R | CS |

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|--|---|---|---|---|----|
| Fountain | 10' Setback | F | S | R | CS |
| Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open. | 5' Setback | F | - | R | CS |
| Gazebo | 10' Setback | - | - | R | - |
| Gutter and eave | May encroach 10% | F | S | R | CS |
| Laundry drying equipment | 10' Setback | - | - | R | - |
| Light standard | 5' Setback | F | S | R | CS |
| Outside fireplace | 3' Setback | - | S | R | - |
| Patio | 3' Setback | - | S | R | - |
| Pond: Ornamental | 10' Setback | F | S | R | CS |
| Porch: Open or roofed | May encroach 10% | F | - | R | CS |
| Portico: Open or roofed | May encroach 10% | F | - | R | CS |
| Recreational structure and equipment | 10' Setback | - | - | R | - |
| Retaining wall | 1' Setback | F | S | R | CS |
| Sidewalk, path and walkway. | 1' Setback | F | S | R | CS |
| Sign: (See Article XI) | | | | | |
| Statuary | 10' Setback | F | S | R | CS |
| Stoop | May encroach 30% | F | S | R | CS |
| Sump pump and surface water discharge pipes/ structure | 3' Setback | F | S | R | CS |
| Swimming pool, open air outdoor | 10' Setback | - | - | R | - |
| Tennis court | 10' Setback | - | - | R | - |
| Terrace | 3' Setback | - | S | R | - |
| Trellis | 3' Setback | F | S | R | CS |
| Volleyball court | 10' Setback | - | - | R | - |
| Well head | 5' Setback | F | S | R | CS |
| Wing Wall (not to exceed 4 feet in height) | May encroach 30% | - | S | R | CS |
| Decks, gazebos, patios and terraces: Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of twenty feet (20') where the rear yard is adjacent to interior common open space which is at least twenty feet (20') wide, decks, gazebos, patios and terraces may be permitted three feet (3') from the rear lot line providing the following: 1. The HOA has voted to allow said structures three feet (3') or greater from the rear lot line. 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |

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| <p>Docks: Residential development adjacent to private lake:</p> | <p>Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following:</p> <ol style="list-style-type: none"> 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10'). 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. |
|---|--|

- C. **USE OF YARDS:** All nonsingle-family detached uses shall utilize required yards in the following manner:
1. Front and corner side yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-704.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in front yards and corner side yards.
 2. Interior side yards and rear yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-704.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in interior side and rear yards.

(2005 Code; Ord. No. T-2-11, Exh. 1(5), 10-11-2011)

37-704.5: RESERVED.

Editor's note(s)—Ord. No. T-2-11, Exh. 1(5), adopted October 11, 2011, repealed § 37-704.5, which pertained to building bulk requirements. See also the Code Comparative Table.

37-704.6: SIGNS.

See Article XI of this chapter.

(2005 Code)

37-704.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

In addition to the requirements of Section 37-700.7 of this chapter, see Section 37-1200 of this chapter.

Any nonsingle-family detached use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking or on site circulation. Any nonsingle-family detached use which does utilize up to twenty percent (20%) of any required yard for parking or circulation shall be subject to the provisions of Sections 37-415, "Site Plan Review," and 37-419, "Landscaping," of this chapter.

(2005 Code)

37-704.8: REQUIRED CONDITIONS.

Reserved.

(2005 Code)

37-704.9: ADDITIONAL CONDITIONS.

- A. **TRASH CONTAINERS:** All outside trash containers for any nonsingle-family detached development located in the R-4 single-family residence district shall be enclosed with fences, masonry walls or landscaping which shall provide a full landscape screen according to the provisions of Section 37-419, "Landscaping," of this chapter.

(2005 Code)

37-705: R-5 GENERAL RESIDENCE DISTRICT.

The R-5 general residence district is established to provide for a range of low density residential accommodations and life styles representing a compatible mixture of single-family detached, two-family dwelling units and multiple-family dwellings, including open space. This district provides for dwellings plus certain public facilities which serve residents living within the district. Public sanitary sewers and public water supply are required to serve all uses within this district.

(2005 Code)

37-705.1: PERMITTED USES.

The following uses are permitted:

Accessory buildings, structures and uses shall be permitted as follows:

Except by conditional use, garages, carports, hangers, stables or other accessory buildings or structures shall not exceed the maximum amount of floor area as hereinafter set forth:

- A. On lots improved with single-family dwellings having less than forty thousand (40,000) square feet of lot area, accessory buildings and structures shall contain not more than four hundred eighty (480) square feet of floor area.
- B. For two-family dwellings and multiple-family dwellings, accessory buildings and structures shall contain not more than four hundred (400) square feet of floor area per dwelling unit.
- C. If horses are maintained in this district, two hundred seventy-five (275) square feet of stable space shall be permitted for each horse. Regardless of the number of horses maintained on any zoning lot, at least five hundred fifty (550) square feet of stable space shall be permitted.

Carrier and racing pigeon lofts where such lofts have been constructed in compliance with the County Building Code.

4-H projects may be permitted on a zoning lot containing not less than forty thousand (40,000) square feet of land area. All buildings for a 4-H project shall be set back not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Home occupations.

Noncommercial radio and television towers and antennas, including the structure thereto, shall be permitted subject to the following conditions:

- A. Shall comply with applicable Federal Communications Commission (FCC) height restrictions, if any.
- B. No portion of any tower, antenna or support wires may be located within any required yard or closer than ten feet (10') to any lot line, whichever is greater.
- C. All yards shall be increased by one foot (1') for each additional two feet (2') by which the tower or antenna height exceeds thirty feet (30') in height.
- D. In no event shall the tower or antenna exceed one hundred feet (100') in height except by conditional use permit.

Private stables for the keeping of horses are permitted subject to the following conditions:

- A. That the total number of horses permitted on any given lot shall be determined by use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area, and one (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

- B. Stables shall be located not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Roadside stands where all the farm products are grown or raised on said lot.

The storage of household accessory equipment shall be in an enclosed structure.

Daycare homes which receive no more than eight (8) children under the age of twelve (12) (including the provider's own children) and which do not have any outside employees.

Dwelling, group quarters (no more than sixteen (16) persons, including domestic servants and resident staff).

Excavation and/or filling. The excavation and/or filling of any land not located within a floodplain and/or wetland area, where the excavation and/or filling operation meets all requirements established in Section 37-1408 of this chapter.

Golf courses, except as regulated elsewhere in this section, provided that all buildings shall be located not less than one hundred feet (100') from any residential lot line and the course shall not be lighted for night operations.

Group homes.

Multiple-family dwellings.

Place of assembly including the following: private club, lodge and fraternal organization; religious institutions (including chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories), where the subject property meets the following criteria:

- a. The property is located adjacent to at least an arterial roadway as defined by the DuPage County Division of Transportation;
- b. The use takes primary access to and from the arterial roadway;
- c. The use is operated using public sewer and water;
- d. The use is not operated in an existing single-family home or dwelling unit.

Public land and buildings.

Totlots.

Single-family detached dwellings.

Temporary buildings and uses:

- A. **Model home/temporary office.** A model home including a temporary office for the sale or rental of units within a development or other subdivided land adjoining such development may be constructed as an integral part of the development site (subdivision or planned development). Such model home and/or temporary office shall be permitted for a period of time not to exceed sixty (60) days after the sale of the last unit within the development site. One (1) identification sign shall be permitted.
- B. **Temporary construction yard:** The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction related to a zoning lot for which the temporary construction yard is an integral part, provided such facilities shall be located not less than five hundred feet (500') from any building used for residential purposes (buildings not being a part of the development site, subdivision, or planned development), and provided that the period of such temporary use shall not exceed the duration of the construction for the development site.

An existing principal building or accessory structure located upon the development site may be utilized for office space or for the enclosed storage of equipment and/or building supplies associated with the development of the site, provided such temporary use of existing buildings shall not exceed the duration of the construction for the development site.

- C. **Other Temporary Uses:** Temporary uses shall be reviewed by and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot. The director shall have the authority to establish reasonable terms and conditions for the temporary use including, but not limited to, location on the lot, parking and time limit.

Trails for recreation or transportation by foot, horse, or nonmotorized vehicles.

Two-family dwellings.

(2005 Code; Ord. No. T-2-11, Exh. 1(6), 10-11-2011)

37-705.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Cemeteries, provided all buildings shall be located not less than fifty feet (50') from any residential lot line.

Detached accessory buildings or structures having a gross floor area exceeding the maximum accessory building floor area permitted in the R-5 district.

Dwelling, group quarters (seventeen (17) or more persons, including domestic servants or residential staff).

Mobile home parks.

Model home including a sales office may be established on any property when meeting the following criteria:

- A. Shall be located on a street classified as a major collector or arterial street.
- B. Shall be permitted for a period of five (5) years.
- C. Shall provide not less than four (4) parking spaces meeting all criteria of the zoning district in which such use is located.
- D. Shall be permitted one (1) identification sign pursuant to Subsection 37-1105.1B. of this chapter.

-
- E. No outdoor storage of commercial vehicles, construction vehicles, equipment or supplies shall be permitted on the site of the model home.
 - F. Display illumination of the model home shall be directed away from surrounding properties and shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
 - G. Shall be established only on existing subdivided lots or zoning lots of record.

Noncommercial radio and television towers and antennas, which exceed the maximum height permitted in the R-5 district.

Planned developments.

Public utility and/or service uses:

Essential services including, fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

Wastewater treatment plants.

Waterworks, reservoirs, pumping stations, filtration plants and wells.

Other governmental and public service uses.

Recreational use which is the principal use of the property:

Basketball court, clubhouse, swimming pool, tennis court or similar type use on lots which are the principal use of the property shall contain a minimum of eighty thousand (80,000) square feet of land area.

Golf courses on a minimum of thirty (30) acres of land area, golf courses lighted for night operation, golf learning centers, driving ranges and miniature golf courses as follows:

- A. All buildings or structures shall be located not less than fifty (50) feet from any residential property line.
- B. Lighting for night operation of recreational uses shall be directed away from surrounding properties.

Place of Assembly use established prior to October 25, 2011 which is either a conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval or legal nonconforming existing place of assembly use established prior to October 25, 2011 and not established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval.

Polo fields, fishing ponds, hunt and gun clubs, conservation clubs, archery ranges, picnic grounds, private saddle clubs and swimming pools on lots containing a minimum of five (5) acres of land area.

Public and private parks, playgrounds, picnic groves, play fields and other open spaces.

Stables and riding academies which are the principal use of the property.

Residential care uses:

Daycare centers.

Daycare centers, adult.

Daycare homes which receive from nine (9) to twelve (12) children under the age of twelve (12) (including the provider's own children) or which have one (1) or more outside employees.

Group daycare homes.

Roadside stands where less than one hundred percent (100%) of the farm products are grown or raised on said lot.

Schools, public and private colleges, universities and other institutions of higher learning.

Schools, public and private elementary, junior high and high schools, boarding or nonboarding.

Separate living quarters for domestic servants employed on the premises.

(2005 Code; Ord. No. T-2-11, Exh. 1(6), 10-11-2011; Ord. No. T-1-17, 2-13-2018)

37-705.3: LOT SIZE REQUIREMENTS.

Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

| USE | Area per Dwelling Unit | Lot Size | Lot Width | Lot Depth |
|---|--|---|-----------|-----------|
| Single-Family Detached Dwellings | | 8,000 sq. ft. | 60' | 100' |
| Two-Family Dwellings | | 10,000 sq. ft. | 75' | 100' |
| Multiple-Family Dwellings | 5,000 sq. ft. | 15,000 sq. ft. | 100' | 100' |
| Cemeteries: | | 2 acres | 125' | 100' |
| Mobile Home Parks: | 6,000 sq. ft. of land area for each mobile home. | 5 acres | 300' | 150' |
| - Each individual mobile home lot | | 4,000 sq. ft. | | |
| Planned Developments: | NA | NA | NA | NA |
| Schools | | 100,000 sq. ft. for the first 100 pupils plus 20,000 sq. ft. for each additional 50 pupils or any portion thereof | 75' | 100' |
| Place of Assembly Use, Indoor Recreational facilities, libraries, museums and art galleries | | 100,000 sq. ft. for the first 100 occupants | 75' | 100' |

| | | | | |
|---|--|---|-----|------|
| | | in the main assembly area or building based on design rated occupancy plus an additional 20,000 sq. ft. for each additional 50 occupants or any portion thereof based on design rated occupancy | | |
| All Other Permitted or Conditional Uses | | 10,000 sq. ft. | 75' | 100' |

- (A) Where a property owner/developer elects to provide for the construction of housing which is affordable to low and moderate income families, a density bonus shall be provided allowing an increase of one (1) dwelling unit for each low and moderate income unit so provided, which increase shall not be greater than twenty-five percent (25%) of the number of dwelling units permitted as determined by the actual area of the zoning lot without bonuses or conditional uses. All bonus dwelling units so awarded shall be constructed as an integral part of the development upon each zoning lot where permitted, and shall comply with all requirements and guidelines of the United States Department of Housing and Urban Development for construction, operation and maintenance of low and moderate income housing. A unit affordable to low and moderate income families is defined as one provided through the Federal "Section 8 Program" or equivalent Federal program where assistance remains with the unit for a minimum period of twenty (20) years.

(Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(6), 10-11-2011)

37-705.4: YARD, HEIGHT AND FAR REQUIREMENTS.

Notwithstanding section 37-700.4 of this chapter and except as otherwise provided herein, each principal building located in the R-5 district shall provide for one (1) front yard, two (2) interior side yards or one (1) interior side yard and one (1) corner side yard, and one (1) rear yard.

A. Minimum Yard, Height, FAR and Lot Coverage Required:

| | Front Yard | Interior Side Yard | Corner Side Yard | Rear Yard | Height | FAR | Lot Coverage |
|---------------------------------|------------|--|------------------|-----------|--|-----|--------------|
| Single-family detached dwelling | 25' | 10% of the lot width (does not need to | 25' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure | .35 | NA |

| | | | | | | | |
|--------------------------|-----|-------------|-----|-----|---|----|----|
| | | exceed 10') | | | may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | | |
| Two-family dwelling | 25' | 15' | 20' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | .5 | NA |
| Multiple-family dwelling | 25' | 15' | 20' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The | .5 | NA |

| | | | | | | | |
|---|-----|--|--|--|---|-----|-----|
| | | | | | required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | | |
| Mobile Home Parks: | 30' | 15' | 20' | 20' | 30' | .25 | 50% |
| Planned Development (See section 37-1400) | NA | NA | NA | NA | NA | NA | NA |
| Schools | 30' | 30' adjacent to a residential zoning district 15' adjacent to a non-residential zoning district | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | .25 | 50% |
| Place of Assembly Use, Indoor Recreational facilities, libraries, museums | 30' | 30' adjacent to a residential zoning district 15' | 40' adjacent to a residential zoning district 20' | 40' adjacent to a residential zoning district 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased | .25 | 50% |

| | | | | | | | |
|---|-----|---|---|---|---|-----|-----|
| and art galleries | | adjacent to a non-residential zoning district | adjacent to a non-residential zoning district | adjacent to a non-residential zoning district | 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | | |
| All other permitted or conditional uses | 30' | 15' | 20' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | .25 | 50% |

B. **PERMITTED ENCROACHMENTS:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

| Use: | Setback or Permitted Encroachment into Required Yard | Required Yards |
|------|--|----------------|
|------|--|----------------|

| | | | | | |
|--|------------------|---|---|---|----|
| Air conditioning window units | May encroach 2' | F | S | R | CS |
| Arbor | 3' Setback | F | S | R | CS |
| Architectural entrance | 5' Setback | F | S | R | CS |
| Architectural feature (not to exceed 4 feet in height) | May encroach 30% | - | S | R | - |
| Awning | May encroach 10% | F | S | R | CS |
| Balcony | May encroach 10% | F | - | R | CS |
| Basketball: Court, poles, rim, net | 10' Setback | - | S | R | - |
| Bay window | May encroach 10% | F | S | R | CS |
| Chimney | May encroach 10% | F | S | R | CS |
| Compressors: for air conditioning units/heat pump | May encroach 10% | - | - | R | - |
| Deck | 15' Setback | - | - | R | - |
| Dog run | 10' Setback | - | - | R | - |
| Driveway: side loading attached garage | 1' Setback | F | S | R | CS |
| Driveway: detached garage, carport and open-air parking space behind the house. | 1' Setback | F | S | R | CS |
| Eave and gutter | May encroach 10% | F | S | R | CS |
| Fence. (See also Section 37-407 of this article) | 3 inches Setback | F | S | R | CS |
| Firewood | 3' Setback | - | S | R | - |
| Flagpole | 10' Setback | F | S | R | CS |
| Fountain | 10' Setback | F | S | R | CS |
| Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open. | 5' Setback | F | - | R | CS |
| Gazebo | 10' Setback | - | - | R | - |
| Gutter and eave | May encroach 10% | F | S | R | CS |
| Laundry drying equipment | 10' Setback | - | - | R | - |
| Light standard | 5' Setback | F | S | R | CS |
| Outside fireplace | 3' Setback | - | S | R | - |
| Patio | 3' Setback | - | S | R | - |
| Pond: Ornamental | 10' Setback | F | S | R | CS |
| Porch: Open or roofed | May encroach 10% | F | - | R | CS |
| Portico: Open or roofed | May encroach 10% | F | - | R | CS |
| Recreational structure and equipment | 10' Setback | - | - | R | - |
| Retaining wall | 1' Setback | F | S | R | CS |
| Sidewalk, path and walkway. | 1' Setback | F | S | R | CS |
| Sign: (See Article XI) | | | | | |

| | | | | | |
|--|--|---|---|---|----|
| Statuary | 10' Setback | F | S | R | CS |
| Stoop | May encroach 30% | F | S | R | CS |
| Sump pump and surface water discharge pipes/ structure | 3' Setback | F | S | R | CS |
| Swimming pool, open air outdoor | 10' Setback | - | - | R | - |
| Tennis court | 10' Setback | - | - | R | - |
| Terrace | 3' Setback | - | S | R | - |
| Trellis | 3' Setback | F | S | R | CS |
| Volleyball court | 10' Setback | - | - | R | - |
| Well head | 5' Setback | F | S | R | CS |
| Wing wall (not to exceed 4 feet in height) | May encroach 30% | - | S | R | CS |
| Decks, gazebos, patios and terraces: Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of twenty feet (20') where the rear yard is adjacent to interior common open space which is at least twenty feet (20') wide, decks, gazebos, patios and terraces may be permitted three feet (3') from the rear lot line providing the following: 1. The HOA has voted to allow said structures three feet (3') or greater from the rear lot line. 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |
| Docks: Residential development adjacent to private lake: | Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following: 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10'). 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |

C. **Use of Yards:** All nonsingle-family detached uses shall utilize required yards in the following manner:

1. Front yards and corner side yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided, in Sections 37-705.7 and 37-

1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in front yards and corner side yards.

2. Rear yards and interior side yards shall be maintained for the purpose of providing site access, fire access, landscaping, and fences. Except as otherwise provided in Sections 37-705.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in interior side yards and rear yards.

(2005 Code; Ord. No. T-2-11, Exh. 1(6), 10-11-2011)

37-705.5: RESERVED.

Editor's note(s)—Ord. No. T-2-11, Exh. 1(6), adopted October 11, 2011, repealed § 37-705.5, which pertained to building bulk requirements. See also the Code Comparative Table.

37-705.6: SIGNS.

See Article XI of this chapter.

(2005 Code)

37-705.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

In addition to the requirements of Section 37-700.4 of this chapter, see Article XII of this chapter.

Any nonsingle-family detached use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking or on site circulation. Any nonsingle-family detached use which does utilize up to twenty percent (20%) of any required yard for parking or circulation shall be subject to the provisions of Section 37-415, "Site Plan Review," and Section 37-419, "Landscaping," of this chapter.

(2005 Code)

37-705.8: REQUIRED CONDITIONS.

Uses allowed in the R-5 general residence district (permitted or conditional uses) are subject to the following:

- A. **Multiple Buildings:** Notwithstanding mobile home parks, any development containing more than one (1) principal building on a zoning lot shall be approved only by planned development.
- B. **Maximum Zoning Lot Coverage:** Notwithstanding Section 37-705.1 of this chapter, the sum total of the ground area coverage by buildings and structures shall be as follows:

| | |
|--|------------|
| Single-family detached dwellings | 40 percent |
| Two-family and multiple-family dwellings | 50 percent |
| Mobile home park | 40 percent |
| All others | 60 percent |

- C. **Enclosed Buildings:** Except as otherwise provided herein, all uses except off-street parking or loading facilities shall be conducted within completely enclosed buildings.

(2005 Code)

37-705.9: ADDITIONAL CONDITIONS.

- A. **MOBILE HOME PARKS:** No mobile home shall be used for living purposes except in an approved mobile home park in accordance with the following conditions:
1. Mobile home parks shall be allowed as a conditional use in the R-5 general residence district.
 2. Mobile home parks shall have direct access on minor collector streets or frontage roads to an arterial or minor collector street.
 3. All interior roads within a mobile home park shall be not less than twenty-four feet (24') in width.
 4. Sidewalks, not less than four feet (4') in width, shall be provided on at least one (1) side of all streets.
 5. In all mobile home parks, not more than eight percent (8%) of the total ground area contained in the mobile home park may be utilized for uses permitted in the B-1 local business district.
 6. Mobile homes existing within the mobile home park may be sold and/or leased from the mobile home park office.
 7. All mobile homes placed on a site located in a special flood hazard area (SFHA) and/or wetland area shall meet the following criteria:
 - a. Have the lowest floor elevated two feet (2') above the base flood elevation (BFE).
 - b. In the instance of elevation of pilings, have all piling foundations placed in stable soil no more than ten feet (10') apart, and reinforcement shall be provided for piles more than six feet (6') above the ground.
 - c. Provide for adequate surface drainage and easy access for an emergency hauler.
 - d. Have lots large enough to permit steps to the trailer home, and have adequate surface drainage on all sides of the structure.
 - e. Shall be placed in such a manner to prevent flotation, collapse or lateral movement of the structure due to flooding.
 - f. Be anchored according to the following specifications, as certified by a registered architect or registered professional engineer licensed in the State of Illinois.
 - (1) Over the top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations. Mobile homes less than fifty feet (50') long shall require one (1) additional tie per side.
 - (2) Frame ties shall be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points. Mobile homes more than fifty feet (50') long shall require four (4) additional ties per side.
 - (3) All components of the anchoring system shall be capable of carrying four thousand (4,000) pounds.
 - (4) Any additions to the mobile home shall be similarly anchored.
- B. **PUBLIC SEWER AND/OR WATER FACILITIES:** All developments within this district shall be served with public sewer and water facilities as provided in the County Subdivision Regulations.

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(Supp. No. 10, Update 2)

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- C. **TRASH CONTAINERS:** All outside trash containers located in the R-5 general residence district shall be enclosed with fences, masonry walls or landscaping which shall provide a full landscape screen according to the provisions Section 37-419, "Landscaping," of this chapter.

(2005 Code)

37-706: R-6 GENERAL RESIDENCE DISTRICT.

The R-6 general residence district is established to provide for a range of medium density residential accommodations and life styles representing a compatible mixture of single-family detached, two-family dwelling units and multiple-family dwellings, including open space required by the codes of the County. This district provides for dwellings plus certain public facilities which serve the residents living within the district. Public sanitary sewers and public water supply are required to serve all uses within this district.

(2005 Code)

37-706.1: PERMITTED USES.

The following uses are permitted:

Accessory buildings, structures and uses shall be permitted as follows:

Except by conditional use, garages, carports, hangers, stables or other accessory buildings or structures shall not exceed the maximum amount of floor area as hereinafter set forth:

- A. On lots improved with single-family dwellings having less than forty thousand (40,000) square feet of lot area, accessory buildings and structures shall contain not more than four hundred eighty (480) square feet of floor area.
- B. For two-family dwellings and multiple-family dwellings, accessory buildings and structures shall contain not more than four hundred (400) square feet of floor area per dwelling unit.
- C. If horses are maintained in this district, two hundred seventy-five (275) square feet of stable space shall be permitted for each horse. Regardless of the number of horses maintained on any zoning lot, at least five hundred fifty (550) square feet of stable space shall be permitted.

Carrier and racing pigeon lofts where such lofts have been constructed in compliance with the County Building Code.

4-H projects may be permitted on a zoning lot containing not less than forty thousand (40,000) square feet of land area. All buildings for a 4-H project shall be set back not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Home occupations.

Noncommercial radio and television towers and antennas, including the structure thereto, shall be permitted subject to the following conditions:

- A. Shall comply with applicable Federal Communications Commission (FCC) height restrictions, if any.
- B. No portion of any tower, antenna or support wires may be located within any required yard or closer than ten feet (10') to any lot line, whichever is greater.
- C. All yards shall be increased by one foot (1') for each additional two feet (2') by which the tower or antenna height exceeds thirty feet (30') in height.

D. In no event shall the tower or antenna exceed one hundred feet (100') in height except by conditional use permit.

Private stables for the keeping of horses are permitted subject to the following conditions:

A. That the total number of horses permitted on any given lot shall be determined by use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area, and one (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

B. Stables shall be located not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Roadside stands where all the farm products are grown or raised on said lot.

The storage of household accessory equipment shall be in an enclosed structure.

Daycare homes which receive no more than eight (8) children under the age of twelve (12) (including the provider's own children) and which do not have any outside employees.

Dwelling, group quarters (no more than sixteen (16) persons, including domestic servants and resident staff).

Excavation and/or filling. The excavation and/or filling of any land not located within a floodplain and/or wetland area, where the excavation and/or filling operation meets all requirements established in Section 37-1408 of this chapter.

Golf courses, except as regulated elsewhere in this section, provided that all buildings shall be located not less than one hundred feet (100') from any residential lot line and the course shall not be lighted for night operations.

Group homes.

Multiple-family dwellings.

Place of assembly including the following: private club, lodge and fraternal organization; religious institutions (including chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories), where the subject property meets the following criteria:

- a. The property is located adjacent to at least an arterial roadway as defined by the DuPage County Division of Transportation;
- b. The use takes primary access to and from the arterial roadway;
- c. The use is operated using public sewer and water;
- d. The use is not operated in an existing single-family home or dwelling unit.

Public land and buildings:

Totlots.

Single-family detached dwellings.

Temporary buildings and uses:

A. **Model Home/Temporary Office:** A model home including a temporary office for the sale or rental of units within a development or other subdivided land adjoining such development may be constructed as an integral part of the development site (subdivision or planned development). Such model home and/or temporary office shall be permitted for a period of time not exceeding sixty (60) days after the sale of the last unit within the development site. One (1) identification sign shall be permitted.

B. *Temporary Construction Yard:* The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction related to a zoning lot of which the temporary construction yard is an integral part, provided such facilities shall be located not less than five hundred feet (500') from any building used for residential purposes (buildings not being a part of the development site, subdivision, or planned development), and provided that the period of such temporary use shall not exceed the duration of construction for the development site.

An existing principal building or accessory structure located upon the development site may be utilized for office space or for the enclosed storage of equipment and/or building supplies associated with the development of the site, provided such temporary use of existing buildings shall not exceed the duration of the construction for the development site.

C. *Other Temporary Uses:* Temporary uses shall be reviewed by and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot. The director shall have the authority to establish reasonable terms and conditions for the temporary use including, but not limited to, location on the lot, parking and time limit.

Trails for recreation or transportation by foot, horse, or nonmotorized vehicles.

Two-family dwellings.

(2005 Code; Ord. No. T-2-11, Exh. 1(7), 10-11-2011)

37-706.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Cemeteries, provided all buildings shall be located not less than fifty feet (50') from any residential lot line.

Detached accessory buildings or structures having a gross floor area exceeding the maximum floor area permitted in the R-6 district.

Dwelling, group quarters (seventeen (17) or more persons, including domestic servants or residential staff).

Mobile home parks.

Model home including a sales office may be established on any property when meeting the following criteria:

- A. Shall be located on a street classified as a major collector or arterial street.
- B. Shall be permitted for a period of five (5) years.
- C. Shall provide not less than four (4) parking spaces meeting all criteria of the zoning district in which such use is located.
- D. Shall be permitted one (1) identification sign pursuant to Subsection 37-1105.1B. of this chapter.
- E. No outdoor storage of commercial vehicles, construction vehicles, equipment or supplies shall be permitted on the site of the model home.
- F. Display illumination of the model home shall be directed away from surrounding properties and shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- G. Shall be established only on existing subdivided lots or zoning lots of record.

Noncommercial radio and television towers and antennas, which exceed the maximum height permitted in the R-6 district.

Planned developments.

Public utility and/or service uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

Wastewater treatment plants.

Waterworks, reservoirs, pumping stations, filtration plants and wells.

Other governmental and public service uses.

Recreational use which is the principal use of the property:

Basketball court, clubhouse, swimming pool, tennis court or similar type use on lots which are the principal use of the property shall contain a minimum of eighty thousand (80,000) square feet of land area.

Golf courses on a minimum of thirty (30) acres of land area, golf courses lighted for night operation, golf learning centers, driving ranges and miniature golf courses as follows:

- A. All buildings or structures shall be located not less than fifty (50) feet from any residential property line.
- B. Lighting for night operation of recreational uses shall be directed away from surrounding properties.

Place of assembly use established prior to October 25, 2011 which is either a conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval or legal nonconforming existing place of assembly use established prior to October 25, 2011 and not established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval.

Polo fields, fishing ponds, hunt and gun clubs, conservation clubs, archery ranges, picnic grounds, private saddle clubs and swimming pools on lots containing a minimum of five (5) acres of land area.

Public and private parks, playgrounds, picnic groves, play fields and other open spaces.

Stables and riding academies which are the principal use of the property.

Residential care uses:

Daycare centers.

Daycare centers, adult.

Daycare homes which receive from nine (9) to twelve (12) children under the age of twelve (12) (including the provider's own children) or which have one (1) or more outside employees.

Group daycare homes.

Roadside stands where less than one hundred percent (100%) of the farm products are grown or raised on said lot.

Schools, public and private colleges, universities and other institutions of higher learning.

Schools, public and private elementary, junior high and high schools, boarding or nonboarding.

Separate living quarters for domestic servants employed on the premises.
 (2005 Code; Ord. No. T-2-11, Exh. 1(7), 10-11-2011; Ord. No. T-1-17, 2-13-2018)

37-706.3: LOT SIZE REQUIREMENTS.

Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

| USE | Area Per Dwelling Unit | Lot Size | Lot Width | Lot Depth |
|---|--|---|-----------|-----------|
| Single-Family Detached Dwellings | | 8,000 sq. ft. | 60' | 100' |
| Two-Family Dwellings | | 9,000 sq. ft. | 75' | 100' |
| Multiple-Family Dwellings | 3,000 sq. ft. | 9,000 sq. ft. | 100' | 100' |
| Cemeteries: | | 2 acres | 125' | 100' |
| Mobile Home Parks: | 6,000 sq. ft. area for each mobile home. | 5 acres | 300' | 150' |
| - Each individual mobile home lot | | 4,000 sq. ft. of land | | |
| Planned Developments: | NA | NA | NA | NA |
| Schools | | 100,000 sq. ft. for the first 100 pupils: plus 20,000 sq. ft. for each additional 50 pupils or any portion thereof | 75' | 100' |
| Place of Assembly Use, Indoor Recreational facilities, libraries, museums and art galleries | | 100,000 sq. ft. for the first 100 occupants in the main assembly area or building based on design rated occupancy plus an additional 20,000 sq. ft. for each additional 50 occupants or any portion thereof | 75' | 100' |

| | | | | |
|---|--|------------------------------------|-----|------|
| | | based on design rated occupancy | | |
| All Other Permitted or Conditional Uses: | | 10,000 sq. ft. | 75' | 100' |

- A. Where a property owner/developer elects to provide for the construction of housing which is affordable to low and moderate income families, a density bonus shall be provided allowing an increase of one (1) dwelling unit for each low and moderate income unit so provided, which increase shall not be greater than twenty-five percent (25%) of the number of dwelling units permitted as determined by the actual area of the zoning lot without bonuses or conditional uses. All bonus dwelling units so awarded shall be constructed as an integral part of the development upon each zoning lot where permitted, and shall comply with all requirements and guidelines of the United States Department of Housing and Urban Development for construction, operation and maintenance of low and moderate income housing. A unit affordable to low and moderate income families is defined as one provided through the Federal "Section 8 Program" or equivalent Federal program where assistance remains with the unit for a minimum period of twenty (20) years.

(Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(7), 10-11-2011)

- B. **Minimum Lot Width:** The minimum width of zoning lots shall be as follows:

1. **Single-Family Detached Dwellings:** Not less than sixty feet (60').
2. **Two-Family Dwellings:** Not less than seventy-five feet (75').
3. **Multiple-Family Dwellings:** Not less than one hundred feet (100').
4. **Cemetery:** Not less than one hundred twenty-five feet (125').
5. **Mobile Home Park:** Not less than three hundred feet (300').
6. **Planned Developments:** Minimum lot width not required.
7. **Religious Institutions:** Not less than one hundred twenty-five feet (125').
8. **All Other Permitted or Conditional Uses:** Not less than seventy-five feet (75') in width.

(2005 Code)

37-706.4: YARD REQUIREMENTS.

Notwithstanding section 37-700.4 of this chapter and except as otherwise provided herein, each principal building located in the R-6 district shall provide for one (1) front yard, two (2) interior side yards or one (1) interior side yard and one (1) corner side yard, and one (1) rear yard.

- A. **Minimum Yard, Height, FAR and Lot Coverage Required:**

| Use: | Front Yard | Interior Side Yard | Corner Side Yard | Rear Yard | Height | FAR | Lot Coverage |
|---------------------------------|------------|----------------------|------------------|-----------|---|-----|--------------|
| Single-family detached dwelling | 25' | 10% of the lot width | 25' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or | .35 | NA |

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| | | (does not need to exceed 10') | | | more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | | |
| Two-family dwelling | 20' | 15' | 20' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | .5 | NA |

| | | | | | | | |
|---|-----|--|--|--|---|-----|-----|
| Multiple-family dwelling | 20' | 15' | 20' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | .5 | |
| Mobile Home Parks: | 30' | 15' | 20' | 20' | 30' | .25 | 50% |
| Planned Development (See section 37-1400) | NA | NA | NA | NA | NA | NA | NA |
| Schools | 30' | 30' adjacent to a residential zoning district 15' adjacent to a non-residential zoning district | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from | .25 | 50% |

| | | | | | | | |
|---|-----|--|--|--|---|-----|-----|
| | | | | | the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | | |
| Place of Assembly Use, Indoor Recreational facilities, libraries, museums and art galleries | 30' | 30' adjacent to a residential zoning district 15' adjacent to a non-residential zoning district | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | .25 | 50% |
| All other permitted or conditional uses | 30' | 15' | 20' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase | .25 | 50% |

| | | | | | | | |
|--|--|--|--|--|---|--|--|
| | | | | | shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60’). | | |
|--|--|--|--|--|---|--|--|

B. **PERMITTED ENCROACHMENTS:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

| Use: | Setback or Permitted Encroachment into Required Yard | Required Yards | | | |
|---|--|----------------|---|---|----|
| | | F | S | R | CS |
| Air conditioning window units | May encroach 2' | F | S | R | CS |
| Arbor | 3' Setback | F | S | R | CS |
| Architectural entrance | 5' Setback | F | S | R | CS |
| Architectural feature (not to exceed 4 feet in height) | May encroach 30% | - | S | R | - |
| Awning | May encroach 10% | F | S | R | CS |
| Balcony | May encroach 10% | F | - | R | CS |
| Basketball: Court, poles, rim, net | 10' Setback | - | S | R | - |
| Bay window | May encroach 10% | F | S | R | CS |
| Chimney | May encroach 10% | F | S | R | CS |
| Compressors: for air conditioning units/heat pump | May encroach 10% | - | - | R | - |
| Deck | 15' Setback | - | - | R | - |
| Dog run | 10' Setback | - | - | R | - |
| Driveway: side loading attached garage | 1' Setback | F | S | R | CS |
| Driveway: detached garage, carport and open-air parking space behind the house. | 1' Setback | F | S | R | CS |
| Eave and gutter | May encroach 10% | F | S | R | CS |
| Fence. (See also Section 37-407 of this article) | 3 inches Setback | F | S | R | CS |

| | | | | | |
|--|---|---|---|---|----|
| Firewood | 3' Setback | - | S | R | - |
| Flagpole | 10' Setback | F | S | R | CS |
| Fountain | 10' Setback | F | S | R | CS |
| Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open. | 5' Setback | F | - | R | CS |
| Gazebo | 10' Setback | - | - | R | - |
| Gutter and eave | May encroach 10% | F | S | R | CS |
| Laundry drying equipment | 10' Setback | - | - | R | - |
| Light standard | 5' Setback | F | S | R | CS |
| Outside fireplace | 3' Setback | - | S | R | - |
| Patio | 3' Setback | - | S | R | - |
| Pond: Ornamental | 10' Setback | F | S | R | CS |
| Porch: Open or roofed | May encroach 10% | F | - | R | CS |
| Portico: Open or roofed | May encroach 10% | F | - | R | CS |
| Recreational structure and equipment | 10' Setback | - | - | R | - |
| Retaining wall | 1' Setback | F | S | R | CS |
| Sidewalk, path and walkway. | 1' Setback | F | S | R | CS |
| Sign: (See Article XI) | | | | | |
| Statuary | 10' Setback | F | S | R | CS |
| Stoop | May encroach 30% | F | S | R | CS |
| Sump pump and surface water discharge pipes/ structure | 3' Setback | F | S | R | CS |
| Swimming pool, open air outdoor | 10' Setback | - | - | R | - |
| Tennis court | 10' Setback | - | - | R | - |
| Terrace | 3' Setback | - | S | R | - |
| Trellis | 3' Setback | F | S | R | CS |
| Volleyball court | 10' Setback | - | - | R | - |
| Well head | 5' Setback | F | S | R | CS |
| Wing wall (not to exceed 4 feet in height) | May encroach 30% | - | S | R | CS |
| Decks, gazebos, patios and terraces: Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of twenty feet (20') where the rear yard is adjacent to interior common open space which is at least twenty feet (20') wide, decks, gazebos, patios and terraces may be permitted three feet (3') from the rear lot line providing the following: 1. The HOA has voted to allow said structures three feet (3') or greater from the rear lot line. 2. The HOA has authorized the encroachment and sent to the | | | | |

| | |
|---|--|
| | County an executed document of approval as part of the building permit application. |
| Docks: Residential development adjacent to private lake: | Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following: 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10'). 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. |

C. **Use of Yards:** All nonsingle-family detached uses shall utilize required yards in the following manner:

1. Front and corner side yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-706.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in front yards and corner side yards.
2. Interior side yards and rear yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-706.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in interior side and rear yards.

(2005 Code; Ord. No. T-2-11, Exh. 1(7), 10-11-2011)

37-706.5: BUILDING BULK REQUIREMENTS.

(Rep. by T-4-05, 7-11-2006)

37-706.6: SIGNS.

See Article XI of this chapter.

(2005 Code)

37-706.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

In addition to the requirements of Section 37-700.4, see Article XII of this chapter.

Any nonsingle-family detached use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street or on site circulation.

Any nonsingle-family detached use which does utilize up to twenty percent (20%) of any required yard for parking or circulation shall be subject to the provisions of Sections 37-415, "Site Plan Review" and 37-419, "Landscaping," of this chapter.

(2005 Code)

37-706.8: REQUIRED CONDITIONS.

Uses allowed in the R-6 general residence district (permitted or conditional uses) are subject to the following:

- A. **Multiple Buildings:** Notwithstanding mobile home parks, any development containing more than one (1) principal building on a zoning lot shall be approved only by planned development.
- B. **Maximum Zoning Lot Coverage:** Notwithstanding Section 37-706.1 of this chapter, the sum total of the ground area coverage by buildings and structures shall be as follows:

| | |
|--|------------|
| Single-family detached dwellings | 40 percent |
| Two-family and multiple-family dwellings | 50 percent |
| Mobile home park | 40 percent |
| All others | 60 percent |

- C. **Enclosed Buildings:** Except as otherwise provided herein, all uses except off-street parking or loading facilities shall be conducted within completely enclosed buildings.

(2005 Code)

37-706.9: ADDITIONAL CONDITIONS.

- A. **MOBILE HOME PARKS:** No mobile home shall be used for living purposes except in an approved mobile home park in accordance with the following conditions:
 - 1. Mobile home parks shall be allowed as a conditional use in the R-6 general residence district.
 - 2. Mobile home parks shall have direct access on minor collector streets or frontage roads to an arterial or minor collector street.
 - 3. All interior roads within a mobile home park shall be not less than twenty-four feet (24') in width.
 - 4. Sidewalks, not less than four feet (4') in width, shall be provided on at least one (1) side of all streets.
 - 5. In all mobile home parks, not more than eight percent (8%) of the total ground area contained in the mobile home park may be utilized for uses permitted in the B-1 local business district.
 - 6. Mobile homes existing within the mobile home park may be sold and/or leased from the mobile home park office.
 - 7. All mobile homes placed on a site located in a special flood hazard area (SFHA) and/or wetland area shall meet the following criteria:
 - a. Have the lowest floor elevated two feet (2') above the base flood elevation (BFE).
 - b. In the instance of elevation of pilings, have all piling foundations placed in stable soil no more than ten feet (10') apart, and reinforcement shall be provided for piles more than six feet (6') above the ground.

-
- c. Provide for adequate surface drainage and easy access for an emergency hauler.
 - d. Have lots large enough to permit steps to the mobile home, and have adequate surface drainage on all sides of the structure.
 - e. Shall be placed in such a manner to prevent flotation, collapse or lateral movement of the structure due to flooding.
 - f. Be anchored according to the following specifications, as certified by a registered architect or registered professional engineer licensed in the State of Illinois.
 - (1) Over the top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations. Mobile homes more than fifty feet (50') long shall require one (1) additional tie per side.
 - (2) Frame ties shall be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points. Mobile homes more than fifty feet (50') long shall require four (4) additional ties per side.
 - (3) All components of the anchoring system shall be capable of carrying four thousand (4,000) pounds.
 - (4) Any additions to the mobile home shall be similarly anchored.
- B. **PUBLIC SEWER AND/OR WATER FACILITIES:** All developments within this district shall be served with public sewer and water facilities as provided in the County Subdivision Regulations.
- C. **TRASH CONTAINERS:** All outside trash containers located in the R-6 general residence district shall be enclosed with fences, masonry walls or landscaping which shall provide a full landscape screen according to the provisions of Section 37-419, "Landscaping," of this chapter.

(2005 Code)

37-707: R-7 GENERAL RESIDENCE DISTRICT:

The R-7 general residence district is established to provide for a range of high density residential accommodations and life styles representing a compatible mixture of single-family detached, two-family dwelling units and multiple-family dwellings, including open space. This district provides for dwellings and certain public facilities which serve residents living within the district. Public sanitary sewers and public water supply are required to serve all uses within this district.

(2005 Code)

37-707.1: PERMITTED USES.

The following uses are permitted:

Accessory buildings, structures and uses shall be permitted as follows:

Except by conditional use, garages, carports, hangers, stables or other accessory buildings or structures shall not exceed the maximum amount of floor area as hereinafter set forth:

- A. On lots improved with single-family dwellings having less than forty thousand (40,000) square feet of lot area, accessory buildings and structures shall contain not more than four hundred eighty (480) square feet of floor area.

B. For two-family dwellings and multiple-family dwellings, accessory buildings and structures shall contain not more than four hundred (400) square feet of floor area per dwelling unit.

C. If horses are maintained in this district, two hundred seventy-five (275) square feet of stable space shall be permitted for each horse. Regardless of the number of horses maintained on any zoning lot, at least five hundred fifty (550) square feet of stable space shall be permitted.

Carrier and racing pigeon lofts where such lofts have been constructed in compliance with the County Building Code.

4-H projects may be permitted on a zoning lot containing not less than forty thousand (40,000) square feet of land area. All buildings for a 4-H project shall be set back not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Home occupations.

Noncommercial radio and television towers and antennas, including the structure thereto, shall be permitted subject to the following conditions:

- A. Shall comply with applicable Federal Communications Commission (FCC) height restrictions, if any.
- B. No portion of any tower, antenna or support wires may be located within any required yard or closer than ten feet (10') to any lot line, whichever is greater.
- C. All yards shall be increased by one foot (1') for each additional two feet (2') by which the tower or antenna height exceeds thirty feet (30') in height.
- D. In no event shall the tower or antenna exceed one hundred feet (100') in height except by conditional use permit.

Private stables for the keeping of horses are permitted subject to the following conditions:

- A. That the total number of horses permitted on any given lot shall be determined by use of the following formula:

One (1) horse for the first forty thousand (40,000) square feet of land area, and one (1) additional horse for each additional twenty thousand (20,000) square feet of land area.

- B. Stables shall be located not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') from any side or rear lot line.

Roadside stands where all the farm products are grown or raised on said lot.

The storage of household accessory equipment shall be in an enclosed structure.

Daycare homes which receive no more than eight (8) children under the age of twelve (12) (including the provider's own children) and which do not have any outside employees.

Dwelling, group quarters (no more than sixteen (16) persons, including domestic servants and resident staff).

Excavation and/or filling: the excavation and/or filling of any land not located within a floodplain and/or wetland area, where the excavation and/or filling operation meets all requirements established in Section 37-1408 of this chapter.

Golf courses, except as regulated elsewhere in this section, provided that all buildings shall be located not less than one hundred feet (100') from any residential lot line and the course shall not be lighted for night operations.

Group homes.

Multiple-family dwellings.

Place of assembly including the following: private club, lodge and fraternal organization; religious institutions (including chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories), where the subject property meets the following criteria:

- a. The property is located adjacent to at least an arterial roadway as defined by the DuPage County Division of Transportation;
- b. The use takes primary access to and from the arterial roadway;
- c. The use is operated using public sewer and water;
- d. The use is not operated in an existing single-family home or dwelling unit.

Public land and buildings:

Totlots.

Single-family detached dwellings.

Temporary buildings and uses:

A. **Model Home/Temporary Office:** A model home including a temporary office for the sale or rental of units within a development or other subdivided land adjoining such development may be constructed as an integral part of the development site (subdivision or planned development). Such model home and/or temporary office shall be permitted for a period of time not exceeding sixty (60) days after the sale of the last unit within the development site. One (1) identification sign shall be permitted.

B. **Temporary Construction Yard:** The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction related to a zoning lot for which the temporary construction yard is an integral part, provided such facilities shall be located not less than five hundred feet (500') from any building used for residential purposes (buildings not being a part of the development site, subdivision, or planned development), and provided that the period of such temporary use shall not exceed the duration of construction for the development site.

An existing principal building or accessory structure located upon the development site may be utilized for office space or for the enclosed storage of equipment and/or building supplies associated with the development of the site, provided such temporary use of existing buildings shall not exceed the duration of the construction for the development site.

C. **Other Temporary Uses:** Temporary uses shall be reviewed by and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot. The director shall have the authority to establish reasonable terms and conditions for the temporary use including, but not limited to, location on the lot, parking and time limit.

Trails for recreation or transportation by foot, horse, or nonmotorized vehicles.

Two-family dwellings.

(2005 Code; Ord. No. T-2-11, Exh. 1(8), 10-11-2011)

37-707.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Apartment hotels.

Cemeteries, provided all buildings shall be located not less than fifty feet (50') from any residential lot line.

Detached accessory buildings or structures having a gross floor area exceeding the maximum accessory building floor area permitted in the R-7 district.

Dwelling, group quarters (seventeen (17) or more persons, including domestic servants or residential staff).

Health clubs.

Mobile home parks.

Model home including a sales office may be established on any property when meeting the following criteria:

- A. Shall be located on a street classified as a major collector or arterial street.
- B. Shall be permitted for a period of five (5) years.
- C. Shall provide not less than four (4) parking spaces meeting all criteria of the zoning district in which such use is located.
- D. Shall be permitted one (1) identification sign pursuant to Subsection 37-1105.1B. of this chapter.
- E. No outdoor storage of commercial vehicles, construction vehicles, equipment or supplies shall be permitted on the site of the model home.
- F. Display illumination of the model home shall be directed away from surrounding properties and shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- G. Shall be established only on existing subdivided lots or zoning lots of record.

Noncommercial radio and television towers and antennas, which exceed the maximum height permitted in the R-7 district.

Planned developments.

Public utility and/or service uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

Wastewater treatment plant.

Waterworks, reservoirs, pumping stations, filtration plants and wells.

Other governmental and public service uses.

Recreational use which is the principal use of the property:

Basketball court, clubhouse, swimming pool, tennis court or similar type use on lots which are the principal use of the property shall contain a minimum of eighty thousand (80,000) square feet of land area.

Golf courses on a minimum of thirty (30) acres of land area, golf courses lighted for night operation, golf learning centers, driving ranges and miniature golf courses as follows:

- A. All buildings or structures shall be located not less than fifty (50) feet from any residential property line.

- B. Lighting for night operation of recreational uses shall be directed away from surrounding properties.

Place of assembly use established prior to October 25, 2011 which is either a conforming existing place of assembly use established prior to October 25, 2011 and established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval or legal nonconforming existing place of assembly use established prior to October 25, 2011 and not established by-right or by approval of the DuPage County Board either by variation, special use or conditional use approval.

Polo fields, fishing ponds, hunt and gun clubs, conservation clubs, archery ranges, picnic grounds, private saddle clubs and swimming pools on lots containing a minimum of five (5) acres of land area.

Public and private parks, playgrounds, picnic groves, play fields and other open spaces.

Stables and riding academies which are the principal use of the property.

Residential care uses:

Daycare centers.

Daycare centers, adult.

Daycare homes which receive from nine (9) to twelve (12) children under the age of twelve (12) (including the provider's own children) or which have one (1) or more outside employees.

Group daycare homes.

Roadside stands where less than one hundred percent (100%) of the farm products are grown or raised on said lot.

Schools, public and private colleges, universities and other institutions of higher learning.

Schools, public and private elementary, junior high and high schools, boarding or nonboarding.

Separate living quarters for domestic servants employed on the premises.

(2005 Code; Ord. No. T-2-11, Exh. 1(8), 10-11-2011; Ord. No. T-1-17, 2-13-2018)

37-707.3: LOT SIZE REQUIREMENTS.

Except as otherwise provided herein, a separate minimum ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use, as follows:

| USE | Area Per Dwelling Unit | Lot Size | Lot Width | Lot Depth |
|----------------------------------|---|---------------|-----------|-----------|
| Single-Family Detached Dwellings | | 8,000 sq. ft. | 60' | 100' |
| Two-Family Dwellings | | 9,000 sq. ft. | 75' | 100' |
| Multiple-Family Dwellings | 1,600 sq. ft.(A) | 9,600 sq. ft. | 75' | 100' |
| Cemeteries: | | 2 acres | 125' | 100' |
| Mobile Home Parks: | 6,000 sq. ft. of area for each mobile home. | 5 acres | 300' | 150' |

| | | | | |
|---|----|---|-----|------|
| - Each individual mobile home lot | | 4,000 sq. ft. of land | | |
| Planned Developments: | NA | NA | NA | NA |
| Schools | | 100,000 sq. ft. for the first 100 pupils: plus 20,000 sq. ft. for each additional 50 pupils or any portion thereof | 75' | 100' |
| Place of Assembly Use, Indoor Recreational facilities, libraries, museums and art galleries | | 100,000 sq. ft. for the first 100 occupants in the main assembly area or building based on design rated occupancy plus an additional 20,000 sq. ft. for each additional 50 occupants or any portion thereof based on design rated occupancy | 75' | 100' |
| All Other Permitted or Conditional Uses: | | 10,000 sq. ft. | 75' | 100' |

- A. Where a property owner/developer elects to provide for the construction of housing which is affordable to low and moderate income families, a density bonus shall be provided allowing an increase of one (1) dwelling unit for each low and moderate income unit so provided, which increase shall not be greater than twenty-five percent (25%) of the number of dwelling units permitted as determined by the actual area of the zoning lot without bonuses or conditional uses. All bonus dwelling units so awarded shall be constructed as an integral part of the development upon each zoning lot where permitted, and shall comply with all requirements and guidelines of the United States Department of Housing and Urban Development for construction, operation and maintenance of low and moderate income housing. A unit affordable to low and moderate income families is defined as one provided through the Federal "Section 8 Program" or equivalent Federal program where assistance remains with the unit for a minimum period of twenty (20) years.

(2005 Code; Ord. T-4-05, 7-11-2006; Ord. No. T-2-11, Exh. 1(8), 10-11-2011)

37-707.4: YARD REQUIREMENTS.

Notwithstanding section 37-700.4 of this chapter and except as otherwise provided herein, each principal building located in the R-7 district shall provide for one (1) front yard, two (2) interior side yards or one (1) interior side yard and one (1) corner side yard, and one (1) rear yard.

A. Minimum Yard, Height, FAR and Lot Coverage Required:

| Use: | Front Yard | Interior Side Yard | Corner Side Yard | Rear Yard | Height | FAR | Lot Coverage |
|---------------------------------|------------|--|------------------|-----------|---|-----|--------------|
| Single-family detached dwelling | 25' | 10% of the lot width (does not need to exceed 10') | 25' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | .35 | NA |
| Two-family dwelling | 20' | 15' | 20' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required | .5 | NA |

| | | | | | | | |
|---|-----|-------------------|-------------------|-------------------|---|-----|-----|
| | | | | | yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | | |
| Multiple-family dwelling | 20' | 15' | 20' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | .5 | NA |
| Mobile Home Parks: | 30' | 15' | 20' | 20' | 30' | .25 | 50% |
| Planned Development (See section 37-1400) | NA | NA | NA | NA | NA | NA | NA |
| Schools | 30' | 30' adjacent to a | 40' adjacent to a | 40' adjacent to a | 30', (except that where a lot size is 40,000 sq. ft. or | .25 | 50% |

| | | | | | | | |
|---|-----|---|---|---|---|-----|-----|
| | | residential zoning district 15' adjacent to a non-residential zoning district | residential zoning district 20' adjacent to a non-residential zoning district | residential zoning district 20' adjacent to a non-residential zoning district | more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | | |
| Place of Assembly Use, Indoor Recreational facilities, libraries, museums and art galleries | 30' | 30' adjacent to a residential zoning district 15' adjacent to a non-residential zoning district | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 40' adjacent to a residential zoning district 20' adjacent to a non-residential zoning district | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | .25 | 50% |

| | | | | | | | |
|---|-----|-----|-----|-----|---|-----|-----|
| All other permitted or conditional uses | 30' | 15' | 20' | 20' | 30', (except that where a lot size is 40,000 sq. ft. or more, the height of a building or attached structure may be increased 1' for each 1' all required yards are increased. The required yard increase shall be measured from the portion of the building or attached structure which exceeds the maximum height. In no case shall the height exceed 60'). | .25 | 50% |
|---|-----|-----|-----|-----|---|-----|-----|

B. **Permitted Encroachments:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

| Use: | Setback or Permitted Encroachment into Required Yard | Required Yards | | | |
|--|--|----------------|---|---|----|
| | | F | S | R | CS |
| Air conditioning window units | May encroach 2' | F | S | R | CS |
| Arbor | 3' Setback | F | S | R | CS |
| Architectural entrance | 5' Setback | F | S | R | CS |
| Architectural feature (not to exceed 4 feet in height) | May encroach 30% | - | S | R | - |
| Awning | May encroach 10% | F | S | R | CS |
| Balcony | May encroach 10% | F | - | R | CS |
| Basketball: Court, poles, rim, net | 10' Setback | - | S | R | - |

| | | | | | |
|--|------------------|---|---|---|----|
| Bay window | May encroach 10% | F | S | R | CS |
| Chimney | May encroach 10% | F | S | R | CS |
| Compressors: for air conditioning units/heat pump | May encroach 10% | - | - | R | - |
| Deck | 15' Setback | - | - | R | - |
| Dog run | 10' Setback | - | - | R | - |
| Driveway: side loading attached garage | 1' Setback | F | S | R | CS |
| Driveway: detached garage, carport and open-air parking space behind the house. | 1' Setback | F | S | R | CS |
| Eave and gutter | May encroach 10% | F | S | R | CS |
| Fence. (See also Section 37-407 of this article) | 3 inches Setback | F | S | R | CS |
| Firewood | 3' Setback | - | S | R | - |
| Flagpole | 10' Setback | F | S | R | CS |
| Fountain | 10' Setback | F | S | R | CS |
| Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open. | 5' Setback | F | - | R | CS |
| Gazebo | 10' Setback | - | - | R | - |
| Gutter and eave | May encroach 10% | F | S | R | CS |
| Laundry drying equipment | 10' Setback | - | - | R | - |
| Light standard | 5' Setback | F | S | R | CS |
| Outside fireplace | 3' Setback | - | S | R | - |
| Patio | 3' Setback | - | S | R | - |
| Pond: Ornamental | 10' Setback | F | S | R | CS |
| Porch: Open or roofed | May encroach 10% | F | - | R | CS |
| Portico: Open or roofed | May encroach 10% | F | - | R | CS |
| Recreational structure and equipment | 10' Setback | - | - | R | - |
| Retaining wall | 1' Setback | F | S | R | CS |
| Sidewalk, path and walkway. | 1' Setback | F | S | R | CS |
| Sign: (See Article XI) | | | | | |
| Statuary | 10' Setback | F | S | R | CS |
| Stoop | May encroach 30% | F | S | R | CS |
| Sump pump and surface water discharge pipes/structure | 3' Setback | F | S | R | CS |

| | | | | | |
|--|--|---|---|---|----|
| Swimming pool, open air outdoor | 10' Setback | - | - | R | - |
| Tennis court | 10' Setback | - | - | R | - |
| Terrace | 3' Setback | - | S | R | - |
| Trellis | 3' Setback | F | S | R | CS |
| Volleyball court | 10' Setback | - | - | R | - |
| Well head | 5' Setback | F | S | R | CS |
| Wing wall (not to exceed 4 feet in height) | May encroach 30% | - | S | R | CS |
| Decks, gazebos, patios and terraces: Planned Development: | Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of twenty feet (20') where the rear yard is adjacent to interior common open space which is at least twenty feet (20') wide, decks, gazebos, patios and terraces may be permitted three feet (3') from the rear lot line providing the following: 1. The HOA has voted to allow said structures three feet (3') or greater from the rear lot line. 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |
| Docks: Residential development adjacent to private lake: | Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following: 1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10'). 2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application. | | | | |

C. **Use of Yards:** All nonsingle-family detached uses shall utilize required yards in the following manner:

1. Front yards and corner side yards shall be maintained for the purpose of providing site access, fire access, landscaping and fences. Except as otherwise provided in Sections 37-707.7 and 37-

1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in front yards and corner side yards.

2. Rear yards and interior side yards shall be maintained for the purpose of providing site access, fire access, off-street parking, landscaping, and fences. Except as otherwise provided in Sections 37-707.7 and 37-1411 of this chapter, accessory off-street parking and on site circulation shall be prohibited in Interior side yards and rear yards.

(2005 Code; Ord. No. T-2-11, Exh. 1(8), 10-11-2011)

37-707.5: RESERVED.

Editor's note(s)—Ord. No. T-2-11, Exh. 1(8), adopted October 11, 2011, repealed § 37-707.5, which pertained to building bulk requirements. See also the Code Comparative Table.

37-707.6: SIGNS.

See Article XI of this chapter.

(2005 Code)

37-707.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

In addition to the requirements of Section 37-700.4 of this chapter, see Article XII of this chapter.

Any nonsingle-family detached use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking or on site circulation. Any nonsingle-family detached use which does utilize up to twenty percent (20%) of any yard for parking or circulation shall be subject to the provisions of Section 37-415, "Site Plan Review" and Section 37-419, "Landscaping," of this chapter.

(2005 Code)

37-707.8: REQUIRED CONDITIONS.

Uses allowed in the R-7 general residence district (permitted or conditional) are subject to the following:

- A. **Multiple Buildings:** Notwithstanding mobile home parks, any development containing more than one (1) principal building on a zoning lot shall be approved only by planned development.
- B. **Maximum Zoning Lot Coverage:** Notwithstanding Section 37-707.1 of this chapter, the sum total of the ground area coverage by buildings and structures shall be as follows:

| | |
|--|------------|
| Single-family detached dwellings | 40 percent |
| Two-family and multiple-family dwellings | 50 percent |
| Mobile home park | 40 percent |
| All others | 60 percent |

- C. **Enclosed Buildings:** Except or otherwise provided herein, all uses except off-street parking or loading facilities shall be conducted within completely enclosed buildings.

(2005 Code)

37-707.9: ADDITIONAL CONDITIONS.

- A. **MOBILE HOME PARKS:** No mobile home shall be used for living purposes except in an approved mobile home park in accordance with the following conditions:
1. Mobile home parks shall be allowed as a conditional use in the R-7 general residence district.
 2. Mobile home parks shall have direct access on minor collector streets or frontage roads to an arterial or minor collector street.
 3. All interior roads within a mobile home park shall be not less than twenty-four feet (24') in width.
 4. Sidewalks, not less than four feet (4') in width, shall be provided on at least one (1) side of all streets.
 5. In all mobile home parks, not more than eight percent (8%) of the total ground area contained in the mobile home park may be utilized for uses permitted in the B-1 local business district.
 6. Mobile homes existing within the mobile home park may be sold and/or leased from the mobile home park office.
 7. All mobile homes placed on a site located in a special flood hazard area (SFHA) and/or wetland area shall meet the following criteria:
 - a. Have the lowest floor elevated two feet (2') above the base flood elevation (BFE).
 - b. In the instance of elevation of pilings, have all piling foundations placed in stable soil no more than ten feet (10') apart, and reinforcement shall be provided for piles more than six feet (6') above the ground.
 - c. Provide for adequate surface drainage and easy access for an emergency hauler.
 - d. Have lots large enough to permit steps to the mobile home, and have adequate surface drainage on all sides of the structure.
 - e. Shall be placed in such a manner to prevent flotation, collapse or lateral movement of the structure due to flooding.
 - f. Be anchored according to the following specifications, as certified by a registered architect or registered professional engineer licensed in the State of Illinois.
 - (1) Over the top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations. Mobile homes more than fifty feet (50') long shall require one (1) additional tie per side.
 - (2) Frame ties shall be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points. Mobile homes more than fifty feet (50') long shall require four (4) additional ties per side.
 - (3) All components of the anchoring system shall be capable of carrying four thousand (4,000) pounds.
 - (4) Any additions to the mobile home shall be similarly anchored.
- B. **PUBLIC SEWER AND/OR WATER FACILITIES:** All developments within this district shall be served with public sewer and water facilities as provided in the County Subdivision Regulations.
- C. **TRASH CONTAINERS:** All outside trash containers located in the R-7 general residence district shall be enclosed with fences, masonry walls or landscaping which shall provide a full landscape screen according to the provisions of Section 37-419, "Landscaping," of this chapter.

(2005 Code)

ARTICLE VIII. BUSINESS DISTRICTS

PART 1. GENERAL REQUIREMENTS

37-800: PURPOSE AND GENERAL CONDITIONS.

The business districts are provided to support and complement the DuPage County Comprehensive Plan including: a) the land use plan, b) the Year 2005 Street and Highway Plan and c) the development goals and policies, as amended, and provided to guide the compatible shaping and development of present and future land use needs in DuPage County. Business district requirements are further established to govern location, intensity and method of development of business areas in DuPage County.

The regulations for each district are designed to provide protection to existing developments while allowing new construction in accordance with current design standards. The regulations further provide for groupings of business establishments, compatible in scope of services and methods of operation. The districts are designed to create a compatible transition between residence uses and business districts.

(2005 Code)

37-800.1: PERMITTED USES.

Buildings, structures, or uses of land as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. Except as hereinafter provided, no building shall be used and no lot or tract of land shall be devoted to any use other than a permitted use or conditional use as provided in the zoning district where such building, structure, lot or tract of land shall be located with the exception of the following:

- a. Uses lawfully established on the effective date of this chapter.
- b. Conditional uses allowed in accordance with the provisions of Section 37-800.2 of this article.
- c. Buildings, structures or uses already established on the effective date of this chapter and rendered nonconforming by the provisions hereof, shall be subject to the regulations of Article V of this chapter.

(2005 Code)

37-800.2: CONDITIONAL USES.

Conditional uses, as hereinafter listed in the zoning districts, may be allowed subject to the granting of a conditional use in accordance with the provisions of Section 37-1313 of this chapter.

(2005 Code)

37-800.3: LOT REQUIREMENTS.

Lot size requirements shall be as specified in each business district in Part 2 of this chapter.

(2005 Code)

37-800.4: YARD REQUIREMENTS.

Yards shall be required as specified under each zoning district in Article VIII, Part 2 of this chapter. In addition, the following regulations shall be complied with:

- A. Except as provided in Section 37-406 of this chapter, and except as hereinafter provided, all yards shall be open and unobstructed from the ground level to the sky.
- B. Where a lot has frontage abutting an arterial street and a major collector street, the arterial street line shall be the front lot line.
- C. Where a lot has frontage abutting a major collector street and a lower classification street, the major collector street line shall be the front lot line.
- D. Where a lot has frontage abutting two (2) streets having an identical classification, the Director, Department of Economic Development and Planning, shall determine the location of the front lot line.

(2005 Code)

37-800.5: BUILDING BULK REQUIREMENTS.

Building bulk requirements shall be expressed in terms of minimum yard requirements and maximum building heights, or in terms of floor area ratio (FAR) as prescribed in each zoning district in Part 2 of this Article.

(2005 Code)

37-800.6: SIGNS.

Signs shall be permitted in business districts in accordance with the provisions set forth in Article XI of this chapter.

(2005 Code)

37-800.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

Off-street parking and loading facilities accessory to uses allowed in the business districts shall be provided in accordance with the regulations established in Article XII of this chapter.

(2005 Code)

37-800.8: REQUIRED CONDITIONS.

Permitted or conditional uses established in the business district shall comply with the following "required conditions":

- A. Except for miniwarehouses, integrated shopping centers, or individual incubator business or office buildings, not more than one (1) principal building or structure or use shall be located on a zoning lot within these districts except by a planned development.
- B. Every use, unless expressly exempted by this chapters shall be operated in its entirety within a completely enclosed structure; the exemption of a use from the requirement of enclosure will be indicated by the phrase "need not be enclosed" appearing after any use exempted.

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- C. Except for open sales lots, all outdoor storage areas for goods, products, materials, supplies, machinery, equipment or commercial vehicles, and outdoor trash containers shall be enclosed with a fence or a landscaping screen or any combination thereof, which shall result in a full landscape screen to a height of not less than six feet (6') above grade, according to the provisions of Section 37-419, "Landscaping," of this chapter.
 - D. Except as otherwise provided by conditional use herein, establishments of the drive-in or drive-through type are prohibited.
 - E. Buildings existing on the date of adoption of this chapter may be converted to permitted or conditional uses in compliance with the Zoning Ordinance, the building code, and any other applicable State or County ordinances after review and approval by the County Development Committee of the County Board.

(2005 Code)

37-800.9: ADDITIONAL CONDITIONS.

Reserved.

(2005 Code)

PART 2. DISTRICT REQUIREMENTS

37-801: B-1 LOCAL BUSINESS DISTRICT.

The B-1 local business district is intended to provide areas for retail or service establishments supplying convenience items or personal services for the daily needs of residents within the neighborhood.

(2005 Code)

37-801.1: PERMITTED USES.

The following uses are permitted:

Dwelling units: Dwelling units and lodging rooms provided that they are located above the first floor of the building.

Retail businesses

Antique shops.

Art and school supply stores.

Art shops or galleries, including picture framing.

Automobile accessory stores, including sale of packaged auto parts only.

Bakery stores where the manufacture of bakery goods is limited to quantity goods sold at retail on the premises only.

Bicycle sales, rental and repairs.

Book and stationery stores.

Camera and photographic supply stores.

Candy and ice cream stores.

Car radios and mobile telephones.

China and glassware stores.

Coin and philatelic stores.

Dairy products establishments, no processing.

Department stores including tire, battery and accessories which are included as an integral part of the principal building.

Discount stores.

Drugstores.

Dry goods stores.

Electric and household appliance stores including radio and television sales and repair.

Florist shops.

Flower shops with conservatories.

Food stores, delicatessens, fish and seafood stores, grocery stores, meat markets and package liquor stores.

Frozen food stores, including locker rental in conjunction therewith.

Fruit markets.

Furniture stores, including upholstery repair when conducted as part of the retail operation and accessory to the principal use.

Furrier shops, including the incidental storage and conditioning of furs.

Garden supply stores (bulk fertilizer sales prohibited).

Gift shops.

Hardware stores.

Hobby shops for retail sales of items to be assembled or used away from the premises.

Interior decorating shops, including the repairing and making of draperies, slip covers and other similar articles, when conducted as part of the retail operation and accessory to the principal use.

Jewelry stores, including repairing of jewelry, watches, and clocks.

Leather goods and luggage stores.

Locksmith shops.

Medical cannabis dispensaries subject to the requirements of section 37-426 of this chapter.

Minimarts.

Music stores, including the sale of sheet music, records, tapes, compact discs and videos, and the sales and repair of musical instruments.

Office machine sales and service.

Office supply stores.

Orthopedic and medical appliance stores and the assembly of such articles.

Paint, glass and wallpaper stores.

Pet shops.

Photography studios, including the development of film and pictures conducted as part of the retail business on the premises.

Prepared food delivery stores.

Restaurants - carry out and Class A.

Sewing machines, sales and service (household machines only).

Shoe stores.

Sporting goods stores.

Telephone stores.

Tile stores.

Tobacco shops.

Toy shops.

Travel bureaus and transportation ticket offices.

Wearing apparel shops.

Place of assembly including:

- a. Private club, lodge and fraternal organization;
- b. Public and private library, museum and art gallery;
- c. Religious institutions: Chapels, churches, synagogues, temples, mosques and other religious institutions including parsonages and rectories.

Recreational facilities.

Community theaters, amateur.

Health clubs.

Racquet facilities and similar sports activities, need not be enclosed.

Swim clubs, need not be enclosed.

Service businesses:

Animal grooming.

Automobile rental including washing and servicing, need not be enclosed.

Banks and financial institutions not including drive-in or drive-through establishments.

Barbershops.

Beauty parlors.

Blueprinting and photostatting services.

Clinics.

Clothes pressing establishments.

Clothing and costume rental stores.

Clubs and lodges.

Currency exchanges.

Daycare centers or nightcare facilities.

Dry cleaning and laundry establishments as follows:

Receiving stations, processing done elsewhere.

Laundromats.

Dry cleaning and laundry plants, including processing, provided that all of the following requirements are met:

- A. No more than one (1) dry cleaning machine and one (1) washing machine are permitted.
- B. The dry cleaning process shall be a closed self-contained system.
- C. All chemicals and "still" residue shall be stored inside the building.
- D. All waste products shall be disposed of by a waste hauler licensed by the Illinois Environmental Protection Agency.
- E. All clothes processing shall be limited to the retail customers of this facility only.

Gymnasiums and health clubs.

Hotels and motels.

Laboratories, medical and dental research and testing.

Offices (business, professional, governmental or medical).

Quick print shops limited to five (5) employees.

Repair, rental and servicing of any product the sale of which is permitted in this district.

Restricted production and repair limited to the following: art, needlework, clothing, custom manufacturing and alterations for retail only; jewelry from precious metals, watches, dentures and optical lenses.

Schools, music, dance or business.

Shoe and hat repair shops.

Telephone booths.

Therapeutic massage.

Video rental stores.

Temporary uses:

- A. Temporary uses must be reviewed and approved by the Director, DuPage County Department of Economic Development and Planning, prior to being established on a zoning lot. The director shall have the authority to establish reasonable terms and conditions for the temporary use, including, but not limited to, location on the lot, parking and time limit. Need not be enclosed.
- B. The retail sale of Christmas trees, wreaths, and the like shall require a location permit issued by the Department of Economic Development and Planning. Such permit shall be valid for a period of not more than forty-five (45) days and shall not commence prior to November 15 in each

calendar year. The location permit application shall include a detailed site plan reflecting all yard requirements, location and size of any proposed signage, location of sanitary facilities, written permission of the property owner, and the posting of a cash bond sufficient to assure the removal of all debris and to return the property to its prior condition.

Trails for recreation or transportation by foot, horse, or nonmotorized vehicles.

(2005 Code; Ord. T-2-11, Exh. 1(9), 10-11-2011; Ord. T-1-14, § 3, 11-25-2014)

37-801.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Amusement arcades.

Animal hospitals.

Automobile repair garages.

Automobile service stations, including minor services customarily incidental thereto, and facilities for chassis and gear lubrication, but not including the sale, storage or rental of vehicles, new or used.

Bed and breakfast establishments.

Drive-in and drive-through establishments.

Dwelling group quarters.

Funeral homes.

Hospitals.

Minimarts in conjunction with automobile service stations.

Parking of vehicles, need not be enclosed, provided that any part of such use conducted outside a completely enclosed building shall comply with all specifications for maintenance hereinafter required for off-street parking space.

Planned developments.

Public garages.

Public utilities and/or service type uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

Wastewater treatment plants, need not be enclosed.

Waterworks, reservoirs, pumping stations, filtration plants and wells, need not be enclosed.

Other governmental and utility service uses.

Recreation centers.

Restaurants, Class B and C, including open air dining.

Sale of firearms and ammunition.

Self-storage facility.

Tattoo parlors.

Other retail and service business uses similar in nature and intensity to those permitted uses listed in Section 37-801.1 of this chapter.

(2005 Code; Ord. No. T-1-17, 2-13-2018)

37-801.3: LOT SIZE REQUIREMENTS.

Except as otherwise provided herein, a separate ground area, herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use.

| Use: | Minimum Lot Size | Minimum Lot Width |
|-----------------------------------|------------------|-------------------|
| All Permitted or Conditional Uses | 0.5 Acre | 100 feet |

37-801.4: YARD REQUIREMENTS.

Notwithstanding Section 37-800.4 of this chapter, and except as otherwise provided herein, yards shall be required in the B-1 district as follows:

A. Yards facing existing or proposed streets (not including interior private circulation drives).

A. **Minimum Yard and FAR Required:**

| | Yards Facing Existing or Proposed Streets | | | Yards Facing Interior Private Circulation Streets | Yards Adjacent to Interior Side/Rear Property Lines | | Yards Adjacent to Tollways, Freeways, and Limited Access Highways | Floor Area Ratio |
|-----------------------------------|---|-----------------|-----------------|---|---|-----------------|---|------------------|
| | Non-Residential | Residential | Corner | | Residential | Non-Residential | | |
| All Permitted or Conditional Uses | Minimum 40 feet | Minimum 40 feet | Minimum 30 feet | Minimum 20 feet | Minimum 40 feet | Minimum 20 feet | Minimum 50 feet | 0.2 (1) |

(1) For zoning lots with a minimum area of one (1) acre, the floor area ratio shall not exceed F.A.R. 0.25

B. **Use of Required Yards:**

1. **Yards Facing Existing or Proposed Streets:** Without reduction by conditional use procedure, yards facing existing or proposed streets may be utilized for site access, fire access, site identification and landscaping.

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2. **Yards Adjacent to Interior Side/Rear Property Lines:** Without reduction by conditional use procedure, yards adjacent to interior side/rear property lines may be utilized for site access, fire access, site identification and landscaping.
 3. **Yards Facing Interior Private Circulation Streets:** Any yard facing an interior private circulation street shall be maintained for site access, fire access, site identification and landscaping. No reduction permitted.
 4. **Yards Adjacent to Tollway, Freeway and Limited Access Highways:** All yards required along tollways, freeways and limited access highways shall be maintained for landscaping. No reduction permitted.
- C. **Reduction of Required Yards for Parking:** Except as otherwise provided in Subsection D. of this section and Section 37-1411 of this chapter, accessory off-street parking, on site circulation and loading shall be prohibited in all required yards.
- D. **Reduction and Use of Yards by Conditional Use Procedure:** Where a property owner requests a reduction in required yards by conditional use procedure, such property owner shall agree to site plan review for access control, signage control, lighting and landscaping, and shall file a petition for such zoning relief pursuant to Section 37-1413, "Conditional Uses," of this chapter.
1. **Reduction of Yards Allowed:**
 - a. Any yard along a front or corner side lot line may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
 - b. Any yard along an interior side or rear lot line which is not adjacent to a residential zoning district may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
 - c. Each yard so reduced in Subsection G.1.a. or G.1.b. of this section shall be required to maintain a landscape screen in the landscape yard according to the requirements of Section 37-419, "Landscaping," of this chapter.
 - d. One (1) yard along an interior side lot line which is not adjacent to a residential zoning district may be reduced to zero provided that:
 - (1) The adjacent nonresidential lot also requests the interior side yard reduction to zero.
 - (2) Both lots agree by easement or covenant to provide shared parking facilities.
 - (3) Both lots agree by easement or covenant to provide only one (1) common access drive to the two (2) parcels from the adjacent thoroughfare.
 - (4) The shared parking facilities on both lots provide a minimum of ten percent (10%) interior landscaping.
 - (5) Each lot provides landscape screens according to the provisions of Section 37-419, "Landscaping," of this chapter, in the remaining front, rear and side yards.
 - e. Yard reduction by conditional use procedure shall not be granted by the County Board in conjunction with any further yard reduction by variation procedure for the same yard.
 - f. Required yards adjacent to tollways, freeways and limited access highways may not be reduced by conditional use procedure.
 2. **Use of Yards Adjacent to Front/Corner Side Property Lines:** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.

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3. ***Use of Yards Adjacent to Interior Side/Rear Property Lines:*** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.

(2005 Code)

37-801.5: RESERVED

37-801.6. SIGNS.

See Article XI of this chapter.

(2005 Code)

37-801.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

See Article XII of this chapter.

Any permitted or conditional use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking, on site circulation or loading. Any such use which does utilize up to twenty percent (20%) of any required yard for parking, circulation or loading shall be subject to the provisions of Sections 37-415, "Site Plan Review," of this chapter, and 37-419, "Landscaping," of this chapter.

(2005 Code)

37-801.8: REQUIRED CONDITIONS.

- A. All business establishments shall be retail, public or recreational service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises.
- B. All outdoor lighting on the zoning lot shall be directed away from abutting properties.

(2005 Code)

37-801.9: ADDITIONAL CONDITIONS.

Reserved.

(2005 Code)

37-802: B-2 GENERAL BUSINESS DISTRICT.

The B-2 general business district is intended to accommodate the needs of a larger consumer population. A wider range of uses is permitted for both daily and occasional shopping.

(2005 Code)

37-802.1: PERMITTED USES.

The following uses are permitted:

Dwelling units. Dwelling units and lodging rooms provided that they are located above the first floor of the building.

General services:

Animal pounds.

Auction facilities.

Building material establishments, dimension lumber, millwork, cabinets and other building materials; provided that no milling, planing, jointing, manufacture of millwork shall be conducted on the premises, need not be enclosed.

Cartage and express facilities providing storage of goods, motor truck, and other equipment, if in enclosed structures.

Caskets and cemetery vault assembly and sales.

Contractors or construction offices and shops such as, but not limited to, building, concrete, electrical, masonry, printing, plumbing, refrigeration and roofing, need not be enclosed.

Employment agencies.

Exterminating shops.

Greenhouses and nurseries provided heating plants for greenhouse operations conform with the applicable performance standards set forth in Section 37-1003 of this chapter.

Linen, towels, diapers and similar supply services.

Mail order and catalog stores.

Medical cannabis dispensaries subject to the requirements of section 37-426 of this chapter.

Packaging and crating.

Parking of vehicles, need not be enclosed, provided that any part of such use conducted outside a completely enclosed building, shall comply with all specifications for maintenance hereinafter required for off-street parking spaces.

Pawnshops.

Printing and publishing establishments having not more than twenty-five (25) employees.

Public garages.

Recording studios.

Research laboratories.

Storage, warehousing and wholesale establishments.

Taverns.

Theaters, indoor.

Travel bureaus and transportation ticket offices.

Place of assembly including:

- a. Private club, lodge and fraternal organization.
- b. Public and private library, museum and art gallery.

c. Religious institution: chapel, church, synagogue, temples, mosques and other religious institutions including parsonages and rectories.

Retail businesses:

Antique shops.

Art and school supply stores.

Art shops or galleries, including picture framing.

Automobile accessory stores, including sale of packaged auto parts.

Automobile, light truck, sales and service.

Automobile service stations, shall not be eligible for yard reductions by conditional use.

Bakery stores where the manufacture of bakery goods is limited to quantity goods sold at retail on the premises only.

Bicycle sales, rental and repairs.

Boats, campers, mobile homes and recreational van sales, need not be enclosed.

Book and stationery stores.

Business machine stores, sales, rental and service.

Camera and photographic supply stores.

Candy and ice cream stores.

Car radios and mobile telephones.

Carpet and rug stores

China and glassware stores.

Coin and philatelic stores.

Dairy products establishments, no processing.

Department stores including tire, battery and accessories which are included as an integral part of the principal building.

Discount stores.

Drugstores.

Dry goods stores.

Electric and household appliances stores including radio and television sales and repair.

Electric showrooms.

Florist shops.

Flower shops with conservatories.

Food stores, delicatessens, fish and seafood stores, grocery stores, meat markets and package liquor stores.

Frozen food stores, including locker rental in conjunction therewith.

Fruit markets.

Furniture stores, including upholstery repair when conducted as part of the retail operation and accessory to the principal use.

Furrier shops, including the incidental storage and conditioning of furs.

Garden supply stores (bulk fertilizer sales prohibited).

Gift shops.

Hardware stores.

Hobby shops for retail sales of items to be assembled or used away from the premises.

Household appliance stores.

Ice sales and storage limited to five (5) ton capacity.

Interior decorating shops, including repair and making of draperies, slip covers and other similar articles, when conducted as part of the retail operations and accessory to the principal use.

Jewelry stores, including repairing of jewelry, watches, and clocks.

Leather goods and luggage stores.

Live bait shops.

Locksmith shops.

Machinery sales.

Mail order and catalog sales stores.

Meat markets, including the sale of meats and meat products to restaurants, hotels, clubs or other similar establishments when conducted as a part of the retail business on the premises.

Minimarts.

Motorcycle sales and service.

Motor vehicle sales and service.

Music stores including the sale of sheet music, records, tapes, compact discs and videos, and the sales and repair of musical instruments.

Office machine sales and service.

Office supply stores.

Open sales lots, need not be enclosed.

Orthopedic and medical appliance stores and the assembly of such articles.

Paint, glass and wallpaper stores.

Pet shops.

Photography studios, including the development of film and pictures conducted as part of the retail business on the premises.

Prepared food delivery stores.

Plumbing showrooms.

Restaurants - carryout, Class A, B, and C.

Sale of firearms and ammunition.

Sewing machines sales and service, (household machines only).

Shoe stores.

Sporting goods stores.

Telephone stores.

Tile stores.

Tobacco shops.

Toy shops.

Trails for recreation or transportation by foot, horse, or nonmotorized vehicles.

Wearing apparel shops.

Service businesses:

Automobile rentals including washing and servicing, need not be enclosed.

Banks and financial institutions not including drive-in or drive-through establishments.

Banquet facilities.

Barbershops.

Beauty parlors.

Blueprinting and photostatting services.

Catering establishments.

Clinics.

Clothing and costume rental stores.

Clothes pressing establishments.

Currency exchanges.

Daycare centers or nightcare facilities.

Dry cleaning and laundry establishments as follows:

Laundromats.

Dry cleaning and laundry plants, including processing, provided that all of the following requirements are met:

- A. No more than one (1) dry cleaning machine and one (1) washing machine are permitted.
- B. The dry cleaning process shall be a closed self-contained system.
- C. All chemicals and "still" residue shall be stored inside the building.
- D. All waste products shall be disposed of by a waste hauler licensed by the Illinois Environmental Protection Agency.

Receiving stations, processing done elsewhere.

Funeral homes.

Gymnasiums and health clubs.

Hotels and motels.

Laboratories, medical and dental research or testing.

Offices (business, professional, governmental or medical).

Quick print shops limited to five (5) employees.

Repair, rental and servicing of any product the sale of which is permitted in this district.

Restricted production and repair limited to art, needlework, clothing, custom manufacturing and alterations for retail only; jewelry from precious metals, watches, dentures and optical lenses.

Schools, music, dance or business.

Shoe and hat repair stores.

Telephone booths.

Therapeutic massage.

Video rental stores.

Temporary uses:

A. Temporary uses must be reviewed by and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot. The director shall have the authority to establish reasonable terms and conditions for the temporary use including, but not limited to, location on the lot, parking and time limit. Need not be enclosed.

B. The retail sale of Christmas trees, wreaths and the like shall require a location permit issued by the Department of Economic Development and Planning. Such permit shall be valid for a period of not more than forty-five (45) days and shall not commence prior to November 15 in each calendar year. The location permit application shall include a detailed site plan reflecting all yard requirements, location and size of any proposed signage, location of sanitary facilities, written permission of the property owner, and the posting of a cash bond sufficient to assure the removal of all debris and to return the property to its prior condition.

Trails for recreation or transportation by foot, horse, or nonmotorized vehicles.

(2005 Code; Ord. T-2-11, Exh. 1(10), 10-11-2011; Ord. T-1-14, § 4, 11-25-2014)

37-802.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements Section 37-1413 of this chapter:

Amusement arcades.

Animal hospitals.

Automobile laundries.

Automobile repair garages.

Banquet facility.

Bed and breakfast establishments.

Drive-in or drive-through establishments.

Dry cleaning plants.

Dwelling group quarters.

Hospitals.

Kennels.

Laundry plants.

Lodging rooms.

Minimarts in conjunction with automobile service stations.

Pet cemeteries.

Planned developments.

Public utility and/or service type uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations, need not be enclosed.

Wastewater treatment plants, need not be enclosed.

Waterworks, reservoirs, pumping stations, filtration plants and wells, need not be enclosed.

Other governmental and utility service uses.

Recreation centers.

Restaurants, Class B and C, including open air dining.

Self-storage facility.

Theaters, automobile drive-in.

Tattoo parlors.

Other retail and service business uses similar in nature and intensity to those permitted uses listed in Section 37-802.1 of this chapter.

(2005 Code; Ord. No. T-1-17, 2-13-2018)

37-802.3: LOT SIZE REQUIREMENTS.

Except as otherwise provided herein, a separate ground area, herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use.

| Use: | Minimum Lot Size | Minimum Lot Width |
|-----------------------------------|-------------------------|--------------------------|
| All Permitted or Conditional Uses | 0.5 Acre | 100 feet |

37-802.4: YARD REQUIREMENTS.

Notwithstanding Section 37-800.4 of this chapter, and except as otherwise provided herein, yards shall be required in the B-2 district as follows:

A. **Minimum Yard and FAR Required:**

| | Yards Facing Existing or Proposed Streets | | | Yards Facing Interior Private Circulation Streets | Yards Adjacent to Interior Side/Rear Property Lines | | Yards Adjacent to Tollways, Freeways, and Limited Access Highways | Floor Area Ratio |
|---|---|---------------------|---------------------|---|---|-----------------|---|------------------|
| | Non-Residential | Residential | Corner | | Residential | Non-Residential | | |
| Automobile Service Stations, including minimarts & automobile laundries | Minimum 40 feet (1) | Minimum 50 feet (1) | Minimum 30 feet (1) | Minimum 20 feet | Minimum 12 feet | Minimum 12 feet | Minimum 50 feet | 0.25 (2) |
| All Other Permitted or Conditional Uses | Minimum 40 feet | Minimum 50 feet | Minimum 30 feet | Minimum 20 feet | Minimum 40 feet | Minimum 20 feet | Minimum 50 feet | 0.25 (2) |

- (1) All improvements except pump islands, motor vehicle circulation, poles for air and water hoses and canopies sheltering the pump islands, and vehicular circulation to the pump islands shall be established not less than forty feet (40') from any front property line and not less than thirty feet (30') from any street right-of-way line which is not the front property line. Pump islands may be established not less than twenty feet (20') from the front property line. Motor vehicle circulation, canopies, and poles for air and water hoses and vehicular circulation to the pump islands may be established not less than twelve feet (12') from the front property line, provided that no supporting members for the canopy shall be established nearer to the front property line than the pump island.
- (2) For zoning lots with a minimum area of one (1) acre, the floor area ratio shall not exceed F.A.R. 0.30

B. **Use of Required Yards:**

1. **Yards Facing Existing or Proposed Streets:** Without reduction by conditional use procedure, yards facing existing or proposed streets may be utilized for site access, fire access, site identification and landscaping.
2. **Yards Adjacent to Interior Side/Rear Property Lines:** Without reduction by conditional use procedure, yards adjacent to interior side/rear property lines may be utilized for site access, fire access, site identification and landscaping.
3. **Yards Facing Interior Private Circulation Streets:** Any yard facing an interior private circulation street shall be maintained for site access, fire access, site identification and landscaping. No reduction permitted.
4. **Yards Adjacent to Tollway, Freeway and Limited Access Highways:** All yards required along tollways, freeways and limited access highways shall be maintained for landscaping. No reduction permitted.

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- C. **Reduction of Required Yards for Parking:** Except as otherwise provided in Subsection D. of this section and Section 37-1411 of this chapter, accessory off-street parking, on site circulation and loading shall be prohibited in all required yards.
- D. **Reduction and Use of Yards by Conditional Use Procedure:** Where a property owner requests a reduction in required yards by conditional use procedure, such property owner shall agree to site plan review for access control, signage control, lighting and landscaping, and shall file a petition for such zoning relief pursuant to Section 37-1413, "Conditional Uses," of this chapter.
1. **Reduction of Yards Allowed:**
- a. Any yard along a front or corner side lot line may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
 - b. Any yard along an interior side or rear lot line which is not adjacent to a residential zoning district may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
 - c. Each yard so reduced in Subsection H.1.a. or H.1.b. of this section shall be required to maintain a landscape screen in the landscape yard according to the requirements of Section 37-419, "Landscaping," of this chapter.
 - d. One (1) yard along an interior side lot line which is not adjacent to a residential zoning district may be reduced to zero provided that:
 - (1) The adjacent nonresidential lot also requests the interior side yard reduction to zero.
 - (2) Both lots agree by easement or covenant to provide shared parking facilities.
 - (3) Both lots agree by easement or covenant to provide only one (1) common access drive to the two (2) parcels from the adjacent thoroughfare.
 - (4) The shared parking facilities on both lots provide a minimum of ten percent (10%) interior landscaping.
 - (5) Each lot provides landscape screens according to the provisions of Section 37-419, "Landscaping," of this chapter in the remaining front, rear and side yards.
 - e. Yard reduction by conditional use procedure shall not be granted by the County Board in conjunction with any further yard reduction by variation procedure for the same yard.
 - f. Required yards adjacent to tollways, freeways and limited access highways may not be reduced by conditional use procedure.
2. **Use of Yards Adjacent to Front/Corner Side Property Lines:** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.
3. **Use of Yards Adjacent to Interior Side/Rear Property Lines:** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.

(2005 Code)

37-802.5: RESERVED

37-802.6: SIGNS.

See Article XI of this chapter.

(2005 Code)

37-802.7. OFF-STREET PARKING AND LOADING REQUIREMENTS.

See Article XII of this chapter.

Any permitted or conditional use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking, on site circulation or loading. Any such use which does utilize up to twenty percent (20%) of any required yard for parking, circulation or loading shall be subject to the provisions of Sections 37-415, "Site Plan Review," and 37-419, "Landscaping," of this chapter.

(2005 Code)

37-802.8: REQUIRED CONDITIONS.

- A. All business establishments shall be retail, public or recreational service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises.
- B. All outdoor lighting on the zoning lot shall be directed away from abutting properties.

(2005 Code)

37-802.9: ADDITIONAL CONDITIONS.

Reserved.

(2005 Code)

ARTICLE IX. OFFICE RESEARCH DISTRICTS

PART 1. GENERAL REQUIREMENTS

37-900: PURPOSE AND GENERAL CONDITIONS.

The office research districts are provided to support and complement the DuPage County Comprehensive Plan including: a) the land use plan, b) the Year 2005 Street and Highway Plan and c) the development goals and policies, as amended, which guide the compatible shaping of the present and future land use needs in DuPage County. The office district will provide for office space and limited business service uses, and is intended to provide a transition between business and/or industrial districts and adjoining residence districts, while the office research district will provide for a wider range of office, business service uses and industrially oriented uses, all arranged in a park like setting with large lots and deep yards. Smoke and particulate matter, vibration, glare, odor and noise are controlled by performance standards.

(2005 Code)

37-900.1: PERMITTED USES.

Buildings, structures, or uses of land as hereinafter listed shall be permitted in the office research districts indicated under the conditions specified. Except as hereinafter provided, no building shall be used and no lot or tract of land shall be devoted to any use other than a permitted use or conditional use as provided in the zoning district where such building, structure, use, lot or tract of land shall be located with the exception of the following:

- A. Use lawfully established on the effective date of this chapter.
- B. Conditional uses allowed in accordance with the provisions of Section 37-900.2 of this chapter.
- C. Buildings, structures or uses already established on the effective date of this chapter and rendered nonconforming by the provisions hereof, shall be subject to the regulations of Article V of this chapter.

(2005 Code)

37-900.2: CONDITIONAL USES.

Conditional uses, as hereinafter listed in the zoning districts, may be allowed subject to the granting of a conditional use in accordance with the provisions of Section 37-1413 of this chapter.

(2005 Code)

37-900.3: LOT REQUIREMENTS.

Lot size requirements shall be as specified under in each industrial district in Part 2 of this article.

(2005 Code)

37-900.4: YARD REQUIREMENTS.

Yards shall be required as specified under each zoning district in Part 2 of this article. In addition, the following regulations shall be complied with:

- A. Except as provided in Section 37-406 of this chapter, and except as hereinafter provided, all yards shall be open and unobstructed from the ground level to the sky.
- B. Where a lot has frontage abutting an arterial street and a major collector street, the arterial street line shall be the front lot line.
- C. Where a lot has frontage abutting a major collector street and a lower classification street, the major collector street line shall be the front lot line.
- D. Where a lot has frontage abutting two (2) streets having an identical classification, the Director, Department of Economic Development and Planning, shall determine the location of the front lot line of the zoning lot.

(2005 Code)

37-900.5: BUILDING BULK REQUIREMENTS.

Building bulk requirements shall be expressed in terms of minimum yard requirements and maximum building heights, or in terms of floor area ratio (FAR) as prescribed in each zoning district in Part 2 of this article.

(2005 Code)

37-900.6: SIGNS.

Signs shall be permitted in accordance with the provisions set forth in Article XI of this chapter.

(2005 Code)

37-900.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

Off-street parking and loading facilities accessory to uses allowed in the office research districts shall be provided in accordance with the regulations established in Article XII of this chapter.

(2005 Code)

37-900.8: REQUIRED CONDITIONS.

Permitted or conditional uses shall comply with all "required conditions."

- A. Except for miniwarehouses or individual incubator business or office buildings, not more than one (1) principal building or structure or use shall be located on a zoning lot within these districts except by a planned development.
- B. Every use, unless expressly exempted by this chapter, shall be operated in its entirety within a completely enclosed structure; the exemption of a use from the requirement of enclosure will be indicated by the phrase "need not be enclosed" appearing after each use exempted.
- C. Except for open sales lots, all outdoor storage areas of goods, products, materials, supplies, machinery, equipment or commercial vehicles, and outdoor trash containers and shall be enclosed with a fence or a landscaping screen or any combination thereof, which shall result in a full landscape screen to a height of not less than six feet (6') above grade, according to the provisions of Section 37-419, "Landscaping," of this chapter.
- D. Except as otherwise provided by conditional use herein, establishments of the drive-in or drive-through type are prohibited.
- E. Buildings existing on the date of adoption of this chapter may be converted to permitted or conditional uses in compliance with the zoning ordinance, the building code, and any other applicable state or County ordinances after review and approval by the County Development Committee of the County Board.
- F. Every use, unless expressly exempted by this chapter, shall comply with Article X, part 3, "Performance Standards," of this chapter; the exemption of a use from the "performance standards" will be indicated by the phrase "need not comply with performance standards."
- G. All requests for uses or building permits in the O-R office research district, noted by a footnote in this chapter, may not be required to be accompanied by a certificate from a scientific research laboratory or consultant approved by the County Board certifying compliance with the "performance standards" as required in Section 37-1003, as determined by the Director, Department of Economic Development and Planning.
- H. Temporary buildings, structures and uses shall be reviewed and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot in these districts. The director shall have the authority to establish reasonable terms and conditions for the temporary

building, structure or use including, but not limited to, location on the lot, parking, time limit and need for enclosure except as otherwise provided for by Section 37-408 of this chapter.

(2005 Code)

37-900.9: ADDITIONAL CONDITIONS.

Reserved.

(2005 Code)

PART 2. DISTRICT REQUIREMENTS

37-901: O - OFFICE DISTRICT.

The O - office district is intended to provide a transition between business and/or industrial districts and any adjoining residence district.

(2005 Code)

37-901.1: PERMITTED USES.

The following uses are permitted:

Place of assembly including:

- a. Private club, lodge and fraternal organization.
- b. Public and private library, museum and art gallery.
- c. Religious institution: chapel, church, synagogue, temples, mosques and other religious institutions including parsonages and rectories.

Residential care uses:

Daycare centers.

Daycare centers, adult.

Service businesses:

Art work, commercial graphics services.

Banks and financial institutions not including drive-in or drive-through establishments.

Offices (business, professional, governmental and medical).

Medical cannabis dispensaries subject to the requirements of section 37-426 of this chapter.

Trails for recreation or transportation by foot, horse, or nonmotorized vehicles.

(2005 Code; Ord. T-2-11, Exh. 1(11), 10-11-2011; Ord. T-1-14, § 5, 11-25-2014)

37-901.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Planned developments.

Public utility and/or service type uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations, need not be enclosed.

Wastewater treatment plants, need not be enclosed.

Waterworks, reservoirs, pumping stations, filtration plants and wells, need not be enclosed.

Other governmental and utility service uses.

Recreational facilities:

Community theaters, amateur.

Health clubs.

Private parks.

Racquet facilities and similar sports activities, need not be enclosed.

Swim clubs, need not be enclosed.

Residential care uses:

Daycare homes.

Schools:

Business and professional.

Corporate training centers.

Data processing.

Electronics.

Service businesses:

Airports, heliports.

Banks and financial institutions, including drive-in and drive-through financial establishments.

Blue printing, graphics and photostatting services.

Office supply stores.

Other uses:

Other nonretail office, financial and institutional uses similar in nature and intensity to the permitted uses listed in Section 37-901.1 of this chapter.

(2005 Code; Ord. No. T-2-11, Exh. 1(11), 10-11-2011; Ord. No. T-1-17, 2-13-2018)

37-901.3: LOT SIZE REQUIREMENTS.

Except as otherwise provided herein, a separate ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use.

| Use: | Minimum Lot Size | Minimum Lot Width |
|-----------------------------------|------------------|-------------------|
| All Permitted or Conditional Uses | 0.5 Acre | 100 feet |

37-901.4: YARD REQUIREMENTS.

Notwithstanding Section 37-900.4 of this chapter, and except as otherwise provided herein, yards shall be required in the O district as follows:

A. *Minimum Yard and FAR Required:*

| | Yards Facing Existing or Proposed Streets | | | Yards Facing Interior Private Circulation Streets | Yards Adjacent to Interior Side/Rear Property Lines | | Yards Adjacent to Tollways, Freeways, and Limited Access Highways | Floor Area Ratio |
|-----------------------------------|---|-----------------|-----------------|---|---|-----------------|---|------------------|
| | Non-Residential | Residential | Corner | | Residential | Non-Residential | | |
| All Permitted or Conditional Uses | Minimum 40 feet | Minimum 50 feet | Minimum 30 feet | Minimum 20 feet | Minimum 40 feet | Minimum 20 feet | Minimum 50 feet | 0.25 (1) |

- (1) For zoning lots with a minimum area of one (1) acre, the floor area ratio shall not exceed F.A.R. 0.30

B. *Use of Required Yards:*

- Yards Facing Existing or Proposed Streets:** Without reduction by conditional use procedure, yards facing existing or proposed streets may be utilized for site access, fire access, site identification and landscaping.
- Yards Adjacent to Interior Side/Rear Property Lines:** Without reduction by conditional use procedure, yards adjacent to interior side/rear property lines may be utilized for site access, fire access, site identification and landscaping.
- Yards Facing Interior Private Circulation Streets:** Any yard facing an interior private circulation street shall be maintained for site access, fire access, site identification and landscaping. No reduction permitted.
- Yards Adjacent to Tollway, Freeway and Limited Access Highways:** All yards required along tollways, freeways and limited access highways shall be maintained for landscaping. No reduction permitted.

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- C. **Reduction of Required Yards for Parking:** Except as otherwise provided in Section D. of this section and Section 37-1411 of this chapter, accessory off-street parking, on site circulation and loading shall be prohibited in all required yards.
- D. **Reduction of Yards by Conditional Use Procedure:** Where a property owner requests a reduction in required yards by conditional use procedure, such property owner shall agree to site plan review for access control, signage control and landscaping, and shall file a petition for such zoning relief pursuant to Section 37-1413 of this chapter.
1. **Reduction of Yards Allowed:**
 - a. Any yard along a front or corner side lot line may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
 - b. Any yard along an interior side or rear lot line which is not adjacent to a residential zoning district may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
 - c. Each yard so reduced in Subsection G.1.a. or G.1.b. of this section shall be required to maintain a landscape screen in the landscape yard according to the requirements of Section 37-419, "Landscaping," of this chapter.
 - d. One (1) yard along an interior side lot line which is not adjacent to a residential zoning district may be reduce to zero provided that:
 - (1) The adjacent nonresidential lot also requests the interior side yard reduction to zero.
 - (2) Both lots agree by easement or covenant to provide shared parking facilities.
 - (3) Both lots agree by easement or covenant to provide only one (1) common access drive to the two (2) parcels from the adjacent thoroughfare.
 - (4) The shared parking facilities on both lots provide a minimum of ten percent (10%) interior landscaping.
 - (5) Each lot provides landscape screens according to the provisions of Section 37-419, "Landscaping," of this chapter in the remaining front, rear and side yards.
 - e. Yard reduction by conditional use procedure shall not be granted by the County Board in conjunction with any further yard reduction by variation procedure for the same yard.
 - f. Required yards adjacent to tollways, freeways and limited access highways may not be reduced by conditional use procedure.
 2. **Use of Yards Adjacent to Front/Corner Side Property Lines:** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.
 3. **Use of Yards Adjacent to Interior Side/Rear Property Lines:** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.

(2005 Code)

37-901.5: RESERVED

37-901.6. SIGNS.

See Article XI of this chapter.

(2005 Code)

37-901.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

See Article XII of this chapter.

Any permitted or conditional use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking, on site circulation or loading. Any such use which does utilize up to twenty percent (20%) or any required yard for parking, circulation or loading shall be subject to the provisions of Sections 37-415, "Site Plan Review," and 37-419, "Landscaping," of this chapter.

(2005 Code)

37-901.8: REQUIRED CONDITIONS.

Reserved.

(2005 Code)

37-901.9: ADDITIONAL CONDITIONS.

Reserved.

(2005 Code)

37-902: O-R OFFICE RESEARCH DISTRICT.

The O-R office research district is intended to provide and maintain a park like setting for uses on large lots. The office research district shall be restricted to offices, accessory uses, limited business services and industrial type uses.

(2005 Code)

37-902.1: PERMITTED USES.

The following uses are permitted:

Accessory uses, retail and service². Upon application to the Director, Department of Economic Development and Planning, for a zoning certificate, one (1) or more uses hereinafter set forth may be operated as accessory uses if each such use meets the following conditions: a) is incidental or secondary only to a principal building containing forty thousand (40,000) or more square feet of gross floor area; b) is provided for the convenience of the owner and/or tenants; c) does not have exterior signs of any type; d) does not have a separate outside entrance facing any street and is not evident from any street.

Banks and financial institutions.

Barbershops.

Beauty parlors.

Blueprinting and photostatting services.

Data processing and computer centers, including service and maintenance of electronic data processing and equipment.

Drugstores.

Duplicating, letter and secretarial service firms.

Gift shops.

Medical cannabis dispensaries subject to the requirements of section 37-426 of this chapter.

Newspapers, tobacco and/or confectionery stands.

Office supply stores.

Place of assembly including:

- a. Private club, lodge and fraternal organization.
- b. Public and private library, museum and art gallery.
- c. Religious institution: chapel, church, synagogue, temples, mosques and other religious institutions including parsonages and rectories.

Restaurants, Class A or B.

Travel bureaus and transportation ticket offices.

Industrial type uses:

Laboratories, offices and other facilities for research testing, data analysis and development.

Low nuisance industrial activities, including, but not limited to, electronic and scientific precision instrument assembly and repair, experimental product development and plastic products design and assembly.

Printing and publishing.

Offices³: business, professional, governmental or medical.

Service business⁵:

Artwork, commercial graphics and drafting services.

Banks and financial institutions.

Hotel-motel or combination office hotel-motel.

Medical-dental research laboratories and facilities.

Restaurants, Class A or B.

Temporary uses: The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction related to a parcel of land of which the temporary construction yard is an integral part, provided such facilities shall be located not less than five (500) hundred feet from any building used for residential purposes (buildings not being a part of the development site subdivision, or planned development), and provided that the period of such temporary use shall not exceed the duration of the construction for the development site.

Trails for recreation or transportation by foot, horse, or nonmotorized vehicles.

(2005 Code; Ord. T-2-11, Exh. 1(12), 10-11-2011; Ord. T-1-14, § 6, 11-25-2014)

37-902.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Daycare centers or nightcare facilities:

Industrial type uses:

Other processing, finishing and assembly facilities.

Wholesaling, warehousing and distribution facilities.

Planned developments.

Public utilities and/or service type uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations, need not be enclosed.

Wastewater treatment plants, need not be enclosed.

Waterworks, reservoirs, pumping stations, filtration plants and wells, need not be enclosed.

Other governmental and utility service uses.

Recreational facilities:

Community theaters, amateur.

Health clubs.

Private parks.

Racquet facilities and similar sports activities, need not be enclosed.

Swim clubs, need not be enclosed.

Schools:

Business and professional.

Corporate training centers.

Data processing.

Electronics.

Service businesses:

Airports and heliports, commercial and private, need not be enclosed, need not comply with performance standards.

Banks, and financial institutions including drive-in or drive-through establishments.

Building trades, show rooms and shops.

Hospitals.

Other uses: Other nonretail office, financial, institutional and industrial uses, similar in nature and intensity to the permitted uses listed in Section 37-902.1 of this chapter.

(2005 Code; Ord. No. T-2-11, Exh. 1(12), 10-11-2011; Ord. No. T-1-17, 2-13-2018)

37-902.3: LOT SIZE REQUIREMENTS.

Except as otherwise provided herein, a separate ground area, herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use.

| Use: | Minimum Lot Size | Minimum Lot Width |
|-----------------------------------|------------------|-------------------|
| All Permitted or Conditional Uses | 2.5 Acres | 250 feet |

37-902.4: YARD AND FAR REQUIREMENTS.

Notwithstanding Section 37-900.4 of this chapter, and except as otherwise provided herein, yards shall be required in the O-R district as follows:

A. **Minimum Yard and FAR Required:**

| | Yards Facing Existing or Proposed Streets | | | Yards Facing Interior Private Circulation Streets | Yards Adjacent to Interior Side/Rear Property Lines | | Yards Adjacent to Tollways, Freeways, and Limited Access Highways | Floor Area Ratio |
|-----------------------------------|---|-----------------|-----------------|---|---|-----------------|---|------------------|
| | Non-Residential | Residential | Corner | | Residential | Non-Residential | | |
| All Permitted or Conditional Uses | Minimum 40 feet | Minimum 60 feet | Minimum 40 feet | Minimum 20 feet | Minimum 60 feet | Minimum 20 feet | Minimum 50 feet | 0.35 (1) |

- (1) For zoning lots with a minimum area of five (5) acres, the floor area ratio shall not exceed F.A.R. 0.40

B. **Use of Required Yards:**

1. **Yards Facing Existing or Proposed Streets:** Without reduction by conditional use procedure, yards facing existing or proposed streets may be utilized for site access, fire access, site identification and landscaping.
2. **Yards Adjacent to Interior Side/Rear Property Lines:** Without reduction by conditional use procedure, yards adjacent to interior side/rear property lines may be utilized for site access, fire access, site identification and landscaping.
3. **Yards Facing Interior Private Circulation Streets:** Any yard facing an interior private circulation street shall be maintained for site access, fire access, site identification and landscaping. No reduction permitted.

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4. **Yards Adjacent to Tollway, Freeway and Limited Access Highways:** All yards required along tollways, freeways and limited access highways shall be maintained for landscaping. No reduction permitted.
 - C. **Reduction of Required Yards for Parking:** Except as otherwise provided in Subsection D. of this section and Section 37-1411 of this chapter, accessory off-street parking, on site circulation and loading shall be prohibited in all required yards.
 - D. **Reduction and Use of Yards by Conditional Use Procedure:** Where a property owner requests a reduction in required yards by conditional use procedure, such property owner shall agree to site plan review for access control, signage control, lighting and landscaping, and shall file a petition for such zoning relief pursuant to Section 37-1413, "Conditional Uses," of this chapter.
 1. **Reduction of Yards Allowed:**
 - a. Any yard along a front or corner side lot line may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
 - b. Any yard along an interior side or rear lot line which is not adjacent to a residential zoning district may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
 - c. Each yard so reduced in Subsection G.1.a. or G.1.b. of this section shall be required to maintain a landscape screen in the landscape yard according to the requirements of Section 37-419, "Landscaping," of this chapter.
 - d. One (1) yard along an interior side lot line which is not adjacent to a residential zoning district may be reduced to zero provided that:
 - (1) The adjacent nonresidential lot also requests the interior side yard reduction to zero.
 - (2) Both lots agree by easement or covenant to provide shared parking facilities.
 - (3) Both lots agree by easement or covenant to provide only one (1) common access drive to the two (2) parcels from the adjacent thoroughfare.
 - (4) The shared parking facilities on both lots provide a minimum of ten percent (10%) interior landscaping.
 - (5) Each lot provides landscape screens according to the provisions of Section 37-419, "Landscaping," of this chapter in the remaining front, rear and side yards.
 - e. Yard reduction by conditional use procedure shall not be granted by the County Board in conjunction with any further yard reduction by variation procedure for the same yard.
 - f. Required yards adjacent to tollways, freeways and limited access highways may not be reduced by conditional use procedure.
 2. **Use of Yards Adjacent to Front/Corner Side Property Lines:** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.
 3. **Use of Yards Adjacent to Interior Side/Rear Property Lines:** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.

(2005 Code)

37-902.5: RESERVED

37-902.6. SIGNS.

See Article XI of this chapter.

(2005 Code)

37-902.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

See Article XII of this chapter.

Any permitted or conditional use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking, on site circulation or loading. Any such use which does utilize up to twenty percent (20%) or any required yard for parking, circulation or loading shall be subject to the provisions of Sections 37-415, "Site Plan Review," and Section 37-419, "Landscaping," of this chapter.

(2005 Code)

37-902.8: REQUIRED CONDITIONS.

Reserved.

(2005 Code)

37-902.9: ADDITIONAL CONDITIONS.

Reserved.

(2005 Code)

ARTICLE X. INDUSTRIAL DISTRICTS

PART 1. GENERAL REQUIREMENTS

37-1000: PURPOSE AND GENERAL CONDITIONS.

The industrial districts are provided to support and complement the DuPage County Comprehensive Plan including: a) the land use plan, b) the Year 2005 Street and Highway Plan and c) the development goals and policies, as amended, which guide the compatible shaping of the present and future land use needs in DuPage County. The industrial district requirements are further intended to govern the location, intensity and methods of development of industrial areas in DuPage County. The regulations for each district are designed to provide protection for existing developments while allowing new construction in accordance with current design standards.

The regulations further provide for groupings of industrial buildings, which are compatible with each other in scope of services and methods of operation. The districts are designed to create yards and open space to create a transition between residence and industrial districts to provide reasonable capability between uses. Smoke and particulate matter, vibration, glare, odor and noise are controlled by performance standards.

(2005 Code)

37-1000.1: PERMITTED USES.

Buildings, structures, or uses of land as hereinafter listed, shall be permitted in industrial districts indicated under the conditions specified. Except as hereinafter provided, no building shall be used and no lot or tract of land shall be devoted to any use other than a permitted use or conditional use as provided in the zoning district where such building, structure, use, lot or tract of land shall be located with the exception of the following:

- A. Use lawfully established on the effective date of this chapter.
- B. Conditional uses allowed in accordance with the provisions of Section 37-1000.2 of this chapter.
- C. Buildings, structures or uses already established on the effective date of this chapter and rendered nonconforming by the provisions hereof, shall be subject to the regulations of Article V of this chapter.

(2005 Code)

37-1000.2: CONDITIONAL USES.

Conditional uses, as hereinafter listed in the zoning districts, may be allowed subject to the granting of a conditional use in accordance with the provisions of Section 37-1413 of this chapter.

(2005 Code)

37-1000.3: LOT SIZE REQUIREMENTS.

Lot size requirements shall be as specified in each industrial district in Part 2 of this article.

(2005 Code)

37-1000.4: YARD REQUIREMENTS.

Yards shall be required as specified under each zoning district in Part 2 of this article. In addition, the following regulations shall be complied with:

- A. Except as provided in Section 37-406 of this chapter, and except as hereinafter provided, all yards shall be open and unobstructed from the ground level to the sky.
- B. Where a lot has frontage abutting an arterial street and a major collector street, the arterial street line shall be the front lot line.
- C. Where a lot has frontage abutting a major collector street and a lower classification street, the major collector street line shall be the front lot line.
- D. Where a lot has frontage abutting two (2) streets having an identical classification, the Director, Department of Economic Development and Planning, shall determine the location of the front line of the zoning lot.

(2005 Code)

37-1000.5: BUILDING BULK REQUIREMENTS.

Building bulk requirements shall be expressed in terms of minimum yard requirements and maximum building heights, or in terms of floor area ratio (FAR) as prescribed in each zoning district in Part 2 of this article.

(2005 Code)

37-1000.6: SIGNS.

Signs shall be permitted in accordance with the provisions set forth in Article XI of this chapter.

(2005 Code)

37-1000.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

Off-street parking and loading facilities accessory to uses allowed in the industrial districts shall be provided in accordance with the regulations established in Article XII of this chapter.

(2005 Code)

37-1000.8: REQUIRED CONDITIONS.

Permitted or conditional uses established in the industrial districts shall comply with all "required conditions."

- A. Except for miniwarehouses or individual incubator business or office buildings, no more than one (1) principal building, structure, or use shall be located on a zoning lot within these districts except by a planned development.
- B. Every use, unless expressly exempted by this chapter, shall be operated in its entirety within a completely enclosed structure; the exemption of a use from the requirement of enclosure will be indicated by the phrase "need not be enclosed" appearing after each use exempted.
- C. Except for open sales lots, all outdoor storage areas of goods, products, materials, supplies, machinery, equipment or commercial vehicles and outdoor trash containers shall be enclosed with a fence or a landscaping screen or any combination thereof, which shall result in a full landscape screen to a height of not less than six feet (6') above grade, according to the provisions of Section 37-419, "Landscaping," of this chapter.
- D. Except as otherwise provided by conditional use herein, establishments of the drive-in or drive-through type are prohibited.
- E. Buildings existing on the date of adoption of this chapter may be converted to permitted or conditional uses in compliance with the zoning ordinance, the building code, and any other applicable state or County Ordinances after review and approval by the County Development Committee of the County Board.
- F. All uses in the industrial districts, unless expressly exempted by this chapter, shall comply with Part 3 of this article; the exemption of a use from the performance standards will be indicated by the phrase "need not comply with performance standards."
- G. All requests for uses or building permits in the industrial districts, noted by a footnote in this chapter, may not be required to be accompanied by a certificate from a scientific research laboratory or consultant approved by the County Board certifying compliance with the performance standards as required in Section 37-1003, as determined by the Director, Department of Economic Development and Planning.
- H. Temporary buildings, structures and uses shall be reviewed and approved by the Director, Department of Economic Development and Planning, prior to being established on a zoning lot in these districts.

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(Supp. No. 10, Update 2)

The director shall have the authority to establish reasonable terms and conditions for the temporary building, structure or use including, but not limited to, location on the lot, parking, time limit and enclosure except as otherwise provided for in Section 37-408 of this chapter.

(2005 Code)

37-1000.9: ADDITIONAL CONDITIONS.

Reserved.

(2005 Code)

PART 2. DISTRICT REQUIREMENTS

37-1001: I-1 LIGHT INDUSTRIAL DISTRICT.

The I-1 light industrial district is intended to provide areas for the development of manufacturing and industrial uses in close proximity to residential and business uses. The district regulations are structured to provide for the operation of a wide range of manufacturing uses, wholesaling and warehousing activities and limited retail and service business uses.

(2005 Code)

37-1001.1: PERMITTED USES.

The following uses are permitted:

General uses:

Adult use business uses, subject to the requirements of Sections 37-416 through 37-416.2 of this chapter.

Any manufacturing, fabricating, processing, packing and storage uses, provided such uses conform with the requirements set forth in Part 1 of this article, and with the performance standards in Section 37-1003 of this article.

Bakeries, five thousand (5,000) square feet or less of building area, need not comply with performance standards.

Beverages, bottling and distribution.

Contractors or construction offices and shops such as but not limited to building, concrete, electrical, masonry, painting, plumbing, refrigeration and roofing, need not be enclosed.

Dairy products processing.

Dry cleaning and laundry establishments.

Laboratories, research and testing establishments.

Landscape contractor's office and storage yard.

Mail order houses.

Medical cannabis dispensaries subject to the requirements of section 37-426 of this chapter.

Printing and publishing establishments.

Sheet metal shops.

Warehousing, storage and distribution facilities not including motor freight terminals.

Place of assembly including:

- a. Private club, lodge and fraternal organization.
- b. Public and private library, museum and art gallery.
- c. Religious institution: chapel, church, synagogue, temples, mosques and other religious institutions including parsonages and rectories.

Recreational facilities.

Community theaters, amateur.

Health clubs.

Racquet facilities and similar sports activities, need not be enclosed.

Swim clubs, need not be enclosed.

Retail businesses:

Agricultural implements sale and service, need not be enclosed⁶.

Boats, campers, mobile homes and recreational van sales, need not be enclosed⁷.

Building material sales and storage, need not be enclosed⁸.

Greenhouses and nurseries, including retail and wholesale, need not be enclosed⁹.

Ice sales and storage¹⁰.

Motor vehicles, trucks, and equipment including new sales and service and/or rental of this equipment.

Restaurants: carryout, Class A and B and C, need not comply with performance standards.

Service businesses¹¹:

Animal pounds and shelters.

Automobile repair garages.

Banks and financial institutions.

Currency exchanges.

Offices (business, professional, governmental, or medical).

Parking garages and lots, for motor vehicles.

Quick print shops.

Self-storage facility.

Trails for recreation or transportation by foot, horse, or nonmotorized vehicles.

(2005 Code; Ord. T-2-11, Exh. 1(13), 10-11-2011; Ord. T-1-14, § 7, 11-25-2014)

37-1001.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Airports and heliports, need not be enclosed, need not comply with performance standards.

Amusement arcades in conjunction with Class C restaurants, need not comply with performance standards.

Automobile laundries.

Automobile service stations.

Bakeries, exceeding five thousand (5,000) square feet of building area, need not comply with performance standards.

Damaged vehicles (temporary storage) where damaged vehicles, machinery, boats, or equipment drawn or operated by attaching motor vehicles or other mechanical units are stored for periods of time not to exceed ninety (90) days and where no service, maintenance or salvage activities are performed. Damaged vehicles stored may be auctioned on site, need not be enclosed¹².

Drive-in and drive-through establishments¹³.

Freight terminals including air, motor and rail.

Fuel distribution, gasoline, L-P gas, liquid natural gas, need not be enclosed.

Medical cannabis cultivation center subject to the requirements of section 37-426 of this chapter.

Municipal solid waste transfer facility/waste transfer station.

Open storage: Any open storage of manufactured goods, equipment or materials, including the storage of commercial vehicles and equipment, need not be enclosed.

Planned developments¹⁴.

Private utilities.

Public garages.

Public utilities and/or service type uses:

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations, need not be enclosed.

Wastewater treatment plants, need not be enclosed.

Waterworks, reservoirs, pumping stations, filtration plants and wells, need not be enclosed.

Other governmental and utility service uses.

Race tracks, need not be enclosed.

Place of assembly including:

a. Private club, lodge and fraternal organization.

b. Public and private library, museum and art gallery.

c. Religious institution: chapel, church, synagogue, temples, mosques and other religious institutions including parsonages and rectories.

Racquet facilities and similar sports activities, need not be enclosed.

Recreational facilities.

Swim clubs, need not be enclosed.

Theaters, automobile drive-in.

Trade schools and other institutions of higher learning, including accessory structures and facilities necessary for the operation of such educational uses.

Wholesale establishments.

Other uses: Other industrial uses similar in nature and intensity to the permitted uses listed in Section 37-1001.1 of this chapter.

(2005 Code; Ord. T-2-11, Exh. 1(14), 10-11-2011; Ord. T-1-14, § 9, 11-25-2014; Ord. No. T-1-17, 2-13-2018)

37-1001.3: LOT SIZE REQUIREMENTS.

Except as hereinafter provided, a separate minimum ground area, herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional uses.

| Use: | Minimum Lot Size | Minimum Lot Width |
|-----------------------------------|------------------|-------------------|
| All Permitted or Conditional Uses | 0.5 Acre | 100 feet |

37-1001.4: YARD AND FAR REQUIREMENTS.

Notwithstanding Section 37-1000.4 of this chapter, and except as otherwise provided herein, yards shall be required in the I-1 district as follows:

A. Minimum Yard and FAR Required:

| | Yards Facing Existing or Proposed Streets | | | Yards Facing Interior Private Circulation Streets | Yards Adjacent to Interior Side/Rear Property Lines | | Yards Adjacent to Tollways, Freeways, and Limited Access Highways | Floor Area Ratio |
|-----------------------------------|---|-----------------|-----------------|---|---|-----------------|---|------------------|
| | Non-Residential | Residential | Corner | | Residential | Non-Residential | | |
| All Permitted or Conditional Uses | Minimum 40 feet | Minimum 60 feet | Minimum 40 feet | Minimum 20 feet | Minimum 60 feet | Minimum 20 feet | Minimum 50 feet | 0.35 (1) |

(1) For zoning lots with a minimum area of one (1) acre, the floor area ratio shall not exceed F.A.R. 0.40. Self-storage facilities shall not exceed F.A.R. 0.80.

B. Use of Required Yards:

-
1. **Yards Facing Existing or Proposed Streets:** Without reduction by conditional use procedure, yards facing existing or proposed streets may be utilized for site access, fire access, site identification and landscaping.
 2. **Yards Adjacent to Interior Side/Rear Property Lines:** Without reduction by conditional use procedure, yards adjacent to interior side/rear property lines may be utilized for site access, fire access, site identification and landscaping.
 3. **Yards Facing Interior Private Circulation Streets:** Any yard facing an interior private circulation street shall be maintained for site access, fire access, site identification and landscaping. No reduction permitted.
 4. **Yards Adjacent to Tollway, Freeway and Limited Access Highways:** All yards required along tollways, freeways and limited access highways shall be maintained for landscaping. No reduction permitted.
- C. **Reduction of Required Yards for Parking:** Except otherwise provided in Subsection D. of this section, and Section 37-1411 of this chapter, accessory off-street parking, on site circulation and loading shall be prohibited in all required yards.
- D. **Reduction and Use of Yards by Conditional Use Procedure:** Where a property owner requests a reduction in required yards by conditional use procedure, such property owner shall agree to site plan review for access control, signage control, lighting and landscaping, and shall file a petition for such zoning relief pursuant to Section 37-1413 of this chapter.
1. **Reduction of Yards Allowed:**
 - a. Any yard along a front or corner side lot line may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
 - b. Any yard along an interior side or rear lot line which is not adjacent to a residential zoning district may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
 - c. Each yard so reduced in Subsection D.1.a. or D.1.B. of this section shall be required to maintain a landscape screen in the landscape yard according to the requirements of Section 37-419, "Landscaping," of this chapter.
 - d. One (1) yard along an interior side lot line which is not adjacent to a residential zoning district may be reduced to zero provided that:
 - (1) The adjacent nonresidential lot also requests the interior side yard reduction to zero.
 - (2) Both lots agree by easement or covenant to provide shared parking facilities.
 - (3) Both lots agree by easement or covenant to provide only one (1) common access drive to the two (2) parcels from the adjacent thoroughfare.
 - (4) The shared parking facilities on both lots provide a minimum of ten percent (10%) interior landscaping.
 - (5) Each lot provides landscape screens according to the provisions of Section 37-419, "Landscaping," of this chapter in the remaining front, rear and side yards.
 - e. Yard reduction by conditional use procedure shall not be granted by the County Board in conjunction with any further yard reduction by variation procedure for the same yard.

-
- f. Required yards adjacent to tollways, freeways and limited access highways may not be reduced by conditional use procedure.
 2. ***Use of Yards Adjacent to Front/Corner Side Property Lines:*** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.
 3. ***Use of Yards Adjacent to Interior Side/Rear Property Lines:*** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.

(2005 Code)

37-1001.5: RESERVED.

(2008 Code)

37-1001.6: SIGNS.

See Article XI of this chapter.

(2005 Code)

37-1001.7: OFF-STREET PARKING AND LOADING REQUIREMENTS.

See Article XII of this chapter.

Any permitted or conditional use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking, on site circulation or loading. Any such use which does utilize up to twenty percent (20%) or any required yard for parking, circulation or loading shall be subject to the provisions of Sections 37-415, "Site Plan Review," and 37-419, "Landscaping," of this chapter.

(2005 Code)

37-1001.8: REQUIRED CONDITIONS.

Reserved.

(2005 Code)

37-1001.9: ADDITIONAL CONDITIONS.

Reserved.

(2005 Code)

37-1002: I-2 GENERAL INDUSTRIAL DISTRICT.

The I-2 general industrial district is intended to provide areas where a wide variety of intensive industrial uses may be located. Regulations are provided to ensure adequate spacing between buildings and the district boundary of the I-2 general industrial district and other zoning districts.

(2005 Code)

37-1002.1: PERMITTED USES.

The following uses are permitted:

General uses:

Adult business uses, subject to the requirements of Section 37-416 through 37-416.2 of this chapter.

Any manufacturing, fabricating, processing, packaging and storage uses, provided such uses conform with the requirements set forth in Part 1 of this article, and with the performance standards in Section 37-1003 of this article.

Bakeries, five thousand (5,000) square feet or less of building area, need not comply with performance standards.

Beverage bottling and distribution.

Boot and shoe manufacture.

Car and truck laundries, (noncommercial).

Commercial microwave towers, need not be enclosed.

Contractors or construction offices and shops such as, but not limited to, building, concrete, electrical, masonry, painting, plumbing, refrigeration and roofing, need not be enclosed.

Community theaters, amateur.

Dairy products processing.

Dry cleaning and laundry establishments.

Electronic and scientific precision instruments manufacture.

Food manufacture, packaging and processing.

Fuel distribution, gasoline, L-P gas, liquid natural gas, need not be enclosed.

Furniture, bedding and carpet manufacture.

Glass products, production and sales.

Health clubs.

Laboratories, research and testing establishments.

Landscape contractor's office and storage yard.

Light machinery production.

Machine shops.

Mail order houses.

Medical cannabis dispensaries subject to the requirements of section 37-426 of this chapter.

Paper products manufacture.

Place of assembly including:

- a. Private club, lodge and fraternal organization.
- b. Public and private library, museum and art gallery.

c. Religious institution: chapel, church, synagogue, temples, mosques and other religious institutions including parsonages and rectories.

Pottery and ceramics manufacture.

Printing and publishing establishments.

Public utilities and/or service type uses.

Essential services including fully automated gas regulating stations, telephone exchanges and electric substations, need not be enclosed.

Railroad passenger stations when not located on railroad property.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations, need not be enclosed.

Wastewater treatment plants, need not be enclosed.

Waterworks, reservoirs, pumping stations, filtration plants and wells, need not be enclosed.

Other governmental and utility service uses.

Racquet facilities and similar sports activities, need not be enclosed.

Recreational facilities.

Sheet metal shops.

Stone products manufacture, need not be enclosed.

Swim clubs, need not be enclosed.

Trade schools and other institutions of higher learning, including accessory structures and facilities necessary to the operation of such educational uses.

Trails for recreation or transportation by foot, horse, or nonmotorized vehicles.

Warehousing, storage and distribution facilities not including a motor freight terminal, need not be enclosed.

Wearing apparel manufacture.

Woodworking.

Retail businesses¹⁷ :

Agricultural implements sales and service, need not be enclosed.

Boats, campers, mobile homes, and recreational van sales, need not be enclosed.

Building material sales and storage, need not be enclosed.

Greenhouses and nurseries, including retail and wholesale sales, need not be enclosed.

Ice sales and storage.

Motor vehicles, trucks, and equipment, including new sales and service and/or rental of this equipment.

Restaurants, Class A and B and C, need not comply with performance standards.

Service businesses¹⁸ :

Animal pounds and shelters.

Automobile repair garages.
Banks and financing institutions.
Currency exchanges.
Offices (business, professional, governmental, or medical).
Parking garages and lots, for motor vehicles.
Quick print shops.

Self-storage facility.

(2005 Code; Ord. T-2-11, Exh. 1(14), 10-11-2011; Ord. T-1-14, § 8, 11-25-2014)

37-1002.2: CONDITIONAL USES.

The following conditional uses require prior approval after a public hearing in accordance with the requirements of Section 37-1413 of this chapter:

Airports and heliports, need not be enclosed, need not comply with performance standards.

Amusement arcades in conjunction with Class C restaurants, need not comply with performance standards.

Automobile salvage and crushing, shredding, and storage of junked vehicles, including the operation of scrap metal establishments engaged in the processing of scrap metal for resale, need not be enclosed.

Automobile service stations, need not be enclosed.

Bakeries exceeding five thousand (5,000) square feet of building area, need not comply with performance standards.

Boiler and tank manufacturing.

Bulk storage of chemical or petroleum products, need not be enclosed.

Car and truck laundries, (public).

Concrete and/or asphalt batching plants, need not be enclosed.

Damaged vehicles (temporary storage) where damaged vehicles, machinery, boats, or equipment drawn or operated by attaching motor vehicles or other mechanical units are stored for periods of time not to exceed ninety (90) days and where no service, maintenance or salvage activities are performed. Damaged vehicles stored may be auctioned on site, need not be enclosed.

Drive-in and drive-through establishments.

Freight terminals including air, motor and railroad.

Medical cannabis cultivation center subject to the requirements of section 37-426 of this chapter.

Mining, loading and hauling of sand, gravel, topsoil, or other aggregate, including equipment, buildings, or structures for screening, crushing, washing and storage, need not be enclosed.

Municipal solid waste transfer facility/waste transfer station.

Open storage. Any open storage of manufactured goods, or equipment or materials, including storage of commercial vehicles and equipment, need not be enclosed.

Planned developments.

Private utilities.

Public garages.

Race tracks, need not be enclosed.

Recreational facilities.

Sanitary landfills.

Stadiums, auditoriums, arenas and armories.

Theaters, automobile drive-in.

Other uses: Other industrial uses similar in nature and intensity of the permitted uses listed in Section 37-1002.1 of this chapter.

(2005 Code; Ord. T-2-11, Exh. 1(14), 10-11-2011; Ord. T-1-14, § 10, 11-25-2014; Ord. No. T-1-17, 2-13-2018)

37-1002.3: LOT SIZE REQUIREMENTS.

Except as hereinafter provided a separate minimum ground area, herein called the zoning lot, shall be designated, provided and continuously maintained for each building containing a permitted or conditional use.

- A. **Minimum Lot Area:** Not less than one (1) acre.
- B. **Minimum Lot Width:** Not less than one hundred fifty feet (150').

(2005 Code)

| Use: | Minimum Lot Size | Minimum Lot Width |
|-----------------------------------|------------------|-------------------|
| All Permitted or Conditional Uses | 1 Acre | 150 feet |

37-1002.4: YARD AND FAR REQUIREMENTS.

Notwithstanding Section 37-1000.4 of this chapter, and except as otherwise provided herein, yards shall be required in the I-2 district as follows:

- A. **Minimum Yard and FAR Required:**

| | Yards Facing Existing or Proposed Streets | | | Yards Facing Interior Private Circulation Streets | Yards Adjacent to Interior Side/Rear Property Lines | | Yards Adjacent to Tollways, Freeways, and Limited Access Highways | Floor Area Ratio |
|-----------------------------------|---|-----------------|-----------------|---|---|-----------------|---|------------------|
| | Non-Residential | Residential | Corner | | Residential | Non-Residential | | |
| All Permitted or Conditional Uses | Minimum 40 feet | Minimum 60 feet | Minimum 40 feet | Minimum 20 feet | Minimum 60 feet | Minimum 20 feet | Minimum 50 feet | 0.50(1) |

- (1) Self-storage facilities shall not exceed FAR 0.80.

B. **Use of Required Yards:**

1. **Yards Facing Existing or Proposed Streets:** Without reduction by conditional use procedure, yards facing existing or proposed streets may be utilized for site access, fire access, site identification and landscaping.
2. **Yards Adjacent to Interior Side/Rear Property Lines:** Without reduction by conditional use procedure, yards adjacent to interior side/rear property lines may be utilized for site access, fire access, site identification and landscaping.
3. **Yards Facing Interior Private Circulation Streets:** Any yard facing an interior private circulation street shall be maintained for site access, fire access, site identification and landscaping. No reduction permitted.
4. **Yards Adjacent to Tollway, Freeway and Limited Access Highways:** All yards required along tollways, freeways and limited access highways shall be maintained for landscaping. No reduction permitted.

C. **Reduction of Required Yards for Parking:** Except as otherwise provided in Subsection D. of this section, and Section 37-1411 of this chapter, accessory off-street parking, on site circulation and loading shall be prohibited in any required yard.

D. **Reduction and Use of Yards by Conditional Use Procedure:** Where a property owner requests a reduction in required yards by conditional use procedure, such property owner shall agree to site plan review for access control, signage control, lighting and landscaping, and shall file a petition for such zoning relief pursuant to Section 37-1413, "Conditional Uses," of this chapter.

1. **Reduction of Yards Allowed:**

- a. Any yard along a front or corner side lot line may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
- b. Any yard along an interior side or rear lot line which is not adjacent to a residential zoning district may be reduced fifty percent (50%) or to the width of the required landscape yard, whichever reduction is less.
- c. Each yard so reduced in Subsection D.1.a. or D.1.b. of this section shall be required to maintain a landscape screen in the landscape yard according to the requirements of Section 37-419, "Landscaping," of this chapter.
- d. One (1) yard along an interior side lot line which is not adjacent to a residential zoning district may be reduced to zero provided that:
 - (1) The adjacent nonresidential lot also requests the interior side yard reduction to zero.
 - (2) Both lots agree by easement or covenant to provide shared parking facilities.
 - (3) Both lots agree by easement or covenant to provide only one (1) common access drive to the two (2) parcels from the adjacent thoroughfare.
 - (4) The shared parking facilities on both lots provide a minimum of ten percent (10%) interior landscaping.
 - (5) Each lot provides landscape screens according to the provisions of Section 37-419, "Landscaping," of this chapter in the remaining front, rear and side yards.
- e. Yard reduction by conditional use procedure shall not be granted by the County Board in conjunction with any further yard reduction by variation procedure for the same yard.

-
- f. Required yards adjacent to tollways, freeways and limited access highways may not be reduced by conditional use procedure.
 2. ***Use of Yards Adjacent to Front/Corner Side Property Lines:*** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.
 3. ***Use of Yards Adjacent to Interior Side/Rear Property Lines:*** Within the area permitted by reduction (interior portion) such yard may also be utilized for circulation and off-street parking.

(2005 Code)

37-1002.5: RESERVED

37-1002.6. SIGNS.

See Article XI of this chapter.

(2005 Code)

37-1002.7. OFF-STREET PARKING AND LOADING REQUIREMENTS.

See Article XII of this chapter.

Any permitted or conditional use may utilize up to twenty percent (20%) of the interior portion of any required yard for accessory off-street parking, on site circulation or loading. Any such use which does utilize up to twenty percent (20%) of any required yard for parking, circulation or loading shall be subject to the provisions of Sections 37-415, "Site Plan Review," and 37-419, "Landscaping," of this chapter.

(2005 Code)

37-1002.8. REQUIRED CONDITIONS.

Reserved.

(2005 Code)

37-1002.9. ADDITIONAL CONDITIONS.

Reserved.

(2005 Code)

PART 3. PERFORMANCE STANDARDS

37-1003. SCOPE OF REGULATIONS.

Any use established as hereinafter identified in any zoning district in unincorporated DuPage County shall be so constructed and operated as to comply with the performance standards hereinafter set forth governing vibrations, air pollution, toxic substances, water pollution, fire and explosive hazards and glare. No use already

established on the effective date of this chapter shall be so altered or modified as to conflict with or further conflict with the performance standards applicable to such uses.

(2005 Code)

37-1004: VIBRATION.

37-1004.1: DEFINITIONS.

Amplitude: The maximum displacement of the earth from the normal rest position. Displacement is usually reported as inches or mils.

Discrete impulses: A ground transmitted vibration stemming from a source where specific pulses do not exceed sixty (60) per minute (or one (1) per second).

Frequency: The number of times that a displacement completely repeats itself in one (1) second of time. Frequency may be designated in cycles per second (cps) or hertz (Hz).

Impact: An earthborne vibration generally produced by two (2) or more objects striking each other so as to cause separate and distinct pulses.

Nighttime hours: 10:00 p.m. to 7:00 a.m., local time.

Particle velocity: A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor 6.28. The particle velocity will be in inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.

Seismograph: An instrument which measures vibration characteristics simultaneously in three (3) mutually perpendicular planes. The seismograph may measure displacement and frequency, particle velocity, or acceleration.

Steady state: A vibration which is continuous, as from a fan, compressor or motor.

Vibration: A reciprocating motion transmitted through the earth, both in horizontal and vertical planes.

(2005 Code)

37-1004.2: INSTRUMENTATION.

Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement, particle velocity, or acceleration and frequency simultaneously in three (3) mutually perpendicular directions.

(2005 Code)

37-1004.3: MAXIMUM PERMITTED VIBRATION LEVELS.

Table 1 of this section designates the applicable lines of Table 2 of this section that apply on or beyond adjacent lot lines within the zone, and on or beyond appropriate district boundaries. Vibration shall not exceed the maximum permitted particle velocities in Table 2 of this section. Where more than one (1) set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE 1
Applicable Line of Table 2

| District | Adjacent Lot Line | Adjacent District Boundaries | O-R and I-1 | |
|-------------|-------------------|------------------------------|-------------|-------|
| O-R and I-1 | Z | - | B = Y | B = X |
| I-2 | - | Z | B = Y | B = X |

The maximum permitted peak particle velocities that correspond to the above designations are as follows:

TABLE 2
Steady-State Vibration Limits

| Vibration Limit | Peak Particle Daytime | Velocity Nighttime (Inches Per Second) |
|-----------------|-----------------------|--|
| X | 0.03 | 0.01 |
| Y | 0.06 | 0.06 |
| Z | 0.20 | 0.20 |

The maximum particle velocity shall be in the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in hertz (cycles per second).

For purposes of this regulation, steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

The values presented in Table 2 of this section shall be doubled for impact vibrations.

(2005 Code)

37-1005: AIR POLLUTION.

37-1005.1: DEFINITIONS.

Opacity: A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purpose of these regulations, the following equivalence between opacity and Ringelmann shall be employed:

| Opacity Percent | Ringelmann Number |
|-----------------|-------------------|
| 10 | 0.5 |
| 20 | 1 |
| 30 | 1.5 |
| 40 | 2 |
| 60 | 3 |

| | |
|-----|---|
| 80 | 4 |
| 100 | 5 |

Particulate matter: Any solid or liquid material, other than water, which exists in finely divided form.

Ringelmann chart: The chart published and described in the Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of IC 7718) May 1, 1967, or any adaptation thereof, which has been approved by DuPage County.

Smoke: Small gas borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ash and other combustible material, that form a visible plume in the air.

(2005 Code)

37-1005.2: VISUAL EMISSIONS.

In the R-1, R-2, R-3, R-4, R-5, R-6, R-7 residence districts, the B-1, B-2 business districts, the O office district, the O-R office research and the I-1 light industrial districts, no person shall cause or allow emission of smoke or other particulate matter into the atmosphere having an opacity greater than ten percent (10%).

In the I-2 general industrial district, no persons shall cause or allow the emission of smoke or other particulate matter into the atmosphere having an opacity greater than twenty percent (20%).

The emissions of smoke or other particulate matter from any emission source may have an opacity greater than twenty percent (20%), but not greater than forty percent (40%) for a period or periods aggregating three (3) minutes in any sixty (60) minute period, providing that such more intense (opaque) emission permitted during any sixty (60) minute period shall occur from only one (1) such emission source located within a one thousand foot (1,000') radius from the center point of any other such emission source owned or operated by such person and provided further that the more intense (opaque) emission(s) permitted from each fuel combustion emission source shall be limited to three (3) times in any twenty-four (24) period.

Opacity limitations shall not apply to emission of uncombined water or water vapor. The determination of opacity of a smoke or particulate emission shall be in accordance with the procedures, adopted by the State of Illinois Air Pollution Control Regulations.

(2005 Code)

37-1005.3: PARTICULATE MATTER EMISSIONS.

In the R-1, R-2, R-3, R-4, R-5, R-6, R-7 residence districts, the B-1, B-2 business districts, the O office district, the O-R office research and I-1 light industrial districts, no persons shall cause or allow the emission of particulate matter, through one (1) or more stacks, vents, ducts, or chimneys into the atmosphere in excess of one (1) pound per hour per acre of property or five (5) tons per year per acre of property, whichever is less.

In the I-2 general industrial district, no persons shall cause or allow the emission of particulate matter, through one (1) or more stacks, vents, ducts, or chimneys into the atmosphere in excess of five (5) pounds per hour per acre of property or ten (10) tons per year per acre of property, whichever is less.

Tests for particulate matter shall be conducted in accordance with State of Illinois Air Pollution Control Regulations.

(2005 Code)

37-1005.4: FUGITIVE PARTICULATE MATTER EMISSIONS.

In the R-1, R-2, R-3, R-4, R-5, R-6, R-7 residence districts, the B-1, B-2 business districts, the O office district, the O-R office research and I-1 light industrial districts, no persons shall cause or allow the emission of fugitive particulate matter, across lot lines which is visible by an observer looking generally toward the zenith, beyond the property line. Total suspended particulate concentrations across lot line shall not exceed twenty-five (25) micrograms per cubic meter above background. No outdoor stockpiling of powdered or granular material subject to dusting is permitted.

In the I-2 general industrial district, no persons shall cause or allow the emission of fugitive particulate matter, across lot lines which is visible by an observer looking generally toward the zenith, beyond the property line. Total suspended particulate concentrations across district boundary lines shall not exceed fifty (50) micrograms per cubic meter above background.

(2005 Code)

37-1006: ODORS.

37-1006.1: DEFINITIONS.

- A. Air having a concentration of odorous matter which renders it just perceptible to the average population; more definitively, one (1) cubic foot of air at the odor threshold.
- B. The release of odorous matter shall comply with the following regulations:
 - 1. Odor units and odor concentrations shall be determined in accordance with the State of Illinois Air Pollution Regulation (ASTM D-1391-57 adopted by Mills).
 - 2. In the R-1, R-2, R-3, R-4, R-5, R-6, R-7 residence districts, the B-1, B-2 business districts, the O office district, the O-R office research and the I-1 light industrial districts, the release of odorous matter from any operation, activity or use, shall not cause or create a concentration in excess of one (1) odor unit at any time when measured beyond the lot line, either at ground level or at habitable elevation. The limitation may be exceeded one (1) day per month for reason of equipment or process break down.
 - 3. In the I-2 general industrial district, when odorous matter is released from any operation, activity, or use, the concentration of such odorous materials shall not exceed one (1) odor unit when measured in any residential district, either at ground level or habitable elevation. The limitation may be exceeded one (1) day per month for reason of equipment or process breakdown.
 - 4. When odorous matter is released from stacks or vents in the I-2 district, the maximum allowable emission rate may be computed by the dispersion formula in Subsection B.5. of this section, so that the maximum ground level concentration of odorous matter shall not exceed one (1) odor unit per cubic foot in residence districts. However, for one (1) day per month, the allowable emission may be exceeded for reason of equipment or process breakdown.
 - 5. When a source of odor in the I-2 district is subject to both Subsections B.3. and B.4. of this section, the least restrictive shall apply. The following dispersion formula shall be employed to determine the maximum emission rate of odorous matter (Q) as described in Subsection B.4. of this section.

DISPERSION FORMULA

$$C = \frac{0.85Q}{h \times v \times d \times (1.5 + 0.0015T)}$$

Where:

C = Ground level concentration; odor units per cubic foot

S = Sum of all sources (Q1, Q2, ... Qn)

Q = Net emission rate; odor units per minute

h = Stack height, feet above grade

v = Stack gas velocity, feet per minute

d = Stack diameter, feet

T = Stack gas temperature above 80 degrees

(2005 Code)

37-1006.2: AIRBORNE TOXIC MATTER.

In the R-1, R-2, R-3, R-4, R-5, R-6, R-7 residence districts, the B-1, B-2 business districts, the O office, the O-R office research, I-1 light industrial and I-2 general industrial districts, the release of airborne toxic matter shall comply with applicable State of Illinois and Federal Regulations.

Maximum concentrations across lot lines at habitable elevations shall not exceed those concentrations promulgated by the State and Federal Governments as being acceptable to the general population. For those toxic materials not listed, the maximum allowable concentration measured across lot lines at any habitable elevation shall not exceed three percent (3%) that permitted an industrial worker.

(2005 Code)

37-1006.3: CONDITIONAL USES, RELATED TO AIR POLLUTION.

In the R-1, R-2, R-3, R-4, R-5, R-6, R-7 residence districts, the B-1, B-2 business districts, the O office, the O-R office research, I-1 light industrial and I-2 general industrial districts, the following uses are prohibited except as a conditional use:

- A. Electric power generating stations, burning fossil fuels.
- B. Facilities having fuel combustion emission sources with a total rated heat input in excess of ten million (10,000,000) Btu per hour, burning coal or fuel oil.
- C. Facilities emitting more than one hundred (100) tons per year, or five hundred fifty (550) pounds per operating day of sulphur dioxide, ethylene oxide, carbon monoxide, nitrogen oxides, particulate matter, organic material, or any other air contaminant designated by the State of Illinois Air Pollution Agency as harmful to human health.
- D. Municipal or commercial incinerator installations established primarily for the burning of refuse.

(2005 Code; Ord. No. T-1-17, § 2, 10-23-2018)

37-1007: TOXIC SUBSTANCES.

37-1007.1: DEFINITIONS.

Highly toxic substance: A chemical falling within any of the following categories:

(Supp. No. 10, Update 2)

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- A. A chemical that has a median lethal dose (LD₅₀) of fifty (50) milligrams (mg) or less per kilogram of body weight when administered orally to albino rats weighing between two hundred (200) and three hundred (300) grams each.
- B. A chemical that has a median lethal dose (LD₅₀) of two hundred (200) milligrams or less per kilogram of body weight when administered by continuous contact for twenty-four (24) hours (or less, if death occurs within twenty-four (24) hours) with the bare skin of albino rabbits weighing between two (2) and three (3) kilograms each.
- C. A chemical that has a median lethal concentration (LD₅₀) in air of two hundred (200) parts per million by volume or less of gas or vapor, or two (2) milligrams per liter or less of mist, fume or dust, when administered by continuous inhalation for one (1) hour (or less, if death occurs within one (1) hour) to albino rats weighing between two hundred (200) and three hundred (300) grams each, provided such concentration and/or condition are likely to be encountered by man when the chemical is used in any reasonably foreseeable manner.

Toxic substance: Any gas, liquid, solid, semisolid substance or mixture of substances, which if discharged into the environment could, alone or in combination with other substances likely to be present in the environment, cause or threaten to cause bodily injury, illness, or death to members of the general public through ingestion, inhalation, or absorption through any body surface. In addition, substances which are corrosives, irritants, strong sensitizers, or radioactive substances shall be considered toxic substances for the purposes of this regulation.

(2005 Code)

37-1007.2: STORAGE, HANDLING, TRANSPORT.

The use, storage, handling or transport of toxic substances shall comply with the Illinois Pollution Control Board Requirements.

(2005 Code)

37-1007.3: O-R, I-1 AND I-2 DISTRICTS; CONDITIONAL USE.

In the O-R office research and the I-1 light industrial and I-2 general industrial districts, any highly toxic substance listed by the Department of Health and Human Development (Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health, "Registry of Toxic Effects of Chemical Substances," as revised from time to time) contained in one (1) or more containers, tanks or equipment within the lot line in quantities in excess of the quantities listed in Table 1 of this section shall not be permitted.

TABLE 1

| District | Physical State | Maximum Quantity Permitted Original Sealed Containers | Opened Containers or in Process |
|----------|----------------|---|---------------------------------|
| O-R, I-1 | Liquid | 55 gallons | 5 gallons |
| | Solid | 500 pounds | 50 pounds |
| | Gas | 50 pounds | 10 pounds |
| I-2 | Liquid | 110 gallons | 10 gallons |
| | Solid | 1,000 pounds | 100 pounds |
| | Gas | 100 pounds | 10 pounds |

1. When a material exists in more than one (1) state in commercial use, the more restrictive shall govern.
(2005 Code)

37-1007.4: O-R, I-1 AND I-2 STORAGE LIMITATION; CONDITIONAL USE.

In the O-R, I-1 and I-2 districts, the storage, utilization, manufacture or handling of any radioactive substance contained in one (1) or more containers within the lot lines in a quantity of one (1) curie or more shall not be permitted.
(2005 Code)

37-1007.5: O-R AND I-1 RADIOACTIVE SUBSTANCE STORAGE.

In the O-R office research and I-1 light industrial districts, the storage utilization, manufacture, or handling of any radioactive substance contained in one (1) or more containers within lot lines in a quantity of ten (10) curies or more, shall be permitted only as a conditional use.
(2005 Code)

37-1007.6: I-2 RADIOACTIVE SUBSTANCE STORAGE.

In the I-2 general industrial district, the storage, utilization, manufacture, or handling of any radioactive substance contained in one (1) or more containers within lot lines in a quantity of one hundred (100) curies or more, shall be permitted only as a conditional use.
(2005 Code)

37-1008: WATER POLLUTION.

In all districts, all uses shall comply with the State of Illinois Pollution Control Board Rules and Regulations, Title 35, Subtitle C, "Water Pollution."
(2005 Code)

37-1009: FIRE AND EXPLOSION HAZARDS.

37-1009.1: EXPLOSIVE MATERIALS STORAGE; CONDITIONAL USE.

Except by conditional use in the O-R office research, I-1 light industrial and the I-2 general industrial districts, no activities involving and/or storage, utilization or manufacture of materials or products in quantities exceeding five (5) pounds which decompose by detonation shall be permitted. Such materials shall be stored, utilized, and manufactured in accordance with applicable rules and regulations of the DuPage County Fire Prevention Code, the DuPage County Building Code and the Illinois Environmental Protection Agency.

Materials which decompose by detonation include, but are not confined to, all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, TNX, EMM, PETN and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boran hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles

and ozonides, including but not limited to sulphur dioxide, ethylene oxide, carbon monoxide, nitrogen oxides, particulate matter, organic material, or any other air contaminant designated by the state of Illinois air pollution agency as harmful to human health; unstable oxidizing agents such as perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

Any storage of such materials shall require a special permit from the DuPage County Fire Marshal, and shall comply with all applicable DuPage County Fire Prevention Codes.

(2005 Code; Ord. No. T-1-17, § 2, 10-23-2018)

37-1009.2: O-R AND I-1 FLAMMABLE LIQUID STORAGE.

In the O-R office research and I-1 light industrial districts, the storage, utilization or manufacture of flammable liquids and gases shall be permitted in accordance with the following Table I of this section, exclusive of storage of finished products in original sealed containers of fifty-five (55) gallons or less, which shall be restricted. Flammable liquid and gas storage tanks shall be not less than fifty feet (50') from all lot lines.

Any storage of such materials shall require a special permit from the DuPage County Fire Marshal, and shall comply with all applicable DuPage County Fire Prevention Codes.

TABLE I

| Total Capacity of Flammable Materials Permitted (in Gallons) for Material Having an Open Cup Flash Point | Aboveground | Underground |
|---|--------------------|--------------------|
| At or above 140°F | 20,000 | 100,000 |
| At or above 100°F and below 140°F | 10,000 | 100,000 |
| Below 100°F | 3,000 | 100,000 |

(When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed thirty (30) times the quantities listed in this table I.)

(2005 Code)

37-1009.3: I-2 FLAMMABLE LIQUID STORAGE.

In the I-2 general industrial district, the storage, utilization, or manufacture of flammable liquids and gases shall be permitted in accordance with the following Table II of this section exclusive of storage of finished products in original sealed containers of fifty-five (55) gallons or less which shall be unrestricted. Flammable liquids and gas storage tanks shall be not less than fifty feet (50') from all lot lines.

Any storage of such materials shall require a special permit from the DuPage County Fire Marshal, and shall comply with all applicable DuPage County Fire Prevention Codes.

TABLE II

| Total Capacity of Flammable Materials Permitted (in Gallons) for Material Having an Open Cup Flash Point | Aboveground |
|---|--------------------|
| At or above 140°F | 200,000 |

| | |
|-----------------------------------|---------|
| At or above 100°F and below 140°F | 100,000 |
| Below 100°F | 62,000 |

(When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed thirty (30) times the quantities listed in this table.)

(2005 Code)

37-1010: NOISE AND LIGHT (EXPOSED SOURCES OF LIGHT) REGULATIONS.

A. **Noise Regulations for Residence Zoning Districts:** The following noise regulations shall be applied except where otherwise exempt under this section:

1. **Daytime Noise Regulations 7:00 a.m. to 10:00 p.m.:** No person shall cause or allow the emission of sound during the hours of 7:00 a.m. to 10:00 p.m. (daytime hours) which exceeds the allowable octave band sound pressure level (dB) of seventy-one (71) dB with an octave band center frequency (Hertz) of no more than sixty-three (63) when the sound is measured at any point within a receiving residential zoned property from any other property.
2. **Nighttime Noise Regulations 10:00 p.m. to 7:00 a.m.:** No person shall cause or allow the emission of sound during the hours of 10:00 p.m. to 7:00 a.m. (night time hours) which exceeds the allowable octave band sound pressure level (dB) of sixty-one (61) dB with an octave band center frequency (Hertz) of no more than sixty-three (63) when the sound is measured at any point within a receiving residential zoned property from any other property
3. Acceptable instruments and methods of measurement shall include the EXTECH Model 407750 Digital Sound Level Meter or comparable measuring device.
4. **Exemptions:** The following are exempt from the noise requirements herein:
 - a. Sources of noise associated with routine residential living during daytime hours, such as the use of power tools and power lawn and garden equipment and snow removal equipment or other similar devices when used in accordance with manufacturer specifications. This exception does not apply to maintenance on a motor vehicle.
 - (1) **Routine Residential Living Noise Source Management:** Where in the opinion of the Director or his designee, equipment or activities employed in the performance of routine residential living activities exceeds the allowable decibel levels within this code, the director or his designee may require noise mitigation strategies, methods and procedures and technologies that shall be used at the property to mitigate noises which exceed the requirements herein.
 - b. Sources of Noise associated with operations and/or clean up relative to an act of God or emergency including but not limited to a snow event, tornado or storm event.
 - (1) **Emergency Noise Source Management:** Where in the opinion of the Director or his designee, equipment or activities employed in the operations and /or clean up relative to an act of God or emergency exceeds the allowable decibel levels within this code, the director or his designee may require noise mitigation strategies, methods and procedures and technologies that shall be used at the property to mitigate noises which exceed the requirements herein.
- c. **Construction Sites:**

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- (1) **Construction Noise Management:** Where in the opinion of the Director or his designee, equipment or activities employed in the performance of construction activities exceeds the allowable decibel levels within this Code, the Director or designee may require noise mitigation strategies, methods and procedures and technologies that shall be used at the construction site to mitigate noises which exceed the requirements herein.
 - d. Emergency operations by fire and rescue services, police agencies, or public utilities and their contractors;
 - e. A source or condition expressly subject to any State or federal noise-control law or regulation that is more stringent than this Chapter;
 - f. Sound created between 7:00 a.m. and 10:00 p.m. by sports, amusement, or entertainment events or other public gatherings operating according to the requirements of the appropriate permit or licensing authority. This includes athletic contests, carnivals, fairgrounds, parades, band and orchestra activities, and similar public activities.

B. Light: Exposed Sources of Light:

1. In all districts, all activities or operations producing light shall be conducted in accordance with the following requirements:
 - a. Exposed sources of light shall be controlled so that direct and indirect illumination at the lot lines shall not cause illumination in excess of one-half (½) foot-candle in residential districts; and
 - b. Exposed sources of light shall be controlled so that direct and indirect illumination within the lot lines shall not cause illumination in excess of three (3) foot-candle in nonresidential districts.
2. Exposed sources of light shall be shielded in such a way that the light source shall not create harmful glare that is deleterious to adjacent properties or a road, road right of way or access easement.
 - a. Glare shall be analyzed in accordance with the *IESNA RP-08-00, American National Standard Practice for Roadway Lighting* manual or its successor document.

(2005 Code; Ord. No. T-3-12B, § II, 4-23-2013)

37-1011: ENCLOSURES.

In all districts, except the I-2 general industrial district, all activities involving manufacturing, fabricating, processing, assembly, disassembly, repairing, cleaning, servicing, and testing shall be conducted in completely enclosed buildings. The storage of materials, products, and goods may be outdoors, in side or rear yards only, if completely screened from public view. Outdoor storage of uncontained bulk materials subject to dusting such as powder, grain, stone, sand and coal is prohibited.

In the I-2 general industrial district, activities involving manufacturing, fabricating, processing, assembly, disassembly, repairing, cleaning, servicing, testing, and storage, may be conducted outdoors in side or rear yards if completely screened from public view. The outdoor storage of uncontained bulk materials subject to dusting such as powder, grain, stone, sand and coal is permitted, subject to fugitive particulate matter requirements.

(2005 Code)

37-1012: ADMINISTRATION; CERTIFICATES REQUIRED.

Applications pertaining to the use or change of use of land, building or structures in the O-R office research, I-1 light industrial or I-2 general industrial districts shall be accompanied by a certificate from a scientific research

laboratory or consultant approved by the County Board certifying compliance with the performance standards set forth in Section 37-1003 of this chapter.

In the event that a building or structure is erected in an O-R office research, I-1 light industrial or I-2 general industrial district, but the particular use is not known, (for example, speculative buildings), then no such certification will be required until such a time as the specific use can be designated.

(2005 Code)

ARTICLE XI. SIGN REQUIREMENTS

37-1101: PURPOSE.

The provisions of this section are intended to provide for the necessary means of identification while maintaining a safe and pleasing environment for the people of DuPage County.

(2005 Code)

37-1102: DEFINITIONS.

Advertising sign: Any advertising device, billboard, poster, notice or display which directs attention to an object, product, place, activity, person, institution, organization or business that is not located on the property where the sign is located or is intended to attract attention including any structure and all lighting or other attachments used in connection therewith, but not including a temporary sign or sign advertising the activity being conducted upon the property upon which it is located.

Arcade sign: A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.

Area of sign: The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single faced sign. It does not include any structural element outside the limits of such sign and not forming an integral part of the display.

Building frontage: The linear length of the outside building wall facing the public right-of-way or the linear length of the outside building wall facing a parking area which serves as the primary access for the subject use.

Building sign: Any sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold, offered, or manufactured, upon the premises where such sign is located, or to which it is affixed.

Building wall: The wall area in one (1) plane or elevation of a building.

Business sign: Any sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold, offered or manufactured, upon the premises where such sign is located, or to which it is affixed.

Canopy sign: A sign which forms part of a canopy or marquee and does not extend horizontally beyond the limits of such canopy or marquee.

Changeable copy sign: A sign on which message copy can be changed through the use of attachable letters and numerals which are changed manually.

Copy area: The area in square feet of the smallest geometric figure which can be described so as to enclose the actual copy of a sign. For an internally illuminated sign, the entire illuminated face is considered copy area. The copy area of a projecting sign or freestanding ground mounted sign is calculated on one (1) face of the sign only.

Directional sign: A sign designed and erected solely for the purpose of traffic or pedestrian direction and is placed on the property where the public is directed. Such a sign contains no advertising copy.

Directory sign: A sign listing the names, and location of various activities conducted within a building or group of buildings.

Electronic display techniques: For purposes of this Code electronic display techniques include any portion of a sign that contains alphanumeric characters, graphics or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination device within the display area, including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics onto the sign face.

Face of sign: The entire area of sign where copy could be placed.

Facia/wall sign: A flat sign which does not project more than eighteen inches (18") from the face of the wall of the building to which it is affixed or attached, running parallel for its entire length to the face or wall of the building, and which does not extend beyond the horizontal width of such building. A facia/wall sign shall be an on premises sign.

Flashing sign: Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever. Time and temperature signs are excluded from the category of flashing signs.

Freestanding sign: A sign which is ground mounted or supported by one (1) or more columns, uprights, or braces in or upon the ground, not attached to or forming part of a building.

Grade: The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.

Height of sign: The vertical distance measured from grade to the top of a sign.

Highway Advertising Control Act of 1971: An Act relating to the control of signs on lands adjacent to the Federal Aid Primary System and the National System of Interstate and Defense Highways in Illinois, as amended.

Illuminated sign: A sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

Individual letter sign: A wall sign made of self-contained letters that are affixed to the face of a building which does not project above the top of the parapet wall, does not project above any portion of the roof line, and which does not project above or below a marquee.

Message center sign: A changeable information display that is electrically activated, such as with light bulbs or mechanical flip discs, to convey information through changing letters, as numbers, figures or similar depictions. Signs which designate only the time and temperature shall not be considered message center signs.

Nameplate: A single faced sign which does not exceed two (2) square feet in size, is mounted to the principal building or mailbox. A nameplate mounted on the principal building may be illuminated in accordance with the performance standards.

Nonconforming sign: Any sign which was lawfully erected and maintained prior to such time as it came within the purview of this article and any amendments thereto, and which fails to conform to all the applicable regulations and restrictions of this chapter.

Portable business sign: A business sign not permanently attached to the ground, building, or any other structure, but not including exempt and temporary signs as regulated by Section 37-1104 of this chapter.

Portable sign: A sign not permanently attached to the ground, building, or to any other structure.

Projecting sign: Any sign other than a fascia/wall sign which is attached to, and projects not more than eighteen inches (18") from the face of the wall of the building to which it is affixed. The area of a projecting sign is calculated on all sign faces. No guy lines, braces or secondary supports shall be used. Any angle iron or main support shall be enclosed in a wood, plastic or metal form, such that the angle iron or main support is not visible.

Public service sign: A sign posted on public or quasi-public property, the function of which is to promote items of general interest to the community.

Residential development sign: A residential development sign is a permanently ground mounted identification sign constructed at the principal entrance of a residential development.

Sign: A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, pole or other outdoor surface or piece of land including pennants, which directs attention to an object, product, place, activity, person, institution, organization or business.

The definition of a sign shall not include any display or official court or public office notices nor shall it include a flag, emblem or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a separate sign. Search lights or beacons shall be prohibited.

Sign sticker, tag: A metal tag or self-adhesive sticker placed on the face of any sign requiring a permit bearing a number identifying the sign permit allowing installation of the sign.

Sign structure: A structure which supports, has supported, or is capable of supporting a sign, including decorative cover. No guy wire, braces, or secondary supports are to be used. Any angle iron or main support is to be enclosed in a wood, plastic, or metal form, such that the angle iron or main support is not visible.

Street: See Section 37-302 of this chapter.

Temporary sign: A sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, fabric or cardboard, wallboard, or other light materials, with or without frames, which is not permanently installed or affixed to any sign structure of a building. The one (1) exception is in the case of construction project signs that may be maintained for the duration of construction.

Unlawful sign: A sign which contravenes this chapter or which the Director, Department of Economic Development and Planning, may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or disrepair or a nonconforming sign for which a permit required under this chapter has not been obtained.

Vehicle sign: Any sign painted on, attached to, or mounted upon any operable motor vehicle. This definition does not include painted on, attached to, or mounted upon inoperable vehicles or upon trailers.

Window sign: A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

(2005 Code)

37-1103: GENERAL PROVISIONS.

A. The following general provisions shall apply in all zoning districts.

1. The requirements of this chapter shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, removal and relocation of all signs within zoning districts in the County; and any sign not expressly permitted by these regulations shall be prohibited. The regulations

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- of this chapter relate to the location of signs, by function and type, within the zoning districts and shall be in addition to provisions of the County Building and Electrical Codes.
2. All signs permitted under the Highway Advertising Control Act of 1971, as amended, shall be permitted therein provided such signs conform to the provisions of this chapter.
 3. No sign or sign structure shall be attached to a tree, telephone pole or other utility pole or structure.
 4. No sign shall be erected or located in a public right-of-way except as established by the authorized public entity responsible for the right-of-way.
 5. **Nonconforming Signs:** Any sign structure established prior to the effective date of this chapter which is rendered nonconforming by the provisions herein, and any sign structure which, as a result of subsequent amendments hereto, shall be rendered nonconforming, shall be subject to the regulations of Article V of this chapter.
 6. **Moving Signs:** No sign, or portion thereof, shall rotate, flash, flutter, or appear to move except as otherwise specifically permitted herein.
 7. **Wall Signs:** Except as hereinafter provided, no sign shall be painted or posted directly on the surface of any wall.
 8. **Roof Signs:** No sign shall be constructed or maintained on any portion of the roof of an improvement, nor shall such sign attached to an improvement project above any portion of the roof or parapet wall, whichever is higher.
 9. **Message Center Signs:** Message center signs as defined herein shall be allowed as conditional uses only.
 10. **Permanent Window Signs:** Permanent window signs shall conform to the requirements for wall signs under the provisions of the district in which they are located.
 11. **Flagpoles:** In all zoning districts, the property owner shall be permitted to construct and maintain not more than three (3) flagpoles which shall be within the buildable area or the required front yard. In all cases flagpoles shall be located not less than ten feet (10') from any property line and shall be utilized to display the American flag, state and County flags or other corporate, national or organizational flag. Such flagpoles shall be used exclusively as flagpoles and shall not also serve as light poles. Each flagpole may have a light fixture so that the flag may be illuminated during nighttime hours.
 12. **Yard Requirement:** Signs, unless otherwise provided for in this chapter, shall observe the same yard requirements as specified for other buildings and structures.
 13. **Setback From Street Right-Of-Way:** Except as allowed in Subsection 37-1105.1.D. of this chapter all ground and pole signs shall be set back from all street rights-of-way a minimum distance of fifteen feet (15') or one foot (1') for each ten (10) square feet of gross sign area of the largest sign face, whichever is the greater distance.
 14. **Pole and Ground Signs:** Pole signs permitted herein may be double faced, and may be constructed to a height of not more than twenty feet (20') above grade with the lowest edge of a pole sign not less than eight feet (8') above grade. Ground signs permitted herein may be double faced, and may not be constructed to a height of not more than ten feet (10') above grade.
 15. **Illumination:** The illumination of signs shall be diffused or indirect and shall be so treated that no direct rays shall be reflected: a) outside the boundary of the zoning lot on which the sign is located; or b) more than ten feet (10') above grade.
 16. **Vision Clearance; Corner Lots/Service Drives:** In addition to the provisions contained herein on corner lots, all signs shall comply with Section 37-405.3 of this chapter.

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17. **Sign Permits:** Except as hereinafter provided, all signs shall require sign permits which shall be issued by the DuPage County Building Department.
 18. Except as hereinafter provided, when a sign is not specifically listed as permitted in any specific zoning district, such sign shall be expressly prohibited.
- B. The following general requirements shall apply in each zoning district hereinafter specified.
1. **Portable Business Signs:** Portable business signs shall not be permitted in the residence districts and in all other districts shall comply with the following:
 - a. **Number and Size:** Not more than one (1) sign, single or double faced shall be permitted on a zoning lot, and shall contain not more than fifty (50) square feet of copy area per face.
 - b. **Type:** Only business signs shall be permitted.
 - c. **Permit Limitations:** A sign permit shall be obtained for all portable business signs. Permits for portable business signs shall be valid for a period of four (4) weeks. All such signs shall be removed within twenty-four (24) hours after expiration of the permit. No more than two (2) permits shall be issued on any one (1) zoning lot in any calendar year. All portable business signs shall comply with the requirements of the DuPage County Electrical Code.
 2. **Temporary Window Signs:** In all business districts, temporary window signs located inside of show windows shall occupy not more than twenty-five percent (25%) of the surface area of such windows. In all other districts, temporary business signs shall comply with Section 37-1104 of this chapter.
 3. **Advertising Signs:** Advertising signs within all public rights-of-way, railroad rights-of-way and utility easements shall be prohibited.
- C. **Electronic Display Techniques:** Including digital display, light emitting diodes (LED's), electronic messaging, moving, fluctuating signs: The following general requirements shall apply in each zoning district hereinafter specified.

(For purposes of this Code electronic display techniques include any portion of a sign that contains alphanumeric characters, graphics or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination device within the display area, including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics onto the sign face as defined herein)

1. Within five hundred feet (500') of Interstate Highway or State Toll Authority Roadway no sign or portion thereof may be established or operate using electronic display techniques as defined herein nor turn on an axis, rotate, revolve or otherwise physically move.
2. Any sign utilizing electronic display techniques in whole or in part must meet the following operational standards:
 - a. **Duration.** In all districts the full sign image or any portion thereof must have a minimum duration of ten (10) seconds and must be a static display. No portion of the displayed image may flash, scroll, twirl, change color, in any manner imitate movement, or meet the characteristics of a flashing sign as defined herein.
 - b. **Transition.** In all districts where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixelization.
 - c. **Brightness.** The sign must not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

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- d. **Dimmer control.** Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half (½) hour before sunset and one-half (½) hour after sunrise.
 - e. **Audio or pyrotechnics.** Audio speakers or any form of pyrotechnics on signs or as part of the operation of any sign are prohibited.
 - f. **Fluctuating or Flashing Illumination.** No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any manner creates the illusion of movement; and Video display.
 - g. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or in a manner that depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

(2005 Code; 2008 Code; Ord. No. T-1-17, 2-13-2018)

37-1104: EXEMPT AND TEMPORARY SIGNS.

The following signs are permitted in all districts subject to requirements hereinafter specified, and no sign permit is required. Signs exceeding the requirements of this section shall be required to have permits and shall conform to the requirements for permanent signs in the districts where they are located.

- A. **"For Sale" or "For Rent" Signs for Improved Lots:** One (1) sign, containing not more than five (5) square feet of total copy area for a single face sign and not more than ten (10) square feet of total copy area for a double face sign shall be permitted. No sign shall exceed six feet (6') in height above grade. On corner lots, one (1) additional sign of the same size shall be permitted for the second street. All such signs shall be temporary and shall be permitted for a period of time not to exceed six (6) months. On lots of one (1) acre or more, thirty-two (32) square feet of signage is allowed.
- B. **"For Sale," "For Rent" and "Construction" Signs for Vacant Property:** One (1) sign containing not more than sixteen (16) square feet of total copy area for a single sign face and not more than thirty-two (32) square feet of total copy area for a double face sign shall be permitted. No sign shall exceed six feet (6') in height above grade. All such signs shall be temporary and shall be permitted for a period of time not to exceed six (6) months, except construction signs may be maintained for the duration of construction. On lots of five (5) acres or more, thirty-two (32) square feet of signage is allowed.
- C. **Nameplate:** One (1) nameplate shall be permitted for each use. The maximum area of such nameplate shall be two (2) square feet, and such nameplate shall be affixed flat against a wall or door or may extend up to eighteen inches (18") from a wall provided safe access is available for pedestrians.

(2005 Code)

- D. **Accessory Signs:**
 - 1. **Entry/Exit Signs:** Not more than two (2) entry/exit sign shall be permitted for each entrance/exit to a single-family development, multiple-family development or a nonresidential use. Such entry/exit sign shall contain not more than two (2) square feet of total copy area; may be illuminated; shall be constructed not more than three feet (3') in height above grade; and shall be located not less than six feet (6') from any property line.

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2. **Parking Area Signs:** One (1) parking area sign may be erected for each separate parking area indicating only the terms under which the parking area may be utilized. Such parking area sign may be double faced and shall contain not more than six (6) square feet of total copy area per face and the message shall be the same on both faces; may be illuminated; shall be constructed not more than five feet (5') in height above grade, and shall be located not less than six feet (6') from any property line.

(Ord. T-4-05, 7-11-2006)

E. **Temporary Political Signs:**

1. Temporary political signs may be located in any zoning district provided that they are erected not more than sixty (60) days before an upcoming election, and must be removed within seven (7) days following an election.
2. The total copy area for all political signs shall not exceed ten (10) square feet of total copy area per zoning lot. No such sign shall exceed four feet (4') in height above grade.

F. **Temporary event signs.**

(2005 Code)

- G. **No Trespassing Signs:** One (1) sign per yard, (one (1) front, two (2) sides, one (1) corner side and one (1) rear yard), containing not more than two (2) square feet of total copy area for a single face sign and not more than ten (10) square feet of total copy area for a double face sign shall be permitted. No sign shall exceed six feet (6') in height above grade.
- H. Seasonal sales signs may be permitted after review and approval of the Director, Department of Economic Development and Planning. Such additional sign shall contain not more than thirty-two (32) square feet total copy area for a double faced sign and not more than sixteen (16) square feet of total copy area for a single faced sign; may be illuminated; shall be a ground mounted sign; shall be no more than five feet (5') in height above grade; and shall be set back a minimum distance of fifteen feet (15') from all street rights-of-way.
- I. **Home occupation identification sign:** One (1) identification sign shall be permitted for each use. The maximum area of such sign shall be no greater than two (2) square feet, and such sign shall be affixed flat against a wall or door or may extend up to eighteen inches (18") from a wall provided safe access is available for patrons.

(2005 Code; Ord. T-4-05, 7-11-2006)

37-1105: SPECIFIC SIGN REQUIREMENTS.

The following sign requirements shall apply within the following zoning districts of this chapter.

(2005 Code)

37-1105.1: R-1, R-2, R-3, R-4, R-5, R-6 AND R-7 SINGLE-FAMILY RESIDENCE DISTRICTS.

The following signs are allowed in all residence districts subject to the requirements hereinafter specified.

- A. **Exempt and Temporary Signs:** See Section 37-1104 of this chapter.
- B. **Multiple-Family and Planned Development Identification Signs:** Identification signs shall be permitted, containing only the name of the development and the name, address and telephone number of the

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management, leasing and sales company, including directional arrows. Such signs may be illuminated; shall contain not more than forty-eight (48) square feet of total copy area, with no single face of such sign containing more than twenty-four (24) square feet of total copy area; and shall be constructed not more than six feet (6') in height above grade. On corner lots, one (1) additional sign of the same size shall be permitted for the second street.

C. **Multiple-Family Accessory Signs:**

1. **Directional Signs:** Additional signs may be permitted after review and approval by the Director, Department of Economic Development and Planning. Such additional signs shall contain not more than five (5) square feet of total copy area; may be illuminated; shall be constructed not more than four feet (4') in height above grade; shall provide directions to the development (project) office only; and shall be located not less than six feet (6') from any property line.
2. **Office Signs:** Not more than one (1) office sign shall be permitted. Such sign shall contain not more than four (4) square feet of total copy area; may be illuminated; may be a wall or ground mounted sign, and when ground mounted, shall be constructed not more than five feet (5') in height above grade; and shall be located not less than six feet (6') from any property line.

D. **Nonresidential Signs:** For nonresidential uses allowed in the residential districts of the DuPage County Zoning Ordinance, the following provisions shall apply:

1. **Identification Sign and/or Bulletin Board Sign:** Identification signs and/or bulletin board signs shall be permitted, containing only the name, address, telephone numbers, proprietor, hours of operation, and coming events. Such sign may be illuminated; shall contain not more than forty-eight (48) square feet of total copy area for a double faced sign and not more than twenty-four (24) square feet of total copy area for a single faced sign, and shall be constructed not more than six feet (6') in height above grade. On corner lots, one (1) additional sign of the same size shall be permitted for the second street.
2. **Miscellaneous Signs:** Additional signs may be erected containing messages similar to, but not limited to, the following: office, emergency and doctor's entrance. Such additional signs shall contain not more than four (4) square feet of total copy area; may be illuminated; may be a wall or ground mounted sign, and, when ground mounted, shall be constructed not more than five feet (5') in height above grade; and shall be located not less than six feet (6') from any property line.

E. **Residential Development Sign:**

1. **Location:** Residential development signs may be located on a lot or in the road right-of-way if approved by the appropriate highway agency responsible for the right-of-way.
2. **Height:** At no time may a residential development sign exceed six feet (6') in height.
3. **Size:** In those locations not within a road right-of-way, a residential development sign may be illuminated and may be double faced; the gross surface area of the largest sign face shall not exceed twelve (12) square feet. For those signs located in a road right-of-way, the size of the sign shall be controlled by the appropriate highway agency responsible for the right-of-way.
4. **Permits:** All residential development signs shall require a sign permit from the DuPage County Building Division. For those signs located in a road right-of-way, proof of permission concerning the location and size of the proposed sign from the appropriate highway authority must be presented to the building division prior to the issuance of sign permits.

(2005 Code)

37-1105.2: B-1 BUSINESS, B-2 BUSINESS AND O OFFICE DISTRICTS.

The following signs are permitted in the B-1 business, B-2 business, and the O office districts subject to the requirements hereinafter specified.

- A. **Exempt and Temporary Signs:** See Section 37-1104 of this chapter.
- B. **Pole or Ground Mounted Signs:** One (1) sign shall be permitted for each zoning lot. Such sign shall be limited to only one (1) of the following: an individual business sign, an integrated shopping center sign or tenant directory, a planned development sign and/or tenant directory, an advertising sign, or a multiple use facility sign. Such sign may be pole or ground mounted, may be illuminated, may be double faced, and the total gross surface area of the largest sign face shall not exceed one (1) square foot of signage for every three (3) linear feet of street frontage, to a maximum of fifty (50) square feet for any single face. Where a zoning lot contains six hundred feet (600') or more of street frontage along any one (1) street, one (1) additional sign complying with the above sign specifications shall be permitted, provided such signs are located not less than three hundred feet (300') apart, and each sign face does not exceed fifty (50) square feet for any single sign face.

On corner lots, one (1) additional sign may be constructed on the second street where such street carries a designation of arterial street or major collector street, and the total gross surface area of the largest sign face along such street frontage shall not exceed one (1) square foot of signage for every four (4) linear feet of street frontage to a maximum of fifty (50) square feet for any single sign face provided that such sign is located not less than two hundred feet (200') from any other pole or ground mounted sign on the same zoning lot.

- C. **Wall Signs:** The total gross surface area of all wall signs shall not exceed the number of linear feet of building frontage.
- D. **Banners and Balloon Signs:**
 - 1. One (1) banner shall be allowed for each zoning lot. Such banner may be pole or wall mounted, may be illuminated, may be double faced, and the total gross surface area of the banner shall not exceed one hundred (100) square feet. On corner lots, one (1) additional banner may be displayed on the second street where such street carries a designation of arterial street or major collector street, and the total gross surface area of the additional banner shall not exceed fifty (50) square feet.
 - 2. One (1) balloon sign shall be permitted for each zoning lot provided that no banners are also displayed on that lot. Such balloon signs may be mounted to the ground, a pole, or the roof of the principal building, may be illuminated, and shall not exceed fifteen feet (15') in height or ten feet (10') in diameter.
 - 3. Sign permits shall be obtained for all banners and balloon signs. Permits for banners and balloon signs shall be valid for a period of four (4) weeks and may be issued only twice in a calendar year. All such signs shall be removed from the premises within twenty-four (24) hours after expiration of the permit.
 - 4. Before any sign permit for a banner or balloon sign is issued for the erection or use of a banner or balloon sign, a cash bond or irrevocable standby letter of credit shall be placed with the DuPage County Department of Economic Development and Planning, Zoning Division, to guarantee removal of the banner or balloon sign. The amount of the cash bond or irrevocable standby letter of credit shall be one hundred percent (100%) of the estimated reasonable cost of the removal of the banner or balloon sign from the lot.

(2005 Code)

37-1105.3: INDUSTRIAL DISTRICTS.

The following signs are permitted in the I-1 industrial district subject to the requirements hereinafter specified.

- A. **Exempt and Temporary Signs:** See Section 37-1104 of this chapter.
- B. **Pole or Ground Mounted Signs:** One (1) sign shall be permitted for each zoning lot. Such sign shall be limited to only one (1) of the following: an individual business sign, an integrated shopping center sign and tenant directory, a planned development sign and/or tenant directory, an advertising sign, or a multiple use facility sign. Such sign may be pole or ground mounted, may be illuminated, may be double faced, and the total gross surface area of the largest sign face shall not exceed one (1) square foot of signage for every two (2) linear feet of street frontage, to a maximum of one hundred (100) square feet for any single sign face. Where a zoning lot contains eight hundred feet (800') or more of street frontage along any one (1) street, one (1) additional sign complying with the above sign specifications shall be permitted, provided such signs are located not less than four hundred feet (400') apart, and each sign face does not exceed one hundred (100) square feet for any single sign face.

On corner lots, one (1) additional sign may be constructed on the second street where such street carries a designation of arterial street or major collector street, and the total cross surface area of the largest sign face along such street frontage shall not exceed one (1) square foot of signage for every three (3) linear feet of street frontage to a maximum of one hundred (100) square feet for any single sign face, provided that such sign is located not less than three hundred feet (300') from any other pole or ground mounted sign on the same zoning lot.
- C. **Wall Signs:** The total gross surface area of all wall signs shall not exceed the number of linear feet of building frontage.
- D. **Banners and Balloon Signs:**
 - 1. One (1) banner shall be allowed for each zoning lot. Such banner may be pole or wall mounted, may be illuminated, may be double faced, and the total gross surface area of the banner shall not exceed one hundred (100) square feet. On corner lots, one (1) additional banner may be displayed on the second street where such street carries a designation of arterial street or major collector street, and the total gross surface area of the additional banner shall not exceed fifty (50) square feet.
 - 2. One (1) balloon sign shall be permitted for each zoning lot provided that no banners are also displayed on that lot. Such balloon signs may be mounted to the ground, a pole, or the roof of the principal building, may be illuminated, and shall not exceed fifteen feet (15') in height or ten feet (10') in diameter.
 - 3. Sign permits shall be obtained for all banners and balloon signs. Permits for banners and balloon signs shall be valid for a period of four (4) weeks and may be issued only twice in a calendar year. All such signs shall be removed from the premises within twenty-four (24) hours after expiration of the permit.
 - 4. Before any sign permit for a banner or balloon sign is issued for the erection or use of a banner or balloon sign, a cash bond or irrevocable standby letter of credit shall be placed with the DuPage County Department of Economic Development and Planning, Zoning Division, to guarantee the removal of the banner or balloon sign. The amount of the cash bond or irrevocable standby letter of credit shall be one hundred percent (100%) of the estimated reasonable cost of the removal of the banner or balloon sign from the lot.

(2005 Code)

37-1105.4: O-R OFFICE RESEARCH AND I-2 INDUSTRIAL DISTRICTS.

The following signs are permitted in the O-R office research and I-2 industrial districts subject to the requirements hereinafter specified.

- A. **Exempt and Temporary Signs:** See Section 37-1104 of this chapter.
- B. **Pole or Ground Mounted Signs:** One (1) sign shall be permitted for each zoning lot. Such sign shall be limited to only one (1) of the following: an individual business sign, a planned development sign and/or tenant directory, an advertising sign, or a multiple use facility sign. Such sign may be pole or ground mounted, may be illuminated, may be double faced, and the total gross surface area of the largest sign face shall not exceed one (1) square foot of signage for every one (1) linear feet of street frontage, to a maximum of two hundred (200) square feet for any single sign face. Where a zoning lot contains one thousand feet (1,000') or more of street frontage along any one (1) street, one (1) additional sign complying with the above sign specifications shall be permitted, provided such signs are located not less than five hundred feet (500') apart, and each sign face does not exceed two hundred (200) square feet for any single sign face.

On corner lots, one (1) additional sign may be constructed on the second street where such street where such street carries a designation of arterial street or major collector street, and the total cross surface area of the largest sign face along such street frontage shall not exceed one (1) square foot of signage for every two (2) linear feet of street frontage to a maximum of two hundred (200) square feet for any single sign face provided that such sign is located not less than four hundred feet (400') from any other pole or ground mounted sign on the same zoning lot.

- C. **Wall Signs:** The total gross surface area of all wall signs shall not exceed the number of linear feet of building frontage.
- D. **Banners and Balloon Signs:**
 - 1. One (1) banner shall be allowed for each zoning lot. Such banner may be pole or wall mounted, may be illuminated, may be double faced, and the total gross surface area of the banner shall not exceed one hundred (100) square feet. On corner lots, one (1) additional banner may be displayed on the second street where such street carries a designation of arterial street or major collector street, and the total gross surface area of the additional banner shall not exceed fifty (50) square feet.
 - 2. One (1) balloon sign shall be permitted for each zoning lot provided that no banners are also displayed on that lot. Such balloon signs may be mounted to the ground, a pole, or the roof of the principal building, may be illuminated, and shall not exceed fifteen feet (15') in height or ten feet (10') in diameter.
 - 3. Sign permits shall be obtained for all banners and balloon signs. Permits for banners and balloon signs shall be valid for a period of four (4) weeks and may be issued only twice in a calendar year. All such signs shall be removed from the premises within twenty-four (24) hours after expiration of the permit.
 - 4. Before any sign permit for a banner or balloon sign is issued for the erection or use of a banner or balloon sign, a cash bond or irrevocable standby letter of credit shall be placed with the DuPage County Department of Economic Development and Planning, Zoning Division, to guarantee the removal of the banner or balloon sign. The amount of the cash bond or irrevocable standby letter of credit shall be one hundred percent (100%) of the estimated reasonable cost of the removal of the banner or balloon sign from the lot.

(2005 Code)

ARTICLE XII. OFF-STREET PARKING AND LOADING REQUIREMENTS

37-1201: GENERAL PROVISIONS.

37-1201.1: SCOPE OF REGULATIONS.

The off-street parking and loading provisions of this chapter shall apply as follows:

- A. **Off-Street Parking and Loading Facilities:** For all buildings and structures erected and for all uses of land established after the effective date of this chapter, or any amendment hereto, accessory off-street parking and loading facilities shall be provided for each particular type of permitted or conditional use. Where a building permit has been issued prior to the effective date of this chapter, provided construction is begun within ninety (90) days after the effective date thereof and diligently prosecuted to completion (completion to be accomplished within eighteen (18) months from the effective date of this chapter), parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amount required by this chapter.
- B. **Increased Parking and Loading Facilities:** Where the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, additional parking and loading facilities as required herein shall be provided for such increase in intensity of use only.
- C. **New Off-Street Parking and Loading Facilities:** Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. If the said building or structure was erected prior to the effective date of this chapter, additional parking or loading facilities are mandatory only in the amount for the new use.
- D. **Existing Off-Street Parking and Loading Facilities:** Accessory off-street parking and loading facilities in existence on the effective date of this chapter, or any amendment hereto, and located on the same zoning lot as the building, structure or use served, shall not here after be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this chapter.
- E. **Floor Area Determination Adjustment:** The amount of gross floor area for land uses appearing in Section 37-1203 of this chapter, items 1-1 through 1-7 inclusive of this chapter, utilized for determining the number of off-street parking spaces required shall be reduced in the amount by which the building places for such land uses show space devoted to atriums, auditoriums and cafeterias which are not open to the general public. Any reduction in required off-street parking spaces provided herein shall be based upon final architectural plans and specifications.
- F. **Damage or Destruction:** For any building containing a conforming use, legal conditional use, or legal nonconforming use which is in existence on the effective date of this chapter, and which building is subsequently damaged or destroyed by fire, collapse, explosion, or other cause, such building may be constructed, reestablished, or repaired provided off-street parking and loading facilities in an amount equivalent to that maintained at the time of such damage or destruction shall be restored or continued in operation. In no case, however, shall it be necessary to restore or maintain parking and loading facilities in excess of those required by this chapter for equivalent new uses or construction.

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- G. **Submission of Plot Plan and Plat of Survey:** Any application for a building permit, or for a zoning certificate where no building permit is required, shall include therewith, a plot plan and an up to date plat of survey drawn to scale and fully dimensioned, showing off-street parking and loading facilities to be provided in compliance with this chapter. The plan shall show:
1. The use of the building, structure, or parcel of land;
 2. The number of dwelling units, gross floor area, design capacity, estimated number of employees, or other units of measurement specified herein for determining the number of off-street parking spaces or loading berths required by the ordinance; and
 3. The arrangement, character, extent, width, grade, and location of all parking facilities shall be considered in relation to existing and planned streets; to reasonable circulation for traffic within and adjacent to parking areas; to topographical conditions and to runoff of stormwater; and public convenience and safety. No building, entrance permit, or zoning certificate shall be issued until the plot plan showing all required off-street parking and loading facilities is approved by the Director, Department of Economic Development and Planning.
- H. **Permissive Off-Street Parking and Loading Facilities:** Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve an existing use of a building, structure or parcel of land provided that all regulations governing the location, design, and control of such facilities are adhered to.
- When off-street parking or loading facilities are established, they may be decreased only when the facilities remaining will be at least equal to, or exceed the off-street parking or loading requirements resulting from application of the standards of this chapter to the entire use of the building, structure, or parcel of land as modified.
- I. **Parking Area Design:** It shall be the responsibility of the Director, Department of Economic Development and Planning, to review and approve plans for all parking lots containing more than four (4) spaces located less than forty feet (40') from a residence district line. Upon approval of the plans, the Director, Department of Economic Development and Planning shall issue a zoning certificate for such parking area.
- The arrangement, character, extent, width, grade and location of all parking areas shall be considered in relation to existing and planned streets; to reasonable circulation for traffic within and adjacent to parking areas; to topographical conditions and to the runoff of stormwater; and public convenience and safety. All parking areas including entrances and exists shall be designed in accordance with the "off-street parking chart," Section 37-1204, of this chapter.
- J. **Accessible Parking:** All uses except single-family detached or attached dwellings shall be required to provide off-street parking spaces for disabled persons in accordance with the standards established by the State of Illinois.
- K. **Time of Construction; Off-Street Parking and Loading Facilities:** Off-street parking and loading facilities, as required by this chapter, shall be constructed at the time of erection, establishment, alteration, or enlargement of any building, structure, or use of land. No occupancy certificate shall be issued by the Director, Department of Economic Development and Planning, until the required parking and loading facilities have been installed.

(2005 Code)

37-1202: OFF-STREET PARKING.

37-1202.1: GENERAL REQUIREMENTS.

- A. **EXEMPTION:** When the application of the off-street parking provisions specified in Section 37-1203 of this chapter results in a requirement of not more than three (3) spaces on a single zoning lot in any business, office research, or industrial district, such parking spaces need not be provided where the building is unmanned; however, where two (2) or more uses are located on a single lot, only one (1) of those shall be eligible for the above exemption.
- B. **LOCATION:** All required off-street parking spaces including aisles and driveways shall be located on the same zoning lot (principal lot) as the building or use to which they are accessory, or on a contiguous lot which bears a zoning classification allowing parking as a permitted use and which is under the same ownership or possession as the principal lot. Where there are particular difficulties, or if the public safety and/or public convenience would be better served by a location other than on the same lot or on a contiguous lot, the Director, Department of Economic Development and Planning, acting upon specific application, may authorize an alternative location. All off-street parking spaces including aisles and driveways shall be subject to the following conditions:
1. For a single-family dwelling of Categories 1-1 and 1-2 of Section 37-1203 of this chapter, if only one (1) of the required parking spaces is provided within a garage, the other required parking space may be located on the garage access driveway and may intrude into a required front yard but may not be located on a driveway turnaround. If none of the required spaces are provided within a garage, however, the required spaces shall not be located in a required front or side yard.
 2. For a single-family dwelling, Category 1-2 of Section 37-1203 of this article, the additional required one-half (½) parking space may be permitted contiguous to a local street subject to the approval of the Director, Department of Economic Development and Planning. Such parking spaces shall be located entirely within the development and may be located within the adjacent travel way of the street. Parking stalls shall be oriented at right angles to the travel way and shall be not less than twenty feet (20') in depth and nine feet (9') in width.
 3. Required parking space shall be located on the same lot as the use to which they are accessory or on land under the same ownership or control as that of the principal use. In this case, such required spaces shall be located within three hundred feet (300') walking distance of a building entrance to the use that the spaces serve. In the case of a collective provision of parking spaces, as provided in Section 37-1202.1 of this article, such land shall be in the ownership of not less than one (1) of the participants in the collective provision, and such required space shall be located within three hundred feet (300') walking distance of a building entrance to the use that such spaces serve.
 4. Off-street parking spaces, open to the sky, may be located in any required yard in any zoning district where such parking is not inconsistent with the zoning provisions of that district. Enclosed buildings and carports containing off-street parking spaces shall be subject to the applicable yard requirements in all districts.
 5. As an integral part of any planned development, where the design of a retail or business use has an orientation toward pedestrian or bicycle traffic which can be justified by appropriate documentation, a reduction in the number of required off street parking spaces may be granted of up to fifteen percent (15%) of the number of parking spaces otherwise required by the strict application of this chapter.
- C. **CONTROL OF OFF SITE PARKING FACILITIES:** In cases where required off site parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same ownership or possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such ownership or possession may be either by deed or other instrument, the term of such instrument to be determined by the County Board, subject to a minimum of thirty (30) years.

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- D. **SIZE AND CONFIGURATION:** Where the public safety or public convenience would be better served, the Director, Department of Economic Development and Planning, acting upon a specific application, may authorize modifications in all zoning districts for nonresidential and nonsingle-family residential uses as follows:
1. Compact car facilities where allowed shall be limited to twenty-five percent (25%) of the spaces required for the site.
 2. The minimum stall size for compact car facilities shall be not less than eight and one-half feet (8½') in width and not less than fifteen feet (15') in depth.
 3. All compact car facilities (areas) shall be appropriately marked by signs designating those spaces as "For Compact Cars Only."
- E. **OFF-STREET PARKING CHART:** All other requirements as to parking stall and aisle width shall be as or set forth or interpolated from Section 37-1204, "Off-Street Parking Chart," of this article.
- F. **ACCESS:** Access to parking areas along collector/arterial streets shall be designed, located and controlled pursuant to the Arterial Highway Development Policies and Standards for DuPage County, adopted by resolution of the County Board.

All areas providing for off-street parking facilities shall open directly upon an aisle or driveway not less than nine feet (9') wide for single-family, and twelve feet (12') wide for all others, or such additional width and design as shown in the "off-street parking chart," Section 37-1204 of this chapter. Where there are practical difficulties; where public safety convenience would be better served; or where due cause is shown, modification may be granted by the Director, Department of Economic Development and Planning, for lots of record existing on the date of application of this chapter.

- G. **COLLECTIVE PROVISION:** Off-street parking facilities for separate uses may be provided collectively if the total number of spaces is not less than the sum of the separate requirements for each such use for those uses that have the same or overlapping hours of operation. For those uses which have different hours of operation with no overlap, the number of parking spaces shall be equal to the greatest requirement of any group of uses in operation at the same time. The Director, Department of Economic Development and Planning, shall have the discretion to determine when such reduction in required parking is justified based on appropriate documentation.
- H. **COMPUTATION:** When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of less than one-half (½) may be disregarded, while a fraction of one-half (½) or more, shall be counted as one (1) parking space. Where parking spaces are required on an employee basis they shall be based on the maximum number of employees on a shift (duty) at any one (1) time.
- I. **UTILIZATION:** Except as may otherwise be provided for the parking of trucks where a conditional use has been granted, required accessory off-street parking facilities provided for uses listed in Section 37-1203 of this chapter shall be solely for the parking of passenger automobiles in operating condition by patrons, occupants, or employees. No vehicle repair work except emergency service shall be permitted in association with any off-street parking facility.
- J. **DESIGN AND MAINTENANCE:**
1. **Permit Required:** The creation of new off-street parking facilities and the expansion of existing off-street parking facilities for all nonresidential uses shall require the issuance of a permit from the Department of Economic Development and Planning, prior to such creation or expansion of parking facilities.

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2. **Plan:** Except for residential uses, the design for parking lots or areas shall be subject to the approval of the Director, Department of Economic Development and Planning, in accordance with standards approved by the County Board.
 3. **Character:** Accessory parking spaces may be open to the sky, or enclosed in a parking structure.
 4. **Surfacing:** All off-street parking spaces, drives and aisles or lanes accessory to any building, structure or use shall be improved with an all weather material in accordance with the following requirements:
 - a. Dwellings, as established under Section 37-1203 of this chapter, parking categories 1-1 and 1-2.
 - (1) Access driveways shall be paved from the street traveled way to the property line of the residential lot.
 - (2) For any residential zoning lot of category 1-1 accessing to an unimproved road, no paving shall be required. The minimum requirement for the driveway surface shall be eight inches (8") of compacted aggregate.
 - (3) For all other uses, the following standards shall apply: Surfacing shall consist of six inches (6") of compacted aggregate base course and two inches (2") of asphaltic wearing surface, or four inches (4") of aggregate base course with four inches (4") of concrete pavement.
 - b. Apartments and other residential uses, as established under Section 37-1203 of this chapter, parking categories 1-3, 1-4, 1-5 and 1-6. Surfacing shall consist of one (1) of the following:
 - (1) Six inch (6") unreinforced concrete pavement.
 - (2) Six inch (6") asphaltic concrete base with a two inch (2") asphaltic wearing surface.
 - (3) Ten inch (10") compacted aggregate with a two inch (2") asphaltic concrete wearing surface.
 - c. Other uses, as established under Section 37-1203 of this chapter, parking categories, number 2 through number 7, surfacing shall consist of one (1) of the following:
 - (1) Six inch (6") unreinforced concrete pavement.
 - (2) Six inch (6") asphaltic concrete base with a two inch (2") asphaltic wearing surface.
 - (3) Ten inch (10") compacted aggregate with a two inch (2") asphaltic concrete wearing surface.

Where in the opinion of the Director, Department of Economic Development and Planning the driveway will carry heavy loads, requirements shall be one (1) of the following:

 - (A) Eight inch (8") reinforced concrete pavement.
 - (B) Ten inch (10") asphaltic concrete base with a two inch (2") asphaltic concrete wearing surface.

See Subsection 37-1205.1H. of this chapter for surfacing of off-street loading areas and access aisles thereto.
 5. **Other Construction Specifications:**
 - a. Entrance drives for business and industrial complexes for passenger car use from public rights-of-way shall be a minimum of ten inches (10") of aggregate base course with three inches (3") of bituminous concrete surface course, unless the local political jurisdiction or appropriate highway authority requires a more restrictive improvement requirement.
 - b. Aggregate base course shall be either a crushed stone or crushed gravel.

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- c. Materials and construction methods shall be in accordance with the latest revision of the Illinois Department of Transportation (IDOT) standard specifications for road and bridge construction or the specifications of the Department of Economic Development and Planning or appropriate highway authority.
 - d. Service drives for business, office, and industrial parking areas and access drives to business, office, and industrial areas shall be reviewed on an individual basis. Design thickness shall be dependent on the specified use. However, the minimum requirement for a truck service drive shall be twelve inches (12") of aggregate base course with three inches (3") of bituminous concrete surface course.
 - e. Where curbs are hereinafter required, the construction specification shall be as follows: All curbs shall be barrier concrete curb, Type B, pursuant to the Illinois Department of Transportation (IDOT) Standard Design and Specification. Where such curb(s) are constructed adjacent to flexible pavement, the depth of curb below pavement surface shall be not less than nine inches (9").
6. **Curbs:** In all cases where off-street parking areas are used for stormwater management purposes, such areas shall be improved with permanent Portland concrete curb(s) or good quality railroad ties. Off-street parking areas shall be so located that no part of any parked vehicle shall extend beyond the property line or overhang any adjacent sidewalk or landscaped area.
 7. **Wheel Guards:** All off-street parking space within parking lots shall be provided with concrete wheel guards, bumper guards or continuous curbs permanently secured to the finished surface along the perimeter line and abutting the building. Wheel guards, bumper guards or continuous curbs shall be so located that no part of any parked vehicle will extend beyond the property line or encroached upon any adjacent sidewalk, and/or landscaped areas.
 8. **Striping:** All off-street parking spaces, within parking lots, shall be properly marked by a four inch (4") wide painted stripe. All such striping shall be clearly visible at all times.
 9. **Screening and Landscaping:** All open automobile parking areas containing four (4) or more parking spaces located less than forty feet (40') from a residential property line or from a street right-of-way line shall be effectively screened by a full landscape screen according to the provisions of Section 37-419, "Landscaping," of this chapter.

In all off-street parking facilities open to the sky which have a paved area of ten thousand (10,000) square feet or more, a minimum of ten percent (10%) of such area shall be landscaped to create visual relief. This landscaping shall be required in addition to any other landscaping required under this chapter and shall be established to break (soften) the expanse of paving being located throughout the paved area.

Landscaped areas shall not be planted so that there is any interference with required parking spaces.

10. Exposed sources of light shall be shielded in such a way that the light source shall not create harmful glare that is deleterious to adjacent properties, a road or road right-of-way or access easement.
11. **Headlight Glare:** All off-street parking areas shall be designed in such a way that headlight glare from any vehicle on the site shall be intercepted on the site. This shall be accomplished by site grading design, earth berming, or, where allowable, solid walls or fences.
12. **Lighting or Other Equipment:** Any lighting used to illuminate off-street parking facilities and circulation drives shall be directed away from residential properties and public streets in such a way as to not create a nuisance. In no case shall lighting exceed three (3) foot-candles measured at the property line, except, where the property is in a residential district or the property line is adjacent to or across a street right-of-way from a residential use or a residential zoning district, the light shall not exceed one-half (½) foot-candle measured at the property line. Lighting standards used to illuminate off-street

parking spaces and circulation drives may be located in required front, side or rear yards where off-street parking and circulation drives are allowed as permitted or conditional uses or by variations. The height of the lighting standards shall be as determined by the Director, Department of Economic Development and Planning. Loudspeaker systems shall not be permitted except by ordinance of the County Board after recommendation by the Zoning Board of Appeals.

13. **Shelter Building:** All parking area for accessory off-street parking shall have no more than one (1) attendant shelter building which shall conform to all setback requirements for buildings in the district and which shelter building in the R-1 through R-7, and B-1 districts shall contain not more than fifty (50) square feet gross floor area.
 14. **Signs:** Accessory signs shall be permitted for parking facilities in accordance with the provisions specified in Article XI of this chapter.
 15. **Repair and Service:** No motor vehicle repair work or service, or selling of gasoline or motor oil of any kind shall be permitted in conjunction with off-street parking facilities located in any district.
 16. **Slopes:** Minimum parking lot grades shall be five-tenths percent (0.5%). Desirable parking lot grades should not exceed five percent (5%). Maximum parking lot grades shall be seven percent (7%).
- K. **EXCEPTIONS:** All required off-street parking spaces and their appurtenant aisles and driveways (size of space and aisles) shall be provided on the same lot as the use for which the parking is provided. Areas provided for off-street parking spaces shall not be encroached upon or reduced in any manner except upon the granting of an exception by the County Development Committee of the County Board. Exceptions may be granted in the following instances:
1. **Shared Ride/Car Pooling Programs:** Increasing the number of passengers per motor vehicle, decreases parking demand, e.g., employer sponsored van pooling, car pooling and subscription bus service. Utilization of these programs may warrant a reduction of required parking.

To qualify for van pooling, car pooling or subscription bus service, the petitioner shall submit evidence to the County Development Committee of the County Board that their van pooling, car pooling or subscription bus service program meets the requirements of this chapter.
 - a. **Shared Ride/Subscription Bus Service Program:** An exception to reduce required parking by up to ten percent (10%), based on substantiated projections reducing parking demand, may be granted for any business, office or industrial building or complex containing not less than fifty thousand (50,000) square feet of gross floor area, where the petitioner has instituted or proposes to institute a shared ride/subscription bus service program which meets the following requirements:
 - (1) The petitioner is participating or shall participate in an appropriate van pooling/subscription bus service program established under the provisions of the County Board of DuPage County.
 - (2) Petitioner will obtain for lease to qualified employees, vans, buses, or other high passenger capacity vehicles, for the purpose of providing transportation of additional passengers.
 - (3) Petitioner will operate or hire vans, buses or other high passenger capacity vehicles to provide exclusive or nonexclusive commuter transportation of employees from residential areas, train stations or other transit terminals.
 - (4) Petitioner shall promote "third party" employee owned/leased and operated vans, buses or other high passenger capacity vehicle for the purpose of providing transportation of additional passengers.

- b. **Car Pooling Program:** An exception to reduce required parking by up to ten percent (10%), based on substantiated projections reducing parking demand, may be granted for any business, office or industrial building or complex containing not less than fifty thousand (50,000) square feet of gross floor area, when the petitioner has instituted or proposed to institute a car pooling program which meets the following requirements:
- (1) Car pooling program shall be the specific responsibility of a designated individual or department.
 - (2) Program shall provide an active matching service using manual or automated matching of addresses and providing employees with potential car pools (passive matching alone such as bulletin boards is not acceptable).
 - (3) Program shall endeavor to register all existing and all new employees.
 - (4) Program shall actively promote car pooling to employees through newsletter posters and other media.
2. **Transit Facilities:** The availability of rapid rail and scheduled bus service can decrease the parking demand in certain instances. To qualify for permissible reductions in parking space requirements because of close proximity to transit rail or bus transit services, the Petitioner shall submit evidence to the County Development Committee of the County Board that their business location meets the general guidelines of DuPage County as follows:
- a. An exception to reduce required parking by up to ten percent (10%) based on substantiated projections (ridership) reducing parking demand, may be granted for any residential subdivision or planned development of ten (10) dwelling units or more, office, business or industrial building or complex located within one-half (½) mile of any commuter rail station or other recognized transit station.
 - b. An exception to reduce required parking by up to five percent (5%) based on substantiated projections (ridership) reducing parking demand, may be granted for any residential subdivision or planned development of ten (10) dwelling units or more office, business or industrial building or complex located within one-quarter (¼) mile of any regularly scheduled bus route with service during peak commuting hours.
3. **Reserved Land Area for Parking:** All business, office or industrial buildings or complexes containing not less than fifty thousand (50,000) square feet of gross floor area where the petitioner is considering instituting shared ride/subscription bus service programs and/or car pooling program shall reserve adequate land area consistent to the requirements of this chapter to provide for the required off-street parking in case any one (1) of the above programs or any other similar programs ceases to operate.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1203: SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.

37-1203: SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

| DWELLINGS | | |
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| 1-1 | Dwelling, Single-Family Detached Separate living quarters, domestic Servants | Two (2) parking space per each dwelling unit |

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| 1-2 | Dwelling, Single-Family Attached Dwelling, Two Units Dwelling, Three Units Quadraplexes Mobile Home Parks> | Two and one-half (2.5) parking spaces per each dwelling unit, to be located on the lot. Where available the half (0.5) parking space requirement may be located in a common area owned and operated by the management of the facility or by the Homeowners Association of the facility. |
| 1-3 | Apartments (Multiple Family) except as shown above and except for elderly housing. Studio, Efficiency or one (1) bedroom | One and one-half (1.5) parking spaces per dwelling unit; Where available the half (0.5) parking space requirement may be located in a common area owned and operated by the management of the facility or by the Homeowners Association of the facility. Two Bedrooms - one and one and three quarters (1.75) parking spaces per dwelling unit; Where available the half (0.5) parking space requirement may be located in a common area owned and operated by the management of the facility or by the Homeowners Association of the facility. Three or more bedrooms-two (2) parking spaces per dwelling unit. Where available the half (0.5) parking space requirement may be located in a common area owned and operated by the management of the facility or by the Homeowners Association of the facility. |
| 1-4 | Elderly Housing | One (1) parking space per each two (2) dwelling units; plus one (1) space per each employee on the premises; plus not less than ten percent (10%) of all spaces to be reserved for the disabled. |
| GROUP QUARTERS | | |
| 1-5 | Dormitory Fraternity Lodging House | Five (5) parking spaces per each 1,000 square feet of gross floor area. |

| RESIDENTIAL CARE | | |
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| 1-6 | Day Care Center - Adult Day Care Home Family Care Home for the Developmentally Disabled Foster Family Home Senior Citizen Home Sharing | One (1) parking space per each employee, plus One (1) parking space per each three (3) residents based on rated design capacity. |
| 1-7 | Day Care Center Night Care Facility | One (1) parking space per each employee, plus One (1) parking space per each fifteen (15) children based on rated design capacity. |
| 1-8 | Principal Arterial Office Uses | Minimum and maximum three (3) spaces per 1,000 square feet of office space within the dwelling unit. |
| PARKING CATEGORY NUMBER 2 - SCHOOLS | | |
| 2-1 | Business, Corporate Training Centers Dance School Music School | Four (4) parking spaces for each 1,000 square feet of gross floor area. |
| 2-2 | Elementary, public or private Junior High, public or private | One (1) parking space per each classroom, plus One (1) parking space per each employee and visitor parking |
| 2-3 | Senior High, public or private | One (1) parking space per each employee, plus One (1) parking space per each six (6) students based on rated design capacity. |
| 2-4 | College or University Trade Schools Vocational Schools | One (1) parking space per each one (1) employee plus One (1) parking space per each four (4) students based on rated design capacity. |
| PARKING CATEGORY NUMBER 3 - HEALTH/MEDICAL | | |
| 3-1 | Medical or Dental Clinic | Five (5) parking spaces per each 1,000 square feet of gross floor area. |
| 3-2 | Hospital or Medical Center | A parking study shall be required which analyzes parking demand and supply on the basis of number of beds, employees, |

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| | | ratio of inpatient to outpatient usage, and other pertinent factors. |
| 3-3 | Home for the Aged Intermediate Care Facility Nursing Home Sheltered Care Facility Sheltered Care Home Skilled Nursing Facility | One (1) parking space per each two (2) beds plus One (1) parking space per each employee or one and one-half (1½) parking spaces per each 1,000 square feet of gross floor area, whichever is greater. |
| PARKING CATEGORY NUMBER 4 - RECREATIONAL/CIVIC/SOCIAL | | |
| 4-1 | Art Gallery, private Club or Lodge Community Center Community Theater, amateur Gymnasium Health Club Indoor Arena Indoor Stadium Labor Union Halls Library, public or private Museum, private Other Indoor Recreation Other Meeting Places for an organization Recreation Building | Four (4) parking spaces per each 1,000 square feet of gross floor area. |
| 4-2 | Golf Courses | Forty (40) parking spaces per each nine (9) holes, plus, one (1) parking space per each two (2) employees, plus Additional parking spaces as applicable for any accessory retail/service area in accordance with the provisions of Sec. 37-12.1. |
| 4-3 | Theater Race Track | Thirty (30) parking spaces per each 1,000 square feet of gross floor area. |
| 4-4 | Theater, Drive-In | Reservoir/stacking parking spaces equal in number to ten percent (10%) of rated design capacity use. |
| 4-6 | Swimming Facilities | One (1) parking space per each seventy-five (75) square feet of water, |

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| | | plus One (1) parking space per each two (2) employees. |
| 4-7 | Handball Club Racquetball Club | Two (2) parking spaces per each court, plus One (1) parking space per each employee. |
| PARKING CATEGORY NUMBER 5 - PLACE OF ASSEMBLY USE RELIGIOUS USE/INSTITUTIONAL | | |
| 5-1 | Cemetery Columbarium Crematory Mausoleum | Two (2) parking spaces per each 1,000 square feet of gross floor area. |
| 5-2 | Main Place of Assembly | One (1) space for every two (2) seats in the main assembly area based on designed rated occupant load. |
| 5-3 | Convent Monastery Nunnery Religious Retreat | One (1) parking space per each nonresident employee, plus One (1) parking space per each five (5) residents. |
| PLACE OF ASSEMBLY USE- CIVIC/SOCIAL | | |
| 5-4 | Private Club or Lodge | One (1) space for every two (2) seats in the main assembly area based on designed rated occupant load. |
| PARKING CATEGORY NUMBER 6 - BUSINESS USES | | |
| RETAIL | | |
| 6-1 | Amusement Arcades Auction Facilities Recreation Centers | Ten (10) parking spaces per each 1,000 square feet of gross floor area. |
| 6-2 | Antique Shops Art Shops or Gallery Automobile Accessory Stores Automobile Service Stations Bakery Stores Bicycle Sales, Rental and Repair Book and Stationery Stores Business Machine Store, Sales and Service Camera and Photographic Supply Stores Candy and Ice Cream Stores Car Radios & Mobile Telephones, Sales Only | Four (4) parking spaces per each 1,000 square feet of gross floor area. |

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| <p> Catering Establishments Coin and Philatelic Stores Dairy Product Establishments Department Stores Discount Stores Drug Stores Dry Cleaning & Laundry, Automatic Dry Cleaning & Laundry Receiving Stations Dry Goods Stores Electrical Appliance Stores Electrical Show Rooms Florist Shops Flower Shops with Conservatories Frozen Food Store Fruit Markets Garden Supply, Tool, and Seed Stores Gift Shops Hardware Stores Hobby Shops Household Appliance Stores Interior Decorating Shops Jewelry Stores Meat Markets Mini-marts Package Liquor Stores Pawn Shops Pet Shops Photography Studios Plumbing Showrooms Prepared Food Delivery Store Quick Print Shops Radio and Television Sales, Service, and Repair Shops Roadside Stands Sewing Machine Sales and Service Shoe Stores Sporting Goods Stores Tattoo Parlors Tile Stores Tobacco Shops Toy Shops </p> | |
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| | Variety Stores Wearing Apparel Shops | |
| 6-3 | Carpet and Rug Stores China and Glassware Stores Clothing and Costume Rental Stores Electrical Showrooms Exterminating Shops Furniture Stores Furrier Shops Hearing Aid Stores Leather Goods and Luggage Stores Live Bait Stores Locksmith Shops Mail Order and Catalog Sales Stores Motor Vehicle Sales - New and Used Music Stores Office Machine Sales Open Sales Lots Optical Office & Sales Orthopedic and Medical Appliance Stores Packaging and Crating Paint, Glass and Wallpaper Stores Tailors | Three (3) parking spaces per 1,000 square feet of gross floor area. |
| 6-4 | Boats, Campers, Mobile Homes and Recreational Van Sales and Rental | One (1) parking space per each 2,000 square feet of gross land area. |
| MOTEL/HOTEL | | |
| 6-5 | Hotel, Motel Lodging Room | One (1) parking space per each lodging room, plus One(1) parking space per each employee, plus additional parking spaces applicable, per the accessory retail service/entertainment area in accordance with the provisions of Sec. 37-12.1 of this Ordinance. |
| RESTAURANT, TAVERN, AND BANQUET FACILITY | | |
| 6-6 | Class "A" Restaurant | Fifteen (15) parking spaces per each 1,000 square feet of gross floor area, plus |

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| | | Five (5) reservoir spaces per each drive-in window. |
| | Class "B" Restaurant | Fifteen (15) parking spaces per each 1,000 square feet of gross floor area, plus five (5) reservoir spaces per each drive-in window. |
| | Class "C" Restaurant | Twenty (20) parking spaces per each 1,000 square feet of gross floor area, plus five (5) reservoir spaces per each drive-in window. |
| | Banquet Facility | One (1) parking space for every four (4) seats, plus One (1) parking space per each employee. |
| | Carry Out Restaurants | Four (4) parking spaces per each 1,000 square feet of gross floor area. |
| SERVICES | | |
| 6-7 | Office, Business, Professional & Governmental, excluding Medical/Dental | Three (3) parking spaces per each 1,000 square feet of gross floor area. |
| 6-8 | Animal Grooming Animal Pound Automobile Repair Garages Building or Related Trades Caskets & Cemetery Vaults Carpenter Shops, Air Conditioning, Plumbing and Heating Shops Duplicating and Letter Service Firms Ice Sales and Storage | Three (3) parking spaces per each 1,000 square feet of gross floor area. |
| 6-9 | Animal Hospitals & Veterinarian Art Work, Commercial Graphics Banks Barber Shops Beauty Parlors Blueprinting Establishments Currency Exchanges Dry Cleaning Plants Employment Agency Financial Institutions Kennels Laundromats | Four (4) parking spaces per each 1,000 square feet of gross floor area, plus Five (5) reservoir parking spaces per each drive-in window. |

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| | <p>Laundry Plants Linen, Towel, Diaper and similar supplies Machine Sales Medical/Dental Laboratories Pet Cemeteries Photostating Establishment Radio Stations or Studios Recording or Sound Studios Service, general Shoe and Hat Repair Stores Taxidermist Television Stations or Studios Ticket Agency Transportation Ticket Office Travel Bureaus Utility Facilities Offices, private Utility Facilities Offices, public</p> | |
| SERVICES/TRADE | | |
| 6-10 | <p>Automobile Rentals Building Materials & Products, Sales and Storage Contractor or Construction Offices, Shops or Yards Greenhouses and Nurseries Model Homes and Garage Displays</p> | <p>One (1) parking space per each 1,000 square feet of gross floor area, plus One (1) parking space per each employee.</p> |
| SERVICE/MISCELLANEOUS | | |
| 6-11 | <p>Funeral Homes</p> | <p>Four (4) parking spaces per each 1,000 square feet of chapel area or four (4) parking spaces per each seventy-two (72) lineal inches of seating space. In addition, there shall be not less than one (1) parking space per each vehicle used in conducting business and one (1) parking space per each employee.</p> |
| 6-12 | <p>Automobile Laundries, Manual</p> | <p>One (1) parking space per each two (2) employees, plus Two (2) reservoir parking spaces per each washing bay, one (1) of which shall be located in front of, and one (1) directly in back of each manual car wash bay.</p> |

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| | Automobile Laundries, Automatic | One (1) parking space per each two (2) employees, plus Fifteen (15) reservoir parking spaces. |
| INTEGRATED SHOPPING CENTERS | | |
| Integrated Shopping Centers which do not contain theaters, restaurants, medical offices or other uses requiring spaces in excess of five (5) spaces per 1,000 square feet of gross floor area as determined by the Director, County Development Department, shall provide parking spaces in accordance with the following: | | |
| 6-13 | Shopping Centers, CLASS A, with up to 24,000 square feet of gross floor area. | Three (3) parking spaces per each 1,000 square feet of gross floor area. |
| 6-14 | Shopping Centers, CLASS B, with 24,000 square feet, but less than 400,000 square feet of floor area. | Four (4) parking spaces per each 1,000 square feet of gross floor area. |
| 6-15 | Shopping Centers, CLASS C, with 400,000 square feet or more of gross floor area. | Four and one-half (4.5) parking spaces per each 1,000 square feet of gross floor area. |
| Where theaters, restaurants, medical offices or other uses requiring spaces in excess of five (5) spaces per 1,000 square feet of gross floor area as determined by the Director, County Development Department, are established as a portion of any Integrated Shopping Center, such uses shall provide parking spaces calculated on the basis of the individual use(s) using the schedule of Off-street Parking Requirements under Sec. 37-12.3. | | |
| PARKING CATEGORY NUMBER 7 - INDUSTRIAL USES | | |
| 7-1 | Agricultural Implement Sales and Service Asphalt Products Manufacture Bakeries Beverages, Bottling and Distribution Boiler and Tank Manufacturing Boot and Shoe Manufacturing Concrete Mixing Plants Dairy Products Processing Electronic & Scientific Precision Instruments Mfg. Food Mfg., Packaging & Processing Fuel Distribution, Gasoline, LP gas Furniture, Bedding and Carpet Manufacture General Manufacturing and Industrial Activities Glass Products Production & Sales Laboratories for Engineering and Testing | One (1) parking space per each 1,000 square feet of gross floor area or one (1) parking space per each two (2) employees, whichever is greater. |

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| | <p>Activities</p> <p>Light Machinery Production & Assembly</p> <p>Machine Shops</p> <p>Mail Order Houses</p> <p>Metal Stamping</p> <p>Mining, Loading, Hauling of Sand, Gravel and other Aggregate</p> <p>Paper Products Manufacture</p> <p>Pottery and Ceramics Manufacture</p> <p>Printing and Publishing Establishment</p> <p>Sheet Metal Shops</p> <p>Stone Products Manufacture</p> <p>Wearing Apparel Manufacture</p> <p>Woodworking</p> <p>Other Industrial, Processing, Assembly and Finishing</p> | |
| 7-2 | <p>Air Freight Terminal</p> <p>Cartage & Express Facility</p> <p>Motor Freight Terminal</p> <p>Railroad Freight Terminal</p> | Two (2) parking spaces per 1,000 square feet of gross floor area or two (2) parking spaces per each three (3) employees, whichever is greater. |
| 7-3 | <p>Warehouses, Storage & Distribution Facilities</p> <p>Wholesaling</p> | One (1) parking space per each 1,000 square feet of gross floor area up to 100,000 square feet of gross floor area. Thereafter, one (1) additional parking space per each 2,000 square feet of gross floor area. |
| 7-4 | <p>Automobile Graveyard</p> <p>Automobile Salvage</p> <p>Junkyard</p> <p>Sanitary Landfill</p> <p>Solid Waste Collection Transfer Station</p> | Two (2) parking spaces per each employee. |
| TRANSPORTATION/ COMMUNICATION/ PUBLIC UTILITIES | | |
| 7-5 | <p>Airport/Heliport</p> <p>Bus Station</p> <p>Self-Storage Facilities</p> <p>Essential services, including fully automated gas regulating stations, telephone exchanges and electric substations.</p> <p>Railroad passenger stations when not located on railroad property.</p> <p>Towers and antennas, commercial, for</p> | Parking spaces and reservoir area as determined by the Director. |

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| | radio, television, and telephone transmitting, receiving or relay stations. Waste water treatment plants. Water works, reservoirs, pumping stations, filtration plants and wells. Other governmental and utility service uses. | |
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(Ord. No. T-3-10A, § 1, 3-20-2011; Ord. No. T-2-12, 10-23-2012)

37-1204: OFF-STREET PARKING CHART.

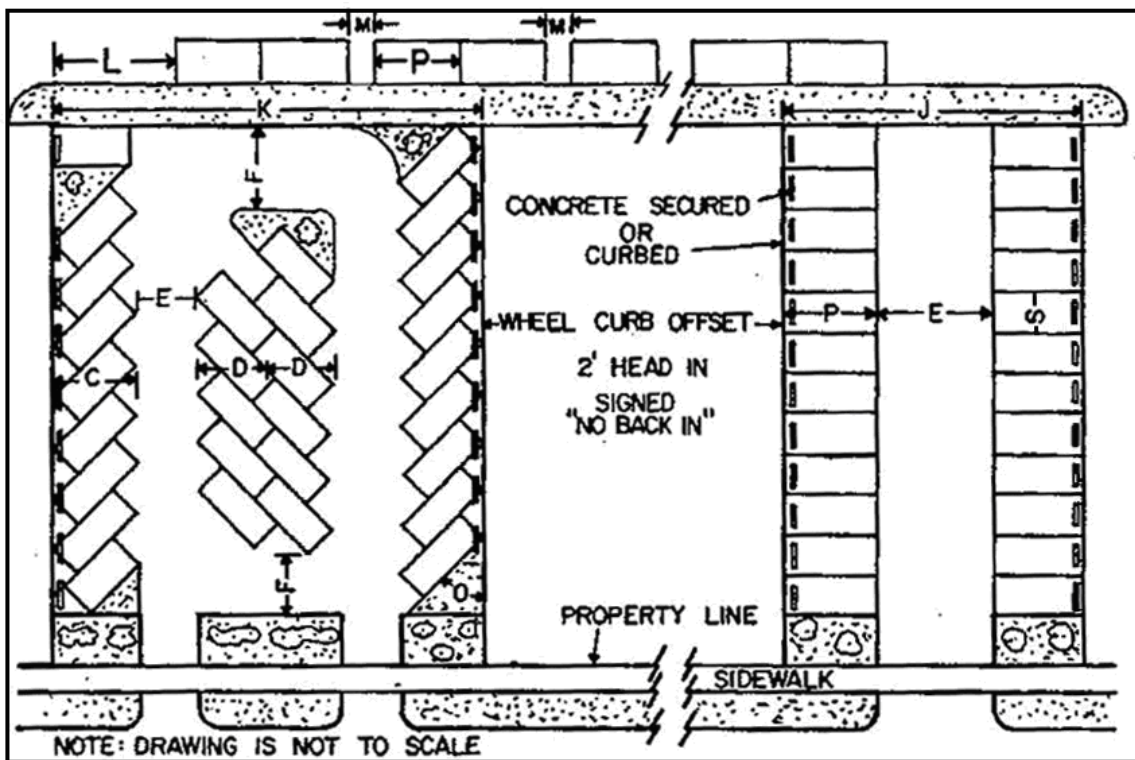


TABLE OF DIMENSIONS (IN FEET)

| PARKING | SIZE | ANGLE | S | P | C | D | E | F | J | K | L | M |
|---------------|----------|-------|------|-----|-----|-----|-----|-----|-----|------|-----|----|
| PARALLEL | COMPACT | 0° | 8' | 19' | 8' | 8' | 12' | 15' | 28' | 56' | 25' | 5' |
| PARALLEL | STANDARD | 0° | 9' | 22' | 9' | 9' | 12' | 15' | 30' | 60' | 25' | 5' |
| ANGLE | COMPACT | 30° | 8.5' | 15' | 15' | 11' | 15' | 15' | 45' | 82' | - | - |
| ANGLE | STANDARD | 30° | 9' | 18' | 17' | 13' | 15' | 15' | 49' | 90' | - | - |
| ANGLE | COMPACT | 45° | 8.5' | 15' | 17' | 13' | 18' | 15' | 52' | 96' | - | - |
| ANGLE | STANDARD | 45° | 9' | 18' | 19' | 16' | 18' | 15' | 56' | 106' | - | - |
| ANGLE | COMPACT | 60° | 8.5' | 15' | 17' | 15' | 21' | 15' | 55' | 106' | - | - |
| ANGLE | STANDARD | 60° | 9' | 18' | 20' | 18' | 21' | 15' | 61' | 118' | - | - |
| PERPENDICULAR | COMPACT | 90° | 8.5' | 15' | 15' | 15' | 24' | 24' | 54' | 108' | - | - |

| | | | | | | | | | | | | |
|---------------|----------|-----|----|-----|-----|-----|-----|-----|-----|------|---|---|
| PERPENDICULAR | STANDARD | 90° | 9' | 18' | 18' | 18' | 24' | 24' | 60' | 120' | - | - |
|---------------|----------|-----|----|-----|-----|-----|-----|-----|-----|------|---|---|

37-1205: OFF-STREET LOADING REQUIREMENTS.

37-1205.1: GENERAL REQUIREMENTS.

- A. **LOCATION:** All required off-street loading facilities shall be located on the same zoning lot as the building or use to which they are accessory, or central loading facilities may be established in accordance with the provisions of this chapter.

Off-street loading berths, open to the sky, may be located in any required side or rear yard in any zoning district where such berth is not inconsistent with the zoning provisions of that district. Enclosed buildings containing off-street loading spaces shall be subject to the applicable yard requirements in all districts.

1. **Central Loading Facilities:** Central loading facilities may be substituted for off-street loading facilities on individual zoning lots provided the following conditions are fulfilled.
 - a. Each zoning lot served shall have direct access to the central loading area without crossing streets.
 - b. The total number of off-street loading berths provided shall meet the minimum requirements of this chapter, based on the sum of the several types of uses served. Area of types of uses may be totaled before computing number of loading berths.
 - c. No zoning lot served shall be located more than three hundred feet (300') from the central loading area.
 2. **Control of Central Loading Facilities:** When the required off-street loading facilities are collectively provided and used in central loading facilities, written covenants and easements assuring their retention, maintenance, and use for such purposes shall be executed by the parties concerned. Such covenants and easements shall be reviewed by the Director, Department of Economic Development and Planning, approved as to content and form by the States Attorney and filed for record in the office of the County Recorder.
- B. **ACCESS:** All off-street loading facilities shall open directly upon an aisle or driveway not less than twelve feet (12') wide or to a public street.
- C. **COMPUTATION:** When determining the number of off-street loading berths required by this chapter, the computation results in a requirement of a fractional berth, any fraction of less than one-half (½) may be disregarded, while a fraction of one-half (½) or more, shall be counted as one (1) loading berth.
- D. **SIZE:** See Section 37-1205.3, "Schedule of Off-Street Loading Requirements," of this chapter.
- E. **SHELTER BUILDING:** No loading area for accessory off-street loading shall have more than one (1) attendant shelter building which shall conform to all setback requirements for structures in the district and shall contain not more than fifty (50) square feet of gross floor area.
- F. **UTILIZATION:** Space allocated to any off-street loading facility shall not, while so allocated, be used to satisfy the requirement for any off-street parking facilities or portion thereof.
- G. **MINIMUM LOADING FACILITIES:** Uses of buildings, structures, or parcels of land which require off-street loading facilities, but which have less area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent service drive on the same lot.

- H. **SURFACING:** All open off-street loading areas and access aisles shall be improved with a compacted stone base not less than twelve inches (12") thick, and shall be surfaced with not less than four inches (4") of asphaltic concrete or reinforced Portland cement concrete not less than eight inches (8") thick with compacted stone base of not less than four inches (4") thick.
- I. **SCREENING AND LANDSCAPING:** All open off-street loading areas located less than forty feet (40') from a residential property or from a street right-of-way line shall be effectively screened by a full landscape screen according to the provisions of Section 37-4.19, "Landscaping," of this chapter.
- J. **LIGHTING:** Any lighting used to illuminate off-street loading areas shall be directed away from residential properties and public streets in such a way as to not create a nuisance.
- K. **SIGNS:** Accessory signs shall be permitted for loading areas in accordance with the provisions specified in Article XI of this chapter.
- L. **VARIATIONS:** Reserved.

(2005 Code)

37-1205.2: SPECIFIC REQUIREMENTS.

All off-street loading berths shall be provided in accordance with the specific loading classes as hereinafter set forth in the off-street loading requirements (loading classes). If, for any reason, the classification of any use, for the purpose of determining the amount of off-street loading, or the number of berths to be provided by such use is not readily determinable, the loading class of such use shall be fixed by the Director, Department of Economic Development and Planning.

(2005 Code)

37-1205.3: SCHEDULE OF OFF-STREET LOADING REQUIREMENTS.

| Parking Category | Gross Floor Area Subcategories | Minimum Horizontal in Square Feet | Required Number and Dimensions of Berths |
|---------------------------|--------------------------------|---|--|
| No. 1 | | | |
| Residential | 1-3 through 1-7 | 10,000 to 200,000 | 1 - (12 feet x 30 feet) |
| | | For each additional 200,000 or fraction thereof | 1 - additional (12 feet x 30 feet) |
| No. 2 | | | |
| Schools | 2-1 through 2-4 | 10,000 to 200,000 | 1 - (12 feet x 30 feet) |
| No. 3 | | | |
| Health/medical | 3-1 through 3-3 | 10,000 to 200,000 | 1 - (12 feet x 30 feet) |
| No. 4 | | | |
| Recreational/civic/social | 4-1 through 4-7 | For each additional 200,000 or fraction thereof | 1 -additional (12 feet x 30 feet) |
| No. 5 | | | |

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| | | | |
|-------------------------|-------------------|---|--|
| Religious/institutional | 5-1 through 5-3 | For each additional | 1 - additional 200,000 or fraction thereof (12 feet x 30 feet) |
| No. 6 | | | |
| Business uses | | | |
| Retail | 6-1 through 6-4 | 5,000 to 25,000 | 1 - (12 feet x 30 feet) |
| Retail | 6-5 | 10,000 to 200,000 | 1 - (12 feet x 30 feet) |
| | | For each additional | 1 - additional 200,000 (12 feet x 30 feet) |
| Retail | 6-6 | 5,000 to 10,000 | 1 - (12 feet x 30 feet) |
| Services | 6-7 through 6-9 | 10,000 to 100,000 | 1 - (12 feet x 30 feet) |
| | 6-11 | 1 - additional 100,000 or fraction thereof | (12 feet x 30 feet) |
| Service/trade | 6-10 | 10,000 to 200,000 | 1 - (12 feet x 30 feet) |
| | | For each additional 200,000 or fraction thereof | 1 - (12 feet x 30 feet) |
| Service miscellaneous | 6-13 through 6-15 | 5,000 to 25,000 | 1 - (12 feet x 30 feet) |
| | | 25,000 to 200,000 | 1 - (12 feet x 30 feet) 1 - (12 feet x 60 feet) |
| | | 200,000 to 400,000 | 2 - additional (12 feet x 30 feet) |
| | | For each additional | 1 - additional |
| | | 100,000 over 400,000 or fraction thereof | (12 feet x 60 feet) |
| No. 7 | | | |
| Industrial uses | 7-1 through 7-5 | 5,000 to 10,000 | 1 - (12 feet x 30 feet) |
| | | 10,000 to 40,000 | 1 - (12 feet x 60 feet) |
| | | 40,000 to 100,000 | 1 - (12 feet x 30 feet) 1 - (12 feet x 60 feet) |
| | | For each additional 100,000 or fraction thereof | 1 - additional (12 feet x 60 feet) |

(2005 Code)

ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT

37-1401: ORGANIZATION.

A. The administration of this chapter is hereby vested in the following:

1. Department of Economic Development and Planning.

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2. Zoning Board of Appeals.
 3. County Development Committee of the County Board.
 4. County Board.
- B. This section shall first set out the authority of each of these offices, and then describe the procedure and substantive standards with respect to the following administrative functions:
1. Appeals.
 2. Variations.
 3. Amendments.
 4. Conditional uses.
 5. Fees.
 6. Penalties.

(2005 Code)

37-1402: DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING.

The Director, Department of Development and Environmental Concerns, and such Zoning Enforcing Officers or assistants that have been, or shall be, duly appointed by the County Board shall enforce this chapter and conduct inspections of buildings, structures, and open land uses to determine compliance with the terms of this chapter.

- A. Maintain permanent and current records of this chapter including nonconforming uses, legal conditional uses, map amendments, conditional uses, planned developments, variations, appeals and applications therefor, and records of hearings thereon.
- B. Receive, file and forward for action all appeals and applications for conditional uses, planned developments, variations or amendments to this chapter which may be filed initially with the Department of Economic Development and Planning.
- C. Provide such clerical and technical assistance as may be required by the Zoning Board of Appeals in the exercise of its duties.
- D. Initiate, from time to time, a study of the provisions of this chapter and make recommendations to the County Development Committee of the County Board not less frequently than once a year.
- E. Provide notification in writing to all applicants for a variation or conditional use in a special flood hazard area (SFHA) and/or wetland area as follows:
 1. That obtaining a variation or conditional use may lessen the degree of protection to a building or structure which may:
 - a. Result in increased insurance rates for flood insurance; or
 - b. Increase risks to life and property.
 2. That, should the applicant obtain a variation or conditional use, any future alteration of the site that violates the conditions of such variation or conditional use shall be deemed a violation of this chapter and shall be considered a willful act to increase flood damages, and therefore, will likely cause coverage by a standard flood insurance policy to be suspended.

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3. That the Director, Department of Economic Development and Planning, shall not be required to process any request for a variation or conditional use in a special flood hazard area (SFHA) and/or wetland area until the applicant (petitioner) has acknowledged in writing, that he is proceeding with the request for a variation or conditional use with knowledge of these risks, and the applicant assumes the risk and liability should the variation or conditional use be granted.
- F. Advise all applicants for variation or conditional use in a special flood hazard area (SFHA) and/or wetland area of any and all other local, State and Federal permits that may be required for this type of development activity. A variation or conditional use shall not be granted until all other specified permits have been obtained, or until the obtaining of such permits is made a condition of the ordinance granting such variation or conditional use.
 - G. Notifying adjacent incorporated municipalities, the Illinois Department of Transportation (IDOT), Division of Water Resources, and the Federal Emergency Management Agency (FEMA) that alterations, relocations or adjustments permitting modification to the special flood hazard area (SFHA) and/or wetland area, are under consideration through the granting of a conditional use or variation. The County shall, in granting any conditional use or variation for an alteration, adjustment or construction within a SFHA and/or wetland area, guarantee pursuant to good engineering practices, that the flood carrying capacity within the altered or relocated portion of any watercourse of adjusted natural flood storage area shall be maintained, and that in no case, shall new construction, substantial improvements, subdivision of land, placement of trailers, construction of utilities or other development be permitted in the floodway that would increase the level of the base flood, or increase the flow velocity.

(2005 Code)

37-1403: ZONING BOARD OF APPEALS AND ZONING HEARING OFFICER.

37-1403.1: CREATION AND MEMBERSHIP.

- A. **ZONING BOARD OF APPEALS:** The Zoning Board of Appeals is hereby established, which Board shall consist of the seven (7) members heretofore appointed by the Chairman of the County Board and confirmed by the members of the County Board. All members of the Zoning Board of Appeals shall be residents of separate congressional townships of DuPage County. All subsequent members of the Zoning Board of Appeals shall be appointed for terms of five (5) years each. The Chairman of the County Board shall have the power to remove any member of the Zoning Board of Appeals for cause, after a public hearing.
- B. **CHAIRMAN OF THE ZONING BOARD OF APPEALS:** The Chairman of the County Board shall name one (1) of the members of the Zoning Board of Appeals as Chairman upon appointment, and in case of a vacancy the appointing power shall designate a Chairman.
- C. **ZONING HEARING OFFICER:** The Zoning Hearing Officer position is hereby established, which position shall consist of one (1) Zoning Hearing Officer. The Zoning Hearing Officer shall be appointed by the Chairman of the County Board and confirmed by the members of the County Board.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1403.2: MEETINGS.

- A. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such time and places within the County as the Zoning Board of Appeals may determine. The Chairman of the Zoning Board of Appeals, or in the absence of the Chairman, the acting Chairman, may administer oaths and compel the

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attendance of witnesses. All meetings of the Zoning Board of Appeals and Zoning Hearing officer shall be open to the public.

- B. The Zoning Board of Appeals and Zoning Hearing officer shall keep minutes of its proceedings showing the vote of each member upon every question, or if a member is absent or fails to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals and Zoning Hearing officer shall immediately be filed in the office of the Zoning Board of Appeals located in the office of the zoning division of the department of economic development and planning, and shall be a public record. In the performance of its duties, the Zoning Board of Appeals and Zoning Hearing officer may make such expenditures as shall be authorized by the County Board. The Zoning Board of Appeals shall adopt its own rules of procedure not in conflict with the Illinois Compiled Statutes.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1403.3: JURISDICTION.

The Zoning Board of Appeals and Zoning Hearing Officer are hereby vested with the following jurisdiction and authority:

- A. To hear appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter.
- B. To conduct public hearings on and make recommendations to the County Development Committee and County board on applications for variation, conditional use, amendment, and planned development in the manner prescribed by and subject to the standards established in this chapter.
- C. Receive from the director, department of economic development and planning, the recommendations as to the effectiveness of this chapter and report its conclusions and recommendations to the County Board not less frequently than once each year.
- D. To hear and decide all matters referred to it or upon which it is required to pass under this chapter, or prescribed by the applicable provisions of the Illinois Compiled Statutes.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1403.4: DECISION OF THE ZONING BOARD OF APPEALS AND ZONING HEARING OFFICER.

Decisions and findings by the Zoning Board of Appeals or the Zoning Hearing Officer on any appeal after a public hearing, shall be the final administrative decision. All final administrative decisions of the Zoning Board of Appeals or the Zoning Hearing Officer shall be subject to judicial review pursuant to the provisions of the administrative review law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The concurring vote of the four (4) members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or to decide in favor of the applicant any matter upon which it is required to pass.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1404: COUNTY DEVELOPMENT COMMITTEE OF THE COUNTY BOARD.

37-1404.1: CREATION.

The County Development Committee is a standing committee of the County Board appointed by the chairman and confirmed by the members of the County Board.

(2005 Code)

37-1404.2: CHAIRMAN AND MEETINGS.

The Chairman of the County Development Committee shall be appointed by the chairman of the County Board and confirmed by the members of the County Board. Meetings of the County Development Committee of the County Board shall be held at the direction of the County Board or at the call of the chairman.

(2005 Code)

37-1404.3: JURISDICTION RELATIVE TO THE COUNTY ZONING ORDINANCE.

The County Development Committee of the County Board is hereby vested with the following jurisdiction and authority relative to regulations promulgated by this Code:

- A. To receive and review recommendations from the Zoning Board of Appeals and the Zoning Hearing Officer on variations, conditional uses, amendments, air rights development and planned developments and make their recommendations to the members of the County Board.
- B. To review and approve the development and implementation of unlisted uses, after review and recommendation by the Department of Economic Development and Planning.
- C. To review and approve plans where variations or conditional uses have been granted by the County Board to determine compliance with the ordinance and after site plan review and recommendation by the Department of Economic Development and Planning adoption of minor changes to the approved plan.
- D. To establish bonding requirements as required by conditions of the ordinance adopted by the County Board when granting variations, conditional uses, or planned developments.
- E. Receive from the Director, Department of Economic Development and Planning, and the Zoning Board of Appeals their recommendations as to the effectiveness of this chapter and report its conclusions and recommendations to the County Board not less frequently than once each year.
- F. To hear and decide all matters referred to it or upon which it is required to pass under this chapter, or prescribed by the applicable provisions of the Illinois Compiled Statutes.
- G. To review proposed changes in site plans for zoning petitions which have been granted previously by the County Board and to make determination that the proposed changes are or are not essentially in accordance with the approved site plan.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1405: COUNTY BOARD.

The County Board is the elected legislative branch of the County government and has reserved unto itself the final authority on variations, conditional uses, amendments, air rights development and planned developments.

(2005 Code)

37-1406: VOTING REQUIREMENTS FOR ZONING CASES.

- A. **VARIATION:** May be passed at a County Board meeting by a simple majority of the elected County Board members. Any proposed variation which fails to receive the approval of the Zoning Board of Appeals shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the County Board.
- B. **TEXT AMENDMENT:** may be passed at a County Board meeting by a simple majority of the elected County Board members, except in the following circumstances:
 - 1. In the case of a written protest against the proposed text amendment signed by five percent (5%) of the land owners of the County, in which case such amendment shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the County Board.
 - 2. In the case where the land affected lies within one and one-half ($1\frac{1}{2}$) miles of the limits of a municipality, and said municipality files a resolution in objection with the County Clerk, in which case such amendment shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the County Board.
- C. **MAP AMENDMENTS:** May be passed at a County Board meeting by a simple majority of the elected County Board members, except in the following circumstances:
 - 1. In the case of a written protest against any proposed map amendment signed by the owner or owners of at least twenty percent (20%) of the land to be rezoned in which case such amendment shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the County Board; and/or
 - 2. In the case of a written protest against any proposed map amendment signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least twenty percent (20%) of the perimeter of the land to be rezoned in which case such amendment shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the County Board; and/or
 - 3. In the case where the land affected lies within one and one-half ($1\frac{1}{2}$) miles of the limits of a municipality, and said municipality files a resolution in objection with the County Clerk in which case such amendment shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the County Board.
- D. **CONDITIONAL USES:** May be passed at a County Board meeting consistent with the County Board Rules or by a simple majority of the quorum.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1407: RESERVED.

37-1408: RESERVED.

37-1409: APPEALS.

37-1409.1: SCOPE OF APPEALS.

An appeal may be taken to the Zoning Board of Appeals by any person aggrieved, or by any office, department, board or bureau of the County. Such an appeal shall be taken within ten (10) days after the action

complained of, by filing with the Director, Department of Economic Development and Planning, and with the Zoning Board of Appeals, a notice of appeal specifying the grounds thereof. The Director, Department of Economic Development and Planning, shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.

(2005 Code)

37-1409.2: FINDINGS ON APPEALS.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director, Department of Economic Development and Planning, certifies to the Zoning Board of Appeals, after the notice of the appeal has been filed with the director, that by reason of facts stated in the certificate to stay would, in the director's opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice of the Director, Department of Economic Development and Planning, and on due cause shown.

(2005 Code)

37-1409.3: HEARING AND ADMINISTRATIVE ACTION.

- A. For all hearing requirements and procedures, see Section 37-1415, "Public Hearings," of this chapter.
- B. The board shall reach its decision within a reasonable period of time after the hearing of the appeal. The board may affirm or may reverse, wholly or in part, or modify the order, requirements, decision, or determination that, in its opinion, ought to be done and, to that end, shall have all the powers of the officer from whom the appeal is taken. The Director, Department of Economic Development and Planning, shall maintain records of all actions of the Zoning Board of Appeals relative to appeals.

(2005 Code)

37-1409.4: REFUND OF FILING FEE.

If the Zoning Board of Appeals shall reverse an order, requirement, decision or determination, the person filing the appeal shall be refunded any filing fee which he shall have paid.

A refund shall be made only where the action complained of in the notice of appeal is wholly reversed or where the notice of appeal is withdrawn as provided below.

Where the notice of appeal shall be withdrawn by written notice thereof actually received by the Secretary to the Zoning Board of Appeals prior to the publication or mailing of the notice of appeal, the entire filing fee shall be refunded except any portion thereof which the County Board may provide by resolution be retained to cover filing costs. Where the notice of appeal shall be withdrawn by written notice actually received by the Secretary of Zoning Board of Appeals after publication or mailing of notice of appeal, but before the public hearing, one-half (½) of the filing fee shall be refunded. No refund shall be made where the notice of appeal is withdrawn after the public hearing.

Refunds of filing fees for appeals shall be made only as provided for in this section and in strict accordance with practices established by the County Treasurer's Office for any refunds or release from the zoning trust fund.

(2005 Code)

37-1410: PETITION (APPLICATION) PROCEDURE.

37-1410.1: PETITION FOR VARIATION, AMENDMENT, CONDITIONAL USE, AIR RIGHTS DEVELOPMENT AND PLANNED DEVELOPMENT.

Request for variation, amendment, conditional use, air rights development and planned development shall be filed as follows:

- A. Requests for variation, conditional use, air rights development and planned development may be initiated by resolution or motion of the County Board or by petition (application) which seeks to vary the provisions of the zoning ordinance or to obtain a conditional use, air rights development or planned development as specified within the zoning ordinance.
- B. Map amendments may be initiated by resolution or motion of the County Board or by petition (application) which seeks to change or modify the standards and requirements imposed on a particular parcel or parcels of property by the zoning district maps of this chapter.
- C. Text amendments may be initiated by resolution or motion of the County Board or by petition (application) and shall state in particular the section, subsection and/or paragraph of the zoning ordinance to be amended.

(2005 Code)

37-1410.2: PETITIONER; APPLICANT REQUIREMENTS.

- A. Petitioner shall be the fee owner, agent or attorney or other person having a proprietary interest in the property, and/or any person having the right to represent the owner.
- B. In the case where the fee owner has entered into a contract for the sale of the property sought to be affected, the contract purchaser shall be a co petitioner to the petition or application or shall provide a letter of authorization to represent the fee owner.
- C. In case of property that is the subject of a land trust agreement, the trustee of such trust, in his or her capacity as trustee, shall be the petitioner or co-petitioner to the petition or application or the applicant shall provide a letter of authorization from the trustee authorizing the applicant to represent the beneficial interest of the land trust.
- D. Where the petitioner or applicant is a corporation the petition or application shall include the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of twenty percent (20%) of all outstanding stock of such corporation.
- E. Where the petitioner or applicant, or his principal, if other than applicant, is a business or entity doing business under an assumed name, the petition or application shall include the name and residence of all true and actual owners of such business or entity.
- F. Where the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, the petition or application shall include the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated voluntary association.

(2005 Code)

37-1410.3: TRUST DISCLOSURE.

Where property is the subject of a land trust agreement, the applicant shall provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests," Chapter 148, Section 71 et seq., Illinois Compiled Statutes, signed by the trustee of the trust.

(2005 Code)

37-1411: VARIATIONS.

Variations to this zoning ordinance may be affected as follows.

(2005 Code)

37-1411.1: PURPOSE.

The Zoning Board of Appeals or the Zoning Hearing Officer, after a public hearing, may recommend that the regulations of this chapter be varied in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board makes findings in accordance with the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1411.2: PUBLIC HEARING.

- A. For all hearing requirements and procedures, see Section 37-1415, "Public Hearings," of this chapter.
- B. Such hearing shall be held in a County building with adequate facilities for such hearing, provided that if the owner of any property affected by such proposed variation so requests, such hearing shall be held in the township affected by the proposed variation.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1411.3: STANDARDS FOR VARIATIONS.

The Zoning Board of Appeals or the Zoning Hearing Officer shall not recommend variations to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case demonstrating consideration with respect to the following:

- A. That the granting of any variation is in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's Comprehensive Plan for development.
- B. That the granting of the variation will not:
 - 1. Impair an adequate supply of light and air to adjacent property;
 - 2. Increase the hazard from fire or other dangers to said property;
 - 3. Diminish the value of land and buildings throughout the County;
 - 4. Unduly increase traffic congestion in the public streets and highways;

-
5. Increase the potential for flood damages to adjacent property;
 6. Incur additional public expense for flood protection, rescue or relief; or
 7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

In addition, the Zoning Board of Appeals or the Zoning Hearing Officer may recommend that conditions and restrictions be imposed upon the premises benefited by a variation as may be necessary to comply with the criteria established in this subsection to reduce or minimize the effect of such variation upon other property in the area, and to better carry out the general intent of this chapter.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1411.4: TERMS OF RELIEF: ZONING BOARD OF APPEALS OR THE ZONING HEARING OFFICER.

The terms of relief recommended shall be specifically set forth in a conclusion or statement separate from the findings of the Zoning Board of Appeals or the Zoning Hearing Officer.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1411.5: COUNTY DEVELOPMENT COMMITTEE ACTION.

The recommendation of the Zoning Board of Appeals or the Zoning Hearing Officer shall be transmitted to the County Development Committee of the County Board for its review and recommendation. The County Development Committee, in its recommendation to the County Board may concur with the recommendation from the Zoning Board of Appeals or the Zoning Hearing Officer, may recommend that the County Board not concur with the recommendation, or may concur in part and amend the recommendation.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1411.6: COUNTY BOARD ACTION.

Except as provided in section 37-1411.9 of this article, no variation shall be granted except by ordinance duly passed and approved by the County Board after public hearing and written recommendation from the Zoning Board of Appeals or the Zoning Hearing Officer.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1411.7: ORDINANCE; FINDINGS.

Without further public hearing, the County Board may grant, deny or amend the recommendation for variation. Every variation which is granted by ordinance of the County Board shall be accompanied by findings and shall refer to any exhibits containing plans and specifications for the proposed variation, which shall remain a part of the permanent records of the Zoning Board of Appeals or the Zoning Hearing Officer.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1411.8: ORDINANCE; TERMS OF RELIEF.

The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of the ordinance. The County Board may establish such conditions and restrictions upon the establishment, location, construction, maintenance and operation of variations, as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 37-1411.3 of this chapter.

(2005 Code)

37-1411.9: PROCEDURES FOR VARIATIONS OF TEN PERCENT OR LESS.

- A. Petitions seeking variations of ten percent (10%) or less from provisions of this chapter governing bulk and location of structures may be filed with the director of the department of economic development and planning or his designee. The director or his designee may review the petition and determine whether the variation requested in the petition or other variation as he may deem appropriate shall be granted. No variation shall be granted unless it complies with the requirements set forth in section 37-1411.3 of this chapter.
1. ***Applicants requirements:***
 - a. Four (4) copies of the proposed site plan. Said plan to show all existing building and structures, driveways, utilities and the proposed development.
 - b. One (1) plat of survey.
 - c. Statement of hardship.
 - d. Application fees.
 - e. Notarized letters from all adjoining property owners stating the following:
 - (1) Name of the petitioner seeking the variation.
 - (2) Legal description of the subject property and address, if any.
 - (3) Name and signature of owners and address adjoining property.
 - (4) A statement of intended variation.
 - (5) A statement that the adjacent property owner does not object to the variation. The adjacent property owner shall affix his name to the statement and have same notarized.
- B. Should the applicant be unable to receive notarized letters from all adjacent property owners, and if the director or his designee determines that the variation requested in the petition or other appropriate variation should be granted, he shall mail, by certified mail, to all owners of land adjoining the property for which relief is sought a notice of his intent to grant such variation. The notice shall give the legal description of the property and street address, if any; the name of the owners of the property; the name of the petitioner; and a statement of the variation which the director intends to grant. Additionally, the notice shall state that any objection to the granting of the variation must be filed with the director of the department of economic development and planning within thirty (30) days of the certified mailing.

If the director or his designee receives no objection after notice of his intent to grant the variation from any adjoining landowner within the period for the filing of such, he may grant the requested variation or the variation which he has determined to be appropriate. Such variation so granted shall be effective without hearing and

recommendation by the County Development Committee and without adoption by ordinance of the County Board as required in section 37-1411 of this chapter.

If the director or his designee receives a written objection to his intent to grant the variation from an adjoining landowner within the period for filing such, the director or his designee shall not grant any variation but shall advise the petitioner that an objection has been filed. The director or his designee may grant the variation if the person making the objection subsequently files written withdrawal of his objection with the director or his designee. A variation to which an objection has been filed and not withdrawn as provided herein shall be granted only after a hearing and recommendation by the Zoning Board of Appeals or the Zoning Hearing Officer, review and recommendation by the County Development Committee, and adoption by ordinance of the County Board as provided for in section 37-1411 of this chapter.

Variations may be granted under this section only for relief from requirements as to bulk and location of structures which do not exceed ten percent (10%). Further, a variation granted under this section shall be placed for recording with the office of the DuPage County recorder by the director; the petitioner to bear all costs of recording.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1412: AMENDMENTS.

For purposes of this article, terms shall have the following meanings:

Map amendment: An amendment to the map or zoning district of the zoning ordinance, which affects an individual parcel or parcels of land.

Text amendment: An amendment to the text of the zoning ordinance which affects the whole County.

The regulations imposed and the districts created under this zoning ordinance may be amended from time to time by ordinance, after the ordinance establishing same has gone into effect.

(2005 Code)

37-1412.1: AUTHORITY.

For the purpose of promoting the public health, safety and general welfare, the County Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this chapter or amend district boundary lines, provided that in all amendments to this chapter adopted under the authority of this chapter, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire County, and the uses to which property is devoted at the time of the adoption of this chapter.

(2005 Code)

37-1412.2: PUBLIC HEARING.

- A. For all hearing requirements and procedures, see Section 37-1415, "Public Hearings," of this chapter.
- B. Such hearing shall be held in a County building with adequate facilities for such hearing. The Zoning Board of Appeals or Zoning Hearing Officer shall consider and make recommendations on all proposed amendments, taking into account:
 1. The testimony at the hearing.

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2. Site inspection of the property in question when determined to be necessary.
 3. Letters and recommendations from all interested persons.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1412.3: FINDINGS AND RECOMMENDATIONS, ZONING BOARD OF APPEALS.

Within a reasonable period of time after the close of the public hearing, the Zoning Board of Appeals shall make written findings and submit same together with its recommendation to the County Board. Where the purpose and effect of the proposed amendment is to change the zoning district classification of particular property, the Zoning Board of Appeals shall make findings and transmit a recommendation to the County Board based upon the evidence presented to it in each specific case with respect to the following matters:

- A. Existing uses of property within the general area of the property in question.
- B. The zoning classification of property within the general area of the property in question.
- C. The suitability of the property in question for the uses permitted under the existing zoning classification.
- D. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.
- E. The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.
- F. The extent to which property values are diminished by particular zoning restrictions.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1412.4: COUNTY DEVELOPMENT COMMITTEE ACTION.

The recommendation of the Zoning Board of Appeals shall be transmitted to the County Development Committee of the County Board for its review and recommendation. The County Development Committee, in its recommendation to the County Board may concur with the recommendation from the Zoning Board of Appeals, may recommend that the County Board not concur with the recommendation, or may concur in part and amend the recommendation.

(2005 Code)

37-1412.5: COUNTY BOARD ACTION.

After public hearing, findings and written recommendation by the Zoning Board of Appeals, the County Board may take action as follows:

- A. **Text Amendments:** Text amendments may be passed at a County Board meeting by a simple majority of the elected County Board members, unless written protests against the proposed text amendment are signed by five percent (5%) of the land owners of the County, or where a zoned municipality within DuPage County protests such amendment by resolution of the corporate authorities, filed with the County Clerk, in which case such amendment shall not be passed except by the favorable vote of three-quarters ($\frac{3}{4}$) of all the members of the County Board.

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- B. **Map Amendments:** Map amendments may be passed at a County Board meeting by a simple majority of the elected County Board members except that in case of written protest against any proposed map amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, or in cases where the land affected lies within one and one-half (1½) miles of the limits of a zoned municipality, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County Clerk, such amendment shall not be passed except by the favorable vote of three-quarters (¾) of all members of the County Board.
 - C. **Protests; Notification:** In case of protests, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney as shown in the application for the proposed amendment.

(2005 Code)

37-1413: CONDITIONAL USES.

37-1413.1: PURPOSE.

This chapter is based upon the division of the County into districts, within which districts the use of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are conditional uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the impact of those uses upon neighboring land at the particular location. Such conditional uses fall into three (3) categories:

- A. Uses publicly operated or traditionally affected with a public interest;
- B. Uses entirely private in character, but of an unusual nature where their operation may give rise to unique problems or benefits with respect to their impact upon neighboring property, public facilities, or the County as a whole; and
- C. Accessory uses on a residential zoning lot, (including buildings, structures and uses) that are accessory to the principal use, building or structure on a residential zoning lot which have been established on a residential lot for at least five (5) years but without proper authority, (e.g.: without building or zoning permits).

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1413.2: INITIATION OF CONDITIONAL USE.

Any person owning or having an interest in the subject property may file an application to use such land for one (1) or more of the conditional uses provided for in this chapter in the zoning district in which the land is situated pursuant to the requirements established in this chapter.

(2005 Code)

37-1413.3: PUBLIC HEARING.

- A. For all hearing requirements and procedures, see section 37-1415, "Public Hearings," of this chapter.

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- B. Such hearing shall be held in a County building with adequate facilities for such hearing provided that if the owner of any property affected by such proposed conditional use so requests, such hearing shall be held in the township affected by the proposed conditional use.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1413.4: FINDINGS AND RECOMMENDATIONS, ZONING BOARD OF APPEALS AND ZONING HEARING OFFICER.

All final actions by the Zoning Board of Appeals and the Zoning Hearing Officer concerning proposed conditional uses shall be transmitted to the County Development Committee of the County Board and shall be accompanied by findings which refer to any exhibits containing plans and specifications for the proposed conditional use and shall also be accompanied by recommendations for approval or denial by the County Board. Those proposed conditional uses which go to the County Board with no recommendation shall be accompanied by a summary of the record of the public hearing and of the deliberations of the Zoning Board of Appeals or Zoning Hearing Officer. All exhibits containing plans and specifications shall remain part of the permanent records of the Zoning Board of Appeals or Zoning Hearing Officer.

(2005 Code; Ord. No. T-2-12, 10-23-2012)

37-1413.5: STANDARDS FOR CONDITIONAL USES.

The Zoning Board of Appeals shall make findings as to each conditional use petitioner. The findings shall be based upon the evidence presented to it in each specific case demonstrating consideration with respect to the following:

- A. That the granting of any conditional use is in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's Comprehensive Plan for development; and specifically that the granting of the conditional use will not:
1. Impair an adequate supply of light and air to adjacent property;
 2. Increase the hazard from fire or other dangers to said property;
 3. Diminish the value of land and buildings in the vicinity of the proposed conditional use;
 4. Unduly increase traffic congestion in the public streets and highways;
 5. Increase the potential for flood damages to adjacent property;
 6. Incur additional public expense for fire protection, rescue or relief; or
 7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.

(2005 Code)

37-1413.6: TERMS OF RELIEF; ZONING BOARD OF APPEALS.

The terms of relief recommended by the Zoning Board of Appeals shall be specifically set forth in a conclusion or statement separate from the findings of the Zoning Board of Appeals recommending the granting of the conditional use.

(2005 Code)

37-1413.7: COUNTY DEVELOPMENT COMMITTEE ACTION.

The recommendation of the Zoning Board of Appeals shall be transmitted to the County Development Committee of the County Board for its review and recommendation.

(2005 Code)

37-1413.8: COUNTY BOARD ACTION.

No conditional use shall be granted except by ordinance duly passed and adopted by the County Board after public hearing and written recommendation from the Zoning Board of Appeals.

(2005 Code)

37-1413.9: ORDINANCE; FINDINGS.

Without further public hearing the County Board may grant, deny or amend the recommendation for conditional use. Every conditional use which is granted by ordinance of the County Board shall be accompanied by findings and shall refer to any exhibits containing plans and specifications for the proposed conditional use, which shall remain a part of the permanent records of the Zoning Board of Appeals. The findings shall specify the reasons or reasons for granting the conditional use.

The County Board shall act to grant, deny or amend the recommendations for every conditional use within ninety (90) days of the date on which those recommendations were transmitted by the County Development Committee to the County Board.

(2005 Code)

37-1413.10: ORDINANCE; TERMS OF RELIEF.

The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of the ordinance. The County Board may establish such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this chapter.

(2005 Code)

37-1413.11: TIME LIMIT FOR CONDITIONAL USES.

Conditional uses granted hereunder shall not be transferable and shall not run with the fee ownership of the land unless otherwise specified by the terms of the conditional use. No ordinance of the county board granting a conditional use shall be valid for more than eighteen (18) months from the date of such ordinance unless the building permit is obtained or the use is commenced within such time period. Application may be made for an extension of the time period to commence the authorized conditional use. Extensions in the conditional use schedule may be recommended by the Zoning Board of Appeals and granted by the county board. If the county board so stipulates when acting favorably on a conditional use application, the Zoning Board of Appeals may be

delegated the authority of granting extensions in the building schedule for periods of time not to exceed a total of one year each.

(2005 Code; Ord. No. T-3-12A, 12-11-2012)

37-1414: PLANNED DEVELOPMENT.

37-1414.1: PURPOSE AND OBJECTIVES.

Planned developments are unique and substantially different from conventional subdivisions and therefore require administrative processing as "conditional uses" in this chapter. Planned developments are complex and of a different character than other conditional uses requiring the establishment of more specific procedures, standards and exceptions in order to guide the recommendations of the Zoning Board of Appeals and the County Development Committee of the County Board to facilitate appropriate action of the County Board.

The planned development provisions allow greater design flexibility than is normally permitted by the zoning district regulations thereby encouraging more rational utilization of the topographic and natural characteristics of the property to produce an economical and stable development while conserving natural features.

Planned developments are intended to provide for projects incorporating a single type of use or a variety of related and complementary uses which are planned and developed as a unit. Such development may provide for a wide range of development techniques and ownership methods, including conventional subdivisions, cluster developments, condominium ownership of land and buildings, or other ownership techniques. The entire development shall be controlled by means of a planned development ordinance, including graphics, which establishes densities, approximate height and location of buildings and improvements and records the location of natural features of the property in keeping with the land use development policies of DuPage County.

The following objectives may be obtained through the use of the planned development procedure:

- A. To ensure that the future growth and development of the area is in accordance with the adopted land use plan and development goals and policies of DuPage County.
- B. To provide a desirable living environment by preserving and integrating the natural environmental and landscape features of the property.
- C. To encourage developers to use a more creative approach to development by recognizing and respecting the natural limitations and constraints of the property.
- D. To encourage an efficient and ecologically sound development through a design process which minimizes development costs and services.
- E. To encourage the dedication and maintenance of usable open space accessible to all dwelling units.
- F. To facilitate the development and maintenance of public services such as transportation, water, sewage, storm drainage and open space in a cost effective manner.
- G. To encourage land use relationships which decrease automobile trip length and encourage trip consolidation.
- H. To provide public access to mass transit, bicycle routes and alternative modes of transportation.
- I. To reduce energy demand and consumption.
- J. To provide for efficient location of recreation facilities, schools, and other public and private facilities.
- K. To encourage the introduction of complementary uses, such as residential uses with offices and commercial activities.

37-1414.2: PROCEDURE.

- A. **PRE-APPLICATION CONFERENCE:** Prior to filing a formal application for a planned development, the developer shall request a pre-application conference with the Department of Economic Development and Planning. The request for a pre-application conference shall be submitted to the Director, Department of Economic Development and Planning to determine:
1. Whether the proposed planned development appears in general to be in compliance with the provision of the zoning ordinance and other applicable ordinances;
 2. Whether any zoning amendment or variation is required in connection with the proposed planned development; and
 3. Whether the proposed planned development will be in conformity with the County land use plan and other development goals and policies adopted by DuPage County.

The pre-application conference is mandatory, but does not require formal application, fee, or filing of a planned development. The Department of Economic Development and Planning shall consult with advice and assist the applicant in meeting County goals and objectives, but shall have no power to approve or disapprove any proposed planned development, or to impose any special requirements with respect to the applicants' rights to make formal application for approval thereof.

- B. **Pre-application plan:** Upon completion of the pre-application conference and recommendation by the Department of Economic Development and Planning, the applicant may file a pre-application plan with the Plat Review Committee, and make application for a public hearing before the Zoning Board of Appeals.
1. **Filing:** Five (5) copies of the pre-application plan of the proposed planned development/subdivision together with a written application in triplicate, shall be submitted to the secretary of the Plat Review Committee not less than twelve (12) days before the date the Plat Review Committee will review the pre-application plan. Upon acceptance, the secretary shall schedule the pre-application plan for discussion by the Plat Review Committee, including subdivider not less than seven (7) days after receipt thereof.

The secretary shall not accept the pre-application plan for processing unless all requested documentation is submitted.

Three (3) of the five (5) copies of the pre-application plan submitted to the Plat Committee shall be transmitted by the Secretary of the Plat Committee to the Zoning Division of the Department of Economic Development and Planning for staff review. The staff review is intended to identify any major constraints to the proposed planned development/subdivision plan. The review by the zoning division shall be submitted to the secretary of the Plat Review Committee within seven (7) days after receipt of the pre-application plan.

2. **Contents of the Pre-application Plan:** The pre-application plan shall be drawn in sketch form and shall show the following:
 - a. Proposed layout of streets, lots and blocks.
 - b. Proposed dedication and reservations, i.e., school sites, park sites, major thoroughfares.
 - c. Existing topographic data and contour lines with a minimum of ten foot (10') intervals (USGS).
3. **Identification and Description:**
 - a. Proposed name of planned development/subdivision, date and north point.

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- b. Location by township, range, section and parcel number.
 - c. Names and addresses of the subdivider and owner.
 - d. Names and addresses of the site planner, designer, engineer or surveyor who prepared the planned development/subdivision plan.
4. **Review of the Pre-application Plan:** The Plat Review Committee shall review the pre-application plan and make recommendations to the subdivider, so that any major changes can be made prior to the public hearing date and submission of a preliminary plan.

Recommendations relative to a pre-application plan are advisory and shall not constitute a waiver from any requirements or specifications contained in the DuPage County ordinances or regulations.

- C. **Preliminary Plan Zoning Board of Appeals:** Upon completion of the pre-application plan and recommendation by the Plan Review Committee, the applicant may file a preliminary plan with the application for a public hearing before the Zoning Board of Appeals.

1. **Contents of the Preliminary Plan:** The following items constitute the minimum requirements for the contents of a preliminary plan. The applicant should feel free to supplement the list with whatever materials applicant may deem appropriate to illustrate compliance with the regulations and intent of this section.
 - a. **Written Documents:**
 - (1) **Statement of Objectives:** A statement of planning objectives to be achieved by the particular approach proposed by the applicant is required. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the application.
 - (2) **Quantitative Summary:** A quantitative summary including, but not limited to, the following is required:
 - (A) Acreage and square footage of the subject parcel;
 - (B) Residential density;
 - (C) Number of parking spaces;
 - (D) Square footage of commonly owned and maintained open space.
 - (3) **Open Space Statement:** A statement is required describing why the area for usable common open space was chosen, the unique advantages it offers, and how it is envisioned that residents will utilize the space either actively or passively.
 - b. **Maps and Graphics:**
 - (1) **Existing Land Conditions:** A map is required that illustrates existing land conditions including topography, water related features, vegetation, unique soils conditions, and other environmental data.
 - (2) **Surrounding Conditions:** A map is required that illustrates the land use and environmental conditions of the surrounding neighborhood within a reasonable radius around the subject site.
 - (3) **Cross Sections:** Cross sections shall be provided only when required by the Department of Economic Development and Planning.

(4) **Utility and Drainage Plan:** A plan is required that illustrates existing and proposed utilities and drainage facilities. Stormwater retention/detention facilities and floodplain areas shall be included in this graphic.

(5) **Grading and Landscaping Plan:** A plan is required that illustrates all excavation and/or filling of the property together with a preliminary plan for the revegetation and formal landscaping of the property.

2. **Public Hearing:**

- a. For all hearing requirements and procedures, see Section 37-1415, "Public Hearings," of this chapter.
- b. Such hearing shall be held in each township affected by the proposed planned development, or in the County Court House, provided that if the owner of any property affected by such proposed planned development so requests, such hearing shall be held in the township affected by the proposed planned development.

3. **Findings and Recommendations, Zoning Board of Appeals:** Every planned development which is recommended by the Zoning Board of Appeals shall be accompanied by findings and shall refer to any exhibits containing plans and specifications for the proposed planned development which shall remain a part of the permanent records of the Zoning Board of Appeals.

The Zoning Board of Appeals shall make its written findings and shall transmit same together with its recommendations to the County Board for final action. Since planned developments are conditional uses, no planned development shall be recommended by the Zoning Board of Appeals unless the board shall make findings in accordance with Section 37-1413.5 of this article.

4. **County Development Committee Action:** The recommendation of the Zoning Board of Appeals shall be transmitted to the County Development Committee of the County Board for its review and recommendation. Recommendations concerning conditional uses for adult business uses shall be transmitted to the County Development Committee not later than one hundred eighty (180) days of the filing of the application for such conditional use.

The County Development Committee, in its recommendation to the County Board may concur with the recommendation from the Zoning Board of Appeals, may recommend that the County Board not concur with the recommendation, or may concur in part and amend the recommendation.

5. **County Board Action Ordinance:** The County Board after receipt of the preliminary plan of the planned development and the findings and the written recommendations of the Zoning Board of Appeals may deny such planned development or may modify or approve such planned development by ordinance. The County Board may require such special conditions in the approval of the planned development, as it may deem necessary to ensure conformity with the intent of all elements of the Comprehensive Plan and the stated purposes of the planned development:

- a. Upon approval by the County Board of the preliminary plan by ordinance, a record shall be prepared including the findings and setting forth the terms of relief and/or variations granted.
- b. Approval of a planned development by ordinance of the County Board shall not constitute approval of the final development plan, rather it shall be deemed an expression of approval of the layout submitted as a preliminary guide to the preparation of the final development plan or subdivision. The planned development shall therefore be developed essentially in accordance with any condition and exhibits attached thereto in accordance with the procedures established in the DuPage County Subdivision Regulations. No building permit shall be issued for any building or structure in the planned development unless a final development plan has been approved and filed with the recorder of deeds.

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6. **Final Development Plan Subdivision:** The final development plan or plans shall be submitted by the developer to the Plat Committee not later than one (1) year after adoption of the planned development (preliminary plan) or such other additional time, as may be established by the ordinance adopting the planned development. This time limit may be extended by the County Development Committee on reasonable cause shown.

All final development plans shall be treated as subdivisions, and shall follow the procedure established in Sections 31-302, "preliminary plat"; 31-303, "final engineering"; and 31-304, "final plat," of the County Subdivision Regulations.

- D. **EFFECT OF DENIAL OF A PLANNED DEVELOPMENT:** Any application for a planned development which has been denied wholly or in part by the County Board shall not be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Zoning Board of Appeals.

(2005 Code)

37-1414.3: GENERAL PROVISIONS AND STANDARDS.

A. **GENERAL PROVISIONS:**

1. A planned development shall initially be a zoning lot under single ownership or unified control at the time of filing the application.
2. Public improvements shall be constructed in accordance with existing ordinances and regulations of DuPage County.
3. In a planned development, special attention shall be given to the vehicular and pedestrian circulation system, especially with respect to location and number of access points to public streets, width and alignment of interior drives and access points, separation of pedestrian and vehicular movements and parking areas that are safe, convenient and compatible with land uses located on adjoining and adjacent properties.
4. Residential planned developments shall provide for dedication or reservation of land for park and recreational purposes, and land for school sites, or cash contributions in lieu of actual land dedication, or a combination of both in accordance with the DuPage County Subdivision Regulations.
5. The County Board may vary the bulk regulations of this chapter for planned developments if such variations are consistent with the general purpose of the ordinance and will result in better developments and thus, be of greater benefit both to the occupants of the development and to the surrounding neighborhood.
6. The planned development shall not have negative impacts on existing public sewers or proposed transportation systems and shall be consistent with the County's Year 2005 Street and Highway Plan and Policies as amended.

B. **STANDARDS:**

1. **Exception to District Requirements:**
 - a. Within a planned development, not more than thirty percent (30%) of the total land area of the zoning lot may be devoted to uses not permitted within the zoning district.
 - b. Within a residential planned development not more than eight percent (8%) of the total land area of the zoning lot may be utilized for uses permitted in the B-1 local retail district. The eight percent (8%) shall be a part of the thirty percent (30%) provided in Subsection B.1.a. of this section.

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2. **Dwelling Units Permitted:** In a residential planned development the maximum number of dwelling units permitted shall be determined by dividing the net residential land area contained in the zoning lot by the minimum lot area required per dwelling unit by type of unit permitted and/or proposed in the district or districts in which the property is located. Those areas of the zoning lot set aside for open space may be included in determining the number of dwelling units permitted.

Net residential land area shall be determined by subtracting the area set aside for nonresidential uses from the zoning lot, and deducting from the remainder the area required for public streets as set forth in the planned development.
 3. **Bonus of Dwelling Units:** Within a residential planned development, the number of dwelling units permitted for the thirty percent (30%) of the total land area of the zoning lot, described in Subsection B.1.a. of this section shall be gross density permitted on the zoning lot, increased by a maximum of twenty percent (20%).
 4. **Floor Area Permitted:** That the total floor area of the planned development shall not exceed the floor area ratio (FAR) established for the individual uses on the zoning lot as provided in the under lying zoning district(s) including all bonus units.
 5. **Minimum Lot Area:** No minimum lot area required.
 6. **Open Spaces:** That all residential planned developments shall provide open space equivalent to not less than thirty percent (30%) of the total residential land area of the zoning lot. In case of mixed land uses in a residential planned development, the open space requirement for nonresidential uses shall be not less than ten percent (10%) of the total land area of the zoning lot devoted to such uses. Open spaces provided herein shall not be of an isolated or of an unusable size and character.
 7. **Perimeter Setbacks:** Buildings or structures located on the perimeter of any planned development shall comply with the minimum front, side or rear yard requirements and landscape yard requirements of the zoning district in which the development is located. Perimeter setbacks/yards may be included as open space.
 8. **Minimum Spacing Between Buildings:** The following required spacing between buildings shall be measured perpendicular from any exterior wall:
 - a. A building wall of a multiple-family dwelling containing living or dining area and/or bedroom windows or main entrances shall be located no closer to another building than a distance equal to the height of the taller building of the two (2), but in no case, less than twenty feet (20'). Where a solid wall faces a solid wall, the minimum spacing shall be twenty feet (20').
 - b. Where there is no parallel overlap of building walls (corner to corner placement), a minimum spacing of six feet (6') shall be required.
 - c. The building wall of a single-family detached dwelling shall be located no closer than twelve feet (12') from any other single-family detached dwelling.
 9. **Other Setbacks:** Except as provided in Subsections B.7. and B.8. of this section buildings and structures located in zoning lots within any planned development shall comply with the minimum front, side and rear yard requirements of the zoning district in which the development is located unless specific variations for such requirements are required as part of the planned development.
 10. **Streets and Off-Street Parking:** Streets and off-street parking shall be provided in accordance with Section 31-400 of the DuPage County Subdivision Regulations and with Section 37-1201 of this chapter.

(2005 Code)

37-1415: PUBLIC HEARINGS.

- A. When the provisions of this chapter require a public hearing in connection with any application, petition, or appeal, the Economic Development and Planning Department on behalf of the Zoning Board of Appeals or the Zoning Hearing Officer shall, upon receipt of a properly completed application, petition, or notice, fix a reasonable time and place for such hearing or meeting; provided, however, that such hearing or meeting shall be commenced no later than sixty (60) days, and shall be concluded no later than one hundred (120) days, following the submission of the subject application, or petition, unless the hearing or meeting agenda of the Zoning Board of Appeals or the Zoning Hearing Officer is completely committed during that time.
- B. All hearings shall be open to the public and shall be held before the Zoning Board of Appeals or the Zoning Hearing Officer.
- C. The public hearing notice shall contain a description of the subject matter to be heard or considered at the hearing, the address or particular location of the subject development, and the time, place, and date of the hearing. The notice shall also contain a reference to the particular sections of this chapter involved.
- D. The public hearing notice shall be given by general delivery mail or personal delivery to the applicant or petitioner. Notice by mail shall be mailed no fewer than fourteen (14) days in advance of the hearing by regular U.S. mail, except as otherwise specifically provided in this chapter.
- E. The public hearing notice may be given by electronic mail or facsimile in lieu of delivery by general mail or personal delivery to agencies entitled by law to receive such hearing notice or to other agencies provided notice as a matter of course by the Department of Economic Development and Planning.
- F. The public hearing notice shall be published at least once, not less than fifteen (15) days before the date for the hearing, in a newspaper of general circulation in the geographic area where the property which is the subject of the hearing is located.
- G. Any interested person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence, provided, however, that the Zoning Board of Appeals or Zoning Hearing Officer may exclude irrelevant, immaterial, or unduly repetitious evidence.
- H. Subject to the discretion of the Zoning Board of Appeals or Zoning Hearing Officer, the applicant or petitioner, or any other party to the hearing, may be allowed any or all of the following rights:
 - 1. To present witnesses on their behalf.
 - 2. To cross examine all witnesses testifying in opposition to the application, petition, or appeal.
 - 3. To examine and reproduce any documents produces at the hearing.
 - 4. To have subpoenas issued by the Zoning Board of Appeals or Zoning Hearing Officer as may be provided by Illinois law for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing, where such persons or documents are shown to have a substantial evidential connection with:
 - a. The development to which the request applies; or
 - b. Facts that would support or negate the legal standards for granting or denying the request or appeal.
 - 5. To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.
 - 6. In determining whether to grant or withhold such rights, the discretion of the Zoning Board of Appeals or Zoning Hearing Officer shall be governed by the goal of securing all information and opinions relevant and material to its deliberations. Such rights shall not be granted, however, when undue and

unwarranted delay would result or when to do so would tend to produce no new evidence to aid the Zoning Board of Appeals or Zoning Hearing Officer in reaching its decision.

- I. The Zoning Board of Appeals or Zoning Hearing Officer may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the Zoning Board of Appeals or Zoning Hearing Officer may find sufficient. Proper notice of such a recess shall be given to all parties to the hearing, and any other person designated by the Zoning Board of Appeals or Zoning Hearing Officer.
- J. All testimony at every hearing shall be given under oath.
- K. Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the Zoning Board of Appeals or Zoning Hearing Officer following such hearing, submit written statements in support of or in opposition to the application, petition, or appeal being heard.
- L. All other matters pertaining to the conduct of hearings shall be governed by the provisions of this chapter pertaining to, and the rules promulgated by, the Zoning Board of Appeals.
- M. The record of the public meeting shall include:
 - 1. All notices and responses thereto; and
 - 2. A transcript or notes or recording, if any, of all oral testimony received, and all written information, if any, submitted by parties or the public; and
 - 3. Any recommendation or report by the hearing body; and
 - 4. All memoranda or data submitted to the Zoning Board of Appeals or Zoning Hearing Officer in connection with its consideration of the subject matter of the hearing.
- N. The decision or recommendation of the Zoning Board of Appeals or the Zoning Hearing Officer shall be in writing and shall include findings of fact specifying the reasons for the decision. The copy of the written decision shall be provided to the applicant or petitioner and transmitted to the County Board.

(2005 Code; Ord. No. T-2-12, 10-23-2012; Ord. No. T-3-12A, 12-11-2012)

37-1416: PENALTIES; EXCAVATION/FILLING.

In accordance with this chapter, any owner, tenant, person, firm or corporation who is in actual or constructive possession or has control of any property within the County shall be jointly and severally liable for the filling or excavation of any property in violation of this chapter or in violation of any excavation/filling permit previously issued. In addition to other penalties provided for in this chapter, upon conviction by a Court of competent jurisdiction, the owner, tenant, person, firm or corporation in possession shall be ordered to cease said violation and remove said fill or other material and restore said property to its former condition, or condition prescribed by an outstanding excavation/filling permit, at his own expense. Upon failure of said owner, tenant, person, firm or corporation to comply with said court order, and after notice in writing to the tenant, owner, person, firm or corporation in possession, or control at their last known address, at least ten (10) days prior thereto, the County may remove said materials and restore said property as required above and may file suit against any owner, tenant, person, firm or corporation in possession and reduce to judgment the cost of removing said materials and restoring said property as required, and enforce said judgment against any owner, tenant, person, firm or corporation in possession, as in other civil cases.

For the purposes of this chapter, proof of ownership, possession or control over said property together with proof of filling, and/or excavating of said property in violation of this chapter or any outstanding excavation/filling

permit, shall be prima facie evidence of the guilt of such owner, tenant, person, firm or corporation in control of such property.

Should any section, clause or provision of the 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 or any part thereof, other than the part so declared to be invalid.

(2005 Code)

37-1417: ENFORCEMENT AND PENALTIES; GENERAL.

A. UNLAWFUL ACTS:

1. It shall be unlawful for any person, firm or corporation to build, erect, construct, alter, extend, repair, remove, relocate, demolish, use or occupy any building or structure or equipment or component thereof regulated by this Code, or to cause or allow same to be done, in conflict with any provision of this Code or in conflict with any permit or order issued by the zoning official or any plan or specification approved, or without the appropriate permit having been first issued or revised.
2. It shall be unlawful for any person, firm or corporation owning, having possession of, or exercising control over any property, or building or structure located thereon, to permit, allow or consent to the use or occupancy of any building or structure or equipment or component thereof that has been built, erected, constructed, altered, extended, repaired, removed, relocated, or demolished in conflict with any permit or order issued by the zoning official or any plan or specification approved thereby or in violation of any provision of this Code.
3. It shall be unlawful for any person, firm or corporation owning property to permit or allow any building or structure or equipment or component thereof that has been built, erected, constructed, altered, extended, repaired, removed, relocated, or demolished without a permit, or in conflict with any permit or order issued by the zoning official or any plan or specification approved thereby, or in violation of any provision of this Code, to continue to exist in such status or condition.

B. NOTICE OF VIOLATION:

1. The zoning official shall serve a notice of violation of this Code or of any order herein authorized in any of the following manner:
 - a. By posting a copy on the subject property in a conspicuous place, or
 - b. By personally serving a copy on the person, firm, or corporation responsible for the unlawful act or omission or condition which forms the basis for the violation, or
 - c. By personally serving a copy on any adult who resides at, occupies, uses, leases, manages or maintains the property on which the violation is located, or
 - d. Personally serving any owner in title to the property on which the violation is located.

If a notice, or order, is served in accord with Subsection B.1.a. of this section, or if the party served in accord with Subsections B.1.b. and/or B.1.c. of this section is not the property owner, the zoning official shall also mail a copy of the notice to the "owner of record" as indicated the latest tax assessor's records at the last address to which a tax bill was mailed by certified mail, receipt requested. In cases where the violation involves an unsafe building, structure or use that is in risk of collapse, or which poses a fire hazard, as determined by the zoning official, the zoning official need not comply with notice of violation requirements as a condition for seeking emergency relief from a court of competent jurisdiction.

- (1) A notice of violation shall contain the following:

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- (A) The name of the party to whom it was served upon, if known; and
 - (B) The name of the property owner and, if applicable, the tenant and/or occupant, and/or party exercising control over the subject property; and
 - (C) A brief statement setting forth the type and nature of the violation; and
 - (D) The section, or sections, of the code violated and, if applicable, the identity of any order, permit, plan or statement of specifications violated; and
 - (E) The date and time the violation was observed; and
 - (F) The address of the property on which the violation was observed; and
 - (G) A statement directing the discontinuance, the legal action or condition and abatement of the violation; and
 - (H) A statement informing the violator, and owner, that he/she/it may contest the notice of violation by requesting in writing and within fourteen (14) days of issuance of the notice, an administrative appeal before a hearing officer or an administrative appeal board; and
 - (I) A statement directing the violator to undertake the following acts within fourteen (14) days, excepting instances when an administrative appeal has been requested:
 - (i) To pay a fee to the County in an amount of one hundred dollars (\$100.00); and/or
 - (ii) To apply to the zoning official for any necessary permit(s), or revise or amend any previously issued permit, or previously approved plan, drawing or specifications, as applicable; and/or
 - (iii) To undertake appropriate repairs and/or maintenance to correct a property maintenance code violation and, upon completion thereof, to contact the County Building Division to schedule a repair verification inspection.
 - (J) A warning that if the violator fails to comply with the code and perform as directed by the notice of violation, within the time therein specified, the County will institute appropriate legal proceedings against the violator including a statement that the code authorizes the court to assess fines of up to five hundred dollars (\$500.00), plus additional court costs, per day, for each week a violation remains uncorrected, which fines and costs may be assessed in addition to other remedies at law including a court enjoining further violation and ordering the offender to cease, correct, repair, abate or otherwise remedy the offending condition.

- (2) If a party served with a notice of violation requests an extension of time to comply with the code, or perform any act set forth in the notice, the zoning official may allow an extension of time for such compliance or act, which extension shall not be less than fourteen (14) days, nor more than forty-five (45) days. The zoning official may not extend the period of time in which a party may request an administrative hearing.

C. **PROSECUTION OF VIOLATION:** If the notice of violation is not complied with, or an administrative appeal is not sought, within the time period herein specified the zoning official may request the County's legal counsel to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation to enforce any provision of this Code or any order issued pursuant thereto, to require the removal or

termination of the unlawful use or occupancy of any building or structure, or equipment or component thereof, or to require the remediation of any condition to, or of, any building or structure, or equipment or component thereof existing in violation of any provision of this Code or of any order made pursuant thereto, and to seek the assessment of a fine and court costs as authorized by this Code.

- D. **VIOLATION PENALTIES:** Any person who violates any provision of this Code or fails to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a building, structure or use in violation of an approved plan or directive of the zoning official, or a permit or certificate issued under the provisions of this Code shall be guilty of an offense punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each week that a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Code.
- E. **ABATEMENT OF VIOLATION:** The imposition of the penalties herein prescribed shall not preclude the County's legal counsel from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct business or use of a building or structure on or about any premises.

(2005 Code; Ord. T-1-08, 10-28-2008)

37-1418: ADOPTION CLAUSE; EFFECTIVE DATE.

The zoning ordinance adopted on December 10, 1935, and as amended from time to time, is hereby revised and amended in its entirety, effective April 25, 1985, by the substitution in lieu thereof of the attached ordinance and zoning district maps which are attached thereto and made part thereof.

(Ord. 12-10-1935; amd. Ord. CD-ZO-ORD-01-85, 3-26-1985; Ord. T-01-85, 8-27-1985; Ord. CD-ZO-ORD-003-86, 11-26-1986; Ord. CD-ZO-ORD-001-87, 1-28-1987; Ord. CD-ZO-ORD-001-88, 5-24-1988; Ord. CD-ZO-ORD-002-88, 5-24-1988; Ord. CD-ZO-ORD-003-88, 7-26-1988; Ord. CD-ZO-ORD-004-88, 8-23-1988; Ord. CD-ZO-ORD-005-88, 11-8-1988; Ord. CD-ZO-ORD-006-88, 4-25-1989; Ord. CD-ZO-ORD-001-89, 8-8-1989; Ord. CD-ZO-ORD-001-90, 11-11-1990; Ord. CD-ZO-ORD-001-91, 5-28-1991; Ord. CD-ZO-ORD-002-91, 6-11-1991; Ord. CD-ZO-ORD-003-91, 7-9-1991; Ord. CD-ZO-ORD-004-91, 8-13-1991; Ord. CD-ZO-ORD-002-92, 2-11-1992; Ord. CD-ZO-ORD-003-92, 5-12-1992; Ord. CD-ZO-ORD-001-93, 5-11-1993; Ord. CD-ZO-ORD-003-93, 10-12-1993; Ord. CD-ZO-ORD-001-95, 2-28-1995; Ord. CD-ZO-ORD-002-95, 6-13-1995; Ord. CD-ZO-ORD-003-95, 8-22-1995; Ord. CD-ZO-ORD-001-96, 3-26-1996; Ord. CD-ZO-ORD-001-97, 10-14-1997; Ord. CD-ZO-ORD-002-97, 10-14-1997; Ord. CD-ZO-ORD-003-97, 9-9-1997; Ord. CD-ZO-ORD-004-97, 1-11-1998; Ord. CD-ZO-ORD-002-98, 12-8-1998; Ord. ZP-T-2-00, 2-27-2001; Ord. ZP-T-2-00A, 4-24-2001; Ord. ZP-T-3-01A, 11-14-2001; Ord. ZP-T-3-01B, 3-27-2002; ZP-T-4-03, 4-13-2004; ZP T-1a-08 2-17-09)

APPENDIX

AN ACT concerning County Zoning, amending named Acts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 5-12001 and adding Section 5-12001.1 as follows:

(55 ILCS 5/5-12001) (from Ch. 34, par. 5-12001)

Sec. 5-12001. Authority to regulate and restrict location and use of structures.

For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the County, lessening or avoiding congestion in the public streets and highways, and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters, the County Board or Board of County Commissioners, as the case may be, of each County,

shall have the power to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other uses which may be specified by such board, to regulate and restrict the intensity of such uses, to establish building or setback lines on or along any street, trafficway, drive, parkway or storm or floodwater runoff channel or basin outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances; to divide the entire county outside the limits of such cities, villages and incorporated towns into districts of such number, shape, area and of such different classes, according to the use of land and buildings, the intensity of such use (including height of buildings and structures and surrounding open space) and other classification as may be deemed best suited to carry out the purposes of this Division; to prohibit uses, buildings or structures incompatible with the character of such districts respectively and to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder. Provided, that permits with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes shall be issued free of any charge. The corporate authorities of the County may by ordinance require the construction of fences around or protective covers over previously constructed artificial basins of water dug in the ground and used for swimming or wading, which are located on private residential property and intended for the use of the owner and guests. In all ordinances or resolutions passed under the authority of this Division, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantage of the entire County, and the uses to which property is devoted at the time of the enactment of any such ordinance or resolution.

The powers of this Division given shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purposes to which it is then lawfully devoted; nor shall they be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, other than parcels of land consisting of less than five (5) acres from which one thousand dollars (\$1,000.00) or less of agricultural products were sold in any calendar year in counties with a population between three hundred thousand (300,000) and four hundred thousand (400,000) or in counties contiguous to a County with a population between three hundred thousand (300,000) and four hundred thousand (400,000), and other than parcels of land consisting of less than five (5) acres in counties with a population in excess of four hundred thousand (400,000), or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land except that such buildings or structures for agricultural purposes may be required to conform to building or set back lines; nor shall any such powers be so exercised as to prohibit the temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction activities, except that such facilities may be required to be located not less than one thousand feet (1,000') from any building used for residential purposes, and except that the period of such temporary use shall not exceed the duration of the construction contract; nor shall any such powers include the right to specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in The Public Utilities Act, if the public utility is subject to The Messages Tax Act, The Gas Revenue Tax Act or The Public Utilities Revenue Act, or if such facilities or equipment are located on any rights-of-way and are used for railroad purposes, nor shall any such powers be exercised in any respect as to the facilities, as defined in Section 5-12001.1, of a telecommunications carrier, as also defined therein, except to the extent and in the manner set forth in Section 5-12001.1. As used in this Act, "*agricultural purposes*" do not include the extraction of sand, gravel or limestone, and such activities may be regulated by County Zoning Ordinance even when such activities are related to an agricultural purpose.

Nothing in this Division shall be construed to restrict the powers granted by statute to cities, villages and incorporated towns as to territory contiguous to but outside of the limits of such cities, villages and incorporated towns. Any zoning ordinance enacted by a city, village or incorporated town shall supersede, with respect to territory within the corporate limits of the municipality, any County Zoning Plan otherwise applicable. The powers granted to counties by this Division shall be treated as in addition to powers conferred by statute to control or approve maps, plats or subdivisions. In this Division, "*agricultural purposes*" include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

Nothing in this Division shall be construed to prohibit the corporate authorities of a County from adopting an ordinance that exempts pleasure driveways or park districts, as defined in the Park District Code, with a population of greater than 100,000, from the exercise of the County's powers under this Division.

(Source: P.A. 88-623, eff. 1-1-95; 89-654, eff. 8-14-96.)

(55 ILCS 5/5-12001.1 new)

Sec. 5-12001.1. Authority to regulate certain specified facilities of a telecommunications carrier.

- (a) Notwithstanding any other Section in this Division, the County Board or Board of County Commissioners of any County shall have the power to regulate the location of the facilities, as defined in Subsection (c), of a telecommunications carrier established outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect. The power shall only be exercised to the extent and in the manner set forth in this Section.
- (b) The provisions of this Section shall not abridge any rights created by or authority confirmed in the Federal Telecommunications Act of 1996, P.L. 104-104.
- (c) As used in this section, unless the context otherwise requires:
 - (1) "**County jurisdiction area**" means those portions of a County that lie outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect;
 - (2) "**County Board**" means the County Board or Board of County Commissioners of any County;
 - (3) "**Residential zoning district**" means a zoning district that is designated under a County Zoning Ordinance and is zoned predominantly for residential uses;
 - (4) "**Non-residential zoning district**" means the County jurisdiction area of a County, except for those portions within a residential zoning district;
 - (5) "**Residentially zoned lot**" means a zoning lot in a residential zoning district;
 - (6) "**Non-residentially zoned lot**" means a zoning lot in a non-residential zoning district;
 - (7) "**Telecommunications carrier**" means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997;
 - (8) "**Facility**" means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including; (i) one (1) or more antennas; (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware;
 - (9) "**FAA**" means the Federal Aviation Administration of the United States Department of Transportation;
 - (10) "**FCC**" means the Federal Communications Commission;
 - (11) "**Antenna**" means an antenna device by which radio signals are transmitted, received, or both;
 - (12) "**Supporting structure**" means a structure, whether an antenna tower or another type of structure, that supports one (1) or more antennas as part of a facility;
 - (13) "**Qualifying structure**" means a supporting structure that is (i) an existing structure, if the height of the facility, including the structure, is not more than fifteen feet (15') higher than the structure just before the facility is installed, or (ii) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than fifteen feet (15') higher than the height of the existing structure just before the facility is installed;

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- (14) "**Equipment housing**" means a combination of one (1) or more equipment buildings or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself;
 - (15) "**Height**" of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than three feet (3') above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of three feet (3') shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation;
 - (16) "**Facility lot**" means the zoning lot on which a facility is or will be located;
 - (17) "**Principal residential building**" has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal residential building" shall not include any structure that is not designed for human habitation;
 - (18) "**Horizontal separation distance**" means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building; and
 - (19) "**Lot Line set back distance**" means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right-of-way.
- (d) In choosing a location for a facility, a telecommunications carrier shall consider the following:
- (1) A non-residentially zoned lot is the most desirable location.
 - (2) A residentially zoned lot that is not used for residential purposes is the second most desirable location.
 - (3) A residentially zoned lot that is two (2) acres or more in size and is used for residential purposes is the third most desirable location.
 - (4) A residentially zoned lot that is less than two (2) acres in size and is used for residential purposes is the least desirable location. The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.
- (e) In designing a facility, a telecommunications carrier shall consider the following guidelines:
- (1) No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
 - (2) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.
 - (3) No facility should encroach onto an existing septic field.
 - (4) Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.
 - (5) Existing trees more than three inches (3") in diameter should be preserved if reasonably feasible during construction. If any tree more than three inches (3") in diameter is removed during construction a tree three inches (3") or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point three feet (3') above ground level.

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- (6) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any County Landscaping Regulations of general applicability, except that Paragraph (5) of this Subsection (e) shall control over any tree-related regulations imposing a greater burden.
 - (7) Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with any County Fence Regulations of general applicability.
 - (8) Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.
- (f) The following provisions shall apply to all facilities established in any County jurisdiction area after the effective date of the amendatory Act of 1997:
- (1) Except as provided in this section, no yard or set back regulations shall apply to or be required for a facility.
 - (2) A facility may be located on the same zoning lot as one (1) or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.
 - (3) No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one (1) off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.
 - (4) No portion of a facility's supporting structure or equipment housing shall be less than fifteen feet (15') from the front lot line of the facility lot or less than ten feet (10') from any other lot line.
 - (5) No bulk regulations or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this section, no height limits or restrictions shall apply to a facility.
 - (6) A County's review of a building permit application for a facility shall be completed within thirty (30) days. If a decision of the County Board is required to permit the establishment of a facility, the County's review of the application shall be simultaneous with the process leading to the County Board's decision.
 - (7) The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.
 - (8) Any public hearing authorized under this section shall be conducted in a manner determined by the County Board. Notice of any such public hearing shall be published at least fifteen (15) days before the hearing in a newspaper of general circulation published in the County.
 - (9) Any decision regarding a facility by the County Board or a County Agency or Official shall be supported by written findings of fact. The circuit court shall have jurisdiction to review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof, but there shall be no presumption of the validity of the decision.
- (g) The following provisions shall apply to all facilities established after the effective date of this amendatory Act of 1997 in the County jurisdiction area of any County with a population of less than one hundred eighty thousand (180,000):
- (1) A facility is permitted if its supporting structure is a qualifying structure or if both of the following conditions are met:

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- (A) the height of the facility shall not exceed two hundred feet (200'), except that if a facility is located more than one and one-half (1½) miles from the corporate limits of any municipality with a population of twenty-five thousand (25,000) or more the height of the facility shall not exceed three hundred fifty feet (350'); and
 - (B) the horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure: except that if the supporting structure exceeds ninety-nine feet (99') in height, the horizontal separation distance to the nearest principal residential building shall be at least one hundred feet (100') or eighty percent (80%) of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a building permit application for the facility is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.
- (2) Unless a facility is permitted under paragraph (1) of this Subsection (g), a facility can be established only after the County Board gives its approval following consideration of the provisions of paragraph (3) of this Subsection (g). The County Board may give its approval after one (1) public hearing on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than seventy-five (75) days after submission of a complete application by the telecommunications carrier. If the County Board fails to act on the application within seventy-five (75) days after its submission, the application shall be deemed to have been approved. No more than one (1) public hearing shall be required.
- (3) For purposes of paragraph (2) of this Subsection (g), the following siting considerations, but no other matter, shall be considered by the County Board or any other body conducting the public hearing:
- (A) the criteria in Subsection (d) of this section;
 - (B) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
 - (C) the benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;
 - (D) the existing uses on adjacent and nearby properties; and
 - (E) the extent to which the design of the proposed facility reflects compliance with Subsection (e) of this section.
- (4) On judicial review of an adverse decision, the issue shall be the reasonableness of the County Board's decision in light of the evidence presented on the siting considerations and the well-reasoned recommendations of any other body that conducts the public hearing.
- (h) The following provisions shall apply to all facilities established after the effective date of this amendatory Act of 1997 in the County jurisdiction area of any County with a population of one hundred eighty thousand (180,000) or more. A facility is permitted in any zoning-district subject to the following:
- (1) A facility shall not be located on a lot under Paragraph (4) of Subsection (d) unless a variation is granted by the County Board under Paragraph (4) of this Subsection (h).
 - (2) Unless a height variation is granted by the County Board, the height of a facility shall not exceed seventy-five feet (75') if the facility will be located in a residential zoning district or two hundred feet (200') if the facility will be located in a non-residential zoning district. However, the height of a facility may exceed the height limit in this paragraph, and no height variation shall be required, if the supporting structure is a qualifying structure.

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- (3) The improvements and equipment of the facility shall be placed to comply with the requirements of this paragraph at the time a building permit application for the facility is submitted. If the supporting structure is an antenna tower other than a qualifying structure then (i) if the facility will be located in a residential zoning district the lot line set back distance to the nearest residentially zoned lot shall be at least fifty percent (50%) of the height of the facility's supporting structure or (ii) if the facility will be located in a non-residential zoning district the horizontal separation distance to the nearest principal residential building shall be at least equal to the height of the facility's supporting structure.
 - (4) The County Board may grant variations for any of the regulations, conditions, and restrictions of this Subsection (h), after one (1) public hearing on the proposed variations, by a favorable vote of a majority of the members present at a meeting held no later than seventy-five (75) days after submission of an application by the telecommunications carrier. If the County Board fails to act on the application within seventy-five (75) days after submission, the application shall be deemed to have been approved. In its consideration of an application for variations, the County Board, and any other body conducting the public hearing, shall consider the following, and no other matters:
 - (A) whether, but for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility will be less available, impaired, or diminished in quality, quantity, or scope of coverage;
 - (B) whether the conditions upon which the application for variations is based are unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier;
 - (C) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
 - (D) whether there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility; and
 - (E) the extent to which the design of the proposed facility reflects compliance with Subsection (e) of this Section. No more than one (1) public hearing shall be required.
 - (5) On judicial review of an adverse decision, the issue shall be the reasonableness of the County Board's decision in light of the evidence presented and the well-reasoned recommendations of any other body that conducted the public hearing.

Section 10. The Township Code is amended by changing Section 110-5 as follows:

(60 ILCS 1/110-5)

Sec. 110-5. Application of Article.

- (a) This Article applies only in those townships in which the electors of the township, at an annual or special township meeting, authorize the township board to exercise the powers conferred by this Article.
- (b) This article does not apply in any County in which a County Zoning Ordinance or resolution is in effect. A County zoning ordinance or resolution adopted after the adoption of a township zoning ordinance or resolution under this article supersedes the township zoning ordinance or resolution.
- (c) Regulations adopted under this article do not apply to any area that is governed by a municipal zoning ordinance.
- (d) This article does not apply to the facilities of a telecommunications carrier defined in Section 5-12001.1 of the Counties Code. (Source: P.A. 82-783; 88-62.)

Section 15. The Illinois Municipal Code is amended by changing Section 11-13-1 as follows:

(65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)

Section 11-13-1. To the end that adequate light, pure air, safety from fire and other dangers may be secured, that taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted, and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance; the corporate authorities in each municipality have the following powers:

- (1) to regulate and limit the height and bulk of buildings hereafter to be erected;
- (2) to establish, regulate and limit, subject to the provisions of Division 14 of this Article 11, the building or setback lines on or along any street, traffic-way, drive, parkway or storm or floodwater runoff channel or basin;
- (3) to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings;
- (4) to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses;
- (5) to divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this Division 13;
- (6) to fix standards to which buildings or structures therein shall conform;
- (7) to prohibit uses, buildings, or structures incompatible with the character of such districts;
- (8) to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Division 13;
- (9) to classify, to regulate and restrict the use of property on the basis of family relationship, which family relationship may be defined as one (1) or more persons each related to the other by blood, marriage or adoption and maintaining a common household; and
- (10) to regulate or forbid any structure or activity which may hinder access to solar energy necessary for the proper functioning of a solar energy system, as defined in Section 1.2 of The Comprehensive Solar Energy Act of 1977.

The powers enumerated may be exercised within the corporate limits or within contiguous territory not more than one and one-half (1½) miles beyond the corporate limits and not included within any municipality. However, if any municipality adopts a plan pursuant to Division 12 of Article 11 which plan includes in its provisions a provision that the plan applies to such contiguous territory not more than one and one-half (1½) miles beyond the corporate limits and not included in any municipality, then no other municipality shall adopt a plan that shall apply to any territory included within the territory provided in the plan first so adopted by another municipality. No municipality shall exercise any power set forth in this Division 13 outside the corporate limits thereof, if the County in which such municipality is situated has adopted "*An Act in relation to County Zoning*," approved June 12, 1935, as amended. No municipality may exercise any power set forth in this Division 13 outside the corporate limits of the municipality with respect to a facility of a telecommunications carrier defined in Section 5-12001.1 of the Counties Code. If a municipality adopts a zoning plan covering an area outside its corporate limits, the plan adopted shall be reasonable with respect to the area outside the corporate limits so that future development will not be hindered or impaired; it is reasonable for a municipality to regulate or prohibit the

extraction of sand, gravel, or limestone even when those activities are related to an agricultural purpose. If all or any part of the area outside the corporate limits of a municipality, which has been zoned in accordance with the provisions of this Division 13, is annexed to another municipality or municipalities, the annexing unit shall thereafter exercise all zoning powers and regulations over the annexed area.

In all ordinances passed under the authority of this Division 13, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire municipality and the uses to which the property is devoted at the time of the enactment of such an ordinance. The powers conferred by this Division 13 shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted, but provisions may be made for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are made or located, including, without being limited thereto, provisions (a) for the elimination of such uses of unimproved lands or lot areas when the existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued; (b) for the elimination of uses to which such buildings and structures are devoted, if they are adaptable for permitted uses; and (c) for the elimination of such buildings and structures when they are destroyed or damaged in major part, or when they have reached the age fixed by the corporate authorities of the municipality as the normal useful life of such buildings or structures.

This amendatory Act of 1971 does not apply to any municipality, which is a home rule unit.

(Source: P.A. 86-1025.)

Section 20. The Airport Zoning Act is amended by adding Section 10.5 as follows:

(620 ILCS 25/10.5 new)

Sec. 10.5. Effect of other laws. None of the following shall be construed to limit the authority created by this Act:

- (A) Section 5-12001 of the Counties Code;
- (B) Section 5-12001.1 of the Counties Code;
- (C) Section 110-5 of the Township Code; and
- (D) Section 11-13-1 of the Illinois Municipal Code.