

ORDINANCES

CITY COUNCIL
JUNE 22, 2004

To: Mayor and City Council

From: George J. Rodericks, City Manager **GR**

**SUBJECT: ORDINANCE NO. 2004-503
REVISION TO ZONING ORDINANCE FOR LOT COVERAGE**

BACKGROUND

“Building Site Coverage” is defined as the relationship between the gross building areas of the building or buildings, including the area of courtyards enclosed on all sides, and the net area of the site. Site coverage includes the greater perimeter of all stories in a building. Swimming pools and lattice patio covers which are at least fifty (50%) percent open, do not exceed twelve (12) feet in height, and are open on all sides, except where attached to the main structure are not included as lot coverage. Site coverage for a single-story structure in the R-1 Zone is 40%. If any portion of any structure on the lot exceeds single-story, the lot coverage is reduced to 30%. In the E-4 Zone the ratios are 32% and 24%, respectively.

On June 15th the City Council conducted a Public Hearing and introduced for 1st reading, Ordinance No. 2004-503.

FINDINGS

On the typical 20,000 square foot E-4 lot, a property owner can develop up to 6,400 square feet of single-story structures. If a property owner developed 6,400 square feet of site coverage, and then requested to add a second floor to the main structure, the property owner would be required to obtain a Variance to exceed the maximum allowable ratio of 24%. (This property owner would also be at the maximum allowable floor area ratio of 32%. This is a separate ratio that governs the maximum allowable floor area within the respective zone and is 32% and 40% within the E-4 and R-1 Zones, respectively.)

If that property owner had developed 4,800 square feet of single-story structures, that property owner would be able to add 1,600 square feet of second floor to the main structure without the requirement of a Variance from the site coverage ratio.

The effect of the City’s current ordinance is to deny the addition of second stories to structures that have covered more than 24% of their lot with single-story structures, unless there are extraordinary circumstances that apply to the property that justify the granting of a Variance.

Detached structures, solid patio covers, second dwelling units, and sheds all count as site coverage. A typical example is shown below:

Item	Square Feet
Single-Story Home	3,800
Detached Garage – 28' x 30'	840
Detached Patio Cover 12' x 20'	240
Storage Shed – 12' x 12'	144
Total Square Feet	5,024 or 25%

The property owner in the example above would be prohibited from adding a second floor to the main structure, unless a Variance was to be approved by the City Council or unless they demolished a sufficient portion of a single-story structure to reduce the site coverage down to 4,800 square feet. Hypothetically, the property owner could demolish 224 square feet from the main structure or from any of the detached structures and then construct 1,600 square feet of second story addition.

While the above example is minor in scope, there are a number of properties in the City where the main residence is single-story and substantially greater than 3,800 square feet and the property contains outbuildings. These property owners are effectively barred from any second-story addition, unless a Variance were approved or a portion of the first floor is demolished. In addition, there are a number of properties that are single-story, but that retain sufficient attic or vaulted ceiling space to add an interior second story within modification to the exterior elevations of the structure. These property owners would also be barred from completing such renovations without first obtaining a Variance or demolishing existing floor space.

Ordinance No. 2004-503 maintains the existing ratios, but replaces the requirement of a Variance to exceed the maximum floor area ratio with that of a Conditional Use Permit. The findings required for a Variance are substantially more restrictive than that of a Conditional Use Permit. A Variance requires findings of special circumstance or hardship in applicable to other properties in the same zone. Findings under a Conditional Use Permit are merely that a) the project is in accord with the objectives of the Code and purposes within the zone; b) that the use is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and c) that the use complies with the provisions of the Code. This alternative allows for a Public Hearing process and allows the Council to find that the proposed development is either compatible or incompatible with the surrounding properties. For example, a project proposing to add a second-story to a home within an area where the entire neighborhood is single-story may be found to be incompatible and be denied. Alternatively, proposing that same second-story in a two-story neighborhood or where the Council determines there may be a future trend to do so may be deemed compatible and be approved.

FISCAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council accept for 2nd reading and adopt Ordinance No. 2004-503, an Ordinance of the City Council of the City of Villa amending Section 23-6.7 of Chapter XXIII of the Villa Park Zoning Ordinance Relating to Lot Coverage.