

SECTION 11: Accessory Structures and Uses

11.1 Uses and Structures Permitted.

11.1-1 For “E” Estate and “Ag” Agricultural Uses: Children’s playhouse, garden, garden house, private greenhouse, garage, shed or building for domestic storage or use and similar structures, private tennis courts, in ground swimming pool, barn, stable, agricultural building, as permitted by the zoning district.

11.1-2 For All Uses: Signs as permitted by this ordinance, public utility equipment and supporting structures and other uses meeting the definition of an accessory use in Section 4.1 of this ordinance.

11.2 **Location of Accessory Uses.** No accessory structure or use may be located in a required front yard setback in any zone. No accessory structure or use may be located in a required side yard setback in any zone. No accessory structure may be located in a required rear yard setback in any zone except that in an estate zone an accessory building shall abide by the established yard requirements for that zone

11.3 **Construction of Accessory Buildings.** An accessory structure shall require a building permit and shall not be erected prior to the establishment or construction of the main building to which it is accessory.

11.4 **Regulations for Specific Accessory Uses.** *amended 22-23-10, 21-22-13*

11.4-1 **Swimming Pools.** In-ground private swimming pools-are permitted in any agriculture or estate zone, subject, however, to the following regulations:

- (a) Such pool shall conform to the regulations for construction thereof in force from time to time by McHenry County;
- (b) Such pool shall abide by the same rear and side yard requirements as the main building;
- (c) Such pool shall be screened from view by the public and private property owners on all sides by either natural foliage or fencing. Above-ground pools are not permitted.
- (d) Such pool shall be managed by the following guidelines with respect to chlorination and maintenance. Any water discharged from the pool shall be void of chlorine, and ph adjusted to ph range of any receiving water source or water body. The Village can provide directions on how to eliminate chlorine.
- (e) Upon permanent discontinuance of use, the pool shall be removed completely from the premises and the area filled with clean fill that is consistent with the soil layers exposed and seeded with vegetation or grass

that will blend the area back into its former environment. No pool excavation shall be filled in without complete removal of the structure and equipment.

11.4.2 **Fencing.** *amended 22-23-3*

Generally: In keeping with the Village’s large lot, open space and rural character, fencing, other than farm fencing on agriculturally zoned parcels is generally discouraged. Where necessary, fencing must be appropriate to the use and location for which the fence is intended.

Materials: Natural materials are strongly encouraged, including wood, stone, masonry and hedgerows. Chain link, barbed wire and stand-alone electric wire fencing are prohibited, except that barbed wire may be used on agricultural properties to contain livestock other than equines, and electric wire may be used as a supplemental add-on to livestock or equine fencing. Stockade and other fencing that obscures more than 50% of the view, is discouraged.

Fences shall not be permitted to be constructed from any materials that are not manufactured specifically for purposes of being fencing materials.

Standards: No front yard fence may be over four feet, eight inches (4’8”) in height. No side or rear yard fence may be over six (6) feet in height from grade. For purposes of this section, fencing height shall be measured as follows:

- A. From the top of the horizontal fence line of the exterior face to the existing grade at the fence, “horizontal fence line” being the horizontal line from top of fence post to top of fence post, excluding caps or finials;
- B. The height of fences built within 20 feet of retaining walls shall be measured from the grade on the outward-facing side of the retaining wall to the horizontal fence line.
- C. The height of fences built on top of a retaining wall or berm shall be measured from ground level as one unit.

No fence may obstruct a clear sight-line of traffic at all points of intersections or driveways. Where the ground is sloped parallel to the fence, the fence shall be installed in steps no greater than 4 inches, or sloped with the ground.

The entire fence, including all posts, bases and other structural parts shall be located completely within the boundaries of the lot on which it is located, with no part of the fence extending beyond the property line. Fencing may not impede the natural flow of surface water, and must follow the natural contours of the land, without adjustment to grade.

Property owners shall be responsible for the maintenance and upkeep of the fencing, walls and hedges on their property, and for removal of any fence, wall, or hedge if it becomes unsightly or a menace to public safety, health or welfare.

Outdoor swimming pools must be completely enclosed by a fence or wall no less than 48 inches in height with a gate of the same height. The gate shall remain locked when the pool is not in use. The fence or wall shall be no further than 10 feet from the outside edge of the pool. For in ground pools, the enclosing fence shall be installed at the perimeter of the pool deck, provided this perimeter is within the applicable yard setback.

The finished side of all fences shall face away from the property on which it is located. All fence posts, wires and supports, with the exception of large animal livestock fence posts, must be placed on the inside of the fence.

The keeping of any livestock on a given parcel shall not be in violation of any other applicable provision of the Bull Valley Zoning ordinance.

Fencing intended to contain livestock must be specifically designed and/or manufactured for the type of animal contained, set back six (6) feet from adjacent residential property boundaries and be sufficient to contain said animals. More than 6 repeated incidents of animals breaching the fence in a 12-month period will be evidence of insufficient fencing.

Procedure: Except where fencing is required by this ordinance, a building permit is required with a plan drawn to scale indicating the precise location and dimensions of such fence on a plat of survey showing lot lines and/or easements, if any. The plan shall be accompanied by dimensioned drawings of the proposed fence viewed perpendicular to the fence and specifications for the fencing, posts, anchors and all appurtenances. A final inspection shall be required after completion of the fence. Repair or replacement of fewer than 100 feet of existing fence of any type with identical fencing in the same footprint does not require a permit.

Existing fencing that does not conform to the above standards is hereby designated a legal non-conforming use and is governed by Section 7 of this ordinance.

Penalty: Violation of any provision of this ordinance may result in a fine no less than \$75.00 and no greater than \$750.00 and may require removal of the fence that is in violation. Each day that a violation continues shall be considered a separate offense.

11.4-3 **Tents.** No tent shall be used, erected or maintained as living quarters. Tents used for camping purposes on private property, shall not be visible to the neighbors without written permission of the neighbors and permitted for no longer than 30 days in any 365-day period.

11.4-4 **Lighting.** Exterior lighting for accessory uses shall comply with the Bull Valley Lighting Ordinance, Chapter 27 of the Municipal Code.

11.4-5 **Photovoltaic Solar Systems.** Photovoltaic Solar Systems as permitted accessory structures subject to the following restrictions:

1. Definitions: In addition to the definitions in Section 4 of the Bull Valley Zoning Code, terms (whether capitalized or not) used in this Section shall have the following meanings:

Accessory Solar Energy System: A photovoltaic solar energy system that is owned by a property owner primarily to provide solar electricity for the residence or accessory structure and secondarily for net metering.

Building-integrated Solar Energy Systems: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building such as a system integrated into roofing materials, windows, skylights, and awnings.

Ground-Mounted System: A photovoltaic solar energy system mounted on a rack or pole that rests or is attached to the ground.

Net Metering: A utility billing mechanism available that offers a credit to residential and business customers who are making excess electricity with their solar panel systems and sending it back to the grid.

Photovoltaic Solar Energy System: A solar energy system consisting of one or more solar panels that are ground-mounted or attached in some way to another structure or building and that convert solar energy directly into electricity.

Roof or Building-Mounted System: A photovoltaic solar energy system mounted on a rack that is fastened to or ballasted on a building roof.

Roof Pitch: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

2. Standards: A photovoltaic solar system shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. All requirements of the underlying zoning district shall apply unless relief is granted by the Village.

- A. Height: An accessory solar energy system must meet the following height requirements: A building or roof-mounted system shall not exceed the maximum allowed height in any zoning district. Ground mounted shall not exceed 12'6" in height when oriented at maximum tilt, notwithstanding any other less restrictive height requirement in this zoning ordinance.

- B. Set-back: An accessory solar energy system must meet the accessory structure setbacks for the zoning district and primary land use associated with the lot on which the system is located. No solar installation will be permitted in front yards.
 - 1. Roof or Building-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
 - 2. Ground-mounted Solar Energy Systems. Ground-mounted systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

- C. Visibility: Accessory solar energy systems shall. Be subject to the following standards.
 - 1. Building Integrated Photovoltaic Systems. Building integrated systems shall be designed to blend into the architecture of the building regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
 - 2. Roof Mounted systems that are visible from the nearest edge of the street frontage right-of- way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof notwithstanding any other less restrictive height requirement in this zoning ordinance. The color of the solar collector is not required to be consistent with other roofing materials.
 - 3. Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar system, modifying the orientation of the system, reducing use of the reflector, or other remedies that limit glare.

- D. Coverage: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow 25% of perimeter clearance on the section of roof upon which the panels are mounted, for adequate roof access for fire-fighting purposes. The area covered by ground-mount systems shall not exceed 500 square feet and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and is maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- E. Historic Buildings: Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the McHenry County Historic Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.
- F. Procedures and Requirements for Permitted Accessory Use Plan Approval: All solar energy systems shall require plan approval and issuance of a building permit.
1. Applications for permitted accessory solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or property, and location of all structures on the subject and adjacent properties and include the property lines. Applications for roof-mounted solar systems must include a structural analysis.
 2. Pitched Roof Mounted Solar Energy Systems. For all roof mounted systems, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 3. Flat Roof Mounted Solar Energy Systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
 4. In addition, applicant must demonstrate compliance with the following:
 - a. Approved Solar Components: Electric solar energy system components must have a UL listing or approved equivalent.
 - b. Compliance with Building Code: All active solar energy systems shall meet approval of local building code officials, consistent with the State of Illinois Building Code.

- c. Compliance with State Electric Code: All photo voltaic systems shall comply with the Illinois State Electric Code.
 - d. Utility Notification: All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
5. Plan Approvals. Applications that meet the design requirements of Section 2 of this ordinance, and compliance with requirements of this Section F shall be granted administrative approval by the Village Administrator and not require Zoning Commission review. Plan approval does not indicate compliance with building and electric codes.
3. Prior to administrative approval and the issuance of a building permit, applicants must acknowledge in writing that the issuing of said approval shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.