

VILLAGE OF RIVERSIDE
ACCESSORY STRUCTURE TEXT AMENDMENTS
ORDINANCE

~~Language to be removed.~~ Language to be added.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 10-6-2 (USE STANDARDS), 10-7-3 (ACCESSORY STRUCTURES AND USES), AND 10-11-4 (OTHER TERMS DEFINED) OF THE VILLAGE OF RIVERSIDE ZONING ORDINANCE RELATIVE TO ACCESSORY STRUCTURES IN RESIDENTIAL ZONING DISTRICTS

WHEREAS, the Village of Riverside (“Petitioner”) has filed a petition proposing certain amendments to the text of the Village of Riverside Zoning Ordinance (“Zoning Ordinance”) relative to accessory structures in residential zoning districts (the “Proposed Text Amendments”), and the Petition has been referred to the Planning and Zoning Commission of the Village (“PZC”); and

WHEREAS, on December 28, 2022, the PZC held a public hearing pursuant to notice duly published in accordance with State law, relative to the Proposed Text Amendments; and

WHEREAS, on December 28, 2022, the PZC voted to favorably recommend the Proposed Text Amendments, with certain modifications, as incorporated herein below, to the Village President and Board of Trustees of the Village of Riverside, and has filed its Findings and Recommendation regarding the Proposed Text Amendments with the President and Board of Trustees, and the President and Board of Trustees have duly considered said Findings and Recommendation; 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 set forth below to the Zoning Ordinance, and find the adoption of the Proposed Text Amendments to be in the best interests of the Village.

NOW, THEREFORE, 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 (D) of Section 10-6-2 (Use Standards) of the Village of Riverside Zoning Ordinance is amended to read in its entirety as follows:

10-6-2: USE STANDARDS:

In addition to the specific use standards of this section, all uses shall be required to meet all applicable standards of this zoning ordinance and other Village codes.

(D) Home Occupations:

1. No person other than a family member residing on the premises shall be employed as part of a home occupation.
2. Business shall be conducted primarily via fax, mail, telephone or computer equipment.
3. The receipt, sale or shipment of deliveries shall not be permitted on or from the premises, with the exception of regular U.S. mail and/or an express shipping service that is characteristic of service to residential neighborhoods.
4. Outdoor storage of merchandise or material shall be prohibited.
5. The home occupation shall be conducted entirely within a principal or accessory building on the lot. Motor vehicle repair shall not be permitted as a home occupation.
6. The home occupation shall not exceed twenty five percent (25%) of the total floor area of the principal ~~and/or accessory~~ building.
7. No exterior alteration that changes the residential character of the principal or accessory building shall be permitted.
8. Vehicular or pedestrian customer or client traffic shall not be generated in a significant manner by the home occupation.

9. The home occupation shall not generate any impacts related to noise, vibration, smoke, heat, lighting, fumes or odors, or create interference with any electrical, radio or television equipment, or create any other nuisances or safety hazards to neighboring properties.

SECTION 4: Section 10-7-3 (Accessory Structures and Uses) of the Village of Riverside Zoning Ordinance is amended to read in its 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:

1. Permit Required: No accessory structure shall be constructed prior to construction of the principal building to which it is accessory. No accessory structure shall be erected or replaced within the Village without first obtaining a building permit.
2. Location: Accessory structures shall be located on the same lot as the principal building to which it serves.
- ~~3. Storage: The area above the vehicle parking spaces in a detached residential garage may be utilized for storage, but not living space. Use: The use of an accessory building shall comply with the definition of Accessory Use in Section 10-11-4, herein. An accessory building used for a home occupation shall comply with the standards for home occupations in Section 10-6-2, herein.~~
- ~~4.3~~ Coach Houses: Coach house accessory ~~structures~~ buildings that have been designated historic landmarks may be used for residential purposes and may be occupied as accessory dwelling units as set forth in title 11, chapter 1 of the Municipal Code. ~~Kitchen~~ Cooking facilities and full bathroom facilities are permitted in those accessory ~~structures~~ buildings that have been designated as landmarks. The one-story limitation contained in these provisions shall not prevent the reconstruction of an existing accessory two-story coach house which has been substantially damaged or destroyed by fire or other casualty, provided that such coach house was originally constructed on the property in question before 1937, was constructed and maintained until so damaged or destroyed in the same design and architectural style as that of the principal residence, and its reconstruction as a two-story building is necessary in order to restore it to the same design and architectural style as that of the principal residence.
3. Historical Significance: Any accessory structures deemed to be historically

significant by the Preservation Commission and noted as such in title 11, chapter 1, appendix D of the Municipal Code shall be permitted to encroach into any required yard.

4. ~~Accessory Structures~~ Buildings In Residential Districts, such as detached garages, sheds, offices, residential pool houses, gazebos, playhouses, animal houses, garden houses, and private greenhouses, are subject to the following:

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

(a) Accessory buildings shall be limited to one (1) story as story is defined in Section 10-11-4.

~~(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".~~

(b) The maximum height of any accessory building shall be equal to the height of the principal structure or twenty feet (20'), whichever is less, as measured to the peak of the roof, however the maximum height of an accessory building shall not exceed the maximum height of the principal building on the property. 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) In addition to the minimum three-foot (3') setback required in Section 10-7-4 of this Code, accessory buildings that are taller than eighteen feet (18') as measured to the peak of the roof shall be set back from adjacent property lines an additional one foot (1') for every one foot (1') in height over eighteen feet (18'). For the purposes of determining the required setback, the measurement of the peak height of the roof shall be rounded up for heights at 6 inches (6") and above and shall be rounded down for heights less than 6 inches (6") to the nearest whole number, so that eighteen feet and five inches (18'5") shall be considered eighteen feet (18') and eighteen feet and six inches (18'6") shall be considered nineteen feet (19').

~~(e)(d) Detached accessory structures~~ Accessory buildings shall be prohibited in street yards. ~~Detached accessory structures~~ Accessory buildings may ~~shall~~ only be permitted in rear yards behind the principal building on the property, ~~with the exception~~ except that for a corner lot an

accessory building may be located on the side of the principal building if no part of the accessory building is closer to the adjacent street than the principal building. 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)~~(e) Accessory structures, including detached garages, Accessory buildings 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~~ building. Accessory ~~structures~~ buildings shall be located a minimum of ten feet (10') from the principal building on a lot.

~~(e)~~(f) The combined maximum ground floor area of all ~~detached accessory structures~~ accessory buildings shall be a maximum of twelve percent (12%) of the lot area. ~~to a~~ The maximum size of an accessory building shall be no more than 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.

(g) An accessory building may have full heating, ventilation, and air conditioning (HVAC) facilities. An accessory building may have full electrical facilities, including electrical subpanels. An accessory building may have plumbing facilities except for showers and bathtubs, with the exception of a Coach House and a Residential Pool House as defined herein. An accessory building may not have cooking facilities, with the exception of a Coach House as defined herein. All such facilities shall comply with applicable building codes. All utilities that serve such facilities shall be extended from the existing primary dwelling.

SECTION 5: Section 10-11-4 (Other Terms Defined) of the Village of Riverside Zoning Ordinance is amended by adding certain new definitions, which shall be added at their proper alphabetical location, and amending certain existing definitions, as follows:

10-11-4: OTHER TERMS DEFINED:

ACCESSORY BUILDING: A subordinate building that is located on the same lot or parcel as the principal building, is used for permitted accessory uses as defined herein, and generally contributes to the convenience of the property owner. An accessory building is also an accessory structure but not all accessory structures are buildings. Examples of accessory buildings include but are not limited to detached garages, storage sheds, gazebos, and pool houses. With the exception of a Coach House as

defined herein, an accessory building shall not be used as a dwelling and shall not contain cooking facilities. With the exception of a Coach House and a Residential Pool House as defined herein, an accessory building shall not contain a bathtub or a shower.

ACCESSORY STRUCTURE: A subordinate horizontal or vertical improvement structure that is located on the same lot or parcel as the principal building and generally contributes to the convenience of the occupants of the principal building. The use of an accessory structure shall be incidental to that of the principal building thereon. Examples of accessory structures include but are not limited to accessory buildings, patios, fences, sidewalks, and driveways. With the exception of a Coach House as defined herein, an accessory structure shall not be used as a dwelling and shall not contain cooking facilities. With the exception of a Coach House and a Residential Pool House as defined herein, an accessory structure shall not contain a bathtub or a shower.

ACCESSORY USE: A use that is customarily incidental and subordinate to the principal use of a lot or the main building thereon, and located on the same lot or parcel as the principal use or building. With the exception of a Coach House as defined herein, an accessory use shall not be used as a dwelling and shall not contain cooking facilities. With the exception of a Coach House and a Residential Pool House as defined herein, an accessory use shall not contain a bathtub or a shower.

ATTIC: For residential principal buildings and residential accessory buildings, the space between the ceiling beams of the top story and the roof rafters. If that space has a ceiling height of more than seven feet six inches (7'6") for over fifty percent (50%) of its area, then it shall count as a story. In residential principal buildings, this space may be used for either storage or as habitable living area, provided that it does not contain a kitchen cooking facilities. In residential accessory buildings, this space may be used for any approved accessory use.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, or movable property of any kind, and which is permanently affixed to the land.

DORMER: A window and its appurtenant walls and roof projecting from a sloping roof of a building and intended primarily to provide air and light into an attic or top story.

DWELLING: A building or part of a building designed and used for residential occupancy.

PRINCIPAL BUILDING: A building in which the primary use of the lot on which the building is located is conducted.

RESIDENTIAL POOL HOUSE: An accessory building located adjacent to and used in conjunction with an in-ground swimming pool. As used in this definition, an in-ground swimming pool is an artificial body of water having a water depth at any point of at least twenty four inches (24") and having a surface area exceeding one hundred (100) square feet. An in-ground swimming pool is not an in-ground hot tub or spa, an in-ground stock tank or trough, or an in-ground pond. An in-ground swimming pool is constructed, installed, altered, or repaired at or upon a privately owned residence for use by the individual owner, or lessee thereof, and the family, friends or guests of such owner or lessee, for the purpose of bathing, swimming or wading and not for the purpose of profit or in connection with any business use of the premises. A residential pool house may contain a bathroom including a bathtub and shower. A residential pool house shall not contain cooking facilities. A residential pool house shall not be used as a dwelling.

SECTION 6: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 7: 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 8: Except as to the 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 9: 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 _____, 2023, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2023, and attested to by the Village Clerk this same day.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

EXHIBIT A

FINDINGS OF FACT AND RECOMMENDATION

(ATTACHED)

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Ethan Sowl, Clerk of the Village of Riverside, in the County of Cook and State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 10-6-2 (USE STANDARDS), 10-7-3 (ACCESSORY STRUCTURES AND USES), AND 10-11-4 (OTHER TERMS DEFINED) OF THE VILLAGE OF RIVERSIDE ZONING ORDINANCE RELATIVE TO ACCESSORY STRUCTURES IN RESIDENTIAL ZONING DISTRICTS

which Ordinance was passed by the Board of Trustees of the Village of Riverside at a Regular Village Board Meeting on the ___ day of _____, 2023, at which meeting a quorum was present, and approved by the President of the Village of Riverside on the ___ day of _____, 2023.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Riverside was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Riverside, and that the result of said vote was as follows, to-wit:

AYES: _____
NAYS: _____
ABSENT: _____

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Riverside, this ___ day of _____, 2023.

Village Clerk

[SEAL]