
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:	<p>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:</p> <ol style="list-style-type: none"> 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:	<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. 				

(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)

37-700.7: 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;
 - d. For hire vehicle;
 - e. Junk vehicle;
 - f. Not for hire vehicle;
 - g. Limousine;

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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
 - 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.

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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.
- 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)