

Public participation is invited on each agenda item prior to the Board's deliberation. **When called upon, please approach the microphone and state your name and the address where you live. Kindly limit your remarks to 3 minutes.**

VILLAGE OF VILLA PARK
Village Hall, Board Room Chambers
20 S. Ardmore Avenue
Villa Park, IL 60181

Planning and Zoning Commission

March 14, 2024

7:30 PM

Chairman Jason Jarrett

Commissioners: Larry Calvert, Edward Hofstra, Kenneth Jackson, Louis LeMieux Eric Luedtke,
Michael Orlowski, Dominick Romano, Justin Shlensky

- 1. Call to Order - Roll Call**
- 2. Approval of Minutes**
 - a. Minutes of Febraury 8, 2024
- 3. Public Hearing - New Business**
 - a. PZ-24-05 / Text Amendments Article 14 Measurements and Definitions /
Petitioner, Village of Villa Park.
- 4. Discussion Items**
- 5. Public Comments on Non-Agenda Items**
- 6. Adjournment**

The Villa Park Village Hall is subject to the requirements of the Americans with Disabilities Act of 1990. An elevator is operational at the north side entrance to the Village Hall during normal work hours and also during evenings. Individuals with special needs are requested to contact the Village's Compliance Officer at (630) 834-8500 so that reasonable accommodations can be made for those persons.

PLANNING AND ZONING COMMISSION MINUTES

February 8, 2024

The meeting of the Planning and Zoning Commission was called to order on February 8, 2024, at 7:30 p.m.

PRESENT:

Commissioners Larry Calvert, Edward Hofstra, Louis LeMieux, Eric Luedtke, Michael Orlowski, Dominick Romano, Justin Shlensky, and Chairman Jason Jarrett.

ABSENT:

Commissioner Kenneth Jackson

OTHERS PRESENT:

Director of Community & Economic Development Marc McLaughlin, Planner Stephanie Barajas, and Village President Nick Cuzzone.

PUBLIC INPUT ON AGENDA ITEMS:

None.

APPROVAL OF THE MINUTES:

Motion to accept all minutes of November 9, 2023 was made by Commissioner Michael Orlowski and seconded by Commissioner Eric Luedtke and passed with voice vote all ayes. Minutes were approved as submitted.

DISCUSSION ITEMS:

A. Comprehensive Plan / Existing Conditions

Stephanie Barajas presented the existing conditions memo and pointed out key demographics, and preliminary community outreach points.

The Planning and Zoning Commission discussed the Existing Conditions Memo and provided feedback and suggestions for additional data points. The Commission also pointed out issues they would like to see addressed in the Comprehensive Plan.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Motion to adjourn the meeting made by Commissioner Edward Hofstra and seconded by Commissioner Michael Orlowski. The motion passed with all ayes. The meeting adjourned at 8:18 p.m.

Respectfully Submitted by,

Marc McLaughlin



Village of Villa Park

Community & Economic Development

11 W Home Avenue, Villa Park, IL 60181

TO: Planning & Zoning Commission
FROM: Community & Economic Development
DATE: March 14, 2024
RE: Petition PZ-24-05 / Zoning Ordinance Text Amendments

Petitioner: Village of Villa Park – Director of Community & Economic Development

Request Summary:

The Petitioner is requesting a public hearing to consider Text Amendments to Appendix C – Basic Zoning Ordinance Section 14.1 to remove conflicts, clarify certain language, and follow best practice.

Zoning Request:

The following sections are proposed to be amended:

- Article 14 “Measurements and Definitions”, Section 14.1. - “Measurements” – Adding regulation clarification including contextual setbacks for infill development, permitted setback obstructions/encroachments, and building height.

Notification:

Legal Notice was published in the Daily Herald on February 26, 2024 in advance of the public hearing.

Project Summary:

As noted in the past, the current Zoning Ordinance has some deficiencies in the text as a result of the process in which it was drafted and adopted. Last year, a series of text amendments were proposed to the Planning and Zoning Commission and were adopted by the Village Board. In a continued effort to remove inconsistencies and add clarification for the day-to-day enforcement and interpretation, the following amendments are proposed.

Article 14 “Measurements and Definitions”, Section 14.1. - “Measurements”

- Correct spelling and grammar
- Remove special street setbacks measurement requirements for lots with frontage on North Ave, Saint Charles Rd, and Roosevelt Rd.
- Remove Office-Research (O-R) zoning district from contextual setback requirements.
- Remove the contextual setback requirement for cases where the abutting lots are occupied by principal buildings that are setback at a greater distance than required by the subject lot’s zoning district.
- Correct descriptions and use of figures for contextual setback measurement.
- In Table 14-1: Permitted Setback Obstructions/Encroachments, remove “See Notes” from “Yes” responses.
- In Table 14-1, correct Additional Notes to be more consistent with the intent of the accessory use.
- In Table 14-1, remove additional description from Decks, Open and Patios and Terraces, Open.
- In Table 14-1, change Porches, open to Porches (roofed), open for clarity.
- In Table 14-1, correct Rain barrel or rainwater collection device category to allow the obstruction/encroachment of this accessory use in a street yard.
- Remove “Notes for Table 14-1”.
- Redefine how building height is measured.

Findings:

Per Section 11.2.9. – Review and Approval Criteria: The decision to amend the Zoning Ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about



Village of Villa Park

Community & Economic Development

11 W Home Avenue, Villa Park, IL 60181

Zoning Ordinance text amendments, the Planning and Zoning Commission and Village Board must consider at least the following factors:

1. Whether the proposed text amendment is in conformity with the policy and intent of the comprehensive plan; and
2. Whether the proposed Zoning Ordinance text amendment corrects an error or inconsistency in the Zoning Ordinance, meets the challenge of a changing condition or is necessary to implement established Village policy.

Staff Recommendation:

Village staff has reviewed the petition and is supportive of the request.

Recommended Action:

To recommend approval of PZ-24-05 for a Zoning Ordinance Text Amendment as outlined in Exhibit A.

SEC. 14.1. - MEASUREMENTS

14.1.1. - Rounding

When calculations required under this zoning ordinance result in fractions, the results must be rounded as follows:

A. Minimum Requirements

1. In the case of minimum off-street parking requirements, any fractional result of less than one-half is rounded down to the whole number and any fractional result of one-half or more is rounded up to the next whole number.
2. In all other cases, when a regulation of this zoning ordinance is expressed in terms of a minimum requirement, any fractional result must be rounded up to the next consecutive whole number.

B. Maximum Limits

When a regulation of this zoning ordinance is expressed in terms of a maximum limit, any fractional result must be rounded down to the whole number. For example, if a maximum allowance of one dwelling unit for every two thousand six hundred (2,600) square feet of lot area is applied to a ten thousand (10,000) square foot lot, the resulting fraction of 3.85 is rounded down to three (3) allowed dwelling units.

14.1.2. - Lot Area

Lot area is measured as the total ground-level surface area contained within the boundaries of a lot.

14.1.3. - Lot Area per Dwelling Unit

Lot area per dwelling unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on the subject lot. To determine the number of dwelling units allowed on a lot, divide the lot area by the minimum lot-area-per-unit requirement, and round any fractional result down to the whole number.

14.1.4. - Building Footprint

Building footprint is measured as the horizontal area on a lot that is covered by the subject building, excluding open steps and terraces, cornices, and roof overhangs that do not project more than twenty-four (24) inches.

14.1.5. - Floor Area

The floor area of a building is measured as the area of all floor space within the outside line of walls of a building, including the total of all space on all floors of a building. It does not include porches, garages, or space in a basement if the basement is used for storage or incidental uses. Any space devoted to off-street parking or loading is not included in the calculation of floor area.

14.1.6. - Lot Width

Lot width is measured as the distance between the side lot lines of a lot measured along the required front street setback line.

14.1.7. - Lot Depth

Lot depth is measured as the mean horizontal distance between the front and rear lot lines of a lot.

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).

14.1.9. - Setbacks

A. Measurement

1. Setbacks are measured from the referenced lot line (street front, street side, interior side, or rear) to the closest point of the building or structure.
2. Street setbacks are measured from the lot line that abuts the street.
3. Required front street setbacks extend from side lot line to side lot line. Required side street setbacks extend from front lot line to rear lot line.
4. Interior side setbacks are measured from side lot lines that do not abut a street. Required interior side setbacks extend from the point of the required front setback to the point of the required rear setback.
5. Rear setbacks are measured from the rear lot line. Required rear setbacks extend from side lot line to side lot line.

6. On double-frontage lots, front street setbacks apply from both opposing lot lines that abut the street.

B. Contextual Setbacks for Infill Development

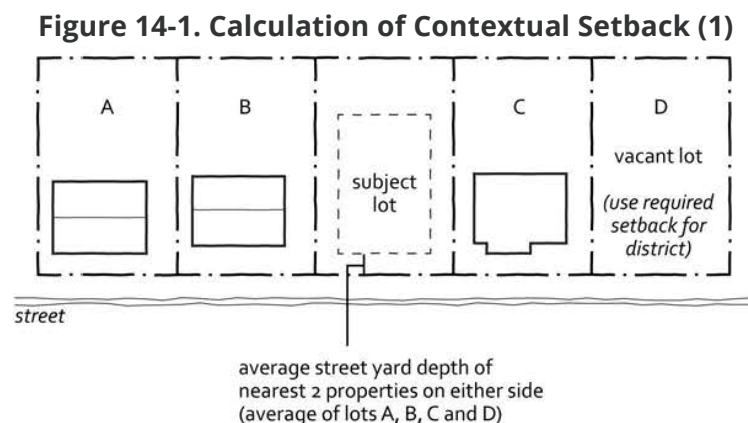
1. Applicability

Contextual front street setback requirements apply in R districts to any new building constructed on a lot that abuts one or more lots occupied by principal buildings that are setback a lesser distance than required by the subject lot's zoning district.

2. Measurement

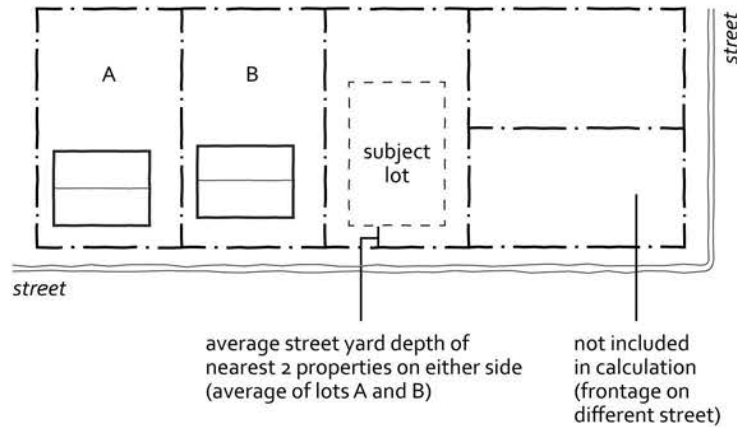
a. The minimum contextual setback is determined by calculating the mean street yard depth that exists on the nearest two (2) lots on either side of the subject lot.

b. If one (1) 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.



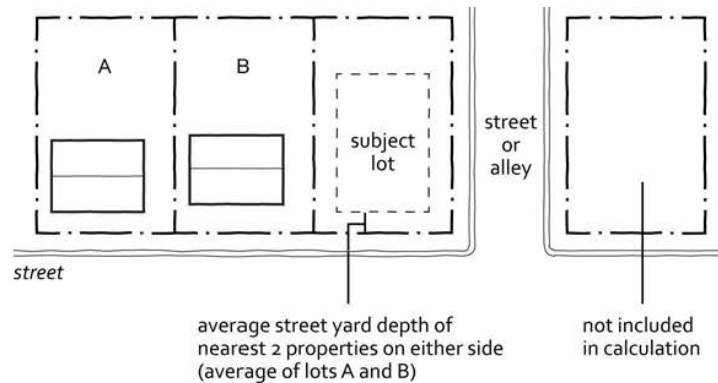
c. Lots with frontage on a different street than the subject lot are not used in computing the minimum contextual setback. See Figure 14-2.

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. In an R district, the contextual setback may not be less than twenty (20) feet.

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	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	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	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	Maximum projection may not exceed twenty-five (25) percent of required front yard setback depth. Must be set back at least five (5) feet from side lot line. Must be set back at least five (5) feet from rear lot line.
Basketball goal and net	Yes	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 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	No	Yes	Must be set back at least five (5) feet from side lot line. Must be set back at least five (5) feet from rear 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	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	Yes	Yes	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	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)	-	Yes	Yes	
Garden structures including cold frames, hoop houses and greenhouses	-	Yes	Yes	
Geothermal heat pumps	-	No	Yes	
Lawn furnishings, such as benches, sundials,	Yes	Yes	Yes	

porch swings, bird baths, and similar non-permanent architectural features				
Light standards, ornamental	Yes	Yes	Yes	
Parking, off-street	Yes	Yes	Yes	See Art. 7
Patios and terraces, open	-	Yes	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 (roofed), open	Yes	No	No	Maximum projection may not exceed twenty-five (25) percent of required setback depth.
Rain barrel or rainwater collection device	Yes	Yes	Yes	If in front yard, only adjacent to the principal building.
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.
Swing sets	-	No	Yes	

Television or radio towers or antennas	-	No	Yes	(See Sec. 6.10.10.)
Temporary Moving Containers & Storage, Residential Districts	Yes	No	Yes	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	

14.1.10. - Height

A. Buildings

1. Measurement

Building height is measured as the vertical distance from the finished lot grade at the horizontal midpoint of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, to the mean level between the highest eave and highest ridge for hip, gabled, and gambrel roofs

Figure 13-5. Building Height Measurement



2. Exceptions

a. Utility penthouses are not be included in the height of the building unless the aggregate area of such structure exceeds one-third of the area of the roof of the building.

b. Chimneys, cooking towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, or necessary mechanical appurtenances, may only be erected to the maximum height of the subject district, except as otherwise expressly stated. See also [section 9.1.5](#) for regulations governing screening of rooftop mechanical equipment.

c. Public, civic and institutional uses permitted by special use, may be erected to a height of up to 60 feet in all zoning districts and religious assembly uses permitted by special use may be erected to a height of up to 75 feet in all zoning districts if the building is set back from each lot line at least one foot for each foot of additional building height above the height limit otherwise allowed in the subject zoning district.

B. Fences

The height of a fence is measured from the ground at the point of measurement unless the elevation of the ground at the point of measurement has been artificially changed by installation of a berm, mound, or fill that was not approved as part of a subdivision grading plan. If the elevation at the point of measurement has been artificially changed, then fence height must be measured from the elevation of the ground prior to the change.

C. Telecommunication Towers

The height of a telecommunication tower is measured from the finished grade of the parcel directly beneath the tower to the highest point on the tower, including the base pad and any antenna.

D. Antenna

The height of an antenna is measured vertically from the highest point of the antenna when positioned for operation to the point at which the antenna is attached to the building or antenna-supporting structure, whichever is applicable.

SEC. 14.1. - MEASUREMENTS

14.1.1. - Rounding

When calculations required under this zoning ordinance result in fractions, the results must be rounded as follows:

A. Minimum Requirements

1. In the case of minimum off-street parking requirements, any fractional result of less than one-half is rounded down to the whole number and any fractional result of one-half or more is rounded up to the next whole number.
2. In all other cases, when a regulation of this zoning ordinance is expressed in terms of a minimum requirement, any fractional result must be rounded up to the next consecutive whole number.

B. Maximum Limits

When a regulation of this zoning ordinance is expressed in terms of a maximum limit, any fractional result must be rounded down to the whole number. For example, if a maximum allowance of one dwelling unit for every two thousand six hundred (2,600) square feet of lot area is applied to ~~an~~ ten thousand (10,000) square foot lot, the resulting fraction of 3.85 is rounded down to three (3) allowed dwelling units.

14.1.2. - Lot Area

Lot area is measured as the total ground-level surface area contained within the boundaries of a lot.

14.1.3. - Lot Area per Dwelling Unit

Lot area per dwelling unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on the subject lot. To determine the number of dwelling units allowed on a lot, divide the lot area by the minimum lot-area-per-unit requirement, and round any fractional result down to the whole number.

14.1.4. - Building Footprint

Building footprint is measured as the horizontal area on a lot that is covered by the subject building, excluding open steps and terraces, cornices, and roof overhangs that do not project more than twenty-four (24) inches.

14.1.5. - Floor Area

The floor area of a building is measured as the area of all floor space within the outside line of walls of a building, including the total of all space on all floors of a building. It does not include porches, garages, or space in a basement if the basement is used for storage or incidental uses. Any space devoted to ~~offstreet~~offoff-street parking or loading is not included in the calculation of floor area.

14.1.6. - Lot Width

Lot width is measured as the distance between the side lot lines of a lot measured along the required front street setback line.

14.1.7. - Lot Depth

Lot depth is measured as the mean horizontal distance between the front and rear lot lines of a lot.

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).

14.1.9. - Setbacks

A. Measurement

1. Setbacks are measured from the referenced lot line (street front, street side, interior side, or rear) to the closest point of the building or structure.
2. Street setbacks are measured from the lot line that abuts the street, ~~except for lots that front on North Avenue, St. Charles Road or Roosevelt Road where the following special minimum setback regulations apply:~~
 - a. ~~North Avenue: minimum one hundred (100) feet from centerline of right-of-way.~~
 - b. ~~St. Charles Road: minimum forty (40) feet from centerline of right-of-way.~~
 - c. ~~Roosevelt Road: minimum fifty (50) feet from centerline of right-of-way~~
3. Required front street setbacks extend from side lot line to side lot line. Required side street setbacks extend from front lot line to rear lot line.

4. Interior side setbacks are measured from side lot lines that do not abut a street. Required interior side setbacks extend from the point of the required front setback to the point of the required rear setback.
5. Rear setbacks are measured from the rear lot line. Required rear setbacks extend from side lot line to side lot line.
6. On double-frontage lots, front street setbacks apply from both opposing lot lines that abut the street.

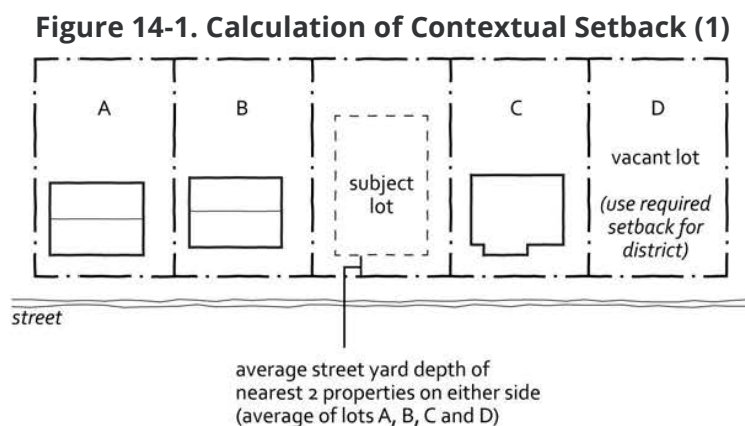
B. Contextual Setbacks for Infill Development

1. Applicability

Contextual front street setback requirements apply in R ~~and O-R~~ districts to any new building constructed on a lot that abuts one or more lots occupied by principal buildings that are ~~set back setback~~ a ~~greater or~~ lesser distance than required by the subject lot's zoning district.

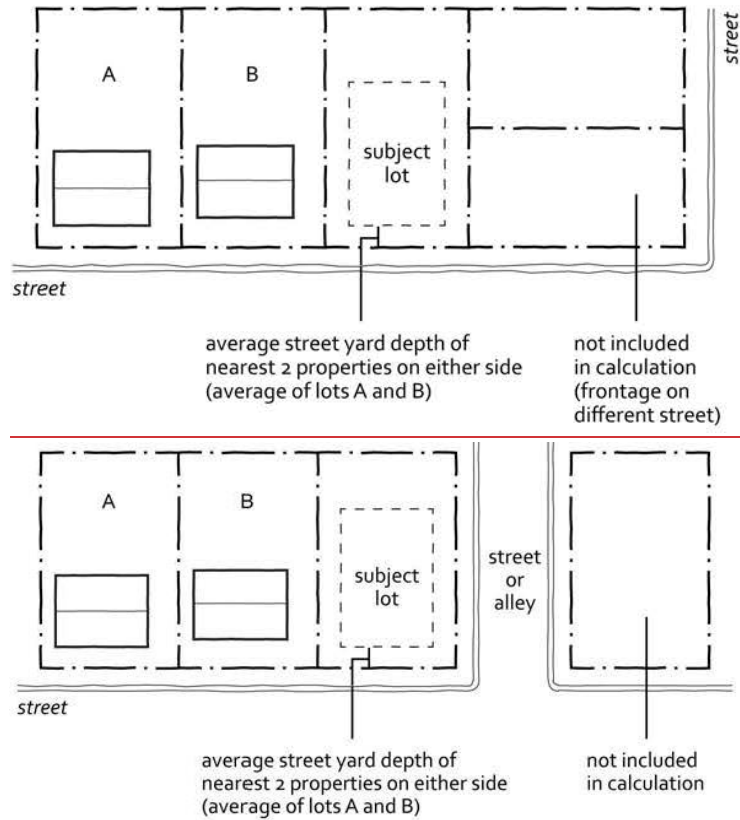
2. Measurement

- 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 (1) 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.



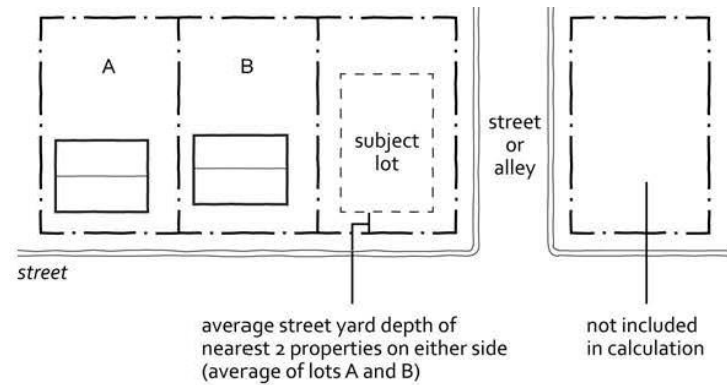
- c. Lots with frontage on a different street than the subject lot ~~or that are separated from the subject lot by a street or alley~~ are not used in computing the minimum contextual setback. See Figure 14-2.

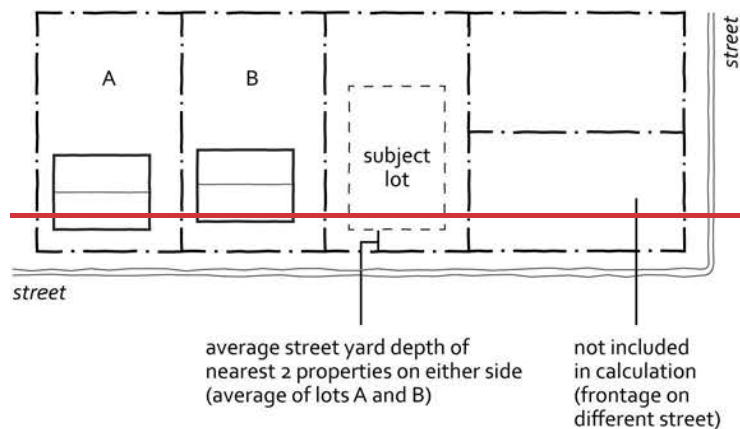
Figure 14-2. Calculating Contextual Setback (2)



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)



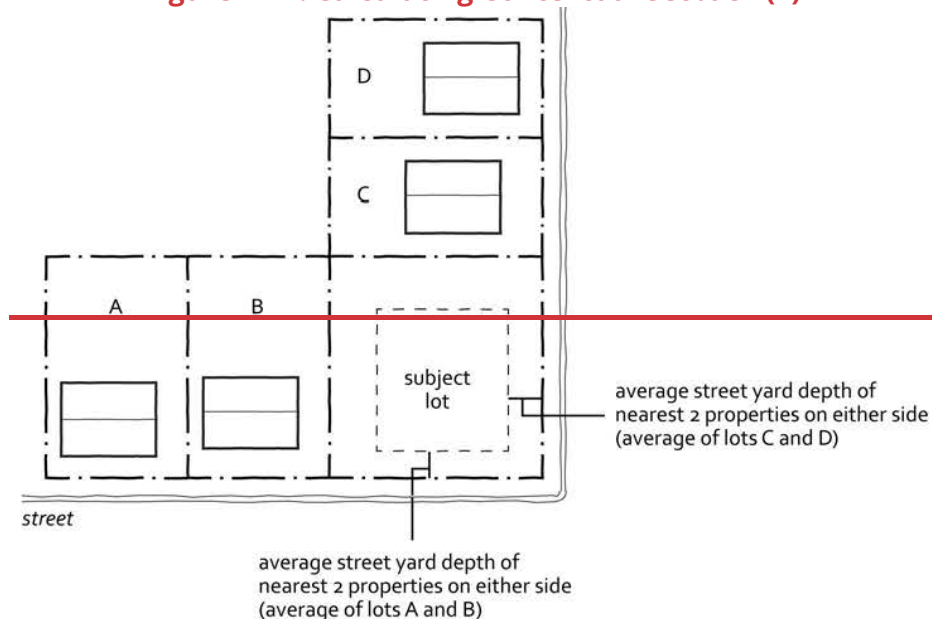


e. When the subject lot abuts a corner lot with frontage on the same street, the mean street yard depth will be computed on the basis of the abutting corner lot and the nearest two (2) lots with frontage on the same street as the subject lot. See Figure 14-4.

ef. 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. In an R district, the contextual setback may not be less than twenty (20) 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)



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 <u>sixty-five</u> (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	<u>Maximum projection may not exceed twenty-five (25) percent of required front yard setback depth.</u>

				<u>Must be set back at least five (5) feet from side lot line.</u> <u>Must be set back at least five (5) feet from rear lot line.</u>
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. <u>Must be set back at least five (5) feet from rear lot line.</u>
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 <u>notes</u>	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)	-	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 <u>and</u> , terraces, open no more than four (4) feet above ground level	-	No Yes, see <u>notes</u>	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 <u>(roofed)</u> , open	Yes, see <u>notes</u>	No	No	Maximum projection may not exceed twenty-five (25) percent of required setback depth.
Rain barrel or rainwater collection device	No See <u>Notes Yes</u>	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.~~

14.1.10. - Height

A. Buildings

1. Measurement

Building height is measured as the vertical distance from the finished lot grade at the horizontal midpoint of the front of the building ~~top of the curb in front the building (at the horizontal midpoint of the building)~~ to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, to the mean level between the highest eaves and highest ridge for hip, gabled, and gambrel roofs. ~~If no curb exists, the "curb" measurement must be taken from the mean elevation of the finished lot grade immediately abutting the building.~~

Figure 13-5. Building Height Measurement



~~From top of curb (if no curb, then from mean finished grade abutting building)~~

2. Exceptions

a. Utility penthouses are not be included in the height of the building unless the aggregate area of such structure exceeds one-third of the area of the roof of the building.

b. Chimneys, cooking towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, or necessary mechanical appurtenances, may only be erected to the maximum height of the subject district, except as otherwise expressly stated. See also [section 9.1.5](#) for regulations governing screening of rooftop mechanical equipment.

c. Public, civic and institutional uses permitted by special use, may be erected to a height of up to 60 feet in all zoning districts and religious assembly uses permitted by special use may be erected to a height of up to 75 feet in all zoning districts if the building is set back from each lot line at least one foot for each foot of additional building height above the height limit otherwise allowed in the subject zoning district.

B. Fences

The height of a fence is measured from the ground at the point of measurement unless the elevation of the ground at the point of measurement has been artificially changed by installation of a berm, mound, or fill that was not approved as part of a subdivision grading plan. If the elevation at the point of measurement has been artificially changed, then fence height must be measured from the elevation of the ground prior to the change.

C. Telecommunication Towers

The height of a telecommunication tower is measured from the finished grade of the parcel directly beneath the tower to the highest point on the tower, including the base pad and any antenna.

D. Antenna

The height of an antenna is measured vertically from the highest point of the antenna when positioned for operation to the point at which the antenna is attached to the building or antenna-supporting structure, whichever is applicable.