

ORDINANCE NO. 09-70

**AN ORDINANCE AMENDING THE VILLAGE OF CARPENTERSVILLE MUNICIPAL CODE, TITLE 16, "ZONING", REVISING VARIOUS REGULATIONS THEREIN IN RELATION TO FRONT YARDS, DRIVEWAYS, AND PARKING LOT LANDSCAPING**

**WHEREAS**, the Village of Carpentersville Municipal Code, Title 16, "Zoning", provides a legal framework for the use of land, intensity of use of land, and location of land uses throughout the village; and

**WHEREAS**, the President and Board of Trustees of the Village of Carpentersville, hereinafter referred to as the "Village Board", find that it is desirable and beneficial to periodically amend the land use regulations to reflect current zoning practices; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Carpentersville held a public hearing on amendments to the text of Chapters 16.24 and 16.80 of the Zoning Ordinance on November 19, 2009, following a notice of said hearing published in accordance with law, after which hearing said Commission voted (aye: 5, nay: 1, absent: 1) to recommend to the Village Board that the amendments to the text of the Zoning Ordinance, as hereinafter described, be adopted.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, as follows:

**SECTION 1:** The Village of Carpentersville Municipal Code, Title 16, "Zoning", Chapter 16.24 "Yard Regulations", Section 16.24.020 "Additional requirements--All districts" is hereby amended, and as amended shall read as follows:

16.24.020 Additional requirements--All districts.

The following additional yard requirements must also be observed:

- A. On lots fronted by two nonintersecting streets, there shall be either of the following:
1. Two front yards and no rear yard; or
  2. In a residential district, a front yard and a rear yard, which rear yard shall at all times be at the opposite end of the lot from the front yard. Where this subsection applies, the front yard shall be the yard that borders and is adjacent to the secondary street or that street which carries traffic to the primary street system. The rear yard shall be the yard that borders and is adjacent to the primary street or that street intended to serve as a major traffic artery; provided, however, that no structure except a fence in accordance with this title shall be erected within fifteen (15) feet of the street line abutting the rear yard.

- B. On corner lots, there must be a front yard on both streets, one yard of which may be deemed to be a secondary front yard.
- C. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- D. In the R, C and M districts, there may be more than one building on a lot, provided that development is approved as a planned unit development.

E. Front Yard Coverage:

- 1. In residential districts, front yards as defined in Section 16.04.020 shall be devoted entirely to landscaped area except that driveways, driveway ribbons, service walks and patios may cover a portion of the front yard as specified below:
  - a. On a lot with a lot width of 40 feet or greater, driveways, driveway ribbons, service walks and patios may cover not more than 45 percent of the front yard.
  - b. On an existing lot of record with a lot width of less than 40 feet, driveways, driveway ribbons, service walks and patios may cover not more than 75 percent of the front yard.
- 2. In non-residential districts, required front yards shall be devoted entirely to landscaped area except that driveways, driveway ribbons, service walks and patios may cover not more than 35 percent of the required front yard.

F. Driveway Location and Width:

- 1. In residential districts, driveways shall be regulated as set forth below, subject to compliance with the maximum coverage limits in Section 16.24.020.E.1.
  - a. Limit of One Driveway.
    - i. Except as otherwise provided herein, each lot containing a single-family detached residential dwelling unit shall be allowed one access from a public or private street and one driveway. Two separate driveways shall not be allowed except in conformance with the standards for a circular driveway.
    - ii. Except as otherwise provided herein, each two-unit (duplex) building and each townhouse building shall be allowed one access from a public or private street and one driveway per dwelling unit.
    - iii. Non-conforming driveways must be removed as set forth below:
      - (A) Existing Driveway Must Be Removed When New Driveway Constructed. A property owner desiring to construct a new driveway at a different location upon the lot shall obtain a building permit and remove the existing driveway prior to construction of the new driveway and shall replace the removed driveway with seeded or sodded lawn.
      - (B) Second Driveway Must Be Removed When First Driveway Resurfaced or Reconstructed. When a lot contains more than

one existing driveway, not in conformance with village codes, prior to the issuance of a building permit to allow the resurfacing or reconstruction of any one driveway and prior to resurfacing or reconstruction work, the property owner shall obtain a building permit and remove all other existing driveways and after the removal of said existing driveways shall replace them with seeded or sodded lawn.

- b. Width. Subject to the maximum front yard coverage limitations as provided in Section 16.24.020.E.1, driveway widths shall not exceed the requirements as set forth below.
  - i. A driveway leading to a one-car or two-car garage shall not exceed 18 feet in width where the driveway crosses a public sidewalk. In the situation of a lot adjacent to a roadway without public sidewalks, a driveway leading to a one-car or two-car garage shall not exceed 18 feet in width where the driveway meets the back-of-curb, or where the driveway meets the edge-of-pavement of the roadway if no curb exists.
  - ii. A driveway leading to a three-car or larger garage shall not exceed 27 feet in width where the driveway crosses a public sidewalk. In the situation of a lot adjacent to a roadway without public sidewalks, a driveway leading to a three-car or larger garage shall not exceed 27 feet in width where the driveway meets the back-of-curb, or where the driveway meets the edge-of-pavement of the roadway if no curb exists.
  - iii. A driveway leading to a garage may widen at a rate not greater than one foot of width for each one foot of length between the public sidewalk and the principal building. In the situation of a lot adjacent to a roadway without public sidewalks, a driveway leading to a garage may widen at a rate not greater than one foot of width for each one foot of length between the back-of-curb (or the edge-of-pavement of the roadway if no curb exists) and the principal building.
  - iv. A driveway that does not lead to a garage shall not exceed 18 feet in width for its entire length.
- c. Circular driveways.
  - i. A lot having a width of 100 feet or more, as measured along the right-of-way line, may have a circular driveway with two access points from a public or private street. Nothing in this Section shall allow two separate driveways that are not connected together as one circular driveway.
  - ii. On a circular driveway, the access driveway leading most directly to a garage shall comply with the width requirements in Section 16.24.020.F.1.b, and the secondary access driveway shall not exceed ten feet in width for its entire length.

- iii. On a corner lot, both of the two access points from a public or private street for a circular driveway shall be set back not less than 25 feet from the intersection of the two adjacent rights-of-way.
  - d. Ribbons. Driveway ribbons may be added to one or both sides of a driveway so long as the ribbons are of a contrasting material to the surface of the driveway. Such driveway ribbons shall not exceed two feet in width on any one side of a driveway, and shall not exceed an overall width of four feet if installed on both sides of a driveway. Such driveway ribbons are prohibited from being located in public right-of-way. Such driveway ribbons shall be included in the front yard coverage standards in Section 16.24.020.E.
2. In non-residential districts, driveways shall be designed according to good engineering practices, subject to approval of the Village Engineer.

**SECTION 2:** The Village of Carpentersville Municipal Code, Title 16, "Zoning", Chapter 16.80 "Landscaping and Screening Regulations", Section 16.80.100 "Parking lot landscaping requirement" is hereby amended, and as amended shall read as follows:

16.80.100 Parking lot landscaping requirement.

- A. All newly proposed parking lots shall fully comply with Sections 16.80.110 and 16.80.120.
- B. All existing parking lots being reconstructed (including replacement of the subgrade, sub-base, or base course) shall fully comply with Sections 16.80.110 and 16.80.120 in the area being reconstructed.
- C. All existing parking lots only being resurfaced (including repair or replacement of the pavers, concrete pavement, bituminous surface course and/or bituminous binder course), sealcoated or re-striped are not required to comply with Sections 16.80.110 and 16.80.120 in all areas that are not being reconstructed.
- D. All new expansions of existing parking lots shall fully comply with Sections 16.80.110 and 16.80.120 in the areas of new expansion.

**SECTION 3:** The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**SECTION 4:** The provisions of this Ordinance shall be in full force and effect upon its passage, approval and publication, in accordance with law.

Motion made by Trustee Sigwalt, seconded by Trustee Teeter, that the Ordinance be passed.

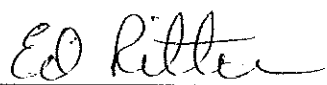
**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES** of the Village of Carpentersville, Kane County, Illinois, at a regular meeting thereof held on the 1st day of December 2009, pursuant to a roll call vote as follows:

AYE: 6 (Schultz, Humpfer, Sigwalt, Hinz, Teeter, McFeggan)

NAY: 0

ABSENT: 0

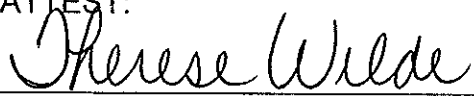
APPROVED by me this 1st day of December 2009.



Village President

(SEAL)

ATTEST:



Village Clerk