

# VILLAGE OF MALTA

## QUESTIONS? CONTACT

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### **ARTICLE IV. ACCESSORY USES**

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#### **Sec. 70-381. Generally.**

The term "accessory use" means any structure or use which is:

- (1) Subordinate in size or purpose to the principal structure or use which it serves;
- (2) Necessary or contributing to the comfort and convenience of the occupants (whether individuals or a commercial enterprise) of the principal structure or use served; and
- (3) Located on the same lot as the principal structure or use served.

If an accessory use is attached to the principal structure, it shall be considered part of the principal structure.

(Ord. No. 95-4, § 3-14, 4-12-1995)

#### **Sec. 70-382. Permitted accessory uses.**

Any accessory use shall be deemed permitted in a particular zoning district if such accessory use is:

- (1) Accessory to a principal structure or use that is allowed in that zoning district as of right (permitted uses) or by virtue of the fact that a special use permit has been granted; and
- (2) In compliance with the restrictions set forth in section 70-383.

(Ord. No. 95-4, § 3-14.1, 4-12-1995)

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**Sec. 70-383. Accessory use restriction.**

- (a) *Height.* No accessory use shall be higher than:
  - (1) Fifteen feet in any residential district; or
  - (2) Twenty-five feet in any other zoning district.
- (b) *Yard coverage.* In any residential district, accessory uses shall not cover more than 30 percent of a rear yard.
- (c) *Use as dwelling.* Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of this village.
- (d) *Location.* An accessory building shall meet all setback restrictions of this chapter, shall not be nearer than ten feet to the main building and shall be at least six feet from the side lot line, the rear lot line, or the alley.

(Ord. No. 95-4, § 3-14.2, 4-12-1995)

**Sec. 70-384. Swimming pools.**

- (a) No swimming pool, whether public or private, shall be located in any front yard. Above-ground swimming pools may not be located closer than ten feet to any side lot line or ten feet to the rear lot line. In-ground swimming pools may not be located closer than ten feet to any side lot line or 30 feet to the rear lot line. No swimming pool and/or accompanying structure (deck) may cover more than 30 percent of a rear yard.
- (b) Every outdoor swimming pool that contains water more than 24 inches deep shall be enclosed by a barrier at least four feet in height. The passage through such a wall or fence shall be equipped with a self-latching and locking gate. Such fence shall not be less than five feet from the pool, and shall comply with all other provisions outlined in the adopted building codes of the Village of Malta.

(Ord. No. 95-4, § 4-12, 4-12-1995; Ord. No. 2005-02, § 1, 2-9-2005; Ord. No. 2005-03, § 3, 6-8-2005)

**Secs. 70-385—70-420. Reserved.**

**ARTICLE V. FENCES AND WALLS**

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[Secs. 70-426—70-460. Reserved.](#)

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**Sec. 70-421. Generally.**

- (a) No barbed wire or electrically-charged fence shall be erected or maintained anywhere in this village except in the industrial districts.
- (b) No fence, wall, or other obstruction shall be erected within any public right-of-way except by written permission of the zoning administrator.
- (c) No fence, wall, or other obstruction shall be erected in violation of the state drainage code.
- (d) Every fence, wall, or other obstruction shall conform to the special height restrictions applicable in areas near intersections. (See section 70-10(b).)

(Ord. No. 95-4, § 4-2(a)—(d), 4-12-1995)

**Sec. 70-422. Types of fences.**

There will be two types of fences:

- (1) *Type I.* Type I fence is a fence in which the openings in the materials of which the fence is constructed represent more than 70 percent of the area of the fence and which do not interfere with visibility through or the free passage of air through the fence.
- (2) *Type II.* Type II fences are all fences other than type I fences.

(Ord. No. 95-4, § 4-2(e), 4-12-1995)

**Sec. 70-423. Regulations for all residential zoning districts.**

- (a) Type I fences may be erected to a height not exceeding six feet anywhere on a lot.
- (b) Type II fences may be erected to a height not exceeding four feet in a front yard or in a required side yard adjacent to the side of a principal structure on an adjoining lot.
- (c) Type II fences may be erected to a height not exceeding six feet to the rear of the principal structure on an adjoining lot.

(Ord. No. 95-4, § 4-2(e)(1), 4-12-1995)

**Sec. 70-424. Regulations for all zoning districts other than residential districts.**

- (a) Type I fences may be erected to any height anywhere on a lot.
- (b) Type II fences may be erected to a height not exceeding four feet in a required yard. Type II fences erected in a required yard adjacent to property in a residential zoning district shall comply with the requirements for type II fences in such residential district; provided, however, that the height of such fences may be increased with a special use permit. A type II fence which complies with the setback requirements for principal structures may be erected to the heights permitted for the principal structures.

(Ord. No. 95-4, § 4-2(e)(2), 4-12-1995)

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**Sec. 70-425. Regulations for all zoning districts.**

No fence shall be hereafter erected along, parallel to, or substantially parallel to an adjoining property line unless the finished side of such fence faces the adjoining property. If a fence is erected with posts and supports, it is presumed that the side in which the posts and supports are more visible is the unfinished side.

(Ord. No. 95-4, § 4-2(e)(3), 4-12-1995)

Secs. 70-