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Zoning & Planning Division

Environmental Division

BUILDING & ZONING DEPARTMENT

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EXHIBIT #1

T-1-24 PROPOSED TEXT

T-1-24 Text Amendments to the DuPage County Zoning Ordinance relative to Video Gaming.

- When the County Board approved Video Gaming there were no zoning or building or liquor rules at the County level and as such the County followed state law only.
- The proposed zoning text amendments will correlate with changes being considered to the County Liquor Control Code relative to video gaming uses as the principal use of a property (Video Gaming Café) and ancillary to permitted or Conditional Use in a zoning district, (Video Gaming Terminals)
- Proposed changes clarify where Gaming uses are permitted or require conditional use approval from County Board, provide new parking regulations commensurate with parking studies and provide distant requirements from other video gaming uses and protected uses (i.e., schools, places of assembly day facilities).

Add to ARTICLE III. RULES AND DEFINITIONS Section 37-302: DEFINITIONS:

VIDEO GAMING LICENSED ESTABLISHMENT: Any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis.

- **Licensed establishment includes any such establishment that has a contractual relationship with an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975, provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this Act to any licensee licensed under the Illinois Horse Racing Act of 1975. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be (i) an inter-track wagering location licensee, (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing**



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Act of 1975, or (iii) the corporate subsidiary of a corporation that is also the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975.

- Licensed fraternal establishment" means the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.
- Licensed veteran's establishment means the location where a qualified veteran's organization that derives its charter from a national veteran's organization regularly meets.
- Licensed truck stop establishment means a facility (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.
- Licensed large truck stop establishment means a facility located within 3 road miles from a freeway interchange, as measured in accordance with the Department of Transportation's rules regarding the criteria for the installation of business signs: (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 50,000 gallons per month.

RESTAURANT: An establishment whose ~~wherein the~~ principal business use is the dispensing of edible, prepared food and/or beverages for consumption on and/or off the premises depending on the type of restaurant herein. Restaurant is further defined by class as follows:

Carry Out Only Restaurant: An establishment wherein the principal business is the sale of food and may ancillary include the sale of non-alcoholic beverages only to the customer in the ready-to-consume state for consumption off the premises and generally includes the following characteristics:



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- 1. Sells prepared or prepackaged food for carryout only;**
- 2. Has no seating for patrons on the premises;**
- 3. Does not accept dining reservations.**
- 4. Has no county liquor license;**
- 5. Has no video gaming terminals.**

Class A Restaurant: An establishment wherein the principal business is the sale of food in the ready-to-consume state for consumption on/or off the premises and non-alcoholic beverages to the customer and generally includes the following characteristics:

- 1. Sells prepared and/or prepackaged food ready to carry out and/or dine in and/or via drive through service;**
- 2. Has on premises seating for patron's ancillary to the carry out and drive through services;**
- 3. Typically franchised or chain owned businesses;**
- 4. Has no meeting and/or banquet facilities;**
- 5. Does not accept dining reservations;**
- 6. Has no county liquor license;**
- 6. Has no video gaming devices.**

Class B Restaurant: An establishment wherein the principal business is the sale of food in the ready-to-consume state for consumption on the premises and beverages to the customer and generally includes the following characteristics:

- 1. Holds a county issued liquor license;**
- 2. May accept dining reservations as a standard procedure;**
- 3. May utilizes a hostess to seat patrons;**
- 4. Has meeting and/or banquet facilities incidental to the principal use;**
- 5. Does not have carryout service on a regular basis;**



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6. May have video gaming terminals where video gaming terminals ancillary to the principal business activity, and holds a video gaming license from the State of Illinois and has secured a liquor license

Class C Restaurant: An establishment wherein the principal business is the sale of food in the ready-to-consume state for consumption on the premises and beverages to the customer and generally includes the following characteristics:

- **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. Holds a county issued liquor license;

5. Accepts dining reservations as a standard procedure;

6. Utilizes a hostess to seat patrons;

7. Has meeting and/or banquet facilities incidental to the principal use;

8. Does not have carryout service on a regular basis;

9. May have video gaming terminals where video gaming terminals ancillary to the principal business activity, and holds a video gaming license from the State of Illinois and has secured a liquor license

Tavern/Bar: an establishment wherein the principal business use is the sale of beer, alcoholic and non-alcoholic beverages to be consumed on the premises, The term tavern herein also can refer to bar or pub.

Video Gaming Café Restaurant: An establishment wherein the principal business use is video gaming where the proprietor holds a video gaming license from the State of Illinois and provides alcohol service and may serve prepared food or packaged food for consumption on the premises incidental to the operation of video gaming.



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Video Gaming Terminal Establishments: A accessory use that is not a Video Gaming Cafe, where video gaming terminals are an accessory use to the principal business use on the premises, and where the proprietor of the principal business use holds a video gaming license from the State of Illinois and holds a liquor license from the County.

VIDEO GAMING TERMINAL: Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

A. Class A Restaurant: A restaurant which exhibits any four (4) or more of the following characteristics:

- ~~1. Sells prepackaged food ready to carryout.~~
- ~~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.~~



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- ~~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 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 C1 through C3 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.~~

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:

Restaurants, class B and C, including open air dining, **and including Video Gaming Terminal Establishments. Any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.**

37-802: B-2 GENERAL BUSINESS DISTRICT:

37-802.1: PERMITTED USES:



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The following uses are permitted:

Automobile service stations, shall not be eligible for yard reductions by conditional use. **including Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.**

Open sales lots, need not be enclosed

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption including Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment

Restaurants - carryout, class A, B, and C **Including Video Gaming Establishments and Video Gaming Café. Any Video Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.**

Taverns **including Video Gaming Terminal Establishments**
Any Tavern Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Tavern Use that also has a Video Gaming Terminal Establishment.

37-1001: I-1 LIGHT INDUSTRIAL DISTRICT:



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37-1001.1: PERMITTED USES:

Automobile service stations, shall not be eligible for yard reductions by conditional use. **including Video Gaming Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.**

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption including Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment

Restaurants - carryout, class A, B, and C **including Video Gaming Establishments and Video Gaming Café. Video Gaming Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.**

37-1002: I-2 GENERAL INDUSTRIAL DISTRICT:

**

37-1002.1: PERMITTED USES:

Automobile service stations, shall not be eligible for yard reductions by conditional use. **including Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least**



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1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption including Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment

Restaurants - carryout, class A, B, and C including Video Gaming Establishments and Video Gaming Café. Video Gaming Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.

37-1203: SCHEDULE OF OFF STREET PARKING REQUIREMENTS:

6.6 RESTAURANT, TAVERN, AND BANQUET FACILITY

Tavern: Four (4) parking spaces per each 1,000 square feet of gross floor area.

Video Gaming Café Restaurant: Four (4) parking spaces per each 1,000 square feet of gross floor area.

END



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T-2-24 PROPOSED TEXT

T-2-24 Text Amendments to the DuPage County Zoning Ordinance to add to the definition section relative to Electric Vehicles and bee keeping.

- Add to the Permitted and Conditional Use sections to allow for electric vehicle charging stations in all nonresidential zoning districts and bee keeping by right in all residential zoning districts.
- Add bulk regulations relative to bee keeping facilities and structures, (i.e., setback requirements, number of hives and structures thereto, certification requirements).

**Add to ARTICLE III. RULES AND DEFINITIONS Section 37-302:
DEFINITIONS: **Add Definitions Relative Electric Vehicles:****

AC: Alternating current (electricity).

BATTERY, BATTERIES: A cell or cells onboard an electric vehicle which is used for storing and furnishing electrical energy for the purpose of propelling the vehicle.

BATTERY ELECTRIC VEHICLE (BEV): An electric vehicle with an onboard battery that operates exclusively on electrical energy from the battery which battery is charged from an electrical power source (charging station) not onboard the vehicle.

CHARGING LEVEL: The standardized indicators of electrical force, or voltage at which an electric vehicle's battery is recharged. Typical electric vehicle charging levels and specifications are:

- **Level 1: AC slow battery charging. Voltage is one hundred twenty (120) volts.**
- **Level 2: AC medium battery charging. Voltage is between one hundred twenty (120) volts and two hundred forty (240) volts.**
- **Level 3: DC fast or quick battery charging. Voltage is greater than two hundred forty (240) volts. Sometimes referred to as "DC fast".**

CHARGING STATION: Equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy



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storage device located onboard an electric vehicle. Various types of charging stations include:

- Accessible Charging Station: A charging station incorporated into or immediately adjacent to a handicapped parking space as "handicapped parking space" is defined by the Illinois vehicle code.
- Level 3 Charging Station (Sometimes: DC Fast Charging Station): A charging station that provides any single phase voltage or current rating higher than that of level 2, or any 3-phase supply voltage configuration.
- Private Charging Station: A charging station that is: 1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking, etc.), or 2) publicly owned and restricted (e.g., fleet parking with no access to the public).
- Public Charging Station: A charging station that is: 1) publicly owned and publicly available (e.g., park and ride, public parking lots, on street parking, etc.) or 2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots, etc.).

CHARGING STATION EQUIPMENT: The conductors, including ungrounded and grounded, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, charging stations or apparatus installed specifically for the purpose of delivering electrical energy from the charging station to the electric vehicle.

CHARGING STATION SPACE: A dedicated, marked space that identifies the use thereof as exclusively for the charging of electric vehicles.

DC: Direct current (electricity).

ELECTRIC SCOOTERS AND/OR MOTORCYCLES: A two-wheel or three-wheel electric vehicle that operates exclusively on electrical energy stored in the vehicle's batteries.

ELECTRIC VEHICLE: A vehicle that operates, either partially or exclusively, on electrical energy from a charging station or other electrical energy source that is stored in the vehicle's battery for propulsion purposes. "Electric vehicle" includes: a) a battery electric vehicle; b) a plug-in hybrid electric vehicle; c) a neighborhood electric vehicle; and d) electric scooters or motorcycles.

NEIGHBORHOOD ELECTRIC VEHICLE: An electric vehicle with four (4) wheels that conforms to federal regulations under title 49 CFR part 571.500 which can from a standstill attain a speed of twenty (20) miles per hour within one mile but cannot exceed a speed of more than twenty five (25) miles per hour.



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NONELECTRIC VEHICLE: A vehicle that does not meet the definition of "electric vehicle" as provided herein.

PLUG-IN HYBRID ELECTRIC VEHICLE (PHEV): An electric vehicle that: a) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; and b) charges its battery primarily by connecting to a charging station or other electrical source not onboard the vehicle; c) may additionally be able to sustain a battery charge using an onboard internal combustion driven generator; and d) has the ability to be propelled through the use of electricity.

CHARGING STATION EQUIPMENT: The conductors, including ungrounded and grounded, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, charging stations or apparatus installed specifically for the purpose of delivering electrical energy from the charging station to the electric vehicle.

CHARGING STATION SPACE: A dedicated, marked space that identifies the use thereof as exclusively for the charging of electric vehicles.

Add to the Definition Section relative to Bee Keeping:

APIARY: A place where one or more bee colonies are kept.

BEE: Any stage of the common domestic honeybee, Apis mellifera species.

BEEKEEPER: A person who owns or has charge of one or more colonies of bees.

BEEKEEPING EQUIPMENT: Anything used in the operation of an apiary, including, but not limited to, hive bodies, supers, frames, top and bottom boards, and extractors.

COLONY (COLONIES): A hive and its equipment and appurtenance, including bees, comb, honey, pollen, and brood.

HIVE: A structure intended for the housing of a bee colony.

HOBBY BEEKEEPING: The keeping of bees subject to the restrictions set forth in this chapter.

NUCLEUS COLONY: A small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose



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Add to all zoning districts as a permitted use:

Level 1 and level 2 charging stations are permitted in every zoning district, when accessory to the primary permitted use of said district.

Charging stations located at single-family and multiple-family uses shall be designated as private use only. Installation of level 2 charging stations shall be subject to building permit approval.

Add to Sections: 37-701.1; 37-702.1; 37-703.1; 37-704.1 PERMITTED USES:

4-H projects accessory to the principal use of the property:

1. 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') feet from any side or rear lot line.
 - a. **Prior to the commencement of the 4 H project provide the local Illinois Cooperative Extension 4-H program certification.**
2. **4-H projects for bee keeping and bee colonies maintained as a hobby by a resident of the same property, and which is not for commercial purposes are permitted subject to the following terms and conditions:**
 - a. **A permit issued by the County Building and Zoning Department is required to keep bees on a property.**
 - b. **The permit application requirements shall include:**
 - (1) **A site plan showing that all buildings and structures used for bee keeping shall be set back not less than twenty-five feet (25') from all property lines and shall be located behind the front wall of the home.**



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- (2) Prior to the commencement of the 4-H project provide the local Illinois Cooperative Extension 4-H program certification.
- (3) Provide a certified copy of the State of Illinois Department of Agriculture registration form as required by the Illinois Bees and Apiaries Act (510 ILCS 20/I et seq.) as amended from time to time and comply with all applicable regulations of said Department and legislation as may be amended from time to time
- (4) Provide documentation showing that all bees shall be of the common domestic honey bees of the Apis Mellifera species.
- (5) Provide documentation showing that all colonies will be kept in inspectable-type hives, with removable combs, which shall be kept in sound, usable and sanitary condition.
- (6) Provide documentation showing that all bee hives shall be kept within one or more contiguous bee hive structure(s) with a combined area not exceeding 8 square feet and 6 feet in height.
- (7) Lots containing less than 40,000 sq. ft. of land shall not have more than two colonies. Lots exceeding 40,000 square feet of lot area shall have a maximum of four colonies.
- (8) In any instance where a bee colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from a stock bred for gentleness and non-swarming characteristics.

Add to **37-801: B-1 LOCAL BUSINESS DISTRICT:**

Add Level 3 (DC fast) charging stations when accessory to the primary permitted use.

37-801.2: CONDITIONAL USES:

Automobile service stations, including minor services customarily incidental thereto, and facilities for chassis and gear lubrication, and Level 3 (DC fast) charging stations but not including the sale, storage, or rental of vehicles, new or used.



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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:

Automobile service stations, including Level 3 (DC fast) charging stations shall not be eligible for yard reductions by conditional use.

37-1001: I-1 LIGHT INDUSTRIAL DISTRICT:

37-1001.1: PERMITTED USES:

Automobile service stations, including Level 3 (DC fast) charging stations shall not be eligible for yard reductions by conditional use.

37-1001.2: CONDITIONAL USES:

~~Automobile service stations.~~

37-1002: I-1 GENERAL INDUSTRIAL DISTRICT:

37-1002.1: PERMITTED USES:



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Automobile service stations, including Level 3 (DC fast) charging stations shall not be eligible for yard reductions by conditional use.

37-1002.2: CONDITIONAL USES:

~~Automobile service stations, need not be enclosed.~~

37-1205: OFF STREET LOADING REQUIREMENTS:

37-1205.1: GENERAL REQUIREMENTS:

M. Electric Vehicle charging station/parking space requirements for multi-family residential, nonresidential development:

1. **Charging stations spaces are reserved for use by electric vehicles only.**
2. **Electric vehicles may park in any parking space otherwise designated for parking, subject to the restrictions that would apply to any other vehicle generally.**
3. **Charging Station Space Requirements:**
 - a. **Minimum Requirements: A charging station space may be included in the calculation for minimum parking spaces that are required pursuant to other county and state regulations.**
 - b. **Number: No minimum number of charging station spaces is required.**
4. **Charging Station Space Location and Design Criteria:**
 - a. **Where provided, spaces for charging station purposes are required to include the following:**
 - (1) **Signage: Each charging station space shall be posted with signage indicating the charging station space is only for use by electric**



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- vehicles for charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
- (2) Maintenance: Charging station equipment shall be always maintained with a phone number or other contact information provided on the charging station equipment for reporting purposes when the equipment is not functioning, or other equipment problems are encountered.
 - (3) Accessibility: Where charging station equipment is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the charging station equipment shall be located so as not to interfere with accessibility requirements of the Illinois accessibility code or other applicable accessibility standards.
 - (4) Lighting: Where charging station equipment is installed, adequate site lighting shall be provided in accordance with county of DuPage lighting and glare performance standards and ordinances.
 - (5) Charging Station Equipment: Charging station outlets and connector devices shall be no less than thirty-six inches (36") and no higher than forty-eight inches (48") from the ground or pavement surface where mounted and shall contain a retraction device and/or a place to hang permanent cords and connectors a sufficient and safe distance above the ground or pavement surface.
 - (a) Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - (b) Charging Station Equipment Protection: Adequate charging station equipment protection, such as concrete filled steel bollards, shall be used.
 - (6) Non-mountable curbing may be used in lieu of bollards if the charging station is set back a minimum of twenty-four inches (24") from the face of the curb.
 - (7) Usage Fees: An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable state and federal regulations.
 - (a) Fees shall be prominently displayed on the charging station.

END



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T-3-24 PROPOSED TEXT

T-3-24 Text Amendments to the DuPage County Zoning Ordinance to add to the definition section relative to Accessory Dwelling Units and Dwelling units.

- In addition, add new residential use requirements and bulk regulations for accessory dwelling units (i.e.: number of occupants in the accessory dwelling units, number of kitchens, setback requirements of accessory dwelling units and parking requirements)

Amend and Add to Section **37-302: DEFINITIONS:**

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.

CONVERTED DWELLING: A ~~single-family~~ dwelling **unit** which has been converted into one primary unit and one accessory unit.

DWELLING UNIT, ACCESSORY: A self-contained room or 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.

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 above the other, with each dwelling unit having a separate entrance.



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DWELLING UNIT: One 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.

37-417: ACCESSORY HOUSING:

37-417.1: DECLARATION OF POLICY:

The County Board of DuPage County, Illinois recognizes the need to create not only more affordable housing, but also create more housing types in a variety of neighborhoods for residents of all income levels. Accessory Dwelling Units (ADU'S) can serve as a source of financial stability or relief, encouraging revenue generation and wealth building for homeowners, especially for those who experience high housing costs.

~~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 DWELLING UNIT HOUSING ~~CONDITIONAL USE:~~

An accessory ~~dwelling~~ unit may be maintained **as part of the principal** ~~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 accessory **dwelling** unit may be maintained in a converted dwelling.



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- B. The total floor area of an accessory **dwelling** unit shall not exceed ~~seven hundred (700)~~ **one thousand (1,000)** 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 **accessory dwelling unit** must conform to all applicable yard and bulk requirements of the district.
- E. **The owner of the property must obtain a building permit for the converted accessory dwelling unit. The application for permit to include at least the following:**
- a. **Floor plans for the construction of the accessory unit; and**
 - b. **A reconversion plan showing both the principal dwelling unit and the accessory dwelling unit to a single-family dwelling after the accessory dwelling unit is no longer in operation.**
 - (1) **Reconversion of the property to a single-family dwelling shall be completed within ninety (90) days after the expiration of the conditional use.**
 - (2) **The property shall be reconverted according to the plans submitted at the time the accessory dwelling unit was permitted.**
- 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. The total number of occupants in the combined principal and accessory dwelling units shall not exceed five (5) people including one 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 both the principal and accessory dwelling unit.**
- ~~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.~~



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- H. At least one of the occupants of either the principal dwelling unit or the converted accessory dwelling unit 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 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 37-417.2I 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)~~

Amend Sections 37-701.3, 37-702.3, 37-703.3, 37-7043.3: LOT REQUIREMENTS - SIZE, WIDTH AND DEPTH:



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Use	Minimum Lot Size	Lot Width		Lot Depth
		Interior	Corner	
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

*****END*****



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T-4-24 PROPOSED TEXT

T-4-24 Lake Street Corridor Overlay Zoning District ADDITION TO THE DuPage County Zoning Ordinance.

- With the assistance of the Chicago Metropolitan Agency for Planning (CMAP and our municipal partners of Hanover Park, Roselle and Bloomingdale the County has developed the Lake Street Corridor Zoning Overlay District.
- After three (3) years or working with the group including several open house meetings with the public CMAP and its consultant Teska Associates Inc. have finalized the Lake Street Corridor Overlay District.
- Staff seeks a mandate from the Development Committee to present the proposed overlay district at public hearing before the ZBA.
- The overlay district represents a joint planning effort by the group to develop shared land use and bulk regulations consistent with each of our partners strategic land use and zoning regulations to allow a more uniformed and cohesive enforcement and development and entitlement process moving forward in the corridor.

SEE EXHIBIT #2