

Appendix M – Standards for Specific Accessory Uses

The following accessory uses are subject to additional or separate requirements due to aesthetics and safety concerns.

Home Occupations. The purpose of the home occupation standards and requirements is to allow occupations to be conducted in a dwelling unit which are compatible with the neighborhoods in which they are located and which do not interfere with the rights of the surrounding property owners to enjoy the residential character of the neighborhood. Home Occupations shall be permitted in all residential zoning districts, subject, however to the following regulations:

- A. **Incidental Use.** The Home Occupation must be clearly incidental and secondary to the use of the dwelling as a residence. The Village's standard in this regard is that the home occupation should not ordinarily exceed 25 percent or 500 sq. ft. of the gross floor area of a dwelling unit, whichever is less.
- B. **Ownership.** The home occupation must be managed and owned by a person residing in the dwelling unit.
- C. **Employees.** No persons other than members of the immediate family residing in the dwelling unit and one additional employee shall be employed in a Home Occupation. An off-street parking place shall be provided while the employee is on the premises.
- D. **Displays.** No commercial display of materials, merchandise, goods, or equipment shall be visible from the exterior of the dwelling unit. No stock-in-trade shall be sold upon the premises.
- E. **No Exterior Evidence.** There shall be no activity, structure or other exterior evidence that the dwelling unit is being used for any non-residential purpose in order to conduct the home occupation. The home occupation may not require or use outdoor storage or involve conducting business activities outdoors
- F. **Equipment.** No mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to a home. No mechanical or electrical equipment shall be operated as to interfere with the use and enjoyment of neighboring properties or to indicate that the structure is being used for a non-residential purpose.
- G. **Limits on Deliveries.** All receipt and delivery of merchandise, goods, or equipment shall be made by United States mail, similar parcel delivery service, or by private vehicle with a gross weight not to exceed 12,000 pounds.

- H. **Parking.** The conduct of the home occupation shall not require more vehicle parking spaces than exist on the residential drive on the property, or on assigned parking spaces servicing the dwelling unit. The conduct of the home occupation shall not reduce or render unusable any areas provided for required off-street parking, or prevent the number of vehicles intended to be parked in a garage from doing so. If a greater restriction on parking is imposed by any private covenants or homeowners' association declarations, then such covenants or declarations shall govern.
- I. **Health and Safety Requirements.** The person(s) engaging in the home occupation shall comply with all applicable regulations of the Village, Police Department and fire protection district and other applicable agencies, including the right of inspection.
- J. **Nuisances Prohibited.** Home occupations shall not be operated in such a manner as to create or cause a nuisance. Examples of nuisances, include but are not limited to the following:
1. Noise in excess of that of normal daily activity for a residential area, measured at the lot line of the premises, or exterior to party walls in attached single-family or multi-family dwelling units.
 2. The emission of odorous matter, vibrations, smoke, dust, heat or glare in such quantities as to be readily detectable at any point along lot lines, or exterior to party walls in attached single-family or multi-family dwelling units.
 3. The creation of aesthetic problems or health hazards in the storing or disposing of refuse or waste materials emanating from the activity.
 5. The creation of hazards that would or could endanger the dwelling unit or its occupants, or other structures or their occupants, by reason of additional fire, health, safety or environmental hazards.
- K. **Prohibited Uses.** The following uses are prohibited from being a home occupation:
1. Any type of repair, assembly, or storage of vehicles or equipment with internal combustion engines (such as motor vehicles, motorcycles, scooters, snowmobiles, boats, outboard marine engines, lawn mowers, chain saws and similar equipment), or of large appliances (such as washing machines, dryers and refrigerators), or any other work related to automobiles or boats and their parts.

2. Dispatch centers, where employees come to the site to be dispatched to other locations.
3. Human or animal care facilities, such as hospitals, clinics, stables, veterinarian clinics and kennels.
4. Medical or dental offices.
5. Food service businesses, including all types of commercial restaurants and food catering operations.
6. Wholesale or retail sales of goods or merchandise and no stock in-trade shall be sold on the premises.

Satellite Dish Antenna. Satellite dish antennas are subject to the following requirements:

- A. All ground-mounted earth station antennas shall be screened from the view of any adjacent right-of-way by natural plants or trees;
- B. The antenna shall be permanently ground-mounted. No antenna shall be installed on a portable or movable structure, such as a trailer.
- C. **Exemptions.** Satellite dishes which are less than 1 meter in size are exempt from the requirements of this Section.

Towers and Antennas. Towers and antennas which includes amateur radio antennas not personal wireless telecommunication facilities, excluding properties owned and used by a unit of government, are subject to the following regulations:

A. **General Requirements**

1. **Location and Setbacks**

- a. Towers and antennas shall be located in the rear or interior side yards or on the roof of buildings and shall comply with all setback requirements for accessory structures.
- b. Towers and antennas shall be setback from the lot lines a minimum distance equal to 110% of the height of the tower at the highest point when it is fully extended. No part of a tower or antenna shall extend over a setback or an easement.

2. **Number.** No more than one tower or antenna shall be located on each zoning lot.
3. **Diameter and Width.** The diameter of a tower or antenna shall not exceed 6 feet as measured from the farthest distance across the support structure. The width of any side of a tower or antenna shall not exceed 4 feet. The horizontal portion of the antenna shall not exceed 10 feet in any direction from the supporting tower structure.
4. **Limited Use.** Towers and antennas in residential districts shall be used solely for communications directly related to on-site permitted uses and shall not be leased or used as part of a network or for any off site commercial purchase.
5. **Appearance Standards**
 - a. **Color.** Shall be monochromatic, non-reflective and neutral in color.
 - b. **Advertising Prohibited.** Shall not have any advertisement material, writing, picture, or signage other than warning notification(s), equipment identification or ownership information.
 - c. **Illumination.** No portion of a tower or antenna shall be artificially illuminated except to the extent required by the FAA, FCC or other applicable authority.
6. **Access.** Any freestanding tower or antenna shall be protected against unauthorized access by the public and no climbing foot pegs or rungs shall be permitted below twelve feet (12) to prevent unauthorized climbing.
7. **Exemptions.** Satellite dishes which are used primarily for television reception and which are less than 1 meter in size are exempt from the requirements of this Appendix.
8. **Regulations.** No tower or antenna shall be constructed or installed without a building permit issued by the Village and shall comply with all building codes, electrical codes and generally recognized engineering standards.
9. **Use of Guy Wires.** All towers and antennas shall be free standing and the use of guy wires is prohibited.

10. **Building Code Compliance and Grounding Requirements.** All towers and antennas shall be constructed and grounded in accordance with the Village's Building Code.
11. **Additional Construction Standards.** All towers and antennas shall be designed and constructed to withstand a wind velocity of 100 mph (40 pounds per square foot). A report from a licensed professional engineer shall be submitted with the application for a building permit that this standard has been met. In addition, if the height of the tower or antenna exceeds 30 feet, it shall be attached to a concrete foundation of the size and depth as required by the Village's Building Code.

B. Standards for Ground Mounted Towers and Antennas

1. **Height.** The height of a tower or antenna shall not exceed 50 feet if it is not retractable, measured from grade to the top of the tower or the top of the highest antenna, whichever is taller. If a tower or antenna is retractable, this maximum extended height shall not exceed 70 feet, but its maximum unextended height shall not exceed 50 feet, measured from grade to the top of the tower or the top of the highest antenna, whichever is taller. If a tower or antenna is retractable, it shall be lowered to the unextended height when not in use.

C. Standards for Roof Mounted Towers and Antennas

1. **Height Limit and Ground Clearance.** A roof-mounted tower or antenna may extend to 15 feet above the height of the roof structure it is attached to, whether or not it is retractable.
2. **Location.** The tower or antenna shall not be attached to or mounted upon any building appurtenance, such as a chimney, and it shall not be mounted or attached to any outside wall of a building.

On flat roofs, the support structure shall be setback from the sides of the building facing a street at least one-third of the depth of the roof as it faces the street(s). On pitched roofs, no more than 50 percent (50%) of the support structure shall be mounted to any portion of the roof facing any street.

D. **Decommissioning and Restoration Plan.** When a tower or antenna is not operated for a continuous period of at least eight (8) months, such tower or antenna and all related equipment shall be deemed abandoned by the Village. The owner of record of the property upon which such tower or antenna is located shall remove all items within forty-five (45) days after the tower or antenna is no longer being operated. If the Village determines that a tower or antenna is no longer being operated, then all items shall be removed forty-five (45) days following receipt of written notification that removal is required. Such notice shall be sent by certified mail, return receipt requested, by the Village to such owner of record at the last known address of such owner according to the tax records of McHenry County. A principal structure or lot for sale, lease, or in foreclosure may be exempt, provided that the tower or antenna is maintained pursuant to this Appendix. If the owner of a tower or antenna is temporarily absent from the Village for more than eight (8) months and intends to return to the Village, he or she may apply to the Zoning Enforcement Officer for additional time so the tower or antenna would not be required to be decommissioned.

E. **Waiver of Standards.** If effective communications cannot be obtained when facilities are in compliance with the regulations set forth herein, the Village Board, following a public hearing before the Planning and Zoning Commission may permit a waiver from the height, antenna width and location requirements of this section.

1. The application for a waiver shall include at the least the following:
 - a. Technical evidence in the form of a report from a licensed professional engineer familiar with amateur radio operations, that effective communications cannot be obtained by facilities in compliance with the standards; and
 - b. The minimum reasonable accommodations, in the form of a waiver from these regulations, required in order to permit effective communications.
2. If a waiver of the height is necessary, the antenna shall be set back from adjacent property lines by a distance established by the Village Board.