ORDINANCE NO. 2019-15

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR
THE VILLAGE OF CHERRY VALLEY, ILLINOIS
CHAPTER 82 ACCESSORY BUILDINGS/STRUCTURES, SECTIONS 82-3 AND 82-10

WHEREAS, the Board of Trustees for the Village of Cherry Valley, Illinois, has reviewed Chapter 82 as it relates to Accessory Buildings and Structures; and

WHEREAS, the Board of Trustees for the Village of Cherry Valley, Illinois, believe that Sections 82-3 and 82-10 as it relates to Accessory Buildings and Structures is in need of further clarification; and

WHEREAS, in order to implement those clarifications, it is necessary to enact an Ordinance making those changes to Chapter 82, Sections 82-3 and 82-10.

NOW, WHEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, AS FOLLOWS:

SECTION 1: Section 82-3(b) shall and hereby is amended to delete the following language:

Accessory building means one which:

(1) Is subordinate to and serves a principal building or principal use;

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

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

(4) Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

(5) Drop boxes as defined above in the recital paragraphs.

Accessory use means, but is not limited to, the following:

(1) A children's playhouse, garden house and private greenhouse;

(2) A garage, carport, shed or building for domestic storage;
(3) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;

(4) Storage of goods used in or produced by manufacturing activities, unless such storage is excluded by the district regulations;

(5) A nonpaying guesthouse or rooms for guests within an accessory building, provided that such facilities are used for the occasional housing of guests of the occupant of the principal building and not for permanent occupancy;

(6) Quarters comprising part of an accessory garage and solely for occupancy by a household employee (and family) of the occupants of the principal dwelling;

(7) Swimming pool, private, for use by the occupant and his guests;

(8) Off-street automobile parking uses, and loading and unloading facilities;

(9) Signs (other than advertising signs) as permitted and regulated in each district incorporated in this chapter;

(10) Public utilities, facilities, telephone, electric, gas, water and sewer lines, their supports and incidental equipment.

SECTION 2: Section 82-10. Accessory buildings shall and hereby is deleted in its entirety.

SECTION 3: Chapter 82, Section 82-10. Accessory structures shall read as follows:

(a) R1, R2 and R3 Accessory structures (At no time can any accessory structure be used for living quarters).

Some examples of covered structures:

(1) Accessory structure. Any structure that is on an R1, R2 or R3 property that is not attached to the dwelling.

(2) An accessory structure can be a gazebo, pergola, storage shed, garden shed, greenhouse, swimming pool, hot tub, cement or asphalt pads, pigeon lofts, play houses, garages and fire pits.
(b) **Structure Definitions.**

(1) Gazebo – An open structure with a roof but may have a decorative railing and screening for insect protection.

(2) Pergola – An arbor or covered walkway made of trelliswork and may be covered with flowers or vegetation.

(3) Storage Shed – A structure specifically for storage of normal homeowner items such as lawn mowers, snow blowers, rakes, shovels, garden tillers, and other like equipment. This includes all structures either built on site or prebuilt and transported in and may be made installed on wood, cement blocks or a poured concrete slab.

(4) Garden Shed – Any structure that is used to store gardening tools.

(5) Greenhouse – Any structure that is used to raise or start plants.

(6) Swimming Pools – Above or below ground level.

(7) Hot Tubs – Above or below ground level.

(8) Concrete or asphalt parking pads or driveways – Any size.

(9) Lofts – Pigeons (per state statute 510 ILCS 45 et al.)

(10) Playhouses – Structures built on the ground, raised above the ground, or in trees and meant for the enjoyment of children.

(11) Garage – A structure specifically for parking cars, motorcycles, boats, or other motorized equipment and must have a driveway leading to it when constructed and is considered one structure. Must be constructed on an approved concrete slab with or without footings depending on Winnebago County Building Codes.

(c) **Limitations on R1, R2 and R3 Accessory Structures.**

(1) No more than two (2) accessory structures per lot (a driveway to a garage is considered part of the garage).

(2) If the residence has an attached garage, the amount of accessory structure space allowed is 600 square feet.

(3) If the residence does not have an attached garage, the amount of accessory structure space allowed is 800 square feet.
(4) The structure cannot have siding or roofing of a reflective nature.

(5) The structure must be limited to a neutral color with a complementing trim color if desired. Prefab garden or tool sheds of 120 square feet or less are exempt from this requirement.

(6) All accessory structures must be a minimum of 20' beyond the rear of the residence on the property.

(7) No accessory structure can be greater than 15' in height.

(8) Any structure with enclosed walls must have openings (windows and doors) on three (3) sides. The exception is structures of 120 square feet or less are exempt from this requirement.

(9) No structure in this section can have plumbing with the exception of swimming pools and hot tubs. Electricity will require a permit from the Winnebago County Building Department.

(d) Setbacks.

(1) Side setbacks any place in the Village will be six (6') feet. If an existing structure is only modified in some manner, the original setback that was approved remains, and if an approved plat states a different setback, the approved plat setback will be followed.

(2) Rear setbacks will be six (6') feet, but at no time can a structure be built or placed on an easement. If the approved plat for a property is different than this ordinance, the approved plat setback will be followed.

(3) No part of this structure, including the roof, overhang and gutters can extend into the six (6') foot side and rear setbacks stated in this ordinance.

(e) Documents and Information required for any Zoning/Building Request.

(1) Completed Cherry Valley Village Zoning Permit/Building Permit Application.

(2) Information required on the Zoning/Building Permit Application form must include:

a. Detailed drawing/sketch/rendering of structure
b. Structure must be limited to a neutral color with a complementing trim color if desired. Prefab garden or tool sheds of 120 square feet or less are exempt from this requirement.
c. Site drawing showing the structure in relationship to the primary building, property pins and utility easements.

(f) Zoning Officer Requirements.

(1) Make site visits when completed package is received and is required to take pictures of the principal building and the proposed area for the accessory structure.

(2) Forwards the completed package to either the Planning and Zoning Commission if he/she feels a variance is required or directly to the Village Board for review.

(g) Planning and Zoning Commission.

(1) Reviews the application and other required documents and votes on the Finding of Fact.

(2) Their recommendation of either an approval or rejection of the application is then forwarded to the Village Board for final action.

(h) Village Board of Trustees.

(1) An application package received from the Planning and Zoning Commission will be reviewed based on the recommendation coming out of the commission.

(a) Note that an unfavorable recommendation from the Planning and Zoning Commission requires a super majority of the Board to approve the project.

(2) An application received from the Zoning Officer that they feel does not require a variance will be reviewed by the Village Board and sent to Planning and Zoning if the Board feels a Zoning Variance is required.

(3) Votes to approve or deny the application for a permit.

(i) Any structure that is constructed or moved onto a property in the stated ordinance area will be required to be dismantled or removed if portable until such time as the homeowner goes through the approval process laid out above and all expenses related to the dismantling and/or removal of a portable structure will be the responsibility of the homeowner. Fines for not complying with the ordinance as written will be $50/day, and each day will be considered a separate offense and fines will start effective the day that construction started on the structure or a portable structure was moved on the property.
SECTION 4: Except as modified in this ordinance, Sections 82-3 and 82-10 shall remain in full force and effect.

SECTION 5: This Ordinance shall be in full force and effect from and after its approval, passage, and publication in pamphlet form.

PASSED UPON MOTION BY: NANCY BELT
SECONDED BY: JEFF FUSTIN

BY ROLL CALL VOTE THIS 20TH DAY OF AUGUST, 2019
AS FOLLOWS:
VOTING “AYE”: STEPHEN APPELL, JEFF FUSTIN, SALLY HOLLEMBEAK, JEFF O’HARA, DAVID SCHROEDER
VOTING “NAY”: NANCY BELT
ABSENT, ABSTAIN, OTHER: NONE

ATTEST: KATHY TRIMBLE, VILLAGE CLERK

APPROVED: AUGUST 20, 2019
JIM E. CLAEYSSEN, VILLAGE PRESIDENT