

ORDINANCES

CITY COUNCIL
MARCH 23, 2004

To: Mayor and City Council

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

**SUBJECT: ORDINANCE NO. 2004-501
ACCESSORY STRUCTURES – RESIDENTIAL ZONE**

BACKGROUND

The City's Zoning Code prescribes that any detached structure exceeding 7 feet in height is permissible subject to the approval of a Conditional Use Permit. Such structures are limited in height to 15 feet.

A "structure" is anything constructed or erected requiring a fixed location on the ground or attached to something having a fixed location on the ground. These structures include anything defined as a structure under the Uniform Building Code. This includes tents, tent canopies, shade covers, awnings, gazebos, play equipment, arbors, trellises, fireplaces, and other freestanding structures of a similar nature.

FINDINGS

Ordinance No. 2004-501 amends the Conditional Use Permit requirement by exempting accessory buildings or structures 12 feet in height or less, necessary and customary or incidental to a principal use permitted in a residential zone. Structures meeting these requirements may be approved through the Site Plan Review process provided they meet all applicable guidelines of the Code. These include setback, lot coverage, and floor area requirements.

Accessory buildings or structures that are 12 feet in height or less, but that are fully enclosed, 120 square feet or greater, and greater than 7 feet in height are still required to go through the Conditional Use Permit process. **Exhibit A** compares the two requirements and highlights typical structures under each category.

In general, if the structure is 12 feet in height or less, the goal is to provide an over-the-counter approval process. If the structure is fully enclosed and greater than 120 square feet, it will not be able to be approved over-the-counter and will require a Conditional Use Permit. As an example, trellises, gazebos, fireplaces, play equipment, arbors, canopies, sheds or other similar structures that are less than 12 feet in height but more than 7 feet in height may be approved through an over-the-counter site plan review process provided they meet the 10 foot setback requirement and comply with lot coverage and floor area ratios.

Fully enclosed sheds, workrooms, or other similar structures that meet the height restrictions, setback requirements, and lot coverage and floor area ratios, but are more than 120 square feet are still required to go through the Conditional Use Permit process.

The intent of this exception is to identify those structures whose potential use may be of a category that would benefit from the public hearing process. Fully enclosed structures may be used as storage or may potentially be used workrooms and/or other types of active uses. In contrast, the use of trellises, gazebos, fireplaces, arbors, and other similar structures is more intermittent and potentially less of a neighborhood impact.

FISCAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council introduce for first reading Ordinance No. 2004-501, an Ordinance of the City Council of the City of Villa Park amending Section 23-6.10 of Chapter XXIII of the Villa Park Zoning Ordinance Relating to Accessory Uses: R Zones.