

**City of St. Charles, Illinois**

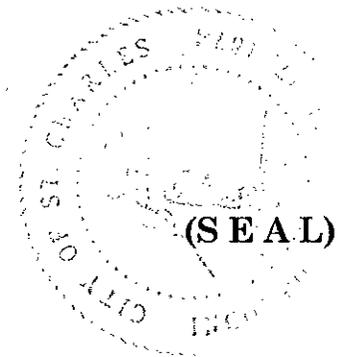
**Ordinance No. 2004-Z-12**

**An Ordinance Amending Chapters 17.13, 17.02,  
17.04, 17.38 Regarding Auxiliary Dwelling Units  
(Granny Flats)**

**Adopted by the  
City Council  
of the  
City of St. Charles  
May 17, 2004**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, May 21, 2004**

  
\_\_\_\_\_  
City Clerk



DATE OF PUBLICATION 5/21/04  
NEWSPAPER Pamphlet Form

ORDINANCE NO. 2004-Z-12

REFER TO:  
MINUTES 5/17/04  
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PRESENTED AND PASSED BY THE  
CITY COUNCIL ON May 17, 2004

AN ORDINANCE AMENDING CHAPTERS 17.13, 17.02, 17.04, 17.38  
REGARDING AUXILIARY DWELLING UNITS  
(GRANNY FLATS)

**WHEREAS**, a Petition has been filed to amend Chapters 17.13 "R-2 Single Family Residence District", 17.02 "General Provisions", 17.04 "Rules and definitions" and 17.38 "Off-street loading and parking" regarding Auxiliary Dwelling Units; and

**WHEREAS**, the Plan Commission of the City of St. Charles has held a public hearing on said Petition in accordance with law; and

**WHEREAS**, the City Council of the City of St. Charles has received the recommendation of the Plan Commission and has considered the same;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1.** That Section 17.13.010 Permitted Uses of Chapter 17.13 "R-2 Single Family Residence District" of the St. Charles Zoning Ordinance be and is hereby amended by adding the following subsection "G":

"G. Auxiliary dwelling units, attached and detached, subject to the following conditions:

1. Occupancy of any auxiliary dwelling unit shall be limited to not more than two (2) persons.
2. Only one auxiliary dwelling unit (either detached or attached) shall be permitted on a lot.
3. The auxiliary dwelling unit shall have a maximum floor area of not more than 700 square feet.
4. An auxiliary dwelling unit is permitted only on lots of 10,000 square feet or more in area.

5. Auxiliary dwelling units shall comply with all yard requirements of the R-2 District applicable to principal structures.
6. The vehicle access door of any new garage associated with the construction of an auxiliary dwelling unit shall be set back a minimum of eighteen (18) feet from any public street right of way line.
7. The Building Commissioner shall require annual registration and inspection of both the principal residence and the auxiliary dwelling unit. If the owner fails to register and submit to an inspection, the auxiliary dwelling unit shall not be occupied until compliance is obtained.
8. At least one of the units must be owner-occupied. A deed restriction must be recorded prior to issuance of a building permit for the auxiliary dwelling unit, to ensure understanding of and compliance with this requirement.  
Owner-Occupied shall mean a property owner who makes his or her legal residence at the subject property, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the subject property more than six months out of any given year, and at no time receives rent for the owner occupied unit.
9. The auxiliary dwelling unit shall not cause the maximum FAR to be exceeded, when added to the principal residence and other accessory structures on the property.
10. The auxiliary dwelling unit shall not be larger in area than the principal residence.
11. The auxiliary dwelling unit shall not be taller than the principal residence.
12. A separate driveway providing exclusive access to the auxiliary dwelling unit shall not be permitted.
13. Auxiliary dwelling units are prohibited within mobile homes or trailers.

In addition to the above conditions, the following shall apply specifically to detached auxiliary dwelling units:

14. The detached auxiliary dwelling unit shall be located at least ten (10) feet away from the principal building.
15. The detached auxiliary dwelling unit shall not be located closer to the street than the principal residence.”

**SECTION 2.** That Section 17.02.050 “More than one Principal Building on a Lot” of Chapter 17.02 “General Provisions” of the St. Charles Zoning Ordinance be and is hereby amended by deleting the provisions thereof in their entirety and by substituting the following therefor:

“17.02.050 More than one principal building on a lot:

In residence districts there shall be no more than one principal building per lot, except that in the R-2 Single Family Residence District, one auxiliary dwelling unit may be permitted in addition to the principal single family dwelling, to the extent provided in Chapter 17.13. In all districts except residence districts, more than one building may be erected on a single lot, provided that yard and other requirements hereof shall be met for each building, as though it were a principal building on an individual lot.”

**SECTION 3.** That Chapter 17.04 “Rules and Definitions” of the St. Charles Zoning

Ordinance be and is hereby amended by adding the following sections 17.04.595 and 17.04.600:

“17.04.595 Auxiliary dwelling units, attached:

Auxiliary dwelling unit, attached means a dwelling unit conforming to the limitations of Section 17.13.010 (G), and which is attached to a single family detached dwelling unit.. The attached auxiliary dwelling unit may have permanent, independent provisions for living, sleeping, eating, cooking and sanitation. A separate exterior entrance to the auxiliary dwelling unit may be provided. An interior connection between the auxiliary dwelling unit and the single family detached dwelling unit is not necessary, unless required to meet building or fire prevention code requirements.

17.04.600 Auxiliary dwelling units, detached:

Auxiliary dwelling unit, detached means a dwelling unit conforming to the limitations of Section 17.13.010(G), surrounded by open space, and which is constructed on the same lot as a single family detached dwelling unit. The detached auxiliary dwelling unit may have permanent, independent facilities for living, sleeping, eating, cooking and sanitation.”

**SECTION 4.** That Section 17.38.070 “Required off-street parking spaces” of Chapter

17.38 Off-Street Loading and Parking of the St. Charles Zoning Ordinance be and is hereby

amended by adding the following items:

“Auxiliary dwelling units, attached	One parking space per dwelling unit
Auxiliary dwelling units, detached	One parking space per dwelling unit”

**SECTION 5.** That after the adoption and approval hereof this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

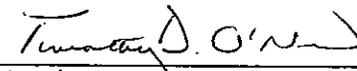
**PRESENTED** to the City Council of the City of St. Charles, Illinois, this 17th day of May, 2004.

**PASSED** by the City Council of the City of St. Charles, Illinois, this 17th day of May, 2004.

**APPROVED** by the Mayor of the City of St. Charles, Illinois, this 17th day of May, 2004.

  
Susan L. Klinkhamer, Mayor

Approved as to form:

  
City Attorney  
Date: 5/17/04

Attest:  
  
City Clerk/Recording Secretary

Voice Vote: 0  
Ayes: 10  
Nays: 0  
Absent: 0  
Abstain: 0

State of Illinois )  
 )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, KRISTIE A. NEPHEW, certify that I am the duly elected and acting Municipal Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on May 17, 2004, the Corporate Authorities of such municipality passed and approved Ordinance No. 2004-Z-12, entitled

"An Ordinance Amending Chapters 17.13, 17.02,  
17.04, 17.38 Regarding Auxiliary Dwelling Units  
(Granny Flats),"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2004-Z-12, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 21, 2004, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 18th day of May, 2004.

  
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Municipal Clerk

