

# **1. GENERAL PROVISIONS**

## **A. ESTABLISHMENT AND APPLICABILITY**

### **1. TITLE**

This Ordinance shall be known, cited, and referred to as: The City of Warrenville Zoning Ordinance.

### **2. PURPOSE**

This Ordinance is adopted for the purpose of improving and protecting the public health, safety, and welfare of residents of the City. To this end the Ordinance seeks:

- a. To further the implementation of the objectives of the adopted Comprehensive Plan for the City of Warrenville in such a manner as any changed conditions since the adoption of the Plan may require
- b. To zone all land in the City with a view to conserving property values and encouraging the most appropriate use of land throughout the City
- c. To protect all areas of the City from harmful encroachment by incompatible uses
- d. To establish adequate standards for the provision of light, air, and open spaces
- e. To prevent the overcrowding of land and undue concentration of population, thereby preventing the development of blight and deterioration
- f. To lessen congestion in the public streets
- g. To facilitate provision of adequate public services and facilities such as transportation, water, sewerage, and parks
- h. To provide for adequate drainage, control of erosion, reduction of flood damage, and destruction of sensitive or valuable environmental resources
- i. To encourage provision of a range of housing opportunities that enables all people working in Warrenville to live within the City
- j. To foster a desirable pattern of relationships among residential, commercial, industrial, and other uses for the mutual benefit of all types of development
- k. To isolate and control the location of unavoidable nuisance-producing uses.

**To accomplish the above objectives, this Ordinance further seeks:**

- a. To fix reasonable standards to which buildings, structures, and other uses of land shall conform
- b. To prevent new construction or alteration or expansion of existing construction that does not comply with the restrictions herein
- c. To provide for the modification or elimination in appropriate situations of existing uses that are incompatible with the character of the districts in which they are located

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- d. To define the powers and duties of the officers and bodies charged with the enforcement of this Ordinance
- e. To prescribe penalties for any violation of the provisions hereof.

## **3. REPEAL**

Upon adoption of this Ordinance, Warrenville Zoning Ordinance No. 725 is hereby repealed. All other City ordinances or parts of ordinances inconsistent with this Ordinance are also hereby repealed to the extent of such inconsistency only. No other ordinance, regulation, annexation agreement, or private agreement, covenant, or easement is intended to be repealed or abrogated by this Ordinance.

## **4. EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

## **5. APPLICABILITY**

No building, structure, land, or premises shall hereafter be constructed, altered, converted, enlarged, moved, used, or occupied except in conformity with the provisions herein.

## **6. SEPARABILITY**

If any court of competent jurisdiction shall adjudge invalid any provision of this Ordinance, or the application thereof to any particular property, such judgment shall not affect any other provision hereof, or the applicability thereof to any other property, not specifically included in said judgment.

## **7. ALLOWABLE USES**

Only the following uses of land, buildings, or structures are allowed in the City:

- a. Uses lawfully established on the effective date of this Ordinance
- b. Uses which:
  - 1. had a Building Permit lawfully issued prior to the effective date of this Ordinance, and
  - 2. began construction within six months of such date, which construction was diligently prosecuted to completion, and
  - 3. are constructed and occupied in conformance with the plans that were the basis for the issuance of the Permit.
- c. Permitted Uses in the applicable zoning districts, subject to the conditions and requirements herein
- d. Special Uses in the applicable zoning districts, subject to the approval of a Special Use Permit and other conditions and requirements herein
- e. Temporary Uses subject to the provisions herein.

## **8. MINIMUM REQUIREMENTS**

The provisions herein shall, in their interpretation and application, be held to be minimum requirements.

## **9. MORE RESTRICTIVE REGULATION OR COVENANT APPLIES**

In any case in which any portion of this or any other City ordinance, or any other law, regulation, or annexation agreement or any kind of private agreement, covenant, or easement applying within the City, establishes a requirement that is either more or less restrictive than a particular requirement established herein, the provision that is the more restrictive or that imposes the higher standard or requirement shall govern.

## **10. UNLAWFUL EXISTING USES NOT MADE LAWFUL**

No building, structure, or use not lawfully existing at the time of adoption of this Ordinance shall be made lawful solely by the adoption thereof. Such structure or use shall remain unlawful hereunder to the extent that it is in conflict with the requirements of this Ordinance.

# **B. ZONING DISTRICTS**

## **1. ESTABLISHMENT OF DISTRICTS**

To accomplish the purposes of this Ordinance, the City of Warrenville is hereby divided and classified into the following zoning districts:

### **RESIDENTIAL DISTRICTS**

- R—1 Low-Density Single-Family Residential District
- R—1A Low Density/Semi Urban Single-Family Residential District
- R—2 Medium-Low Density Single-Family Residential District
- R—3 Medium-Density Single-Family Residential District
- R—4 Medium-High-Density Single-Family Residential District
- R—5 High-Density Single-Family Residential District
- R—6 Multi-Family Residential District

### **BUSINESS DISTRICTS**

- B—2 Community Retail Business District
- B—4 Motorist Service Business District

### **OFFICE DISTRICTS**

- O—1 Limited Office District
- O—2 Office Park District

### **MANUFACTURING DISTRICTS**

- M—1 Light Manufacturing District
- M—2 General Manufacturing District

## **SPECIAL DISTRICTS**

SD-Special Development District

## **2. ZONING DISTRICT MAP**

The zoning district classification of all land in the City shall be shown on the map designated as the City of Warrenville Zoning District Map, dated and signed by the City Clerk upon adoption. No land shall at any time be classified in more than one zoning district, except that land may be classified in any district designated as an overlay district at the same time it is classified in a district that is not an overlay district.

The Zoning District Map, everything shown thereon, and all amendments thereto shall be as much a part of this Ordinance as if fully described herein and shall be filed as part of this Ordinance by the City Clerk. Said Map shall be available for public inspection in the Department of Public Works. Any amendments to this map shall be similarly dated, filed, and made available for public reference.

## **3. INTERPRETATION OF DISTRICT BOUNDARIES**

District boundary lines shall, unless otherwise clearly indicated on the Zoning District Map, be on the boundary lines of the City, of sections or divisions of sections, or tract or lot lines; on the center lines of streets, railroads, alleys, easements, rivers, and other water bodies; or on the extension of such lines.

District boundary lines approximately following such lines shall be interpreted as located on those lines. Distances not specifically indicated on the map shall be established using the scale of the map.

Where a district boundary divides a lot in single ownership, the district governing any portion of the lot may, at the owner's discretion, be construed as extending to the entire lot if such extension is not more than 25 feet beyond the district boundary on the map.

## **4. ZONING OF ANNEXED LAND**

Except as may be otherwise provided by a preannexation agreement or by simultaneous or subsequent amendment to this Ordinance, any parcel of land hereafter annexed to the City shall upon annexation be classified in the R-1 Single-Family Residential District.

## **5. UNZONED AREAS**

Public and semi-public areas designated on the Zoning District Map without a zoning district classification shall be used only for the use designated on the Map. When such use is permanently discontinued, the property shall be considered to be zoned in the most restrictive district adjacent to the property until an amendment establishing another zoning classification is adopted.

**C. SPECIAL USES**

**1. HEIGHT OF STRUCTURES NEAR AIRPORTS**

a. AIRPORTS WITH APPROACH PLAN

Maximum height of structures near airports having an Approach Plan approved by the Illinois Department of Aeronautics shall be as provided in such Plan.

b. AIRPORTS WITHOUT APPROACH PLAN

Maximum height of structures near airports that do not have such a Plan shall be 15 feet plus the additional structure height allowed as follows:

<u>Length of Longest Runway in Feet</u>	<u>Additional Structure Height in Feet Allowed Per 200 Linear Feet of Distance of Structure from Airport Boundary</u>
<u>Non-Instrument Runways</u>	
Under 3,950	10
3,950 or More	5
<u>Instrument Runways</u>	
3,950 or More:	
<u>Distance of Structure From Airport Boundary:</u>	
Up to 10,000 Feet	4
10,000 Feet and Over	5

c. EXCEPTIONS

The Zoning Board of Appeals may, after holding a public hearing thereupon, approve an exception to the height restrictions herein on the basis of a finding in an aeronautical study that such exception would not constitute an obstruction to air navigation.

**2. NON-RESIDENTIAL USES IN OR ADJACENT TO RESIDENTIAL DISTRICTS**

A mandatory public information and input meeting in accordance with the provisions of Chapter 2 of this ordinance shall be conducted for all new, and expansions to existing, non-residential permitted land uses proposed in the residential zoning district that require Site Plan Approval.

All principal and accessory buildings associated with non-residential uses, except Permitted Public Uses, Conditional Public Uses, Temporary Uses, and storage sheds and detached garages that comply with the area and height limitations applicable in the underlying zoning district shall be setback a minimum of 40 feet from any lot line abutting a lot in a Residential District. Storage sheds and detached garages that serve non-residential uses but comply with the underlying zoning district area and height limitations may encroach into required interior side and rear yards but shall be setback a minimum of 10 feet from side and rear property lines. Unless otherwise shown on a Site Plan that has received City of Warrenville Site Plan Approval,

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new accessory Recreational Equipment associated with non-residential uses in or adjacent to Residential Districts installed after September 1, 2009 shall be set back a minimum of 40 feet from any lot line abutting a lot in a Residential District. The perimeter setback requirements of this section shall supersede any lesser setback requirements in this ordinance. The perimeter setback requirements of this section shall not supersede any more stringent setback requirements established in Table 4B for specific land uses. (Ord. 2536, 8-18-09)

The lot width and area requirements for each non-residential Permitted Use except Permitted Public Uses and Temporary Uses shall be the same as required per dwelling unit in the same district. For non-residential Special Uses, such requirements shall be as determined by the Board of Zoning Appeals or Plan Commission, as appropriate, but shall not be less than the requirements for single-family detached dwellings.

Maximum building height for all non-residential uses in residential districts shall be the same as allowed for residential uses in the same zoning district.

Off-street parking and loading, landscaping requirements and sign regulations for all non-residential uses in residential districts shall be as provided in the Off-Street Parking and Loading and Landscaping and Screening sections of this Ordinance and in Title 8, Chapter 6, Signs, Municipal Code.

No non-residential land use such as schools, churches, and fire stations shall be constructed in a manner where the only vehicular access point(s) to the property is/are from a dead end street such as, but not limited to, Landon Avenue, Burk Avenue immediately south of Wagner, Mignin Drive south of Albright, Glen Drive south of Warrenville Road, Forestview Drive North, and Riverside Parkway. (Ord. 2276, 4-18-06)

## **D. TEMPORARY USES**

### **1. REAL ESTATE OFFICES**

A real estate office may be established as a Temporary Use in a real estate development to market properties therein. Such office shall cease operation not later than 1 year after completion of construction, unless otherwise approved by the City Council as necessary for a longer period of time.

### **2. CONSTRUCTION BUILDINGS**

Temporary buildings for construction purposes may be established as a Temporary Use for a period ending no later than the date of completion of construction.

### **3. TEMPORARY SIGNS**

Temporary signs may be permitted as provided in Title 8, Chapter 6 of the Municipal Code.

### **4. OTHER TEMPORARY USES**

Other Temporary Uses may be allowed upon approval of a Temporary Use Permit by the City Council.

## **5. CARGO CONTAINERS**

Cargo containers, temporary membrane structures, storage tents and temporary storage canopies may be placed on a private property not more than four (4) times, for a total of thirty (30) days in any one calendar year. Notwithstanding the foregoing restriction, the City of Warrenville Chief Building Official may extend the length of time a cargo container, temporary membrane structure, storage tent or temporary storage canopy can remain on private property to a maximum of 120 days provided the cargo container, temporary membrane structure, storage tent or temporary storage canopy is located on a property that has a valid building permit for a major construction project and is used to store construction equipment, construction materials, and/or relocated personal possessions. Cargo containers, temporary membrane structures, storage tents and temporary storage canopies shall not be located in required interior side or rear yard setbacks. A permit from the City of Warrenville Community Development Department is required to place temporary cargo containers, temporary membrane structures, storage tents and temporary storage canopies on a private property. (Ord. 2191, 2-9-05) (Ord. 2533, 8-5-09)

## **E. OTHER GENERAL PROVISIONS**

### **1. ACCESS TO PUBLIC STREET**

Except as otherwise permitted herein, no Building Permit shall be issued for a lot not abutting upon a public street unless a permanent access easement was recorded prior to the adoption of this Ordinance or unless the City Council approves the use of private streets in a development. From and after November 3, 2003, no new non-emergency vehicular driveway shall be established from a property in an O, B or M Zoning District onto the section of any minor or marginal access street (as defined by the Subdivision Control Ordinance of the City) located in or directly across from a Residential Zoning District unless the property located in the O, B or M Zoning District has only one street line. When a property zoned O, B or M has only one street line, a single driveway shall be permitted on the adjacent street regardless of the zoning of the underlying or adjacent properties. (Ord. 2098, 11-4-03)

No new private curb cuts shall be made to City of Warrenville streets or private driveways constructed on City of Warrenville rights-of-way until a permit is issued by the City of Warrenville in accordance with Section 7-2-3-1 of the City Code. (Ord. 2276, 4-18-06)

### **2. STORMWATER DETENTION**

Requirements for detention or retention of stormwater shall be as provided by the Warrenville Subdivision Control Ordinance No. 807.

### **3. ONE PRINCIPAL BUILDING PER LOT**

No more than one principal building or use shall be permitted on any lot in any single-family residential zoning district. No more than one principal non-residential building or use shall be permitted on any lot unless a site plan for the lot has been approved by the City Council. (Ord. 2276, 4-18-06)

**4. EXCEPTIONS TO ARTERIAL LOT DIMENSIONS**

The following lots are exempt from the special required minimum lot dimensions along streets designated as arterials in the City Comprehensive Plan that are provided in the regulations for individual zoning districts:

- a. Existing lots of record as of the effective date of this Ordinance.
- b. Lots subdivided after the effective date of this Ordinance that meet any of the following conditions:

1. ACCESS FROM INTERSECTING STREET

The only permanent access to the lot is or is to be from one or more public streets or public access drives that are not arterials and are either already in existence or have been planned and approved by the City

2. SHARED CURB CUT

The only permanent access to the lot is from one or more curb cuts provided jointly with one or more other lots, which together with the subject lot have a combined frontage on the arterial of 150 feet or more

3. FRONTAGE ROAD

The only permanent access to the lot is or is to be provided from a frontage road planned and approved by the Illinois Department of Transportation, the County, or the City as provided by law and where right-of-way adjacent to the lot has been dedicated totaling 100 feet from the center line of the arterial or such lesser distance equaling or exceeding 50 feet as the City Council may approve

4. OTHER ARRANGEMENTS

Other arrangements approved by the Zoning Board of Appeals:

- a. establish a minimum distance of 150 feet between each curb cut on the lot and all other curb cuts on the lot or on adjacent parcels, or
- b. control left turns in and out of curb cuts by driveway channelization or signage, or
- c. otherwise reduce the harmful impact on traffic movement and safety of closely-spaced curb cuts.

**5. EXCEPTIONS TO MAXIMUM BUILDING HEIGHT**

The following shall be exempt from the regulations herein governing maximum building height:

- a. For Residential Uses: Cupolas not exceeding six feet (6') in height from the roof surface and one hundred square feet (100) in area, chimneys, elevator penthouses, parapet walls, stacks, rotundas, spires, towers, mechanical equipment, antennas, tanks, and similar projections not exceeding ten percent (10%) of maximum allowed building height as established by Table 4A.

- b. For All Other Uses: Cupolas not exceeding six feet (6') in height from the roof surface and one hundred square feet (100) in area, chimneys, elevator penthouses, parapet walls, stacks, rotundas, spires, towers, mechanical equipment, antennas, tanks, and similar projections (other than signs). (Ord. 2231, 7-21-05)