

## DIVISION 6. ACCESSORY USES OR STRUCTURES

### Sec. 58-591. Generally.

(a) *Principal use or structure required to be 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 in residential districts.* An accessory use or structure in a residential district may be established subject to the following regulations:

- (1) *Number limited.* In any residential district, in addition to the principal building, a detached or attached garage and one additional accessory building may be placed on a lot.
- (2) *Size limits.* In any residential area in addition to the principal structure there are also allowed one detached garage not larger than 936 square feet and one accessory building not larger than 250 square feet or one garage/accessory building not larger than 1,180 square feet. The overhangs are to be considered in the setbacks.
- (3) *Attached accessory building yard requirements.* All accessory buildings which are attached to the principal buildings shall comply with the yard requirements of the principal building.
- (4) *Detached accessory building yard requirements.* No detached accessory building shall occupy any portion of the required front yard, and shall not occupy more than 30 percent of the required rear yard or be located within three feet of any other accessory building or lot line. An accessory building shall not be nearer than ten feet to the principal structure unless the applicable building code regulations in regard to one-hour fire-restrictive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.

(c) *Use restrictions in residential districts.* Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry, except for home occupations as defined in section 58-7, and shall not be occupied as a dwelling unit.

(d) *Placement restrictions in nonresidential districts.* An accessory use or structure in a business or manufacturing district may be established in the rear or side yard, and shall not be nearer than three feet to any side or rear lot lines.

(e) *Reversed corner lots.* When an accessory structure is located on the rear of a 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 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 flagpoles, ornamental light standards, lawn furniture, sundials, birdbaths, 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 feet above the curb level, a private garage may be erected within the front yard, provided that:

- (1) Such private garages shall be located not more than five feet from the front lot line.
- (2) The floor level of such private garage shall be located not less than one foot above the curb level; and
- (3) At least one-half of 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 feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 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, flagpoles, etc. shall be permitted in setback areas, but not closer than three feet to an abutting property line, other than a street line.

(k) *Retaining walls.* Retaining walls may be permitted any place on a lot, provided, however, that no individual wall shall exceed six feet in height, and a terrace of at least three feet in width shall be provided between any series of such walls and, provided further that no such wall shall be closer than three feet to the property line along a street frontage.

(Code 1988, § 10-1-140; Ord. of 8-10-2005(6))

## ARTICLE VI. DRIVEWAYS

### Sec. 38-191. Permit.

(a) *Purpose and intent.* For the safety of the general public, the village shall determine the location, size, construction and number of access points to public roadways within the village limits, through the administration of this section by the village administrator. It is the village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.

(b) *Required.* No person shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the village without first obtaining a permit therefore as provided by this section.

(c) *Application.* Application for such permit shall be made to the village administrator on a form provided by the village, and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. The applicant shall pay a fee as set by the village board from time to time and on file in the village offices. Upon receipt of the application and the fee, if required, unless the proposed private driveway is part of a construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the village administrator shall approve such application if the proposed driveway complies with the terms and conditions of this article and any other applicable village ordinance.

(d) *Applicant's statement.* All driveway permit applications shall contain the applicant's statement that the:

- (1) Applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the village street or any other purpose.
- (2) Notwithstanding the construction of such driveway, the village reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the village street, at any time, including relocation, reconstruction, widening and maintaining the street, without compensating the owner of such private driveway for the damage or destruction of such private roadway.
- (3) Permittee, his successors or assigns, agrees to indemnify and hold harmless the village, its officials, officers, agents or employees against any claim or cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- (4) Village does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the village street.

### Sec. 38-192. Location, design and construction requirements.

(a) *General requirements.* The location, design and construction of driveways shall be in accordance with the following:

- (1) *General design.* Private driveways shall be of such width and so located that all of such driveways and the appurtenances are within the limits of the frontage abutting the street of the property served.

Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy area of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed so that vehicles approaching or using the driveway shall have adequate sight distance along the street. Driveway approaches shall be at least ten feet apart except by special permission from the village board, and driveways shall in all cases be placed wherever possible so as not to interfere with utilities in place.

- (2) *Number.* The number of driveways to serve an individual property fronting a street shall be one except where deemed necessary and feasible by the village board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
- (3) *Island area.* The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in subsection (a)(6) of this section.
- (4) *Drainage.* The surface of the driveway connecting with rural type street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.
- (5) *Reconstruction of sidewalk and curb and gutter.* When the construction of a driveway requires the removal of a curb and gutter the new connections shall be of equivalent acceptable materials and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk area that is inadequate or which is or may be damaged by means of vehicle travel across the sidewalk.
- (6) *Restricted areas.* The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
  - a. The filling or draining shall be to grades approved by the village and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
  - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
  - c. Where no street side ditch separates the restricted area from the street roadbed, permanent provisions may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the village board.
- (7) *Relocation of utilities.* Any costs of relocating public utilities shall be the responsibility of the property owner with approval of the village board or authorized committee thereof necessary before any utility may be relocated and the driveway installed.
- (8) *Construction across sidewalks.* All driveway entrances and approaches which are constructed across sidewalks shall be of concrete construction in accordance with the requirements for sidewalk construction in section 38-145 insofar as such requirements are applicable, including thickness requirements.

(9) *Variances.* The village board in such instances may vary any of the requirements set forth in subsections (a)(1)-(8) of this section where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

(b) *Special requirements for commercial and industrial driveways.* The following regulations are applicable of driveways serving commercial or industrial establishments:

(1) *Width of drive.* No part of a private drive located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 30 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than specified in this section, the village board in its discretion may permit a driveway of additional width.

(2) *Angular placement of driveway.* The angle between the centerline of the driveway and the curb line shall not be less than 45 degrees.

(3) *Island areas.* Where the public sidewalk is adjacent to the curb, an island of a minimum length of six feet measured along the curb line shall be placed between each entrance to a village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of ten feet measured along the right-of-way line shall be maintained along each entrance to the village street. All flares shall be tangent to the curb line. A curb of not less than three feet shall be left undisturbed to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his property.

(c) *Special requirements for residential driveways.* The following regulations are applicable to driveways serving residential property:

(1) *Width of driveways.* Openings for vehicular ingress and egress shall be at least ten feet wide at the property line for residential properties, but shall not exceed thirty feet at the property line and thirty feet at the curb opening.

(2) *Angular placement.* Then centerline of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.

(3) *Driveway location, design and construction requirements.* All driveways for new dwellings are required to be paved within six months of occupancy. Existing driveways with construction of a new dwelling or garage must be paved also within six months.

(d) *Appeal for permit refusal.* Any person feeling aggrieved by the refusal of the village administrator to issue a permit for a private driveway may appeal such refusal to the village board within 20 days after such refusal to issue a permit is made.

(e) *Prohibited driveways.*

(1) No person, firm or corporation shall place, construct, locate or cause to be placed, constructed or located, any obstruction within the limits of any public road, highway or street in the village except as permitted by this section. As used herein the term "structure" includes private driveways, a portion of which extends into any public road, highway or street and which is in nonconformance with this article.

(2) No driveway shall be closer than ten feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area

and shall not occupy areas of the roadway deemed necessary by the village for effective traffic control or for highway signs or signals.

- (3) The grade of the portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such existing public roadway.
- (4) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.
- (5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erect by the owner of the premises involved shall extend beyond the culvert spanning the watercourse located in such a public way.

(f) *Culvert construction and standards.*

- (1) *Size.* Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than 12 inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel or reinforced concrete, and shall be made of new manufacture, unless specifically excepted by the director of public works or village engineer.
- (2) *Gauge.* The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

<i>Pipe Diameter (inches)</i>	<i>Gauge</i>
15 to 24	16
30 to 36	14
42 to 54	12
60 to 72	10
78 to 84	8

The class of reinforced concrete pipe shall be in accordance with the following:

<i>Height of cover (in feet)</i>	<i>Class of Pipe</i>
0-2	IV
2-3	III
3-6	II

- (3) *Drainage.* The culverts shall be placed in the ditch line at elevations that will assure proper drainage.
- (4) *Endwalls.* Culverts shall be provided with concrete or metal apron endwalls as directed by the village engineer.
- (5) *Backfill materials.* Material used for backfill shall be quantity acceptable to the village engineer or director of public works and shall be free from frozen lumps, wood or other extraneous or perishable

materials. The minimum cover, measured from the top of the pipe to the top of the sub grade, shall be six inches.

- (6) *Erosion control.* The village engineer or director of public works shall implement as necessary to control erosion, or as directed, erosion control measures.
- (7) *Distance.* The distance between culverts under successive driveways shall not be less than ten feet except as restricted area is permitted to be filled pursuant to subsection (a)(6) of this section.
- (8) *Cost, maintenance.* The property owner shall install the culvert and be responsible for the cost thereof. The property owner shall keep his culverts unobstructed and clean.
- (9) *Appeal.* A person may request a variance from the culvert requirements of this section by filing a written appeals request with the village administrator, who shall place the matter as an agenda item for the village board's next meeting. The village board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The village engineer or director of public works may be asked to render an opinion on the request.

(Code 1988, § 4-3-2; Ord. of 8-10-2008(8))