

ORDINANCE 2024-47

AN ORDINANCE AMENDING TITLE 11 (ZONING ORDINANCE) OF THE GENEVA CITY CODE, SECTION 11-2-2 (DEFINITIONS OF WORDS AND TERMS), SECTION 11-3-3 (ACCESSORY BUILDINGS AND USES), SECTION 11-3-9 (SENIOR CITIZEN HOUSING), SECTION 11-3-11 (RESERVED), SECTION 11-4A-4 (DOWNTOWN DISTRICTS: TABLE OF PERMITTED AND SPECIAL USES), SECTION 11-5A-2 (RR: PERMITTED USES), SECTION 11-5B-2 (RE: PERMITTED USES), SECTION 11-5C-2 (R1: PERMITTED USES), SECTION 11-5D-2 (R2: PERMITTED USES), SECTION 11-5E-2 (R3: PERMITTED USES), SECTION 11-5F-2 (R4: PERMITTED USES), SECTION 11-5G-2 (R5: PERMITTED USES), AND SECTION 11-5H-2 (R6: PERMITTED USES) – ALL RELATED TO THE PERMISSIBILITY AND REGULATION OF ACCESSORY DWELLING UNITS

WHEREAS, an application was duly filed with the Planning and Zoning Commission of the City of Geneva on the 4th day of September, 2024 by the City of Geneva Community Development Department (hereinafter referred to as “APPLICANT”), requesting Amendments to Title 11 of the Geneva City Code (hereinafter referred to as the Zoning Ordinance), related to the permissibility and regulation of accessory dwelling units; and

WHEREAS, the City of Geneva Historic Preservation Commission considered the proposed text amendments on September 17, 2024 and did not have any objection to the request; and

WHEREAS, a notice of Public Hearing for review of said request was duly published on September 25, 2024 in the Daily Herald, a newspaper of general circulation in the City of Geneva, and such Public Hearing was held by the Planning and Zoning Commission on October 10, 2024 in the manner and form as provided for under the Zoning Ordinance as amended; and

WHEREAS, said application was presented to the Planning and Zoning Commission and the Planning and Zoning Commission, at said Public Hearing, received exhibits and testimony from the APPLICANT and public; and

WHEREAS, at its meeting on October 10, 2024, after deliberation, the Planning and Zoning Commission recommended approval of the proposed text amendments; and

WHEREAS, the City Council of the City of Geneva considered the entire record, the findings of fact, and the recommendations of the Planning and Zoning Commission on October 21, 2024.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Title 11 (Zoning Ordinance), Section 11-2-2 (Definitions of Words and Terms), is hereby amended by deleting the following term and definition:

ACCESSORY SENIOR CITIZEN DWELLING: An accessory dwelling unit within an existing single-family detached dwelling for use as a complete, independent living facility with provision for cooking, eating, sleeping and sanitation. The occupant(s) of the accessory unit shall be related by blood or marriage to the owner of the principal dwelling, who shall reside on the premises. Either

the principal or accessory dwelling shall be occupied by a person sixty two (62) years or older. The dwelling shall maintain a minimum of six hundred (600) square feet in area.

SECTION 2: Title 11 (Zoning Ordinance), Section 11-2-2 (Definitions of Words and Terms), is hereby amended by adding the following term and definition (inserted in alphabetical order):

ACCESSORY DWELLING UNIT: A dwelling unit subordinate to and located on the same zoning lot as an existing single-family detached dwelling that provides, separate from the principal single-family dwelling, provisions for cooking, eating, sleeping, sanitation, ingress and egress.

SECTION 3: Title 11 (Zoning Ordinance), Section 11-2-2 (Definitions of Words and Terms), is hereby amended by amending the following term and definition:

DWELLING, SINGLE-FAMILY: A building containing one dwelling unit, **which is not attached to any other dwelling unit with the exception of an Accessory Dwelling Unit.**

SECTION 4: Title 11 (Zoning Ordinance), Section 11-3-3(D) (Attached Accessory Structures), is hereby amended by adding the following as a permitted attached accessory structure in the Street Yard, Side Yard, and Rear Yard (inserted in alphabetical order):

Accessory dwelling units

SECTION 5: Title 11 (Zoning Ordinance), Section 11-3-3(E) (Detached Accessory Structures), is hereby amended by adding the following as a permitted detached accessory structure in the Street Yard, Side Yard, and Rear Yard (inserted in alphabetical order):

Accessory dwelling units (May be located in the corner street yard, but not the front yard, provided a minimum setback of ten (10) feet is maintained and the zoning lot is less than sixty (60) feet wide)

SECTION 6: Title 11 (Zoning Ordinance), Section 11-3-9(B) (Accessory Senior Citizen Dwellings), is hereby deleted in its entirety.

SECTION 7: Title 11 (Zoning Ordinance), Section 11-3-11 (Reserved), is hereby replaced with the following:

Section 11-3-11 (Accessory Dwelling Units)

A. General Standards

1. **Accessory dwelling units shall be permitted in all zoning districts which allow single-family dwellings as a permitted use.**
2. **Accessory dwelling units shall comply with the yard, setback, and height requirements set forth in Section 11-3-3.**
3. **Accessory dwelling units shall not be constructed prior to construction of the principal single-family dwelling.**

- B. **Number.** There shall be no more than 1 accessory dwelling unit, whether attached or detached, on a zoning lot.
- C. **Ownership**
 - 1. The owner of the zoning lot on which the accessory dwelling unit is located, shall occupy either the principal single-family residence or the accessory dwelling unit. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling, who hold legal or beneficial ownership and for whom the dwelling is the primary residence for voting and tax purposes.
 - 2. An accessory dwelling unit may not be held in separate ownership. A lot that includes an accessory dwelling unit may not be further subdivided.
 - 3. A deed restriction shall be recorded prior to issuance of a building permit for the accessory dwelling unit to provide notice of these requirements to subsequent owners.
- D. **Parking.** At least 2 off-street parking spaces shall be provided for the principal single-family residence and at least 1 additional off-street parking spaces shall be provided for the accessory dwelling unit.
- E. **Size.** Accessory dwelling units shall not exceed 1,000 square feet.
- F. **Design**
 - 1. An accessory dwelling unit shall be designed to be clearly secondary to the principal single-family dwelling on the site.
 - 2. The entry to the accessory dwelling unit shall be such that the appearance of the building shall remain a single-family residence. No new additional entrances to the front of the structure facing the street shall be permitted. No exterior stairways providing access above the ground floor to accessory dwelling units shall be permitted in the street yard.
 - 3. An accessory dwelling unit shall be constructed to coordinate architectural features and exterior materials with the principal single-family dwelling.
 - 4. Accessory dwelling units located within a detached garage shall be subject to all requirements for a detached garage as well as requirements for an occupancy permit.
 - 5. Detached accessory dwelling units shall be located at least 10 feet from the principal single-family dwelling.
 - 6. Accessory dwelling units shall use utility services provided to the principal single-family dwelling and shall not be separately metered.
- G. **Nonconforming Uses and Structures**
 - 1. An accessory dwelling unit shall not be permitted on a lot with an existing nonconforming dwelling unit. For example, an accessory dwelling shall not be permitted on a lot with an existing two-family or three-family dwelling. Accessory dwelling units shall only be permitted on lots with a single-family dwelling.
 - 2. Nothing shall prohibit a structure existing as of the date of this ordinance, including a nonconforming structure, from being converted for use to an accessory dwelling unit provided that the conversion complies with this section and the nonconforming provisions set forth in Chapter 13.

SECTION 8: Title 11 (Zoning Ordinance), Section 11-4A-4 (Table of Permitted and Special Uses), is hereby amended by adding the following as a permitted use in the D-SFMR Single-Family Medium Density Residential District, D-SFHR Single-Family High Density Residential District, D-MHR Mixed High Density Residential District, and D-RSCM Residentially Scaled Commercial Mixed-Use District (inserted after “Multiple-family dwelling”):

Accessory dwelling units

SECTION 9: Title 11 (Zoning Ordinance), Section 11-5A-2 (Permitted Uses), is hereby amended by adding the following to the list of permitted uses in the RR Rural Single-Family Residential District (inserted in alphabetical order):

Accessory Dwelling Units

SECTION 10: Title 11 (Zoning Ordinance), Section 11-5B-2 (Permitted Uses), is hereby amended by adding the following to the list of permitted uses in the RE Estate Single-Family Residential District (inserted in alphabetical order):

Accessory Dwelling Units

SECTION 11: Title 11 (Zoning Ordinance), Section 11-5C-2 (Permitted Uses), is hereby amended by adding the following to the list of permitted uses in the R1 Low Density Single-Family Residential District (inserted in alphabetical order):

Accessory Dwelling Units

SECTION 12: Title 11 (Zoning Ordinance), Section 11-5D-2 (Permitted Uses), is hereby amended by adding the following to the list of permitted uses in the R2 Medium Density Single-Family Residential District (inserted in alphabetical order):

Accessory Dwelling Units

SECTION 13: Title 11 (Zoning Ordinance), Section 11-5E-2 (Permitted Uses), is hereby amended by adding the following to the list of permitted uses in the R3 Medium to High Density Single-Family Residential District (inserted in alphabetical order):

Accessory Dwelling Units

SECTION 14: Title 11 (Zoning Ordinance), Section 11-5F-2 (Permitted Uses), is hereby amended by adding the following to the list of permitted uses in the R4 High Density Single-Family Residential District (inserted in alphabetical order):

Accessory Dwelling Units

SECTION 15: Title 11 (Zoning Ordinance), Section 11-5G-2 (Permitted Uses), is hereby amended by adding the following to the list of permitted uses in the R5 Low Density Two-and Three-Family Residential District (inserted in alphabetical order):

Accessory Dwelling Units

SECTION 16: Title 11 (Zoning Ordinance), Section 11-5H-2 (Permitted Uses), is hereby amended by adding the following to the list of permitted uses in the R6 Medium Density Two-and Three-Family Residential District (inserted in alphabetical order):

Accessory Dwelling Units

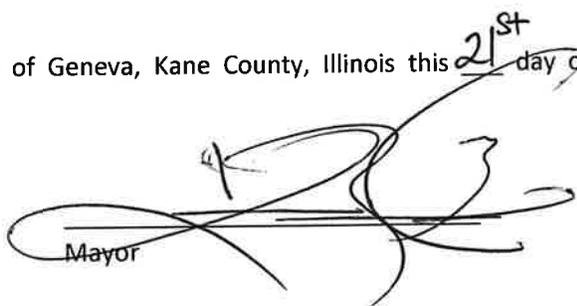
SECTION 17: The Zoning Ordinance, as heretofore and hereinabove amended, shall otherwise remain in full force and effect.

SECTION 18: This ordinance shall become effective from and after its passage as in accordance with law. Consent is hereby given for publication of this ordinance in pamphlet form.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this 21st day of Oct., 2024.

AYES: 9 NAYS: 0 ABSENT: 0 ABSTAINING: 0 HOLDING OFFICE: 9

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois this 21st day of Oct., 2024.


Mayor

ATTEST:

City Clerk