ARTICLE V

USE REGULATIONS

SECTION 47-5 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT*

This is most restrictive residential district established by the Zoning Ordinance. The intent is to provide for an environment of low-density single family dwellings and certain other uses which either serve the residents of the district or are demonstrably compatible with single family neighborhoods.

* Ordinance #10016 11/5/92

47-5.1 PERMITTED PRINCIPAL USES

No land shall be used or occupied and no building or structure shall be designed, erected, altered, enlarged, occupied or used other than for one of the following uses:

A. Single family dwellings within a planned unit development and single family dwellings on a parcel of land less than five (5) acres in size, provided that for the purposes of this section, all contiguous parcels of real property owned or controlled by the owner, or a subsidiary or affiliate of the owner, shall be aggregated to determine compliance with the five acre limitation;*

B. Essential services;

C. Churches, rectories and parish houses provided:

1. The church, rectory or parish house is located not less than twenty (20) feet from any other lot located in a residential district; and

2. The church, rectory or parish house is adjacent to a school or business district; or

3. The church, rectory or parish house is located on an arterial or collector street.

D. Agricultural uses, provided no retail sales are regularly made on the premises and provided further that no building housing farm animals is located on the premises;

E. Community residential homes, subject to the provisions of Section 47-15D.

* Ordinance #16738; REVISED 12/7/10

47-5.2 SPECIAL USES

A. The following uses may be allowed as special uses by the Board of Appeals:

1. Churches, rectories and parish houses that do not meet the requirements of Section 47-5.1(C);

2. Public or private non-boarding elementary or high schools, including playgrounds and athletic fields incidental thereto, provided such uses are located not less than forty (40) feet from any other lot located in a residential district;

3. Public or private kindergartens, day care centers and nursery schools, provided:

    a. such uses are located not less than forty (40) feet from any other lot located in a residential district; and

    b. that there is not less than seventy-five (75) square feet of outdoor play area for each child; and

    c. that the outdoor play area is enclosed by a fence or wall at least three (3) feet in height.

4. Agricultural uses not meeting the requirements of Section 47-5.1(D), provided that a building housing farm animals shall be located not less than five hundred (500) feet from any other lot located in a residential district;

5. Branch telephone exchanges, static transformer stations and booster or pressure regulating stations, without yard or storage;

6. Cemeteries.

B. The following uses may be allowed as special uses by the Mayor and City Council with the advice of the Board of Appeals:

1. Public or private social or recreational centers of a community nature, including but not limited to, a facility owned or operated by a homeowner or condominium association for the common benefit of its members, provided the center is located not less than twenty (20) feet from any other lot located in a residential district;

2. Public parks, playgrounds, forest preserves, linear parks or trails;

3. Public libraries, museums and other public cultural uses, provided such uses are located not less than twenty (20) feet from any other lot in a residential district;

4. Police stations;

5. Fire stations, including the stationing of publicly-operated emergency response vehicles;

6. Civil defense facilities and emergency warning devices;

7. Juvenile detention facilities or any other facility used for the involuntary criminal or civil commitment of minors;

8. Adult detention facilities, including, but not limited to, penitentiaries, correctional centers, secure facilities as defined by the Sexually Violent Persons Commitment Act (725 ILCS 207, et. seq.), county jails or detention facilities, or any other facility used for the involuntary criminal or civil commitment of adults;

9. Public works facilities;

10. Other public service buildings and uses;

11. Private country clubs, golf courses, tennis courts and similar private recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot located in a residential district.

C. A special use permit shall not be granted unless the applicant establishes by clear and convincing evidence:

1. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; and

2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and

3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district; and

4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or will be provided; and

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

6. That the special use shall in all other respects conform to the applicable land use regulations of the district in which it is located and shall not be in violation of any other applicable law, ordinance or regulation; and

7. At least one (1) year has elapsed since any denial of any prior application for a special use permit that would have authorized substantially the same as all or part of the sites, unless conditions in the area have substantially changed.

D. All applications for a special use permit shall be heard by the Board of Appeals. The Board shall have jurisdiction to render a final administrative decision for any special use specified in Sections 47-5.2(A), 47-6.2(A), 47-6A.2(A), 47-7.2(A), 47-8.2(A) and 47-9.2(A). In all other cases the Board of Appeals shall act in an advisory capacity to the Mayor and City Council. In considering an application for a special use permit the Board of Appeals shall follow the procedures set forth in Section 47-19.7 for the review of special exceptions and variations.

E. No special use permit shall be valid for a period longer than one hundred and eighty (180) days from the date it is granted unless a building permit or certificate of occupancy is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The Board may grant an extension of this period, valid for no more than one hundred and eighty (180) additional days, upon written application and good cause shown without notice or hearing. Whether or not there is an intention to abandon the special use, if any special use is discontinued for a continuous period of one year, or if an intent to abandon the special use is evident in a shorter period of time, the special use permit for such use shall become void, and such use shall not thereafter be reestablished unless a new special use permit is obtained.*

* Ordinance #13051; REVISED 1/17/01

47-5.3 PERMITTED ACCESSORY USES

The following uses shall be considered as permitted accessory uses, provided such uses are subordinate in area, extent and purpose to the principal use, contribute to the comfort, convenience or necessity of occupants of the principal building and are located on the same lot as the principal use:

A. Private parking areas;

B. The providing of lodging or table board for periods of time not less than thirty (30) days for not more than two (2) persons in addition to the family;

C. Home occupations, provided:

1. the home occupation is operated entirely within the principal dwelling and only by the person or persons maintaining a residence therein; and

2. the home occupation does not have a separate entrance from outside the building; and

3. the building is not altered in such a way that any portion thereof is no longer suitable for residential use; and

4. the home occupation is limited to no more than twenty-five percent (25%) of the total floor area of any one level; and

5. the home occupation does not utilize any equipment except that which is customarily found in residential dwellings; and

6. there is no external evidence of the home occupation, (including, but not limited to, commercial vehicles and outdoor storage) except for one (1) unanimated, non-illuminated wall sign having an area of not more than one (1) square foot.

D. Other uses customarily incidental to the established principal use.

The following uses shall be considered as permitted accessory uses, provided that such uses shall not be located in a required front yard, required side yard of a corner lot or in a required front yard for a through lot or within a recorded easement. A minimum 3' side and rear yard setback is required for all detached accessory structures (garages, sheds, pools, etc.).**

E. Detached garages and carports;

F. Dog houses and dog runs or similar housing for animals;

G. Garden houses and greenhouses;

H. Roofed porches, roofed decks and gazebos;

I. Storage sheds and tool sheds;

J. Outdoor laundry drying equipment;

K. Recreational structures and playground equipment (including trampolines and inflatable bounce houses, slides and similar apparatus); Inflatable bounce houses, slides and similar

apparatus shall be permitted in a required front yard or corner side yard subject to a 48 consecutive hour time limitation.***

L. Swimming pools, tennis courts and similar items;

M. Living quarters of persons employed on the premises;

Detached accessory structures (garages, sheds, pool houses, etc.) are to be one-story in height and smaller in footprint (first floor square footage) to the principal structure unless otherwise approved by a variance from the Zoning Board of Appeals. Maximum shed height is not to exceed 15' high to top of roof ridge. **

A minimum 3' side and rear yard setback is required for all detached accessory structures (garages, sheds, pools, etc.).**

Detached accessory structures over 200 square feet in area shall be constructed to complement the principal residence's building materials and colors.**

The following uses shall be considered as permitted accessory uses, provided that such uses shall not be located within the front yard of any lot as defined in Section 47-3.4 of the Zoning Ordinance and only upon a paved surface area or driveway:

N. The outdoor storage of one recreational vehicle or one watercraft not exceeding 25 feet in length or 10 feet in height, exclusive of bumpers, spare tires, hitching equipment, antennae or ventilation equipment, except that not more than one such vehicle or watercraft shall be permitted as of right;

O. The outdoor storage of limousines or van buses with no more than 2 axles or having a gross weight not in excess of 5,000 pounds;

For the purpose of this section, private roads shall be treated as public streets for ascertaining the boundaries of required yards.

Recreational vehicles and watercraft exceeding 25 feet in length or 10 feet in height, exclusive of bumpers, spare tires, hitching equipment, antennae or ventilation equipment, shall not be considered permitted accessory uses and may not be stored in a residential zoning district out of doors. This shall not prohibit loading, off-loading or incidental maintenance not exceeding 72 consecutive hours in duration.

The outdoor storage of commercial vehicles, including but not limited to, school buses, tour buses, passenger buses, moving vans, semi-trucks, trailers, cargo carriers, heavy equipment or any wheeled apparatus having more than two axles or a gross weight in excess of 5,000 pounds, shall not be considered a permitted accessory use and is not a permitted use in a residential zoning district.*

The outdoor storage of moving containers (portable storage units, PODS, etc.) shall not be a permitted accessory use and may not be stored in a residential zoning district out of doors. This shall not prohibit normal loading and off-loading not exceeding 72 consecutive hours in duration as long as no more than two (2) separate occasions (maximum) are utilized within one (1) calendar year per residence.**

* Ordinance #13383; 11/20/01
** Ordinance #16958; 4/17/12
*** Ordinance #17696; 12/5/17

47-5.4 YARD AND LOT REQUIREMENTS

The following yard and lot requirements shall apply to all lots in an R-1 zoning district:

No. of Stories	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Family (sq. ft.)	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Sum of Side Yard
1-1 ½	10,000	10,000	75 ft	30 ft	25 ft	8 ft	20 ft
2-2 ½	10,000	10,000	75 ft	30 ft	25 ft	10 ft	25 ft

A consolidated schedule of yard and lot requirements applicable to all residential zoning districts is set forth in Section 47-16. In the event the requirements of Section 47-5.4 conflict with Section 47-16 the requirements of Section 47-5.4 shall take precedence.

47-5.5 HEIGHT LIMITATION

No structure located in an R-1 district shall exceed 2 ½ stories or thirty (30) feet in height.

47-5.6 OFF-STREET PARKING

Each dwelling unit located in an R-1 zoning district shall have two (2) off-street parking spaces on the lot on which the dwelling is situated. Off-street parking requirements for all other uses are set forth in Section 47-17.17.

47-5.7 SIGNS

The signage requirements applicable to R-1 zoning districts are set forth in Section 47-17.21.

47-5.8 PROHIBITED USES

All uses not expressly permitted as of right by Section 47-5.1 or pursuant to a special use permit by Section 47-5.2 or as a permitted accessory use by Section 47-5.3 are prohibited in R-1 zoning districts.