

DRAFT ZONING TEXT AMENDMENT - GARAGES/DRIVEWAYS

Additions to existing text of Village Code are indicated by **underlining**, and deletions to existing text of Village Code are indicated by **strikethrough**

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE VILLAGE OF RIVERSIDE VILLAGE CODE AND ZONING ORDINANCE RELATIVE TO GARAGES AND DRIVEWAYS

WHEREAS, the Village of Riverside has filed a petition proposing certain amendments to the text of the Village Code of the Village of Riverside (“Village Code”) and the Village of Riverside Zoning Ordinance (“Zoning Ordinance”) relative to garages and driveways (the “Proposed Text Amendments”); and

WHEREAS, the Petition has been referred to the Planning and Zoning Commission of the Village (“PZC”), and has been processed in accordance with the Village of Riverside Zoning Ordinance (“Zoning Ordinance”), as amended; and

WHEREAS, on June 27, 2018, the PZC held a public hearing on the Proposed Text Amendments pursuant to notice thereof given in the manner required by law, and, after considering all of the testimony and evidence presented at the public hearing, recommended approval of the Proposed Text Amendments by a vote of seven (7) in favor and none (0) opposed, all as set forth in the Findings and Recommendation of the PZC in this matter (“Findings and Recommendation”), a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, the President and Board of Trustees of the Village have duly considered the Findings and Recommendation of the PZC, and all of the materials, facts and circumstances affecting the Proposed Text Amendments; and

WHEREAS, the Village of Riverside (the “Village”) is an Illinois non-home rule municipality, having all of the powers and authority granted to such municipalities pursuant to law, including the powers set forth in Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.) relative to zoning within the Village; and

WHEREAS, pursuant to the authority granted under Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.), the President and Board of Trustees of the Village of Riverside approve the Proposed Text Amendments to the Zoning Ordinance and Village Code set forth below, and find the adoption of the Proposed Text Amendments to be in the best interests of the Village.

BE IT ORDAINED by the President and Board of Trustees of the Village of Riverside, Cook County, Illinois, as follows:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: The Village President and Board of Trustees of the Village of Riverside approve and adopt the Findings and Recommendation of the PZC and incorporate such Findings and

Recommendation herein by reference as if fully set forth herein. A copy of the PZC Findings and Recommendation is attached hereto as **Exhibit A** and made a part hereof.

SECTION 3: Subsection B of Section 1 (Rules and Regulations; Amendments) of Chapter 1 (Buildings) of Title 4 (Building Regulations) of the Village Code of the Village of Riverside is amended by adding the following additional Table R302.1, to read in its entirety as follows:

4-1-1: RULES AND REGULATIONS; AMENDMENTS:

(B) Residential Code Amendments: For purposes of the village code, the international residential code, as incorporated herein, is hereby amended in the following respects:

Section R302 EXTERIOR WALL LOCATION

TABLE R302.1

EXTERIOR WALLS

<u>EXTERIOR WALL ELEMENT</u>		<u>MINIMUM FIRE-RESISTANCE RATING</u>	<u>MINIMUM FIRE SEPARATION DISTANCE</u>
<u>Walls</u>	<u>(fire-resistance rated)</u>	<u>1 hour with exposure from both sides</u>	<u>0 feet</u>
	<u>(Not fire-resistance rated)</u>	<u>0 hours</u>	<u>5 10 feet</u>
<u>Projections</u>	<u>(fire-resistance rated)</u>	<u>1 hour on the underside</u>	<u>4 feet</u>
	<u>(Not fire-resistance rated)</u>	<u>0 hours</u>	<u>5 feet</u>
<u>Openings</u>	<u>Not allowed</u>	<u>N/A</u>	<u>< 3 feet</u>
	<u>25% Maximum of Wall Area</u>	<u>0 hours</u>	<u>3 feet</u>
	<u>Unlimited</u>	<u>0 hours</u>	<u>5 feet</u>
<u>Penetrations</u>	<u>All</u>	<u>Comply with Section R317.3</u>	<u>< 5 feet</u>
		<u>None required</u>	<u>5 feet</u>

SECTION 4: Subsection B of Section 1 (Rules and Regulations; Amendments) of Chapter 1 (Buildings) of Title 4 (Building Regulations) of the Village Code of the Village of Riverside is further amended by revising the current provision on Section R309.2 to read in its entirety as follows:

Section R309.2 Separation Required: The garage shall be separated from the residence and its attic area by not less than $\frac{1}{2}\frac{5}{8}$ -inch (12.7-15.9 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than $\frac{5}{8}$ -inch (15.9 mm) type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than $\frac{1}{2}\frac{5}{8}$ -inch (12.7-15.9 mm) gypsum board or equivalent. Garages located less than ~~3 feet (914 mm)~~ **10 feet (3,048 mm)** from a dwelling unit on the same lot shall be protected with not less than $\frac{1}{2}\frac{5}{8}$ -inch (12.7-15.9 mm) gypsum board applied to the interior side of exterior walls that are within this area. Openings in these walls shall be regulated by section R309.1. This provision does not apply to garage walls that are perpendicular to the adjacent dwelling unit wall.

SECTION 5: Section 1 (Definitions) of Chapter 4 (Private Driveways) of Title 8 (Public Ways and Property) of the Village Code of the Village of Riverside is hereby amended by revising the existing list of definitions to delete the definitions of “Commercial Driveway” and “Private Driveway” in their entirety, and to add a new definition of “Driveway Apron” at its proper alphabetical location, all as follows:

8-4-1: DEFINITIONS:

~~COMMERCIAL DRIVEWAY: A paved roadway providing access to property being used other than for residential purposes.~~

~~PRIVATE DRIVEWAY: Any paved roadway between the curb line or pavement line of any street and the attached or detached garage or other rear parking area of adjacent residential property. (Ord. 1361, 6-19-1978; amd. Ord. 1763, 8-17-1987)~~

DRIVEWAY APRON: That portion of every driveway which extends from the street across any public parkway and sidewalk space to the owner’s property line.

SECTION 6: Section 4 (Width, Encroachments) of Chapter 4 (Private Driveways) of Title 8 (Public Ways and Property) of the Village Code of the Village of Riverside is amended to read in its entirety as follows:

8-4-4: WIDTH, ENCROACHMENTS:

(A) ~~Private Driveways~~Residential Driveway Aprons: Private Residential driveways aprons shall not exceed ten feet (10') in width. ~~between the sidewalk line, if in existence, and if not, then between the property line and the garage or other rear parking area of the residence premises or sixteen feet (16') at the curb; provided that in the case of a two (2) car attached garage, the driveway shall not exceed sixteen feet (16') in width between the sidewalk line or, in the absence of a sidewalk, between the property line and the garage or other rear parking area of said residence premises, or twenty four feet (24') at the curb. Driveways shall be extended to the rear of the residence building on all lots where there is no attached garage, and n~~An additional three feet (3') at the curb line is permitted on the Village parkway on each side of the driveway. In no case shall the apron exceed the width of the residential driveway at the property line. No more than one driveway shall be constructed on any residential lot. (Ord. 2089, 9-19-1994)

(B) Commercial Driveways Aprons: Commercial driveways aprons shall not exceed ~~twelve feet (12') in width at both sides of the sidewalk line, if in existence and if not, then between the street and the property line established for the property in question, for a one way driveway, or a maximum of an eighteen foot (18') flare or return opening at the curb line. Commercial driveways shall not exceed~~ twenty four feet (24') in width. An additional three feet (3') at the curb line is permitted on the Village parkway on each side of the driveway. ~~at both sides of the sidewalk line, if in existence and if not, then between the street and the property line established for the property in question, for a two way driveway, or a maximum of a thirty foot (30') flare or return opening at the curb line. In no case shall the apron exceed the width of the commercial driveway at the property line.~~

(C) Restrictions: No driveway shall encroach upon any portion of the parkway in front of adjoining property, provided that the radius at its junction with the gutter line may be four feet (4'). No driveway shall be constructed so that its nearest edge is within six feet (6') of an existing fire hydrant, light or utility power pole. (Ord. 1811, 7-18-1988)

SECTION 7: Subsections (A)(6) (Accessory Structures in Residential Districts), (A)(8) (Residential Garage Design Requirements), (E)(3) (Driveways for Residential Detached Garages), and (E)(4) (Driveways for Residential Attached Garages) of Section 3 (Accessory Structures and Uses) of Chapter 7 (Site Development Standards) of Title 10 (Zoning) of the Village of Riverside Zoning Ordinance are amended to read in their entirety as follows:

10-7-3: ACCESSORY STRUCTURES AND USES:

(A) Accessory Structures: Accessory structures, including a detached garage, shed, gazebo, playhouse, animal house, garden house, and private greenhouse, are subject to the following:

6. Accessory Structures In Residential Districts:

(a) Detached accessory structures shall be limited to one (1) story.

(b) The maximum height of any detached accessory structure shall be sixteen feet (16') as measured to the peak of the roof, except in the R1-AA and R1-A Districts, where a detached garage not to exceed eighteen feet (18') in height, as measured to the peak of the roof, may be permitted to enable the roof pitch of the garage to match the roof pitch of an existing home. The maximum height of the side wall shall not exceed twelve feet (12') in height as measured in accordance with the definition for "side wall height".

(c) Detached accessory structures shall be prohibited in street yards. Detached accessory structures shall only be permitted in rear yards, with the exception that where there is inadequate room for a detached garage to be constructed in a rear yard, such garage may be permitted in a side yard.

(d) Accessory structures, including detached garages, shall be located a minimum of three feet (3') from any adjoining side or rear lot line and as measured to the foundation of the accessory structure. Accessory structures shall be located a minimum of ~~ten feet (10')~~ three feet (3') from the principal building on a lot.

(e) The combined maximum ground floor area of all detached accessory structures shall be a maximum of twelve percent (12%) of the lot area, to a maximum size of eight hundred (800) square feet. The combined square footage of all structures, including the principal building, on the lot shall be in conformance with any maximum permitted building coverage and impervious surface requirements for the zoning district, as defined by this zoning ordinance.

8. Residential Garage Design Requirements: The following design requirements apply to all residential garages. Where a requirement uses the term "shall" that standard must be met. Where a requirement uses the term "should" that standard is encouraged but is not mandatory.

(a) All Residential Garages:

(1) For attached garages, utilization of a side loaded or rear loaded garage is encouraged to minimize the impact of the garage doors on the streetscape.

(2) Garage doors shall not exceed nine feet (9') in width, except for garage doors for detached garages in rear yards and rear loaded attached garages, which may not exceed be limited to eighteen feet (18') in width, ~~with the exception that garage doors that face the street on an attached garage shall not exceed nine feet (9') in width.~~

(b) Front Loaded Residential Garage Design Requirements:

(1) ~~Upper level dormers and pitched roof elements are encouraged to deemphasize the garage~~ Front loaded residential garages shall be consistent with the architecture and design of the principal building. Consistency of design includes use of the same or compatible siding, roofing, roof pitch, trim and colors. Where appropriate, upper level dormers and pitched roof elements are encouraged to deemphasize the garage.

(2) Front loaded garages shall not occupy more than fifty percent (50%) of the width of the front facade of the house, as measured along any building line that faces the street, which excludes any architectural elements, such as bay windows or unenclosed porches. The garage width shall be measured from the interior demising wall of the garage to the exterior wall of the garage.

(3) Attached front loaded garages existing as of September 6, 2018, shall not protrude beyond the front building line of the front facade of the building by more than five feet (5'), and shall not encroach into the required street yard. Front loaded garages existing as of September 6, 2018, that conform to the requirements of this subsection, shall be considered legally conforming. A front loaded garage that conforms to this subsection and was existing as of September 6, 2018, may be maintained or reconstructed, even in cases of demolition, in conformance with the requirements of this subsection, rather than in conformance with subsection (4) below.

(4) Front loaded garages built after September 6, 2018, on properties where no front loaded garage existed prior to September 6, 2018, shall be set back a minimum of five feet (5') from the farthest setback of the front building wall, which excludes any architectural elements, such as bay windows or unenclosed porches. (See figure 6A, "Garage Design Required", of this section.)

~~(4) Porches, or the remainder of the front facade, should protrude at least five feet (5') in front of garage doors. (See figure 6B, "Garage Design Preferred", of this section.)~~

(54) Garage openings, windows, columns, trim, decorative paneling and color should deemphasize the visual impact of the garage in relation to the building as a whole.

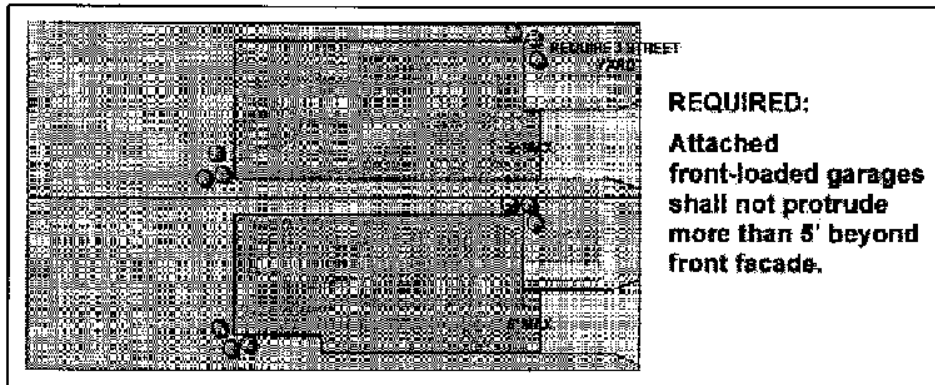
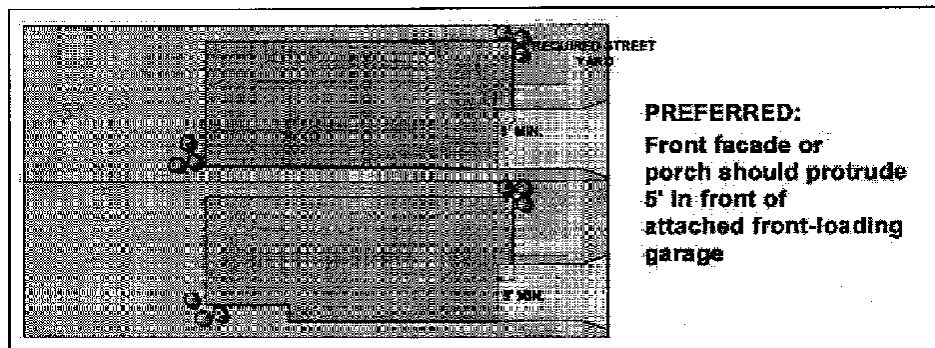


Figure 6A: Garage Design Required *(this figure will be updated to reflect the new regulations)*



~~Figure 6B: Garage Design Preferred [to be deleted]~~

(c) Side Loaded Residential Garage Design Requirements:

(1) Side loaded garages shall not protrude beyond the facade of the building by more than five feet (5').

(2) Windows, doors and roof treatments of the garage wall facing the street should incorporate architectural detail expressive of a residence.

(3) Side loaded garages shall be consistent with the architecture and design of the principal building. Consistency of design includes use of the same or compatible siding, roofing, roof pitch, trim and colors.

(d) Residential Detached Garage Design Requirements:

(1) In the case of new construction, new detached garages shall be consistent with the architecture and design of the newly constructed principal building. Consistency of design includes use of the same or compatible siding, roofing, roof pitch, trim and colors.

(2) Detached garages shall be permitted to attach to the principal building by an open breezeway, provided the inclusion of the breezeway maintains conformance to the maximum permitted building coverage, impervious surface and setback requirements.

(3) In the case of detached garages in the side yard, the garage shall be set back a minimum of five feet (5') from the farthest setback of the front building wall of the principal structure, which excludes any architectural elements, such as bay windows or unenclosed porches. Where appropriate, upper level dormers and pitched roof elements are encouraged to deemphasize the garage. Additionally garage openings, windows, columns, trim, decorative paneling and color should deemphasize the visual impact of the garage in relation to the principal structure.

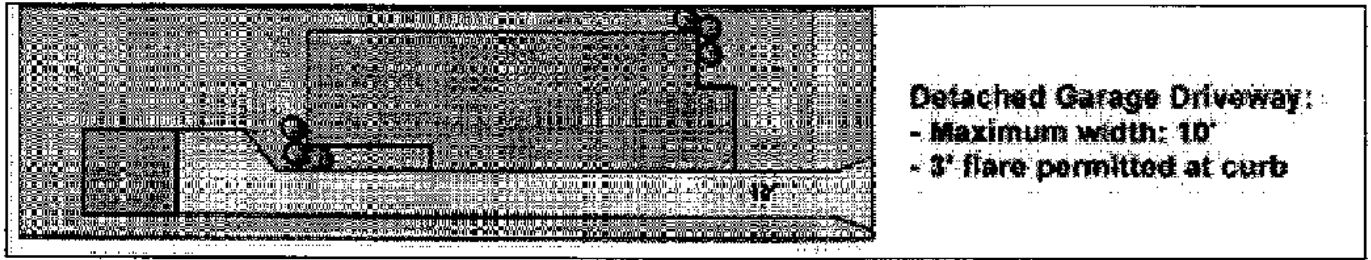
(E) Driveways:

3. Driveways For Residential Detached Garages: (See figure 7, "Maximum Driveway Width For Residential Detached Garages", of this section.)

(a) A residential driveway that provides access to a detached garage shall be no more than ten feet (10') in width, with the exception that an additional paved area, or "turnaround area", which allows for maneuvering of vehicles so that they do not back out onto streets or sidewalks, shall be permitted in a rear yard adjoining a detached garage, provided the lot remains in conformance with the maximum impervious surface requirements for the zoning district.

~~(b) The portion of the driveway approaching the garage is permitted to widen to the width of the garage; however, A driveway apron, the width of the garage, the increased width is only permitted to extend for a distance of twenty feet (20') back from the garage doors before tapering to the required driveway width of ten feet (10') in order to allow access to the additional spaces. In the case of a detached garage located in the side yard, the additional width of the driveway approaching the garage shall only be permitted to extend for a distance of fifteen feet (15') back from the garage doors before beginning to taper to the required driveway width of ten feet (10'). The required driveway width of 10 feet (10') must be achieved within twenty five feet (25') of the garage doors or at the property line, whichever occurs first. If the garage contains an entry door or extended wall located alongside the garage doors, the owner may extend the width of the apron to cover that extended part of the garage frontage, but must taper back as required.~~ In all cases, the lot shall remain in conformance with the maximum impervious surface requirements for the zoning district.

(c) In accordance with section 8-4-4, "Width, Encroachments", of the municipal code, driveways are permitted a three foot (3') flare on both sides of the driveway at the curb.



Detached Garage Driveway:
 - Maximum width: 10'
 - 3' flare permitted at curb

Figure 7: Maximum Driveway Width For Residential Detached Garages

4. Driveways For Residential Attached Garages: (See figure 8, "Maximum Driveway Width For Residential Attached Garages", of this section.)

(a) A residential driveway that provides access to an attached garage shall be no wider than ten feet (10'). ~~the width of the garage, as measured from the garage walls.~~

(b) For attached front loaded garages, the portion of the driveway approaching the garage is permitted to widen to six inches (6") beyond the garage doors or to the edge of the garage's exterior walls, whichever is less; however, the increased width is only permitted to extend for a distance of fifteen feet (15') from the garage doors before beginning to taper back to the required driveway width of ten feet (10'). The required driveway width of ten feet (10') must be achieved within twenty five feet (25') of the garage doors or at the property line, whichever occurs first.

(bc) For attached garages located to the rear, or side loaded garages, the driveway that provides access to the garage shall be no more than ten feet (10') in width. ~~A~~The portion of the driveway ~~apron~~ approaching the garage is permitted to widen ~~to~~ the width of the garage to allow access to each garage parking space; however, the increased width is only permitted to extend for a distance of twenty feet (20') from the garage doors before tapering back to the required driveway width of ten feet (10') to allow access to the additional spaces. If the garage contains an entry door or extended wall located alongside the garage doors, the owner may extend the width of the ~~apron~~ driveway to cover that extended part of the garage frontage, but must taper back as required. In all cases, the lot shall remain in conformance with the maximum impervious surface requirements for the zoning district.

(ed) Any additional paved area, sidewalk or walkway, located within a street yard and parallel to a driveway, shall be separated a minimum of three feet (3') from the edge of the driveway. This additional paved area, sidewalk or walkway shall be no more than five feet (5') in width. The three foot (3') separation shall be maintained with turf or other live landscape material.

(de) In accordance with section 8-4-4, "Width, Encroachments", of the municipal code, driveways are permitted a three foot (3') flare on both sides of the driveway at the curb.

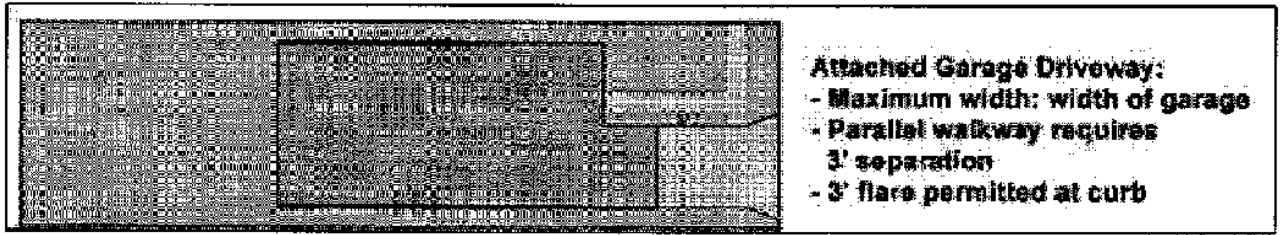


Figure 8: Maximum Driveway Width For Residential Attached Garages *(this figure will be updated to reflect the new regulations.)*

SECTION 8: Section 3 (Bulk Requirements) of Chapter 4 (Residential Districts) of Title 10 (Zoning) of the Village of Riverside Village Code is amended by adding a new subsection (I), to read in its entirety as follows:

10-4-3: BULK REQUIREMENTS:

(I) Building Coverage Bonus for Certain Garages: The area of a new garage shall be excluded from the building coverage calculation for a zoning lot in the following situations:

(1) for new single-family dwelling units, detached garages in the rear yard or rear loaded attached garages;

(2) construction where an existing single-family dwelling unit is being remodeled and a detached garage in the rear yard or rear loaded attached garage is constructed in lieu of a previously existing attached, front loaded garage; or

(3) where a detached garage in the rear yard, or rear loaded attached garage, is added where no garage previously existed on the single-family residential property.

The bonus shall be for a maximum of four hundred (400) square feet, and applies only when the new garage is the only garage on the property.

SECTION 9: Table 3 of Section 5 (Use and Bulk Requirements Tables) of Chapter 4 (Residential Districts) of Title 10 (Zoning) of the Village of Riverside Village Code is amended to read in its entirety as follows:

10-4-5: USE AND BULK REQUIREMENT TABLES:

TABLE 3

RESIDENTIAL DISTRICTS BULK REQUIREMENTS

ft = feet sf = square feet

	ZONING DISTRICT
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	R1-AA	R1-A	R2	R3	R4
Minimum lot area	10,500 sf	7,000 sf	5,000 sf	5,000 sf for single- and two-family residential dwellings; 2,200 sf per dwelling unit for townhouses and multiple-family dwellings	5,000 sf for single- and two-family residential dwellings; 2,200 sf per dwelling unit for townhouses and multiple-family dwellings
Minimum lot width	Minimum lot frontage of 75 ft ⁴ , with a minimum average lot width of 66 ft	Minimum lot frontage of 50 ft ⁴ , with a minimum average lot width of 44 ft	Minimum lot frontage of 50 ft ⁴ , with a minimum average lot width of 44 ft	Minimum lot frontage of 50 ft ⁴ , with a minimum average lot width of 44 ft	Minimum lot frontage of 50 ft ⁴ , with a minimum average lot width of 44 ft
Minimum dwelling unit size	n/a	n/a	n/a	1 bedroom: 900 sf 2 bedrooms: 1,300 sf 3 bedrooms or more: 1,800 sf	
Maximum building coverage ¹	30% <u>Exception: The area of a new garage shall be excluded from the building coverage calculation for a zoning lot in certain situations, as specified in section 10-4-3(I).</u>			Interior lots: 30% Corner lots: 35% <u>Exception: The area of a new garage shall be excluded from the building coverage calculation for a zoning lot in certain situations, as specified in section 10-4-3(I).</u>	
Maximum impervious surface ¹	45%	50%	60%	65%	65%
Maximum building height ^{2,3}	32 ft or 3 stories, as measured in accordance with the definition for "building height"; the height	30 ft or 2 ¹ / ₂ stories, as measured in accordance with the definition for	30 ft or 2 ¹ / ₂ stories, as measured in accordance with the definition for	35 ft or 3 stories, as measured in accordance with the definition for "building height"; the height to the peak of a pitched roof shall not	

	to the peak of a pitched roof shall not exceed 38 ft Buildings must comply with the building height setback plane requirements of this chapter	"building height"; the height to the peak of a pitched roof shall not exceed 35 ft Buildings must comply with the building height setback plane requirements of this chapter	exceed 40 ft
Street yard	The narrowest dimension as measured from the street lot line to the foundation of the principal building as established pursuant to subsection 10-4-3(D) of this chapter		
Side yard	10% of the lot width, at the widest point on the lot, or 5 ft, whichever is greater		
Rear yard	25% of lot depth		

Notes:

1. At the time a building permit is requested, a property owner shall be required to submit a survey prepared by a licensed surveyor that indicates the lot area that is occupied by all buildings, structures and paved surfaces, in order to enable the Village to determine the proposed building coverage and impervious surface. This survey shall be accompanied by the proposed percentage of both "building coverage" and "impervious surface", as defined by this zoning ordinance.
2. An appurtenance within the residential districts must meet building height with the exception of a tower. A special use permit is required for a tower that exceeds the permitted building height in the residential districts.
3. Those structures in the Residential Districts (R1-AA, R1-A, R2, R3 and R4) that exceed the height limitations of this chapter and this table, as of the date of adoption hereof, shall be deemed to be conforming in terms of height. Any additions or enlargements to such structures shall be in conformance with the requirements of this chapter.
4. Existing lots of record indicated on the WPA map as meeting the required lot frontage for the district in which they are located, but do not meet such requirement when surveyed, shall be deemed conforming if they are within 2 inches of the required lot frontage for that district. Those existing lots of record indicated on the WPA map that have a lot frontage dimension within 2 inches of the required lot frontage for that district shall also be deemed conforming. All new lots created through subdivision must meet the lot frontage and lot width requirements. However, when the lot frontage of an existing lot of record indicated on the WPA map is sufficient to

subdivide the lot into 2 or more conforming lots, in compliance with the regulations of the district in which they are located, but such lot of record does not meet the lot frontage requirement when surveyed, such lot may be subdivided as evenly as possible between the new lots and the lot frontage of each new lot must be within 2 inches of the required lot frontage. Such new lots, so long as they meet these requirements, shall be deemed conforming.

(Ord. 2580, 9-18-2006; amd. Ord. 2635, 7-17-2007; Ord. 2944, 2-2-2017)

SECTION 10: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 11: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 12: Except as to the Village Code and Zoning Ordinance Text Amendments set forth above in this Ordinance, all Chapters and Sections of the Village of Riverside Zoning Ordinance and Village Code, as amended, shall remain in full force and effect.

SECTION 13: This Ordinance shall be in full force and effect from and after its adoption, approval, and publication in pamphlet form as provided by law.

ADOPTED this _____ day of _____, 2018, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2018, and attested to by the Village Clerk this same day.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

