

Ordinance No. 4306

AN ORDINANCE AMENDING ARTICLE 6, ENTITLED “USES” OF THE ZONING ORDINANCE OF THE VILLAGE OF VILLA PARK REGARDING ACCESSORY USES AND STRUCTURES AND TEMPORARY USES

WHEREAS, the Village of Villa Park (“Petitioner”) petitioned the Planning and Zoning Commission of the Village of Villa Park (“PZC”) to consider text amendments to Article 6, entitled “Uses”, of the Village’s Zoning Ordinance, contained in Appendix C of the Village Code, surrounding the regulations applicable to accessory uses and structures and temporary uses (“Petition”); and

WHEREAS, the PZC, subject to due notice as published in the Daily Herald on April 27, 2022, conducted a public hearing which was opened on May 12, 2022, and continued to June 9, 2022 and July 14, 2022; and

WHEREAS, after taking and considering all public testimony, the PZC recommended that the Village Board approve certain proposed text amendments; and

WHEREAS, the corporate authorities find it advisable, necessary and in the best interest of the Village to amend its Zoning Code to amend Article 6, entitled “Uses”, of the Village’s Zoning Ordinance, contained in Appendix C of the Village Code, surrounding the regulations applicable to accessory uses and structures and temporary uses.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Villa Park, DuPage County, Illinois, as follows:

Section 1: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: That Subsection 6.10.1, entitled “Generally Applicable Regulations”, of Section 6.10, entitled “Accessory Uses and Structures”, of Article 6, entitled “Uses” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

6.10.1. Generally Applicable Regulations

- A. Accessory uses and structures are allowed only in connection with lawfully established principal uses.

- B. Allowed uses and structures are limited to those expressly regulated in this section as well as those that, in the determination of the community development director, satisfy all of the following criteria:
 - 1. They are customarily found in conjunction with the subject principal use or principal building.
 - 2. Accessory structures attached to the principal building shall comply with all yard and other requirements applicable to the principal building.
 - 3. They are subordinate in building area, intensity of use or purpose and clearly incidental to the principal building or principal use of the property served.
 - 4. They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.
- C. The following Accessory uses are prohibited:
 - 1. Outdoor parking of trucks, buses, trailers or boats, except as provided in Sec. 7.7.
 - 2. Outdoor storage, except as specifically permitted by the district regulations.
- D. Accessory structures may be established in conjunction with or after the principal building or use. They may not be established before the principal building or use is in place except where authorized by the Community Development Director.
- E. Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.
- F. Accessory Structures and Uses may not be located within any public utility easement, whether platted or implied without written permission from the Director of Public Works.
- G. Accessory Structures and Uses are subject to the lot and building regulations of the zoning district in which they are located.
- H. An accessory structure may not include any area to be used for human habitation (i.e., living, sleeping, eating, or cooking).

Section 3: That Subsection 6.10.2, entitled “Residential Accessory Structures”, of Section 6.10, entitled “Accessory Uses and Structures”, of Article 6, entitled “Uses” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

6.10.2. Residential Accessory Structures

The following regulations govern use and installation of accessory structures in all R districts, except as more specifically regulated in this article.

- A. Only one garage is allowed on any RS-zoned lot. A maximum of one gazebo and one shed permitted per lot, not to exceed cumulative lot coverage. Additionally, any amount of other accessory structures may be permitted per lot if the cumulative square footage of the principal building, and all accessory and structures not to exceed the maximum lot coverage per Table 2-3.
- B. The height and area of an accessory structure shall conform to Table 6-2 **Accessory Structure Regulations**.
- C. A shed may be attached to a detached garage if the addition does not exceed two hundred (200) square feet. No freestanding shed would then be permitted on the lot.
- D. Additions to garages for storage purposes shall be permitted provided that the addition is an integral part of the design of the garage, meets all applicable standards for the construction of a garage, and generally matches and adheres to the overall appearance of the garage.
- E. Residential Accessory Structures and Uses shall comply with the following:

Table 6-2 Accessory Structure Regulations

	Max Area Sq. Ft.	Number Allowed	Roof	Max Height	Distance to Principal Structure	Distance to Detached Garage
<u>Subject to Setback</u>						
GARAGE ¹	864	1	YES	21'	5'	N/A
SHED	200	1	YES	12'	5'	5' ⁴
GAZEBO	200	1 ²	YES	14'	5' ³	0
HOOP or GREENHOUSE	200	1 ²	YES	14'	5' ³	0
DECK ⁶	N/A	N/A ²	N/A		0	0
PERGOLA (open roof)	200	N/A ²	N/A		0'	0
PATIO ⁶	N/A	N/A ²	N/A		0	0
SWIMMING POOL ⁶	N/A	N/A ²	N/A		5'	5'
<u>Not Subject to Setback</u>						
SERVICE WALK	N/A	N/A ²	N/A		0	0
DRIVEWAY ⁷	N/A	N/A ²	N/A		0	0

¹ See 6.10.4. Only one attached or detached garage is allowed on any RS-zoned lot. See Section 6.10.4. Residential Garages and Carport.

² Is subject to bulk regulations and maximum lot coverage.

³ Unless structurally attached to the house.

⁴ Code does allow attached to garage with max size and architectural compatibility. See 6.10.2.D-E.

⁵ Per Section 14.1.9 Table 14-1, a minimum five-foot setback is required in all cases; and for swimming pools, the associated decking and paved areas are also to be setback a minimum of 5 feet.

⁶ Private residential service walks may not be wider than 5'.

Section 4: That Subsection 6.10.3, entitled “Nonresidential Accessory Structures”, of Section 6.10, entitled “Accessory Uses and Structures”, of Article 6, entitled “Uses” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

6.10.3. Nonresidential Accessory Structures

The following regulations govern use and installation of accessory structures in all districts other than R districts, except as more specifically regulated in this article.

- A. Only one accessory structure is allowed per lot.
- B. The area of the accessory structure may not exceed one hundred (100) square feet or one percent of the area of the lot, whichever is greater.

Section 5: That Subsection 6.10.4, entitled “Residential Garages and Carports”, of Section 6.10, entitled “Accessory Uses and Structures”, of Article 6, entitled “Uses” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

6.10.4. Residential Garages and Carports

A. RS Districts

The residential garage and carport regulations of this subsection apply in RS districts. The regulations are primarily intended to address the parking and storage of vehicles owned and operated by the residents of the premises along with limited storage of garden equipment and household items incidental to the principal use.

- 1. Only one attached or detached garage is allowed on any RS-zoned lot.
- 2. The exterior dimensions of any garage in an RS district may not exceed eight hundred sixty-four (864) square feet in area or seventy-five (75) percent of the foundation area of the principal building, provided that a garage area of up to five hundred thirty (530) square feet (exterior dimension) is permitted regardless of the size of the principal building.
- 3. The height of a detached garage may not exceed twenty-one (21) feet or the height of the principal dwelling unit, whichever is less. For purposes of this provision, height is measured from the garage floor to the top of the highest structural member.
- 4. The height of garage door may not exceed eight (8) feet.
- 5. No detached garage may be located within five (5) feet of any principal building.

6. Detached garages must be set back at least ten (10) feet from lot lines abutting a front yard of a building on an adjacent lot. Otherwise, the minimum side and rear setback for a detached garage is five (5) feet. For purposes of this provision, setbacks are measured from the garage foundation.
7. Garages may not be located within any public utility easement, whether platted or implied.
8. All garages must be constructed with eaves, gutters and downspouts that are directed away from adjacent properties. See Table 14.1.
9. Carports are prohibited except in those cases where a carport is an integral part of an architectural design of an existing or proposed principal building (e.g., porte cochere).
10. No attached garage shall be converted to livable space without conformance to Sec. 7.2. MINIMUM PARKING RATIOS.

B. Duplexes

Garages associated with duplex (two-household) dwellings in RD-7.5 and RM-9 districts may not exceed five hundred twenty-eight (528) square feet in area.

Section 6: That paragraph E of Subsection 6.11.2, entitled “Permitted Uses”, of Section 6.11, entitled “Temporary Uses”, of Article 6, entitled “Uses” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

- E. In all C districts, the display for a period not to exceed ninety (90) days of seasonal items such as garden and patio equipment and supplies. Outdoor display and sale of seasonal items are permitted in other districts for a period not to exceed ninety (90) days with approval by the Director of Community Development and an approved parking plan. A permit is required in each instance.

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Section 7: That Subsection 6.11.2, entitled “Permitted Uses”, of Section 6.11, entitled “Temporary Uses”, of Article 6, entitled “Uses” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended by adding a new paragraph H, to read as follows:

H. Temporary Moving & Storage Container in the R Districts

1. General Applicability:
 - a. A permit is required.
 - b. Shall not exceed outside dimensions of sixteen (16) feet in length, eight (8) feet in width, and nine (9) feet in height.
 - c. Shall be placed on an approved surface and do not extend beyond a driveway surface and do not encroach across any public sidewalk or across any property line.
 - d. Must be in a good state of repair, free from rust, peeling paint and other forms of visible deterioration.
2. Time restrictions for specific application:
 - a. Existing Principal Building. No more than one (1) temporary moving & storage container shall be permitted per zoning lot in all Residential districts at a time, for no more than thirty (30) consecutive days. A temporary moving & storage container may be allowed on a lot up to two (2) times per calendar year.
 - b. Temporary storage in a Residential district, during construction of a new home for a period not to exceed 9 months; or, during a major remodel with building permit, for a period not to exceed 90 days.
 - c. Temporary emergency storage. One temporary moving & storage container may be used for temporary storage in cases where a principal building becomes unfit for human occupancy due to acts that are not within the control of the property owner. The time period for a temporary emergency moving & storage container is limited to a maximum of 60 consecutive days. One additional 60-day extension may be granted by the Director of Community Development, through the issuance of a temporary use permit.

Section 8: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Section 9: If any provision or part of this Ordinance is declared invalid and of no further force and effect, the other provisions hereof shall remain in full force and effect. All ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

Passed this 14th day of NOVEMBER, 2022.

AYES: 7
NAYS: 0
ABSENT: 0

Approved this 14th day of NOVEMBER, 2022.

Neil C. Lyons
Village President

Attest:
[Signature]
Village Clerk

Published in pamphlet form:

November 14, 2022

