

**AN ORDINANCE AMENDING PROVISIONS OF THE GREEN OAKS ZONING  
ORDINANCE PERTAINING TO ACCESSORY BUILDINGS AND ACCESSORY USES  
IN RESIDENTIAL ZONES**

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF GREEN OAKS,  
LAKE COUNTY, ILLINOIS,** as follows:

**SECTION I:** The following definitions contained within Section 8-2-2 of the Green Oaks Village Code is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

“\* \* \*

**BUILDING ACCESSORY:** ~~A subordinate building or portion of a principal building,~~ the use of which is incidental to that of the principal building and customary in connection with that use. An attached garage to a principal building shall not constitute an accessory building. An “Accessory Building” includes, but is not limited to, the following:

A. Children's playhouse over 100 square feet in size, garden house, pool house, gazebo, or private greenhouse. Swimming pools, whether above or in ground, are specifically excluded from the definition of “Accessory Building.”

B. Detached garage, shed or building for domestic storage.

\* \* \*

**USE, ACCESSORY:** ~~A subordinate use, such as a private garage, which is clearly and customarily incidental to the principal use of a building or premises; and which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere. A use customarily incidental and subordinate to the principal use of a building located on the same lot with the principal use of the building. Paved surfaces used for ingress and egress, such as streets, sidewalks, and walkways shall not be included in the definition of an “Accessory Use.” An “Accessory Use” includes, but is not limited to, the following:~~

- A. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless this storage is excluded by the specific district zoning regulations.
- B. Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless this storage is excluded by the specific district zoning regulations.
- C. Signs, as permitted and regulated by ordinance.
- D. Tennis Courts.
- E. Decks, patios, and porches. Swimming pools, whether above or in ground, are specifically excluded from the definition of "Accessory Use."

\* \* \*

**SECTION II:** The following definitions shall be added to those contained within Section 8-2-2 of the Green Oaks Village Code, to be listed in alphabetical order with all of the existing definitions:

**GARAGE, ATTACHED:** A fully enclosed accessory building or structure, or part thereof, used or intended to be used for the parking and storage of private passenger vehicles, which is structurally connected to a principal building.

**IMPROVEMENT:** Any human-made, immovable item which becomes part of, placed upon or is affixed to real estate.

**LOT COVERAGE:** That portion of the land that is covered by principal buildings, attached buildings to principal buildings, accessory uses and accessory buildings.

**SECTION III:** Paragraph B of Section 8-3-1 of the Green Oaks Village Code is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

B. Accessory Buildings and Uses:

1. Accessory Buildings or Uses: Accessory buildings or uses shall be compatible with the principal use and shall not be constructed prior to the establishment or construction of the principal use.

a. Residential Zoning Districts: ~~The cumulative floor area of all accessory uses shall not exceed fifty percent (50%) of the habitable area of the principal use structure. Not more than twenty percent (20%) of the area of a lot may be covered by any combination of the principal building, accessory buildings and uses, provided that the total combined square footage of all accessory buildings and uses shall not exceed 75% of the square footage of the principal building including the area within an attached garage, except in cases where the lot coverage of the principal building, and all accessory buildings and uses is less than 15%, in which case the 75% limitation on the combined area of accessory buildings and uses as a percentage of the square footage of the principle building shall not apply, and up to 10% of the area of the lot may be covered by the combined area of all accessory buildings and uses. No attached garage shall exceed 33% of the square footage of the principal residence.~~

b. Nonresidential Zoning Districts: The cumulative floor area of accessory use for parking structures shall not exceed fifty percent (50%) of the floor area of the principal use, and the cumulative floor area of all other accessory uses shall not exceed ten percent (10%) of the floor area of the principal use.

c. Restrictions: Accessory buildings shall not be erected in front of the main building on a zoning lot.

d. Anchoring: All accessory buildings shall be anchored at a minimum of four (4) corners.

2. Limitation on the Number of Accessory Buildings on a Lot: Notwithstanding any provision of this zoning ordinance, not more than three (3) Accessory Buildings shall be permitted on any one residential lot.

2. Accessory Buildings:

~~a. The total ground floor area of all accessory buildings shall not be greater than fifty percent (50%) of the habitable area of the principal building, except that in all nonresidential zoning districts, the ground floor area standards for accessory buildings are set forth in the specific standards for each of those districts.~~

b. For the purposes of this Section the term "habitable area" shall mean that total square footage which equals the sum of habitable floor area of the ground floor entry level of the main structure plus the total habitable floor area of any level above the ground floor entry level. "Habitable area" shall not include basement floor area, finished basement floor area or below ground level walkout level floor area.

3. Where a part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in any manner, it shall not be counted as part of the main building.

**SECTION IV:** Paragraph B of Section 8-5A-4 of the Green Oaks Village Code is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

"B. Lot Coverage: Not more than twenty percent (20%) of the area of a lot may be covered by main building, ~~structures or~~ and accessory buildings and uses, provided that the total combined square footage of all accessory buildings and uses shall not exceed 75% of the square footage of the principal building including the area within an attached garage, except in cases where the lot coverage of all accessory building and uses is less than 15%, in which case the 75% limitation on the combined area of accessory buildings and uses as a percentage of the square footage of the principle building shall not apply, and up to 10% of the area of the lot may be covered by the combined area of all accessory buildings and uses. No attached garage shall exceed 33% of the square footage of the principal residence."

**SECTION V:** Paragraph B of Section 8-5B-4 of the Green Oaks Village Code is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

"B. Lot Coverage: Not more than twenty percent (20%) of the area of a lot may be covered by main building, ~~structures or~~ and accessory buildings and uses, provided that the total combined square footage of all accessory buildings and uses shall not exceed 75% of the square footage of the principal building including the area within an attached garage, except in cases where the lot coverage of all accessory building and uses is less than 15%, in which case the 75% limitation on the combined area of accessory buildings and uses as a percentage of the square footage of the principle building shall not apply, and up to 10% of the area of the lot may be covered by the combined area of all accessory buildings and uses. No attached garage shall exceed 33% of the square footage of the principal residence."

**SECTION VI:** Paragraph C3i of Section 8-5C-3 of the Green Oaks Village Code is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

"i. Not more than twenty percent (20%) of the area of a lot may be covered by main buildings, ~~structure or~~ and accessory buildings and uses nor may more than six

thousand five hundred (6,500) square feet of living space be constructed on any lot; provided, however, upon determination by the corporate authorities of the Village that a particular lot is of sufficient size, configuration and location to allow living space in excess of six thousand five hundred (6,500) square feet, the corporate authorities may vary and increase said six thousand five hundred (6,500) square foot standard, provided that the total combined square footage of all accessory buildings and uses shall not exceed 75% of the square footage of the principal building including the area within an attached garage, except in cases where the lot coverage of all accessory building and uses is less than 15%, in which case the 75% limitation on the combined area of accessory buildings and uses as a percentage of the square footage of the principle building shall not apply, and up to 10% of the area of the lot may be covered by the combined area of all accessory buildings and uses; provided further, however, no such variance shall be granted except upon submittal of specific plans and specifications, including landscaping and driveway location, for the particular lot in question, for approval thereof by the corporate authorities. No attached garage shall exceed 33% of the square footage of the principal residence. Any deviation from said plans, specifications, landscaping or driveway location as approved by the corporate authorities shall void any variance granted from said six thousand five hundred (6,500) square foot requirement;”

**SECTION VII:** Paragraph B of Section 8-5C-4 of the Green Oaks Village Code is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

“B. Lot Coverage: Not more than twenty percent (20%) of the area of a lot may be covered by main building, ~~structures or~~ and accessory buildings and structures, provided that the total combined square footage of all accessory buildings and uses shall not exceed 75% of the square footage of the principal building including the area within an attached garage, except in cases where the lot coverage of all accessory building and uses is less than 15%, in which case the 75% limitation on the combined area of accessory buildings and uses as a percentage of the square footage of the principle building shall not apply, and up to 10% of the area of the lot may be covered by the combined area of all accessory buildings and uses. No attached garage shall exceed 33% of the square footage of the principal residence.”

**SECTION VIII:** Paragraph A3i of Section 8-5D-3 of the Green Oaks Village Code is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

“i. Not more than twenty percent (20%) of the area of a lot may be covered by main buildings, ~~structure or~~ and accessory buildings and uses nor may more than six thousand five hundred (6,500) square feet of living space be constructed on any lot; provided, however, upon determination by the corporate authorities of the Village that a particular lot is of sufficient size, configuration and location to allow living space in excess of six thousand five hundred (6,500) square feet, the corporate authorities may vary and increase said six thousand five hundred (6,500) square foot standard, provided that the total combined square footage of all accessory buildings and uses shall not exceed 75% of the square footage of the principal building including the area within an

attached garage, except in cases where the lot coverage of all accessory building and uses is less than 15%, in which case the 75% limitation on the combined area of accessory buildings and uses as a percentage of the square footage of the principle building shall not apply, and up to 10% of the area of the lot may be covered by the combined area of all accessory buildings and uses; provided further, however, no such variance shall be granted except upon submittal of specific plans and specifications, including landscaping and driveway location, for the particular lot in question, for approval thereof by the corporate authorities. No attached garage shall exceed 33% of the square footage of the principal residence. Any deviation from said plans, specifications, landscaping or driveway location as approved by the corporate authorities shall void any variance granted from said six thousand five hundred (6,500) square foot requirement;

**SECTION IX:** Paragraph B4 of Section 8-5D-3 of the Green Oaks Village Code is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

"4. Accessory Uses: The maximum cumulative area of all accessory structures on a lot, including garages, patios and decks, shall not exceed fifty percent (50%) of the habitable area of the principal structure. Not more than twenty percent (20%) of the area of a lot may be covered by principal buildings, and accessory buildings and uses nor may more than six thousand five hundred (6,500) square feet of living space be constructed on any lot; provided, however, upon determination by the corporate authorities of the Village that a particular lot is of sufficient size, configuration and location to allow living space in excess of six thousand five hundred (6,500) square feet, the corporate authorities may vary and increase said six thousand five hundred (6,500) square foot standard, provided that the total combined square footage of all accessory buildings and uses shall not exceed 75% of the square footage of the principal building, including the area within an attached garage, except in cases where the lot coverage of all accessory building and uses is less than 15%, in which case the 75% limitation on the combined area of accessory buildings and uses as a percentage of the square footage of the principal building shall not apply, and up to 10% of the area of the lot may be covered by the combined area of all accessory buildings and uses; provided further, however, no such variance shall be granted except upon submittal of specific plans and specifications, including landscaping and driveway location, for the particular lot in question, for approval thereof by the corporate authorities. No attached garage shall exceed 33% of the square footage of the principal building. Any deviation from said plans, specifications, landscaping or driveway location as approved by the corporate authorities shall void any variance granted from said six thousand five hundred (6,500) square foot requirement."

**SECTION X:** Paragraph C4 of Section 8-5D-3 of the Green Oaks Village Code is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

"4. Accessory Uses: The maximum cumulative area of all accessory structures on a lot, including garages, patios and decks, shall not exceed fifty percent (50%) of the

~~habitable area of the principal structure. Not more than twenty percent (20%) of the area of a lot may be covered by principal buildings, and accessory buildings and uses nor may more than six thousand five hundred (6,500) square feet of living space be constructed on any lot; provided, however, upon determination by the corporate authorities of the Village that a particular lot is of sufficient size, configuration and location to allow living space in excess of six thousand five hundred (6,500) square feet, the corporate authorities may vary and increase said six thousand five hundred (6,500) square foot standard, provided that the total combined square footage of all accessory buildings and uses shall not exceed 75% of the square footage of the principal building, including the area within an attached garage, except in cases where the lot coverage of all accessory building and uses is less than 15%, in which case the 75% limitation on the combined area of accessory buildings and uses as a percentage of the square footage of the principal building shall not apply, and up to 10% of the area of the lot may be covered by the combined area of all accessory buildings and uses; provided further, however, no such variance shall be granted except upon submittal of specific plans and specifications, including landscaping and driveway location, for the particular lot in question, for approval thereof by the corporate authorities. No attached garage shall exceed 33% of the square footage of the principal building. Any deviation from said plans, specifications, landscaping or driveway location as approved by the corporate authorities shall void any variance granted from said six thousand five hundred (6,500) square foot requirement.”~~

**SECTION XI:** Paragraph D3b of Section 8-5D-3 of the Green Oaks Village Code is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

~~“4. .-Accessory Uses: The maximum cumulative area of all accessory structures on a lot, including garages, patios and decks, shall not exceed fifty percent (50%) of the habitable area of the principal structure. Not more than twenty percent (20%) of the area of a lot may be covered by principal buildings, and accessory buildings and uses nor may more than six thousand five hundred (6,500) square feet of living space be constructed on any lot; provided, however, upon determination by the corporate authorities of the Village that a particular lot is of sufficient size, configuration and location to allow living space in excess of six thousand five hundred (6,500) square feet, the corporate authorities may vary and increase said six thousand five hundred (6,500) square foot standard, provided that the total combined square footage of all accessory buildings and uses shall not exceed 75% of the square footage of the principal building, including the area within an attached garage, except in cases where the lot coverage of all accessory building and uses is less than 15%, in which case the 75% limitation on the combined area of accessory buildings and uses as a percentage of the square footage of the principal building shall not apply, and up to 10% of the area of the lot may be covered by the combined area of all accessory buildings and uses; provided further, however, no such variance shall be granted except upon submittal of specific plans and specifications, including landscaping and driveway location, for the particular lot in question, for approval thereof by the corporate authorities. No attached garage shall exceed 33% of the square footage of the principal building. Any deviation from said plans, specifications, landscaping or driveway~~

location as approved by the corporate authorities shall void any variance granted from said six thousand five hundred (6,500) square foot requirement.”

**SECTION XII:** Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

**SECTION XIII:** If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the Corporate Authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

**SECTION XIV:** This ordinance shall be in full force and effect from and after its passage and approval and publication in pamphlet form as required by law.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2007.

	<b>Ayes:</b>	<b>Nays:</b>	<b>Absent/Abstain</b>
<b>TRUSTEES</b>			
JOSEPH SICURO	_____	_____	_____
PAT THOMAS	_____	_____	_____
VIRGINIA WOOD	_____	_____	_____
JOHN WAGENER	_____	_____	_____
DENNIS DORSEY	_____	_____	_____
RICHARD GLOGOVSKY	_____	_____	_____

**APPROVED:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Village President

**ATTEST:**

By: \_\_\_\_\_

Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on \_\_\_\_\_, 2007.



I hereby certify that the above ordinance was published in pamphlet form on \_\_\_\_\_, 2007 as provided by law.

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Village Clerk

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