

Ordinance No. 4309

**AN ORDINANCE AMENDING ARTICLE 14 OF THE
ZONING ORDINANCE OF THE VILLAGE OF VILLA PARK
REGARDING VARIOUS MEASUREMENTS AND DEFINITIONS**

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 14, entitled “Measurements and Definitions”, of the Village’s Zoning Ordinance, contained in Appendix C of the Village Code (“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 by amending Article 14, entitled “Measurements and Definitions”, of the Village’s Zoning Ordinance, contained in Appendix C of the Village Code.

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 14.1.8, entitled “Lot Coverage”, of Section 14.1, entitled “Measurements”, of Article 14, entitled “Measurements and Definitions” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

Section 14.1.8. - Lot Coverage

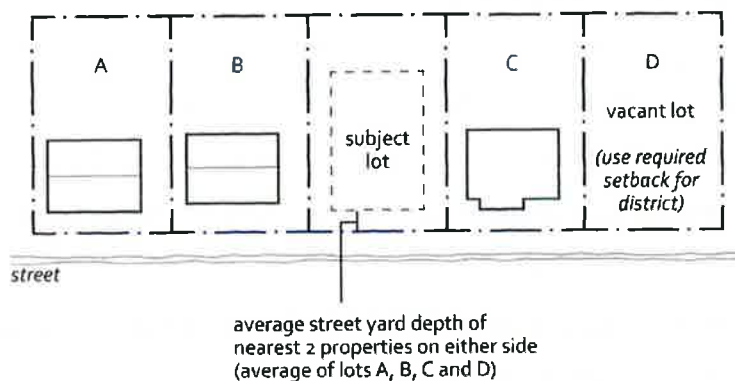
Lot coverage is measured as the total cumulative area of a lot that is covered by all principal buildings and accessory structures on the lot, as measured at the point where such buildings and structures meet the ground (i.e., building footprint).

Section 3: That subparagraph 2, entitled “Measurement”, of paragraph B, entitled “Contextual Setback for Infill Development”, of Subsection 14.1.9, entitled “Setbacks”, of Section 14.1, entitled “Measurements”, of Article 14, entitled “Measurements and Definitions” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

2. Measurement

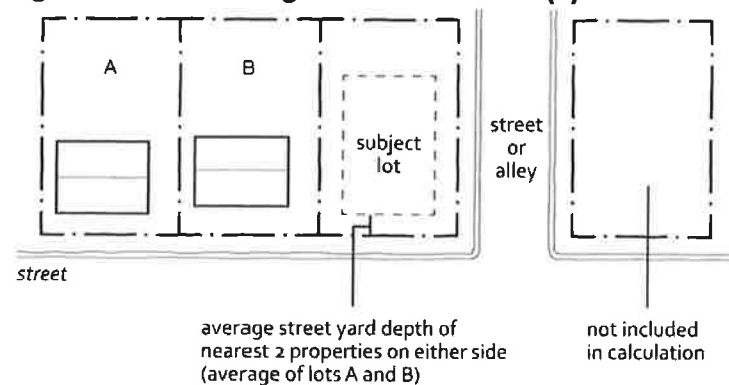
- a. The minimum contextual setback is determined by calculating the mean street yard depth that exists on the nearest two (2) lots on either side of the subject lot.
- b. If one or more of the lots required to be included in the minimum contextual setback calculation are vacant, the vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See [Figure] 14-1.

Figure 14-1 Calculation of Contextual Setback (1)



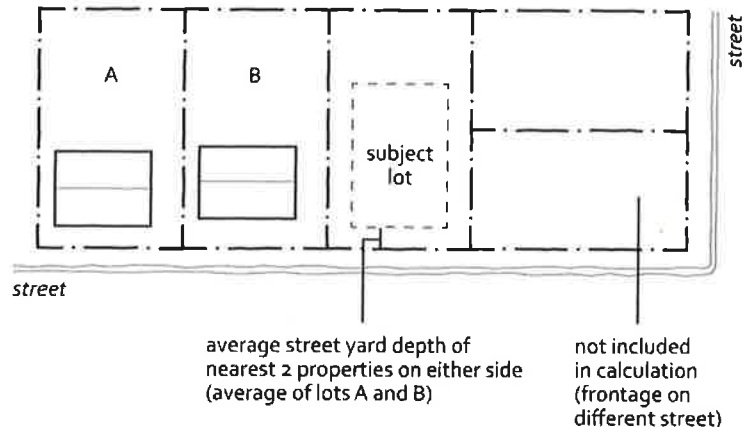
- c. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley are not used in computing the minimum contextual setback. See Figure 14-2.

Figure 14-2. Calculating Contextual Setback (2)



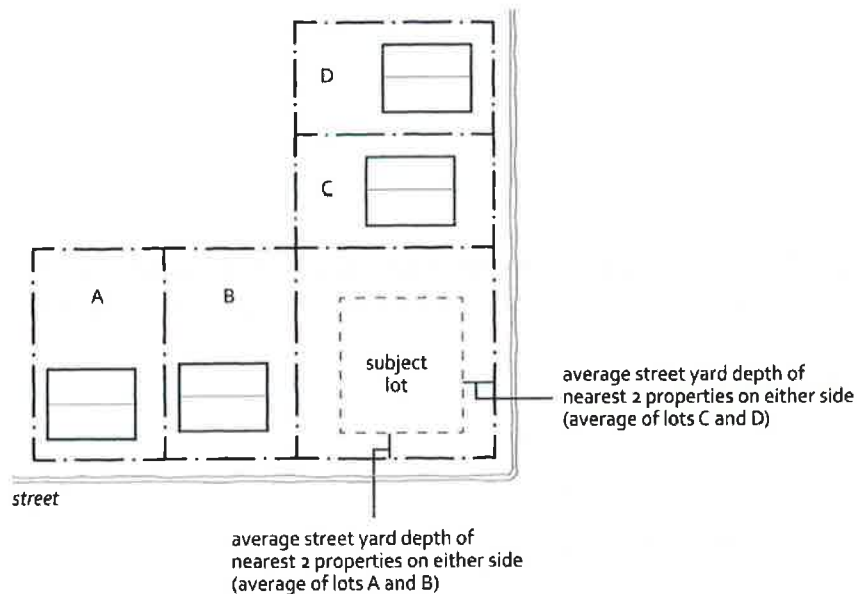
- d. When the subject lot is a corner lot, the mean street yard depth will be computed on the basis of the nearest two (2) lots with frontage on the same street as the subject lot. See Figure 14-3.

Figure 14-3 Calculating Contextual Setback (3)



- e. When the subject lot abuts a corner lot with frontage on the same street, the mean street yard depth will be computed on the basis of the abutting corner lot and the nearest two (2) lots with frontage on the same street as the subject lot. See Figure 14-4.
- f. The contextual setback provisions of this section may not be used to reduce the required setback in an R district to less than twenty (20) feet or to require a building setback in an R district of more than forty (40) feet.
- g. The contextual setback provisions of this section may not be used to reduce the required setback in an O-R district to less than fifteen (15) feet or to require a building setback in an O-R district of more than thirty-five (35) percent of the depth of the subject lot.

■ Figure 14-4. Calculating Contextual Setback (4)



Section 4: That paragraph C, entitled “Permitted Obstructions and Encroachments”, of Subsection 14.1.9, entitled “Setbacks”, of Section 14.1, entitled “Measurements”, of Article 14, entitled “Measurements and Definitions” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

C. Permitted Obstructions and Encroachments

Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 14-1 which identifies features that are allowed to encroach into required setbacks in R zoning districts.

Use of “ - ” indicates not permitted in the yard or required setback.

"Yes" indicates that the feature is permitted in the respective yard and may obstruct/encroach into the required setback per the definition in the notes column.

"No" indicates the identified structure is permitted in the respective yard, but prohibited from obstructing or encroaching into the minimum required setback.

Table 14-1: Permitted Setback Obstructions/Encroachments)

	Street (Front or Side)	Interior Side	Rear	Additional Notes
Amateur Radio Facilities, See Sec. 6.10.10	-	-	Yes	Maximum height of sixty five (65) feet may be granted via Special Use.
Air conditioners, window	Yes	Yes	Yes	
Air conditioning condensers	-	Yes	Yes	Sound and visual screening required when located in interior side setback.
Apiaries, See Sec. 6.10.11	-	-	Yes, see notes	Set back at least ten (10) feet from all lot lines and at least of ten (10) feet from the principal building on the lot.
Arbors and trellises, detached	Yes, see notes	No	Yes	Archway trellis permitted at gate entrances for the support of climbing plants or vines, may be freestanding or incorporated as part of a fence.
Arbors and trellises, attached	Yes, see notes	Yes	Yes	Flat panel on principal building intended for the support of climbing plants or vines, attached to a wall; open-air/unenclosed porch; or between a soffit and finished grade.
Awnings and canopies, attached	Yes	Yes	Yes	Maximum projection may not exceed twenty-five (25) percent of required setback depth.
Balconies, open	Yes	No	Yes	
Basketball goal and net	Yes, see notes	No	Yes	Permitted in street setback only when located in driveway.
Bay windows	No	Yes	Yes	May project (encroach) no more than three (3) feet. Requires minimum five-(5) foot setback in an interior side yard.
Carports	No	No	Yes, see notes	See 6.10.4
Chimneys, attached	Yes	Yes	Yes	May project (encroach) no more than two (2) feet. Requires minimum five-foot setback in an interior side yard.
Clotheslines	-	No	Yes	

Compost container	-	No	Yes	
Decks, open - no more than four (4) feet above ground level	No	No	Yes, see notes	Maximum projection may not exceed twenty-five (25) percent of required setback depth. Must be set back at least five (5) feet from side lot line.
Dog run or pet enclosure (See Sec. 6.10.5) (See Sec. 5-104. - Keeping poultry, cattle, etc. of the Municipal Code for the raising of chickens.)	-	No	Yes, see notes	Must be set back at least ten (10) feet from all lot lines. Fencing may not exceed six (6) feet in height if solid or eight (8) feet in height if open. In R districts may not exceed fifty (50) feet in length or eight (8) feet in width. Only one per R-zoned lot.
Driveways	Yes	Yes	Yes	See Sec. 7.8
Eaves, sills, cornices, gutters or downspout	Yes, see notes	Yes, see notes	Yes, see notes	May project (encroach) no more than two (2) feet in side yard May project (encroach) no more than four (4) feet in front or rear yard
Fences, walls, or hedges (See also Sec. 9.2)	Yes	Yes	Yes	
Fireplace, fire pit or permanent grill/barbecue structure	-	No	Yes	
Firewood	-	Yes, see notes	Yes	May project (encroach) no more than two (2) feet in side yard
Flagpole	Yes	Yes	Yes	Height not to exceed 21'.
Garages, detached	No	Yes	Yes	See also Sec. 6.10.4
Gardens (vegetable) and Garden structures including cold frames, hoop houses and greenhouses	-	Yes	Yes	
Garden structures including cold frames, hoop houses and greenhouses	-	Yes	Yes	
Geothermal heat pumps	-	No	Yes	

Lawn furnishings, such as benches, sundials, porch swings, bird baths, and similar non-permanent architectural features	Yes	Yes	Yes	
Light standards, ornamental	Yes	Yes	Yes	
Parking, off-street	Yes	Yes	Yes	See Art. 7
Patios, terraces, open - no more than four (4) feet above ground level	-	No, see notes	Yes	Subject to Table 6-2. Must be set back at least five (5) feet from side lot line.
Ponds and waterfalls	-	No	Yes	
Porches, open	Yes, see notes	No	No	Maximum projection may not exceed twenty-five (25) percent of required setback depth.
Rain barrel or rainwater collection device	See Notes	Yes	Yes	If in front yard, only adjacent to the principal building, for benefit of perimeter landscaping.
Recreational, playground equipment and playhouses	-	No	Yes	
Refuse containers	-	Yes	Yes	
Satellite receiving antenna	No	No	Yes	See Sec. 6.10.8
Sheds	-	Yes	Yes	See Sec. 6.10 Five (5) foot setback required Subject to Table 6.2
Solar energy equipment, building-mounted	Yes	Yes	Yes	See Sec. 6.10.9
Solar energy equipment, ground-mounted	-	No	Yes	See Sec. 6.10.9.
Stairways or steps, open	Yes	Yes	Yes	
Sump pump discharge pipe extensions	Yes	No	Yes	
Swimming pools and sports courts	-	No	Yes	Requires minimum five-(5) foot setback in all cases (for swimming

				pools this includes decking and paved area).
Swing sets	-	No	Yes	
Television or radio towers or antennas	-	No	Yes	(See Sec. 6.10.10)
Temporary Moving Containers & Storage, Residential Districts	Yes, See Notes	No	Yes, See Notes	See 6.11.2 See also 6.12 for temporary and permanent outdoor storage containers in non-residential districts.
Tennis courts, other paved recreational areas	-	No	Yes	
Trees, shrubs, ground cover and flowers	Yes	Yes	Yes	
Treehouse	-	No	Yes	
Wheelchair ramp or accessibility feature	Yes	Yes	Yes	

Notes for Table 14-1:

- [1] Sound and visual screening required when located in interior side setback.
- [2] Maximum projection may not exceed twenty-five (25) percent of required setback depth.
- [3] Permitted in driveway only when located in street setback.
- [4] May project (encroach) no more than three (3) feet.
- [5] Requires minimum five-foot setback in all cases (for swimming pools, includes decking and paved area).
- [6] May project (encroach) no more than two (2) feet.
- [7] Must be set back at least five (5) feet from side lot line.
- [8] May project (encroach) no more than four (4) feet.

Section 5: That paragraph B., entitled “Fence”, of Subsection 14.2.10, entitled “Words and Terms Beginning with “F””, of Section 14.2, entitled “Definitions”, of Article 14, entitled “Measurements and Definitions” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

Fence: A freestanding structure of metal, masonry, composition or wood or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement or screening. Any plantings, shrubbery, hedges or other vegetation, whether used individually or in combination with a freestanding structure of metal, masonry, composition or wood, that is installed to provide an effective visual barrier constitutes a "fence" under this ordinance if it is more than ten (10) feet in length. Decorative lattice is not intended to be used as a fence.

Section 6: That paragraph A., entitled “Impervious Site Coverage”, of Subsection 14.2.13, entitled “Words and Terms Beginning with “I””, of Section 14.2, entitled “Definitions”, of Article 14, entitled “Measurements and Definitions” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

A. Impervious Site Coverage: The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, patios, decks with impervious area underneath, and swimming pools. The determination of whether a surface is impervious or pervious shall be reviewed by the Village Engineer and determined by the Director of Public Works.

Section 7: That paragraph C., entitled “Semi-Pervious surface”, of Subsection 14.2.22, entitled “Words and Terms Beginning with “S””, of Section 14.2, entitled “Definitions”, of Article 14, entitled “Measurements and Definitions” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

C. Semi-pervious surface: Also referred to as semi-pervious material. A material that allows for at least forty (40) percent absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, other permeable surfaces (must be installed according to manufacturer's specifications to achieve permeability). Gravel surfaces used for landscaping or storage of materials may be counted only 60% impervious provided aggregate gradation has a high porosity. The determination of whether a surface is impervious or pervious shall be reviewed by the Village Engineer and determined by the Director of Public Works.

Section 8: That Subsection 14.2.22, entitled “Words and Terms Beginning with “S””, of Section 14.2, entitled “Definitions”, of Article 14, entitled “Measurements and Definitions” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended, by adding the following new definitions in proper alphabetical order and renumbering the remaining definitions in proper alphabetical order:

Setback, Required: The minimum required distance between a structure and the street lot line, rear lot line, or side lot line, often referred to as a “minimum building setback.”

Service Walk, private residential: Any strip or section of concrete, pavers, asphalt, or stones a maximum of five (5) feet in width, the prime purposes of which is a walkway. Does not include

any concrete, pavers, or stones exceeding four (4) feet in width, the prime purpose of which is not a walkway, but a landscape feature defined as hardscape area.

Section 9: That paragraph A., entitled “Yard”, of Subsection 14.2.28, entitled “Words and Terms Beginning with “Y””, of Section 14.2, entitled “Definitions”, of Article 14, entitled “Measurements and Definitions” of the Villa Park Zoning Ordinance, as contained in Appendix C to the Villa Park Municipal Code, is hereby amended to read as follows:

A. Yard: An actual open, unoccupied space that exists on a lot between a building and a respective lot line.

Section 10: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Section 11: 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.


Village President

Attest:


Village Clerk



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November 14, 2022

