

VILLAGE OF ELBURN

ORDINANCE NO. 2007-08

**AN ORDINANCE APPROVING ZONING ORDINANCE
TEXT AMENDMENTS REGARDING SWIMMING POOLS**

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF ELBURN**

**AN ORDINANCE APPROVING ZONING ORDINANCE
TEXT AMENDMENTS REGARDING SWIMMING POOLS**

WHEREAS, Section 15.12 of the Village of Elburn Zoning Ordinance provides for a procedure for the adoption of Zoning Ordinance amendments; and

WHEREAS, the Village of Elburn Building Commissioner has submitted a petition for zoning ordinance text amendment with the Village of Elburn requesting that certain amendments be made to the Village of Elburn Zoning Ordinance to address the location of private swimming pools; and

WHEREAS, pursuant to notice, a public hearing regarding said proposed text amendment was held before the Village of Elburn Planning Commission on May 22, 2007, at 7:00 p.m., to hear reasons for and against said amendments; and

WHEREAS, the Village of Elburn Planning Commission made its written findings of fact and recommended that the Village of Elburn Board of Trustees approve said amendments.

THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Elburn, Kane County, Illinois as follows:

SECTION ONE. That Section 3.2 "Definitions" be amended by adding a definition for "Swimming Pool, Private," to-wit:

"Swimming Pool,
Private:

Above- and below-ground swimming pools and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a private individual for the private individual's personal enjoyment."

SECTION TWO. That Section 4.7 “Accessory Uses and Structures” is amended

in its entirety to hereinafter read as follows:

“4.7 ACCESSORY USES AND STRUCTURES:

- A. All accessory uses shall comply with the standards of the district in which they are located. No accessory use or structure 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.
- B. Where an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building.
- C. The following are permitted accessory uses when located in compliance with this Article and the regulations of the zoning district in which they are located: private garages, carports, storage sheds, storage buildings, children’s playhouses, free-standing decks, private swimming pools, and greenhouses.
- D. No accessory building or structure shall encroach upon a required: corner side yard of a lot abutting a street; the rear yard of a through lot; or the front yard of any lot.
- E. No accessory building or structure shall exceed the height of one (1) story or fifteen (15) feet.
- F. Accessory buildings and structures shall be located at least five (5) feet from any property line, excepting private swimming pools that shall be located at least ten (10) feet from any property line, and not located within utility or drainage easements.
- G. Detached garages and carports accessory to single-family dwellings shall not exceed thirty percent (30%) of the rear yard area, or 700 square feet, whichever is less, unless a larger garage or carport in excess of thirty percent (30%) or 700 square feet requirement is permitted pursuant to the issuance of a special use permit.
- H. Detached garages and carports that are accessory to multi-family dwellings shall not exceed 450 square feet per each dwelling unit.

- I. All other detached accessory uses not mentioned in this section shall not exceed ten percent (10%) of the rear yard area, unless otherwise approved pursuant to the issuance of a special use permit.
- J. Private swimming pools are required to be located in rear yards, except for corner lots they are to be located in the corner side yard."

SECTION THREE. That paragraph C "Permitted Accessory Uses" of Section 7.4

"R-1, Single-Family Residential District" is amended in its entirety to hereinafter read as follows:

"C. Permitted Accessory Uses:

- (1) Buildings accessory to the principal use, including private garages, provided they are located in the side or rear yard, and no closer than five (5) feet to a side or rear property line.
- (2) Private greenhouse, subject to setback regulations of this District.
- (3) Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of this District. In corner lots, private swimming pools are to be located in the corner side yard only. Private swimming pools shall not be placed in utility or drainage easements.
- (4) Sheds or buildings for domestic storage, provided they are located in a rear yard only, and no closer than five (5) feet to a side or rear property line."

SECTION FOUR. That paragraph C "Permitted Accessory Uses" of Section 7.5

"R-2, Double-Family Residential District" is amended in its entirety to hereinafter read as follows:

"C. Permitted Accessory Uses:

- (1) Buildings accessory to the principal use, including private garages, provided they are located in the side or rear yard, and no closer than five (5) feet to a side or rear property line.
- (2) Private greenhouse, subject to setback regulations of this District.

- (3) Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of this District. In corner lots, private swimming pools are to be located in the corner side yard only. Private swimming pools shall not be placed in utility or drainage easements.
- (4) Sheds or buildings for domestic storage, provided they are located in a rear yard only, and no closer than five (5) feet to a side or rear property line."

SECTION FIVE. That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION SIX. That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

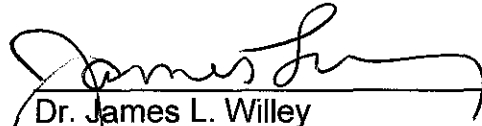
SECTION SEVEN. That this Ordinance shall be in full force and effect from and after its passage and approval by the President and Board of Trustees.

AYES: Burgholzer, Dierschow, Grabarek, Romke, Swan
 NAYES: none
 ABSENT: Humm, Willey


PRESENTED to the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 4 day of June, 2007.

PASSED by the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 4 day of June, 2007.

SIGNED by the President of the Board of Trustees of the Village of Elburn, Kane County, Illinois, this _____ day of _____, 2007.


Dr. James L. Willey
Mayor
Village of Elburn, Kane County, Illinois

ATTEST:


Diane McQuilkin
Village Clerk
Village of Elburn, Kane County, Illinois

