

ORDINANCE 2018 – O - 14

**AN ORDINANCE AMENDING §§ 154.003 and 154.010
OF THE MUNICIPAL CODE OF WINTHROP HARBOR
MODIFYING RULES FOR ACCESSORY STRUCTURES**

WHEREAS, the Village of Winthrop Harbor, through the Director of Community Development, filed a petition before the Planning and Zoning Board (PZB), to consider amendments to two sections of the Winthrop Harbor Municipal Code describing the zoning regulations relating to accessory structures, and

WHEREAS, Notice of the said petition setting a hearing date before the PZB was duly published in the Lake County News-Sun on August 27, 2018, which was less than 30 and more than 15 days prior to the scheduled hearing date, and

WHEREAS, a public hearing was held as scheduled on September 11, 2018, at which hearing, testimony was adduced and the subject discussed, and

WHEREAS, at the conclusion of the hearing, a motion was duly made and seconded to refer the proposed amendments to the Village Board with a positive recommendation to adopt, which motion carried on a roll call vote of 6-0 with 1 Member absent, and

WHEREAS, attached hereto and incorporated herein as Exhibit A is the report of the Chairman of the PZB reflecting the foregoing and some of the rationale behind the discussion, and

WHEREAS, attached hereto and incorporated herein as Exhibit B is a draft of the proposed text amendment described in the foregoing, and

WHEREAS, the Village Board finds that the Exhibit B draft text amendments will more properly fulfill the needs of the Village for fair, equitable and safe management of accessory structures, and the same will improve the opportunities for landowners to improve and enjoy their homes and properties while respecting the appropriate concerns for preserving adequate light, air and public safety that are embodied within the core of the local and state zoning laws,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Section 154.003 and Section 154.010 of the Winthrop Harbor Municipal Code is hereby amended and shall hereafter read as set forth on Exhibit B attached hereto

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR,
ILLINOIS, ON THIS 16th DAY OF OCTOBER, 2018.

ATTEST:

DR. MICHAEL BRUNO, MAYOR

JULIE RITTENHOUSE, VILLAGE CLERK

EXHIBIT A

At the September 11, 2018 regular meeting of the Planning and Zoning Board the Board voted 6-0, with 1 Member absent, to recommend amending the Accessory Structures Ordinance per EXHIBIT B with the following changes to the text of the original petition;

- Strike 154.010 (C) (1), height chart and replace it with:
The following height standards shall apply to accessory uses and accessory structures unless otherwise expressly stated. No accessory use or accessory structure in residential zoned areas for residential zoned uses shall be higher than the principal building to which it is accessory, and in no event shall an accessory structure or accessory use exceed a height of 18'. Refer to 154.078(B)7 for property located within the Downtown Zoning Districts.
- Strike “only if the rafter or ceiling height is no greater than six feet and the attic is used” from 154.010 (B)(8).
- Replace “six feet” with “three feet” in the proposed 154.010 (C)(2)(a) as the side and rear setback requirement in residential zoned districts.

Key changes to the existing ordinance if this recommendation is adopted would include the following;

- The definition of an accessory building or use would be broadened by replacing the term building with the term structure. This would allow the village to regulate all structures under the ordinance including things like ground mounted solar panels and large play grounds or tree houses.
- The setback requirement from other structures would be reduced from 10' to 4'.
- The limitation on the size of an individual structure would be replaced with a ratio of the total size of all accessory structures not exceeding 1 ½ times the size of the principal building.
- The number of accessory structures permitted on a residential zoned property, with a residential use, would increase from 2 to 3.
- The restriction on the number of accessory structures permitted on nonresidential lots and on residential lots with a nonresidential use (like a church) would be eliminated.
- Donation boxes would be made illegal in all districts. The existing boxes in place would need to be removed.

EXHIBIT B

(Additions underlined, deletions stricken)

154.003 DEFINITIONS.

~~—**ACCESSORY BUILDING OR USE.** A use which is subordinate to and serves a principal building or principal use served; is subordinate in area, extent, or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use served; and is located on the same lot as the principal building or principal use served.~~

ACCESSORY STRUCTURE OR USE. A structure or use that customarily:

(1) Is subordinate to and services a principal building or a principal use legally existing on the same zoning lot;

(2) Is subordinate in area, extent, and purpose to the principal building or principal use;

(3) Contributes to the comfort, convenience or necessity of the occupants, business, or industry of the principal structure or principal use served; and

(4) Is located on the same zoning lot as the principal structure or principal use served.

154.010 ~~ACCESSORY BUILDINGS~~ STRUCTURES.

~~—(A) No accessory building or structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal building to which it is accessory.~~

~~—(B) No part of any accessory building shall be located closer than three feet from any side or rear property line, nor closer than ten feet to any main building, unless attached and a part of such main building.~~

~~—(C) The maximum number of accessory buildings shall be two.~~

~~—(D) The maximum area of one accessory building or the larger of any two accessory buildings shall not exceed 936 square feet.~~

~~—(E) The maximum area of the smaller of any two accessory buildings shall not exceed 256 square feet.~~

~~—(F) No accessory building in residential zoned areas shall be higher than the principal building to which it is an accessory, and in no event shall an accessory building exceed a height of more than 18 feet.~~

~~—(G) The maximum size buildings allowed by divisions (D) and (E) of this section shall be doubled to 1,872 and 512 square feet respectively, if the building site consists of a residential lot assigned a single Property Index Number ("PIN") by the Benton Township Assessor which is larger than one acre (43,560 square feet) in size. In the event this division (G) entitles the construction of one or more larger accessory structures, the property line setback distance described in division (B) of this section shall be doubled to six feet.~~

(A) Authorization. Except as otherwise expressly provided in this chapter, accessory uses and structures shall be allowed only in connection with any lawfully established principal use.

(B) General standards. All accessory uses shall comply with the following standards.

(1) Unless otherwise expressly stated, accessory uses and structures shall be located on the same zoning lot as a lawfully established principal use and cannot continue in the absence thereof unless lawfully converted to a permitted principal use. Notwithstanding the above, an underground improvement such as a septic system and/or well located on an abutting parcel under common ownership is allowed.

(2) No accessory structure or use shall be constructed or established on any lot prior to the issuance of a building permit for the principal structure or an occupancy permit for a principal use to which it is accessory.

(3) (a) Unless otherwise expressly stated, accessory structures and uses shall comply with all applicable regulations of this chapter, including lot coverage, height and setback regulations (see also subsection (C) below).

(b) No accessory use or structure shall cause any of these standards to be exceeded for the underlying zoning district.

(4) No accessory structure maybe located within four feet of any other structure except fences, any at-grade improvements, or any other structures that do not unreasonably impede access for emergency and/or maintenance purposes or otherwise create a fire or safety hazard.

(5) (a) Accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent, and purpose.

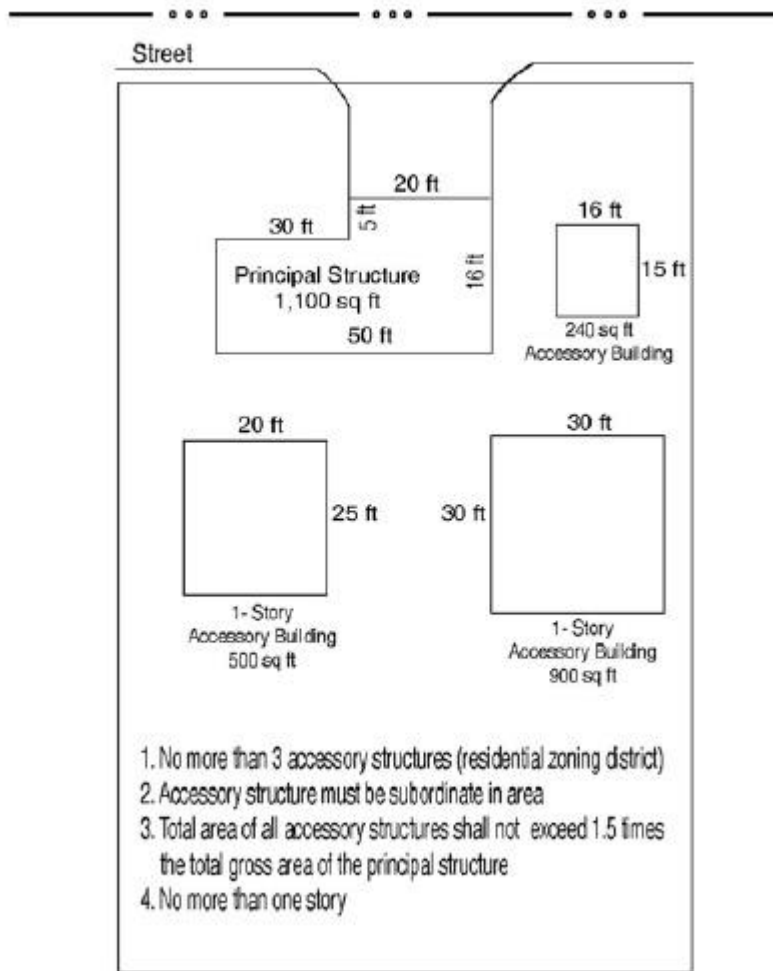
(b) The total gross floor area of all accessory structures on a lot shall not exceed one and one-half times the total gross floor area of the principal structure on the lot.

(6) Signs shall be subject to Chapter 158.

(7) (a) No more than three accessory buildings associated with a principal residential use shall be located on a single parcel in a residential district.

(b) There shall be no limit on the number accessory buildings that may be located on a parcel in a nonresidential zoning district or on a parcel in a residential zoning district containing a principal nonresidential use, provided that they comply with all other general accessory use standards of this section.

154.010: Accessory Structures



(8) A basement shall not be permitted in any accessory structure; however, a crawl space may be permitted. An attic shall be permitted in an accessory structure for storage purposes only.

(9) Uses prohibited as accessory uses:

(a) Recreational use of motorized vehicles as residential accessory uses;

(b) Temporary hoopouses, greenhouses, or other frame-designed structures not meeting applicable building codes;

(c) Temporary storage structures, including trailers and freight containers not meeting building codes; and

(d) Donation drop-off containers.

(C) Height and setback standards.

(1) Height. The following height standards shall apply to accessory uses and accessory structures unless otherwise expressly stated. No accessory use or accessory structure in residential zoned areas for residential zoned uses shall be higher than the principal building to which it is accessory, and in no event shall an accessory structure or accessory use exceed a height of 18'. Refer to 154.078(B)7 for property located within the Downtown Zoning Districts.

(2) Setbacks.

(a) Residential development. In residential zoning districts, accessory uses and structures shall meet the front setback requirement of the underlying zoning district. No accessory use or structure may be located within three feet of any side or rear property line.

(b) Nonresidential. In nonresidential zoning districts, accessory uses and structures shall meet all the setback requirements of the underlying zoning district.