

(F) Required Open Space: All yards, courts and other open space allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

(Ord. 163, passed 12-5-1961; Am. Ord. 95-62, passed 6-13-1995)

§ 154.62 - BUILDING HEIGHTS, BULK REGULATIONS, AND REQUIRED YARDS.

(A) Height: The following requirements qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter.

- (1) Public And Semipublic Uses: Public, semipublic hospitals, institutions, schools, or public utility and service buildings, when permitted in a district, may be erected to a height not exceeding sixty feet (60'), provided said specified buildings shall be set back from the front, rear, and side lot lines in the ratio of two feet (2') for every one foot (1') building height greater than forty feet (40'); provided, however, that said specified requirements shall apply in addition to the other requirements for building line setback and for rear and side yards specifically set forth in this chapter.
- (2) Through Lots: On through lots one hundred twenty five feet (125') or less in depth, the height of the building may be established from established grade on either street. On through lots more than one hundred twenty five feet (125') in depth, the height regulations and the basis of height measurements from the street permitting the greater height shall apply to a depth of not more than one hundred feet (100') from that street.

(B) Required Yards:

- (1) Reduction Below Required Yard: No yards now or hereafter provided for a building existing on the effective date hereof shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this chapter for equivalent new construction.
- (2) Maintenance Of Required Yards And Open Space: The maintenance of yards, courts, other open space, and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

(C) Solar Access Protection:

- (1) Creation Of Easements: Solar skyspace easements across contiguous or nearby lots, tracts, or land may be created to establish a window of exposure to the sun so as to protect an existing or intended solar collector's exposure to the sun from obstruction of buildings and trees. Such easements may be purchased, reserved, granted or otherwise obtained. Adverse possession cannot create such an easement. An easement infringed upon is a compensable property right through private remedy.
- (2) Recording Of Easements: A solar easement may, at the discretion of the easement owner, be recorded with the Cook County recorder of deeds, or DuPage County recorder of deeds and filed with the community development department.
- (3) Construction In Easement Areas: Any person seeking a building permit to construct or modify any structure or building so as to increase the consumption of airspace over that lot shall certify in writing that no solar skyspace easement exists over that lot. Where a solar skyspace easement exists, the applicant for the permit shall present a copy of the deed containing the legal description of the

easement, unless the easement is already filed with the community development department. Should the community development department determine that the proposed construction would intrude upon the easement, no building permit shall be granted.

(Ord. 163, passed 12-5-1961; Am. Ord. 95-62, passed 6-13-1995; Am. Ord. 03-37, passed 3-11-2003; Am. Ord. 07-110, passed 7-24-2007)

§ 154.63 - ACCESSORY BUILDINGS, STRUCTURES AND USES.

- (A) Purpose: Accessory buildings, structures and uses customarily incidental to and commonly associated with a use allowed as a permitted or special use within a particular zoning district may be allowed to occupy the same zoning lot as the permitted or special use. To qualify as an accessory building, structure, or use, the building, structure or use shall be operated and maintained under the same ownership and on the same zoning lot as the principal building, structure or use, shall not include structures or structural features inconsistent with the principal building, structure or use, and shall not involve the conduct of any business, profession, or trade unless expressly authorized hereinafter.
- (B) Standards: Accessory buildings, structures and uses are permitted in any zoning district except for planned unit developments in connection with a use which is permitted within such district. For standards regarding accessory buildings, structures and uses in planned unit developments, refer to sections 154.105 through 154.111 of this chapter. An accessory building, structure or use in any zoning district is one which:
- (1) Is customarily incidental and subordinate to and serves a principal use established on the same zoning lot;
 - (2) Is subordinate in area, floor area, intensity, extent, and purpose to the principal building, structure, or use;
 - (3) Contributes to the comfort, convenience, or necessity of occupants or users of the principal building, structure or use;
 - (4) Is located on the same zoning lot as the principal building, structure or use served;
 - (5) Shall not be established on any lot prior to the establishment of the principal building, structure or use to which it is accessory;
 - (6) Does not exceed forty percent (40%) of the front yard when combining the total square footage of both attached and detached accessory structures within the front yard;
 - (7) Does not exceed forty percent (40%) of the rear yard when combining the total square footage of both attached and detached accessory structures within the rear yard.
- (C) Attached Accessory Structures: An attached accessory structure shall comply with all zoning district regulations applicable to the principal building, structure or use to which it is accessory.
- (D) Detached Accessory Structures: Detached accessory structures shall:
- (1) Not be located less than five feet (5') from an interior side lot line and a rear lot line when located in a rear yard.
 - (2) Comply with the height limitations of the zoning district in which it is located, provided that the accessory building or structure does not exceed the height of the principal building or structure. In residential districts, no accessory building or structure shall exceed fifteen feet (15') in height,