

VILLAGE OF LA GRANGE  
Community Development Department

**BOARD REPORT**

TO: Village President, Village Clerk,  
Board of Trustees, and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager  
Patrick D. Benjamin, Director of Community Development  
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DATE: January 10, 2011

RE: **ORDINANCE – ZONING CODE AMENDMENTS – MISCELLANEOUS  
RESIDENTIAL AMENDMENTS**

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In order to complete our review of the single family districts begun in 2006, Staff has undertaken an examination of the zoning regulations throughout the Code related to single-family residential districts in order to complete the residential review. This current phase of review includes standards for required yards, accessory uses and structures, signs, sight distances, and definitions.

This current evaluation is part of the Village's comprehensive, phased review of the Zoning Code, which was last comprehensively amended in 1991. Most recently, the Village has amended its use lists in the commercial, industrial and office districts. Specifically, the amendments under consideration are a follow-up to amendments to the residential bulk, yard and space regulations, new standards for lot coverage, creation of a process for minor relief from zoning in the single family districts, and design standards for two unit buildings.

This Report presents the recommendations of the Staff and the Plan Commission regarding (A) amendments to allowable encroachments within required yards, (B) amendments to the accessory structures in the single family districts, (C) a new provision for driveway clear sight area, (D) amendments to residential real estate signs, and (E) amendments to the definitions, including both new and revised zoning definitions.

In formulating these recommendations, Staff examined current residential zoning regulations in other municipalities in our region as well as best practices identified by the American Planning Association. We also solicited comments from the public, Village Trustees, Commissioners, department heads, and inspectional/code enforcement staff.

At public hearings on September 14 and November 9, the Plan Commission considered all proposed amendments. After substantial deliberation and suggested modifications, the Plan Commission unanimously recommended that the Board of Trustees approve the following recommended amendments:

5-A

**Additions and Revisions to the Specified Structures and Uses in Required Yards  
(Subsection 3-110G):**

This Subsection of the Zoning Code, “Specified Structures and Uses in Required Yards,” lists structures and uses that are permitted within required yards in the single-family districts. At times, staff receives requests for construction of structures that are not currently listed in our Code. The proposed regulations include several items that have become popular since the Code was adopted in 1991. The recommendation is to add the following structures to this list:

1. Accessibility ramps – This recommendation includes language providing that accessibility ramps be permitted within all required yards as well as a reference to federal and State accessibility laws.
2. Gazebos and pergolas – Gazebos and pergolas currently are not specifically regulated; this would limit these structures to rear yards only. They would also be subject to limitations that are established within the accessory uses and structures subsection discussed in further detail in the next section of this report. (See attached Illustration A: Gazebo & Illustration B: Pergola)
3. Landscape plant materials – This item allows landscaping plants within all yards but further restricts the height to three feet maximum within a clear sight area defined in our Code along driveways and corner lots. The specific limitations are discussed in further detail in below.
4. Outdoor Kitchens – As people are spending more time in their backyards, Staff has received more requests for cooking and preparation facilities. Outdoor kitchens as proposed would be permitted only in rear yards. Based on public comments and Commissioner analysis, the proposed ordinance would require that these facilities be a minimum of 20% of lot width (10 feet on a typical 50-foot wide lot) from the side lot lines and limited to ten feet from the rear lot line.
5. Patios – Currently, patios at grade would be permitted in any location on the lot with no required setbacks. The recommendation is to limit patios to encroach only seven feet into the front and corner side yards, but not closer than twenty feet to the front lot line with a cross reference for the Village’s grading and drainage ordinance.
6. Seat Walls – Seat walls would be permitted at a maximum height of twenty-two inches to be located within any yard, but not within 20 feet of the front lot line and minimum five feet from any other lot line. (See attached Illustration C: Seat Wall)
7. Temporary Storage Containers – Portable storage containers are used for temporary storage and moving – empty containers are delivered, packed by the resident, and picked up whenever the resident calls, then taken to a storage center. Discussion among Commissioners focused on the length of time necessary to pack up belongings and the proper location on the property for storage containers. The Plan Commission has

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recommended that such structures would be permitted only ten consecutive days at a time and limited further to thirty days a year. In addition, they can be placed not closer than five feet from the front lot line and three feet from any other lot line.

The following structures are currently listed as permitted within particular required yards in our single-family districts, but that we feel they should be revised/ updated based on permit requests and trends:

1. Arbors and trellises – These structures are currently permitted within all yards except front yards. Based on requests for building permits and location of existing trellises, the recommendation is to allow these structures within front yards but with limitations, the maximum length of six feet in front and corner side yards and not closer than five feet to any side lot line. (See attached Illustration D: Arbor)
2. Decorative columns and pillars – Currently, we allow statuary and ornamental light standards but the Code does not address decorative columns and bases, which have become more popular in recent years. The recommendation is to specifically identify and allow these structures in all yards with further restrictions in front and corner side yards: only four feet in height and to five feet minimum setback from the side lot lines. Within the rear yard, the height limitation of fifteen feet and setback of three feet from property lines as currently stated in the Code would still apply. (See attached Illustration E Decorative Columns)
3. Flagpoles – The current height limitation is fifteen feet. The recommendation is to amend the height restriction to twenty feet or less, which is consistent with other communities' height limitations and industry standards.
4. Mechanical equipment – Currently the Village limits the location of heating and air conditioning units to only the rear yard but does not specifically regulate emergency electrical generators. We have seen an increase in the installation of such generators due to increased power outages from recent storms. Staff effectively treats generators in the same manner as heating and air conditioning units. However, the recommendation is that these be included within a general category of mechanical equipment and that the regulations not change from the current limitation to the rear yards only, minimum distance of at least 10% of the lot width with screening with plant material on all sides visible from the public right of way and subject to noise control standards established in the Code of Ordinances.
5. Outside Stairways - Currently, the Code allows the stairway at the front entrance of a house to extend three feet into the required yard. Based on discussion with inspectional staff and requests from homeowners, this recommendation is to allow for four feet when steps are necessary for access to the house. This would be in keeping with our building code, which requires a four foot landing.

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**Accessory Uses and Structures (Section 9-101):**

The Plan Commission has made the following recommendations to this Section of the Code after comparison to similar municipal codes and review of current practices in La Grange. In addition to alphabetizing the entire section to make it more user-friendly and easier to find the specific accessory uses and structures, the following are recommended new items as well as a revision to one item.

1. Gazebos – With the addition of gazebos to the list of permitted structures in required yards, this Section needs to be amended to include limits on size and height. The recommendation is that gazebos be limited in size according to lot size as follows: (1) 120 square feet maximum on smaller lots, 6,500 square feet or less in total lot area; (2) On lots 6,501 – 10,000 square feet in total area 144 square feet; and (3) limited to 250 square feet on the largest lots, which are greater than 10,000 square feet. This is consistent with our current regulations for sizes of detached garages. The amendments also include limiting height to twelve feet maximum, which is smaller than the accessory structure limitation of fifteen feet as currently regulated. Measurement would include a copula or similar structure. In addition, no more than one gazebo could be located on any one property and the surface of each gazebo should be at least 50% open.
2. Outdoor Kitchens – As mentioned previously, outdoor kitchens and living spaces are becoming increasingly popular. The recommendation is to limit the height and setback of these structures to establish a setback that is 20% of the lot width for side lot lines and limited to ten feet from rear lot lines, a maximum height of eight feet for kitchen structures with a chimney not exceeding the existing limitation of fifteen feet overall height. Although Commissioners voted unanimously to recommend this height limitation, there was much discussion of the limitation of fifteen feet proposed for chimneys and concern about smoke blowing towards neighbors' houses. (See attached Illustration F: Outdoor Kitchen)
3. Solar Energy Systems – With new technology and reliance on alternative energy, we have seen increasing number of requests for solar panels on roofs. The Code does not address these systems. The recommendation is to allow building mounted solar panels and collectors located in such a manner as to not reflect light into abutting residential lots, and limit height to not above the peak of the roof. In addition, they may not be mounted so that they face or are within a sixty degree angle of the front lot line.
4. Commercial Identification of vehicles – Based on industry standards and experience of Code Enforcement staff, the current one square foot limitation on any identification sign on a vehicle in a parking area or lot may be too restrictive based on industry standards. Therefore, the suggestion is to increase the allowable commercial exterior markings from one square foot to two square feet and permit an identification sign on the side of a car up to two square feet in area.

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**Buffers and Landscaping (Section 9-104):**

*Driveway Clear Sight Area* – The Village’s current ordinance for intersection sight lines, does not establish a clear sight area as vehicles pull out of driveways on interior lots. Therefore, we recommend language that limits plantings and other structures to less than three feet in height within five feet of the driveway intersection of the sidewalk to provide clear sight for vehicles backing out of driveways.

**Residential Real Estate Signs (Section 11-106):**

Since the adoption of the Code in 1991, state laws have changed and now allow real estate agents to place additional information on their real estate signs, such as e-mail and website addresses. Our current limitation is maximum four square feet. However, after reviewing several municipal codes and speaking with agents and brokers about industry standards, we have recommended that the size be increased to six square feet, also allowing riders up to two square feet. In addition, the current limitation of not closer to the sidewalk than ten feet, would be changed to the more practical reference to the driveway clear sight area standard.

**Additions to the list of Definitions (Section 16-102):**

The following definitions have been recommended as additions to the Code for clarification of terms consistent with the recommended regulations (see attached Exhibit D of the Ordinance for further details):

1. *Accessibility Ramp*
2. *Arbor*
3. *Bay Window*
4. *Dormer Window*
5. *Driveway Clear Sight Area*
6. *Eave*
7. *Entry Sidewalk*
8. *Gable*
9. *Gazebo*
10. *Gutter*
11. *Height*
12. *Lot, Reversed Corner*
13. *Outdoor Kitchen*
14. *Patio*

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15. Pergola
16. Public Utility Station
17. Seat Wall
18. Solar Energy System
19. Solar Panel
20. Solar Thermal Collector
21. Statue
22. Temporary Storage Container

Staff concurs with the Plan Commission's findings that the proposed amendments are logical and appropriate and promote the best interests of the Village and its residents and guests.

Staff recommends approval of "An Ordinance Amending Various Sections of the La Grange Zoning Code Related to Required Yards, Accessory Structures, Signs and Definitions for Single Family Residential Districts," in the form attached to this Report.