



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-087
DATE OF PASSAGE December 5, 2023

An Ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, Illinois, commonly known as the "Aurora Zoning Ordinance"

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City Council of the City of Aurora has determined that it is necessary and desirable to amend Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance, in order to update and improve certain Sections of said Ordinance to better carry out the purpose and intent of said Ordinance; and

WHEREAS, on November 15, 2023 the Planning and Zoning Commission, after publication of notice, held a public hearing on the amendments to said Ordinance and recommended approval of the amendment attached hereto and incorporated herein and hereinafter referred to as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

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Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the amendments to Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance, are hereby adopted as set forth in said Exhibit "A".

ORDINANCE NO. 023-087

LEGISTAR NO. 23-0925


PASSED AND APPROVED ON December 5, 2023

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Tolliver, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Laesch, At Large	yes
Alderman Woerman, At Large	yes

ATTEST:


City Clerk


Mayor

1 Sec. 49-103.3 Definitions

2 ***

3 Electric Vehicle: A vehicle that can be powered by an electric
4 motor that draws electricity from a battery and is capable of
5 being charged from an external source.

6 ***

7 Electric Vehicle Charging Station: Equipment that connects to
8 an electric vehicle to a source of electricity to recharge the
9 battery of the electric vehicle.

10 ***

11 Sec. 49-104.2(b) *Community Residence, Minor and Major.*

12 ***

13 (4) *Occupancy Permit.* Community residences, minor shall become
14 occupied only after the residence operator has first
15 obtained an occupancy permit from the zoning administrator
16 authorizing the use of the dwelling unit as a community
17 residence, minor.

18 a. No occupancy permit shall be issued without reliable
19 evidence that

20 1. The operator is licensed or similarly authorized by the
21 State of Illinois to operate the proposed community
22 residence, major or minor in the proposed location; and

23 2. The proposed residence complies with all applicable
24 State of Illinois regulations.

- 25 b. No occupancy permit shall be issued for a residence that
26 fails to meet the distance requirement set forth in the
27 spacing requirements provision within this section of the
28 zoning ordinance.
- 29 c. No occupancy permit shall be issued for a residence that
30 fails to meet the square footage spacing requirements in
31 article IV of chapter 12 of this code.
- 32 d. Upon receiving an application for an administrative
33 occupancy permit, the zoning administrator shall process
34 the application to determine if the proposed use complies
35 with the standards set forth in Section 5~~the this~~
36 subsection.
- 37 e. The holder of an administrative occupancy permit shall file
38 with the zoning administrator a copy of each State of
39 Illinois inspection report for the residence covered by the
40 permit. Upon renewal of its license or authorization from
41 the State of Illinois, the permittee shall submit to the
42 zoning administrator reliable evidence of such renewal.
- 43 f. The zoning administrator may revoke an administrative
44 occupancy permit upon giving the permittee at least ten
45 (10) days¹ written notice of the grounds for revocation and
46 the opportunity for a public hearing before the zoning
47 administrator at which time the operator may present
48 evidence bearing on the question and cross-examine

49 witnesses. The grounds for which an administrative
50 occupancy permit may be revoked are:

- 51 1. The permit was obtained by fraudulent means, material
52 misrepresentation or by submitting false information;
- 53 2. The permittee is no longer licensed or authorized by the
54 State of Illinois to operate a residence at the location
55 specified in the permit;
- 56 3. The permittee has unlawfully refused to permit an
57 inspection of the home by an authorized official of the
58 city;
- 59 4. The structure has been determined by an authorized
60 official of the city to be unsafe for human habitation;;
- 61 5. The permittee has failed to file the necessary State of
62 Illinois inspection reports.

63 g. Appeals from the decision of the zoning administrator
64 concerning the revocation of an occupancy permit shall be
65 in accordance with chapter.

66 h. An occupancy permit is not transferable to any other
67 person.

68 ***
69 Sec.49-104.4(i) Alternative Energy Systems.

70 ***
71 (4) Freestanding Solar Energy System Requirements. Refer to
72 Figure 4.4-9.2.

73 a. Quantity. An unlimited quantity is allowed on all zoning
74 lots with the exception of single family residential
75 zoning lots thirty thousand (30,000) square feet or less
76 in size, which are limited to a total of one hundred
77 (100) square feet in area of panels.

78 b. Maximum Height. Maximum height shall be fifteen (15) feet
79 in height, measured from the grade at the base of the
80 pole to the highest edge of the system.

81 c. ~~Reserved. Clearance. Minimum clearance between the lowest~~
82 ~~point of the system and the surface on which the system~~
83 ~~is mounted is eight (8) feet.~~

84 d. Location. Allowed in the interior side yard and interior
85 rear yard only.

86 e. Setbacks. All parts of the freestanding system shall be
87 set back ten (10) feet from the interior side and
88 interior rear property lines and shall not be located in
89 a public utility easement.

90 ***

91 Sec. 49-104.4 Accessory Structures and Uses

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93 (e) Permitted accessory structures and uses in districts other
94 than E, R1, R2, and R3 include but are not limited to:

95 ***

- 96 (10) Signs as permitted in Chapter 41 of this code; ~~(other~~
97 ~~than advertising signs) as permitted and regulated in~~
98 ~~each district incorporated in this ordinance;~~
- 99 (11) Boathouse. A building adjacent to a body of water
100 designed to serve as a boathouse for private use in
101 the case of an R district and for public or private
102 use in the case of a B-district;
- 103 (12) Public utility communication, electric, gas, water and
104 sewer lines, their supports and incidental equipment;
- 105 (13) Federally-licensed amateur radio station and citizens
106 band radio operator and receive-only antennas.
- 107 (14) Automated/unstaffed business devices, except in the O
108 and DC district. All automated/unstaffed business
109 devices shall be within an enclosed structure, with
110 the following exception: one (1) automated/unstaffed
111 business device shall be permitted, within the B -
112 Business zoning districts, within twenty-five (25)
113 feet of the public entrance and adjacent to the
114 primary structure. Furthermore, one additional device
115 shall be permitted for every five hundred (500) linear
116 feet of the structure measured adjacent to the front
117 and exterior side yard.
- 118 (15) Patio, porches, and decks or terraces, unroofed.
- 119 (16) Electric Vehicle Charging Stations

120

121 (k) Electric Vehicle Charging Stations

122

(1) General Regulations. The following general

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requirements apply to Electric vehicle charging

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stations:

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a. Electric Vehicle Charging Stations shall require a

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building permit approval.

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b. Parking spaces for an Electric Vehicle Charging

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Station shall be counted towards the minimum number

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of off-street parking space requirements.

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c. A parking space shall be clearly identified to be

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used exclusively for the parking of an electric

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vehicle.

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d. The placement of an Electric Vehicle Charging

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Station is pursuant to Sec. 49-104.4(b) except that

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Electric Vehicle Charging Station shall be setback a

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minimum of ten (10) feet within the front yard or

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exterior side yard.

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e. Electric Vehicle Charging station equipment must be

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maintained in good condition and all equipment must

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be functional. A phone number or other contact

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information shall be provided on the charging

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station equipment for reporting purposes when the

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equipment is not functioning, or other equipment

144 problems are encountered. If an electric vehicle
145 charging station is no longer in use, then it shall
146 be immediately removed.
147 f. An owner of an Electric Vehicle Charging Station is
148 permitted to collect a fee for the use of a charging
149 station, in accordance with the state and federal
150 regulations. Fees shall be prominently displayed on
151 the charging stations.

152 ***

153 Sec. 49-108.7(d) Use Regulations

154 ***

155 (4) Limited but Permitted Uses.

156 a. Residential Dwellings (above the first floor). Dwelling
157 units shall be permitted in the downtown core when such
158 units each contain a separate bathroom, ~~a separate~~
159 ~~bedroom with a door that closes,~~ and a full service,
160 ventilated kitchen. Inspection and licensing of all
161 downtown core dwelling units shall be in accordance with
162 appropriate city codes. Dwelling units shall not be
163 mixed with other uses on a single floor unless separated
164 from such other uses by a continuous wall.

165 ***

166 Sec. 49-108.8 "DF" Downtown Fringe District

167 (a) Title.

168 (1) The Downtown Fringe District shall be designated as
169 "DF" on the zoning map.

170 ***

171 Sec. 49-108.8 Use Regulations

172 ***

173 (e) ~~Reserved. Residential. Dwelling units above the first~~
174 ~~floor, or in buildings constructed as residential~~
175 ~~structures, shall be permitted in the downtown fringe~~
176 ~~when such units each contain a separate bathroom, a~~
177 ~~separate bedroom with a door that closes, and a full~~
178 ~~service, ventilated kitchen. Inspection and licensing of~~
179 ~~all downtown fringe dwelling units shall be in~~
180 ~~accordance with appropriate city codes. Dwelling units~~
181 ~~shall not be mixed with other uses on a single floor~~
182 ~~unless separated from such other uses by a continuous~~
183 ~~wall, and unless such other uses are provided with a~~
184 ~~separate entrance.~~

185 ***

186 (4) Limited but Permitted Uses.

187 a. Hotel, conference, provided that it is included as
188 part of a planned development.

189 b. Alternative Energy Systems pursuant to the Use
190 Regulations Section of the Aurora Zoning Ordinance.

191 c. Residential. Dwelling units above the first floor, or
192 in buildings constructed as residential structures,
193 shall be permitted in the downtown fringe when such
194 units each contain a separate bathroom and a full
195 service, ventilated kitchen. Inspection and licensing
196 of all downtown fringe dwelling units shall be in
197 accordance with appropriate city codes. Dwelling units
198 shall not be mixed with other uses on a single floor
199 unless separated from such other uses by a continuous
200 wall, and unless such other uses are provided with a
201 separate entrance.

202

City of Aurora

Table 4 - Permitted Structures and Obstructions

A = Accessory Use

P = Permitted (Shall not be considered an obstruction when located in the specified yard or setback)

L = Limited (Shall be permitted in the specified yard or setback when it complies with additional regulations)

Blank Cell = Not Permitted

STRUCTURE / OBSTRUCTIONS	BUILDABLE AREA	SETBACKS				YARDS							
		Front	Interior Side	Exterior Side	Interior Rear	Exterior Rear	Front	Interior Side	Exterior Side	Interior Rear	Exterior Rear		
Single Family Dwelling Districts: E, R1, R2, and R3													
Air conditioning or other heating and ventilation equipment - screening required when located in a side yard.	P						P	P			P	P	
1. Alternative energy systems	L				L								
Arbors and trellises	P	P	P	P	P	P	P	P	P	P	P	P	P
Architectural elements and other appurtenances twenty-four (24) inches or less. Includes but is not limited to bay windows, chimneys, overhanging eaves, gutters, awnings, canopies, window air conditioners, cable satellite dishes, bird feeders. (R1, R2, and R3 zoned properties)	P	P	P	P	P	P	P	P	P	P	P	P	P
Architectural elements and other appurtenances thirty-six (36) inches or less. Includes but is not limited to bay windows, chimneys, overhanging eaves, gutters, awnings, canopies, window air conditioners, cable satellite dishes, bird feeders (Estate zoned properties only)	P	P	P	P	P	P	P	P	P	P	P	P	P
Balconies	P												
Basketball goal (limited to one pole mounted or garage mounted goal in front or side yards of residential districts, not closer than five (5) feet from any property line, and located within or adjacent to driveway pavement if located in the front, side, or exterior side yard.)	P	P	P	P	P	P	P	P	P	P	P	P	P
1. Boathouse, private	A				L				L		L		L

City of Aurora

Table 4 - Permitted Structures and Obstructions

STRUCTURE / OBSTRUCTIONS	BUILDABLE AREA			SETBACKS						YARDS					
	Front	Interior Side	Exterior Side	Interior Rear	Exterior Rear	Front	Interior Side	Exterior Side	Interior Rear	Exterior Rear	Front	Interior Side	Exterior Side	Interior Rear	Exterior Rear
Dog runs, enclosed - not less than 10' from property line ⁵	L														
Driveways ²	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
<u>Electric Vehicle Charging Stations</u> ¹	A	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Federally licensed amateur radio stations, citizen band radio operator, and receive only antennae ⁶	L														P
Fences and walls ³	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Flag poles	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Garage, detached ¹	A														L
Garden House ¹	A														L
Gazebo	A														L
Greenhouse, private ¹	A														L
Laundry-drying equipment	P														P
Lawn furniture, such as benches, sundials, porch swings, bird baths, and other nonpermanent features	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Motor vehicle, off-street parking ²	A	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recreational vehicle, off-street parking ²	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Patios, porches, decks or terraces - unroofed, and not closer than five (5) feet from property lines.	P														P
Paved areas - District specific regulations apply ²	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Pools ^{1,4}	A														L
Recreation courts, private (i.e. volleyball, basketball, tennis, shuffleboard) - not closer than ten (10) feet from property lines	P														P

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STRUCTURE / OBSTRUCTIONS	BUILDABLE AREA	SETBACKS			YARDS							
		Front	Interior Side	Exterior Side	Interior Rear	Exterior Rear	Front	Interior Side	Exterior Side	Interior Rear	Exterior Rear	
Recreational, playground equipment or playhouses	A		L	L	L	L		L	L	L	L	L
Sheds and similar buildings or structures for domestic or agricultural storage.	A			L	L	L		L	L	L	L	L
Steps, four (4) feet or less above grade, which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley.	P	P	P	P	P	P		P	P	P	P	P
Other accessory uses												

Note: District specific regulations shall also apply to the above mentioned structures and obstructions.

Footnotes:

- 1 As permitted in the Accessory Uses and Structures section of the Aurora Zoning Ordinance.
- 2 As permitted in the Off-Street Parking and Loading Section of the Bulk Restrictions.
- 3 As permitted in the Permitted Uses and Structures Section of the Bulk Restrictions and Residential District Specific Regulations in Chapter B.
- 4 As permitted in the Building Code.
- 5 Subject to fencing requirements of the Zoning Ordinance, located in Permitted Uses and Structures Section of the Bulk Restrictions and Residential District Specific Regulations in Chapter B.
- 6 As permitted in the Residential District Specific Regulations in Chapter B.