



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0056-24

Agenda Date: 8/20/2024

Agenda #: 11.G.

**ZONING PETITION T-2-24 PROPOSED TEXT AMENDMENTS TO THE DUPAGE COUNTY ZONING ORDINANCE
RELATIVE TO ELECTRIC VEHICLES, ACCESSORY DWELLING UNITS, AND DWELLING UNITS.
(Waive First Reading)**

WHEREAS, a public hearing was held on July 11, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following text amendment:

Text Amendments to the DuPage County Zoning Ordinance:

Zoning Petition T-2-24 proposed Text Amendments to the DuPage County Zoning Ordinance Chapter 37 relative to Electric Vehicles, Accessory Dwelling Units, and Dwelling Units, and attached hereto as Exhibit A:

- Add to the Permitted and Conditional Use sections to allow for electric vehicle charging stations in all nonresidential zoning districts.
- 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); and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested text amendment presented at the above hearing and at the recommendation meeting held on August 1, 2024, does find as follows:

FINDINGS OF FACT:

1. That the Zoning Board of Appeals finds that over the last several months, County Board members have requested staff to research various land use topics that are of importance to their constituents. Staff has completed its research and developed several proposed amendments to the County Zoning Ordinance that would address the concerns of the County Board members relative to the following:
 - Electric Vehicles
 - Accessory Dwelling Units
 - Dwelling Units
2. That the Zoning Board of Appeals finds that on Tuesday April 16, 2024, the Development Committee voted to request staff to have the proposed text amendment considered at public hearing before the Zoning Board of Appeals
3. That the Zoning Board of Appeals finds that the proposed text amendments to the DuPage County Zoning

Ordinance are important to the County in the furtherance of its goals to protect and enhance the health, welfare, and safety of its residents.

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on August 1, 2024, recommended to approve following text amendments:

Text Amendments to the DuPage County Zoning Ordinance:

Zoning Petition T-2-24 proposed Text Amendments to the DuPage County Zoning Ordinance Chapter 37 relative to Electric Vehicles, Accessory Dwelling Units, and Dwelling Units, and attached hereto as Exhibit A:

- Add to the Permitted and Conditional Use sections to allow for electric vehicle charging stations in all nonresidential zoning districts.
- 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).

ZBA VOTE (to Approve): 5 Ayes, 0 Nays, 2 Absent

WHEREAS, the County Board Development Committee on August 20, 2024, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to approve the following text amendment:

Text Amendments to the DuPage County Zoning Ordinance:

Zoning Petition T-2-24 proposed Text Amendments to the DuPage County Zoning Ordinance Chapter 37 relative to Electric Vehicles, Accessory Dwelling Units, and Dwelling Units, and attached hereto as Exhibit A:

- Add to the Permitted and Conditional Use sections to allow for electric vehicle charging stations in all nonresidential zoning districts.
- 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).

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following text amendment be granted:

Text Amendments to the DuPage County Zoning Ordinance:

Zoning Petition T-2-24 proposed Text Amendments to the DuPage County Zoning Ordinance Chapter 37 relative to

Electric Vehicles, Accessory Dwelling Units, and Dwelling Units, and attached hereto as Exhibit A:

- Add to the Permitted and Conditional Use sections to allow for electric vehicle charging stations in all nonresidential zoning districts.
- 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).

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; and DuPage County Division of Transportation.

Enacted and approved this 27th day of August, 2024 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: 
JEAN KACZMAREK, COUNTY CLERK

AYES 17
NAYS 0
ABSENT 1

AYES 13
NAYS 2
ABSENT 2
ABSTAIN 1

EXHIBIT A:

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

Add Definitions Relative Electric Vehicles Accessory Dwelling Units and Dwelling units:

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.

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.

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 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.

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 and Amend Section 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 housing that is affordable to a variety of income levels 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 **unit** 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 **or on a property where there is an existing dwelling unit.**
- 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.~~
- C. The converted **accessory dwelling unit** must conform to all applicable yard and bulk requirements of the district **for either the principal building or for the accessory building.**
- D. **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 dwelling 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 dwelling shall be completed within ninety (90) days after the discontinuance of the accessory dwelling unit.**
 - (2) **The property shall be reconverted according to the plans submitted at the time the accessory dwelling unit was issued a permit.**
- E. The exterior of the converted dwelling must retain the appearance of a single-family dwelling **or an existing accessory building containing the accessory dwelling unit.** The number of exterior entries on the front of the converted dwelling shall be the same number as prior to its conversion.
- F. **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. **The total number of passenger vehicles permitted on the property shall not exceed six (6) passenger vehicles combined for the principal dwelling unit and the 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.~~
- 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. **The accessory dwelling unit shall not be rented/leased for less than a six (6) month period.**
- 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 37-417.21 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)

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 and Amend 37-801: B-1 LOCAL BUSINESS DISTRICT:

37-801.1: PERMITTED USES:

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.

Add to and Amend 37-802: B-2 GENERAL BUSINESS DISTRICT:

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.

Add to and Amend 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.

Add to and Amend 37-1002: I-2 GENERAL INDUSTRIAL DISTRICT:

37-1002.1: PERMITTED USES:

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

Truck stop: Large

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 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.

Add to and Amend 37-1203: SCHEDULE OF OFF STREET PARKING REQUIREMENTS:

37-1203: SCHEDULE OF OFF STREET PARKING REQUIREMENTS

1-1 Dwelling, Single Family Detached Separate living quarters, domestic Servants and **Accessory Dwelling Unit** Two (2) parking space per each dwelling unit.

*****END*****