

Section 7
ACCESSORY BUILDINGS AND STRUCTURES

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7.1 **USES PERMITTED AS ACCESSORY BUILDINGS AND STRUCTURES:** *Amended, 17-33, 11-22, 01-34*

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

- A. For residential zoned property: children=s freestanding playhouse; private garden house or greenhouse; detached garage; shed or building used for domestic storage; swimming pool (and any associated pool house structures including but not limited to pool houses, cabanas, equipment sheds and enclosed changing areas all of which are referred to collectively as “Associated Pool Appurtenances”); free standing spa/hot tub (unassociated with any pool structure); attached or detached deck, patio, platform or terrace open to the sky; gazebo; dog house; dog run; tennis court; skating or ice rink; basketball court; batting cage; goal posts; and similar structures and buildings. Children’s play equipment located in backyards is not considered regulated accessory structures.
- B. For business/commercial zoned property: 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.
- C. For institutional and office zoned property: 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.
- D. For industrial/manufacturing zoned property: 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.
- E. For all property: signs as governed by Section 9, Signs, of this Code; fences, walls, refuse/recycling container enclosures, and similar structures governed by Section 5.12 of this

Code; recreational ramps; parking lot lighting poles and fixtures; and other structures meeting the definition of an accessory structure as defined in Section 3 of this Code.

7.2 LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES: *Amended, 17-33, 11-22*

- 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 or structure (including play equipment) may be located in a front yard in any zoning district, except as otherwise provided in this Code and except that: i) a single basketball pole may be located at the side of a driveway for private recreational use and ii) in the R-1, R-2 and R-3 Districts an in-ground pool may be located on a corner lot provided such pool is located in a rear yard and meets the setback requirements for the applicable district or, alternatively, in a side yard between the principal building and an adjacent lot's rear yard. In the event that two or more adjoining lots have been combined to create a single building lot, then a pool house (but no other pool equipment or Associated Pool Appurtenances) may be located in the front yard provided that all other requirements of this Chapter are met.
- C. An accessory building or structure may be located in a required rear or side yard setback in any zoning district, as follows:
 - 1. In a residential zoning district, an accessory building or structure 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 or structure 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 or structure 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 and structures in the R-1 and R-3 one family dwelling residential zoning districts:
 - 1. detached garages;
 - 2. sheds or buildings used for domestic storage;

3. detached garden houses or greenhouses;
 4. freestanding playhouses;
 5. dog houses, except those placed directly adjacent to the dwelling unit in the rear yard only.
- E. Prohibited accessory buildings and structures in all zoning districts:
1. clotheslines and posts;
 2. above-ground or ground storage tanks for oil, gas, fuel or any other material on residential lots;
 3. servants= quarters or similar dwelling units; and
 4. above-ground swimming pools.
- F. Prohibited accessory buildings and structures in the R-2 One-Family Dwelling Residential District:
1. Only one garage, either attached or detached, shall be permitted on any residential lot.

7.3 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 19, Building Code, of the Lakewood Municipal Code, are to be followed as they pertain to accessory buildings or structures.
- C. The construction, installation or placement of an accessory building or structure shall require the issuance of a building permit, except for the erection or installation of children=s play equipment, and mailboxes and posts. Accessory buildings and structures, such as yard lights, if shown on the approved construction drawings at the time of the issuance of a building permit, shall be governed by the terms of such permit. Subsequent construction or installation of accessory buildings or structures shall require the issuance of a separate building permit. Fees for such permits shall be as established from time to time by the Village Board.

7.4 NUMBER, HEIGHT AND SIZE OF ACCESSORY BUILDINGS AND STRUCTURES:
Amended, 18-31, 17-33, 11-22, 2017-13

- A. There shall be a limit of one of any kind of accessory building or structure permitted on a lot in a residential zoning district. However, a sidewalk, patio or deck, situated at grade or not exceeding one foot in height from grade, in the rear yard, shall not be counted against the

accessory structure limit. Contiguous and complimentary structures shall be considered one (1) structure.

- B. No detached accessory building or structure shall exceed one story, with a maximum height of 15 feet, unless otherwise provided in this Section 7.4.
- C. Storage sheds shall not exceed 12 feet in height and 120 square feet in size.
- D. Detached garages shall not exceed 600 square feet in size.
- E. 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 except that a sidewalk does not count toward the 50 percent square footage coverage limit.
- F. Play equipment shall not exceed 12 feet in height and 600 square feet in surface area, measured by drawing a perimeter that encompasses all supports and appendages, and playhouses shall not exceed seven feet in height and 80 square feet in surface area.
- G. Pool houses (but not Associated Pool Appurtenances) and detached garages may exceed one story and 15 feet in height provided:
 - 1. They do not exceed the average of the height of the principal building and the lowest adjacent principal building; and
 - 2. The architecture is of a consistent vernacular as the principal building and shall be architecturally compatible with the principal building; and
 - 3. The setback requirements for principal buildings (and not those for accessory structures) shall apply; and
 - 4. The overall square footage of the pool house is less than that of the principal building.

7.5 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.

- A. Between the principal building and the accessory building or structure on the same lot: 10 feet
- B. Between the principal building on an adjacent lot and the accessory building or structure: 15 feet.

- C. Notwithstanding any other inconsistent or contrary provision in this Zoning Code, any distance requirement set forth in this Section 7.5 would not apply to a sidewalk.

7.6 REGULATIONS FOR SPECIFIC ACCESSORY BUILDINGS AND STRUCTURES:
Amended, 22-09, 19-24, 17-33, 11-22

A. Swimming Pools:

1. Location:

- a. Swimming pools, spas/hot tubs and all associated decking, walk areas, required fence enclosures, as provided in Section 5.12 of the Zoning Code, and pump equipment, and any Associated Pool Appurtenances (with the exception of pool houses themselves if they do not enclose a pool), shall be located only in the rear yard of a lot and within the boundaries of the footprint of the principal building or pool house. In addition, in the R-1, R-2 and R-3 Districts, an in-ground pool may be located on a corner lot provided such pool is located in a rear yard and meets the setback requirements for the applicable district or, alternatively, in a side yard between the principal building and an adjacent lot's rear yard. All side and rear yard setbacks of this Code shall apply.
- b. For purposes of calculating whether a swimming pool, spa/hot tub or Associated Pool Appurtenances are within the boundaries of the footprint of the principal building, calculations of the footprint shall be made from the widest point of the footprint of the principal building on each side and shall not include any driveway.
- c. All measurements of the swimming pool, spa/hot tub or Associated Pool Appurtenances shall be made from the outer edge of said swimming pool, spa/hot tub and Associated Pool Appurtenances.
- d. Swimming pools and spas/hot tubs shall be operated and situated with due consideration to the adjoining property owners.

2. Architectural Review: Any structure requiring a building permit (excluding the swimming pool or spa/hot tub itself) and all pool-related buildings, including but not limited to Associated Pool Appurtenances, shall be subject to architectural review to ensure the architecture is of a consistent vernacular to the principal building and shall be architecturally compatible with the principal building (relying on the standards for principal buildings in the building code) and subject to Building Department review to ensure all Village building, engineering and stormwater requirements are met.

3. Building Standards: All swimming pools, spas/hot tubs and pool-related buildings shall be constructed as provided for in Section 19.08 of the Lakewood Municipal

Code.

- 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.
- 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 or structure, or as a principal building or structure, and no person shall park, store, occupy or otherwise use a trailer, mobile home/office or modular unit, except that the Village shall be permitted to use and occupy a modular unit or units as a temporary clubhouse for the RedTail Golf Club until such time as a permanent clubhouse is constructed and that said unit or units may be connected to the Village=s potable water supply and sanitary sewer system.
- 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 Village in conjunction with a site plan review of the principal and the accessory buildings or uses.
- E. All skating or ice rinks, basketball courts (excluding driveways with a basketball hoop), batting cages or tennis courts, and associated decking, walk areas or fence enclosures, shall be located only in the rear yard of a lot and within the boundaries of the footprint of the principal building. All side and rear yard setbacks of this Code shall apply.
- F. Satellite Dish Antennas:
 - 1. Purpose of Regulations: Satellite dish antennas are hereby regulated as accessory structures as defined in Section 3 of this Zoning Code. The legislative intent of these regulations is to protect the public health, safety, comfort and welfare of the community with regard to the aesthetics of satellite dish antennas without unduly interfering with signal reception. It is the goal of the Village that satellite dish antennas should be as inconspicuous as is reasonably possible.
 - 2. Location: If installed as a free-standing structure, regular satellite dish antennas shall be permitted only in rear yards and shall be mounted directly upon the ground. If installed as a free-standing structure, miniature satellite dishes shall be permitted only in rear and side yards and shall be mounted directly upon the ground. Regular satellite dish antennas shall be located no closer than 10 feet from any property line measured from the edge of the foundation of the antenna support structure closest to the property line. Miniature satellite dish antennas shall be located no closer than five feet from any property line measured from the edge of the foundation of the antenna support structure closest to the property line.
 - 3. Height: If installed as a free-standing structure, the maximum height of regular

satellite dish antennas combined with the antenna support structure shall not exceed 11 feet from ground level. If installed as a free-standing structure, the maximum height of miniature satellite dish antennas combined with the antenna support structure shall not exceed five feet from ground level.

4. Diameter/Width: No satellite dish antenna or antenna support structure or combination thereof shall exceed 10 feet in diameter or width.
5. Mounting: A miniature satellite dish antenna may be installed on the roof, side walls or the rear wall of a dwelling unit, provided that dishes on walls shall be installed so that the bottom of the dish is no lower than one meter below an eave or the peak of the roof, and provided that dishes on roofs shall be installed so that the top of the dish does not extend higher than one meter above the peak of the roof or the maximum permissible building height, whichever is less. Placement of a miniature satellite dish antenna shall be on a rear wall unless adequate signal reception requirements warrant a side wall installation. Installation of a regular satellite dish antenna on a dwelling unit shall be prohibited unless it can be placed on a roof in such a fashion so as to be effectively concealed from view from adjoining properties and streets, and unless the combination of the satellite dish antenna and its antenna support structure does not exceed the maximum permissible building height.

No satellite dish antenna or its antenna support structure shall be erected closer to any street than the wall of the dwelling unit to which it is attached that is nearest to such street. No roof-mounted satellite dish antenna or its antenna support structure shall overhang the front wall of the dwelling unit. Satellite dish antennas shall not be attached to or mounted upon chimneys or any other building appurtenances. Satellite dish antennas shall not be mounted, installed or otherwise placed on towers, similar forms of structural supports, or other accessory structures or buildings.

6. Appearance: No advertising, signage or logos may be painted, decaled or externally affixed to any satellite dish antenna, although a logo that is stamped or etched into the face of the dish by the manufacturer that is not of direct contrast to the color of the dish is permitted. Satellite dish antennas shall not be illuminated. All satellite dish antennas shall be neutral in color and of one solid shade. If a satellite dish antenna is paintable by the installer or consumer, its color as well as that of its antenna support structure shall blend with the roof, building side or surroundings where it is erected.
7. Construction Specifications: Before constructing, erecting, mounting, affixing or otherwise installing any regular satellite dish antenna, an application for a building permit for the same shall be required to be filed with the Village, which shall identify the manufacturer's structural, electrical and design specifications for the satellite dish antenna and antenna support structure, as well as engineering details of the proposed installation. Those specifications must show that the installation will meet the standards and the building codes of the Village before a permit can be issued. The

regular satellite dish antenna and its antenna support structure shall be designed to withstand a wind force of 60 miles per hour on its own without the support of guy or other similar wires. All electric and/or transmission cable connecting a free-standing satellite dish antenna to the principal building on the lot shall be underground. All satellite dish antennas and antenna support structures shall be appropriately bonded to a grounding rod. The Building Commissioner shall have the authority to require that the satellite dish antenna and antenna support structure satisfy such other design and construction standards as the Building Commissioner determines are necessary to ensure the public safety of their installation and maintenance.

8. Screening: If installed as a free-standing structure, all regular satellite dish antennas and antenna support structures shall be effectively screened so as to achieve the maximum reasonably achievable screening of such antennas and structures from view of adjoining properties and streets by appropriate dense evergreen-type shrubbery or trees without interfering with signal reception. Such landscaping shall not be required to extend more than 10 feet in height.
9. Quantity: A maximum of one satellite dish antenna shall be permitted on each lot. Satellite dish antennas shall not be permitted on undeveloped lots.
10. Non-conforming Uses: All satellite dish antennas heretofore lawfully constructed and not conforming with the provisions of this Section 7.6 are declared to be legal non-conforming uses and may be permitted to continue to exist, but shall not be relocated, altered or rebuilt, and if relocated, altered or rebuilt, must conform to existing codes, as of the adoption of this Section 7.6 (July 13, 1999).

G. Solar Energy Systems in Residential or Agriculture Districts:

1. Purpose: The purpose of this section is to provide standards for the use of solar energy systems as an accessory use within the Village of Lakewood's residential and agriculture zoning districts. This section seeks to protect properties from incompatible uses and to conserve and enhance property values, while promoting the use of solar energy systems, where appropriate. This section provides a process to facilitate the use of a solar energy systems in a manner that minimizes visual impacts of solar energy systems and the potential for nuisance.
2. Application: An applicant who seeks to install a solar energy system in a residential or agriculture zoning district must submit an application for a permit, as provided by the Village of Lakewood. No solar energy system is permitted in a business zoning district. The application must include photographs of the existing conditions of the residential building on the property as well as renderings of the proposed solar energy system.

Building permit applications for solar energy systems must be accompanied by standard drawings of the solar energy system and a plan showing the location and all parts of the proposed solar energy system.

Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent.

Each application for a solar energy system must be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the most recent edition of the National Electric Code. This information may be supplied by the manufacturer. The application shall also be signed by a licensed electrician and set forth the total power output from the proposed energy system.

3. Definition: Solar Energy System – one or more solar photovoltaic panels, solar hot air collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat but does not include a solar hot water system.
4. Regulatory Framework: A solar energy system shall be allowed only as an accessory structure and must be integrated and attached to a principal residential building in all residential and agriculture zoning districts; subject to the requirements of this section 7.6. There shall be no freestanding or ground mounted solar energy systems. Requests not meeting all requirements of this section 7.6 shall require a variance. Solar hot water systems are prohibited.
5. General Requirements for Solar Energy System:
 - a. Visual Appearance – Each solar energy system must be located in the least visibly obtrusive location where panels would be functional.
 - b. Setbacks – Each solar energy system must comply with all setback and height requirements for the underlying residential or agriculture zoning district in which the subject property is located.
 - c. Additional Required Criteria for Solar Energy System -
 - (i) Each solar energy system must be located on a rear or side facing roof, as seen from the fronting street;
 - (ii) Height is measured from the roof surface, on which the solar energy system is mounted, to the highest edge of the solar energy system, as follows:

Sloping roof: each solar energy system on a sloping roof shall be mounted parallel with the roof, shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and the surface of the collector shall not extend any further than six (6) inches from the roof surface at any point. No portion of any solar panel shall extend beyond the ridgeline of the roof at any point. The total height of the building including the solar energy system shall also comply with the height regulations of the zoning district.

Flat roof: each solar energy system mounted on a flat roof may be oriented to achieve maximum sun exposure but shall not exceed two (2) feet in overall height or extend above the building parapet whichever results in less height. No such mounted panel shall be visible from adjacent properties or exceed the height regulations of the zoning district.

- (iii) Each solar energy system must not protrude more than one foot from any side of the residential building, nor more than one foot from any portion of the building's roof;
- (iv) The collector surface and mounting devices for a roof-mounted solar energy system shall not extend beyond the roof edge or the exterior perimeter of the residential building;
- (v) Each photovoltaic panel for any solar energy system shall not cause glare and shall be non-reflective;
- (vi) A solar energy system shall be installed on the roof (flush mounted) or made a part of the roof design (capping or framing being compatible with the color of the roof or structure). Mounting brackets will be permitted if the applicant can demonstrate that the existing pitch of the roof would render the solar energy system ineffective or would be otherwise impossible;
- (vii) All exterior electrical, and/or conduit, or pipes for each solar energy system must be painted in a color scheme that matches, as closely as reasonably possible, the color of the structure and the materials adjacent to the lines; and
- (viii) Each portion of the solar energy system shall be installed internally except for panels and the utility disconnect.

d. Safety Criteria Requirements –

- (i) Each solar energy system must meet all federal, state and local codes;
- (ii) Each solar energy system must have a commercially available mounting system;
- (iii) All access panels and electrical equipment of each solar energy system must be lockable except as otherwise provided in subparagraph 5(f) herein;
- (iv) Appropriate warning signage must be placed on each solar energy system; and
- (v) A separate isolating lightning protection guard system is required for each solar energy system.

- e. Removal of Defective or Abandoned Solar Energy Systems – Any solar energy system found to be unsafe by the Village building official must be repaired by the landowner to meet federal, state and local safety standards or removed within six months. If any solar energy system is not operational for a period of 12 consecutive months or more, the Village will request, by registered mail, that corrective action be complete within 60 days. If there is a failure to comply, the solar energy system will be removed at the owner's expense. The Village Manager shall have the authority to pursue legal action if necessary.

Any such removal must meet all state and federal EPA regulations for removal of any part of the solar energy system.

- f. Emergency Disconnect – An external disconnect switch, readily accessible by emergency responders, and which is clearly identifiable and unobstructed, shall be provided to disconnect power at the solar panel. In addition, roof-mounted solar energy systems shall allow for adequate roof access for firefighting purposes.

- 6. The Village's granting of a permit for a solar energy system in no way grants, vests or implies an easement for such solar energy system.

7.7 NON-CONFORMING ACCESSORY BUILDINGS AND STRUCTURES: Amended, 17-33, 11-22

All accessory buildings and structures 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 (January 11, 2000) and its subsequent amendments.

7.8 SHIPPING CONTAINERS AND SEMITRAILERS 22-11

A. On residential properties, a shipping container, including a moving pod, shall be stored on asphalt or concrete and shall be placed on a property for no more than 14 days and shall be used only for moving in and out of the residence, and to be loaded and unloaded temporarily when a residence is under construction. Semitrailers are prohibited to be stored, placed or parked on residential properties.

B. On business, commercial and agricultural properties, a shipping container or semitrailer shall be stored or placed on asphalt or concrete and shall be permitted one time in any twelve (12) month period for up to thirty (30) consecutive days. No property owner, tenant or user shall aggregate lesser amounts of time than thirty (30) consecutive days in a twelve (12) month period to remove and replace shipping containers or semitrailers.

C. Semitrailers and shipping containers used for temporary storage during construction may be stored only for the duration of construction as provide in Section 10.2-2 of the Zoning Code.

D. Only one shipping container or semitrailer is permitted at a time on any property.

E. Nothing can be stored on top of a shipping container or semitrailer.

F. Shipping containers and semitrailers shall be located in the rear or rear side yards for business and commercial properties and shall comply with all setback requirements for accessory buildings and structures.

G. Shipping containers and semitrailers shall not be used for any advertising.

H. Shipping containers and semitrailers shall not occupy required off-street parking, loading or landscape areas.

I. Materials temporarily stored in shipping containers and semitrailers are subject to review and approval by the Building Officer and the fire department.