

ARTICLE K

Accessory Uses and Structures; Fences and Hedges

SEC. 10-1-140 ACCESSORY USES OR STRUCTURES

- (a) **Principal Use to the Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions—Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
 - (1) Accessory Building Number Limits: In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a Lot.
 - (2) Accessory Building Size Limits: Garages and other detached accessory buildings shall have a height equal to or less than the principal structure up to a maximum of 15 feet.
 - (3) Attached Accessory Buildings: All accessory buildings, which are attached to the principal building, shall comply with the yard requirements of the principal building.
 - (4) Detached Accessory Building Size Limits: No detached accessory building shall occupy any portion of the required front yard or be located within three (3) feet of any other accessory building or lot line. No detached accessory building that is in addition to an attached or detached garage shall occupy any portion of the required side yard and in any event, shall not be closer than sixty (60) feet to the front lot line. Additionally, no detached accessory building that is in addition to an attached or detached garage shall occupy more than thirty percent (30%) of the required rear yard nor shall it contain more square footage than the square footage of the living area of the principal structure. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulation in regard to one (1) hour fire-resistive construction are complied with.
 - (5) Detached Accessory Building Materials: Any and all detached accessory buildings greater than 144 square feet shall not be built with metallic and/or any type of decorative metal sheeting.
- (c) **Use Restrictions – Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit.
- (d) **Placement Restrictions – Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three (3) feet to any side or rear lot line.
- (e) **Reversed Corner Lots.** When an accessory structure is located on the rear of reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
 - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb lever; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.

- (i) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.
- (l) **Agricultural Structures.** Agricultural structures such as barns, silos, and windmills shall not exceed in height twice their distance from the nearest lot line.
- (m) All outdoor heating facilities, or structures of a similar nature, such as but not limited to, furnaces, heaters and boilers shall be subject to the following restrictions:
 - (1) Only one structure may be erected on any lot;
 - (2) The facility may only be permitted in the R-1 Residential District;
 - (3) No facility may be erected until a permit has been received from the Zoning Administrator who has evaluated the location and design of the facility and finds that the facility meets the requirements of all Village Ordinances, and at a minimum, meets the code and design requirements of the unit's Underwriter Laboratory Standards. Such a permit shall be \$75.00;
 - (4) All piping extending from the facility shall be buried underground and free from public view;
 - (5) The facility shall only be located in the rear yard;
 - (6) The facility shall not be located in any street yard;
 - (7) The facility shall be setback from property lines a minimum of fifteen (15) feet, but shall always be located closer to the owner's principal structure than to any property line;
 - (8) The facility shall have a chimney that extends a minimum height of fifteen (15) feet measured vertically from the natural grade of the ground at the base of the facility. (Amended 6/3/03)
- (n) All temporary storage facilities or structures, such as but not limited to, soft or hard storage tents or huts, garages, buildings and all other structures of a temporary nature, not intended to permanently remain on the lot, shall be subject to the following restrictions:
 - (1) No structure or facility may be erected until a permit has been received from the Zoning Administrator who has evaluated the location and design of the facility and finds that the facility meets the requirements of all Village Ordinances. Such a permit shall be \$25.00;
 - (2) The structure or facility may only be permitted in the R-1, R-2 and R-3 Residential Districts;
 - (3) Only one temporary structure or facility may be erected on any lot in addition to the permitted principal and accessory structures per each lot as specified by Village Code;
 - (4) No electric, sewer or water utilities shall be permitted with any temporary structure or facility;
 - (5) The structure or facility shall only be located in the side or rear yard and must stay within required accessory structure setbacks for that district;
 - (6) The structure or facility shall not be located in any street yard;
 - (7) The floor area of the structure or facility shall not be greater in size than 400 square feet;
 - (8) The structure or facility shall not exceed a height of fifteen (15) feet measured vertically from the natural grade of the ground at the base of the structure or facility;
 - (9) The permit allowing the structure or facility to remain on the lot shall not exceed twelve (12) months; this does not preclude one from applying for another permit;
 - (10) All structures or facilities not considered temporary, shall be considered either a permanent principal or accessory structure and shall be subject to Village Building Permit requirements.
 - (11) No temporary structure or facility shall be permitted to completely enclose its internal space; any structure or facility that completely encloses its internal space shall be considered either a principal or accessory structure and shall be subject to Village Building Permit requirements.
 - (12) The Zoning Administrator shall have the authority to deny or withdraw a temporary structure or facility permit should the structure or facility violate any provision of this ordinance or be unkept or be damaged or be blighted.

SEC. 10-1-141

OUTSIDE STORAGE OF FIREWOOD.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of within fifteen (15) days and shall not be allowed to remain on the premises.
- (d) Woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

SEC. 10-1-142

FENCES AND HEDGES.

- (a) **Fences Defined.** For the purpose of this Section, a “fence” is herein defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term “fence” shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

- (b) **Fences Categorized.** Fences shall be categorized into five (5) classifications:
- (1) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (2) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) **Hedge.** A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
 - (5) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (c) **Height of Fences Regulated.**
- (1) A fence, wall, hedge or shrubbery may be erected, placed, maintained or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no such fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence, wall, hedge or shrubbery along such lot line.
 - (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
 - (3) In any residence district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected.
- (d) **Setback for Residential Fences.** Fences in or adjacent to a residential property are permitted on lot lines. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
- (e) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (f) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
- (g) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (i) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.