

Section 7

**ACCESSORY BUILDINGS, STRUCTURES AND USES**

- 7.01 Uses Permitted as Accessory Buildings, Structures and Uses
- 7.02 Location of Accessory Buildings, Structures and Uses
- 7.03 Construction of Accessory Buildings and Structures
- 7.04 Number, Height and Size of Accessory Buildings and Structures
- 7.05 Distance Between Buildings or Structures
- 7.06 Regulations for Specific Accessory Buildings, Structures and Uses
- 7.07 Wireless Telecommunications Towers and Antenna Regulations
- 7.08 Antennas in Residential Zoning Districts
- 7.09 Antennas in Business and Manufacturing Districts
- 7.10 Amateur Radio Facilities With Surface Area Exceeding 10 Square Feet
- 7.11 Additional Regulations for Antennas and Antenna Support Structures in all Zoning Districts
- 7.12 Non-conforming Accessory Buildings, Structures and Uses

7.01 **USES PERMITTED AS ACCESSORY BUILDINGS, STRUCTURES AND USES**

The term “accessory building,” “accessory structure” or “accessory use” includes, but is not limited to the following permitted accessory buildings, structures or uses; subject, however, to the limitations of this Section 7:

1. For residential uses: private garden house or greenhouse; detached garage; shed or building used for domestic storage; swimming pool; spa/hot tub; yard lights; attached or detached deck, platform or terrace open to the sky; gazebo; dog run; tennis court; and similar structures and buildings for accessory use.
2. For business/commercial uses: storage building for merchandise or materials normally carried in stock as part of a principal use on the same lot and placed as designated on an approved site plan; off-street parking and loading facilities; garages; exterior swimming pools as part of a hotel/motel; pump islands and attached or detached canopies for automobile service stations.
3. For institutional and office uses: storage buildings for materials relating to the principal use on the same lot and placed as designated on an approved site plan; guardhouses and gatehouses; off-street parking and loading facilities; garages.
4. For industrial/manufacturing uses: process or maintenance facilities and storage buildings, clearly subordinate and incidental to the principal use on the same lot and placed as designated on an approved site plan; guardhouses and gatehouses; off-street parking and loading facilities; garages.

7.02 **LOCATION OF ACCESSORY BUILDINGS, STRUCTURES AND USES** *Amended, Ord. 03-81-1*

- A. Where a substantial part of the wall of an accessory building or structure is part of the wall of the principal building, or where an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building or structure shall be deemed to be part of the principal building and shall conform to all regulations applicable thereto.
- B. No accessory building, structure, or use may be located in a front yard in any zoning district, and on a corner lot, no accessory building, structure or use may be located in any yard adjacent to a street in any zoning district, except as otherwise provided in this Zoning Code and except

that a single basketball pole may be located at the side of a driveway for private recreational use.

C. An accessory building, structure, or use may be located in a required rear or side yard setback in any zoning district, as follows:

1. Unless specified within a specific zoning classification, an accessory building, structure or use in a residential zoning area may be located to within 10 feet of the rear lot line and to within seven feet of a side lot line, provided that such building, structure or use is not located on a recorded utility or drainage easement (except for equipment pertaining to said easement), and provided that the wall of an accessory building facing the rear lot line shall contain no openings.
2. No accessory building, structure, or use shall be located within 10 feet of a principal building. Decks, patios, platforms and terraces open to the sky may be attached to the principal building but shall be subject to setback requirements for accessory structures.
3. Storage, process and maintenance buildings in non-residential zoning districts shall be as governed by the applicable district regulations.

D Prohibited accessory buildings, structures and uses:

1. Above-ground or ground storage tanks for oil, gas, fuel or any other material on residential lots;
2. Servants' quarters or similar dwelling units.

#### 7.03 CONSTRUCTION OF ACCESSORY BUILDINGS AND STRUCTURES

- A. An accessory building or structure shall not be erected prior to the establishment or construction of the principal building to which it is accessory.
- B. All provisions of Chapter 24, Building Code, of the Marengo Municipal Code, are to be followed as they pertain to accessory buildings, structures or uses.

#### 7.04 NUMBER, HEIGHT AND SIZE OF ACCESSORY BUILDINGS AND STRUCTURES *Amended, Ords. 04-3-1, 03-81-1*

- A. No detached accessory building or structure shall exceed one story, with a maximum height of 15 feet, six inches unless otherwise provided in this Section 7.04.
- B. Storage sheds shall not exceed 12 feet in height and 120 square feet in size.
- C. Detached garages shall not exceed 700 square feet in size.
- D. The sum total square footage of all accessory buildings and structures shall not exceed 50 percent of a rear or side yard of a lot unless specified within a specific zoning classification.

#### 7.05 DISTANCE BETWEEN BUILDINGS OR STRUCTURES

The required distance between the principal building and the accessory building or structure shall be as follows, unless otherwise provided in this Section 7.

Between the principal building and the accessory building or structure on the same lot: 10 feet. However, in the case of a deck which is not attached to the principal structure, the required distance from the principal structure to the deck shall not apply.

**7.06 REGULATIONS FOR SPECIFIC ACCESSORY BUILDINGS, STRUCTURES AND USES**

*Amended, Ord. 04-3-1*

**A. Swimming Pools:**

1. In addition to the provisions in Section 24.21 of the Municipal Code, pools for swimming or bathing shall be in compliance with the requirements of this Section 7.06-A. However, these regulations shall not be applicable to any such pool less than 24 inches deep or having a surface area less than 250 square feet except when such pools are permanently equipped with a water recirculating system.
2. A wall of a private swimming pool shall not be located less than 10 feet from any rear or side property line or 10 feet from side lot line abutting a street or 10 feet from any principal structure. A swimming pool shall not be located in any front yard.
3. For the purposes of establishing setbacks, the outer edge of pools and spas/hot tubs shall include all associated decking, walk areas, required fence enclosures and pump equipment. Pump and filter equipment may be located adjacent to a principal structure.

**B. Tents and Recreational Vehicles:** No tents, recreational vehicles or camping trailers shall be used, erected or maintained as living quarters. No tents shall be used for the storage of personal property, goods, materials, vehicles or equipment. Tents, however, shall not be prohibited when used for weddings, festivals and other special events subject to conditions placed on other accessory buildings and structures.

**C. Mobile Homes and Modular Units:** A house trailer, mobile home/office or modular unit, as defined by the Illinois Compiled Statutes, shall not be considered to be permissible as an accessory building, structure or use, or as a principal building, structure or use, and no person shall park, store, occupy or otherwise use a trailer, mobile home/office or modular unit without obtaining a temporary use permit from the City Council.

**D. Parking Facilities:** Accessory off-street parking facilities may be permitted to be located elsewhere than on the same lot as the building or use to be served by said parking; subject, however, to approval of the City in conjunction with a site plan review of the principal and the accessory buildings or uses.

**7.07 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS REGULATIONS**

See Section 9 of this Zoning Code.

**7.08 ANTENNAS IN RESIDENTIAL ZONING DISTRICTS**

No antenna shall be erected, constructed, maintained or operated in any residential zoning district except in conformance with the following regulations:

1. **Antennas with Surface Areas of 10 Square Feet or Less:** Antennas and antenna support structures having a combined surface area not greater than 10 square feet, and no single dimension exceeding 12 feet, shall be permitted as an accessory use.

2. Antennas, Other Than Amateur Radio Facilities, With Surface Areas Exceeding 10 Square Feet: Antennas and antenna support structures having a combined surface area greater than 10 square feet, or having any single dimension exceeding 12 feet, shall be permitted as an accessory use only in compliance with the following regulations:
- a. Number Limited: No more than one such antenna and antenna support structure may be located on any zoning lot.
  - b. Height Limited: No such antenna or antenna support structure shall exceed 12 feet in height unless such antenna and antenna support structure is attached to a building pursuant to paragraph 2d of this Section 7.08.
  - c. Diameter Limited: No such antenna or antenna support structure shall exceed 10 feet in diameter.
  - d. Attachment to Buildings Limited: No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
    - i. Size: The antenna and its support structure shall not exceed 15 square feet in area or 12 feet in any dimension.
    - ii. Height: The antenna and its support structure shall not extend more than 3 feet above the highest point of the building on which it is mounted or the maximum permissible building height, whichever is less.
    - iii. Mounting: The antenna and its support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of 80 miles per hour on its own and without the support of guy wires.
    - iv. Color: The antenna and its support structure shall be a color that blends with the roof or building side on which it is mounted.
    - v. Grounding: The antenna and its support structure shall be bonded to a grounding rod.
    - vi. Other Standards: The antenna and its support structure shall satisfy such other design and construction standards as the Building Commissioner determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.
    - vii. Screening: The antenna and its support structure shall be located so as to provide the maximum, reasonably achievable screening, as determined by the Building Commissioner, of such antenna and antenna support structure from view from adjoining properties and public or private streets.
  - e. Setback from Street: No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

- f. Guy Wires Restricted: No guy or other support wires shall be used in connection with such antenna or its support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.
- g. Screening: When any such antenna and antenna support structure is ground mounted, appropriate landscaping or fencing shall be located and maintained between such ground-mounted antenna and antenna support structure and each lot line of the property on which it is located so as to provide the maximum, reasonably achievable screening as determine by the Building Commissioner, of such antenna and antenna support structure from view from adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than 10 feet in height.

**7.09 ANTENNAS IN BUSINESS AND MANUFACTURING DISTRICTS**

No antenna shall be erected, constructed, maintained or operated in any business or industry zoning district except in conformance with the following regulations:

- 1. Antennas with Surface Areas of 10 Square Feet or Less: Antennas and antenna support structures having a combined surface area not greater than 10 square feet, and no single dimension exceeding 12 feet, shall be permitted as an accessory use.
- 2. Antennas, Other Than Amateur Radio Facilities, With Surface Areas Exceeding 10 Square Feet: Antennas and antenna support structures having a combined surface area greater than 10 square feet, or having any single dimension exceeding 12 feet, shall be permitted as an accessory use only in compliance with the following regulations:
  - a. Number Limited: No more than one such antenna and antenna support structure may be located on any zoning lot.
  - b. Height Limited: No such antenna or antenna support structure shall exceed 12 feet in height unless such antenna and antenna support structure is attached to a building pursuant to paragraph 2d of this Section 7.08.
  - c. Diameter Limited: No such antenna or antenna support structure shall exceed 10 feet in diameter.
  - d. Attachment to Buildings Limited: No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
    - i. Height: The antenna and its support structure shall not extend more than 3 feet above the highest point of the building on which it is mounted or the maximum permissible building height, whichever is less.
    - ii. Mounting: The antenna and its support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of 80 miles per hour on its own and without the support of guy wires.

- iii. Color: The antenna and its support structure shall be a color that blends with the roof or building side on which it is mounted.
  - iv. Grounding: The antenna and its support structure shall be bonded to a grounding rod.
    - (1) Other Standards: The antenna and its support structure shall satisfy such other design and construction standards as the Building Commissioner determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.
    - (2) Screening: The antenna and its support structure shall be located so as to provide the maximum, reasonably achievable screening, as determined by the Building Commissioner, of such antenna and antenna support structure from view from adjoining properties and public or private streets.
  - v. Setback from Street: No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.
  - vi. Guy Wires Restricted: No guy or other support wires shall be used in connection with such antenna or its support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.
- e. Screening: When any such antenna and antenna support structure is ground mounted, appropriate landscaping or fencing shall be located and maintained between such ground-mounted antenna and antenna support structure and each lot line of the property on which it is located so as to provide the maximum, reasonably achievable screening as determine by the Building Commissioner, of such antenna and antenna support structure from view from adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than ten feet in height.

**7.10 AMATEUR RADIO FACILITIES WITH SURFACE AREA EXCEEDING 10 SQUARE FEET**

In any zoning district, any antenna and antenna support structure having a combined surface area greater than 10 square feet or having any single dimension exceeding 12 feet that is capable of transmitting as well as receiving signals and is licensed by the Federal Communications Commission as an amateur radio facility must satisfy each of the following conditions:

- 1. Number Limited: No more than one such antenna support structure with a surface area greater than 10 square feet or any single dimension exceeding 12 feet may be located on any zoning lot.
- 2. Height Limited: No such antenna support structure shall, if ground mounted, exceed 75 feet in height of, if attached to a building pursuant to this Section 7.10, the height herein specified.
- 3. Attachment to Buildings Limited: No such antenna or its support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
  - a. Height: The antenna and its support structure shall not extend more than 20 feet above

the highest point of the building on which it is mounted.

- b. Mounting: The antenna and its support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of 80 miles per hour on its own and without the support of guy wires.
  - c. Grounding: The antenna and its support structure shall be bonded to a grounding rod.
  - d. Other Standards: The antenna support structure shall satisfy such other design and construction standards as the Building Commissioner reasonably determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.
- 4. Setback from Street: No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.
  - 5. Setbacks from Adjacent Buildings: No such antenna or its support structure shall be located in any required sideyard or nearer than one-half the height of the antenna and support structure to any habitable building on any adjacent property.

7.11 **ADDITIONAL REGULATIONS FOR ANTENNAS AND ANTENNA SUPPORT STRUCTURES IN ALL ZONING DISTRICTS**

- A. Certificate of Compliance: In addition to any other provisions, no such antenna or antenna support structure permitted under Sections 7.08-B, 7.09-B and 7.10 shall hereafter be constructed, altered or enlarged in the City unless a certificate of zoning compliance therefor has been issued by the Building Commissioner. An application for such certificate shall be accompanied by two sets of plans, two plats of survey, and electrical, construction and design specifications drawn to scale and showing locations, heights, structural design, and any other pertinent information or certifications deemed necessary by the Building Commissioner to demonstrate compliance with all provisions of the City's Zoning Code and Building Code. When applicable, an application for a certificate of zoning compliance shall include landscaping plans demonstrating that the screening requirements of Sections 7.08-B-7 and 7.09-B-7 will be satisfied within 8 months after the date of the issuance of such certificate. A refundable cash deposit in an amount estimated by the Building Commissioner as necessary to cover the cost of implementing the proposed landscaping and screening must accompany each application for a certificate of zoning compliance for the antenna and antenna support structure. The deposit shall be returned when, but only when, a final inspection by the Building Commissioner confirms that all required landscaping and screening is in place.
- B. Unless specifically provided to the contrary, when the regulations of Sections 7.08, 7.09, 7.10 or 7.16 are more restrictive than any other regulations generally applicable within the zoning districts, the provision of Sections 7.08, 7.09, 7.10 and 7.16 shall apply.
- C. For purposes of Sections 7.08, 7.09 and 7.10, the surface area of an antenna and its support structure shall be determined by adding together the actual surface area of each solid element or part of the antenna or its support structure, where "solid" is defined to include all air spaces that are fully bounded by solid elements.

- D. Except as otherwise expressly provided in Sections 7.08, 7.09 and 7.10, all such antennae and antennae support structures shall be subject to all the provisions of this ordinance applicable to accessory uses and structures.
- E. The foregoing special regulations shall not apply to antennae and antennae support structures owned or maintained by the City.

7.12                   **NON-CONFORMING ACCESSORY BUILDINGS, STRUCTURES AND USES**

All accessory buildings, structures and uses heretofore lawfully constructed and not conforming to the provisions hereof are declared legal nonconforming uses and may be permitted to continue to exist, but shall not be reconstructed or altered, and if rebuilt, must conform to existing codes as of the passage of this Section 7, which is August 26, 2002.

*pjh:Marengo.Zone\Section07.Accessory*