

SECTION 4-600. Accessory structures and uses.

- A. Purpose. The purpose of the accessory structures and uses Section is:
1. To authorize the establishment of accessory uses and structures that are incidental and customarily subordinate to principle uses so that they may be carried on under the umbrella of the principal use; and
 2. To ensure the compatibility of accessory structures and uses with permitted structures and uses.
- B. General standards. Subject to the limitations of this section, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district, provided the accessory structure or uses:
1. Are subordinate in area, extent and purpose to, and serve, a principal structure or use;
 2. Are customarily found as incidental to the principal structure or use;
 3. Contribute to the comfort, convenience, or necessity of those occupying, working at, or being served by the principal structure or use;
 4. Except as otherwise expressly authorized by the provisions of this Ordinance, are located on the same zoning lot as the principal structure or use;
 5. Are under the same ownership and control as the principal structure or use;
 6. Are not constructed or established on the site prior to the establishment of the principal use. A permit for a detached accessory structure such as a garage may be issued simultaneously with the issuance of a permit for the principal structure;
 7. Are not located within five feet of a principal structure, with the exception of flat work; **[Amended 12-20-2012 by Ord. No. 6765; 6-3-2014 by Ord. No. 7034; 8-2-2016 by Ord. No. 7247; 12-11-2017 by Ord. No. 7419]**
 8. Unless otherwise expressly stated, comply with all applicable regulations of this Ordinance, including the floor area ratio, maximum lot coverage, height and setback regulations.
- C. Permitted accessory structures. **[Amended by Ord. No. 6543; 3-1-2016 by Ord. No. 7200]**
1. All Residential uses: Permitted accessory structures for residential uses include but are not limited to: detached garages; decks; gazebos; private greenhouses; garden houses; sheds or buildings for domestic storage; children's playhouses; play equipment (including, but not limited to, swing set, trampoline, basketball hoop, treehouses, etc.); fences, walls, hedges (in compliance with Section 4-700, fences, walls and screening); flagpoles; swimming pools; antenna or satellite dish (smaller than 39 inches in diameter); signs (in compliance with Section 4-1000, Signs); mailboxes; off-street parking areas for multifamily developments; waste disposal containers for multifamily developments (screened from public view, in compliance with Section 4-700, Fences, walls and screening); ~~benches~~; public utility equipment and any supporting structures; and other structures meeting the definition of an accessory use or structure. Additionally, structures used for water-related activities, including boat docks, boathouses, ~~piers~~, sea walls and similar structures are permitted accessory structures for properties that front on Crystal Lake.

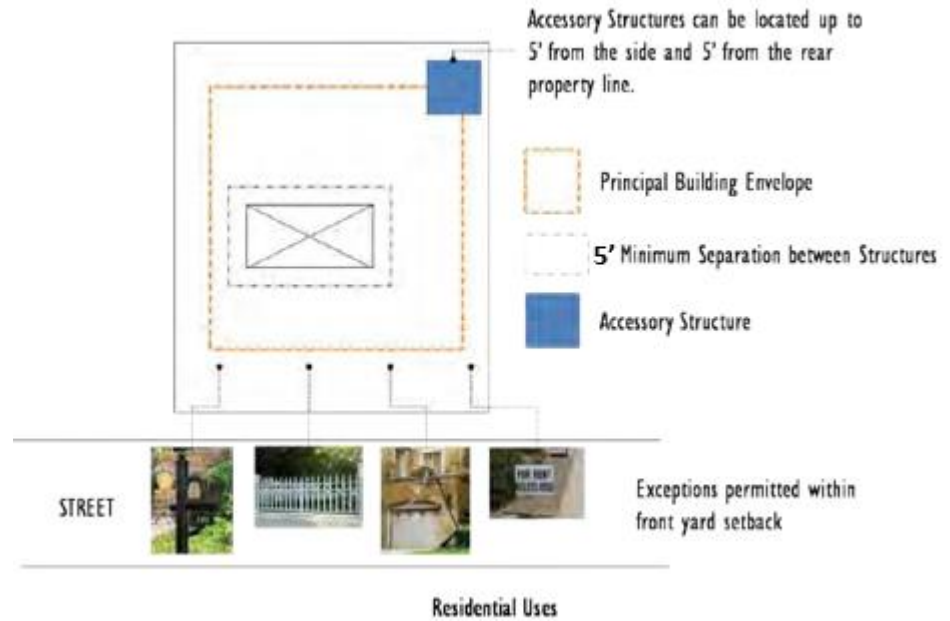


2. Nonresidential uses: Permitted accessory structures for nonresidential uses include but are not limited to: detached garages; off-street parking and loading facilities; storage buildings for merchandise, stock or records as part of a principal use; process, production or maintenance facilities; guardhouses for industrial uses; rail spur lines or rail loading docks for industrial uses; signs (in compliance with Section 4-1000, Signs); waste disposal containers (screened from public view, in compliance with Section 4-700, Fences, walls and screening); fences, walls, hedges (in compliance with Section 4-700, Fences, walls and screening); public utility equipment and any supporting structures; and other uses and structures meeting the definition of an accessory use or structure.
- D. Special use permit required: Any individual structure accessory to a single-family detached, single-family attached or a two-family dwelling, greater than 900 square feet in area, is required to obtain a special use permit. **[Amended 3-1-2016 by Ord. No. 7200]**
1. Residential uses:
 - a. Any enclosed, detached, accessory structure greater than 900 square feet in area is required to obtain a special use permit.

Residential enclosed, detached accessory structures include, but are not limited to, garages, sheds, greenhouses, playhouses, or any other applicable accessory structure as determined by the Zoning Administrator.
 - b. The requirement to obtain a special use permit does not apply to attached accessory structures, including gazebos, decks, porches, terraces, pergola or patio covers that are greater than 900 square feet in area, as long as the applicable principal structure setback requirements are met.
 - c. This requirement also does not apply to above-ground or in-ground swimming pools or above-ground swimming pool and deck combinations, attached or detached, as long as the applicable setback requirements are met.
 2. Nonresidential uses: Accessory structures for a nonresidential use that are located in a residential zoning district and greater than 900 square feet in area are required to obtain a special use permit.
- E. Location of detached accessory structures.
1. Residential use not fronting *Crystal Lake*.
 - a. Front yard and yard abutting a street: Accessory structures are not permitted within the front yard and yard abutting a street setback, with the following exceptions: **[Amended 11-19-2013 by Ord. No. 6972; 3-1-2016 by Ord. No. 7200; 12-11-2017 by Ord. No. 7419]**
 - i. Signs (in compliance with Section 4-1000, Signs);
 - ii. Mailboxes;
 - iii. Flagpoles;
 - iv. Play equipment permanently affixed to the wall of the principal structure; freestanding basketball hoops on poles;

- v. Fences, walls and hedges (in compliance with Section 4-700, Fences, Walls and Screening);
 - vi. Flat work; and
 - vii. Off-street parking areas for multifamily developments.
- b. Side and rear yards:
- i. The following accessory structures must meet a 5-foot setback, provided the accessory structure is not located on a recorded utility, drainage or municipal easement:
 - A. Detached accessory buildings or structures 600 square feet or less, provided the wall of the accessory structure adjacent to the rear lot line contains no openings;
 - B. Detached above-ground pool and deck combinations regardless of square-footage;
 - C. Children's play equipment and play houses; and
 - D. Flatwork such as patios, decks, and in-ground swimming pools not more than 12 inches above the ground.
 - ii. The following accessory structures can be located on the property line:
 - A. Retaining walls: Retaining walls cannot exceed three feet in height, measured at any point on either side of the wall, from the finished grade level adjacent to the wall to the top of the wall. Walls cannot be used to alter the overall natural topography of the land; and
 - B. Fences, walls and hedges provided they meet the requirements of Section 4-700, Fences, walls and screening.
 - iii. The following accessory structures must meet the principal structure setback requirements:
 - A. All accessory structures attached or within 5 feet of the principal structure; and
 - B. Detached accessory buildings or structures greater than 600 square feet.

C. Attached above-ground swimming pool and deck combinations.

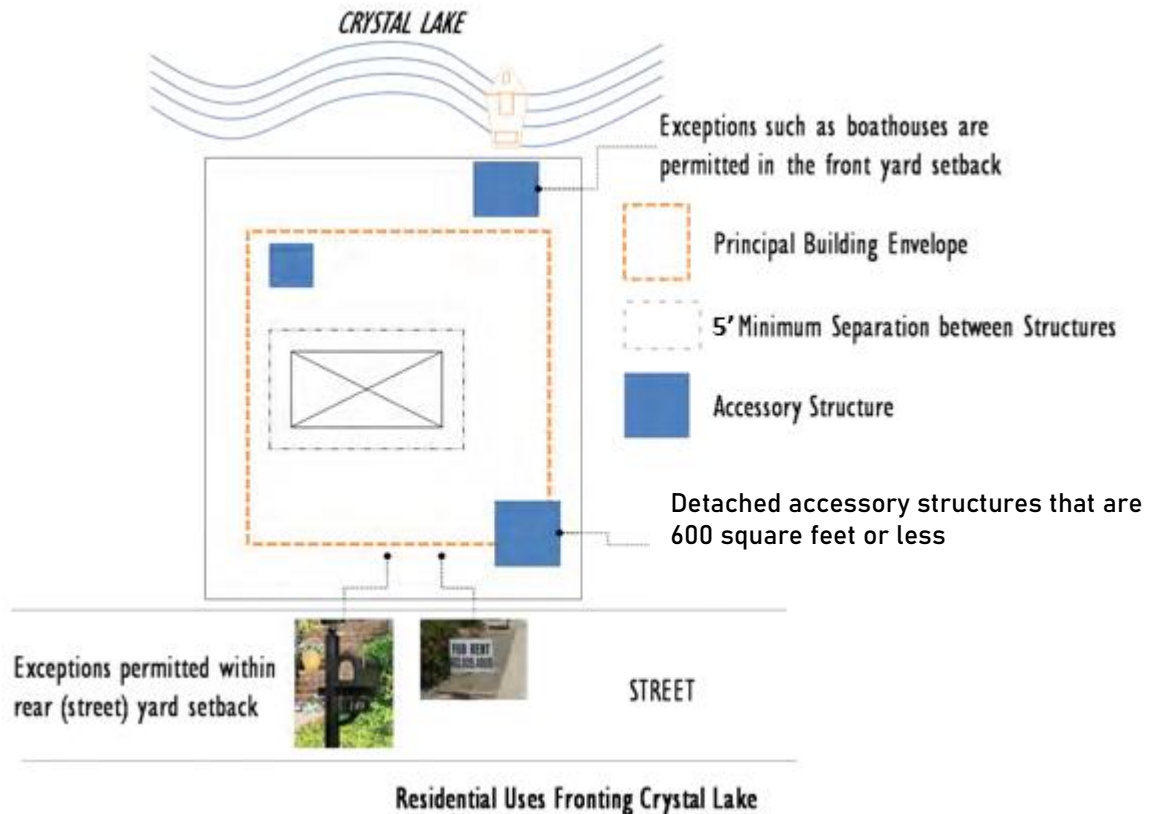
2. Residential use fronting *Crystal Lake*.

a. Front yard (lake side) and side yard:

- i. The following accessory structures must meet a 5-foot setback, provided the accessory structure is not located on a recorded utility, drainage or municipal easement:
 - A. Detached accessory buildings or structures 600 square feet or less;
 - B. Detached above-ground and deck combinations regardless of square-footage;
 - C. Children's play equipment and play houses; and
 - D. In-ground swimming pools not more than 12 inches above the ground.
- ii. The following accessory structures must meet a 5-foot side yard setback and can be located at the water's edge:
 - A. Boat houses; and
 - B. Detached flatwork, such as patios and decks not more than 12 inches above the ground (Any seat walls around the patio or deck can be no taller than 18 inches in height. A continuous wall around the patio or deck is not considered a seat wall.).
- iii. The following accessory structures can be located at the property line and the water's edge:

- A. Retaining walls: Retaining walls cannot exceed three feet in height, measured at any point on either side of the wall, from the finished grade level adjacent to the wall to the top of the wall. Walls cannot be used to alter the overall natural topography of the land;
 - B. Sea walls; and
 - C. Fences, walls and hedges, provided they meet the requirements of Section 4-700, Fences, walls and screening.
- iv. The following accessory structures must meet the principal structure setback requirements:
- A. All accessory structures attached or within 5 feet of the principal structure; and
 - B. Accessory structures greater than 600 square feet.
- b. Yard abutting a street (street side/rear yard):
- i. The following accessory structures must meet a 5-foot yard abutting a street and side yard setback, provided the accessory structure is not located on a recorded utility, drainage or municipal easement:
 - A. Detached accessory buildings or structures 600 square feet or less such as garages and sheds; and
 - B. Detached flatwork, such as patios and decks not more than 12 inches above the ground.
 - ii. The following accessory structures can be located at the property line:
 - A. Signs (in compliance with Section 4-1000, Signs);
 - B. Mailboxes;
 - C. Flagpoles;
 - D. Play equipment permanently affixed to the wall of the principal structure; freestanding basketball hoops on poles; and
 - E. Fences, walls and hedges (in compliance with Section 4-700, Fences, Walls and Screening);
 - iii. The following accessory structures must meet the principal structure setback requirements:
 - A. All accessory structures attached or within 5 feet of the principal structure; and

B. Accessory structures greater than 600 square feet.



3. For nonresidential uses:

- a. Front yard and yard abutting a street: Accessory buildings or structures are not permitted within the front yard, with the exception of signs (in compliance with Section 4-1000, Signs); fences, walls, hedges (in compliance with Section 4-700, Fences, Walls and Screening); mailboxes and flagpoles.
- b. Side and rear yard: Accessory structures must meet the setback requirements listed in Article 3, Density and Dimensional Standards. Exceptions include fences, walls or screening in accordance with the provisions of Section 4-700, Fences, walls and screening, and waste disposal containers. **[Added 3-1-2016 by Ord. No. 7200]**
- ~~b.c.~~ Accessory buildings or structures may be located adjacent to a railroad right-of-way, but only for the purpose of providing a rail loading dock.
- ~~e.~~ Accessory structures must meet the setback requirements listed in Article 3, Density and Dimensional Standards. Exceptions include fences, walls or screening in accordance with the provisions of Section 4-700, Fences, walls and screening, and waste disposal containers. **[Added 3-1-2016 by Ord. No. 7200]**

F. Other regulations.

1. Where an accessory structure is structurally attached to the principal building or within 5 feet it shall be subject to, and must conform to, setback regulations of this Ordinance

applicable to the principal building.

2. Decks and platforms, open to sky, whether attached to the principal structure or within five feet are considered as part of the principal building and are subject to all regulations of this Ordinance applicable to the principal building.
 3. Structures accessory to residential uses shall be limited to a single dormer per side elevation, which can be no wider than 20% of the length of each side elevation upon which the dormer is constructed or no more than 40% of one side in a noncontiguous pattern.
 4. Uses which are accessory to special uses may be permitted when approved as part of the special use, or when the Zoning Administrator finds they are not an expansion of an approved special use.
 5. Tents used in nonresidential districts or tents used for camping purposes where permitted, must be of a temporary nature and must meet the requirements for a temporary use permit per the requirements of Article 2, Land Use, if applicable.
 6. Car ports that do not meet applicable Building Code requirements, even when used as temporary structures are not permitted.
 7. Accessory structures over 120 square feet shall utilize exterior siding materials of wood, cement board, vinyl siding, or other similar material and complement the residential character of the area. **[Added 12-11-2017 by Ord. No. 7419]**
- G. Procedures. Building permits may be required for accessory structures as determined by the City Code. Where permits are required, the permit must be approved and issued by the Building Commissioner or his/her appointed designee prior to the commencement of work.