

EXHIBIT A

DRAFT

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

ORDINANCE NO. 21-__

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 10 OF THE
VILLAGE CODE (ZONING REGULATIONS) TO AMEND CERTAIN DEFINITIONS
LOCATED THEREIN, AMEND THE SIZE LIMITATIONS IMPOSED UPON
ACCESSORY STRUCTURES AND GARAGES WITHIN THE VILLAGE, AMEND
CERTAIN YARD REGULATIONS AND AMEND THE PROCEDURES RELATED TO
PETITIONS FOR VARIANCES**

**ADOPTED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE
VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

THIS ____ DAY OF _____, 2021

**PUBLISHED by authority of the
President and Board of Trustees
of the Village of Wayne, DuPage
and Kane Counties, Illinois
this ____ day of _____, 2021**

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

ORDINANCE NO. 19-__

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 10 OF THE VILLAGE CODE (ZONING REGULATIONS) TO AMEND CERTAIN DEFINITIONS LOCATED THEREIN, AMEND THE SIZE LIMITATIONS IMPOSED UPON ACCESSORY STRUCTURES AND GARAGES WITHIN THE VILLAGE, AMEND CERTAIN YARD REGULATIONS AND AMEND THE PROCEDURES RELATED TO PETITIONS FOR VARIANCES

WHEREAS, the Village of Wayne is a non-home rule municipal corporation duly organized and existing under the laws of the State of Illinois; and

WHEREAS, the Village of Wayne Code of Ordinances currently includes Title 10 (Zoning Regulations); and

WHEREAS, it is necessary and appropriate to amend said Title 10 of the Zoning Regulations from time to time; and

WHEREAS, the Village Board of Trustees has determined that it is necessary to amend the Village Code as expressly described herein to serve the wishes of residents and to protect and preserve the public health, safety, welfare, morals and property values of and in the Village, all in the best interests of it and its residents;

WHEREAS, on October 25, 2021, a public hearing was held before the Village’s Planning Commission (“PC”); and,

WHEREAS, following said public hearing, the PC reviewed the proposed amendments and recommended their adoption by the Village Board.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Wayne, DuPage and Kane Counties, Illinois, as follows:

SECTION ONE: AMENDMENTS

That the following section and sub-sections of Title 10 of the Village Code of Ordinances are hereby amended as follows (additions being underlined and deleted text ~~struckthrough~~), with all other portions of the text not expressly enumerated herein remaining in full force and effect:

A. AMENDMENTS PERTAINING TO SECTION 10-2-2: DEFINITIONS

10-2-2: DEFINITIONS:

ESTABLISHMENT, BUSINESS: A place of business carrying on operations within the Business District in compliance with Zoning Regulations as provided in Title 10 Chapter 8, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot. Direct access to each "business establishment" shall be separate and distinct from direct access to any other business establishment, and in no case shall there be access to one such establishment from within another such establishment.

FAMILY: One or more persons each related to the other by blood, marriage, or legal adoption or a group of not more than three (3) persons not all so related, ~~together with his or their domestic servant or servants,~~ maintaining a common household in a dwelling unit. A family may include not more than two (2) roomers, boarders or permanent guests, whether or not gratuitous.

HOME OCCUPATION: An occupation or profession engaged in by members of the immediate family residing in a dwelling, where such occupation is an office type use only, incidental and secondary to the use of the dwelling for dwelling purposes.

LIVESTOCK OR LIVESTOCK ANIMALS: Domesticated animals limited to hens (as defined in this section), horses, donkeys, goats, mules, alpacas and llamas

STABLE, PRIVATE: ~~An~~ one-story accessory building detached from a dwelling that is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used primarily for housing not more than one allowable horse or pony per acre, which horses or ponies are not for hire but are primarily for the use of occupants of the dwelling; provided that a minimum of two (2) acres is required for such an accessory building, and further provided that the uses of such accessory building may also include, but shall not be limited to, a workshop area, and storing lawn maintenance equipment, tools, and other personal property belonging to the property owner; provided, however, that such accessory building shall not be used for any home occupation or for any other business, service, or industry, whether or not connected directly or indirectly with items stored therein.

YARD: An open space on a the same lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, ~~except as otherwise permitted~~. (A "yard" extends along a lot line and at right angles to such line, and to a depth or width specified in the yard regulations requirements for the zoning district in which such zoning lot is located.)

YARD, CORNER SIDE: A side yard which adjoins a public street, private street, right-of-way, roadway or limited access highway which, unlike a typical interior side yard, extends from the front lot line to the rear lot line.

YARD, FRONT: The yard extending along a front lot line, being the minimum horizontal distance between the street front lot line and the main building or any building projections other than steps, between the side lot lines yards.

YARD, INTERIOR SIDE: A side yard extending along a side lot line, which is located immediately adjacent to another lot or to an alley separating such side yard from another lot, between the front yard and the rear yard.

YARD, REAR: The yard extending along a rear lot line, being the minimum horizontal distance between the rear lot line and the rear of the main building or any building projections other than steps, between the side lot lines yards.

YARD, REQUIRED: An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, ~~except as otherwise permitted. (A "required yard" extends~~ along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.)

YARD, SIDE: The yard extending along ~~the full length of the side lot line~~ between from the front yard and lot line to the rear yard lot line.

B. AMENDMENTS PERTAINING TO SECTION 10-3-5: ACCESSORY BUILDINGS AND STRUCTURES

10-3-5: ACCESSORY BUILDINGS, STRUCTURES AND USES:

C. Number And Size Of Accessory Buildings And Structures:

1. Excluding attached and detached private garages, private stables, guesthouses and coops and pens, where allowable, a maximum of two (2) attached or detached accessory buildings shall be permitted on any Residential zoning lot. (Ord. 19-13, 8-20-2019)

2. The total maximum ~~ground~~ floor area of any and all such accessory buildings shall be ~~ten percent (10%)~~ twenty percent (20%) of the ~~ground floor area of the principal building total square footage of the dwelling unit, but shall in no event exceed seven hundred (700) square feet.~~

3. The maximum height of accessory buildings or structures shall be as follows:

a. Except as otherwise specifically provided for in this subsection, accessory buildings or structures shall not exceed one-story and an overall height of twenty feet (20') in height, unless otherwise permitted as accessory to specific permitted or authorized special uses.

b. Attached garages shall not exceed the maximum permitted height of the principal building.

c. Light poles shall not exceed fifteen feet (15') in height.

d. Private stables shall not exceed one-story and a mean height of twenty four feet (24'), provided however, that the overall height shall not exceed thirty feet (30'), excluding cupolas and decorations. Notwithstanding the foregoing, a hay loft is permitted to be located above the first floor area of the private stable, but in no event shall a hay loft cause a private stable to exceed the height restrictions set forth herein.

e. Guesthouses shall not exceed the maximum permitted height of the principal building. (Ord. 12-15, 7-17-2012)

D. Private Garages: Both attached and detached garages shall meet the following requirements:

1. No more than three (3) single stall garage doors shall face the front yard or corner side yard of a lot. No single stall garage door shall exceed ten feet (10') in width. Alternatively, one single stall and one double stall door shall be permitted provided that the width of the double stall door shall not exceed eighteen feet (18'). Regardless of their width, all doors shall not exceed nine feet (9') in height; and

2. All garage doors shall be of a uniform height, but in no event more than nine feet (9') in height; and

3. They shall meet all conditions for approval of accessory buildings as provided in subsection I of this section; and

4. Their total square footage shall not exceed ~~twenty percent (20%)~~ fifty percent (50%) of the total square footage of the dwelling unit, provided however, that in the Wayne Village Historic District (as such district is described in subsection 9-3-4 B2 of this Code), a two (2) stall garage not exceeding four hundred eighty (480) square feet, whether attached or detached, shall be permitted irrespective of said ~~twenty percent (20%)~~ fifty percent (50%) limitation; and, provided further, that in the event of a conflict between the aforesaid ~~twenty percent (20%)~~ fifty percent (50%) limitation and the regulations of the particular zoning district in which the subject property is located, the latter shall control; and (Ord. 10-07, 6-15-2010)

5. They shall be used only as provided in the definition of "garage, private" in section 10-2-2 of this title.

C. AMENDMENTS PERTAINING TO SECTION 10-3-7: YARDS

10-3-7: YARDS

A. Permitted Obstructions: For the purpose of this title, the following shall not be considered as obstructions when located in the yards indicated:

1. In Any Required Yard:

Bay windows.

Chimneys.

Driveways, provided the side edge of the driveway closest to ~~the front or~~ a side lot line is at least twelve feet (12') from such line.

Entry structures not exceeding twelve feet (12') in height in the W1 and W2 Zoning Districts; not exceeding eight feet (8') in height in all other zoning districts.

~~Open fences not to exceed five feet (5') in height.~~

Open terraces and awnings adjoining the principal building if they do not exceed ten percent (10%) of the depth of the yard.

Ornamental light standards and flagpoles.

Overhanging roof eaves.

Trees and shrubs, provided that in that portion of a required front or side yard situated within twenty feet (20') of the lot corner formed by the intersection of any two (2) street lines, shrubs shall not be higher than thirty six inches (36") above street level.

~~Walls and solid fences not to exceed three feet (3') in height.~~

2. In Front Yards: No other obstructions shall be permitted other than or permitted in subsection A1 of this section. For the purpose of permitted obstructions, the "front yard" shall be defined as the area between the side lot lines which is in front of the building line of an existing or proposed principal residence.

Open fences not to exceed three feet (3') in height.

3. In Side Yards:

Air conditioning equipment provided the same is visually screened with evergreen shrubs or a wall or solid fence.

Open accessory off street parking spaces, except in a side yard abutting a street. Where permitted, such parking spaces shall be located on a driveway.

Open fences not to exceed five feet (5') in height.

4. In Rear Yards (Subject To Section 10-3-5 Of This Chapter):

Air conditioning equipment immediately adjacent to the principal residence.

Arbors and trellises.

Coops and pens.

Fixed recreational equipment.

Gazebos.

Open accessory off street parking spaces.

Open fences not to exceed five feet (5') in height.

Private garages, detached.

Private garages, if attached or structurally a part of the principal building.

Private stables.

Private swimming pools provided they are located in accordance with regulations of this title and other applicable ordinances of the Village.

Sheds.

Solid walls and fences not exceeding five feet (5') in height (also see 10-3-7 B. General Regulations, 5. Fences or Walls, h.))

Tool rooms or other similar accessory buildings.

Notwithstanding any provision in this subsection A to the contrary, on lots or parcels located within the Wayne Village Historic District (as such district is described in subsection 9-3-4B2 of this Code), solid fences not exceeding ~~six~~ five feet (~~6'~~ 5') in height are permitted within the required side and rear yards, and other permitted accessory structures are permitted within the required rear yard provided the same are located not less than ten feet (10') from the rear property line.

B. General Regulations:

1. The minimum yard space required for one structure shall not again be considered as yard space for another adjoining structure.
2. No lot shall be reduced in area so that the yards or other open space become less than required by this title.
3. On streets where a front yard setback has been maintained for buildings existing on lots or tracts having a frontage of fifty percent (50%) or more of the total frontage on one side of that portion of any street lying between two (2) intersecting streets, or a distance of one thousand eight hundred (1,800) linear feet along such frontage, whichever is less, there shall be maintained a front yard setback of not less than the average setback of the aforementioned existing buildings, but in any event, not less than the minimum front yard setback for the district in which the property is located.
4. On a vacant through or corner lot, either of the lot lines abutting a street right-of-way line may be established as its front lot line, except that where two (2) or more through lots are contiguous and a front lot line has been duly established, the same street lot line shall thereafter

be deemed to be the front lot line of all such contiguous lots. On a through lot, a front yard shall be provided along any lot line abutting a street.

5. Fences or walls, as the case might be, shall comply with the following requirements in addition to those found elsewhere in the Zoning Ordinance:

a. All fences shall be erected with the "good" or "decorative" side facing outward.

b. The electrification of fencing, barbed wire or razor wire fencing and the like are expressly prohibited; provided however, that fencing which includes barbed wire or concertina strands on top of fences and fences over six feet (6') in height on properties deemed to be in hazardous usage may be permitted only by and in connection with a special use. As used herein the electrification of fencing shall not include or prohibit a single electrified or "hot" wire when attached to a fence enclosing a pasture or paddock and intended for the purpose of confining livestock.

c. Snow fencing is prohibited except where placed by a governmental entity to prevent the drifting of snow or where used to enclose a construction site.

d. Chainlink fencing shall be permitted only as a special use. T-posts and wire mesh fences shall be permitted only on lots or parcels of more than forty (40) acres and only as a special use. When approved as a special use, wire mesh fencing shall be permitted only if supported both vertically and horizontally by wood posts and top rails.

e. The linear footage of entry structures shall not exceed ten percent (10%) of the frontage of the lot on which they are placed.

f. Plastic flex fencing and the like are expressly prohibited.

g. All walls shall be of materials compatible with the principal residence on a lot. All walls shall be constructed on a foundation as required by title 8, "Building Regulations", of this Code.

h. Solid fences and walls ~~exceeding three feet (3') in height~~ shall not be permitted in the front yard of lot as the term "front yard" is defined in subsection A2 of this section. Solid fences and walls not exceeding five feet (5') in height may be located to the rear of a principal residence provided the same are not located within the required rear and/or side yard(s) for the zoning district in which such zoning lot is located. ~~and~~ The area to be enclosed thereby by a solid fence or wall shall be adjacent to the rear of the principal residence and shall is not be greater than the dwelling area of the first floor of such residence. (Ord. 89-13, 5-16-1989; amd. Ord. 10-08, 6-15-2010; Ord. 19-13, 8-20-2019; Ord. 20-16, 8-18-2020)

D. AMENDMENTS PERTAINING TO SECTION 10-4-6: VARIATIONS

10-4-6: VARIATIONS:

C. Processing: An application for a variation shall be filed with the Village Clerk, who shall forward a copy of such application to the Zoning Board of Appeals in accordance with

applicable law. A copy of an application for a variation within an historic district shall also be forwarded to the Historic Sites Commission for its review.

The application shall contain such information as required by the Zoning Enforcement Officer and the Zoning Board of Appeals, and shall include, at a minimum:

1. A legal description and common address for the subject property;
2. A current plat of survey locating lot lines and all existing improvements or structures;
3. A vicinity map indicating the location and distance from adjoining principal and accessory uses from the subject property;
4. Satisfactory evidence of ownership by affidavit, contract purchase, or disclosure of beneficial trust, indicating all parties or entities having an interest in the property;
5. A project impact statement justifying the need for the variation and how the standards in subsection E of this Section have been met.
6. A zoning review of the proposed project, prepared by the Zoning Enforcement Officer, detailing the scope of the project and indicating section(s) of the Village Code where the project is non-compliant with Zoning Regulations.

SECTION TWO: AMENDMENTS

REPEALER: All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form as provided by law.

[REMAINDER OF PAGE LEFT BLANK]

PASSED AND APPROVED THIS ____ DAY OF NOVEMBER, 2021.

AYES: _____

NAYS: _____

ABSENT: _____

Eileen Phipps, President

ATTEST:

Patricia Engstrom
Village Clerk

DRAFT