

17.41 - RESIDENTIAL ACCESSORY USE, BUILDING AND STRUCTURE RESTRICTIONS.

(1) **SIZE AND NUMBER LIMITATIONS.** (Rep. & Recr. Ord. #19-93; Rep. & Recr. Ord. #8-96; Am. Ord. #12-08; Am. Ord. #22-12)

- (a) In the single-family and 2-family zoning districts (Rs-1 through Rs-7 and Rd-2), each residential dwelling shall be constructed to include an attached garage and/or a detached garage (i.e. detached accessory building). Where a dwelling contains a single attached garage, subject to the maximum lot coverage, building height, building setback or other applicable allowances and limitations, there is no specific size (area) limit for an attached garage. A dwelling within the Rs-1 or Rs-2 District may include a second attached garage provided that such garage complies with the area standards in (b). (Am. Ord. #02-18)
- (b) The maximum size of a second attached garage and the maximum size and number of detached accessory buildings allowed per lot or parcel in each residential zoning district shall be as set forth in Table 1 below.

TABLE 1

Zoning District	Attached Garages		Detached Accessory Building		
	Max. Number	Max. Floor Area ⁽⁵⁾ (sqft)	Max. Number	Maximum Floor Area ⁽⁵⁾ (sqft) (cumulative total for all accessory buildings)	
				Attached Garage Included	Attached Garage NOT Included

Rs-1	2; Second requires Zoning Permit approval	No limit on first; second may not exceed 2% of lot area or 192 sqft ⁽¹⁾ (2)	2; except that only one is allowed if there is more than one attached garage	2% of lot area or 192 sqft ⁽²⁾	2% of lot area or 864 sqft ⁽⁴⁾
Rs-2	2; Second requires Zoning Permit approval	No limit on first; second may not exceed 1.75% of lot area or 192 sqft ⁽¹⁾ (2)	2; except that only one is allowed if there is more than one attached garage	1.75% of lot area or 192 sqft ⁽²⁾	1.75% of lot area or 864 sqft ⁽⁴⁾
Rs-3	1	No limit ⁽¹⁾	1	1.5% of lot area or 192 sqft ⁽²⁾	1.5% of lot area or 864 sqft ⁽⁴⁾
Rs-4	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾

Rs-5	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rs-6	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rs-7	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rd-2	2	No limit ⁽¹⁾	2	1% of lot area or 192 sqft ⁽²⁾⁽³⁾	1% of lot area or 864 sqft ⁽⁴⁾

(Am. Ord. #02-18)

Notes:

1. Subject to the maximum lot coverage, building height, building setback or other applicable allowances and limitations, there is no maximum size (area) for an attached garage.
2. If an existing dwelling unit includes an attached garage, then the maximum floor area allowed for all detached accessory buildings (cumulative total per lot or parcel) up to the percentage noted of the net lot or parcel area (in square feet) or 192 square feet, whichever is greater.

(Am. Ord. #02-18)

3. The 1 percent maximum floor area allowance applies to each dwelling unit on a lot or parcel in the Rd-2 2-family zoning district.
4. Many residential lots in the older established areas of the Village do not have (or may not be capable of having) an attached garage due to lot width, building setback, septic system location, or other limitations associated with substandard lots. In these cases, the maximum floor area allowed for all detached accessory buildings (cumulative total per lot or parcel) is 1% of the net lot or parcel area (in square feet) or 864 square feet, whichever is greater.
5. The calculation of "maximum floor area" for detached accessory building shall include:
 - a. All floor area (including second or higher floors) where the ceiling height above the floor is 6 feet or higher; and
 - b. If in the Rs-1 or Rs-2 District, any additional area under cover by an overhang that is greater than 2 feet from the exterior wall on three sides of a building, plus the area under cover by an overhang that is greater than 6 feet on the remaining side(s).

(2)

HEIGHT LIMITATION. (Am. Ord. #8-96; Am. Ord. #42-99; Am. Ord. #15-07) Except in the Rs-1 and Rs-2 Zoning Districts, no detached accessory structure located in any single-family or 2-family residential district shall exceed 15 feet in height, except the total height of the structure may be increased to a maximum of 25 feet or the height of the principal dwelling unit on the property, whichever is less. In the Rs-1 and Rs-2 Zoning Districts, the maximum accessory building height is 25 feet.

(2a) **ARCHITECTURAL APPEARANCE AND MATERIALS.** (Cr. Ord. #02-18) In single-family and 2-family zoning districts (Rs-1 through Rs-7 and Rd-2), accessory buildings which exceed 160 square feet in area shall be of a similar architectural appearance and exterior material as the dwelling on the property. For accessory buildings greater than 160 square feet in area, the Plan Commission may, in circumstances which it deems appropriate, grant a variance to this requirement and approve different architecture and/or exterior materials with a Zoning Permit. See also Section 17.49 (ARCHITECTURAL CONTROL).

(3) **LOCATION REQUIREMENTS.** (Cr. Ord. #42-95; Am. Ord. #03-18)

(a) In all single-family and 2-family zoning districts except for the Rs-1 District (Rs-2 through Rs-7 and Rd-2), accessory buildings shall be located in a side or rear yard.

(b) In the Rs-1 District, accessory buildings may be located in a front/street yard provided that:

1. The minimum street yard building setback distance for the accessory building is equal to 50% of the actual building setback distance for the principal dwelling, or, 45 feet, whichever is greater; and
2. A visual buffer of the accessory building shall be provided in the form of natural and/or planted vegetation, berms, fencing or a combination thereof as necessary to achieve a height of at least 6 feet and a minimum 25% visual opacity within 2 years of installation from any adjacent public right-of-way and residential dwelling. Should the vegetation or screening be removed from death or overgrowth, then the screening would need to be installed.
3. The character, architecture and materials of the detached accessory building shall match the primary dwelling.

(c) Except for detached accessory buildings located entirely in the rear yard, all detached accessory buildings and attached garages shall be subject to side yard building setback requirements of the principal building.

(4) **DOG HOUSES.** (Cr. Ord. #44-98) Dog houses, kennels or dog runs, located in any single-family or 2-family residential district, shall have a minimum side yard and rear yard setback of 15 feet.

(5) **SWIMMING POOLS.** (Cr. Ord. #9-10) In addition to the Building Code requirements in section 14.09, swimming pools are only allowed in the side or rear yard. The nearest point of a swimming pool, including any deck, platform or stair installed or used as part of the pool, shall meet the following minimum setbacks:

- (a) Side Yard. Equal to building setback in the applicable zoning district.
 - (b) Rear Yard. Five feet, or, for aboveground pools, a distance equal to or greater than the height of the deck above the finish yard grade, whichever is greater.
- (6) **RETAINING WALLS.** (Cr. Ord. #9-10) Retaining walls shall meet the following setbacks from all property lines:
- (a) Side Yard. The minimum distance equal to or greater than the height of the retaining wall above the lowest finish yard grade.
 - (b) Rear Yard. The minimum distance equal to or greater than the height of the retaining wall above the lowest finish yard grade.
- (7) **TEMPORARY STORAGE STRUCTURES.** (Cr. Ord. #02-18)
- (a) For purposes of this section, a "temporary storage structure" is defined as a detached building or other enclosed and/or covered structure intended for the shelter, storage and/or conveyance of vehicles, equipment, building materials, household or personal items, junk and trash, etc. on a short-term basis (less than 180 days). Examples of "temporary storage structures" include, but are not limited to, portable storage containers sold or rented under the business name "UNITS" and "PODS" and all other similar structures, freight-type shipping containers, metal-frame and/or fabric-covered canopies, vehicle shelters or carports, "hoop" buildings, and dumpsters.
 - (b) Temporary storage structures intended for may be permitted in any single-family or 2-family zoning district (including the Rs-1 through Rs-7 and Rd-2 Districts), provided that:
 - 1. Temporary storage structures may be installed on a property for a period not to exceed 30 consecutive or cumulative days without a permit or approval from the Village if said structure is used for storing or moving vehicles, equipment, building materials, household or personal items while the property owner is moving to/from the property, the property is being renovated, or for any emergency or other reasonable purpose deemed acceptable by the Zoning Administrator. Temporary storage structures allowed under this provision may be located in a front, side or rear yard of a property with a minimum setback of 10 feet from property lines;
 - 2. Temporary storage structures installed on a property for a period greater than 30 but less than 90 consecutive or cumulative days may be allowed with a "Temporary Storage Structure-Zoning Permit" issued by the Village. Temporary storage structures allowed under this provision may be located only in a side or rear yard of a property with a minimum setback of 10 feet from property lines;
 - 3. Temporary storage structures installed on a property for a period greater than 90 but less than 180 consecutive or cumulative days may be allowed as a "temporary use" subject to the temporary use permit requirements under section 17.07(2a). Temporary storage

structures allowed under this provision may be located only in a side or rear yard of a property and meet all applicable building setback requirements;

4. Property owners/tenants who want to install a temporary storage structure on a property for a period greater than 180 consecutive or cumulative days can only do so if more than one temporary use permit is issued by the Village pursuant to section 3. above.