

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
DECEMBER 18, 2007 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Zoning Ordinance Amendment – Accessory Structures	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

An ordinance has been prepared amending Chapter 28, Zoning Ordinance, Article V, Residence Districts, Section 28.502 (R-1 District Special Uses) and Article XIII, Structures, Section 28.1300 (General Provisions) relative to accessory structures on residential lots.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2006-2011 identified *Preservation of the Residential and Neighborhood Character* and *Exceptional Municipal Government*. Supporting these goals are the objective *Top Quality Core Services Responsive to Current and Future Community and Citizen Needs*.

**FISCAL IMPACT**

N/A.

**UPDATE & RECOMMENDATION**

This item was discussed during the December 11, 2007 Workshop. During that meeting, the Village Council expressed concerns over the tracking of these special uses and termination of the uses upon transfer of ownership. Staff would propose attaching a condition to this and subsequent individual special use ordinances which would require the recording of a provision to demolish the structure upon sale. This provision would be recorded against the title and could be required at the discretion of the Village Council.

Staff recommends approval with the added condition during the December 18, 2007 Meeting.

**BACKGROUND**

The petitioner originally requested approval of a text amendment to Sections 28.502 and 28.1300 of the Zoning Ordinance relative to residential accessory structures. Specifically, the petitioner proposed a modification to the ordinance that would permit residential accessory structures to be constructed on a lot of record prior to a principal structure in cases where there are two contiguous lots held in common ownership. The amendment would affect all single family properties. The Plan Commission and staff did not support this proposed text amendment.

The petitioner has revised the proposed text amendment. The proposed text amendment staff and the petitioner have developed would permit accessory structures on separate lots of record as special uses. If the proposed text amendment is approved, any person wishing to construct an accessory structure on a lot of record meeting the conditions specified in the ordinance would have to submit a petition for special use. The standards for a special use would apply and the Village Council would have to review and approve the

petition after a public hearing and a recommendation by the Plan Commission. Thus, the Village would have more control on the types, location and uses of these structures. The language that is being presented addresses the Plan Commission and staff's concerns about contiguity and enforcement.

Prior to the residential zoning amendments that went into effect on September 1, 2006, an owner of two contiguous lots was able to construct an accessory structure on a lot of record that was not improved with a principal structure that was also part of a zoning lot. When the Village amended the residential sections of the Zoning Ordinance, the "zoning lot" concept was eliminated and replaced with "lots of record." Zoning lots allowed multiple properties to be considered one lot for zoning purposes (i.e. setbacks, lot coverage, etc.) when they were held in common ownership and allowed owners to build across lot lines and make larger lots without consolidating or re-subdividing their properties. Lots of record can only be created through the re-subdivision/consolidation process. The Village amended the regulations "to ensure that new development will meet the Village development standards. Enacting (standards for lots of record) would require new developments to occur on a single lot of record, *thereby reducing and subsequently eliminating substandard lots*" (Village of Downers Grove Staff Report, PC 26-05, February 13, 2006, emphasis added).

The Plan Commission considered the originally proposed amendment at its September 10, 2007; October 1, 2007; and October 22, 2007 meetings. The Commission noted several concerns regarding the definition of contiguity and types of structures that could be built on neighboring lots. The Plan Commission recommended denial of the text amendment with a vote of 7-1. Mr. Quirk was the dissenting vote. He noted that he did not think the concept presented by the petitioner was detrimental, while the other Commissioners believed the language could have unintended consequences. Staff believes the revised language addresses the Plan Commission's concerns.

## **ATTACHMENTS**

Ordinance



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADOPTING ACCESSORY STRUCTURE PROVISIONS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~shading~~/underline; deletions by ~~strikeout~~):

**Section 1. That Section 28.502. is hereby amended to read as follows:**

**28.502. R-1 District-special uses.**

The following uses are allowed in the R-1 Single-family Residence District as special uses:

(a) Accessory structures on a lot of record prior to the construction or establishment of a principal structure or use on said lot of record, provided that the lot of record is under common ownership and contiguous with a lot where a principal use or structure has been established. Provided, the lots of record shall have a common lot line that is shared for at least one hundred (100) feet or fifty percent (50%) of the lot line, whichever is greater. The Village Council may require the termination of said special use upon sale of the property.

(b) Churches, church schools, and other places of worship; provided the property for said use fronts on an arterial or collector street designated as such a street on the Downers Grove Future Land Use Map or is contiguous on at least one side to a "B", "M", or "O-R-M" zoning district and provided the zoning lot for said use has an area of not less than two (2) acres and not more than forty (40) percent of the lot is occupied by buildings. (See Section 28-1020.)

(~~b~~c) Convents, monasteries, rectories or parish houses, to be occupied by not more than twenty (20) persons.

(~~e~~d) Country clubs, golf courses, tennis courts, and similar recreational uses (not including commercial community pools), provided that any principal structure or accessory swimming pool shall be located not less than one hundred (100) feet from any other lot in a residential district.

(~~d~~e) Clubs, lodges, meeting halls, or fraternal institutions on properties of no less than 10 acres in area.

(~~e~~f) Colleges or universities, public or private, on sites of forty (40) acres or more. Such use may include additional structures which are customarily operated in conjunction as part of the college or university, including but not limited to, dormitories, classrooms and athletic facilities. Provided, not more than twenty-five percent (25%) of the site shall be occupied by buildings.

(~~f~~g) Extended family accessory housing. (See Section 28-1015.)

(~~g~~h) Funeral parlors. (See Section 28-1001.)

(~~h~~i) Government facilities on properties no less than 10 acres.

(~~i~~j) Group homes for nine (9) or more persons including supervisory and oversight personnel. (See Section 28-1003.)

(~~j~~k) Hospitals or sanitariums, public or private, on tracts of land having a minimum area of twenty-five (25) acres, provided that not over twenty-five percent (25%) of the land is occupied by buildings.

(~~k~~l) Nursing homes and sheltered care facilities. (See Section 28-1013.)

(~~l~~m) Parking accessory to a business or manufacturing use. However, said parking use must be contiguous to or across an alley from the business or manufacturing use. Said parking shall not be used for the commercial storage of vehicles, fee parking or the construction of structures. The parking shall be maintained in accordance with Article XIV.

(~~m~~n) Permanent ornamental signs or entry gates located at the entrances to recognized subdivisions the purpose of which is to identify the subdivision. Such permanent ornamental signs or entry signs shall be located on or behind property lines.

## Acc Structure

(no) Planned developments on tracts of twenty-five (25) acres or more. (See Article XVI.)

(op) Planned developments on tracts of two (2) or more, but less than twenty-five (25) acres when such a planned development is consistent with the intent and purpose of this Zoning Ordinance. Factors which the Plan Commission and the Village Council may consider in recommending and approving plans may include, but are not limited to, location of the tract on an arterial or collector street designated as such a street on the Downers Grove Future Land Use Map); and characteristics of the tract that make development impractical under the subdivision requirements of this zoning district and the Downers Grove Subdivision Control Ordinance. Such characteristics may include, but are not limited to, irregular shape, natural features, or location rendering property aggregation difficult. (See Article XVI.)

(pq) Professional offices, such as offices of lawyers, accountants, insurance agents and similar professional uses. Provided, medical and dental offices, or other professional uses which generate high volumes of vehicular traffic throughout the workday shall not be considered to be professional offices hereunder. (See Section 28-1004.)

(qr) Public parks and playgrounds, municipal community center, fire station, and public utility facilities.

(rs) Private schools, elementary and high.

(st) Telecommunications Towers. (See Section 28-1307.)

(tu) Temporary permit uses.

(uv) Trailer parks. (See Section 28-1016.)

### **Section 2. That Section 28.1300SEC. is hereby amended to read as follows:**

#### **28.1300SEC. General Provisions.**

(a) *Structures on a zoning lot:* Except for permitted accessory structures, every principal structure hereafter erected shall be located on a separate zoning lot and not more than one principal structure shall be located on any zoning lot, except when authorized as a Planned Development or Special Use.

(b) Accessory structures in general.

(1) No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is necessary, except where allowed as a special use in accordance with Section 28.502(a).

(c) Residential accessory structures.

(1) Except as provided herein, residential accessory structures shall be located in the rear or side yards and on the same zoning lot as the principal structure or use served.

(2) No more than three (3) detached accessory structures shall be permitted on any lot of record.

(3) The aggregate footprint of all accessory structures shall not exceed one thousand (1,000) square feet or the gross floor area of the principal structure, which ever is less.

(4) Except as otherwise provided in this Zoning Ordinance, no accessory structure on a zoning lot in a residence district shall be located less than six (6) feet from a side or rear lot line. In the R-4 District, no accessory structure shall be located less than five (5) feet from a side or rear lot line.

(5) No residential accessory building or buildings shall occupy more than 40% of the area of a rear or side yard.

(6) No residential accessory building shall exceed twenty-three (23) feet in height as measured to the highest point on the structure.

(7) Residential accessory buildings shall be placed at a minimum of ten (10) feet from the side and rear walls of the principal structure to which it is necessary.

(d) Non-residential accessory structures.

(1) Accessory off-street parking facilities and parking structures for non-residential uses may be located:

(a) In front of and on the same zoning lot as the principal building or use; or

Acc Structure

(b) On zoning lots other than that containing the principal structure or use, subject to the provisions of Section 28-1401.

**Section 3.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 4.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

---

Mayor

Passed:

Published:

Attest:

---

Village Clerk