

10. ACCESSORY USES AND YARDS

A. ACCESSORY USES AND STRUCTURES

1. GENERAL PROVISIONS

A. Compatibility

Accessory uses and structures shall be compatible with the principal use of the lot on which they are located and shall not be established prior to the establishment of the principal use. Notwithstanding the above, accessory structures on vacant parcels contiguous to the parcel(s) developed with a principal building may be constructed prior to the establishment of a principal use provided that:

- (i) Except as provided in subsection (ii) below, both the developed parcel and the vacant parcel remain under unified, single ownership at all times;
- (ii) In the event that both parcels will no longer be under unified, single ownership due to a transfer of ownership, the accessory structure may remain in place provided that within nine (9) months from the date of ownership transfer, a building permit has been acquired and construction of a new principal structure has begun on the accessory structure vacant parcel; and
- (iii) A protective covenant shall be recorded with the DuPage County Recorder's Office against such vacant parcel on which the accessory structure(s) is (are) constructed prior to issuance of a Building Permit for the accessory structure(s). The protective covenant shall (a) include a provision requiring the owner of the property to notify the Community Development Director of the property ownership transfer, and (b) document the property owner's obligations as required herein. The form of the protective covenant shall be approved by the City Attorney. All recording costs shall be the responsibility of the property owner. (Ord. 2536, 8-18-09)

Except for the keeping of horses, llamas, and chickens as provided herein and as an accessory use to agriculture where permitted herein, the keeping, preparation, or culture of poultry (not including pigeons) or livestock shall not be an accessory use. (Ord. 2517, 6-1-09) (Ord. 2533, 8-5-09), (Ord. 2539, 9-9-09)

Notwithstanding the foregoing, animal keeping associated with a formal project conducted in conjunction with an educational organization such as but not limited to 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 used for such projects 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. All project activities shall comply with Animal Nuisance regulations found in Title 4, Chapter 4 Animal Control of the Warrenville City Code. (Ord. 2346, 12-15-06)

Accessory structures attached to a principal building shall be considered a part of the principal building and shall be subject to applicable yard requirements.

Religious study groups and similar secular and non-secular activities conducted in a structure occupied as a dwelling unit shall be considered permitted accessory uses in the residential zoning districts. (Ord. 2276, 4-18-06)

B. Location

Accessory uses may be located in courtyards and required yards only as provided in Table 10B. No accessory structure, except fences as defined herein, may encroach upon a drainage (without blocking drainage) or utility easement without a waiver from the party to which the easement is dedicated. If a fence is installed in or across a utility or drainage easement, the City of Warrenville or any other utility

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company which has legal rights to utilize said easement shall have the right to remove the fence. Notwithstanding emergency situations, removal of a legally permitted fence in a utility or drainage easement shall be performed with care and in a workmanlike manner intended to minimize unnecessary damage to said fence.

C. Standards

All accessory uses shall conform to the applicable standards in Table 10A.

2. SPECIAL ACCESSORY USES

A. Home Occupations

Home occupations as defined herein shall be accessory uses only and shall be governed by the following regulations:

1. Employment

Home occupations shall not employ more than 2 persons that are not members of the family, as defined herein, living on the premises.

2. Enclosed Structures

Home occupations shall be conducted entirely within enclosed structures, and there shall be no exterior storage of equipment or materials used.

3. No Exterior Evidence

There shall be no visible evidence of the conduct of such occupation in the outside appearance of the premises other than signage as permitted in the Warrenville Signs Ordinance No. 1554, Title 8, Chapter 6, Municipal Code.

4. Parking

Any need for parking generated by the occupation above that normally is associated with residential uses allowed in the zoning district shall be met off the street and outside of any actual front or corner side yard.

5. Fire Rating

No home occupation shall involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or of the fire district in which the structure is located.

6. Commercial Vehicles

No home occupation shall involve the use for delivery of materials to or from the premises of commercial vehicles, as defined herein, other than those that normally serve residential areas and those permitted to be stored in residential areas by this and other City ordinances.

7. Maximum Floor Space

No more than 25 percent of the gross floor area of the dwelling unit, up to a maximum of 1,000 square feet, shall be devoted to the home occupation.

8. Environmental Standards

No home occupation shall create noise, vibration, smoke, fumes, odor, dust, glare, heat, radioactive radiation, or electrical interference; release toxic matter; or generate pedestrian or vehicular traffic that:

- a. is more than is normally associated with uses allowed in its zoning district, and
- b. adversely affects other dwellings or businesses.

9. Permitted Occupations

The following uses are permitted as home occupations provided they conform to all other requirements herein:

- a. art, photography, or crafts studio,
- b. dressmaking, sewing, and tailoring,
- c. teaching of music or dancing to no more than 4 pupils at one time and conducted in single-family detached dwellings or their accessory buildings only,
- d. other teaching or tutoring, limited to 6 pupils at one time in single-family detached dwellings and their accessory buildings and one pupil at a time in all other dwellings,
- e. writing, editing, composing, painting, or sculpting,
- f. offices of a professional person such as a clergyman, attorney, architect, engineer, physician, dentist, or accountant,
- g. telephone answering,
- h. home crafts such as rug weaving, model making, lapidary work, and cabinet making,
- i. home cooking and preserving,
- j. computer programming,
- k. typing and word processing,
- l. laundry and ironing,
- m. hair styling and cutting,
- n. real estate brokerage employing no more than one broker or salesperson,
- o. babysitting,
- p. telephone sales,
- q. repair of small appliances,
- r. mail order businesses not requiring maintenance of on-site inventories, and
- s. offices of sales people who normally meet customers and prospects outside the salesperson's home.

10. Prohibited Occupations

Home occupations shall not include:

- a. any manufacturing or processing operations,
- b. public stables or kennels,
- c. restaurants,
- d. clinics, and
- e. motor vehicle repair

11. Special Use Home Occupations

A home occupation not listed herein as either a permitted or prohibited home occupation may be approved as a Special Use under provisions for Special Uses in this Ordinance.

B. Keeping of Animals

1. Keeping of Horses

Horses may be kept on lots of 40,000 square feet or more in any Residential District provided that:

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- a. a stable shall be provided as required in Tables 10A and 10B,
- b. the number of horses shall not exceed 1 for the first 40,000 square feet of lot area and 1 for each 20,000 square feet thereafter; and
- c. a fenced area/pen shall be provided.

2. Keeping of Llamas on Lots of 40,000 Square Feet or Greater

Llamas may be kept on lots of 40,000 square feet or greater in any Residential District provided that:

- a. the number of llamas shall not exceed 2 llamas for the first 40,000 square feet of lot area and 1 for each 10,000 square feet thereafter,
- b. a llama shelter shall be provided as required in Tables 10A and 10B, and
- c. a fenced area/pen shall be provided.

3. Keeping of Llamas on Lots of Less Than 40,000 Square Feet but Not Less Than 28,000 Square Feet

Llamas may be kept on lots of less than 40,000 square feet but not less than 28,000 square feet in any Residential District provided that:

- a. a Special Use Permit has been approved,
- b. the number of llamas shall not exceed 2,
- c. a minimum 10,000 square foot fenced area/pen shall be provided,
- d. a food supplement in the form of quality hay, grains, minerals, etc., shall be provided,
- e. the type of fence shall be approved by the Plan Commission,
- f. the minimum fenced area/pen setback from front and corner side property lines shall be 30 feet, and
- g. a llama shelter shall be provided as required in Tables 10A and 10B.

4. Keeping of Horses and Llamas

If llamas and horses are both kept on one lot, then the maximum combined number of animals shall be determined based on the requirements related to the number of horses that would be permitted (i.e., total number of animals cannot exceed total number of horses that would be permitted under Section 10.A.2.B.1). (Ord. 2517, 6-1-09) (Ord. 2533, 8-5-09)

C. Keeping of Chickens

Chickens may be kept on lots of 10,000 square feet or more in any Residential District, provided that:

- a. no more than 4 chickens shall be allowed on a property,
- b. no roosters shall be allowed,
- c. chickens shall be confined at all times in a chicken coop and chicken run,
- d. a chicken coop and chicken run shall be provided as required in Tables 10A and 10B,
- e. chicken coops shall not be allowed to be located in any part of a home and/or attached garage but may be located adjacent to a principal or other accessory building or within an accessory building, and
- f. chicken feed shall be kept in a predator/rodent proof container. (Ord. 2539, 9-9-09)

D. Public Paper Recycling Bins (Ord. 2593, 6-21-10)

Public paper recycling bin (bins) may be installed on school, governmental or not-for-profit properties in any zoning district, provided that:

- a. no more than two bins shall be allowed on any property,
- b. a bin shall not exceed 7 cubic yards and 6 feet in height,

- c. a bin shall be enclosed with a 6 foot high fence on at least 3 sides,
- d. required parking spaces shall not be blocked by the bin, and
- e. bins shall be located outside front and corner side yards, in the area least visible from the adjacent public right-of-way, and shall be set back a minimum of 10 feet from any lot line abutting a lot in a residential district.

3. Accessory Structures

A. Decks, Patios, and Porches

No open porch shall cover more than 20 percent of the required front yard, or of the actual front yard if it is smaller than the required front yard. (Ord. 2625, 1-4-11)

B. Fences

The maximum height of a fence in a Residential District, measured from the finished grade at the fence post, shall be 6 feet, except fences abutting a railroad right-of-way or along the edge of a utility easement that adjoin and run parallel with a railroad right-of-way shall be a maximum of 8 feet in height. Fences shall display the finished side toward the abutting property except that, for properties abutting a railroad right-of-way or along the edge of a utility easement that adjoins and runs parallel with a railroad right-of-way, the finished side may be displayed toward the property. The height of protection fencing/backstops shall not exceed 30 feet for baseball and softball fields, 16 feet for batting cages, 12 feet for tennis courts, and 10 feet for all other recreational equipment. (Ord. 2539, 9-9-09) (Ord. 2593, 6-21-10)

C. General Swimming Pool Regulations

No private swimming pool in a Single-Family Residential District shall be located in the actual front yard.

Pools and surrounding decks or patios may not be located in any easement. Pools must be set back a minimum of 10 feet from any overhead electrical line and 5 feet from any underground electrical line.

All pools shall be set back 10 feet from any well. Above-ground pools must be set back a minimum of 10 feet from any septic system and in-ground pools must be set back a minimum of 25 feet from any septic system.

All in-ground pools are required to have a minimum 4 foot wide walkway surrounding the entire pool. For the purpose of this requirement, a walkway shall be defined as a ground level paved surface.

A fence or wall with no openings or breaks, except for self-closing, self-latching gate(s), not less than 42 inches in height, must be placed around any in-ground pool or any above-ground pool less than 42 inches in height (as measured from ground level to the top of the pool wall) or around the portion of the lot on which the pool is located. Any above-ground pool which is not surrounded by a fence must have a removable, raisable or retractable ladder.

B. YARDS

1. ESTABLISHMENT OF YARDS

Yards shall be established and maintained on the same lot as a use as provided in the district regulations herein.

The minimum yard space required for one building or structure shall not be used as the required yard space for another adjoining building or structure.

The front and side yards required herein shall be established for all uses without buildings except for agriculture, gardening, and recreation areas and as otherwise provided herein.

2. OBSTRUCTIONS

Court yards and required yards may be obstructed by accessory uses or building projections only as provided in Table 10B, except that a residential structure or structure accessory thereto may encroach a maximum of 3 inches into a maximum of one required yard or setback.

3. ACCESSORY STRUCTURES ADJACENT TO UNDEVELOPED RIGHT-OF-WAY

The required Corner Side Yard for Accessory Structures may be reduced by 50% when the required Corner Side Yard is adjacent to an undeveloped City-owned Right-of-way.

4. REDUCTION IN YARD AREA

No nonconforming yard shall be reduced in any dimension in which it is nonconforming. No conforming yard shall be reduced in any dimension to less than required by this Ordinance.

5. VACANT THROUGH OR CORNER LOTS

On a vacant through or corner lot, either of the lot lines abutting a street may be established as the front lot line, except that where two or more through lots are contiguous and a front lot line has been duly established by the construction of a building on one lot, the same street lot line shall serve as the front lot line of all such contiguous lots.

6. VISION CLEARANCE TRIANGLE (Ord. 2346, 12-15-06)

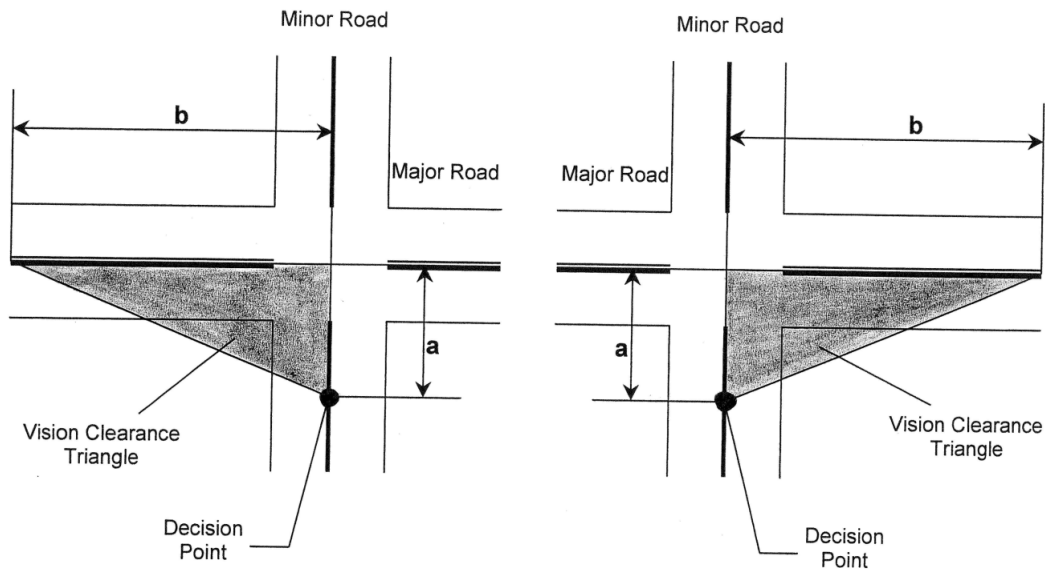
Within the triangular area located at the at grade intersection of a street and a railroad, a street and a driveway and/or two streets when the minor street approach is under a stop condition and the major approach is uncontrolled or where the street intersection is controlled by a traffic signal and right-turn-on-red is permitted. Solid fences, as defined herein, hedges, opaque landscaping or screening, walls, and other solid obstructions having a height of over two feet shall not be permitted.

The triangular area shall be formed by the centerlines of two intersecting streets, driveways and/or a railroad and a straight line between these crossing centerlines as illustrated on ILLUSTRATION 10A. TABLE 10-1 shall be used to define the length of the (a) and (b) legs of the triangular area.

TABLE 10-1

<u>Design Speed</u> (Calculated as posted speed limit plus 5 mph) (mph)	<u>a</u> (feet)	<u>b</u> (feet)
15	Determined by the	170
20	distance to the	225
25	decision point 8'	280
30	behind the stop bar	335
35	but not less than 18'	390
40	from the edge of	445
45	pavement, nor less	500
50	than 12' behind a	555
55	sidewalk or other	610
60	pedestrian pathway	665

ILLUSTRATION 10-A



Overhanging objects, including tree branches, and street signs shall be permitted within this triangle only if all parts thereof are higher than seven feet above the level of the railroad or the pavement of the street or driveway where the stopped motorist is located. Signs shall be permitted only if the sign clearance is seven feet or greater or the sign height is two feet or less. (Ord. 2144, 6-23-04)

Table 10A: Standards for Accessory Structures^[r]

Maximum **HEIGHT** in Residential Districts in feet [a]:

On lots < 18,000 SF in size:	23*
On lots 18,000-40,000 SF:	24*
On lots > 40,000 SF:	27
In R-6 District:	18

Maximum **COVERAGE**:

of Required Rear Yard [b] [c]:	20%
of Area of Actual Rear Yard Outside of Required Rear Yard [b]:	40%

Minimum **SETBACK** in feet:

From <u>NON-BUILDING</u> Accessory Structure to <u>NON-BUILDING</u> Accessory Structure, Principal or Other Accessory <u>BUILDING</u> :	0
From Accessory <u>BUILDING</u> to Accessory <u>BUILDING</u> [d]:	6
From Accessory <u>BUILDING</u> to Principal <u>BUILDING</u> :	8
From <u>LOT LINES</u> [e]	

	<u>Front & Corner Lot Lines</u>	<u>Side Lot Lines</u>	<u>Other Lot Lines</u>
Chicken Coop and Chicken Run	--	20'	from interior side, 3' from rear
Development Entrance Structures [f]	5		--
Dog Runs	10		10
Flagpoles	10		10
Garages, Detached Private [g]	(m)		3
Horse Stables	200		30
Llama Shelter on lots of 40,000 square feet and greater	200		30
Llama Shelter on lots less than 40,000 square feet	150		30
Private Swimming Pools	(m)		10
Recreational Equipment	10		3[s]
Roadside Stands [i]	40		--
Other Accessory Structures	10		3
Sheds	10		3
Stairways, Steps, Stoops, Fire Escapes	10		3
Window Wells	10		3
Accessory Structures above 1,000 square feet in ground floor area	--		20

Maximum **NUMBER & SIZE** of Residential Accessory Buildings [j]:

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	<u>Maximum Number</u>	<u>Maximum Floor Area in Square Feet**(q)</u>	<u>Lot Size</u>
Detached Private Garage [g]	1	(n) 825 650	>40,000 sf. 18,000-40,000 sf. <18,000 sf.
Dog Run	1	--	All Residential Lots
Horse Stable/Llama Shelter on lots of 40,000 square feet and greater [p]	1	825[k][h]	=> 40,000 square feet
Llama Shelter on lots less than 40,000 square feet [p]	1	650	=> 28,000 sf.
All Other Accessory Buildings	1	(o) 825 650	>40,000 sf. 18,000-40,000 sf. <18,000 sf.
Cumulative of all Accessory Buildings [l]	2	(o) 825 650	>40,000 sf. 18,000-40,000 sf. <18,000 sf.

"<" = Less than
 ">" = Greater than
 "=>" = Equal or Greater

Footnotes for Table 10A

General standards in this table apply except where regulations herein applicable to a specific kind of accessory structure provide a greater or lesser standard.

- * Maximum eave height shall not exceed 10 feet. The eave height shall be the vertical dimension between finished floor and the top of the lowest edge of roof plywood.
- ** Accessory buildings exceeding these maximums may be approved by the Zoning Board of Appeals under provisions for Variances in this Ordinance.
- [a]: Or height of principal building, whichever is less.
- [b]: Cumulative for all accessory structures in rear yard. Excludes areas occupied by open patios and decks and swimming pools.
- [c]: Percentage of coverage applies to area of actual rear yard when it is smaller than area of required rear yard.
- [d]: Minimum setback between shed less than 120 square feet in area and detached garage may be reduced to 0 feet in cases when such shed is placed on the side of the garage facing interior and rear yards only.
- [e]: Except fences, walls, landscape screens, berms, and hedges. Structures are subject also to the yard requirements of Table 10B, which may impose greater setbacks from lot lines for certain structures.

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- [f]: Architectural entrances to a development are permitted at street entrances on lots of 1 acre or more or on smaller lots included within a development containing 25 or more lots.
- [g]: Garages, carports, and open parking and loading areas as accessory uses shall be subject to applicable provisions under the Off-Street Parking and Loading section herein.
- [h]: Or 200 square feet per llama, whichever is greater.
- [i]: Roadside stands selling nursery, garden, or farm products raised on the same lot are permitted on lots of 5 acres or more of which the principal use is agriculture.
- [j]: On residential lots in any Single-Family Residential District. Not applicable to Multi-Family Districts or to non-residential uses such as farms and schools located in Single-Family Districts.
- [k]: Or 275 square feet per horse, whichever is greater.
- [l]: Excluding horse stables and llama shelters on lots less than 40,000 square feet.
- [m]: Setback/encroachment shall be as specified in Table 10B.
- [n]: The maximum size of any accessory structure on any residential lot greater than 40,000 square feet in size, is the lot size multiplied by 2.5% up to a maximum size of 2,000 square feet.
- [o]: The maximum ground floor area of any accessory building and cumulative for all accessory buildings is 2,000 square feet.
- [p]: The permitted horse stable/llama shelter square footage can be combined with the permitted square footage of other accessory buildings provided the total ground floor area of such a combined accessory buildings does not exceed 2,000 square feet and the lot is the required size.
- [q]: Any open canopy/carport or similar such structure that is attached to an accessory building shall be considered as part of the building and is counted as part of the overall allowable square footage of the accessory building. Any such attached open structure is calculated at a discounted rate of 1 square foot is equal to 0.5 square feet.
- [r]: Accessory structures associated with non-residential uses in or adjacent to residential districts shall also be subject to requirements of Section 1.C.2 Non-Residential Uses in or Adjacent to Residential Districts of this ordinance.
- [s]: Basketball hoops on residential lots with residential use may be installed with a 0' setback from the interior side property line.

(Ord. 1817, 3-23-00)
(Ord. 1906, 4-18-01)
(Ord. 2068, 6-18-03)
(Ord. 2231, 7-21-05)
(Ord. 2346, 12-15-06)
(Ord. 2517, 6-1-09)
(Ord. 2533, 8-5-09)
(Ord. 2536, 8-18-09)
(Ord. 2539, 9-9-09)
(Ord. 2625, 1-4-11)

Table 10B: Permitted Obstructions of Required Yards^[b]

<u>Projection or Accessory Use</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Court Yard</u>	<u>Maximum Encroachment in Feet^[c]</u>
Heating, ventilation & air conditioning:						
Window units	X	X	-	X	X	2
Central units	X	X	-	X	X	6
Arbors & trellises	X	X	X	X	X	-
Awnings & canopies	X	X	X	X	X	3
Balconies, open	X	X	-	-	X	4
Bay windows	X	X	-	-	X	3
Cable TV headends	-	X	-	-	-	-
Chicken Coop/Chicken Run		X				
Chimneys, attached	X	X	X	X	X	2
Cornices, sills	X	X	X	X	X	1.5
Deck/patio/gazebo, enclosed and detached from principal building	-	X	-	-	-	15
Deck/patio, enclosed and attached to principal building	-	X	-	-	-	10
Deck/patio/porch/breezeway, open and attached to principal building	X	X	-	X	-	10
Devel. entr. structures [a][b]	X	-	-	X	-	-
Dish antennas	-	X	-	-	X	-
Dog runs, enclosed [a]	-	X	-	-	-	-
Drives, internal circulation	X	X	X	X	X	-
Eaves & gutters	X	X	X	X	X	2
Emergency backup generators	-	-	-	-	X	-
Fences, hedges, walls	X	X	X	X	X	-
Fire escapes	X	X	X	X	X	3
Fireplaces, outdoor	-	X	-	-	-	-
Flagpoles [b]	X	X	X		X	-
Garages or carports [b]	-	X	X	-	-	-
Gardens, vegetable	-	X	X	X	X	-
Greenhouses	-	X	X	-	-	-
Laundry drying equipment	-	X	-	-	-	-
Lawn furniture	X	X	X	X	X	-
Light standards, ornamental	X	X	X	X	X	-
Loading, off-street, open [a]	-	X	-	-	-	-
Non-single family residential refuse/dumpster enclosures	-	-	-	-	X	-
Parking, off-street, open [a]	X	X	X	X	X	-
Patios, open [d]	X	X	-	X	-	10
Patios, enclosed [a]	-	X	-	-	-	15
Porches/breezeways, open [a][d]	X	X	-	X	-	10
Privately owned ground mounted electrical switch gear/transformer	-	-	-	-	X	-
Recreational equipment	X	X	X	X	X	-
Sheds & storage buildings [b]	-	X	-	-	-	-
Signs [a]	X	X	X	X	X	X
Stables for horses/llama shelters [b]	-	X	-	-	-	-
Stairways, steps, stoops	X	X	X	X	X	3
Stands, roadside [b]	X	-	-	X	X	X
Swimming pools, private [b]	-	X	-	-	-	-
TV/radio towers, antennas	-	X	X	X	-	-
Tennis courts, private	-	X	-	-	-	-
Trees, shrubs, & flowers	X	X	X	X	X	-
Window wells	X	X	X	X	X	3
Other accessory uses	-	X	-	-	-	-

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X = Permitted

[a] See separate regulations herein

[b] Subject to requirements of Table 10A

(Ord. 2049, 4-25-03), (Ord. 2276, 4-18-06) (Ord. 2346, 12-15-06) (Ord. 2536, 8-18-09) (Ord. 2539, 9-9-09) (Ord. 2625, 1-4-11)

[c] Maximum allowable encroachment or projection into yards indicated herein

[d] No encroachment is allowed within a corner side building setback in R-5 in cases where the required corner side setback is reduced to 15 feet per footnote [I] of Table 4A