

VILLAGE OF NORTH AURORA



VILLAGE OF NORTH AURORA
KANE COUNTY, ILLINOIS

Ordinance No. 14-08-18-01

ORDINANCE AMENDING TITLE 17 CHAPTERS 12 AND 16
OF THE NORTH AURORA MUNICIPAL CODE
REGARDING ZONING SITE DEVELOPMENT STANDARDS

Adopted by the
Board of Trustees and President
of the Village of North Aurora
this 18th day of AUGUST, 2014

Published in Pamphlet Form
by authority of the Board of Trustees of the
Village of North Aurora, Kane County, Illinois,
this 18th day of AUGUST, 2014
by Cynthia Torrao.

Signed Lou Murray

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OF THE NORTH AURORA MUNICIPAL CODE
REGARDING ZONING SITE DEVELOPMENT STANDARDS

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

1. Title 17 (Zoning) Chapter 12 (Site Development Standards) is hereby amended and superseded in its entirety as follows:

Chapter 12 - SITE DEVELOPMENT STANDARDS

Sections:

12.1 - Use of land and buildings.

12.2 - Exterior lighting.

12.3 - Accessory buildings, structures, and uses.

12.4 - Permitted encroachments.

12.5 - Environmental performance standards.

12.1 - Use of land and buildings.

A. Number of Buildings on a Lot. Except in the case of planned unit developments, not more than one principal detached building shall be located on a zoning lot.

B. All Activities within an Enclosed Building. Within all districts, all activities shall be conducted wholly within an enclosed building, with the exception of the following activities and uses:

1. Off-street parking and loading in accordance with Chapter 13: Off-Street Parking and Loading.

2. Outdoor businesses, and those businesses with a required outdoor component, including, but not limited to, outdoor entertainment, outdoor recreation, outdoor dining, automotive sales, car washes, kennels and similar business.

3. Outdoor storage and display areas in accordance with Section 12.3.E (Outdoor Storage and Display).

4. Temporary uses in accordance with Section 11.3 (Temporary Uses).

C. Frontage on a Public or Private Street. All zoning lots shall front on a public street, unless otherwise approved as a planned unit development.

D. Maintenance of Required Yards. No zoning lot shall be reduced in area so that the yards become less than required by this Ordinance. The yards of a building or structure shall not be considered yard space for any other building or structure, except as provided in a Planned Unit development.

E. Applicability of Bulk Requirements. All buildings and structures erected after the effective date of this Ordinance shall meet the requirements for the zoning district in which the building or structure is

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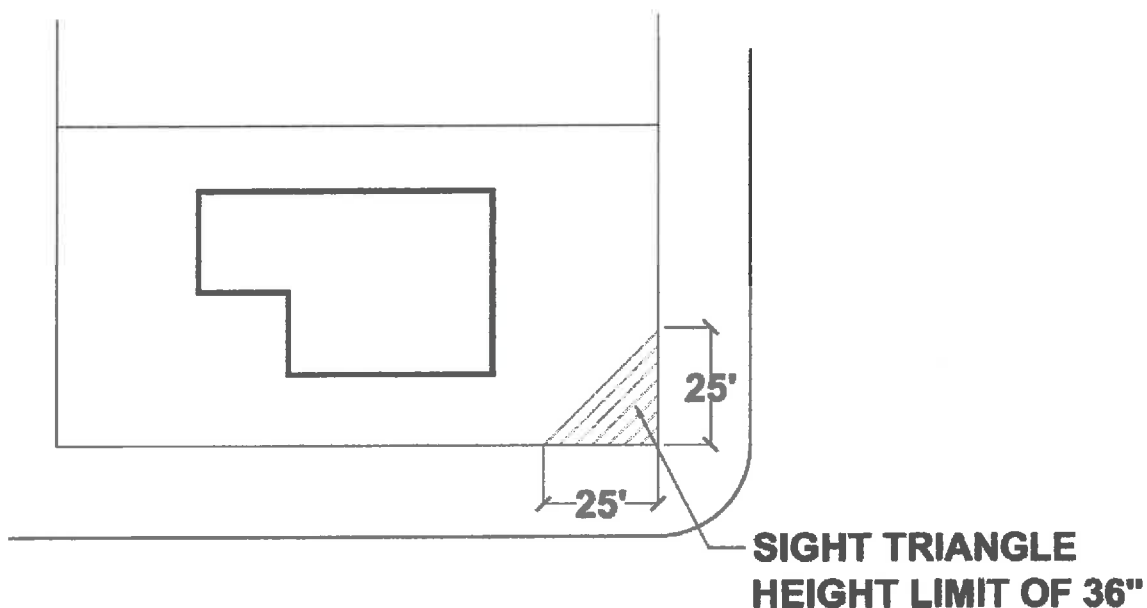
located. No existing building shall be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the zoning district in which the building or structure shall be located.

F. Applicability of Use Restrictions. No building, structure, or land shall be used for any use other than one allowed as either a permitted or special use in the zoning district in which such building, structure or land is located. Buildings, structures, or land may also be used for a temporary use or accessory use, in accordance with the requirements of [Section 11.3](#) (Temporary Uses) and [Section 12.3](#) (Accessory Buildings, Structures and Uses).

G. View Obstruction.

1. Notwithstanding any provisions relating to building height as provided in this Ordinance, the visional clearance area at the intersection of two streets, which shall be defined as a triangular area of a corner lot measured twenty-five (25) feet on the front lot line and twenty-five (25) feet on the corner side lot line, and shall not be obstructed by any sign, wall, fence, hedge, shrub or other object which exceeds thirty-six (36) inches in height. In the event that the grade of a lot is higher than the street grade, the height of the wall, fence, hedge, or shrub shall be reduced so that the visional clearance is not obstructed thirty-six (36) inches over the grade of the street. The vision clearance area is illustrated in Figure 12-1: Corner View Obstruction.

FIGURE 12-1: CORNER VIEW OBSTRUCTION

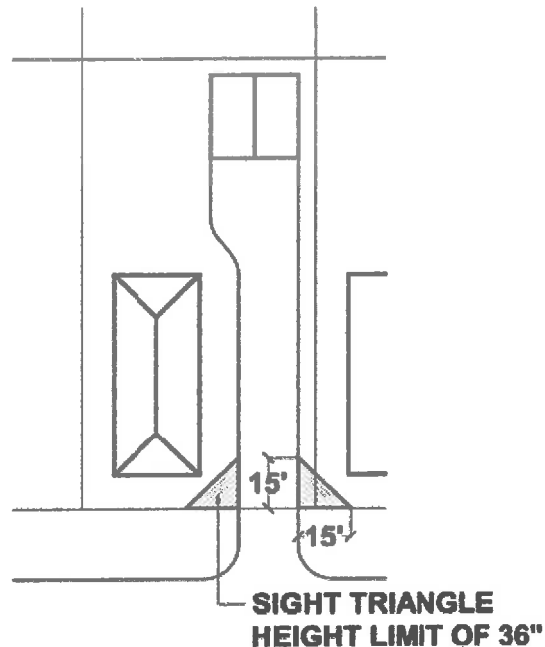


2. Notwithstanding any provisions relating to building height as provided in this Ordinance, the vision clearance area at the intersection of a driveway and a street, which shall be defined as a triangular area measured fifteen (15) feet on the lot line on either side of the driveway, and shall not be obstructed by any sign, wall, fence, hedge, shrub or other object which exceeds thirty-six (36) inches in height. In the event that the grade of a lot is higher than the street grade, the height of the wall, fence, hedge, or shrub shall be

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reduced so that the visional clearance is not obstructed thirty-six (36) inches over the grade of the street. The vision clearance area is illustrated in Figure 12-2: Driveway View Obstruction.

FIGURE 12-2: DRIVEWAY VIEW OBSTRUCTION



H. Minimum Lot Size and Lot Width. Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall provide a zoning lot in accordance with the lot size and lot width requirements of the district within which it is located. In any residence district, on a lot of record on the effective date of this Ordinance, a single-family dwelling may be established regardless of the size or width of the lot, provided all other requirements of this Ordinance are complied with provided it was a legal lot at the time of platting; however, where two or more contiguous substandard recorded lots are in common ownership and are of such size or width as to constitute at least one conforming zoning lot, such lots or portions of such lots shall be so joined, developed, and used for the purpose of forming an effective and conforming zoning lot.

I. Obstruction of Watercourse Channels. To prevent encroachment upon, or constriction of, river or creek channels, and thereby avoid obstruction to the natural conveyance of water flow in such rivers, creeks, and other natural watercourses, there shall not be placed, erected, or located within the banks of such watercourses any building or structure, pier or marina, or retaining or revetment wall, except authorized bridges or dams. In addition, there shall not be placed any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill. However, this provision may be waived if the structure or fill is approved by the Village Engineer, the Village Board, and the U.S. Army Corps of Engineers, Public Service Commission, and other public bodies, as applicable.

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12.2 - Exterior lighting.

The requirements for exterior lighting are addressed in Chapter 8.32: Outdoor Lighting, of the North Aurora Municipal Code.

12.3 - Accessory buildings, structures, and uses.

All accessory buildings, structures, and uses, shall be subject to the requirements of this section and the requirements of Section 12.4 (Permitted Encroachments).

A. Accessory Buildings: ~~Detached Garages, Carports Private Greenhouses, Gazebos, Pergolas, and Sheds.~~

1. No accessory building shall be constructed prior to the start of construction of the principal building to which it is accessory. No accessory building shall be used unless the principle building on the lot is also being occupied for its intended purposes.

~~2. Accessory buildings are prohibited within the required front, corner side or side yard of any lot.~~

2. Location. No detached accessory buildings shall be located:

(a.) In any required front or corner side.

(b.) Within five (5) feet of any rear or interior side lot line.

(c.) On or within any designated easement.

(d.) Within ten (10) feet of the principal building on a lot.

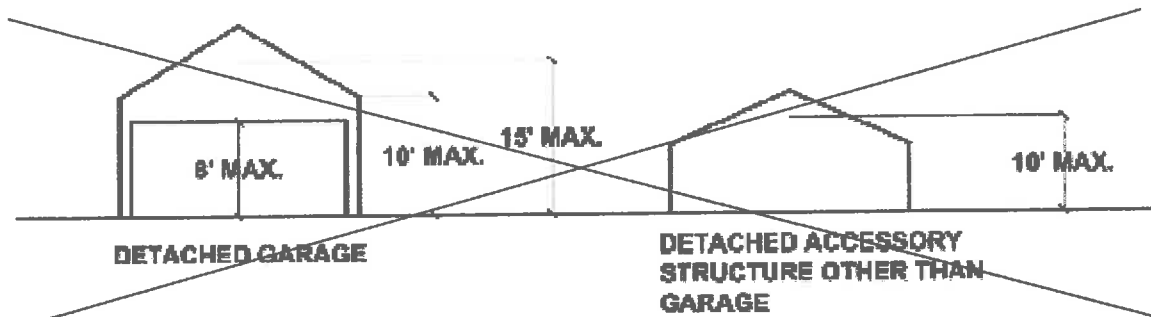
(e.) In front of the front line of the principle building that is nearest to the front property line.

~~3. No accessory building or portion of such building located in a required rear yard shall exceed fifteen (15) feet in height. Garage doors shall not exceed eight feet in height. No detached accessory structure, other than a garage, may exceed ten (10) feet in height. See Figure 12-3: Accessory Building Height.~~

3. Height. Unless otherwise provided for in this ordinance, no detached accessory building or structure shall exceed the peak height of the principle structure (when measured to the highest point on the roof or parapet) or fifteen (15) feet in height, whichever is less. Garage doors shall not exceed eight (8) feet in height.

FIGURE 12-3: ACCESSORY BUILDING HEIGHT

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4. Area. The combined square footage of all detached accessory buildings located in the rear yard shall not occupy more than thirty (30) percent of the required rear yard. See Figure 12-4: Accessory Buildings. exceed ten percent (10%) of the zoning lot area or eighty percent (80%) of the total square footage of the footprint of the principle building or structure or a maximum of 800 square feet, whichever is less.

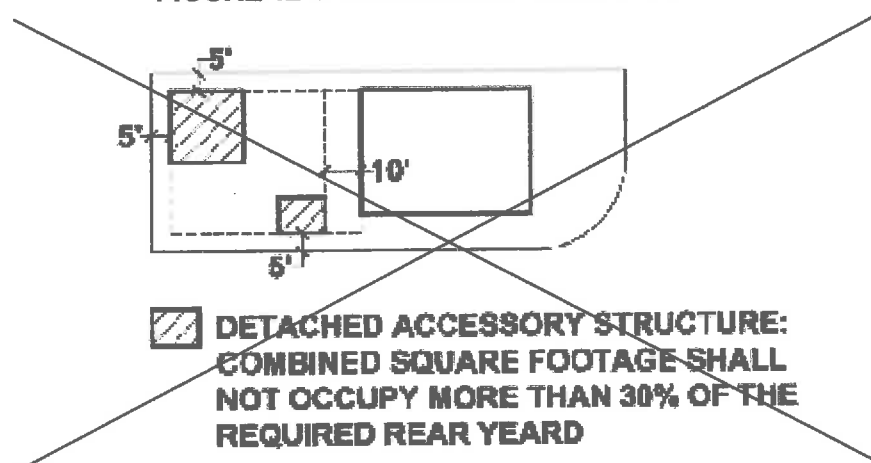
~~5. Detached accessory buildings, including detached garages, must be located five feet from a rear lot line and five feet from any side lot line or, if an easement exists on the rear or side lot line, outside the easement, or if a utility drainage or landscape easement exists along the rear lot or side lot line, whichever distance is greater. See Figure 12-4: Accessory Buildings.~~

~~6. Accessory buildings shall be located a minimum of ten (10) feet from the principal building on a lot. See Figure 12-4: Accessory Buildings.~~

5. Number. No more than two (2) accessory buildings shall be permitted on a single zoning lot.

6. All garages must be serviced by a hard surface driveway constructed of concrete, asphalt, or brick pavers.

FIGURE 12-4: ACCESSORY BUILDINGS



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7. ~~7.~~ Secondary dwelling living units in accessory buildings shall be prohibited.

8. ~~8.~~ A temporary and/or portable structure, such as mobile homes, recreational vehicles, trailers, tents, canopies, etc., shall may not be permitted as an accessory building, dwelling unit, parking or storage facilities.

~~B. Arbors. Arbors are permitted encroachments into rear, front, side and corner side yards, provided that each surface of the arbor or trellis shall be at least fifty (50) percent open.~~

~~C.~~ B. Fences and Walls.

~~1. No fence or wall shall be erected or replaced without first obtaining a building permit.~~

~~2. Swimming pool fences shall comply with the requirements of paragraph f., below.~~

3. 1. Height. The height of a fence shall be measured from the average grade of the lot to the top of the fence panel. Fences and walls shall be constructed so as not to exceed the following heights displayed in the Fence Height Table.

Fence Height Table

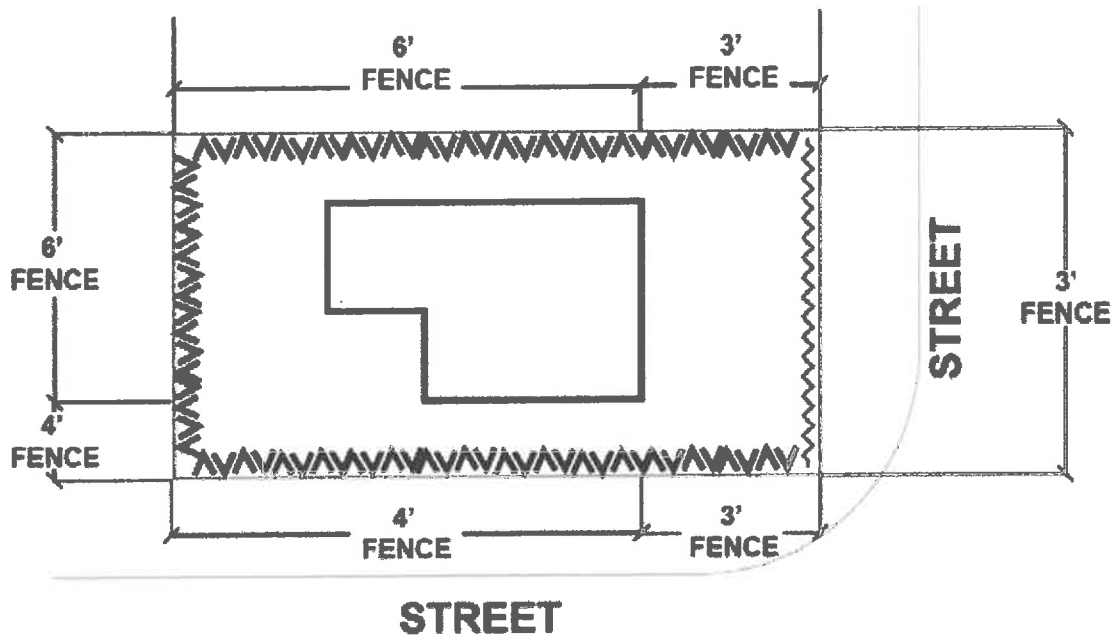
	<u>Front Yard &/or Corner Side Yard</u>	<u>Interior Side Yard</u>	<u>Rear Yard</u>
<u>Residential & Estate Districts</u> <u>(See figure 12-5)</u>	<u>Shall not exceed three (3) feet above grade in front and four (4) feet above grade in corner side yard.</u>	<u>Shall not exceed six (6) feet above grade or eight (8) feet above grade if adjacent to a business, office or industrial district.</u>	<u>Shall not exceed six (6) feet above grade or eight (8) feet above grade if adjacent to a business, office or industrial district.</u>
<u>Business & Office Districts</u>	<u>Prohibited</u>	<u>Shall not exceed six (6) feet above grade or eight (8) feet above grade if adjacent to a residential or estate district.</u>	<u>Shall not exceed six (6) feet above grade or eight (8) feet above grade if adjacent to a residential or estate district.</u>
<u>Industrial Districts</u>	<u>Shall not exceed eight (8) feet above grade.</u>	<u>Shall not exceed eight (8) feet above grade.</u>	<u>Shall not exceed eight (8) feet above grade.</u>

* A three (3) inch height variation shall be permitted on the top or bottom of the fence to allow for decorative features and/or drainage elements.

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a. ~~Residential Districts. Fences abutting the front yard shall be limited to a height of three feet above grade. Fences abutting the corner side yard shall be limited to a height of four feet above grade. On all other lot lines or portions of lot lines the height of the fence or wall shall not exceed six feet above grade. See Figure 12-5: Fence or Wall Height for these dimensions.~~

FIGURE 12-5: FENCE OR WALL HEIGHT



b. ~~Business Districts. In Business Districts, fences or walls are prohibited in the front and corner side yards. In rear and interior side yards, fences or walls shall be limited to six feet above grade. Fences shall be permitted to be eight feet in height adjacent to residentially zoned property.~~

c. ~~Industrial Districts. Fence or wall height shall be limited to eight feet above grade in all industrial districts.~~

d. ~~All Other Districts. No fence or wall shall be erected, placed or maintained along a lot line on any nonresidentially zoned property, adjacent to residentially zoned property, to a height exceeding eight feet. However, an eight foot fence is allowed facing an alley.~~

2. Fence Location. Fences should be located on or within inside the property line.

3. Construction and Design Requirements.

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- a. ~~All fence posts shall be placed on the inside of the fence.~~ **The finished side of the fence shall face outward or away from the lot on which the fence is erected.**
- b. A fence or wall, including all posts, bases, and all other structural parts shall be located completely within the boundaries of the lot on which it is located.
- c. ~~Fences shall be designed and constructed to resist a horizontal wind pressure of not less than thirty (30) pounds per square foot.~~ **Fences shall not be constructed in a manner that obstructs the vision clearance of corner lots per the requirements of Section 12.1.G.1.**
- d. No fence equipped with or having barbed wire, spikes, or any similar device, or any electrically charged fence, sufficient to cause shock shall be erected, placed and maintained in any zoning district, **with the exception of agricultural and industrial uses.**
- e. As required by state law, all in-ground swimming pools are to be fenced no less than four feet in height. Above ground pools shall be fenced if any portion of the pool is less than four feet above the adjacent grade.

D. C. Mechanical Equipment in Business and Industrial Districts

1. ~~In residential districts, all ground-based mechanical equipment including, but not limited to, heating, ventilating, air conditioning units (HVAC) and utility cabinets, shall be located in the rear yard or the side yard of the rear fifty (50) percent of the structure. In business and industrial districts, All ground-based mechanical equipment shall be located in the rear or interior side yard.~~ **and shall be completely screened from public view. Screening materials may be masonry, wood, landscaped hedges, and shall effectively screen mechanical equipment so no portion is visible from a street or adjoining lot.**
2. In cases where it is impractical to locate mechanical equipment within the rear yard, the Community Development Director may approve an alternative location, which must still be properly screened, ~~with landscaping, hedges, and/or fencing. Screening materials shall include masonry, wood, landscaped hedges or similar material.~~ **Screening materials may be masonry, wood, landscaped hedges, and shall effectively screen mechanical equipment so no portion is visible from a street or adjoining lot.**
3. ~~All approved ground-based mechanical, including, but not limited to, heating, ventilating, air conditioning units (HVAC) and utility cabinets, shall be completely screened from public view. Screening materials may be masonry, wood, landscaped hedges or other opaque material, and shall effectively screen mechanical equipment so no portion is visible from a street or adjoining lot.~~
3. Any heating, ventilation, or air conditioning equipment located on the roof of any structure in any zoning district shall be screened either by an architectural element

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of at least six feet from any supporting wall of the building to permit safe access to the roof by the Fire Department. ~~The height of any such architectural element shall be counted as part of the building height limit of the zoning district in which the mechanical equipment is located.~~

E. D. Outdoor Storage and Display.

1. Retail goods establishments are permitted temporary outdoor sales **storage and display areas as an accessory use to the primary use on the same lot or tract of land and** in accordance with Section 11.3-C-7 (Temporary Outdoor Sales and Display).

2. The following uses are permitted to have outdoor storage and display areas in accordance with the provisions of this section, and the screening requirements of **Chapter 14**: Landscaping and Screening:

- a. Greenhouse/Nursery, including the growing of plants in the open
- b. Retail Establishment
- c. Motor Vehicle Dealership
- d. Motor Vehicle Rental Establishment
- e. Motor Vehicle Service and Repair, Major and Motor Vehicle Service and Repair, Minor in accordance with Section 11.2.D.9 (Motor Vehicle Repair and/or Service).
- f. Additional accessory outdoor storage and display areas may be approved by the Community Development Director.

3. All manufacturing, assembly, repair or work activity shall take place inside an enclosed building. No work shall take place outdoors.

4. ~~No required parking area shall be used as an outdoor storage or display area.~~
Outdoor storage or display areas shall not encroach upon any public right-of-ways, setbacks, easement areas, fire lanes, and/or required parking areas.

5. No materials shall be permitted to remain stored or displayed outdoors for a period of time exceeding 30 days.

6. The maximum display or storage area shall not exceed ten (10) percent of the total gross floor area of the commercial building or space.

~~5. 7.~~ No materials stored or displayed outdoors shall be of a greater height than that of the required screening as provided for in **Chapter 15**: Landscaping.

8. Temporary outdoor storage areas and displays shall not alter the required fire separation or required fire rating of the exterior wall as defined in the currently adopted building code.

~~F. Porches. Porches, enclosed or open, must meet the setback requirements of the zoning district in which they are located. Steps and stoops are not considered porches.~~

G. E. Satellite Dish Antennas.

General Requirements.

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1. Satellite dish antennas shall be permanently installed on a building, or otherwise permanently mounted.
2. Subject to operational requirements, the dish color shall be of a neutral color. No additional signs or advertising shall be permitted on satellite dish itself.
3. Compliance with all federal, state and local regulations shall be required in the construction, installation, and operation of satellite dish antennas.
4. All exposed surfaces of the antenna shall be kept clean and all supports shall be painted to maintain a well-kept appearance. Antennas no longer in use must be removed.

H. F. Small Wind Energy Systems.

1. Small wind energy systems shall be permitted accessory uses on any roof in any nonresidential zoning district. Small wind energy systems shall not be permitted accessory uses in any residential zoning district, except the E-R Estate Rural Residence District.
2. Small wind energy systems shall not exceed fifteen (15) feet in height above the elevation of the roof installation point, measured from the point of attachment to the top of the turbine blade at its highest point. Small wind energy systems shall be located no closer than ten (10) feet from an adjacent property line. No more than one small wind energy system shall be allowed per zoning lot.
3. Small wind energy systems shall have a nonreflective finish and shall be neutral in color. Small wind energy systems shall not be artificially lighted.
4. A building permit shall be required prior to erecting any small wind energy system. Mounting for such systems shall be in conformance with all electrical codes and building codes to ensure wind and weight loading requirements are met. Plans shall be stamped by a licensed structural engineer, and inspected by a qualified inspector for such installations.
5. An emergency direct current disconnect switch shall be provided in an accessible location near the electric meter to shut off such system in the event of an emergency.
6. Small wind energy systems shall not be permitted in any location other than the surface of the roof of the structure, unless otherwise specified in the subject zoning district.
7. Small wind energy systems shall have a governor installed to regulate and limit the speed of the turbine in high wind events.
8. Small wind energy systems not in service for a period of one hundred eighty (180) days shall be removed and the property on which it is located restored to its original condition within thirty (30) days.
9. Small wind energy systems shall be primarily used to generate energy for the property where it is located.

I. G. Solar Energy Collection Panels and Solar Water Heating Systems.

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1. Solar panels shall be permitted on any roof in any zoning district as permitted accessory uses. No freestanding panels shall be allowed in any residential zoning district.
2. Solar panels shall be flush with the roof line when possible, and shall not be elevated more than thirty (30) degrees off the roof pitch where it is attached or no more than five feet, whichever is less. Solar panels shall not extend beyond the roof line and shall be located no closer than ten (10) feet from an adjacent property line. Solar panels shall not cover more than twenty- five (25) percent of the total roof surface of a structure, and solar panels shall not be located on a roof face that faces the front yard of a lot, except as provided in Section 3 below. Solar panels may cover one hundred (100) percent of the roof of nonresidential buildings provided that they are fully screened from view on all sides of the building as viewed from ground level.
3. Solar shingles shall be permitted to cover any amount of a roof without the location limitation in Section 2 above provided that they are incorporated into and made to appear as part of the roof, continuous in area without gaps, rectangular in shape and do not cause glare to reflect on to neighboring properties.
4. All frame and visible structural parts of a solar panel shall match the roof color. No solar panel shall be artificially lighted.
5. A building permit shall be required prior to erecting any solar panel. Mounting for such systems shall be in conformance with all electrical codes and building codes to ensure wind and weight loading requirements are met. Plans shall be stamped by a licensed structural engineer and by a qualified inspector for such installation.
6. An emergency direct current disconnect switch shall be provided in an accessible location near the electric meter to shut off such system in the event of an emergency.
7. Solar panels shall not be permitted in any location other than the surface of the roof of the structure, unless otherwise specified in the subject zoning district.
8. Solar panels not in service for a period of one hundred eighty (180) days shall be removed and the property on which it is located restored to its original condition within thirty (30) days.
9. Solar panels shall be primarily used to generate energy for the property where it is located.

12.4 - Permitted encroachments.

An encroachment is the extension or placement of any structure or building, or component of such, into a required yard. Permitted encroachments are found in Table 12-1: Permitted Encroachments. No encroachments are allowed in any easements unless specifically permitted by the easement provisions.

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TABLE 12-1: PERMITTED ENCROACHMENTS			
Y = Encroachment Permitted N = Encroachment Prohibited			
Encroachment	Yards		
	Front Yard & Corner Side Yard	Interior Side Yard	Rear Yard
Accessibility Ramps	Y	N Y	Y
Accessory Buildings - Subject to Section 12.3.A.2	N	N	Y
Air Conditioner Equipment Shelters, <u>Residential</u>	N Y, but not in front yard.	N Y	Y
Air Conditioner Window Units - Project no more than 18 inches into any required yard or court	Y	Y	Y
Arbors - Subject to Section 12.3.B	Y	Y	Y
Architectural Entrance Structures - On a lot not less than 2 acres in area - At entrance roadways into subdivisions containing 100 or more lots	Y	Y	Y
Architectural Features - Such as sills, belt courses, cornices, overhangs and ornamental features of the principal building - Project no more than 18 inches into any required yard or court	Y	Y	Y
Awnings and Canopies - Project no more than 36 inches into any required yard or court	Y	Y	Y
Balconies - Project no more than 24 inches into any required yard or court - At least 7 ft above grade	Y	Y N	Y
Bay Windows - Project no more than 36 inches into a required yard or court	Y	Y	Y
Chimneys - Project no more than 24 inches into a required yard	Y	Y	Y
Compost Piles <u>Bins</u> - No larger than 3 ft by 4 ft in size, and 3 ft in height	N	N	Y

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Decks	N	N Y, but must be a minimum of 5 ft from interior side lot line.	Y, but must be a minimum of 5 ft from rear lot line.
Downspouts <u>-Project no more than 36 inches into a required yard</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Eaves, Including Gutters - Project no more than 18 inches into any required yard or court	Y	Y	Y
Below-Grade Fallout Shelters (Attached or Detached)	N	N	Y
Fences and Walls -Subject to Section 12.3.C	Y	Y	Y
Fire Escapes (Open or Enclosed) and Fire Towers	N	Y	N
Firewood Storage	N	N	Y
Flag Poles - No larger than 25 ft in height	Y	Y	Y
Garages or Carports -Subject to Section 12.3.A	N	N	Y
Growing of Farm and Garden Crops	Y	Y	Y
Gazebos -Subject to Section 12.3.A - Each wall of the gazebo shall be at least 25% open	N	N	Y, but must be a minimum of 5 ft from a rear lot line. and 3 ft from any side lot line
Laundry Drying Equipment (Clotheslines and Poles)	N	N	Y
Lawn Furniture and Decorations - Includes benches, statues, bird baths, sculptures, etc.	Y	Y	Y
Light Standards and Ornamental Lights	Y	Y	Y
Loading Spaces (Open, Off-street)	N	N	Y
Outdoor Fireplaces	N	N	Y, but must be a minimum of 10 ft from rear lot line.
Parking Spaces (Open, Off-Street)	N	Y, but no less than 5 ft from a lot line	Y, but no less than 5 ft from a lot line
Patios <u>(At-grade)</u>	N	Y, but must be a minimum of 5 ft from interior side lot line and shall not impede drainage.	Y, but must be a minimum of 5 ft 10 ft from a rear lot line and 3 ft from any side lot line and shall not impede drainage.
Pergolas <u>- Each wall and/or the roof of the pergola shall be at least 50% open.</u>	<u>N</u>	<u>N</u>	Y, but must be 10 ft from a rear lot line and 5 ft from any side lot line.

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Playground and Recreational Equipment and Play House - Excludes equipment located on park, playground, school or day care center sites	N	N Y, but must be a minimum of 5 ft from interior side lot line	Y, but must be a minimum of 5 ft 10 ft from rear any lot line.
Porches, Unenclosed - Subject to Section 12.3.F	N	N	Y, but must be 10 ft from a rear lot line and 5 ft from any side lot line
Satellite Dish Antenna - Subject to Section 12.3.G	Y	Y	Y
Signs - Subject to Sign Ordinance	Y	Y	Y
Sidewalks and Private Walkways	Y	Y	Y
Steps and Stoops - Provided there are no more than 8 steps	Y	Y	Y
Swimming Pools (Private), Including Pool Equipment	N	N	Y
Terraces	N	Y	Y
Trash Receptacles - May be placed in front yard temporarily for trash removal	N	Y, provided they are located no further than 3 ft from principal structure.	Y
Trellis	Y	Y	Y
Tennis, Basketball or Athletic Courts (Excluding those located within parks or school sites) -With fencing no higher than 10 feet	N	N	Y, provided they are located no closer than 10 ft from any lot line
Tents and Canopies -For a period of time not exceeding 14 <u>7</u> days. -No greater than 120 square ft	N	N	Y
Utility Cabinets -Subject to Section 12.3.D	N, in any residential district	Y, but must be 3 ft from any side lot line and in the rear 50% of a lot	Y, but must be 5 ft from a rear lot line and 3 ft from any side lot line

12.5 - Environmental performance standards.

All uses shall comply with the performance standards established in this section unless any federal, state, county or local law, ordinance or regulation establishes a more restrictive standard, in which case, the more restrictive standard shall apply.

A. Noise.

No activity or use shall be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state and Chapter 8.20: Noise Control, of the Municipal Code of North Aurora, as amended from time to time. These limits shall not apply to construction noises, noises emanating from safety

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signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads and aircraft.

B. Glare and Heat.

Any activity or the operation of any use that produces glare or heat shall be conducted so that no glare or heat from the activity or operation shall be detectable at any point off the lot on which the use is located. All exterior lighting should conform to the standards of [Chapter 8.32](#): Outdoor Lighting, of the Municipal Code of North Aurora. In any industrial district, any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half of one footcandle when measured at any residence district boundary line. Flickering or intense sources of light shall be controlled or shielded so as not to be noticeable across any lot lines.

C. Vibration.

No earthborn vibration from the operation of any use shall be detectable at any point off the lot on which the use is located.

D. Dust and Air Pollution.

Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, shall be kept to a minimum by appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means. This requirement shall not apply when the wind speed is greater than twenty-five (25) miles per hour. Determination of wind speed for the purposes of this rule shall be by a one hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site.

E. Discharge and Disposal of Radioactive and Hazardous Waste.

The discharge of fluid and the disposal of solid radioactive and hazardous waste materials shall comply with applicable federal, state and local laws and regulations governing such materials or waste. No operation that produces radioactive or hazardous waste material shall commence without prior notice to the Village. Notice shall be given at least three months before the operation is commenced. Radioactive and hazardous material waste shall be transported, stored, and used in conformance with all applicable federal, state and local laws.

F. Electromagnetic Interference.

Electromagnetic interference from any operation of any use in any district shall not adversely affect the operation of any equipment located off the lot on which such interference originates.

G. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public, or which interferes

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unreasonably with the comfort of the public, shall be removed, stopped, or modified so as to remove the odor.

If, in a particular circumstance, a determination of an odor being qualified as a nuisance is inconclusive, the standard shall be that the emission of odors is prohibited when emitted in such quantities that it is detectable at any point along a lot line when diluted in the ratio of one volume of odorous air to two volumes of clean air, as measured with a calibrated field olfactometer.

H. Toxic Substances.

The release of toxic substances shall be safe to the general population and shall not exceed ten (10) percent of the maximum permissible airborne concentration allowed when measured at any point beyond a lot line.

I. Fire and Explosion Hazards.

Materials that present potential fire and explosion hazards shall be transported, stored and used only in conformance with all applicable federal, state and local laws.

2. Title 17 (Zoning) Chapter 16 (Definitions) is hereby amended and superseded in its entirety as follows:

Accessory Building ~~or Structure~~. A building located on the same lot as, and of a nature customarily incidental and subordinate in area, extent or purpose to, the principal building, the use of which is clearly incidental and subordinate to the principal building **and not used for human habitation.** **Accessory Buildings may include (but not limited to) a detached garage, workshop, shed or pool house.** (See Figure 16-1: Accessory Building)

Accessory Structure. **A structure located on the same lot as, and of a nature customarily incidental and subordinate in area, extent or purpose to, the principal building, the use of which is clearly incidental and subordinate to the principal building. Accessory Structures may include (but not limited to) a gazebo, pergola, deck or swimming pool.**

Building Height (Principal Building). The vertical distance measured from grade, as defined by this Ordinance, to the highest point of the roof or the highest point of the structure, except for hip and gable roofs, where height will be measured at half the distance between the ridge and the eave. (See Figure 16-4: Building Height (Principal Building))

FIGURE 16-4: BUILDING HEIGHT (PRINCIPAL BUILDING)

Building Height (Accessory Building). ~~The vertical distance measured from grade, as defined by this Ordinance, to the highest point of the roof or the highest point of the structure, except for garages, where height will be measured at half the distance between the ridge and the eave for hip and gable roofs.~~

2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining

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portions of this Ordinance, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

3. This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

18th Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this day of AUGUST, 2014, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 18th day of AUGUST, 2014, A.D.

Mark Carroll

yes

Laura Curtis

yes

Chris Faber

yes

Mark Gaffino

yes

Mark Guethle

yes

Michael Lowery

yes

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 18th day of AUGUST, 2014, A.D.



Dale Berman, Village President

ATTEST:



Lori Murray, Village Clerk