ARTICLE XXIV

ACCESSORY USES AND HOME OCCUPATIONS

24.1 Purpose.

This article provides for accessory uses and home occupations customarily allowed in addition to those listed as permitted uses in each district, and provides for the restrictions or prohibition of other such accessory uses or home occupations.

24.2 Standards.

All accessory uses shall comply with the standards of the district in which they are located. No accessory use shall be established or erected prior to the establishment or erection of the principal use to which it is accessory. No existing accessory use may be expanded or extended except in compliance with all of the regulations of this ordinance.

24.3 Permitted Accessory Uses in Compliance with General Regulations.

The following are permitted accessory uses when located in compliance with Section 3.4, General Regulations:

Private garages, carports, storage sheds, storage buildings, and greenhouses, in compliance with the following:

1. Detached garages and carports accessory to single-family dwellings shall not exceed thirty percent (30%) of the rear yard area, or 700 sq. ft. of lot coverage, whichever is less, unless a larger garage or carport in excess of thirty percent (30%) or 700 sq. ft. requirement is permitted pursuant to the issuance of a Special Use Permit. Detached garages shall not be greater in height than one and one-half stories.

2. Detached garages and carports accessory to multiple-family dwellings shall not exceed 450 sq. ft. of lot coverage per dwelling unit. Detached garages shall not be greater in height than one and one-half stories.

3. Detached accessory storage sheds or storage buildings shall not exceed 5% of the maximum lot coverage for the lot, as specified in the district regulations. Detached accessory storage sheds or storage buildings shall not exceed 12 feet in height as measured from grade to the highest point of the roof.

4. Detached greenhouses accessory to single-family dwellings shall not exceed 2% of the area of the lot.

5. Attached garages, carports, storage sheds, and greenhouses shall comply with the applicable bulk regulations of the district in which they are located.

24.4 Permitted Accessory Uses in Compliance with District Bulk Regulations.

The following are permitted accessory uses when located in compliance with the bulk regulations of the district in which they are located:

1. A swimming pool house pursuant to the issuance of a special use permit provided that the swimming pool house is under the sole and exclusive control and responsibility of the property owner.

2. A building used primarily for religious worship may have accessory uses on the same lot, other buildings or other uses owned or operated by the religious institutions, including rectories, parsonages, offices, convents, schools, lunch rooms, recreational facilities, gift and resale shops for periodic sales or used and/or handmade merchandise, providing all proceeds are to be utilized solely for the benefit of the religious institution.

3. Roofed-over or unroofed decks, patios, porches, roofed-over stairs, and unroofed stairs over four (4) feet above the average grade of the adjoining ground.

4. Donation drop boxes if located in the C-1, C-3, C-5 Zoning Districts or on properties primarily occupied by an educational, religious, governmental or charitable use. The boxes shall only be placed with the property owner's permission and on properties that contain an existing and operating permitted or special use. No more than two boxes (side-by-side) are allowed on a zoning lot less than two (2) acres in size. No more than three boxes (side-by-side) are allowed on a zoning lot equal to or greater than two (2) acres in size. Each box shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area. The boxes shall be located on a parking lot or other paved surface, not adjacent to the front building facade. The boxes shall not: be within 15 feet of the front property line, reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet, be located within five (5) feet of a Fire Department connection, utilize any parking spaces required by Article XXII or disrupt the flow of vehicular or pedestrian traffic. The box shall include language discouraging the placement of items outside of the box. The name and phone number of the box owner/ operator shall be posted on the box. Upon telephone notification from the City of Wheaton Code Enforcement Department that materials are being placed outside of a box, the box owner/ operator shall have 24 hours to remove said materials. Failure to do so on three or more occasions in any calendar year may result in penalties listed under Article 5.14 of this Ordinance.

24.5 Permitted Accessory Uses located Anywhere on Lot.

The following are permitted accessory uses when located anywhere within the boundaries of the lot except as hereinafter provided:

1. Statuary, arbors, trellises, awnings, canopies, and flag poles.

2. Basketball apparatus, volleyball nets, swing sets, jungle gyms, playhouses, tennis courts, sport courts, tree houses and similar recreational equipment, except only basketball apparatus are permitted within front yards and side yards abutting streets. All such uses must maintain a side and rear yard of at least ten (10) feet. Swing sets, playhouses, and jungle gyms shall not exceed 15 feet in height. Tennis courts and sport courts shall not be illuminated. If the lot coverage of a tennis court or a sport court exceeds 25% of the rear yard area, its side and rear yard setback shall be landscaped in accordance with the requirements set forth in Article 6.8.4.2 of the City of Wheaton Zoning Ordinance. In no case shall the lot coverage of a tennis court or sport court exceed 30% of the rear yard area.

   Any tree house not in compliance with the foregoing requirements as of June 5, 2000, may remain in place, without further construction or enlargement, for a period of seven years from June 5, 2000.

   Owners of such tree houses shall have 90 days from June 5, 2000 to register their tree house with the City Clerk. By registering their tree house, the owners, their heirs, successors or assigns will agree to either remove said tree house by June 5, 2007, or make it comply with the foregoing regulations. Any such tree house which does not comply with the foregoing regulations and is not registered within the allotted time period shall be considered a non-conforming structure and shall be immediately removed.

3. Unroofed stairs not over four (4) feet above the average grade of the adjoining ground. This four (4) foot height need not include railings used in conjunction with the stairs.

4. Permanent barbecue equipment, screen houses, gazebos, and non-mechanical laundry drying equipment shall not be permitted in any required front or side yard abutting a street. All such uses must maintain a side and rear yard of at least ten (10) feet.

5. Dish antennas greater than forty (40) inches in diameter shall not be mounted on or over, bracketed, or guyed to any single family or single family accessory structure. Dish antennas shall not exceed one hundred and forty-four (144) inches in diameter. Dish antennas shall not be located in any front or side yard abutting a street and shall be constructed and maintained in compliance with the applicable building codes and the manufacturer's specifications for support; if a conflict exists between the applicable building codes and the manufacturer's specifications, the more restrictive regulation shall apply. A maximum of one (1) dish antenna shall be allowed per single family zoning lot. All such uses must also maintain a side and rear yard of at least ten (10) feet and shall require the installation of landscape plantings, a minimum of six (6) feet in height to screen the use from view.

   Dish antennas forty (40) inches or less in diameter, and radio and television antennas with a maximum dimension whether height or length of one hundred

and forty-four (144) inches may be attached to a single family or accessory single family structure. The maximum number of dish, radio, and/or television antennas shall be two for each single family zoning lot.

6. Air conditioning and heating equipment, provided that no such equipment shall be located within a required front yard, and provided that the requirements of this ordinance regarding screening and noise limitations are observed.

7. Solar collectors and similar devices provided that no such device is permitted in any required front or side yard. No such device accessory to a single-family home may exceed the maximum required height for the principal building on the lot.

8. Private above-grade or below-grade swimming pools, conforming to the requirements of the Wheaton City Code provided that no such uses shall be located in any required front or side yard abutting a street. All such uses shall maintain a side and rear yard of at least 10 feet.

24.6 Permitted Accessory Uses in Compliance with Specific Articles.

The following are permitted accessory uses when constructed, located and maintained in compliance with specific articles of this ordinance:

1. Off-street parking facilities and off-street loading facilities as regulated by Article XXII of this ordinance.

2. Signs as regulated by Article XXIII of this ordinance.

24.7 Accessory Parking Restrictions and Prohibited Accessory Uses.

1. Commercial Vehicle Parking Restrictions.

On any residential lot within any residential or institutional zoning district, a maximum of one (1) commercial vehicle per dwelling unit on said lot may be parked out-of-doors, providing the size of the commercial vehicle does not exceed two hundred twenty-eight inches (228") long, eighty-four inches (84") wide, and eighty-five inches (85") high, (exclusive of racks, mirrors, vents, and snow plows). Notwithstanding the foregoing, out-of-doors parking of the following vehicles is prohibited on any residential lot or vacant lot, or on any right-of-way or street, in any residential or institutional zoning district, unless the vehicle is entirely enclosed within a building structure or garage, or is being temporarily used in connection with a service or delivery actually being rendered for the direct benefit of the residence or property:

a. Bus, semi-trailer, tow truck, totter, and truck tractor, or vehicles used to transport or pull trailers for a fee;

b. Contractor's heavy equipment;

c. A trailer, other than a camping trailer or boat trailer;

d. Any commercial vehicle which is larger than either two hundred twenty- eight inches (228") long, eighty-four inches (84") wide, or eighty-five inches (85") high (exclusive of racks, mirrors, vents, or snow plows).

2. Recreational Vehicle Parking Restrictions.

On any residential lot within any residential or institutional zoning district, a maximum of one (1) recreational vehicle per dwelling unit on said lot may be parked out-of-doors in conformance with the following restrictions:

a. The owner of the recreational vehicle must be an occupant of the home where the vehicle is parked.

b. Any non-motorized or motorized recreational vehicle shall be parked or stored only behind the front of a house and shall be set back at least five feet (5') from the rear lot line, and three feet (3') from the side lot line. On corner lots, the vehicle shall also be located behind the wall of the house adjacent to the side yard facing a street.

c. Any recreational vehicle owned by guests of the home may be parked anywhere on a lot up to fourteen (14) days every six (6) months.

d. Notwithstanding anything in this section to the contrary, any recreational vehicle may be parked anywhere on a lot for a period not to exceed seventy-two (72) hours for the purpose of loading, unloading, maintenance or repairs of said vehicle. A recreational vehicle may be parked for a greater period of time for the purpose of loading, unloading, maintenance or repairs, provided the owner of said recreational vehicle receives permission from the Director of the City's Building & Code Enforcement Department.

e. All recreational vehicles shall be properly licensed and registered.

f. All boats must be covered with a boat cover designed for its intended purpose; tarps are not permitted.

3. Temporary Uses – All Residential Districts. Temporary portable outdoor storage units are permitted subject to the following:

a. There shall be no more than one (1) portable outdoor storage unit per property. Stacking of portable outdoor storage units on top of each other is not permissible.
b. The property must be occupied by a principal building.
c. No portable outdoor storage unit shall remain on the property for more than thirty (30) consecutive days and shall not be placed on the property for more than a total of thirty (30) days in any calendar year.

d. Portable outdoor storage units shall not exceed eight (8) feet in height and 130 square feet in size.
e. Portable outdoor storage units shall be placed only on the driveway or other hard surface.
f. Portable outdoor storage units shall not be placed on public property or in a location that obstructs traffic visibility.
g. Portable outdoor storage units shall have no signage other than the name, address and telephone number of the person or firm engaged in the business of renting or otherwise placing the portable outdoor storage units.
h. No permit or permit fees shall be required for any portable outdoor storage unit.
i. Portable outdoor storage units shall be maintained in a good state of repair, free from rust, peeling paint and other forms of visible deterioration.

4. Industrial Manufacturing Use.

Any industrial or manufacturing use prohibited as an accessory use in any zoning district.

5. Out-Of-Doors Storage.

Out-of-doors storage, except as specifically permitted by the zoning district regulations, is a prohibited accessory use in any zoning district.

24.8 Home Occupations.

It is the intent of this section to allow as home occupations only those uses that conform to the standards of this section. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence.

The standards for home occupations are intended to ensure compatibility with the permitted uses and the residential character of the neighborhood and to maintain the subordinate and incidental status of the home occupation.

24.9 Standards for Home Occupations.

In addition to all of the standards applicable to the district in which it is located, any home occupation shall comply with the following standards:

1. Not more than one (1) person other than members of the immediate family occupying such dwelling shall be employed or report to work on the premises.

2. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold upon the premises.

3. No alteration of the principal building shall be made which changes the character thereof as a dwelling.

4. No more than twenty-five percent (25%) of the gross floor area of the residential dwelling unit shall be devoted to any home occupation except the letting of rooms to roomers or boarders, or the operation of a day care home.

5. The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling. A special use permit shall be required for any home occupation conducted in an accessory building.

6. No outdoor storage shall be permitted.

7. There shall be no noise, odor, dust, vibration, smoke, glare, television and radio interference, electrical interference, fire hazard or any other hazard emanating from the dwelling relating to the home occupation. No home occupation shall involve the use or production of toxic or harmful materials. The purpose of this standard is to ensure that the home occupation has no adverse environmental impact on adjoining properties.

8. The home occupation shall not involve the receipt or delivery of merchandise, goods, or equipment other than by U.S. Mail, United Parcel Service, Federal Express, or similar carriers that typically deliver packages to residences. No deliveries by semi-tractor/trailer trucks shall be permitted.

9. The home occupation shall not result in the simultaneous presence on the zoning lot and adjoining street of more than three motor vehicles in excess of the number of vehicles attributable to the residential use of the premises.

10. The distribution of articles, products, or equipment from the dwelling by commercial contractors to independent contractors or other employees shall be prohibited.

11. No visitors, clients, patrons, pupils, etc., of the home occupation, except those in conjunction with the letting of rooms to roomers or boarders, or day care homes, shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

24.10 Particular Home Occupations Permitted.

Permitted home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 24.9 hereof, as well as to any limitations specifically imposed on such occupation by this Section 24.10.

1. Day Care Homes licensed by the State of Illinois.

2. Dressmakers, seamstresses, tailors.

3. Private tutoring provided that the instruction shall be limited to one pupil at a time except for occasional groups.

4. Artists, sculptors, photographers, authors or composers.

5. Physicians, dentists, or other licensed medical practitioners.

6. Architects, attorneys, engineers, realtors, insurance agents, brokers, and members of similar professions.

7. Ministers, rabbis, priests, or members of religious orders.

8. The letting for hire of rooms for rooming or boarding use for not more than four (4) persons unrelated to the owner of the property or lessor. Provided, however, that this provision shall not allow the occupancy of a dwelling unit by more than five (5) unrelated individuals. Prior to the letting for hire of rooms for rooming or boarding use, the operator of the home occupation shall obtain a letter approving the occupancy from the Director of Planning & Economic Development, pursuant to certifying that all codes and standards have been satisfied.

9. Offices of sales people, sales representatives, or manufacturers representatives; provided that no retail transactions shall be made on the premises except through telephone, e-mail, facsimile or mail, and that no wholesale transactions shall include the acceptance or delivery of merchandise on the premises.

24.11 Particular Home Occupations Prohibited.

1. Nonconforming Uses.

   All home occupations which do not comply with the provisions of this Ordinance (Ordinance No. F-0119, adopted March 17, 1997) shall comply with all such provisions prior to (a date one year from the date of adoption).

2. Permitted home occupations shall not in any event be deemed to include:

   a. Animal hospitals.

   b. Clinics or hospitals.

   c. Dancing schools, except as permitted above.

   d. Mortuaries.

   e. Nursery schools.

   f. Private clubs.

   g. Renting of trailers

h. Repair shops or service establishments, except the repair of computers, cameras, locks, clocks, or other similar small items.

i. Restaurants.

j. Stables or kennels.

k. Tourist homes.

l. Towing companies.

m. The sale of firearms and/or ammunition.

24.12 Temporary Uses.

1. Temporary Uses - All Districts. The following uses are permitted in all zoning districts subject to the following:

   a. Contractor's office and equipment shed (containing no sleeping quarters or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.

   b. Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development, provided that such use shall be terminated upon disposal of substantially all dwelling units in the development.

   c. Special events with valid permit.

2. Temporary Uses - Commercial Districts. The City of Wheaton may allow a business to display items outdoors for the convenience of the customer provided that the business holds a valid conditional storage permit, has submitted a site plan indicating the location of display areas and observes the following:

   a. The items are displayed or stored wholly upon the parcel on which the principal sales structure is located;

   b. The storage does not utilize any parking spaces required by Article XXII and does not disrupt the flow of vehicular or pedestrian traffic;

   c. No item shall be displayed at a location where the width of paved clear space for the passageway of pedestrians is reduced to less than five (5) feet;

   d. No item may be displayed within a five (5) foot radius of a fire department connection;

e. The Building & Code Enforcement Department will issue outdoor storage permit upon the review of a site plan detailing area where items will be stored or displayed. The City shall have the authority to revoke outdoor storage permits and remove or cause to be removed items which do not conform to the approved outdoor storage site plan.

f. The following items may be displayed outdoors provided the area is accessible to retail customers:

(1) Bulk salt, when screened from residential view;

(2) Building materials in fenced areas when stored fifteen (15) feet from any building or property line;

(3) Garden equipment and supplies, outdoor furniture when screened from residential view for no more than six (6) months;

(4) Nursery stock, flowers, live plants, fruits and vegetables for no more than six (6) months;

(5) Firewood which shall be stored fifteen (15) feet from any building or other structure and shall not be stored under any canopy;

(6) Single items representative of stock stored indoors; and replaced indoors at the close of the business day.

(7) Christmas trees for no more than thirty (30) days.

24.13 Skateboard Ramps.

1. One skateboard ramp may be located as an accessory use on any residential lot within any Single Family Residential Zoning District in conformance with the following regulations:

a. Not more than one (1) ramp shall be located in the rear yard of a single zoning lot, provided:

(1) The skateboard ramp, together with any other accessory buildings or structures located on the lot, shall not occupy more than thirty percent (30%) of the rear yard, with the skateboard ramp limited to not more than twenty percent (20%) of the rear yard area.

(2) The minimum rear yard setback for the ramp shall be five (5) feet, and the minimum side yard setback for the ramp shall be three (3) feet, provided the skateboard ramp shall not be located within any drainage or utility easement.

(3) The skateboard ramp shall not be located any closer than thirty (30) feet from a principle building or structure on a neighboring property.

b. A skateboard ramp constructed under the provisions of this Ordinance may not be used for commercial purposes.

c. No skateboard ramp over thirty inches (30") in height shall be constructed without first receiving a Building Permit from the Building and Code Enforcement Department of the City of Wheaton. Individuals applying for a Skateboard Ramp Building Permit must submit the following information with the application:

(1) Plans for the proposed skateboard ramp, which identify the design, materials, method of construction, and dimensions, in conformity with the provisions of this Ordinance.

(2) A Plat of Survey for the subject property, which shall identify the location of the proposed ramp.

(3) Details for the proposed fence, berm, or landscaping which will be utilized to screen the skateboard ramp.

(4) Pictures of the proposed location of the ramp, including its surroundings and the adjacent property lines.

(5) A statement by the applicant indicating that the proposed ramp conforms to all Standards and Specifications established in this Ordinance.

d. Any skateboard ramp allowed under this Ordinance shall be constructed with the following building requirements:

(1) No skateboard ramp shall be more than six (6) feet in height, excluding the guardrail.

(2) All ramps greater than thirty inches (30") in height shall have a guardrail located on the ramp platform(s) of not less than thirty-six inches (36") in height, and not more than forty-eight inches (48") in height.

(3) Plywood used in the construction of the ramp shall be of exterior grade.

(4) All wood used in the construction of the ramp shall be smooth finished to prevent injury, and shall be properly surface coated to prevent deterioration and unsightliness.

(5) The ramp shall be made "sound proof" by first insulating the underside of the riding surface, and then enclosing the ends of the ramp with plywood.

e. The skateboard ramp must be screened to buffer the view of the ramp from adjacent properties and public rights-of-way. The screening may be accomplished by utilizing a fence, berm, landscaping or a combination of any of these methods.

f. Utilization of the ramp for skateboarding may occur only between the hours of 9:00 a.m. and 9:00 p.m.

g. All property owners with a skateboard ramp in place on the effective date of this Ordinance shall have until July 1, 1991 to either remove the ramp, or bring the ramp into compliance with the provisions of this Section, unless the existing ramp was previously approved by the City in accordance with other standards.

2. A skateboard ramp or ramps operated by the Park District or School District may be allowed on public property with a Special Use Permit. A skateboard ramp or ramps may be operated commercially on public or private property in the C-1, C-3, or M-1 Zoning Districts, with a Special Use Permit. Such ramps shall be subject to all standards of Section 24.13(A), except Sections 24.13(A)(1) and (A)(2) shall be waived and the ramp may be a maximum of 12 feet in height.