

CHAPTER 40

ZONING CODE

ARTICLE I - GENERAL PROVISIONS

40-1-1 **TITLE.** This Code shall be known, cited and referred to as the **Zoning Code of the Village of Steeleville. (Sec. 20-101)**

40-1-2 **PURPOSE AND INTENT.** This Code is adopted so that:

- (A) Adequate light, pure air, and safety from fire and other dangers may be secured;
- (B) The taxable value of land and buildings throughout the Village may be conserved;
- (C) Congestion in public streets may be lessened;
- (D) Hazards to persons and damage to property resulting from the accumulation or runoff of storm or floodwater may be lessened;
- (E) The preservation of sites, areas and structures of historical, architectural and esthetic importance may be facilitated; and
- (F) The public health, safety, comfort, morals, and welfare may otherwise be promoted. **(See 65 ILCS Sec. 5/11-13-1) (Sec. 20-102)**

40-1-3 **REGULATORY POWERS.** In order that the aforementioned purpose and intent may be achieved, the provisions of this Chapter support the following regulatory powers:

- (A) To divide the entire Village into districts of such number, shape, area and of such different causes as may be deemed best suited to carry out the provisions of this Code;
- (B) To fix standards, to which buildings or structures thereon shall conform;
- (C) To prohibit uses, buildings, or structures incompatible with the character of such districts;
- (D) To establish, regulate and limit the height and bulk of buildings to be erected;
- (E) To establish, regulate and limit the building or set back lines on or along any street, traffic way, drive, parkway, or storm or floodwater runoff, channel or basin;
- (F) To regulate and limit the intensity of the use of lot areas;
- (G) To regulate and determine the area of open spaces, within and surrounding buildings or structures;
- (H) To classify, to regulate, and to restrict the use of property on the basis of family relationship;

(I) To prevent additions to, and alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Code;

(J) To provide for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are made or located; and

(K) To encourage the direction of building development to the best advantage of the entire Village. **(Sec. 20-103)**

40-1-4 GENERAL PROHIBITION. It shall be unlawful within the Village, to create, occupy, erect, or otherwise develop, any lot or structure, or any part of any lot or structure, except in conformity with the provisions of this Code. **(Sec. 20-104)**

40-1-5 JURISDICTION. This Code shall be applicable only within the corporate limits of the Village, except where otherwise provided by law. **(Sec. 20-105)**

40-1-6 INTERPRETATION. Every provision of this Code shall be construed liberally in favor of the Village, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare. **(Sec. 20-106)**

40-1-7 CONFLICTING LAWS. Where the conditions imposed by any provisions of this Code are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern. **(Sec. 20-107)**

40-1-8 EXISTING AGREEMENTS. This Code is not intended to repeal any easement, covenant or other private agreement, provided that where the regulations of this Code are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Code shall govern. **(Sec. 20-108)**

40-1-9 EXISTING VIOLATIONS.
(A) No building, structure or use, not lawfully existing on **January 6, 1997** shall become or be made lawful solely by reason of the adoption of this Code and to the extent that, in any manner, the unlawful buildings, structure or use is in conflict with the requirements of this Code, the building, structure or use remains unlawful hereunder.

(B) At any building, structure or use established or altered in violation of the provisions of the ordinance which was in effect at the time of establishment or alteration of such building, structure or use shall not be validated by the adoption of this Code. **(Sec. 20-109)**

40-1-10 **EXISTING BUILDING PERMITS.** Any building permit for a building or structure that does not conform with the provisions of this Code that was issued prior to **January 6, 1997**, shall only be valid for a period of **six (6) months** from the date of issuance, and no extension or re-issuance of a building permit for such buildings or structures shall be granted unless the construction has begun and is partially completed or the proposed building or structure or use is in full compliance with the provisions of this Code. **(Sec. 20-110)**

40-1-11 **EXISTING ZONING PERMITS.** Any zoning permit, including those for special uses and variations, which was issued prior to **January 6, 1997**, but was not implemented by that date, shall be invalid **one (1) year** from the date of issuance or **six (6) months** from the effective date of this Code, unless substantially implemented by the applicant prior to such time. **(Sec. 20-111)**

40-1-12 **CONTIGUOUS PARCELS.** When **two (2)** or more parcels of land, each of which lacks adequate area and dimensions to qualify for a permitted use under the requirements of the zoning district in which they are located, are contiguous and are held in **one (1)** ownership, at the time of construction, such lots shall be considered a single lot. **(Sec. 20-112)**

40-1-13 **MINIMUM REQUIREMENTS.** In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion and protection of the public, health, safety, morals and welfare. **(Sec. 20-113)**

40-1-14 **COMPLIANCE.**

(A) No building or structure or part thereof shall be erected, constructed, reconstructed, enlarged, moved and structurally altered; and no building, structure or land shall hereafter be used, occupied or arranged or designed for use of occupancy; nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations herein which are applicable to the zoning district in which such building, structure or land is located.

(B) Except as may otherwise be provided, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.

(C) Where a structure and use thereof of land lawfully exists on **January 6, 1997**, and is classified by this Code as a special use in the district where it is located, such use shall be considered a lawful special use. A special use permit issued in accordance with procedures herein set forth shall be required only for any expansion or major alteration of any such existing special use. If an existing special use ceases for a period of more than **six (6) months**, the special use can only be re-established under the provisions of **Section 40-15-42** through **Section 40-15-50** of this Code.

(D) Any legally established building, structure, or use may continue subject to the provisions of **Article XII** of this Code.

(E) Any lot of record existing on **January 6, 1997** which is unable to meet the requirements of this Code as to lot area, lot width and yard requirements shall only be used in accordance with the provisions of **Article XII. (Sec. 20-114)**

40-1-15 EXEMPTIONS.

(A) As required by statute the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility is exempt from the requirements of this Code.

(B) The provisions of this Code shall not be enforced so as to impose regulations or required permits with respect to land within a conservation district used strictly for agricultural purposes or with respect to the erection, maintenance, repair or extension of buildings or structures used or to be used entirely for agricultural purposes, except that all such buildings shall conform to the yard requirements, lot size requirements and building bulk limitations and sign provisions of this Code. All non-agricultural uses of the conservation district shall be in full compliance with the provisions of this Code.

(C) Pipelines and other underground installations, to the extent that the same are completely buried beneath the surface of the soil, are exempt from the requirements of this Code, provided that any incidental or associated structures, installations or equipment except markets used in connection with such pipe lines are subject to the provisions of this Code.

(D) Chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads firetowers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, wireless towers, radio transmission towers, radar installations, telescopes, military installations of the U.S. Government, necessary mechanical appurtenances and television or other antennas may exceed the height limitations of this Code.

(E) No building or structure including those listed in subsection (D) above, which are subject to notice under Federal Aviation Regulations par. 77, shall be constructed until approved by the Federal Aviation Administration. **(Sec. 20-115)**

40-1-16 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent or employee of the Village shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.

(B) Any suit brought against any official, board member, agent, or employee of the Village, as a result of any act required or permitted in the discharge of his duties under this Code shall be defended by the Village Attorney until the final determination of the legal proceedings. **(Sec. 20-116)**

40-1-17 SEPARABILITY. If any court of competent jurisdiction shall judge invalid any provision of this Code, such judgment shall not affect any other provision hereof not specifically included in said judgment.

Further, if such court shall adjudge invalid the application of any provision hereof to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment. **(Sec. 20-117)**

40-1-18 EXPIRATION. **This Code shall automatically expire and be without effect ten (10) years after its effective date, unless, following comprehensive review by the Village Planning Commission and subsequent public hearings, it has been replaced or reenacted prior to that date by the Board of Trustees. (Sec. 20-118)**

ARTICLE II - DEFINITIONS

40-2-1 **RULES OF CONSTRUCTION.** The following rules shall be observed and applied in the interpretation of this Code except when the test clearly indicated otherwise:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-2** shall have their standard English meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory; the term "may" is discretionary.

(F) All distances shall be measured to the nearest integral foot. **Six (6) inches** or more shall be deemed **one (1) foot**.

(G) Captions (i.e., titles of sections, subsections, etc.) are intended to merely facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(H) References to sections shall include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(I) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

(J) The word "lot" shall include "plot" and "parcel".

(K) The words "building and/or structures" shall include all non-living improvements upon the land.

(L) The phrase "used for" shall include the phrases "designed for", "intended for", "occupied for or by" and "maintained for". **(Sec. 20-201)**

40-2-2 **SELECTED DEFINITIONS.** The following definitions shall apply to this Code:

Abutting: To have a common property line or district.

Access Way: A curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking or loading area.

Accessory Building or Use: Any building or use which:

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

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

(C) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.

(D) Is located on the same zoning lot as the principal building or potential 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.

Adjacent: Lying near or in the immediate vicinity.

Adjoining: Touching or contiguous, as distinguished from lying near.

Administrator: See "Zoning Administrator".

Advertising: See "Sign".

Aerials or Antennas: Structures or devices used to detect or radiate electromagnetic waves; specifically that part of a radar or of a radio-sending or radio-receiving set that consists of that apparatus that radiates waves or receives them.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Included are truck-farming, poultry farming, bee-keeping, raising of fruit and berries, and the selling of agricultural products, but shall not include mechanized industrial animal farms. "Agriculture" shall not include the commercial feeding of garbage to swine or other animals.

Agricultural Building or Structure: Any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

Aisle: A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley: A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property.

Alteration: Any change in size, shape, character, occupancy or use of a building or structure.

Amendment: A change in the provisions of this Code, including the district map, properly effected in accordance with State law and the procedures set forth herein.

Anchor: Any approved device to which a mobile or manufactured home is tied down to keep it firmly attached to the stand on which it is placed.

Animal Hospital: Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

Apartment: See "Dwelling Unit".

Apartment Building: See "Dwelling, Multi-Family".

Asphalt: A mixture of petroleum by-products and gravel used for paving to form an impermeable, all-weather, and dustless surface.

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof.

Auditorium: A room, hall or building made a part of a church, theater, school, recreation building, or building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

Automobile Laundry: A building or portion thereof containing facilities for washing more than **two (2)** automobiles, providing space, water, equipment or soap for washing of automobiles by the operator or customer. Production line methods using mechanical devices are permitted.

Automobile Repair, Major: The general repair, engine rebuilding or reconditioning of motor vehicles, collision service; such as body, frame, and fender straightening and repair and painting of motor vehicles.

Automobile Repair, Minor: Incidental repairs, replacement of parts and motor service of automobiles but excluding any operation specified under "automobile repair, major".

Automobile Service Station: Any building or premises used for the dispensing, sale or offering for sale at retail to the public, automobile fuels stored only in underground tanks located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor automobile repair, but not including a bulk plant, conduct of major automobile repairs, automobile wrecking, automobile sales or automobile laundries; provided, however, that the washing of individual's automobiles where no chain conveyor is employed may be included.

Awning: A rooflike cover, temporary in nature, which projects from wall of a building and may overhang the public way.

Banquet Hall: A building, or portion thereof, primarily intended to accommodate large groups of diners on special occasions.

Basement: That portion of a building having more than **one-half (1/2)** of its height below lot grade.

Basement, Subgrade: That portion of a building which is partly underground but has at least **one-half (1/2)** of its average height above lot grade.

Billboard: See "**Sign, Billboard**".

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines, or county lines.

Board of Appeals: The Zoning Board of Appeals of the Village.

Buffer Strip: An area of land undeveloped, except for landscaping fences, or other similar uses intended to protect a use situated on **one (1) lot** from the injurious effects of the use on the adjacent lot.

Buildable Area: The area of a lot remaining after the minimum open space and/or yard requirements of this Code have been complied with.

Building: Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building. See also "Uniplex".

Building, Accessory: See "**Accessory Building or Use**".

Building, Detached: A building surrounded by an open space on the same lot.

Building Height: The vertical distance from the sidewalk level, or its equivalent established grade opposite the center of the front of a building to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof. Where no sidewalk level has been established the height of a building may be measured from the mean elevation of the finished lot grade at the front of the building.

Building Permit: A permit issued by the Building Code Administrator for the construction, erection, or alteration of a structure or building.

Building, Principal: A non-accessory building in which the principal use of the lot on which it is located is conducted.

Building, Residential: Any building that is used exclusively for permitted residential uses.

Building, Service: As applied to the manufactured home regulations of the land development code, a building in which laundry facilities or other such service facilities are provided.

Building Setback Line: The minimum distance between a street right-of-way and the nearest supporting member of any structure on the lot.

Bulk: A term used to indicate the size and setbacks of buildings or structures and their location with respect to one another, including:

- (A) Height and area of buildings.
- (B) Location of exterior walls in relation to lot lines, streets, or other buildings.
- (C) All open space allocated to buildings.
- (D) Amount of lot area required for each dwelling unit.

Business: An occupation, employment, or enterprise which occupies time, attention, labor and materials; or wherein merchandise is exhibited or sold or where services are offered.

Canopy: A rooflike structure projecting from a wall and supported whole or in part by vertical supports to the ground, and erected primarily to provide shelter from the weather.

Canopy, Service Station: A rooflike structure, usually self-supporting and detached, and erected primarily to provide shelter from the weather at self-service gas pumps.

Carport: An open-sided, roofed automobile shelter, usually formed by extension of the roof from the side of a building.

Centerline:

- (A) The centerline of any right-of-way having a uniform width;
- (B) The original centerline, where the right-of-way has been widened irregularly;
- (C) The new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Initial: A permit issued by the Zoning Administrator indicating that a proposed lot, structure, or use is in conformity with the requirements of this Code.

Certificate of Zoning Compliance, Final: A permit issued by the Zoning Administrator indicating that a lot or newly completed structure or use complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

Child Care Center: State licensed day care centers which receive preschool or school age children, or both, for short-term or extended hours of care, or out-of-school hours, and which provide essential personal care, protection, supervision, training, and programs to meet the needs of the children served.

Clinic, Medical or Dental: An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include inpatient care.

Club/Lodge: A not-for-profit association of persons who are bonafide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Common Open Space: Land unoccupied by structures, buildings, streets, right-of-ways, and automobile parking lots and designed and intended for the use of enjoyment of residents of a planned unit development. Common open space may contain structures for recreational use.

Condominium: A form of cooperative ownership which permits individual ownership of a specific part of a building, with common ownership of all spaces beyond the specific apartments. Each apartment can be owned in fee simple, with no restrictions on the sale, rental or transfer of same, other than restrictions on all real estate. Condominiums must meet requirements of the Illinois law.

Condominiums, Business: A form of cooperative ownership which permits individual ownership of a specific part of a building, with common ownership of all spaces beyond the specific units. Each unit can be owned in fee simple, with restrictions on the sale, rental or transfer of same, other than the restrictions on all real estate. Business Condominiums must meet the requirements of Illinois law and **Section 40-9-8** of this Code.

Conforming Building or Structure: Any building or structure which complies with all the regulations of this Chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.

Conforming Use: Any use which occupies a building, structure, or lot and which complies with the regulations of this Code or of any amendment hereto governing permitted and special uses for the zoning district in which such use is located.

Convalescent Home: See "Nursing Home", "Home for the Aged", "Homes for Ill or Physically Infirm Persons", and related definitions; "Hospital", "Intermediate Care Facility", "Sheltered Care Facility", "Sheltered Care House" and "Skilled Nursing Facility".

Corner Lot: See "Lot, Corner".

Corrective Action Order: A legally binding order issued by the Zoning Administrator in accordance with the procedures set forth herein, to effect compliance with this Code.

Court: An open unoccupied space other than a yard on the same lot with a building, which is totally or partially enclosed by building or buildings and is completely open to the sky.

Curb Level: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than **one (1) street**, the "curb level" shall be the average of the levels of the curbs at the center front of each street. Where no curb elevation has been established, the level of the centerline of the street shall be considered the "curb level".

Day Care Center: Any State licensed child day care facility receiving more than **eight (8) children** for daytime care during all or part of the day. The term "**day care centers**" includes facilities called "child care centers", "day nurseries", "nursery schools", "kindergartens", "play groups", and "centers or workshops for mentally or physically handicapped" without stated educational purposes. The term does not include:

(A) Kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning.

(B) Facilities operated in connection with a shopping center or service, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or in the immediate vicinity and readily available.

(C) Any type of day care center that is conducted on federal government premises.

(D) Special activities programs, including athletics, crafts instruction, and similar activities conducted on an organized and periodic basis by civic, charitable, or governmental organizations.

Day Care Home: Any State licensed child day care facility receiving **eight (8)** or fewer children for daytime care during all or part of the day, and within the residential premises of the person so licensed. Such homes must meet the requirements of a home occupation in order to be a permitted or special use in some districts.

Day Nurseries: State licensed day care centers which receive preschool age children for short-term or extended hours of care, and which provide essential personal care, protection, supervision, training, and programs to meet the needs of the individual children served.

Detached: As applied to buildings, "**detached**" means surrounded by yards on the same lot as the buildings.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity, such as grading, in preparation therefor.

District: A portion of the territory of the Village wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this Code.

Drive-In Establishments: An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon the premises.

Driveway: A minor way commonly providing vehicular access to a garage or off-street parking area.

Duplex: A dwelling which has accommodations for **two (2) families**.

Dwelling: A building or portion thereof, but not including a house trailer, mobile home or manufactured home, designed or used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, boarding or lodging houses.

Dwelling Unit: One (1) or more rooms in a dwelling designed for occupancy by **one (1) family** for living purposes and having its own permanently installed cooking and sanitary facilities.

Dwelling, Attached: A dwelling containing **two (2)** or more dwelling units and adjoined to other dwellings by party wall or walls, originally constructed for said purposes.

Dwelling, Converted: Any building which was originally designed and constructed as a one, two or three-family dwelling, but which has been changed or altered by the construction of additional dwelling units to provide for more families than the original building.

Dwelling, Detached: A dwelling unit which is surrounded on all sides by open space on the same lot.

Dwelling, Multiple-Family: A dwelling containing **three (3)** or more dwelling units, originally constructed for said purpose, and not including converted dwellings.

Dwelling, Semi-Attached: A dwelling which is jointed to another dwelling by a garage, carport, recreational structure, or other non-residential facility.

Dwelling, Single-Family: A dwelling containing accommodations for occupancy only by **one (1) family**.

Dwelling, Two-Family: A building designed exclusively for occupancy by **two (2) families**, each living independently of the other.

Easement: A right to use another person's real property for certain limited purposes.

Educational Institution: A public, parochial, charitable or nonprofit junior college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Efficiency Unit: A dwelling unit consisting of **one (1)** principal room, exclusive of bathroom, kitchen, hallway, closet or dining alcove directly off the principal room.

Enclosed: As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other building by fixed exterior walls or by common walls, with openings only for windows and doors.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: To build, construct.

Essential Services: Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, etc., but not including buildings that do not need to be in the immediate area of the uses they service.

Establishment: Either of the following:

(A) an institution, business, commercial, or industrial activity that is the sole occupant of **one (1)** or more buildings; or

(B) an institution, business, commercial, or industrial activity that occupies a portion of a building such that:

- (1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
- (2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Excavation: Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

Existing: Actually constructed or in the operation on the effective date of this Code.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

Family: An individual, or **two (2)** or more persons related by blood, marriage or adoption, or a group of not more than **four (4) persons**, not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities or other similar organizations.

Farm: Land being used for agricultural purposes.

Farm Homestead: The building located on a farm that is the residence of the farm owner or tenant operator.

Fast-Food Restaurant: See "**Restaurant, Fast-Food**".

Fence: Any construction of wood, metal, wire mesh, masonry, or other material erected for the purpose of assuring privacy, protection or restraining animals.

Fence, Decorative: A fence intended primarily for aesthetic purposes.

Fill: Earth, gravel, small rock or rubble (not to exceed **three (3) inches** in diameter) used to build up a piece of land.

Flood Base Elevation: That elevation of the highest flood of record, determined by the Village Engineer's record of the elevations of the highest flood at locations as indicated on the floodplain map of the Village on file in the office of the Village Clerk. Flood base elevations at intermediate locations shall be interpolated along the watercourse.

Floodplain: The area of land adjoining a watercourse or other body of water which has been or may be hereafter covered by floodwater.

Floodplain Map: Any accepted engineering standards or mapping used to delineate the minimum flood base elevations for the Village, and may include the following:

- (A) The National Flood Insurance Program Flood Insurance Rate Map for the Village, as amended from time to time.
- (B) Geologic maps prepared by the Illinois State Geologic Survey.
- (C) Mapping and/or source information from the United States Department of Agriculture, Soil Conservation Service;
- (D) Mapping and/or source information from the Randolph County Soil and Water Conservation District; and
- (E) Maps of groundwater conditions prepared by the State water survey.

Floodproofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, intended primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

Floodway: The channel of the stream or body of water and those portions of the adjoining floodplain designated by the Village as necessary to carry and discharge the floodwater flow of any such river, stream, or other body of water.

Floor Area: (For determining off-street parking and loading requirements): The sum of the gross horizontal areas of the several floors of a building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets and any floor area devoted to retailing goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space, or mechanical or storage floor area other than area devoted to retailing activities, to the production of goods, or to business or professional offices.

Freeway: A trafficway providing at least **two (2) lanes** going each direction with a median strip preventing crossover between the **two (2) lanes**. Freeways are characterized by high speed travel, limited access to adjoining property owners and generally serve as vehicle transportation routes within an urbanized area or between urban areas or states.

Frontage: That portion of a lot or parcel directly abutting a dedicated street.

Garage, Private: An accessory building or an accessory portion of the principal building which is intended and used to store not more than **four (4)** private motor vehicles owned by members of the family or families residing upon the premises, may be rented for the storage of private motor vehicles of persons not residing on the premises, except that all the space in a garage of one or two-car capacity may be so rented. Such a garage may be used for the storage of not more than **one (1)** commercial truck having a load capacity of **three-fourths (3/4)** of a ton or less.

Garage, Public: Any building other than a private or storage garage where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

Garage, Storage: Any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, services, repaired, hired, or sold. No commercial motor vehicle exceeding **two (2) tons** capacity shall be stored in any storage garage.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Grade, Street: This term shall have the same meaning as the term "curb level".

Grading: Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Guarantee of Improvements: A guarantee to the Village that the requirements of this Code will be met in full by a specified date. Such guarantee can be in the form of a certificate of deposit,

irrevocable letter of credit, performance bond or other form that will enable the Village to obtain and use funds provided by the permittee to complete the required improvements in the event the permittee fails to do so.

Hardship: A condition that would result from the strict application of the terms of this Code, provided the following criteria are met:

(A) The condition is unique to the property and is not applicable generally to other property within the district;

(B) The situation was not created by anyone having an interest in the property;

(C) The request for a hardship variation is not based exclusively on a desire to make more money out of the property;

(D) The hardship exists due to the particular physical characteristics of the property in question.

Home for the Aged: Any home operated not-for-profit under the auspices of a religious, fraternal, charitable, or other not-for-profit organization, or by a county pursuant to an "Act in relation to homes for the aged", approved **July 21, 1959 (See 55 ILCS)**, as heretofore, or hereafter amended, or operated not-for-profit under an endowment, which through its ownership or management, and its principal objective, provides maintenance, personal care, nursing, or sheltered care to aged persons, and in the conduct of which provides such service or services to **three (3)** or more persons over **sixty (60) years** of age.

Home for Ill or Physically Infirm Persons: A home providing meals, shelter, assistance with personal functions, general supervision and professional nursing assistance for persons because of age or physical or mental disability is incapable of maintaining their own residence and caring for their own needs.

Home Occupation: An occupation or profession, practiced by a member of the family residing on the premises in connection with which there is no indication from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, provided that a professional person may use his residence for consultation, emergency treatment or performance of religious rites.

Hospital or Sanitarium: An institution devoted primarily to the maintenance and operation of facilities of the diagnosis, treatment or care for not less than **twenty-four (24) hours** in any week of **three (3)** or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions.

Hotel: An establishment which is open to transient guests in contradistinction to a boarding, rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

Immobilize: As applied to a mobile home, "immobilize" means to remove the wheels, tongue, and hitch and/or place on a permanent foundation.

Intermediate Care Facility: Basic nursing care and other restorative services under periodic medical direction. Many of these services may require skills in administration. Such facilities are for patients who have long-term illness or disabilities which may have reached a relatively stable plateau.

Intersection: The point at which **two (2)** or more public rights-of-way (generally streets) meet.

Junk Yard: A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, bailing, packing, disassembling or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or part thereof), and metals, glass, paper, plastics, rags, and rubber tires. A rebuttable presumption as to the existence of a junk yard shall arise with regard to any lot upon which **three (3)** or more inoperable vehicles are located. An "inoperable vehicle" for purposes of this provision shall be defined by **Section 24-8-4(A)** of the Motor Vehicle Code herein. A "junk yard" includes an automobile wrecking yard. **(Ord. No. 07-590; 02-05-07)**

Kennel: Any structure or premises or portion thereof on which more than **three (3) dogs**, cats, or other household domestic animals over **four (4) months** of age are kept.

Kindergarten: State licensed day care centers which receive children between the ages of **four (4)** and **six (6) years**, and which are established and professionally operated primarily to conduct educational programs for early childhood development.

Laboratory, Research: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Livable Floor Area: All internal floor area of a dwelling unit excluding basements, garages, and utility rooms.

Loading and Unloading Space or Berth, Off-Street: An open, hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

Lot: A tract of land intended for the purpose, whether immediate or future, of transfer of ownership or development. A "lot" may be a "zoning lot" and may not coincide with a "lot of record".

Lot Area, Gross: The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

Lot, Corner: A lot situated at the intersection of **two (2) streets**, the interior angle of such intersection not exceeding **one hundred thirty-five (135) degrees**.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

Lot, Interior: A lot other than a corner or reversed corner lot.

Lot Line: An imaginary line at the edge or boundary of a zoning lot, or a line at the boundary of a lot of record.

Lot Line, Corner Side: The boundary of a corner lot that abuts a dedicated street other than the front lot line.

Lot Line, Front: The lot line abutting a dedicated street. In the case of a corner lot, the lot line abutting the street having the least length shall be the front lot line. In the case of a through lot the Zoning Administrator shall establish the front lot line.

Lot Line, Rear: That boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds, or a parcel of land, the deed to which was recorded in the office of the County Recorder of Deeds, in accordance with State law.

Lot, Reversed Corner: A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through (Double Frontage): A lot having a pair of opposite lot lines along **two (2)**, more or less, parallel dedicated streets, and which is not a corner lot.

Lot Width: The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first **twenty-five (25) feet** of lot depth immediately in back of the front yard setback line.

Lot, Zoning: A single tract of land located within a single, block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

Maintenance: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

Major Thoroughfare: A trafficway with at least **two (2) lanes** in each direction. A major thoroughfare may or may not be a freeway, arterial street, secondary arterial street, or collector street.

Manufactured Home: A structure, transportable in **one (1)** or more sections, which is built on a permanent chassis in accordance with the National Manufactured Home Construction and Safety Standards, and designed to be used as a dwelling by **one (1) family**, including the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured Home, Dependent: A manufactured home which does not have a toilet and bath or shower facilities.

Manufactured Home, Independent: A manufactured home with self-contained toilet and bath and shower facilities.

Manufactured Home Park: An area of land under unified ownership and control on which **two (2)** or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosed use or intended use as part of the equipment of such manufactured home park.

Manufactured Home Space: Any portion of a manufactured home park designed for the use or occupancy by **one (1)** manufactured home.

Manufactured Office: A detached structure, transportable in **one (1)** or more sections, which is built on a permanent chassis, and is designed and intended to be used as an office. Such offices shall fully comply with the Village's Manufactured Home Code.

Marquee: A roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public way.

Mezzanine: An intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

Mobile Classroom, Temporary: A detached structure, built on a permanent chassis so that it is transportable in **one (1)** or more sections, but specifically designed for use as a temporary accessory classroom for an established educational facility. Such classrooms must fully comply with the Village's building codes.

Mobile Home: A structure, transportable in **one (1)** or more sections, which was built on a permanent chassis prior to the enactment of the National Manufactured Home Construction and Safety Standards, and is designed to be used as a dwelling by **one (1) family**, including the plumbing, heating, air conditioning, and electrical systems contained therein. **(See "Manufactured Home")**

Mobile Home Park: A parcel not less than **five (5) acres** in area in single ownership/control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements of this Code.

Mobile Home Space: A portion of a mobile home park designed and improved for the placement of **one (1) mobile home** and the private use of the occupants thereof.

Mobile Home Stand: The part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed and to which it is anchored.

Mobile/Manufactured Office: A detached structure, transportable in **one (1)** or more sections, which is built on a permanent chassis, and is designed and intended to be used as an office. Such offices must fully comply with the Village's Manufactured Home Code.

Mobile or Portable Marquee: A term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Modular Home: Any detached single-family dwelling that is transported to the site where it will be permanently located in assembled or non-assembled form, and that fully complies with the adopted building code.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourist. A motel furnishes customary hotel services such as maid service, and laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture. In a motel less than **fifty percent (50%)** of the living and sleeping accommodations are occupied or designed for occupancy by person other than transient persons.

Motor Vehicle: Any passenger, vehicle, truck, tractor, tractor-trailers, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

Motor Vehicle Repair, Major and Minor: See "**Auto Repair**", major and minor.

Nonconforming Building or Structure: A building or structure or portion thereof lawfully existing on the effective date of this Code or at the time of adoption of any amendment thereto, which:

(A) was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

(B) Does not comply with the bulk and other requirements of this Code in the zoning district in which the building or structure is located.

Nonconforming Use: A use which lawfully occupies a building or land on the effective date of this Code or at the time of adoption of any amendment thereto, and which does not conform with the use regulations of the district in which it is located.

Nonconforming Vacant Lots of Record: Vacant lots of record which lawfully existed on the effective date of this Code or at the time of adoption of any amendment thereto, and which do not meet the lot size requirements of the district in which they are located.

Nuisance: Any thing, condition, or conduct that endangers health or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursery: A tract of land on which trees, shrubs, and other plants are raised for transplanting and/or sale, and including any structure in which said activities are conducted.

Nursery Schools: State licensed day care centers which receive children between the ages of **two (2)** and **six (6) years** and which are established and professionally operated primarily for educational purposes to meet the children served.

Nursing Home: A private home, institution, building, residence, or other place whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to The County Home Act (**55 ILCS**), as now or hereafter amended, or any similar institution operated by a political subdivision of the State which provides, through its ownership or management, maintenance, personal care, or nursing for **three (3)** or more persons, who by reason of illness or physical infirmity require person care or nursing.

Occupied Land Area: (For computing off-street parking and loading space requirements): That area of a lot occupied by all buildings, structures and accessory uses which in combination encompass the operation of the principal use. Occupied land area is normally used in computing required parking for uses which typically are not completely enclosed. Examples are vehicle sales lots and outdoor recreational facilities.

Office: Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Off-Street Loading: See "**Loading and Unloading Space**".

Open Sales Lot: A lot or parcel of land used or occupied for the purpose of buying, selling, or trading of all goods and commodities and including the storage of same prior to sale of exchange.

Open Space: Any land developed as yards, parks, recreational areas including community centers, and landscaped green areas and exclusive of areas developed for off-street parking.

Overlay District: A zoning district superimposed over **one (1)** or more standard (primary) zoning districts or portions thereof for the purpose of controlling development problems caused by such factors as steep slopes, wet soils, flooding, etc.

Owner: Any individual, corporation, partnership or other legal entity having possessory interest entitled to exclusive possession in land, buildings or possessions.

Parcel: Contiguous land in **one (1)** ownership.

Park: Land used for active or passive recreation owned or controlled by a local park district, school district, county forest preserve district, homeowner's association, the Village or another governmental entity or not-for-profit organization.

Parking Area, Private: An open, hard surfaced area, other than a public way or street, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the building or buildings for which the parking area is developed and is necessary.

Parking Lot: Public or private land intended for the use as a facility of parking motor vehicles. Parking may be with or without fee.

Parking Space, Automobile: Space within a public or private parking area exclusive of access drives, for the storage of one passenger automobiles or commercial vehicles under **one and one-half (1 1/2) tons** capacity.

Party Wall: A fire wall on an interior lot line used for or adapted for a joint service between **two (2) buildings**, or **two (2) units** within the same building.

Performance Bond: See "**Guarantee of Improvements**".

Performance Standard: A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings. The more frequently used performance criteria include the following:

(A) Active intense burning, which is the rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium and pyroxylin.

(B) Closed cup flash point, which is the lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.

(C) Decibel, which is a unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.

(D) Detonable material, which is a material which decomposes by detonation. Such material includes explosives, unstable compounds and fissionable matter.

(E) Earthborne vibration, which is the periodic displacement, measured in inches of earth.

(F) Fireproof container, which is an enclosure of steel or concrete but not lead or other low-melting metals or alloys, unless the lead or low-melting metals are completely encased in steel.

(G) Flash point, which is the lowest temperature at which flammable liquid will momentarily burn under the prescribed conditions. The tag flash point testers shall be authoritative.

(H) Foot candle, which is a unit of illumination; technically, the illumination at all points **one (1) foot** distance from a uniform point source of one (10 candle power).

(I) Free burning, which implies a rate of combustion described by a material which burns actively, and easily supports combustion.

(J) Frequency, which signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

(K) Impact noise, which is a short duration sound such as those from a foregoing hammer or punch press.

(L) Impulsive noise, which is a sound which is no longer than **two (2) seconds** in duration, followed by no less than a **two (2) seconds** rest.

(M) Intense burning, which implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

(N) Microcurie, which is a one-millionth of a curie, which is a standard unit of radioactivity.

(O) Moderate burning, which implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns.

(P) Noxious matter, which is a material which is capable of causing injury to living organisms by chemical reaction and is capable of causing detrimental effects upon the physical or economic well being of individuals.

(Q) Octave band, which is a prescribed interval of sound frequencies which classifies sound according to its pitch.

(R) Odor threshold, which is the lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

(S) Odorous matter, which is any matter or material that yields an odor which is offensive in any way.

(T) Particulate matter, which is material other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

(U) Preferred frequency octave banks, which are a standardized series of octave band prescribed by the U.S.A.S.I. in SI.6-1967, Preferred Frequencies for Acoustical Measurements.

(V) Ringelmann chart, which is a chart on which is described in the U.S. Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

(W) Ringelmann number, which is the shade of smoke as it appears on the standard Ringelmann Chart published by the U.S. Bureau of Mines Information Circular No. 8333 (1967).

(X) SCF (Standard Cubic Feet), which is the measure of the volume of a gas, at any other conditions, reduced to **one thousand four hundred seventy-three (1,473) pounds per square inch** absolute and **sixty degrees Fahrenheit (60°F)**.

(Y) Slow burning or incombustible, which implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, not actively support combustion during an exposure for **five (5) minutes** to a temperature of **one thousand two hundred degrees Fahrenheit (1,200°F)**, shall be designed "incombustible".

(Z) Smoke, which is a small gas-borne particles, other than water, that form a visible plume in the air.

(AA) Sound level of an operation or use, which is the intensity of sound measured in decibels, produced by such operation or use.

(BB) Sound level meter, which is an electronic instrument which includes a microphone, an amplifier and an output meter which measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

(CC) Sound pressure level, which is the intensity of a sound measured in decibels mathematically described as **twenty (20) times** the logarithm to the base ten (10) of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

(DD) Toxic matter, which is material which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

(EE) Threshold limit value, which is the maximum allowable airborne concentration of toxic material, as established by the American Conference of Governmental Industrial Hygienists.

(FF) United States of American Standards Institute (U.S.A.S.I.) which is a national organization promulgating authoritative standards in any technical field. Formerly American Standards Association.

(GG) Vibration, which is the period displacement of oscillation of the earth.

Permanent Open Space: A contiguous land area that is designed for educational, religious, recreational or institutional purposes, or such land which is recommended for such designation by the Village at or before the time of approval of a subdivision or planned development.

Permitted Use: A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations and standards of such district.

Permittee: The person to whom a zoning certificate is issued.

Person: Any individual, firm, association, organization, or corporate body.

Planned Unit Development: A parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is

located; the developer may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole and which would not otherwise be required by this Code.

Porch: A roofed over structure projecting out from the walls of a main structure and commonly open to the weather in part.

Premises: A lot and all the structures and uses thereon.

Principal Use: The main use of land or building as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "special".

Property Line: An imaginary line at the edge or boundary of a zoning lot or line at the boundary of a lot of record.

Public Open Space: A publicly-owned area; including, but not limited to the following: parks, playgrounds, forest preserves, waterways, parkways and streets.

Public Utility: Any person, firm or corporation duly authorized to furnish under regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water or sewerage systems.

Public Way: Any sidewalk, street, alley, highway or other public thoroughfare.

Railroad Right-of-Way: A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots, or stations, lading platforms, train sheds, warehouses, car or locomotive shops or car yards.

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after damage or destruction.

Recreational Vehicle: A term encompassing any type of vehicle used primarily for pleasure, such as travel-trailers, motor homes, boats, snowmobiles, etc.

Refuse: Garbage (food wastes) and trash, but not sewage or industrial wastes.

Relocate: To move to another portion of a lot or to a different lot.

Repair: To restore to sound condition, but not to reconstruct.

Reservoir Parking: Off-street parking spaces or lot areas allocated to temporary standing motor vehicles awaiting entrance to a particular establishment.

Restaurant: A business where the dispensing of edible foodstuff and/or beverage on the premises is the principal business operation; including a cafeteria, coffee shop, lunch room, tea room and dining room, but not including a drive-in or fast-food restaurant.

Restaurant, Drive-In: A restaurant that dispenses foodstuff and/or beverages to persons in parked or stopped motor vehicles.

Restaurant, Fast-Food: A restaurant whose principal business is the dispensing of edible foodstuffs and/or beverages in disposable containers to be eaten on the premises or taken out. This type of restaurant is usually self-service and may include a drive-thru service window.

Restrictive: Tending to keep within prescribed limits.

Retail, Retail Store: Sale to the ultimate consumer for direct consumption and not for resale.

Right-of-Way: Land dedicated for street purpose.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Illinois school laws, including, pre-kindergarten, elementary school, and junior and senior high schools, excluding trade, business or commercial schools.

Screening: Trees, shrubs, walls, solid fences, etc. used as means of view and noise control.

Semi-Finished Materials: Materials which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state, but are readily usable by light industry of assembly or manufacture into consumer goods.

Service Building: See "**Building, Service**".

Service Station: A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

Service Use/Establishment: Any use or establishment where services are provided for remuneration either to individuals or to other firms.

Setback: The distance between the exterior lot lines and any structure on the lot.

Sheltered Care Facility: A facility which provides care and assistance, supervision overnight and a suitable activities program. Provisions are made for medical care as necessary. Such facilities are for individuals who do not need nursing care, but do need personal care assistance, supervision, and/or oversight in meeting their daily personal needs.

Sheltered Care Home: Any county sheltered care home or a sheltered care home operated as part of a county nursing home pursuant to the County Home Act (**See 55 ILCS**) or a private boarding home, institution, building, residence or other place, whether operated for profit or not which, through its ownership or management, provides sheltered care to **three (3)** or more persons who are not related to the applicant or owner by blood or marriage, or any similar facility in which maintenance is provided to **three (3)** or more persons who by reason of physical infirmity require personal care.

Sign: A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

Sign, Billboard: Any single or double-faced sign displaying messages or advertising not associated with the premises on which said sign is located or to which it is fixed, subject to the exception of **Section 40-14-14** hereof.

Sign, Canopy, Marquee: Any sign affixed to, painted on, or suspended from an awning, canopy, marquee, or similar overhang.

Sign, Flush-Mounted: Any sign mounted in such a way that the plane of its face is parallel to the plane of the wall to which it is attached, including those signs integrated into the surface of the wall itself.

Sign, Freestanding: Any sign permanently mounted on a pole, pedestal, standard or base which stands apart from and is not attached to any building or structure.

Sign, Identification: A sign indicating the name and address of building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Sign, Illuminated: A sign having its own light source.

Sign, Projecting: Any sign which is attached to a building or structure but which projects from the plane of the wall to which it is attached by more than **eighteen (18) inches**.

Sign, Window: Any sign visible from the exterior of the building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing the passerby of the identity of the proprietor or business, or of the product of service which can be obtained on the premises.

Sign Area: The area within an imaginary rectangle which, when drawn, would completely enclose all the letters, parts or symbols of a sign. Sign supports and poles, unless intrinsic to the advertising contained on the sign, are not included as part of the sign area.

Skirting: The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

Special Use: A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such use may or may not be granted, subject to the terms of this Code.

Special Use Permit: A permit issued in accordance with the provisions of this Code to regulate development of a special use.

Specialized Living Accommodation: A living accommodation for individuals needing special assistance, care, supervision, support, or treatment including community living facilities and community residential alternatives as defined by statute and including Homes for the Aged.

Stop Work Order: A type of corrective action order used by the Zoning Administrator to halt work in progress that is in violation of this Code.

Storage, Outdoor: The outdoor accumulation of vehicles, equipment or products, or materials for permanent or temporary holding.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding **fourteen (14) feet** in height shall be considered as an additional story for each **fourteen (14) feet** or fraction thereof.

Story, Half: That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least **two (2)** opposite exterior walls, are not more than **four and one-half (4 ½) feet** above the finished floor of such story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings, less than **three (3) stories** in height, a half-story in a sloping roof shall not be counted as a story for the purposes of this Code. In the case of multiple-family dwellings **three (3)** or more stories in height, half-story shall be counted as a story.

Street: An improved strip of land designed for the conveyance of motor vehicles, and including any unimproved right-of-way, or any strip of land on which such improvements are planned. Any of the following may be termed a street: Freeway, arterial street, secondary street, collector street, dedicated street, residential street, business street, industrial street. For the purposes of this Code freeways, arterial streets, secondary arterial streets, collector streets, major thoroughfares, residential streets, business streets, and industrial streets may meet the requirement for dedicated streets.

Street, Arterial: A trafficway generally providing **two (2) lanes** going each direction. A median strip may or may not be present. Arterial streets are characterized by moderate to high speed travel, possible limitations on access to adjoining property owners and generally serve as vehicle transportation routes within a region.

Street, Secondary Arterial: A trafficway providing **one (1) or two (2) lanes** in each direction. A median strip is rarely present. Secondary arterial streets are characterized by moderate speed travel (higher speeds may be allowed in sparsely populated areas), residential access is discouraged and the length of such streets is limited.

Street, Business: A street within a business district or on the boundary of a business district. A business street may also be an arterial street, secondary arterial street, or collector street or major thoroughfare.

Street, Collector: A street which performs the function of linking the various points of vehicular access along its route and delivering such traffic to an arterial or secondary arterial street.

Street, Dedicated: A street designated for public use and for which the responsibility of maintenance has been accepted by federal, state, county, township or village governments.

Street, Industrial: A street developed to serve an industrial district.

Street, Private: A trafficway not maintained or owned by a governmental entity.

Street, Residential: A dedicated street within a residential zoning district, excluding freeways, arterial streets and secondary arterial streets.

Street Line: The division line between private property and a dedicated street.

Stringent: Binding, exacting.

Structural Alteration: Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Structure: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground including a fence or freestanding wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

Structure, Temporary: A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure. A sign, billboard or other advertising device detached or projecting shall be construed to be a temporary structure.

Swimming Pool, Private: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of his household and guests without charge for admission, and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

Swimming Pool, Public: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a private party for gain; or by a municipality or other unit of government for the general public whether or not an admission fee is charged.

Tavern, Lounge or Bar: A building or portion thereof where liquors are sold to be consumed on the premises but not including restaurants where the principal business is serving food.

Topography: The relief features or surface configuration of an area.

Townhouse: A type of multi-family dwelling, **one (1) or two (2) stories** in height, in which typically the living room, dining room and kitchen are on the ground floor with sleeping rooms on the second floor. Dwelling units typically have a common side wall and are owner occupied.

Trailer: A vehicle without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and has been reasonable may be equipped with wheels or other devices for transporting the structure from place to place. The term "**trailer**" shall include "camp car" and "house car". A permanent foundation shall not change its character unless the entire structure is erected in accordance with the adopted building code.

Travel Trailer: A manufacture home **eight (8) feet** or less in width and less than **twenty-five (25) feet** in length which is designed for temporary occupancy, generally for recreational or vacation purposes. Travel trailers shall include camping trailers within the limits of said dimensions, mounted on a motor vehicle or otherwise. Travel trailers shall not be considered a manufactured home pursuant to the provisions of the Village Manufactured Home Code.

Unified Control: The combination of **two (2)** or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned unit development and shall be subject to the control applicable to the planned unit development.

Uniplex: A dwelling which has accommodations for **two (2) families**, divided by a common or party wall, in which each family area is separately owned.

Use: The purposes for which land or a building thereon is designed, arranged or intended or for which it is occupied, maintained, let or leased.

Use, Lawful: The use of any structure of land that conforms with all of the regulations of this Code or any amendment hereto and which conforms with all of the codes, ordinances and other legal requirements, as existing at the time of the enactment of this Code or any amendment thereto, for the structure or land that is being examined.

Use, Nonconforming: See "**Nonconforming Use**".

Utility Substation: A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Vacant: As applied to a lot, "**vacant**" means that no structure is situated thereon.

Value: Valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation as converted to assessed valuation.

Variation: A relaxation of the strict application of setbacks, specific parking requirements, specific signage regulations, or specific flood plain regulations, for a particular lot or structure where such variations will not be contrary to the public interest and where, due to conditions peculiar to the property and the result of the actions of the applicant, a literal enforcement of those provisions of this Code would result in unnecessary hardship or practical difficulties. A variation, as herein defined, shall not be granted by the Zoning Board of Appeals unless said required is in compliance with **one (1)** or more of the subparagraphs of **Section 40-15-34**.

Wholesale Establishment: A business establishment engaged in selling to retailers or jobbers rather than consumers.

Yard: An open space on the same zoning lot with a building a structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Code yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

Yard, Corner Side: A side yard which adjoins a public street.

Yard, Front: A yard extending along the full length of the front lot line between the side lot lines.

Yard, Interior Side: A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines.

Zoning Administrator: The person designated by the President and Board of Trustees as the officer responsible for enforcing and administering all requirements of this Code.

Zoning District: See "District".

Zoning Lot: See "Lot, Zoning".

Zoning Map: The map incorporated into this Code as part hereof, designating zoning districts.

(Sec. 20-202)

ARTICLE III - ZONING DISTRICTS AND MAP

40-3-1 **ESTABLISHMENT OF DISTRICT.** In order to implement the regulatory scheme of this Code so as to achieve the objectives enumerated in **Section 40-10-23**, the entire Village is hereby divided into the following zoning districts:

	<u>DISTRICT</u>	<u>MINIMUM AREA*</u>
CV	Conservation	None
SR-1	Single-Family Residential	5 acres
SR-2	Single-Family Residential	5 acres
SR-3	Single-Family Residential	5 acres
SR-4	Single-Family Residential	5 acres
MR-1	Two-Family Residential	3 acres
MR-2	Multi-Family Residential	3 acres
MH-1	Manufactured Home Residential	3 acres
MH-2	Manufactured Home Residential (Park)	3 acres
C	Commercial Business	2 acres
PB	Planned Business	2 acres
LI	Light Industrial	3 acres
HI	Heavy Industrial	5 acres
FPO	Flood Plain Overlay	None

(Sec. 20-301)

40-3-2 **MINIMUM AREA REQUIREMENTS FOR DISTRICTS.** In meeting the minimum area requirement, which is intended to prevent spot zoning, zoning districts shall be comprised only of contiguous parcels and not of numerous non-contiguous parcels the acreage of which, when aggregated, happens to equal or exceed the required minimum area for that district. **(Sec. 20-302)**

40-3-3 **ZONING MAP.**

(A) The boundaries of the zoning districts designated above are established as shown on the map entitled **"Official Zoning Map for the Village of Steeleville, Illinois"**, dated **January 6, 1997**, which is attached hereto and made a part hereof as Illustration 20-A, and shall have the same force and effect as if the zoning map, together with all notations, references, and other information shown thereon were fully set forth and described herein

(B) The official zoning map, along with any notations, references, and information indicating changes and modifications, shall be kept on file in the office of the Zoning Administrator and the Village Clerk.

(C) **If any changes are made in the zoning districts or regulations during any calendar year, the Village Clerk shall cause a revised "Official Zoning Map for the**

Village of Steeleville, Illinois” to be published not later than March 31st of the following year. (See 65 ILCS Sec. 5/11-13-19) (Sec. 20-203)

40-3-4 **DISTRICT BOUNDARIES.** When uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules shall apply:

(A) District boundary lines are either the centerline of railroads, highways, streets, alleys, or easements, or the boundary lines of sections, divisions of sections, tracts or lots, or such lines extended, unless otherwise indicated.

(B) In areas not subdivided into lots or blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the divisions shown on the map, measured at right angles from the centerline of the street or highway, and the length from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section or division lines, or railroad right-of-way, unless otherwise indicated.

(C) All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting on such alleys, streets, public ways, waterways, and railroad rights-of-way.

(D) Where the centerline of a street, alley, public way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise indicated, shall deemed to be the same as that of the abutting property up to such centerline. **(Sec. 20-304)**

40-3-5 **ZONING OF ANNEXED LAND.** The zoning classification of any land annexed to the Village shall be determined by the Board of Trustees at the time of annexation and specified in the annexation ordinance. **[ED. NOTE: This is applicable when the land is to be zoned “SR-1”. All other classifications require a zoning hearing.] (Sec. 20-305)**

40-3-6 **ZONING SUBJECT TO PRE-ANNEXATION.**

(A) Where a pre-annexation agreement is in effect that precludes the changing of zoning district classifications on the subject property, the provisions of the zoning ordinance in effect on the date of annexation and the zoning district classifications specified in the pre-annexation agreement shall apply.

(B) The provisions of this Code, or any subsequent amendments hereto, shall not apply until such time as the term of the pre-annexation agreement has expired or the owner has agreed to the application of such provisions.

(C) Within **six (6) months** prior to the expiration of any such annexation agreement, the Zoning Board of Appeals shall initiate an amendment to apply the appropriate zoning classifications to the subject property once the agreement expires. Such amendments shall be in accordance with **Section 40-15-58. (Sec. 20-306)**

ARTICLE IV – GENERAL ZONING REGULATIONS – ALL DISTRICTS

40-4-1 **UNLISTED USES PROHIBITED.** Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district, unless the Board of Trustees determines that the unlisted use is similar to and compatible with the listed uses, and allows such use by amending this Code in accordance with **Section 40-16-51. (Sec. 20-401)**

40-4-2 **REGISTRATION REQUIRED FOR NON-RESIDENTIAL USE.** In order to assure that the purpose and intent of this Code is achieved, every non-residential use of property in any zoning district in the Village shall be registered with the Zoning Administrator each year during the month of (DATE).

(A) Forms for such registration shall be provided by the Zoning Administrator and shall request, but not be limited to, the following information:

- (1) The name of the owner or operator of the non-residential use;
- (2) The location of the use;
- (3) The nature of any services or products to be offered to the public whether sold at retail, wholesale, or without charge;
- (4) The average number of any employees to be employed at the location;
- (5) The nature of any toxic or flammable compounds, chemicals, or other such substances stored or used at said location;
- (6) The number of any and all certificates of registration required under the Retailers Occupation Tax Act, Service Occupation Tax Act, Use Tax Act, and any similar acts of the State of Illinois.

(B) Fees for such registration shall be assessed as stated in **Section 16-103** of the Village Business Code. **(Sec. 20-402)**

40-4-3 **MEETING MINIMUM AREA/BULK REQUIREMENTS.** Every lot must meet the minimum area/bulk requirements of the zoning district in which it is located, as those requirements relate to lot area, dimensions, and setbacks, so that requirements are met independent of, and without utilizing any portion of, any abutting lot. **(Sec. 20-403)**

40-4-4 **EXCEPTIONS TO HEIGHT LIMITS.**

(A) **Necessary Appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, water towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the Village.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2) feet** and **ten (10) feet** above the level of the adjacent street.

(C) **Accessory Uses.** Provided that there shall be no height restriction on agriculture-related accessory structures, no accessory use in any zoning district shall be higher than:

- (1) **Fifteen (15) feet** in a conservation or any residential zoning district; or
- (2) **Twenty-five (25) feet** in any other zoning district.

(Sec. 20-404)

40-4-5 EXCEPTIONS TO SETBACK REQUIREMENTS.

(A) **Corner Lots and Through Lots.** Every building or structure constructed on a "corner lot" or a "through lot", as defined, shall meet the minimum front setback requirement of the district in which it is located, for every yard area that fronts a dedicated street, unless otherwise indicated.

(B) **Built-Up Areas.** In all residential zoning districts, where lots having **fifty percent (50%)** or more of the frontage on **one (1) side** of a street between intersections are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setback between those intersections, shall be the average of the existing front setbacks; provided, however, that in any such area, no front setback greater than **fifty (50) feet** shall be required.

(C) **Accessory Uses.** Any accessory use in any residential or conservation district, unless specifically indicated otherwise, may be located as close as **five (5) feet** to any side or rear lot line; provided, however, that any accessory use attached to a principal structure shall be considered to be part of that structure and must meet the setback requirements of the district in which it is located, as those requirements apply to the principal structure.

(Sec. 20-405)

40-4-6 ALLOWABLE INTRUSIONS INTO YARDS. To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>FEATURES</u>	<u>MAXIMUM INTRUSIONS</u>
(A) Cornices, chimneys, planters or similar architectural features	Two (2) feet.
(B) Fire escapes	Four (4) feet.
(C) Patios	No Limit.
(D) Porches, if not enclosed and at ground level	Six (6) feet.

- | | | |
|-----|--|---|
| (E) | Balconies | Four (4) feet. |
| (F) | Attached canopies, roof overhangs | Four (4) feet. |
| (G) | Service station canopies which are at least ten (10) feet high | To within ten (10) feet of any lot line |

(Sec. 20-406)

40-4-7 **AREA/BULK RESTRICTIONS – ACCESSORY USES.** Any “accessory use”, as defined, shall be deemed permitted in a particular zoning district if such use is accessory to a principal structure or use which is allowed in that particular zoning district as either a permitted or special use, is not used as a dwelling, and complies with the following restrictions:

(A) **Front Yard Restriction.** No accessory use in any zoning district shall be located in any part of any front yard that is required as a result of the setback regulations of such district.

(B) **Lot Coverage Restriction.** All accessory uses on any one lot in any zoning district, shall not occupy more than **thirty percent (30%)** of the rear yard area that is required as a result of setback regulations of such district.

(Sec. 20-407)

40-4-8 **ACCESS TO LOTS REQUIRED.** No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street that conforms to the standards set forth in the Subdivision Code.

(A) Frontage on an alley shall not be deemed as satisfying the requirement above.

(Sec. 20-408)

40-4-9 **SEWERS AND PRIVATE SEWERAGE SYSTEMS.** In all zoning districts, the property owner of any building or place where people live, work or assemble, shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) **Requirement for Public Sewer Connection.** Whenever the distance from the property in question to the nearest public sewer with available capacity does not exceed **two hundred (200) feet**, and such sewer is reasonably accessible, all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

(B) **Allowance for Private Sewerage System.** Whenever the public sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, **(Ill. Comp. Stat., Ch. 225; Sec. 225/1 through 225/23)** as amended from time to time; and

- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as amended from time to time; and
- (3) Pertinent, current regulations issued by the **Illinois Environmental Protection Agency**; and
- (4) Applicable codes and ordinances of the Village, particularly those regulating subdivisions.

(C) **Issuance of Certificate of Compliance.** The Zoning Administrator shall not issue any Initial Certificate of Zoning Compliance unless, following consultation with the Sewer Inspector, he is satisfied that the requirements of this Section will be met. **(Sec. 20-409)**

40-4-10 **ADDITIONAL RESTRICTIONS – SPECIFIC USES.** Because of the nature of certain specific uses which require additional regulations in order to assure that the purpose and intent of this Code is achieved, the following additional restrictions are applicable to the uses listed below. **(Sec. 20-410)**

40-4-11 **KENNELS.**
(A) Any lot upon which a kennel is situated shall have a minimum area of **three (3) acres.**

(B) Every kennel shall be located at least **two hundred (200) feet** from the nearest dwelling, and at least **one hundred (100) feet** from any lot line. **(Sec. 20-411)**

40-4-12 **NURSING HOMES.**
(A) Any lot upon which a nursing home is situated shall have a minimum width and depth of **two hundred (200) feet** and a minimum area of **two (2) acres.**

(B) The principal building of any nursing home shall be located at least **twenty-five (25) feet** from all lot lines. **(Sec. 20-412)**

40-4-13 **RECREATIONAL VEHICLES.**
(A) No more than **two (2)** recreational vehicles shall be parked on any lot in any zoning district; provided that no restriction shall be placed upon the allowable number of recreational vehicles that may be parked on the lot of a permitted business which sells such vehicles.

(B) No recreational vehicle shall be used as an office or for any other commercial purpose in an zoning district. **(Sec. 20-413)**

(C) In areas zoned Residential, including multi-family areas, no recreational or commercial vehicle may be stored upon any Village street or sidewalk, but may be stored in a garage or private driveway.

(D) The restrictions set forth in this Section shall not apply to the parking of a recreational vehicle on a street or alley immediately abutting the street lot line of the lot upon which the owner or operator of the vehicle resides if such parking is solely for the purpose of connection with a planned trip, outing or vacation, commencing or ending on the same day of such departure or return, including any loading or unloading of persons and personal effects, or for the preparation of the vehicle in regard to such departure or return; provided, however, that such parking may not occur on more than **two (2) consecutive days** or on more than **two (2) days** in any **seven (7) day period** and shall not be occupied while parked on the street.

(E) It shall be unlawful to occupy any recreational vehicle for residence purposes anywhere in the Village, except in a duly established trailer park maintained in accordance with all application state statutes and Village ordinances; provided, however, that occupation for residence purposes for a period of not more than **seven (7) days** shall not be construed to be a violation of this Section. **(Ord. No. 12-10; 09-06-12)**

40-4-14 **SERVICE STATIONS.**

(A) All gasoline pumps and other such service facilities shall be located at least **twenty-five (25) feet** from any street, right-of-way line, side lot line, or rear lot line.

(B) Every access way to a service station shall be located at least **eighty-five (85) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from the intersection of any public streets. **(Ord. No. 522A) (Sec. 20-414)**

40-4-15 **SWIMMING POOLS.**

(A) No swimming pool, in any district, whether public or private, shall be located in any front yard or intrude into any part of any side or rear yard that is required because of the setback regulations in that district; provided, however, that in any residential district a swimming pool may be located as close as **ten (10) feet** to any side or rear lot line, inclusive of corner lots.

(1) When, in the case of a corner lot, a pool is installed in a side yard area normally restricted by setback regulations, the required wall or fence shall be a separate wall or fence, regardless of whether the pool is installed in-ground or above ground.

(2) When, in the case of a corner lot, a pool is installed in a side yard area normally restricted by setback regulations, the provisions of **Section 40-4-3** must be followed.

(B) Every in-ground swimming pool which is more than **eighteen (18) inches** deep shall be enclosed by a wall or fence at least **four (4) feet** in height.

(1) Any passage through such wall or fence, shall be equipped with a gate, the latch of which can be secured and locked.

(C) Every above ground swimming pool which is more than **eighteen (18) inches and less than forty-two (42) inches** deep shall be enclosed by a separate wall or fence at least **four (4) feet** in height; provided, however, that a separate wall or fence shall not be required (unless otherwise indicated by **Section 40-4-15(A)(1)** if every point of the pool wall is at least **forty-two (42) inches** above the ground.

(1) Any passage through a separate wall or fence shall be equipped with a gate the latch of which can be secured and locked.

(2) Access to a pool, the wall of which is at least **forty-two (42) inches** above the ground and which is not protected by a separate wall or fence, shall be restricted by a ladder which is raised or removed when the pool is not in use.

(Sec. 20-415) (Ord. No. 13-672; 04-01-13)

40-4-16 **UTILITY SUBSTATIONS.** Every electrical substation, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility, or similar facility shall be deemed a special use and shall conform to the following regulations in addition to any regulations required by said special use:

(A) Every lot on which any such facility is situated shall meet the minimum area and dimensions requirements of the district in which it is located and every building, structure, or use of any such facility shall be located at least **twenty-five (25) feet** from all lot lines, or shall meet the district setback requirements, whichever is greater.

(B) In any residential district, every such facility shall be designed, constructed and operated so that it is compatible with the residential character of the area.

(C) Screening at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property shall be installed around every such facility.

(D) If the installed screening is not a fence and the Zoning Administrator determines that such a facility poses a safety hazard, he shall require that a secure fence at least **ten (10) feet** in height be installed behind the required screening. **(Sec. 20-416)**

40-4-17 HOME OCCUPATIONS, AS A PERMITTED USE. Every home occupation allowed as a permitted use in the Village, shall meet the following criteria:

(A) No alterations shall be made to the dwelling to accommodate the home occupation which are in any way observable from outside the dwelling.

(B) The total area devoted to the home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **five hundred (500) square feet**, whichever is less.

(C) No area outside the dwelling shall be used for the storage of equipment or materials used in connection with the home occupation.

(D) Vehicular traffic to and from the site of the home occupation and occurring as a result of said activity, shall not exceed **four (4)** vehicles at any one interval, on a regular, continuing basis.

(E) No offensive noise, vibration, smoke, dust, odor, heat, glare, or electrical interference, which is noticeable at or beyond the lot lines, shall be generated.

(F) At least **two (2)** off-street parking spaces, in addition to those required for the residential use of the property, shall be provided for those home occupations generating vehicular traffic to and from the site of the home occupation as a result of said activity. Off-street parking will not be required for home occupations where no vehicular traffic is derived by the home occupations. **(Ord. No. 12-01; 05-07-12)**

(G) Any sign erected in connection with a home occupation, shall conform with the provisions of **Section 40-14-5(J)**.

(H) No more than **one (1)** individual who is unrelated to the family residing in the dwelling, shall be employed in connection with the home occupation.

(I) No home occupation shall be established unless the owner has first registered the non-residential use of the property with the Zoning Administrator, and in accordance with **Section 40-4-2. (Sec. 20-417)**

40-4-18 HOME OCCUPATIONS, AS A SPECIAL USE. Every home occupation allowed as a special use in the Village, shall meet the following criteria:

(A) In any residential or conservation district, no alterations shall be made to the dwelling to accommodate the home occupation which materially change the residential character of the building.

(B) The total area devoted to the home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **five hundred (500) square feet**, whichever is less.

(C) In any residential or conservation district, no unenclosed area shall be used for the storage of equipment or materials used in connection with the home occupation. For the purpose of this Section, enclosed shall mean within the dwelling, a storage building, or a detached garage.

(D) No offensive noise, vibration, smoke, dust, odor, heat, glare, or electrical interference, which is noticeable at or beyond the lot lines, shall be generated.

(E) At least **two (2)** off-street parking spaces, in addition to those required for the residential use of the property, shall be provided.

(F) Any sign erected in connection with a home occupation, shall conform with the provisions of **Section 40-15-5(J)**.

(G) No more than **two (2)** individuals who are unrelated to the family residing in the dwelling, shall be employed in connection with the home occupation.

(H) No home occupation shall be established unless the owner has first registered the non-residential use of the property with the Zoning Administrator, and in accordance with **Section 40-4-2. (Sec. 20-418)**

40-4-19 AGRICULTURAL ACTIVITIES.

(A) No barn, stable, shed, or other structure intended to shelter farm animals, shall be erected closer than **three hundred (300) feet** from any existing dwelling, or closer than **two hundred (200) feet** from any lot line of any residential property, whichever is greater.

(1) Fences shall be erected, or other means taken, to prevent farm animals from approaching closer than **three hundred (300) feet** from any existing dwelling or **two hundred (200) feet** from any residential lot line, whichever distance is greater.

(B) No agricultural equipment or commodities, including, but not limited to baled crops, fertilizer, pesticides, or herbicides, shall be stored outdoors and closer than **three hundred (300) feet** from any existing dwelling or **two hundred (200) feet** from any residential lot line, whichever distance is greater.

(1) Such equipment or commodities which are stored completely within an enclosed structure, shall not be located closer than **one hundred (100) feet** from any residential lot line.

(Sec. 20-419)

40-4-20 FENCES, WALLS.

(A) No barbed wire fence or electrically charged fence shall be erected in any zoning district in the Village; provided, however, that such fences may be allowed by the Board of Trustees in a conservation district, in accordance with the special use provisions of **Section 40-15-42.**

(B) No fence, wall, or other such obstruction shall be erected within any public right-of-way, except by written permission of the City Council.

(C) No fence, wall, or other such obstruction shall be erected in any zoning district in violation of the **Illinois Drainage Code. (Sec. 20-420)**

(D) **Permits.**

(1) Any fence being **five (5) feet** from the property line being replaced with the same exact fence does not need a new building permit. If any change is made in any way a permit is needed.

(2) A permit is needed for any new fence.

(3) A fence can be put on the property line provided the adjoining property owner signs a consent form.

(E) For any new or replacement fence on a corner a permit is needed and the corner setbacks must be met unless an Area/Bulk Variance is applied for and granted.

(Ord. No. 05-571; 07-05-05)

40-4-21 JUNK YARDS.

(A) No part of any junk yard, including any lot on which **three (3)** or more inoperable vehicles are stored, shall be located closer than **five hundred (500) feet** from any residential lot line.

(B) All vehicles, parts, and equipment shall be stored completely within an enclosed structure, or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **ten (10) feet** high and of sufficient density to block the view from adjacent property. **(Sec. 20-421)**

40-4-22 AERIALS AND ANTENNAS.

(A) In any residential or business district, no aerial or antenna shall be located in any front or side yard.

(B) In any zoning district, no aerial or antenna shall exceed the height limit regulation of the Federal Communication Commission. **(Sec. 20-422)**

ARTICLE V

SPECIFIC REGULATIONS FOR CONSERVATION DISTRICTS

40-5-1 **"CV" - CONSERVATION DISTRICT.** The "CV" Conservation District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so, for the foreseeable future. Tracts of land in this district which provide the Village with a valuable natural resources, open space, and aid in maintaining the stability of the natural environment, should be preserved and protected. Tracts of land in this district which are fertile and relatively level, may be suited for agricultural pursuits. Other tracts in this district may have such poor soils, steep slopes, inadequate natural drainage, or other problems, so that the provision and maintenance of roads, utilities, and storm water drainage systems would present an impractical or burdensome expense to the tax-paying public. **(Sec. 20-501)**

40-5-2 **PERMITTED USES.** The following shall be considered permitted uses in the "CV" district:

Agriculture, including all uses commonly classified as such, in accordance with the requirements of **Section 40-4-20.**

Cemeteries.

Government uses of the Village.

Nurseries, greenhouses, temporary produce stands.

Public libraries, playgrounds, parks, and recreational or community centers or grounds.

Single-family dwellings, conventionally constructed.

Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

Accessory uses, buildings, and structures in accordance with **Section 40-4-6.**
(Sec. 20-502)

40-5-3 **SPECIAL USES.** The following shall be considered special uses in the "CV" district and allowed only in accordance with **Section 40-15-42:**

Agricultural implement sales.

Amusement facilities such as go-cart tracks and miniature golf courses.

Animal hospitals.

Churches and related religious facilities.

Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.

Golf courses of regulation size.

Government uses other than those of the Village.

Home occupations in accordance with **Section 40-4-17.**

Institutions such as convents, retreat houses, and seminaries.

Kennels in accordance with **Section 40-4-11.**

Nursing homes in accordance with **Section 40-4-12.**

Utility substations in accordance with **Section 40-4-16.**

(Sec. 20-503)

40-5-4 **AREA/BULK RESTRICTIONS.** The following area/bulk restrictions shall apply to all buildings or structures in the "CV" district:

(A) **Minimum Lot Size.**

- | | | |
|-----|-----------|--------------------|
| (1) | Lot Area | 62,500 square feet |
| (2) | Lot Width | 250 feet |
| (3) | Lot Depth | 250 feet |

(B) **Minimum Setbacks.**

- | | | |
|-----|---------------------------|---------|
| (1) | From front lot line | 50 feet |
| (2) | From either side lot line | 20 feet |
| (3) | From rear lot line | 50 feet |

(C) **Maximum Building Height.**

- | | | |
|-----|---|--|
| (1) | 35 feet; provided, however, that there shall be no height restriction on agricultural-related accessory structures. | |
|-----|---|--|

(Sec. 20-504)

40-5-5 **PARKING REGULATIONS.** Off-street parking shall be provided for every use in the "CV" district in accordance with the provisions of **Article XIV** of this Code. **(Sec. 20-505)**

40-5-6 **SIGN REGULATIONS.** Any sign erected in the "CV" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-506)**

40-5-7 **SUPPLEMENTAL REGULATIONS.**

(A) **One Dwelling Per Lot.** Only **one (1) dwelling** shall be situated on any lot in the "CV" district. **(Sec. 20-507)**

ARTICLE VI

SPECIFIC REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS

40-6-1 "SR-1" – SINGLE-FAMILY RESIDENTIAL DISTRICT. The "SR-1" Single-Family Residential District is designed to provide for larger single-family residential development and is intended to create an environment of homes on larger lots than might be typical for urbanized residential areas. The regulations for this district are intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future. **(Sec. 20-601)**

40-6-2 PERMITTED USES. The following shall be considered permitted uses in the "SR-1" district:

Government uses of the Village.

Playgrounds, parks, and recreational or community centers or grounds.

Single-family dwellings.

Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

Accessory uses, buildings, and structures in accordance with **Section 40-4-6.**
(Sec. 20-602)

40-6-3 SPECIAL USES. The following shall be considered special uses in the "SR-1" district and allowed only in accordance with **Section 40-15-42:**

Government uses other than those of the Village.

Home occupations in accordance with **Section 40-4-17.**

Schools.

Utility substations in accordance with **Section 40-4-16.**

(Sec. 20-603)

40-6-4 AREA/BULK RESTRICTIONS. The following area/bulk restrictions shall apply to all buildings or structures in the "SR-1" district:

(A) **Minimum Lot Size.**

(1)	Lot Area	12,000 square feet
(2)	Lot Width	100 feet
(3)	Lot Depth	120 feet

(B) **Minimum Setbacks.**

(1)	From front lot line	25 feet
(2)	From either side lot line	10 feet

- (3) From rear lot line 25 feet
- (C) **Maximum Building Height.**
- (1) The lesser of 35 feet or 2 ½ stories.

(Sec. 20-604)

40-6-5 PARKING REGULATIONS. Off-street parking shall be provided for every use in the "SR-1" district in accordance with the provisions of **Article XIV** of this Code. **(Sec. 20-605)**

40-6-6 SIGN REGULATIONS. Any sign erected in the "SR-1" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-606)**

40-6-7 SUPPLEMENTAL REGULATIONS.

(A) **One Structure Per Lot.** Only **one (1) principal structure** shall be situated on any lot in the "SR-1" district.

(B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "SR-1" district in accordance with the following:

- (1) No mobile or manufactured homes shall be brought into or placed anywhere in the "SR-1" district.
- (2) No existing mobile or manufactured home in the "SR-1" district shall be immobilized.
- (3) It shall be unlawful to replace any existing mobile or manufactured home located in the "SR-1" district.

(Sec. 20-607)

40-6-8 "SR-2" – SINGLE-FAMILY RESIDENTIAL DISTRICT. The "SR-2" Single-Family Residential District is designed to provide for prime single-family residential development and is intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future. **(Sec. 20-608)**

40-6-9 PERMITTED USES. The following shall be considered permitted uses in the "SR-2" district:

- Government uses of the Village.
- Home occupations in accordance with **Section 40-4-17.**
- Playgrounds, parks, and recreational or community centers or grounds.
- Single-family dwellings.

Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

Accessory uses, buildings, and structures in accordance with **Section 40-4-6**.
(Sec. 20-609)

40-6-10 SPECIAL USES. The following shall be considered special uses in the "SR-2" district and allowed only in accordance with **Section 40-15-42**:

- Churches and related religious facilities.
- Government uses other than those of the Village.
- Home occupations in accordance with **Section 40-4-18**.
- Schools.
- Utility substations in accordance with **Section 40-4-16**.

(Sec. 20-610)

40-6-11 AREA/BULK RESTRICTIONS. The following area/bulk restrictions shall apply to all buildings or structures in the "SR-2" district:

- (A) **Minimum Lot Size.**
 - (1) Lot Area 9,600 square feet
 - (2) Lot Width 80 feet
 - (3) Lot Depth 120 feet
- (B) **Minimum Setbacks.**
 - (1) From front lot line 25 feet
 - (2) From either side lot line 10 feet
 - (3) From rear lot line 25 feet
- (C) **Maximum Building Height.**
 - (1) The lesser of 35 feet or 2 ½ stories.

(Sec. 20-611)

40-6-12 PARKING REGULATIONS. Off-street parking shall be provided for every use in the "SR-2" district in accordance with the provisions of **Article XIV** of this Code. **(Sec. 20-612)**

40-6-13 SIGN REGULATIONS. Any sign erected in the "SR-2" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-613)**

40-6-14 SUPPLEMENTAL REGULATIONS.

(A) **One Structure Per Lot.** Only **one (1) principal structure** shall be situated on any lot in the "SR-2" district.

(B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "SR-2" district in accordance with the following:

- (1) No mobile or manufactured homes shall be brought into or placed anywhere in the "SR-2" district.
- (2) No existing mobile or manufactured home in the "SR-2" district shall be immobilized.
- (3) It shall be unlawful to replace any existing mobile or manufactured home located in the "SR-2" district.

(Sec. 20-614)

40-6-15 "SR-3" – SINGLE-FAMILY RESIDENTIAL DISTRICT. The "SR-3" Single-Family Residential District is designed to provide for single-family residential development and is intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future. **(Sec. 20-615)**

40-6-16 PERMITTED USES. The following shall be considered permitted uses in the "SR-3" district:

Government uses of the Village.

Home occupations in accordance with **Section 40-4-17.**

Playgrounds, parks, and recreational or community centers or grounds.

Schools.

Single-family dwellings.

Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

Accessory uses, buildings, and structures in accordance with **Section 40-4-6.**

(Ord. No. 504A) (Sec. 20-616)

40-6-17 SPECIAL USES. The following shall be considered special uses in the "SR-3" district and allowed only in accordance with **Section 40-15-42:**

Churches and related religious facilities.

Government uses other than those of the Village.

Home occupations in accordance with **Section 40-4-18.**

Manufactured homes in accordance with **Section 40-6-21(B).**

Schools.

Utility substations in accordance with **Section 40-4-16.**

(Sec. 20-617)

40-6-18 **AREA/BULK RESTRICTIONS.** The following area/bulk restrictions shall apply to all buildings or structures in the "SR-3" district:

(A) **Minimum Lot Size.**

- | | | |
|-----|-----------|-------------------|
| (1) | Lot Area | 7,200 square feet |
| (2) | Lot Width | 60 feet |
| (3) | Lot Depth | 120 feet |

(B) **Minimum Setbacks.**

- | | | |
|-----|---------------------------|---------|
| (1) | From front lot line | 25 feet |
| (2) | From either side lot line | 10 feet |
| (3) | From rear lot line | 25 feet |

(C) **Maximum Building Height.**

- (1) The lesser of 35 feet or 2 ½ stories.

(Ord. No. 504A) (Sec. 20-618)

40-6-19 **PARKING REGULATIONS.** Off-street parking shall be provided for every use in the "SR-3" district in accordance with the provisions of **Article XIV** of this Code. **(Sec. 20-619)**

40-6-20 **SIGN REGULATIONS.** Any sign erected in the "SR-3" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-620)**

40-6-21 **SUPPLEMENTAL REGULATIONS.**

(A) **One Structure Per Lot.** Only **one (1) principal structure** shall be situated on any lot in the "SR-3" district.

(B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "SR-3" district in accordance with the following:

- (1) No mobile or manufactured home shall be brought into or placed in the "SR-3" district unless replacing an existing mobile or manufactured home.
- (2) Replacement of any existing mobile or manufactured home located in the "SR-3" district shall only be allowed by special use permit and only when the replacement home is new.
- (3) No mobile or manufactured home in the "SR-3" district shall be immobilized.

(Sec. 20-621)

40-6-22 **"SR-4" – SINGLE-FAMILY RESIDENTIAL DISTRICT.** The "SR-4" Single-Family Residential District is designed to provide for single-family residential development in neighborhoods of older homes on smaller lots, typical of residential areas

urbanized prior to zoning regulations. The regulations for this district are intended to stabilize and preserve existing neighborhoods while promoting the development and rehabilitation of affordable single-family dwellings. **(Sec. 20-622)**

40-6-23 PERMITTED USES. The following shall be considered permitted uses in the "SR-4" district:

- Government uses of the Village.
- Home occupations in accordance with **Section 40-4-17**.
- Manufactured homes in accordance with **Section 40-6-28(B)**.
- Modular homes in accordance with **Section 40-6-28(C)**.
- Public libraries, playgrounds, parks, and recreational or community centers or grounds.
- Single-family dwellings.
- Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- Accessory uses, buildings, and structures in accordance with **Section 40-4-6**. **(Sec. 20-623)**

40-6-24 SPECIAL USES. The following shall be considered special uses in the "SR-4" district and allowed only in accordance with **Section 40-15-42**:

- Churches and related religious facilities.
- Government uses other than those of the Village.
- Home occupations in accordance with **Section 40-4-18**.
- Manufactured homes in accordance with **Section 40-6-28(D)**.
- Mobile classrooms, temporary.
- Schools.
- Utility substations in accordance with **Section 40-4-16**. **(Sec. 20-624)**

40-6-25 AREA/BULK RESTRICTIONS. The following area/bulk restrictions shall apply to all buildings or structures in the "SR-4" district:

- (A) **Minimum Lot Size.**
 - (1) Lot Area 6,000 square feet
 - (2) Lot Width 50 feet
 - (3) Lot Depth 120 feet
- (B) **Minimum Setbacks.**
 - (1) From front lot line 25 feet
 - (2) From either side lot line 10 feet
 - (3) From rear lot line 25 feet

(C) **Maximum Building Height.**

- (1) The lesser of 35 feet or 2 1/2 stories.

(Sec. 20-625)

40-6-26 PARKING REGULATIONS. Off-street parking shall be provided for every use in the "SR-4" district in accordance with the provisions of **Article XIV** of this Code. **(Sec. 20-626)**

40-6-27 SIGN REGULATIONS. Any sign erected in the "SR-4" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-627)**

40-6-28 SUPPLEMENTAL REGULATIONS.

(A) **One Structure Per Lot.** Only **one (1) principal structure** shall be situated on any lot in the "SR-4" district.

(B) **Manufactured Homes.** Every manufactured home erected in the "SR-4" district shall:

- (1) Be comprised of **two (2) sections** joined at the site and placed on a permanent foundation.
- (2) Be located on a single lot of record.
- (3) Meet all applicable Department of Housing and Urban Development codes.
- (4) Be eligible for long-term mortgage financing.
- (5) Be taxed as real property.
- (6) Be visually compatible with other single-family residential dwellings.

(C) **Modular Homes.** Every modular home erected in the "SR-4" district shall:

- (1) Be placed on a permanent foundation.
- (2) Be located on a single lot of record.
- (3) Meet all adopted building codes and comply with all building inspection requirements.
- (4) Be eligible for long-term mortgage financing.
- (5) Be taxed as real property.
- (6) Be visually compatible with other single-family residential dwellings.

(D) Replacement of any existing mobile or manufactured home located in the "SR-4" district, shall only be allowed by special use permit, and only when the replacement home is new.

(Sec. 20-628)

ARTICLE VII

SPECIFIC REGULATIONS FOR MULTI-FAMILY RESIDENTIAL DISTRICTS

40-7-1 **"MR-1" – TWO-FAMILY RESIDENTIAL DISTRICT.** The "MR-1" Two-Family Residential District is designed to provide areas suitable for single-family dwellings and duplexes and to stabilize and preserve such areas for similar residential development in the future. **(Sec. 20-701)**

40-7-2 **PERMITTED USES.** The following shall be considered permitted uses in the "MR-1" district:

Government uses of the Village.

Home occupations in accordance with **Section 40-4-17.**

Playgrounds, parks, and recreational or community centers or grounds.

Single-family dwellings.

Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

Two-family dwellings, as defined.

Accessory uses, buildings, and structures in accordance with **Section 40-4-6.**
(Sec. 20-702)

40-7-3 **SPECIAL USES.** The following shall be considered special uses in the "MR-1" district and allowed only in accordance with **Section 40-15-42:**

Churches and related religious facilities.

Government uses other than those of the Village.

Home occupations in accordance with **Section 40-4-18.**

Mobile classrooms, temporary.

Nursing homes in accordance with **Section 40-4-12.**

Schools.

Storage units. **(Ord. No. 604; 06-02-08)**

Utility substations in accordance with **Section 40-4-16.**
(Sec. 20-703)

40-7-4 **AREA/BULK RESTRICTIONS.** The following area/bulk restrictions shall apply to all buildings or structures in the "MR-1" district, except those defined as a uniplax:

(A) **Minimum Lot Size.**

- | | | |
|-----|-----------|--------------------|
| (1) | Lot Area | 12,000 square feet |
| (2) | Lot Width | 100 feet |

- (3) Lot Depth 120 feet
- (B) **Minimum Setbacks.**
 - (1) From front lot line 25 feet
 - (2) From either side lot line 10 feet
 - (3) From rear lot line 25 feet
- (C) **Maximum Building Height.**
 - (1) The lesser of 35 feet or 2 ½ stories.

(Sec. 20-704)

40-7-5 AREA/BULK RESTRICTIONS FOR A UNIPLEX. The following area/bulk restrictions, rather than those stipulated above, shall apply to all uniplex structures, as defined, in the "MR-1" district:

- (A) **Minimum Lot Size.**
 - (1) Lot Area 6,000 square feet
 - (2) Lot Width 50 feet
 - (3) Lot Depth 120 feet
- (B) **Minimum Setbacks.**
 - (1) From front lot line 25 feet
 - (2) From either side lot line 10 feet
 - (3) From party wall lot line None
 - (4) From rear lot line 25 feet
- (C) **Maximum Building Height.**
 - (1) The lesser of 35 feet or 2 ½ stories.

(Sec. 20-705)

40-7-6 PARKING REGULATIONS. Off-street parking shall be provided for every use in the "MR-1" district in accordance with the provisions of **Article XIV** of this Code. **(Sec. 20-706)**

40-7-7 SIGN REGULATIONS. Any sign erected in the "MR-1" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-707)**

40-7-8 SUPPLEMENTAL REGULATIONS.

(A) **One Building Per Lot.** Only **one (1) principal building** shall be situated on any lot in the "MR-1" district.

(B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "MR-1" district in accordance with the following:

- (1) No mobile or manufactured homes shall be brought into or placed anywhere in the "MR-1" district.

- (2) No existing mobile or manufactured home in the "MR-1" district shall be immobilized.
- (3) It shall be unlawful to replace any existing mobile or manufactured home located in the "MR-1" district.

(Sec. 20-708)

40-7-9 **"MR-2" – MULTI-FAMILY RESIDENTIAL DISTRICT.** The "MR-2" Multi-Family Residential District is designed to provide areas suitable for the creation and maintenance of stable and enduring multiple-family housing by establishing limitations on the use, character, and density of such land development so as to avoid conflicts with natural topography, existing development, or the arrangement and location of existing or planned community facilities and the social needs of the community. **(Sec. 20-709)**

40-7-10 **PERMITTED USES.** The following shall be considered permitted uses in the "MR-2" district:

- Condominiums.
- Government uses of the Village.
- Home occupations in accordance with **Section 40-4-17.**
- Multiple-family dwellings, as defined.
- Playgrounds, parks, and recreational or community centers or grounds.
- Single-family dwellings.
- Specialized living accommodations, as defined.
- Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- Townhouses.
- Accessory uses, buildings, and structures in accordance with **Section 40-4-6.**

(Sec. 20-710)

40-7-11 **SPECIAL USES.** The following shall be considered special uses in the "MR-2" district and allowed only in accordance with **Section 40-15-42:**

- Churches and related religious facilities.
- Government uses other than those of the Village.
- Home occupations in accordance with **Section 40-4-18.**
- Mobile classrooms, temporary.
- Nursing homes in accordance with **Section 40-4-12.**
- Schools.
- Two-family dwellings, as defined.
- Utility substations in accordance with **Section 40-4-16.**

(Sec. 20-711)

40-7-12 AREA/BULK RESTRICTIONS. The following area/bulk restrictions shall apply to all buildings or structures in the "MR-2" district:

(A) **Minimum Lot Area.** The greater of 12,000 square feet, or 2,000 square feet per dwelling unit.

(B) **Minimum Lot Width.** The greater of 100 feet, or 10 feet per dwelling unit, whichever is greater.

(C) **Minimum Lot Depth.** 120 feet.

(D) **Minimum Setbacks.**

(1) From front lot line 25 feet

(2) From either side lot line 10 feet

(3) From rear lot line 25 feet

(E) **Maximum Building Height.**

(1) The lesser of 35 feet or 2 ½ stories.

(Sec. 20-712)

40-7-13 PARKING REGULATIONS. Off-street parking shall be provided for every use in the "MR-2" district in accordance with the provisions of **Article XIV** of this Code. **(Sec. 20-713)**

40-7-14 SIGN REGULATIONS. Any sign erected in the "MR-2" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-714)**

40-7-15 SUPPLEMENTAL REGULATIONS.

(A) **Refuse Containers.** All refuse containers jointly serving residents of multi-family dwellings within this district shall be tightly-covered and placed in visually-screened areas in accordance with the following provisions:

(1) The owner of every building, structure, or premises, shall provide and maintain in good condition and repair, a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.

(2) It shall be the duty of the owner of every building, structure, or premises, to cause to be removed, at his own cost and expense, at least once each week, all refuse deposited in such containers.

(B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "MR-2" district in accordance with the following:

(1) No mobile or manufactured homes shall be brought into or placed anywhere in the "MR-2" district.

(2) No existing mobile or manufactured home in the "MR-2" district shall be immobilized.

(3) It shall be unlawful to replace any existing mobile or manufactured home located in the "MR-2" district.

(Sec. 20-715)

ARTICLE VIII

SPECIFIC REGULATIONS FOR MOBILE HOME RESIDENTIAL DISTRICTS

40-8-1 **"MH-1" – MOBILE HOME RESIDENTIAL DISTRICT.** The "MH-1" Mobile Home District is primarily intended to provide areas suitable for the placement of mobile homes on individual and privately owned lots. **(Sec. 20-801)**

40-8-2 **PERMITTED USES.** The following shall be considered permitted uses in the "MH-1" district:

Government uses of the Village.

Home occupations in accordance with **Section 40-4-17.**

Mobile homes or manufactured homes, in accordance with all applicable requirements of this Section and this Code.

Playgrounds, parks, and recreational or community centers or grounds.

Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

Accessory uses, buildings, and structures in accordance with **Section 40-4-7.**
(Sec. 20-802)

40-8-3 **SPECIAL USES.** The following shall be considered special uses in the "MH-1" district and allowed only in accordance with **Section 40-15-42:**

Churches and related religious facilities.

Government uses other than those of the Village.

Home occupations in accordance with **Section 40-4-18.**

Mobile classrooms, temporary.

Mobile home parks, in accordance with all applicable regulations of this Section and this Code.

Multiple-family dwellings, as defined.

Nursing homes in accordance with **Section 40-4-12.**

Schools.

Storage units. **(Ord. No. 07-597; 06-04-07)**

Utility substations in accordance with **Section 40-4-16.**

(Sec. 20-803)

40-8-4 **AREA/BULK RESTRICTIONS.** The following area/bulk restrictions shall apply to all buildings or structures in the "MH-1" district:

- (A) **Minimum Lot Size.**
 - (1) Lot area 4,800 square feet
 - (2) Lot width 40 feet
 - (3) Lot depth 120 feet
- (B) **Minimum Setbacks.**
 - (1) From front lot line 25 feet
 - (2) From either side lot line 10 feet
 - (3) From rear lot line 15 feet
- (C) **Maximum Building Height.**
 - (1) The lesser of 22 feet or 2 ½ stories.

(Sec. 20-804)

40-8-5 PARKING REGULATIONS. Off-street parking shall be provided for every use in the "MH-1" district in accordance with the provisions of **Article XIV** of this Code. **(Sec. 20-805)**

40-8-6 SIGN REGULATIONS. Any sign erected in the "MH-1" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-806)**

40-8-7 SUPPLEMENTAL REGULATIONS.

(A) **One Building Per Lot.** Only **one (1) principal building** or structure shall be situated on any lot in the "MH-1" district, and no mobile home or manufactured home shall be placed on a lot upon which another principal building exists.

(B) **Compliance With Manufactured Home Code.** Every mobile home or manufactured home in the "MH-1" district shall conform to the provisions of **Chapter 23** of the Revised Code.

(Sec. 20-807)

40-8-8 "MH-2" – MOBILE HOME RESIDENTIAL DISTRICT. The "MH-2" Mobile Home Residential District is designed to provide areas suitable to the creation and maintenance of mobile home parks. Although "lots" in a mobile home park may not be classified as "lots of record", for the purpose of establishing bulk/area regulations, all mobile home parks shall be developed in a manner so that zoning lots are designated for each manufactured or mobile home. For the purpose of enforcement, the restrictions in **Section 40-8-11** shall apply. **(Sec. 20-808)**

40-8-9 PERMITTED USES. The following shall be considered permitted uses in the "MH-2" district:

Government uses of the Village.

Home occupations in accordance with **Section 40-4-17.**

Mobile homes or manufactured homes, in accordance with all applicable requirements of this Section and this Code.

Playgrounds, parks, and recreational or community centers or grounds.

Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

Accessory uses, buildings, and structures in accordance with **Section 40-4-6.**

(Sec. 20-809)

40-8-10 SPECIAL USES. The following shall be considered special uses in the "MH-2" district and allowed only in accordance with **Section 40-15-42:**

Home occupations in accordance with **Section 40-4-18.**

Manufactured offices, as defined, and the uses therein, but only when new.

(Sec. 20-810)

40-8-11 AREA/BULK RESTRICTIONS. The following area/bulk restrictions shall apply to all buildings or structures in the "MH-2" district:

(A) **Minimum Lot Area.**

- (1) For those parks established and approved prior to **January 1, 1980** the minimum lot area shall be **four thousand (4,000) square feet.**
- (2) For those parks established and approved after **January 1, 1980** the minimum lot area shall be **five thousand (5,000) square feet.**

(B) **Minimum Lot Frontage.**

- (1) Lots on a cul-de-sac 30 feet, at the pavement
- (2) All other lots 50 feet, at the pavement

(C) **Minimum Setbacks – Parks Established and Approved (Before January 1, 1980).**

- (1) From any park property line as established
- (2) From any park street 5 feet
- (3) Open space between sides of mobile homes 10 feet
- (4) Open space between ends of mobile homes 5 feet
- (5) From any detached accessory building or structure 10 feet

(D) **Minimum Setbacks – Parks Established and Approved (After January 1, 1980).**

- (1) From any park property line 25 feet
- (2) From any park street 15 feet
- (3) From another mobile home 20 feet
- (4) From any detached accessory building or structure 10 feet

(E) **Maximum Building Height.**

- (1) The lesser of 22 feet or 2 ½ stories.

(Sec. 20-811)

40-8-12 PARKING REGULATIONS. Off-street parking shall be provided for every use in the "MH-2" district in accordance with the provisions of **Article XIV** of this Code. **(Sec. 20-812)**

40-8-13 SIGN REGULATIONS. Any sign erected in the "MH-2" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-813)**

40-8-14 SUPPLEMENTAL REGULATIONS.

(A) **One Building Per Lot.** Only **one (1) principal building** or structure shall be situated on any lot in the "MH-2" district, and no mobile home or manufactured home shall be placed on a lot upon which another principal building exists.

(B) **Compliance With Manufactured Home Code.** Every mobile home or manufactured home in the "MH-2" district shall conform to the provisions of **Chapter 18** of the Revised Code.

(Sec. 20-814)

ARTICLE IX

SPECIFIC REGULATIONS FOR COMMERCIAL BUSINESS DISTRICTS

40-9-1 **"C" – COMMERCIAL BUSINESS DISTRICT.** The "C" Commercial Business District is intended to accommodate and regulate strip commercial developments and compatible uses, both retail and wholesale, which draw their patrons primarily from the motoring public. Such uses typically require direct access to major streets and large off-street parking and loading facilities. **(Sec. 20-901)**

40-9-2 **PERMITTED USES.** Provided all the use restrictions of this district are observed, the following shall be considered permitted uses in the "C" district:

Accounting, bookkeeping and auditing services.
Agricultural implements; sales and service.
Ambulance and paramedic services.
Animal hospitals and clinics.
Antique stores.
Apparel stores.
Appliance stores.
Architectural and planning services.
Art galleries, commercial.
Art and school supply stores.
Auction rooms or barns.
Auto accessory stores.
Auto dealers, new or used.
Auto driving instruction.
Auto laundries and car washing facilities.
Auto renting facilities.
Auto service stations.
Auto undercoating and rustproofing services.
Bakeries.
Banks, savings and loan, and other financial institutions.
Bars, taverns, and lounges.
Barber and hairstyling shops.
Beauty parlors.
Bicycle stores; sales, rental and repair.
Boat sales.
Book and stationery stores.
Bowling alleys.
Building materials and products; sales and storage.
Building trades showrooms and shops.

Business and office machine sales and services.
Business condominiums, provided all the requirements of **Section 40-9-8** are met.

Bus passenger stations.
Camera stores.
Camper sales.
Candy and confectionery stores.
C.A.T.V. sales and display of outdoor antenna dishes.
Catering establishments.
China and glassware stores.
Churches, chapels, temples and synagogues.
Clothing and costume rental.
Clubs and lodges.
Convenience stores.
Dairy products stores.
Department stores.
Detective agencies.
Drapery stores.
Dressmaking.
Dry cleaners and laundromats.
Dry goods stores.
Drug stores.
Dwelling, single-family.
Electrical repair services.
Employment agencies.
Engineering and surveying services.
Equipment rental and leasing services.
Extermination services.
Fast-food or drive-in restaurants.
Floor covering stores.
Floral shops.
Funeral parlors.
Furniture stores.
Gift shops.
Governmental uses of the Village.
Grocery stores.
Gymnasiums, health clubs, and spas.
Hardware stores.
Hobby shops.
Home appliance stores.
Ice cream stores.
Indoor movie theaters.
Indoor tennis or racquetball clubs.
Insurance agencies.
Jewelry stores.

Laboratories; medical, dental, or optical.
Landscaping services.
Lithographers.
Leather goods and luggage stores.
Locksmiths.
Machinery sales and services.
Mail order houses.
Meat markets.
Medical and dental clinics.
Messenger and telegraph services.
Mobile and manufactured home sales.
Model homes and garage displays.
Monument sales.
Motor vehicle repair and servicing facilities.
Motorcycle sales.
Music stores.
Newspaper and periodical publishers.
Notions stores.
Nurseries and greenhouses.
Office supply and stationery stores.
Offices including medical, dental, legal, philanthropic, charitable, fraternal, not-for-profit, and other such services.
Package liquor stores.
Paint and wallpaper stores.
Painting and decorating businesses.
Parking lots and garages.
Parks and playgrounds.
Pet shops.
Photography, commercial studio.
Police or fire stations.
Post offices.
Public libraries, art galleries, and museums.
Radio and television stations.
Radio, television, and stereo sales.
Real estate agencies.
Record stores.
Recording or sound studios.
Recreational and community centers.
Recreational vehicle sales.
Rectories, parsonages, and parish houses.
Repair shops; shoes and clothing.
Restaurants.
Sharpening and grinding businesses.
Shoe stores.

Sporting goods stores.
Swimming pools, public or private.
Tailors.
Taxicab garages.
Telephone exchange and equipment buildings.
Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
Tennis clubs and courts, outdoors.
Tire, battery, and other motor vehicle accessory services.
Tobacco shops.
Toy stores.
Travel agencies.
Variety stores.
Accessory uses, buildings, and structures in accordance with **Section 40-4-7.**
(Sec. 20-902)

40-9-3 SPECIAL USES. Provided all the use restrictions of this district are observed, the following shall be considered special uses in the "C" district and allowed only in accordance with **Section 40-15-42:**

Amusement establishments.
Athletic fields.
Arboretums or botanical gardens.
Arcades or amusement halls.
Archery ranges.
Billiard and pool halls.
Business, art, dance or commercial schools.
Colleges, junior colleges, and universities.
Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, sheltered care facilities, skilled nursing homes, and specialized living accommodations.
Dance halls.
Day care centers, nursery schools, and pre-schools.
Dormitories.
Dwelling, multiple-family.
Elementary and junior high schools.
Fairgrounds and exhibition grounds.
Federal, state, county or municipal garages.
Forest preserves.
Golf courses; public and private.
Golf driving ranges.
Governmental uses other than those of the Village.
High schools.

- Historic sites.
- Hospitals.
- Hotels.
- Indoor skating rinks.
- Kiddie parks.
- Meeting halls.
- Miniature golf courses.
- Mobile classrooms, temporary.
- Motels.
- Racetracks.
- Seminaries, monasteries, convents, and retreat houses.
- Shooting ranges.
- Stadiums and auditoriums.
- Towing services.
- Transit or transportation facilities.
- Utility substations in accordance with **Section 40-4-16**.
- Vocational schools.
- Warehousing and storage.

(Sec. 20-903)

40-9-4 **AREA/BULK RESTRICTIONS.** The following area/bulk restrictions shall apply to all buildings or structures in the "C" district:

- (A) **Minimum Lot Size.**
 - (1) Lot area 18,000 square feet
 - (2) Lot width 120 feet
 - (3) Lot depth 150 feet
- (B) **Minimum Setbacks.**
 - (1) From front lot line 30 feet
 - (2) From either side lot line 20 feet
 - (3) From rear lot line 25 feet
- (C) **Maximum Building Height.** 35 feet

(Sec. 20-904)

40-9-5 **PARKING REGULATIONS.** Off-street parking shall be provided for every use in the "C" district in accordance with the provisions of **Article XIV** of this Code.

(Sec. 20-905)

40-9-6 **SIGN REGULATIONS.** Any sign erected in the "C" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-906)**

40-9-7 SUPPLEMENTAL REGULATIONS.

(A) **Repairs Indoors.** All repair and maintenance services shall be conducted completely within enclosed structures.

(B) **Outside Storage.** Outside storage areas may be open to the sky, but shall be enclosed by a wall or solid fence at least **eight (8) feet** high.

(C) **Refuse Containers.** All refuse generated by facilities located within this district shall be stored in tightly-covered containers placed in visually-screened areas and in accordance with the following provisions:

- (1) The standard refuse container required by this Code shall be a receptacle of impervious material and sturdy construction, with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.
- (2) The occupant of every building, structure, or premises used or maintained in connection with any business or occupation, shall provide and maintain in good condition and repair, a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.
- (3) It shall be the duty of the occupant of every building, structure, or premises used or maintained in connection with any business or occupation, to cause to be removed, at his own cost and expense, at least once each week, all refuse produced therein.
- (4) Every person owning or controlling any hotel, restaurant, café, or retail food establishment where more than **thirty-two (32) gallons** of refuse is normally produced each week, shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his premises and to be disposed of at his own expense.

(D) **Screening.** Along the side and rear lot lines of any business use which abut a residential district, screening shall be installed in the form of a wall, solid fence, or closely-planted shrubbery, which is at least **six (6) feet** high and which completely blocks the view from the adjacent residential property.

(Sec. 20-907)

40-9-8 SPECIAL REGULATIONS, BUSINESS CONDOMINIUMS.

(A) Business condominiums shall be required to conform to all of the area bulk restrictions contained in **Section 40-9-4**. The minimum lot size shall be determined by measurements of the lot upon which the structure shall be situated. Minimum setbacks shall be determined from the location of the building structure upon the building lot. Private ownership of individual portions of a building shall in no way effect minimum setback requirements for that lot.

(B) All uses which occupy a building condominium unit must be in conformity with **Section 40-9-2**, reflecting permitted uses in a highway business district or may be special uses permitted under **Section 40-9-3** provided, however, that all procedures and requirements of the Land Development Code with regard to special uses have been complied with.

(C) The developer of a business condominium unit shall submit a maintenance agreement, which shall be signed by each individual owner of any unit within the condominium complex. Said maintenance agreement shall provide for cooperative maintenance of all common areas including parking areas so as to ensure for the future maintenance of the business condominium. **(Sec. 20-908)**

40-9-9 "PB" – PLANNED BUSINESS DISTRICT. The "PB" Planned Business District is intended to provide for maximum commercial site design and utilization in area favorable for commercial growth, but which may experience a variety of developmental problems. These problems may relate to existing or future traffic patterns, land acquisition, topography, utilities, and related areas. The "PB" district provides maximum flexibility for the developer to create an attractive, profitable, commercial enterprise while allowing the Village to maximize vehicular and pedestrian safety, reduce potential capital expenditures for public improvements, and create a more attractive community.

Although the primary intent of the "PB" district is to provide for commercial development, the district also provides for the combination of different types of uses into a Planned Unit Development. As an example, a parcel of property could be utilized as a Planned Unit Development and contain a restaurant, retail shops, offices, and multiple-family housing, all coexisting as an integrated complex. **(Sec. 20-909)**

40-9-10 PERMITTED USES. The following uses shall be permitted in the "PB" district provided they are approved by the Board of Trustees and conform to such conditions and restrictions as the Board of Trustees may deem reasonably necessary or appropriate for the health, safety and welfare of the public.

- Accounting, bookkeeping and auditing services.
- Agricultural implements; sales and service.
- Ambulance and paramedic services.
- Amusement establishments.
- Animal hospitals and clinics.
- Antique stores.
- Apparel stores.
- Appliance stores.
- Arcades and amusement halls.
- Architectural and planning services.
- Art galleries, commercial.
- Art and school supply stores.
- Auction rooms or barns.

Auto accessory stores.
Auto dealers, new or used.
Auto driving instruction.
Auto laundries and car washing facilities.
Auto renting facilities.
Auto repair, major.
Auto repair, minor.
Auto service stations.
Auto undercoating and rustproofing services.
Bakeries.
Banks, savings and loan, and other financial institutions.
Bars, taverns, and lounges.
Barber and hairstyling shops.
Beauty parlors.
Bicycle stores; sales, rental and repair.
Boat sales.
Book and stationery stores.
Bowling alleys.
Building materials and products; sales and storage.
Building trades showrooms and shops.
Business and office machine sales and services.
Bus passenger stations.
Camera stores.
Camper sales.
Candy and confectionery stores.
Catering establishments.
Child care centers.
China and glassware stores.
Churches, chapels, temples and synagogues.
Clothing and costume rental.
Clubs and lodges.
Condominiums.
Convenience stores.
Dairy products stores.
Department stores.
Detective agencies.
Drapery stores.
Dressmaking.
Dry cleaners and laundromats.
Dry goods stores.
Drug stores.
Dwelling, multiple-family, conventionally constructed.
Dwelling, single-family, conventionally constructed.
Dwelling, two-family, conventionally constructed.

Electrical repair services.
Employment agencies.
Engineering and surveying services.
Equipment rental and leasing services.
Extermination services.
Fast-food or drive-in restaurants.
Floor covering stores.
Floral shops.
Funeral parlors.
Furniture stores.
Gift shops.
Governmental uses of the Village.
Grocery stores.
Gymnasiums, health clubs, and spas.
Hardware stores.
Hobby shops.
Home appliance stores.
Ice cream stores.
Indoor movie theaters.
Indoor tennis or racquetball clubs.
Insurance agencies.
Jewelry stores.
Laboratories; medical, dental, or optical.
Landscaping services.
Libraries.
Lithographers.
Leather goods and luggage stores.
Locksmiths.
Machinery sales and services.
Mail order houses.
Meat markets.
Medical and dental clinics.
Messenger and telegraph services.
Miniature golf courses.
Mobile and manufactured home sales.
Model homes and garage displays.
Monument sales.
Motor vehicle repair and servicing facilities.
Motorcycle sales.
Music stores.
Newspaper and periodical publishers.
Notions stores.
Nurseries and greenhouses.
Office supply and stationery stores.

Offices including medical, dental, legal, philanthropic, charitable, fraternal, not-for-profit, and other such services.
Package liquor stores.
Paint and wallpaper stores.
Painting and decorating businesses.
Parking lots and garages.
Parks and playgrounds.
Pet shops.
Photography, commercial studio.
Planned unit developments.
Post offices.
Public libraries, art galleries, and museums.
Radio and television stations.
Radio, television, and stereo sales.
Real estate agencies.
Record stores.
Recording or sound studios.
Recreational and community centers.
Recreational vehicle sales.
Rectories, parsonages, and parish houses.
Repair shops; shoes and clothing.
Restaurants.
Sharpening and grinding businesses.
Shoe stores.
Sporting goods stores.
Swimming pools, public or private.
Tailors.
Taxicab garages.
Telephone exchange and equipment buildings.
Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
Tennis clubs and courts, outdoors.
Tire, battery, and other motor vehicle accessory services.
Tobacco shops.
Townhouses.
Toy stores.
Travel agencies.
Variety stores.

(Sec. 20-910)

40-9-11 **SIGN REGULATIONS.** Any sign erected in the "PB" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-911)**

40-9-12 SPECIAL PROCEDURES FOR THE "PB" DISTRICT. The provisions of this Section shall apply to new construction and to those additions, alterations, and accessory uses exceeding **fifteen percent (15%)** of the area of any existing structure.

(A) **Required Site Plan Submissions.** The developer shall submit a site plan containing the following pertinent information to the Zoning Administrator:

- (1) The existing natural topographic features of the project area and its immediate surroundings.
- (2) The number of any proposed dwelling units by type and gross density per acre.
- (3) The location, size, character, and number of all proposed buildings, structures and uses.
- (4) The location and size of proposed off-street parking, loading and pedestrian and vehicular traffic circulation; and its relationship to the adjacent circulation system.
- (5) Landscaping, erosion and sedimentation control features.
- (6) Location of public and/or private utilities and facilities proposed to serve the subject area, including water supply, sewage and drainage facilities.
- (7) Proposed finished grade of the site.
- (8) Perspective or such other drawings as are necessary to indicate the relative character and compatibility of the different land uses of the proposed development with the immediate area as well as within the project area.

(B) **Required Narrative Submissions.** The developer shall submit a written narrative containing at least the following pertinent information to the Zoning Administrator:

- (1) A development schedule providing guidelines and sequence for the completion of the proposed development.
- (2) A description of the economic viability of the development may be required to include a market analysis, cash flow projections and expected types of funding.
- (3) The nature and extent of clearing and grading.
- (4) A statement of the present ownership of all land within the subject area. Unified control after construction shall include homeowner associations, trust indentures, deed restrictions and other building agreements for assuring operation and maintenance of common land and improvements.

(C) **Required Impact Statement.** Unless specifically exempted, the developer shall submit an impact statement containing at least the following pertinent information to the Zoning Administrator:

- (1) Anticipated kinds of commercial and industrial development and the projected employment.
- (2) Volume and nature of projected traffic.
- (3) Sewage generation and treatment.
- (4) Drainage facility and system requirements.

(Sec. 20-912)

40-9-13 **ISSUANCE OF PERMITS.**

(A) The Zoning Administrator shall not issue any permit for any proposed development restricted by the special procedures listed under **Section 40-9-12** until:

- (1) The developer has submitted all pertinent information listed in **Section 40-9-12**; and
- (2) The Planning Commission has reviewed the proposed development and has found that said proposed development complies with the provisions of **Section 40-9-12**; and
- (3) The Village Board of Trustees has acted on the Planning Commission's recommendation, and has imposed any necessary conditions on a development proposal in order to assure compliance with the provisions of **Section 40-9-12**; and
- (4) The developer has revised his proposal as necessary to conform to the conditions imposed by the Board of Trustees.

(B) **Issuance of Certificate of Occupancy.** The Zoning Administrator shall not issue a certificate of occupancy for a development in the "PB" district until such development has been substantially completed in accordance with the approved development plan.

(C) **Minor Changes to Approved Plans.** Minor changes in approved development plans may be made provided that said plans are reviewed by the Planning Commission to assure compliance with the terms of **Section 40-9-12** hereof. **(Sec. 20-913)**

ARTICLE X

SPECIFIC REGULATIONS FOR INDUSTRIAL DISTRICTS

40-10-1 **"LI" – LIGHT INDUSTRIAL DISTRICT.** The "LI" Light Industrial District is intended to provide for areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved. **(Sec. 20-1001)**

40-10-2 **PERMITTED USES.** Provided all the use restrictions of this district are observed, the following shall be considered permitted uses in the "LI" district:

- Assembly or semi-finished materials.
- Auto repair, major.
- Auto repair, minor.
- Auto service stations.
- Auto undercoating and rustproofing services.
- Auto laundries and car washing facilities.
- Building materials and products; sales and storage.
- Building trades showrooms and shops.
- Bus passenger stations.
- C.A.T.V. sales and display of outdoor antenna dishes.
- Concrete mixing plants.
- Contractor or construction yards.
- Equipment rental and leasing services.
- Federal, state, county or municipal garages.
- Governmental uses.
- Laboratories; researching and testing.
- Landscaping services.
- Microwave and radar tower installations.
- Monument manufacturing and sales.
- Motor vehicle repair and servicing facilities.
- Printing, publishing, and lithography establishments.
- Public utility companies.
- Sharpening and grinding businesses.
- Towing services.
- Transit or transportation facilities.
- Warehousing and wholesaling establishments.
- Utility substations.

(Sec. 20-1002)

40-10-3 SPECIAL USES. Provided all the use restrictions of this district are observed, the following shall be considered special uses in the "LI" district and allowed only in accordance with **Section 40-15-42.**

- Auto dealer, new and used. **(Ord. No. 521A)**
 - Junk yards.
 - Medical clinic. **(Ord. No. 483A)**
- (Sec. 20-1003)**

40-10-4 AREA/BULK RESTRICTIONS. The following area/bulk restrictions shall apply to all buildings or structures in the "LI" district:

- (A) **Minimum Lot Size.**
 - (1) Lot area 18,000 square feet
 - (2) Lot width 120 feet
 - (3) Lot depth 150 feet
 - (B) **Minimum Setbacks.**
 - (1) From front lot line 30 feet
 - (2) From either side lot line 20 feet
 - (3) From rear lot line 25 feet
 - (C) **Maximum Building Height.** 60 feet
- (Sec. 20-1004)**

40-10-5 PARKING REGULATIONS. Off-street parking shall be provided for every use in the "LI" district in accordance with the provisions of **Article XIV. (Sec. 20-1005)**

40-10-6 SIGN REGULATIONS. Any sign erected in the "LI" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-1006)**

- 40-10-7 SUPPLEMENTAL REGULATIONS.**
- (A) **No Nuisances.** No production, processing, cleaning, servicing, testing, repair, sale or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences shall include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.
 - (B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing, or repair activities shall be conducted completely within enclosed buildings.
 - (C) **Outside Storage.** Outside storage areas may be open to the sky, but shall be enclosed by a solid wall or fence, at least **eight (8) feet** high.

(D) **Buffer Strips.** Wherever any industrial use located in this district abuts any residential or conservation district, the owner shall install a **twenty (20) foot** wide buffer strip consisting of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full grown.

(E) **Dangerous Materials.** No building, structure or use within the "LI" district shall contain or utilize explosives, flammable gases or liquids, or live animals, without prior approval from the Zoning Administrator.

(Sec. 20-1007)

40-10-8 "HI" – HEAVY INDUSTRIAL DISTRICT. The "HI" Heavy Industrial District is intended to provide for areas where heavy industries may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved. **(Sec. 20-1008)**

40-10-9 PERMITTED USES.

Manufacturing and industrial activities, including fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging, and storage of materials, products and goods that can be conducted wholly within enclosed buildings.

Assembly of semi-finished materials.

Auto repair, major.

Auto repair, minor.

Auto service stations.

Auto undercoating and rustproofing services.

Auto laundries and car washing facilities.

Building materials and products; sales and storage.

Building trades showrooms and shops.

Concrete mixing plants.

Contractor or construction yards.

Equipment rental and leasing services.

Federal, state, county or municipal garages.

Governmental uses.

Laboratories; researching and testing.

Landscaping services.

Microwave and radar tower installations.

Monument manufacturing and sales.

Motor vehicle repair and servicing facilities.

Printing, publishing, and lithography establishments.

Public utility companies.

Sharpening and grinding businesses.

Towing services.

Transit or transportation facilities.
Warehousing and wholesaling establishments.
Utility substations.

(Sec. 20-1009)

40-10-10 SPECIAL USES.

Junk yards.

(Sec. 20-1010)

40-10-11 AREA/BULK RESTRICTIONS. The following area/bulk restrictions shall apply to all buildings or structures in the "HI" district:

(A) **Minimum Lot Size.**

- | | |
|---------------|--------------------|
| (1) Lot area | 62,500 square feet |
| (2) Lot width | 250 feet |
| (3) Lot depth | 250 feet |

(B) **Minimum Setbacks.**

- | | |
|-------------------------------|---------|
| (1) From front lot line | 50 feet |
| (2) From either side lot line | 20 feet |
| (3) From rear lot line | 50 feet |

(C) **Maximum Building Height.**

60 feet

(Sec. 20-1011)

40-10-12 PARKING REGULATIONS. Off-street parking shall be provided for every use in the "HI" district in accordance with the provisions of **Article XIV**. **(Sec. 20-1012)**

40-10-13 SIGN REGULATIONS. Any sign erected in the "HI" district shall conform to the provisions of **Article XV** of this Code. **(Sec. 20-1013)**

40-10-14 SUPPLEMENTAL REGULATIONS.

(A) **No Nuisances.** No production, processing, cleaning, servicing, testing, repair, sale or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences shall include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

(B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing, or repair activities shall be conducted completely within enclosed buildings.

(C) **Outside Storage.** Outside storage areas may be open to the sky, but shall be enclosed by a solid wall or fence, at least **eight (8) feet** high.

(D) **Buffer Strips.** Wherever any industrial use located in this district abuts any residential or conservation district, the owner shall install a **twenty (20) foot** wide buffer strip consisting of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full grown.

(E) **Dangerous Materials.** No building, structure or use within the "HI" district shall contain or utilize explosives, flammable gases or liquids, or live animals, without prior approval from the Zoning Administrator.

(Sec. 20-1014)

ARTICLE XI

"A-1" AND "A-2" AGRICULTURAL DISTRICTS

40-11-1 "A-1" AGRICULTURAL DISTRICT. The Agricultural District encompasses areas where soil, water, vegetal, and topographical resources generally provide conditions well suited to the raising of crops and domestic animals. The district is designed to discourage the intrusion of non-agricultural land uses.

(A) **Permitted Uses.** All uses commonly classified as agriculture, horticulture, or forestry including crop and tree farming, truck farming, gardening, nursery operations, dairy farming, livestock raising, animal and poultry breeding, raising, and feeding, forestry operations, together with the operation of machinery or vehicles.

- (1) Single-family residence, provided they meet the minimum lot size requirements.
- (2) Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.
- (3) All those uses permitted in LH.

(B) **Special Uses.** Special use permit is required for all uses not clearly associated with agricultural uses. These include but are not limited to the following:

- (1) Airport.
- (2) Mineral and soil extraction developments.
- (3) Sanitary landfill and other landfills.
- (4) Other uses as determined by the Zoning Board of Appeals.

(Sec. 20-1101)

40-11-2 HOME OCCUPATIONS - AGRICULTURAL. There are significant differences between urban home occupations and agricultural home occupations. The nature of resources available for use, the benefits and disadvantages created by home occupations and the problems generated necessitate a distinction between urban home occupations and farm home occupations. Each concept is based on supplementing income, but the districts in which each is practiced have unique characteristics. For the aforesaid reasons, different home occupations may be permitted in agricultural zoning districts than are permitted in the urban residential districts. Farm home occupations shall be considered a special use.

(A) For the purpose of this Section, provided all requirements are met, the following shall be considered farm home occupations:

- (1) Welding repair.
- (2) Veterinarian's office.
- (3) Blacksmith.
- (4) Service office.

(B) Any home occupation shall be clearly supplementary to the principal use of the land and structures.

(C) A home occupation may not be changed to another home occupation except by the issuance of a separate special use permit.

(D) If any "A-1" district or part thereof is rezoned, the rezoned area shall meet the new district regulations and any home occupations shall be considered a nonconforming use until such requirements are met.

(E) A sign not exceeding **four (4) square feet** in area stationary and not illuminated announcing only the name and occupation of the resident is permitted.

(F) All other provisions for urban home occupations shall apply.

(Sec. 20-1102)

40-11-3 "A-2" AGRICULTURAL DISTRICT. The carrying out of agricultural activities has long been, and continues to be, an important part of the way of life for rural residents. Thus, to promote and protect this mainstay, it has been established as official policy that the Village should protect, preserve and encourage the pursuit of agriculture. The creation of the "A-2" Agricultural District is an integral part of that policy. The "A-2" district encompasses sparsely developed farm and woodland areas which, because of the fertility of the soil, topography, the availability of water, and other factors, including the suitability of the regulations for this district are intended to preserve such agricultural land by severely restricting the encroachment of non-agricultural uses and structures. The owners and renters of property, whether farm or non-farm, in this district should realize that they will likely encounter the smells, sights and sounds attendant to agricultural operations.

(A) **Permitted Uses.** Provided all pertinent requirements of this Code are met the following uses are permitted in the "A-2" district:

- (1) Agriculture – including all of the uses and structures included in the definition of agriculture as follows:
 - (a) All uses commonly classified as agriculture, horticulture, or forestry including crop and tree farming, truck farming, gardening, nursery operations, dairy farming, livestock raising, animal and poultry breeding, raising, and feeding, forestry operations, together with the operation of machinery or vehicles.
 - (b) Single-family residence, provided they meet the minimum lot size requirements.
 - (c) Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.
 - (d) Animal hospitals and veterinarian offices, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such uses.
 - (e) Bed and breakfast establishments.
 - (f) Carnivals and picnics sponsored by a government entity or a civic organization, provided that adequate safeguards are taken to protect adjacent properties from any adverse

effects resulting from such operations, and that such carnivals and picnics do not last more than **seven (7) consecutive days**.

- (g) Churches and other places of formal worship.
- (h) Cemeteries and mausoleums.
- (i) Commercial grain elevators and storage facilities.
- (j) Detached single-family dwellings – additional single-family dwellings shall be permitted on an agricultural lot of record provided the occupants of said single-family dwellings are directly related by birth, marriage or adoption to the owners and residents of the lot of record. Each additional single-family dwelling shall be located on a lot of at least **one (1) acre** in size.
- (k) Government uses of the County or Road District.
- (l) Home occupations.
- (m) Kennels and stables.
- (n) Non-commercial recreational uses.
- (o) Parks and playgrounds.
- (p) Railroad tracks and accessory equipment, but not including classification yards, terminal facilities, or maintenance facilities.
- (q) Rental of farm dwellings by the owner of the farm on which they are located to persons not engaged in farming, provided that no lot separate from the farm is created, that the buildings are rented as single-family dwellings, and that the buildings existed before the effective date of this Code.
- (r) Accessory uses.

(B) **Special Uses.** The following uses shall be permitted in the "A-2" district only upon the issuance of a special use permit.

- (1) Agricultural product processing plants.
- (2) Airports.
- (3) Commercial carnivals, circuses, and similar temporary, transient amusement activities not sponsored by a government entity or civic organization.
- (4) Commercial recreational uses.
- (5) Farm dwellings existing before the effective date of this Code may be sold as non-farm dwellings, provided at least **two (2) acres** is deeded with the dwelling, and provided further that, notwithstanding any contrary provision of this Code, the property owner may demolish the farm dwelling and replace it with a new non-farm dwelling.
- (6) Government uses of a municipality.
- (7) Oil wells and gas drilling operations.
- (8) Rented or leased seasonal dwellings.

- (9) Stockyards.
- (10) Temporary non-farm dwellings, including mobile homes, on the same lot as another principal use.
- (11) Underground and surface mining, loading and hauling of coal or other minerals.
- (12) Utility substations, including electrical substations, gas regulation stations and similar activities.

(Sec. 20-1103)

ARTICLE XII

SPECIFIC REGULATIONS FOR FLOOD PLAIN OVERLAY DISTRICT

40-12-1 "FPO" – FLOOD PLAIN OVERLAY DISTRICT. The "FPO" – Flood Plain Overlay District delineates areas that, in the absence of flood protection measures, are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the Village tax base, and the need for extraordinary relief measures. The regulations of this Article are intended to restrict permitted development in flood plains to uses which have inherently low flood damage potential, and to other uses whose flood damage potential can be lessened by appropriate protective measures. **(Sec. 20-1201)**

40-12-2 PERMITTED AND SPECIAL USES. The "FPO", as a secondary overlay district, has no affect on permitted, special or prohibited uses in a primary zoning district, but rather imposes additional restrictions on any development in any zoning district which also falls within the boundaries of the flood plain. **(Sec. 20-1202)**

40-12-3 SUPPLEMENTAL REGULATIONS.

(A) All uses, whether permitted or special, that are located within the boundaries of the "FPO" district, shall not only meet all the requirements of the primary zoning district, but shall also be adequately protected against flood damage.

(B) To assure such protection, the Zoning Administrator, after consultation with the Village Engineer and other technically qualified persons, may require the developer to:

- (1) Provide anchorage or additional weight to structures to resist flotation;
- (2) Install water tight doors and bulkheads;
- (3) Use special paints, membranes or mortars to reduce seepage through walls;
- (4) Install pumps to lower water levels in structures or to relieve external foundation wall flood pressure;
- (5) Reinforce walls to resist rupture or collapse caused by water pressure or floating debris;
- (6) Install valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewerage or storm runoff into structures;
- (7) Locate electrical equipment and appliances above the level of the regulatory flood elevation;
- (8) Locate storage facilities for materials such as chemicals, explosives, flammable liquids, and toxic substances above the regulatory flood level;

(9) Fill and grade property in order to raise the level of the proposed building site above the regulatory flood elevation; and/or

(10) Any other reasonable flood protection measures.

(C) All development in a flood plain or floodway, must conform to all other provisions of ordinances found applicable by the Village President and Board of Trustees.

(Sec. 20-1203)

ARTICLE XIII

NONCONFORMITIES

40-13-1 **PURPOSE AND INTENT.** The requirements imposed by this Code are designed to secure adequate light, pure air, and safety from fire and other damages to guarantee that the taxable value of land and building throughout the Village may be conserved, to prevent or lessen hazards to persons and damage to property resulting from the accumulation of run-off storm or flood water, to preserve the sights, areas and structures of historical, architectural and aesthetic importance and that the public health, safety, comfort, morals and welfare may otherwise be promoted. Lots, structures and use of land are structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. The regulations of this Article are intended to alleviate such existing or potential problems by encouraging the gradual elimination of nonconformities. **(Sec. 20-1301)**

40-13-2 **NONCONFORMING BUILDINGS AND STRUCTURES.** Any otherwise lawful nonconforming building or structure which exists on the effective date of this Code may lawfully remain, subject to the following provisions:

(A) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.

(B) **Enlargement, Alterations.** A nonconforming building or structure shall not be altered or enlarged in any way which would increase its nonconformity by:

- (1) Adding an addition to an existing building or adding a separate building; or
- (2) Increasing in the area of lot used; or
- (3) Changing business methods or the provision of new accessory facilities.

(C) **Relocation.** A nonconforming building or structure shall not be moved unless, after relocation, it will conform to all of the regulations of the district in which it will be situated.

(D) **Reconstruction.** A nonconforming building or structure which is destroyed by any means shall not be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds **one hundred percent (100%)** of the structure's replacement value at the time of loss, unless, after reconstruction, the structure will conform to all applicable regulations of the district in which it is located.

- (1) In the event the Zoning Administrator determines the estimated cost of reconstruction is equal to or less than **one hundred percent (100%)** of the structure's replacement value at the time of loss, repairs or reconstruction shall be permitted, provided such work begins within **six (6) months** from the date the damage occurred and is completed within **one (1) year** after construction begins.

- (2) The Zoning Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser.
- (3) The owner of the damaged structure shall be responsible for obtaining these estimates on behalf of the Zoning Administrator.

(Sec. 20-1302)

40-13-3 NONCONFORMING USES. Any nonconforming use, otherwise lawfully existing on the effective date of this Code, may lawfully continue, subject to the following provisions:

(A) No nonconforming business use shall be extended or intensified so that the character of the commercial activity changes and creates a greater adverse impact on the zoning district in which it is located.

(B) A nonconforming use shall not be changed except to a use that is permitted or special under the applicable zoning regulations.

(C) When a nonconforming use is discontinued for a period of **twelve (12) consecutive months**, it shall not thereafter be resumed, and any subsequent use of the land shall conform to the applicable district regulations. **(Sec. 20-1303)**

40-13-4 NONCONFORMING VACANT LOT OF RECORD. Any nonconforming vacant lot of record may, nonetheless, be developed for any use permitted in that district if such vacant lot:

(A) Was recorded in the County Recorder of Deeds office prior to the effective date of this Code, or any pertinent amendment thereto;

(B) Is at least **thirty (30) feet** wide.

(Sec. 20-1304)

40-13-5 TWO (2) OR MORE LOTS IN COMMON OWNERSHIP.

(A) If **two (2)** or more lots, or combination of lots and portions of lots, with continuous frontage, were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum width, depth, and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel.

(B) No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code. **(Sec. 20-1305)**

40-13-6 **NONCONFORMITIES UNDER PERMIT AUTHORITY.** The regulations of this Article shall not effect the terms of any permit issued prior to the effective date of this Code, or any pertinent amendment thereto, provided that the work authorized by such permit is completed within **one (1) year** of issue date. The permit may be extended by written request to the Village Board. The Village Board will then set date for work to be completed. **(Sec. 20-1306)**

40-13-7 **CERTIFICATES OF NONCONFORMANCE.** At the request of the applicant, and following a thorough review of the specific building, structure, lot, land use, the Zoning Administrator, upon determining that said building, structure, lot, land use is legally nonconforming, shall issue a Certificate of Nonconformance in accordance with the provisions of **Section 40-15-21** through **Section 40-15-24** of this Code. **(Sec. 20-1307)**

ARTICLE XIV

OFF-STREET PARKING AND LOADING REGULATIONS

40-14-1 **PURPOSE AND INTENT.** In order to reduce congestion in public streets, off-street parking and loading facilities shall be provided in accordance with this Article for all buildings, structures and uses erected or established after the effective date of this Code. **(Sec. 20-1401)**

40-14-2 **GENERAL PROVISIONS.**

- (A) The provisions of this Article shall apply to all zoning districts.
- (B) The duty to provide and maintain off-street parking and loading facilities shall be the joint and shared responsibility of the operator and the owner of the use or uses for which the off-street parking is required.
- (C) The parking spaces in any off-street parking or loading facility which already exists on (DATE), shall not be reduced below the requirements and standards for the use or uses for which the off-street parking is required.
- (D) If the parking spaces in an off-street parking or loading facility which already exists on the effective date of this Code do not conform to the requirement of this Article, the existing facilities shall not be further reduced below the requirements and standards for the use or uses for which the off-street parking is required.
- (E) If an existing building, structure, or use is damaged or destroyed and subsequently repaired or rebuilt, off-street parking and loading facilities equivalent to those maintained at the time of such damage or destruction, shall be restored, but additional spaces need not be provided.
- (F) If any building, structure, or use is enlarged or expanded, the owner of such use shall provide additional off-street parking and loading facilities, as required by the provisions of this Section; provided, however, that if the Zoning Administrator determines that such compliance is clearly not possible, the owner shall be required to provide only the amount of additional parking such enlargement or expansion would require as a separate use.
- (G) If the existing use of a lot, building or structure is changed to a different use, the owner of such use shall provide off-street parking and loading facilities as required by the provisions of this Section.
- (H) All off-street parking and loading facilities, whether provided in accordance with this Code, or in accordance with the provisions of any previous ordinance, shall be maintained as required by this Section. **(Sec. 20-1402)**

40-14-3 **PARKING LOT DESIGN STANDARDS.** With the exception of parking spaces required for single-family and two-family residences, every off-street parking lot hereafter established, shall be designed in accordance with the standards listed herein. Typical parking configurations are depicted in Illustration 20-B. **(Sec. 20-1403)**

40-14-4 **REQUIREMENTS FOR PARKING SPACES.** Every parking space, designed for **one (1) vehicle**, shall conform to the requirements below and shall be designated by markings which clearly delineate each space, and which are laid and restored as often as necessary to maintain such delineation:

- (A) **Minimum Parking Space Width.**
- | | | |
|-----|---------------------|---------|
| (1) | 90 degree parking | 10 feet |
| (2) | 60 degree parking | 9 feet |
| (3) | Parallel parking | 8 feet |
| (4) | Handicapped parking | 16 feet |
- (B) **Minimum Parking Space Length.**
- | | | |
|-----|---------------------|---------|
| (1) | 90 degree parking | 20 feet |
| (2) | 60 degree parking | 20 feet |
| (3) | Parallel parking | 22 feet |
| (4) | Handicapped parking | 20 feet |
- (C) **Minimum Parking Space Vertical Clearance.**
- | | | |
|-----|-----------|--------|
| (1) | All types | 7 feet |
|-----|-----------|--------|

(Sec. 20-1404)

40-14-5 **REQUIREMENTS FOR PARKING LOT AISLES.**

(A) The aisles of every parking lot hereafter established shall conform to the requirements below:

- | | | |
|-----|-------------------|---------|
| (1) | 90 degree parking | 22 feet |
| (2) | 60 degree parking | 18 feet |
| (3) | Parallel parking | 22 feet |

(B) Aisles between **two (2) rows** of **60 degree** parking shall be limited to one-way traffic.

(C) Aisles between other types of parking, or between rows of mixed types, may allow two-way traffic but shall conform to the more restrictive minimum aisle width.

(Sec. 20-1405)

40-14-6 **REQUIREMENTS FOR ACCESS.**

(A) Every access way in any residential or conservation zoning district, which is less than **one hundred (100) feet** in length and serves a parking lot containing **eight (8)** or fewer parking spaces, shall be at least **ten (10) feet** wide.

(B) Every access way in any residential or conservation zoning district, which is more than **one hundred (100) feet** in length or serves a parking lot containing more than **eight (8)** parking spaces, shall be at least **twenty (20) feet** wide; provided, however, that when separate drives, each one-way, are designed for ingress and egress, the minimum required width for each drive shall be reduced to **ten (10) feet**.

(C) Every access way for a parking lot located in any business or industrial zoning district, shall be at least **twenty-four (24) feet** wide; provided, however, that when separate drives, each one-way, are designed for ingress and egress, the minimum required width for each drive shall be reduced to **twelve (12) feet**.

(D) Every parking lot shall be designed so that ingress to or egress from any parking space is by way of an aisle or driveway, and not directly from a street or public right-of-way.

(E) No access way to any parking lot shall be located within **thirty (30) feet** of any corner formed by the intersection of the right-of-way of **two (2)** or more streets; provided, however, that when an intersection is regulated by traffic control devices, the Zoning Administrator may increase this requirement in order to reduce traffic hazards.

(F) Every parking lot ingress and egress shall be aligned so that it forms, as closely as is possible, a right angle with the intersecting street.

(G) Curb cuts for the purpose of providing ingress and egress are subject to all relevant state, county and Village requirements and approvals.

(Sec. 20-1406)

40-14-7 **REQUIREMENTS FOR CONSTRUCTION.** Every off-street parking area including access ways and aisles, shall be graded and improved with a compacted gravel base at least **four (4) inches** thick, surfaced with at least **two (2) inches** of asphalt or similar impermeable, all weather, dustless surface. Oil and chip is a permitted variation of this Section. **(Sec. 20-1407)**

40-14-8 **LIGHTING.**

(A) Every off-street parking lot regularly used during night time hours, shall be lighted to enable safe access to parked vehicles.

(B) Lighting used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays, to the greatest extent practicable, within the lot lines of the parking lot. **(Sec. 20-1408)**

40-14-9 **LANDSCAPING.** In order to reduce heat and glare and minimize the loss of natural vegetation common to the construction of parking facilities, landscaping shall be provided and maintained in accordance with the following provisions, for every parking lot that contains **twenty (20)** or more parking spaces.

(A) A landscaping plan, either as a separate document or as an element of a more inclusive development plan, shall accompany every application for an Initial Certificate of Zoning Compliance, in which the applicant would be required to construct a parking lot containing **twenty (20)** or more spaces.

(B) Every landscaping plan shall at least include the following information:

(1) The proposed size, construction materials, and drainage of landscaped islands;

- (2) The proposed size, construction materials, and drainage of landscaped islands;
- (3) A sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

(Sec. 20-1409)

40-14-10 LOCATION OF REQUIRED PARKING. Every off-street parking lot shall be located in conformity with the following requirements:

(A) **Single-Family and Two-Family Dwellings.** Parking spaces accessory to any single-family or two-family dwelling shall be located on the same lot as the dwelling, and with the exception of a driveway, shall not be in the front yard.

(B) **Multiple-Family Dwellings.** Parking spaces accessory to any multiple-family dwelling shall be located on the same lot as the dwelling, or on a commonly owned lot of the multiple-family buildings such parking spaces are accessory to, and constructed so that no vehicle shall be required to be moved in order to allow another vehicle to enter or exit the parking area.

(C) **Business and Industrial Uses.**

- (1) Every off-street parking spaces accessory to any business or industrial use shall be located within **five hundred (500) feet** of the use served; provided, however, that no portion of any parking lot for a non-residential use shall extend into any residential or conservation district except by written permission of the Zoning Administrator.
- (2) In any business or industrial district, off-street parking facilities for different buildings or uses may be provided collectively, if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed.

(Sec. 20-1410)

40-14-11 LOADING AREA DESIGN STANDARDS. Every off-street loading space hereafter established, shall be designed in accordance with the following standards.

(Sec. 20-1411)

40-14-12 REQUIREMENTS FOR LOADING SPACES. Every loading space, designed for **one (1) vehicle**, shall conform to the requirements below, exclusive of any aisle or maneuvering area that may be required, and shall be designated by markings which clearly delineate each space, and which are laid and restored as often as necessary to maintain such delineation.

(A)	<u>Minimum Loading Space Width.</u>	12 feet
(B)	<u>Minimum Loading Space Length.</u>	50 feet
(C)	<u>Minimum Vertical Clearance.</u>	14 feet

(Sec. 20-1412)

40-14-13 REQUIREMENTS FOR ACCESS. Every access way between an off-street loading space and a street or alley, shall be at least **twelve (12) feet** wide. **(Sec. 20-1413)**

40-14-14 REQUIREMENTS FOR CONSTRUCTION. Every off-street loading area shall be graded and improved with a compacted gravel base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphalt or similar impermeable, all weather, dustless surface. **(Sec. 20-1414)**

40-14-15 REQUIREMENTS FOR BUFFER STRIPS. No loading space designed for vehicles exceeding a **two (2) ton** cargo capacity, shall be developed closer than **fifty (50) feet** from the lot line of any lot located in a residential or conservation district, unless such loading space is completely enclosed by a wall, a solid fence, or closely-planted shrubbery, at least **ten (10) feet** in height and of sufficient density to block the view from residential property. **(Sec. 20-1415)**

40-14-16 LOCATION OF REQUIRED LOADING SPACES. Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of **two (2)** or more streets. **(Sec. 20-1416)**

40-14-17 COMPUTATION OF REQUIRED SPACES. In computing the number of parking and loading spaces required by this Code, the Zoning Administrator shall apply the following rules:

(A) In computing parking spaces required for a building or structure containing mixed uses, the Zoning Administrator shall calculate the required number of parking spaces for each use, and add the sums of those calculations in order to determine the total number of spaces required for the building. For example, a lodge with a dance hall would require parking spaces for each use.

(B) If, in computing the number of parking or loading spaces required by this Section, the calculation results in the requirement of a fractional space, a fraction of less than **one-half (1/2)** may be disregarded, while a fraction of **one-half (1/2)** or more shall be counted as **one (1) space**.

(C) If, in computing the number of parking spaces required by this Section, the gross floor area for a specific use is less than that identified in the calculation formula, the Zoning Administrator shall divide the gross floor area by the area indicated in the calculation

formula and multiply the result by the required number of spaces. For example, if a fast food restaurant has a gross floor area of **eight hundred (800) square feet**, the Zoning Administrator shall divide **eight hundred (800)** by **one thousand (1,000)** and multiply the resulting **.80 by 30**, thereby requiring **twenty-four (24) parking spaces** for this specific use.

(D) If, in reviewing the classifications below, a particular use is not found, the Zoning Administrator shall classify the use with other similar uses and calculate parking space requirements according to the provisions for that classification.

(Sec. 20-1417)

40-14-18 TABLE OF PARKING SPACES, BY CLASSIFICATION. This Section divides specific uses of property into classification groups. The minimum number of off-street parking spaces required for each use of a specific parcel of property, shall be determined by identifying the classification group to which each use belongs, and performing the calculation identified for that specific group.

(A) **Class 1.** The following uses shall be required to provide **two (2) parking spaces** per dwelling unit.

- (1) Dwelling, single-family.
- (2) Dwelling, two-family.
- (3) Dwelling, multiple-family, **two (2)** or more bedrooms.
- (4) Mobile and manufactured homes.

(B) **Class 2.** The following uses shall be required to provide **one and one-half (1 1/2) parking spaces** per dwelling unit.

- (1) Dwelling, multiple-family, **one (1) bedroom**.
- (2) Dwelling, multiple-family, efficiency units.

(C) **Class 3.** The following uses shall be required to provide **one (1) parking space** per dwelling unit, lodging room or room for rent.

- (1) Hotels.
- (2) Motels.
- (3) Dormitories.
- (4) Private clubs and lodges with sleeping facilities.
- (5) Apartments for the elderly.

(D) **Class 4.** The following uses shall be required to provide **one (1) parking space** per **one thousand (1,000) square feet** of gross floor area, as defined.

- (1) Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, sheltered care facilities, skilled nursing homes, and specialized living accommodations.
- (2) Seminaries, monasteries, convents, and retreat houses.
- (3) Rectories, parsonages, and parish houses.

(E) **Class 5.** The following uses shall be required to provide **two (2) parking spaces** per **one thousand (1,000) square feet** of gross floor area.

- (1) Day care centers, nursery schools, and pre-schools.
- (2) Extermination services.
- (3) Federal, state, county or municipal garages.
- (4) Historic sites.
- (5) Hospitals.
- (6) Machinery sales and services.
- (7) Mail order houses.
- (8) Philanthropic and charitable institutions.
- (9) Public libraries, art galleries, and museums.
- (10) Radio and television stations.

(F) **Class 6.** The following uses shall be required to provide **four (4) parking spaces** per **one thousand (1,000) square feet** of gross floor area.

- (1) Animal hospitals and clinics.
- (2) Art galleries, commercial.
- (3) Auto driving instruction, excluding storage of vehicles.
- (4) Auto renting facilities, excluding storage of vehicles.
- (5) Banks or savings and loans, without drive-in facilities.
- (6) Business and office machine sales and services.
- (7) Bus passenger stations.
- (8) Catering establishments.
- (9) Clothing and costume rental.
- (10) Clubs and lodges, without sleeping facilities.
- (11) Detective agencies.
- (12) Dressmaking.
- (13) Employment agencies.
- (14) Financial institutions and uses.
- (15) Governmental administration buildings, without garages.
- (16) Gymnasiums, health clubs, and spas.
- (17) Indoor tennis or racquetball clubs.
- (18) Laboratories; medical, dental, or optical.
- (19) Laboratories; research and testing.
- (20) Lithographers.
- (21) Loan companies.
- (22) Locksmiths.
- (23) Medical and dental clinics.
- (24) Not-for-profit corporations, service organizations, or fraternal organizations.
- (25) Painting and decorating businesses.
- (26) Police or fire stations.
- (27) Post offices.
- (28) Recording or sound studios.
- (29) Recreational and community centers.
- (30) Repair shops; shoes and clothing.

- (31) Sharpening and grinding businesses.
- (32) Tailors.
- (33) Taxicab garages, excluding storage of vehicles.
- (34) Telephone exchange and equipment buildings.
- (35) Towing services, excluding storage of vehicles.
- (36) Transit or transportation facilities.
- (37) Travel agencies.

(G) **Class 7.** The following uses shall be required to provide **five (5) parking spaces** per **one thousand (1,000) square feet** of gross floor area.

- (1) All professional, commercial, organizational, and government offices not specifically listed herein.
- (2) Auto service stations.
- (3) Auto undercoating and rustproofing services.
- (4) Bowling alleys.
- (5) Furniture stores.
- (6) Leather goods and luggage stores.
- (7) Photography, commercial studio.

(H) **Class 8.** The following uses shall be required to provide **six (6) parking spaces** per **one thousand (1,000) square feet** of gross floor area.

- (1) Antique stores.
- (2) Apparel stores.
- (3) Appliance stores.
- (4) Art and school supply stores.
- (5) Auto accessory stores.
- (6) Bakeries.
- (7) Barber and hairstyling shops.
- (8) Beauty parlors.
- (9) Bicycle stores; sales, rental and repair.
- (10) Book and stationery stores.
- (11) Camera stores.
- (12) Candy and confectionery stores.
- (13) China and glassware stores.
- (14) Department stores.
- (15) Drapery stores.
- (16) Dry cleaners and laundromats.
- (17) Dry goods stores.
- (18) Drug stores.
- (19) Floor covering stores.
- (20) Floral shops.
- (21) Funeral parlors.
- (22) Gift shops.
- (23) Grocery stores.
- (24) Hardware stores.

- (25) Hobby stores.
- (26) Home appliance stores.
- (27) Ice cream stores.
- (28) Jewelry stores.
- (29) Meat markets.
- (30) Music stores.
- (31) Notions stores.
- (32) Office supply and stationery stores.
- (33) Package liquor stores.
- (34) Paint and wallpaper stores.
- (35) Pet shops.
- (36) Radio, television, and stereo sales.
- (37) Record stores.
- (38) Shoe stores.
- (39) Sporting goods stores.
- (40) Tobacco shops.
- (41) Toy stores.
- (42) Variety stores.

(I) **Class 9.** The following uses shall be required to provide **ten (10) parking spaces** per **one thousand (1,000) square feet** of gross floor area.

- (1) Auction rooms or barns.
- (2) Arcades or amusement halls.
- (3) Billiard and pool halls.
- (4) Bars, taverns, and lounges.
- (5) Convention and exhibition halls.
- (6) Dance halls.
- (7) Meeting halls.
- (8) Restaurants, excluding fast-food or drive-in.
- (9) Indoor skating rinks.

(J) **Class 10.** The following uses shall be required to provide **thirty (30) parking spaces** per **one thousand (1,000) square feet** of gross floor area, plus **six (6) car holding spaces** for every drive-in by.

- (1) Fast-food or drive-in restaurants.

(K) **Class 11.** The following uses shall be required to provide **one (1) parking space** per **one thousand (1,000) square feet** of gross floor area, plus **one (1) parking space** per every **two thousand (2,000) square feet** of occupied land area.

- (1) Agricultural implements; sales and service.
- (2) Archery ranges.
- (3) Golf driving ranges.
- (4) Nurseries and greenhouses.

(L) **Class 12.** The following uses shall be required to provide **three (3) parking spaces** per **one thousand (1,000) square feet** of gross floor area, plus **one (1) parking space** per every **three thousand (3,000) square feet** of occupied land area.

- (1) Amusement establishments.
- (2) Boat sales.
- (3) Camper sales.
- (4) Equipment rental and leasing services.
- (5) Kiddie parks.
- (6) Miniature golf courses.
- (7) Mobile and manufactured home sales.
- (8) Model homes and garage displays.
- (9) Monument sales.
- (10) Motor vehicle repair and servicing facilities.
- (11) Motorcycle sales.
- (12) New or used car dealers.
- (13) Recreational vehicle sales.
- (14) Shooting ranges.
- (15) Tire, battery, and other motor vehicle accessory services.

(M) **Class 13.** The following uses shall be required to provide **one (1) parking space** per **five thousand (5,000) square feet** of occupied land area.

- (1) Athletic fields.
- (2) Arboretums or botanical gardens.
- (3) Forest preserves.
- (4) Grounds for non-commercial recreational clubs.
- (5) Public parks and playgrounds.
- (6) Swimming pools; provided, however, that when a swimming pool is an isolated use, parking shall be computed at a rate of **one (1) space** per **seventy-five (75) square feet** of water area.
- (7) Tennis clubs and courts, outdoors.

(N) **Class 14.** The following uses shall be required to provide **five (5) parking spaces** per every washing bay.

- (1) Auto laundries and car washing facilities.

(O) **Class 15.** The following uses shall be required to provide **five (5) car handling spaces** per every drive-up teller window, plus **four (4) parking spaces** per every **one thousand (1,000) square feet** of gross floor area.

- (1) Drive-in banks, savings and loans, and financial services.

(P) **Class 16.** The following uses shall be required to provide **one (1) parking space** per every **four (4) students** based on design capacity.

- (1) Elementary and junior high schools.

(Q) **Class 17.** The following uses shall be required to provide **one (1) parking space** per every **three (3) students** based on design capacity.

- (1) Colleges, junior colleges, and universities.
- (2) Business, art, dance or commercial schools.
- (3) High schools.
- (4) Vocational schools.

(R) **Class 18.** The following uses shall be required to provide **one (1) parking space** per every **four (4) seats** provided.

- (1) Churches, chapels, temples and synagogues.
- (2) Fairgrounds and exhibition grounds.
- (3) Racetracks.
- (4) Stadiums and auditoriums.

(S) **Class 19.** The following uses shall be required to provide **one (1) parking space** per every **two and one-half (2 ½) seats** provided.

- (1) Indoor movie theaters.

(T) **Class 20.** The following uses shall be required to provide **two (2) parking space** per every **one (1) employee**.

- (1) Building materials and products; sales and storage.
- (2) Building trades showrooms and shops.
- (3) Concrete mixing plants.
- (4) Contractor or construction yards.
- (5) Landscaping services.
- (6) Microwave and radar tower installations.

(U) **Class 21.** The following uses shall be required to provide **two (2) parking space** per every **three (3) employees**.

- (1) All industrial uses not specifically mentioned otherwise.
- (2) All essential services and public services not specifically mentioned otherwise.
- (3) Warehousing and wholesaling establishments.

(V) **Class 22.** The following uses shall be required to provide **one hundred (100) parking space** per **nine (9) holes**.

- (1) Golf courses; public and private.

(Sec. 20-1418)

40-14-19 TABLE OF LOADING SPACES, BY CLASSIFICATION. The minimum number of off-street loading spaces required for each use of a specific parcel of property, shall be determined by reviewing the table below, identifying the classification group to which each use belongs, and performing the calculation identified for that specific group.

(A) **Class 1.** The following uses shall be required to provide **one (1) loading space** for every building containing between **ten thousand (10,000) and one hundred thousand (100,000) square feet** of gross floor area, plus **one (1) additional loading space** per each additional **one hundred thousand (100,000) square feet** of gross floor area or fraction thereof.

- (1) Amusement and recreational facilities.
- (2) Banks and other financial institutions.
- (3) Business and other professional offices.
- (4) Convention and exhibition halls.
- (5) Health and medical institutions.
- (6) Hotels and motels containing retail shops, business or professional offices, convention or exhibition halls, or auditoriums.

- (7) Public and administrative buildings.
- (8) Radio and television studios.
- (9) Recording studios.
- (10) Theaters, indoor.
- (11) Funeral parlors and mortuaries.

(B) **Class 2.** The following uses shall be required to provide **one (1) loading space** for every building containing between **ten thousand (10,000) and twenty thousand (20,000) square feet** of gross floor area, plus **one (1)** additional loading space per each additional **two hundred thousand (200,000) square feet** of gross floor area or fraction thereof.

- (1) Apartment hotels.
- (2) Auditoriums.
- (3) Charitable institutions.
- (4) Clubs and lodges.
- (5) Hotels and motels containing no retail shops, business or professional offices, convention or exhibition halls, or auditoriums.
- (6) Meeting halls.
- (7) Religious institutions.
- (8) Multiple-family dwellings.
- (9) Research and testing institutions.
- (10) Schools and educational facilities.

(C) **Class 3.** The following uses shall be required to provide **one (1) loading space** for every building containing between **five thousand (5,000) and forty thousand (40,000) square feet** of gross floor area, and **two (2) loading spaces** for every building containing between **forty thousand (40,000) square feet** and **one hundred thousand (100,000) square feet** of gross floor area, plus **one (1)** additional loading space per each additional **one hundred thousand (100,000) square feet** of gross floor area or fraction thereof.

- (1) Assembly, manufacturing, and fabricating establishments.
- (2) Cartage, express, and motor freight facilities.
- (3) Cleaning, repairing, servicing and testing facilities.
- (4) Laundries and dry cleaning facilities.
- (5) Mail order business.
- (6) Printing and publishing establishments.
- (7) Warehousing, storage and wholesaling establishments.

(D) **Class 4.** For all other uses, including but not limited to retail stores and restaurants and other establishments handling the sale or consumption of food or beverages on the premises, loading spaces shall be provided in accordance with the gross floor areas:

- | | | |
|-----|--|----------|
| (1) | 5,000 – 20,000 square feet | 1 space |
| (2) | 20,000 – 60,000 square feet | 2 spaces |
| (3) | 60,000 – 100,000 square feet | 3 spaces |
| (4) | For every additional 100,000 square feet or fraction thereof | 1 space |
| | fraction thereof | 1 space |

(Sec. 20-1419)

ARTICLE XV

SIGN REGULATIONS

40-15-1 **PURPOSE AND INTENT.** The purpose of this Article is to regulate the size, height, number, location, illumination and construction of signs permitted in the various zoning districts throughout the Village, with the intention of preserving, protecting and promoting the public health, safety and welfare; eliminating pedestrian and vehicular traffic hazards; and conserving and increasing the value of taxable property by assuring that signs are compatible with their surroundings and aesthetically pleasing. **(Sec. 20-1501)**

40-15-2 **GENERAL PROHIBITION.** Any sign not expressly permitted in this Article shall be deemed prohibited. **(Sec. 20-1502)**

40-15-3 **ALLOWABLE SIGN AREA.** Within the limitations and restrictions as further provided in this Article, the total area of any freestanding or projecting sign which any establishment is permitted to display, shall be computed in accordance with the following formula:

(A) **One and one-half (1 ½) square feet** of sign area per every **one (1) foot** of street frontage for the first **one hundred (100) feet** of such frontage; plus **one (1) square foot** of sign area per each additional **one (1) foot** of such frontage in excess of **one hundred (100) feet**; provided, however, that no establishment in any district shall display more than **three hundred fifty (350) square feet** of sign area on any street front.

(1) In calculating the sign area of a proposed sign that contains more than **two (2) faces**, the Zoning Administrator shall determine the sum of the areas of each face and divide by **two (2)**, assuring that the result does not exceed the allowable sign area for the property.

(Sec. 20-1503)

40-15-4 **STRICTLY PROHIBITED SIGNS.** Except as specifically noted otherwise, the following signs and street graphics are strictly prohibited throughout the Village:

(A) **Signs Attached to Trees.** Signs attached to trees, fences, or public utility poles, other than warning signs posted by government officials or public utilities.

(B) **Defunct Signs.** Defunct signs, including the posts or other supports therefore, that advertises or identifies an activity, business, product or service no longer conducted on the premises where such sign is located.

(C) **Billboards.** Billboards, subject to the regulations of **Section 40-14-14** hereof.

(Sec. 20-1504)

40-15-5 SIGNS PERMITTED IN ANY ZONING DISTRICT. Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the Village. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance.

(A) **Construction Signs.** Construction signs identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed **four (4) square feet** in any Conservation or Residential District, or **sixteen (16) square feet** in other districts, shall be confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use occupies the project.

(B) **Real Estate Signs.** Real estate signs indicating the sale, rental or lease of the premises on which they are located. Such signs in Residential Districts shall not exceed **four (4) square feet**. In other districts such signs shall not exceed **sixteen (16) square feet** except that when a parcel of property exceeds **ten (10) acres**, a sign as large as **thirty-two (32) square feet** shall be allowed. Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Real Estate Directional Signs.** Real estate directional signs indicating an open house or the sale, rental or lease of property under development. Such signs shall be located on private property, with permission from the owner of said property, and shall not exceed **four (4) square feet**. Open house signs shall not be erected more than **five (5) days** prior to the scheduled showing and shall be removed immediately following.

(D) **Political Signs.** Political signs announcing candidates seeking public/political office and/or political issues and other pertinent information. Not more than **one (1)** such sign shall be erected on any lot or premises. In any district, political signs shall not exceed **four (4) square feet**. Political signs shall not be erected more than **thirty (30) days** prior to the scheduled election to which they pertain, and shall be removed by the party(s) responsible for their erection, within **three (3) days** following said election.

(E) **Garage Sale Signs.** Garage sale signs advertising a garage or yard sale to be held on private residential property. Such signs shall not exceed **four (4) square feet**, shall not be erected more than **five (5) days** prior to the scheduled sale and shall be removed immediately following.

(F) **Public Interest Signs and Street Banners.** Public interest signs and street banners publicizing a charitable or non-profit event of general public interest. Public interest signs shall not exceed **thirty-two (32) square feet**. Street banners shall not exceed **thirty (30) feet** in length. Public interest signs and street banners shall be permitted only for **fourteen (14) days** before and **seven (7) days** after the event.

(G) **Governmental, Public and Directional Signs.** Governmental public and directional signs such as traffic control signs, railroad crossing signs, legal notices, signs indicating the location of underground cables, no trespassing signs, no parking signs, signs indicating the entrances and exits of parking lots, signs welcoming visitors to the Village, and signs indicating the location of public telephone and restrooms.

(H) **Institutional Signs.** Institutional signs identifying a public, charitable, or religious institution. Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists and shall not exceed **twenty-four (24) square feet.**

(I) **Integral Signs.** Integral signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(J) **Home Occupation Signs.** Home occupation signs identifying only the name and occupation of the residents. Home occupation signs shall not be illuminated, shall be flush mounted, and shall not exceed **two (2) square feet.**

(K) **Subdivision Entrance Signs.** Subdivision entrance signs identifying a residential subdivision or apartment complex. Such signs shall be located on private property, contain no commercial advertising, and shall not exceed **forty (40) square feet.**

(L) **House Numbers and/or Name of Occupant Signs.** House numbers and/or name of occupant signs located on the lot to which the sign applies. Such signs shall contain no commercial advertising, and shall not exceed **four (4) square feet.**

(M) **Interior Signs.** Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings. **(Sec. 20-1505)**

40-15-6 GENERAL RESTRICTIONS. In order to accomplish the purpose of this Article, the following restrictions apply. **(Sec. 20-1506)**

40-15-7 SIGN ILLUMINATION. Unless otherwise restricted in this Code, illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

(B) No sign other than electronic message boards and those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

(Sec. 20-1507)

40-15-8 SIGN MOVEMENT. Every sign that revolves, rotates or mechanically moves in any manner is prohibited; provided, however, that a freestanding sign, having movement which consists of a slow rotation of the entire body of the sign so that it is visible from all directions, shall be permitted if the rotation is in a horizontal direction and is limited to **three (3) revolutions per minute.**

(A) Every sign, including those permitted above, shall be modified, immobilized, or removed, if it is determined that the sign has resulted in an increase in traffic accidents or otherwise causes a safety hazard.

(Sec. 20-1508)

40-15-9 SIGN LOCATION AND MAINTENANCE.

(A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.

(C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted building codes.

(D) Every sign shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

(Sec. 20-1509)

40-15-10 SPECIAL RESTRICTIONS, CONSERVATION DISTRICTS. No sign other than those permitted by **Section 40-15-5(J)** shall be erected in any Conservation District. **(Sec. 20-1510)**

40-15-11 SPECIAL RESTRICTIONS, RESIDENTIAL DISTRICTS. No sign other than those permitted by **Section 40-14-5** shall be erected in any Residential District. **(Sec. 20-1511)**

40-15-12 SPECIAL RESTRICTIONS, BUSINESS AND INDUSTRIAL DISTRICTS. No establishment located in any business district or in any industrial district shall display on any street front a total area of sign in excess of the allowance derived by application of the provisions and formula set forth in **Section 40-14-3**. Additionally, signs in any business district or in the Industrial District shall conform to the requirements indicated in the following sections. **(Sec. 20-1512)**

40-15-13 FREESTANDING SIGNS. Freestanding signs, whether mounted on the ground or post mounted, shall comply with the following regulations:

(A) No establishment shall display more than **two (2)** freestanding signs on any street front.

(B) No part of any freestanding sign shall intrude into any public right-of-way.

(C) No part of any freestanding sign that extends below a point **ten (10) feet** above the ground or pavement, shall be located closer than **ten (10) feet** from the public right-of-way line.

(D) When attached to its structural supports, no part of any freestanding sign shall extend more than **thirty (30) feet** above the center of the frontage pavement.

(E) The highest point of any freestanding sign shall not exceed **thirty (30) feet**.
(Sec. 20-1513)

40-15-14 OFF-PROPERTY FREESTANDING SIGNS. Notwithstanding the restriction contained in **Section 40-14-4(C)**, any establishment which lacks frontage on a public street, may erect a freestanding sign at the intersection of the closest public street with the accessway to the establishment, subject to all the regulations of this Code and the following provisions:

(A) Said establishment shall secure an easement for the sign from a property owner possessing frontage to the public street.

(B) Any freestanding sign erected pursuant hereto, shall be considered to be a freestanding sign of the establishment owning said property and shall further be calculated against the limitations contained in **Sections 40-14-3** and **40-14-19(A)**.
(Sec. 20-1514)

40-15-15 PROJECTING SIGNS. Projecting signs shall comply with the following regulations:

(A) No establishment shall display more than **two (2)** projecting signs on any street front.

- (B) No projecting sign shall:
- (1) Extend above the roof line of the building to which it is attached; or
 - (2) Extend below a point **eight (8) feet** above the center of the frontage pavements; or
 - (3) Project over a driveway or beyond the curblines of any public street; or
 - (4) Project more than **four (4) feet** from the building to which it is attached; or
 - (5) Exceed **sixteen (16) square feet** in area.

(Sec. 20-1515)

40-15-16 FLUSH MOUNTED SIGNS. Flush mounted or wall signs shall comply with the following regulations:

- (A) No flush-mounted or wall sign shall:
- (1) Project more than **eighteen (18) inches** from the wall or surface to which it is attached; or
 - (2) Extend above the roof line of the building to which it is attached.

(Sec. 20-1516)

40-15-17 CANOPY OR MARQUEE SIGNS.

(A) Signs mounted flush on any canopy or marquee shall be considered flush-mounted or wall signs, and shall meet the requirements of **Section 40-15-16.**

(B) Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of **Section 40-15-15.**
(Sec. 20-1517)

40-15-18 MOBILE MARQUEE SIGNS. Mobile marquees shall comply with the following regulations:

(A) No establishment shall display more than **one (1)** mobile marquee sign on any street front.

(B) No mobile marquee sign shall:

- (1) Exceed **eight (8) feet** in length or **four (4) feet** in height; or
- (2) Exceed a total height of **eight (8) feet** above the centerline of the frontage pavement, including all attachments, mounting brackets, legs or towing device; or
- (3) Be positioned so that said sign intrudes into any public right-of-way or in any way obstructs the view of traffic, blocks walkways, or presents any safety hazard whatsoever; or
- (4) Be installed without being properly anchored in such a manner so that it cannot be overturned by wind or other forces; or
- (5) Be illuminated or otherwise connected to any electrical power source, unless such connections are deemed safe and in compliance with all provisions of the Electrical Code, and provided that if extension cords are used, they must be UL approved, at least **twelve (12) AMP**, with ground, and be situated so as to protect the entire length of the cord from any damages.

(Sec. 20-1518)

40-15-19 NONCONFORMING SIGNS. Any nonconforming sign that does not pose an imminent peril to life or property may lawfully remain, subject to all the restrictions on the enlargement, alteration, relocation, or reconstruction of nonconforming structures set forth in **Article XII** of this Code; provided as follows:

(A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration; and

(B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming business or industrial use located in a conservation or residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a business or industrial use located in any business or industrial district.

(Sec. 20-1519)

40-15-20 CERTIFICATE OF SIGN COMPLIANCE. Any person, firm or corporation wishing to erect any sign other than those expressly permitted by **Section 40-14-5**, shall first secure a Certificate of Sign Compliance in accordance with the provisions of **Section 40-16-25. (Sec. 20-1520)**

40-15-21 VIOLATIONS.

(A) The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this Article, by giving **seven (7) days** notice in writing by registered letter to the owner of such sign, or to the owner of the building, structure or premises on which such sign is located.

(B) Such notice shall require the land owner to remove the sign or to bring it into compliance, at the land owner's expense.

(C) The Zoning Administrator may remove a sign immediately, without notice, and at the land owner's expense, if said sign is attached to a public utility pole, street sign, or located on the public right-of-way; or if said sign is in violation of this Article and is advertising an event which is set to occur before the provisions of this Section could normally be enforced; or if, in his opinion, the condition of the sign presents an immediate threat to the safety of the public.

(Sec. 20-1521)

ARTICLE XVI

ADMINISTRATION AND ENFORCEMENT

40-16-1 PENALTIES.

(A) Any person who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any provisions of this Code, shall be subject to a fine of not less than **Twenty Dollars (\$20.00)**, nor more than **Five Hundred Dollars (\$500.00)**, plus costs, for each offense.

(B) Each day that a violation continues after notification is given thereof, shall be considered a separate offense.

(C) Notification shall be by regular mail from the Village to the last known mailing address of the violator.

(D) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code.

(Sec. 20-1601)

40-16-2 APPLICATION FEES.

(A) The following schedule establishes application fees for the various certificates, permits and procedures listed in this Code, which are intended to defray the administrative costs connected with the processing of such applications, and as such do not constitute a tax or other revenue-raising device:

<u>Application For</u>	<u>Fee</u>
(1) Application for Building Permit Initial and Final	\$25.00
(2) Certificate of Nonconformance	\$20.00
(3) Certificate of Sign Compliance	\$12.00
(4) Appeal	\$175.00
(5) Variation	\$175.00
(6) Special Use Permit	\$175.00
(7) Amendment to the Text	\$175.00
(8) Amendment to the Map (Rezoning)	\$175.00

(B) The applicant will also be charged for the certified mailing fees if applicable to be determined by the number of mailings required. Until such nonrefundable fees have been paid, no application for any of the above shall be deemed to have been filed and no action shall be taken on such application.

(Ord. No. 07-598; 07-02-07) (Sec. 20-1602)

40-16-3 AUTHORITY.

(A) The primary authority for administration and enforcement of the provisions of this Code shall be vested in the following:

- (1) Zoning Administrator;
- (2) Zoning Board of Appeals;
- (3) Board of Trustees.

(B) In addition to the above, other officials, appointees, or employees of the Village may be required and authorized to perform functions authorized in this Code. **(Sec. 20-1603)**

40-16-4 ZONING ADMINISTRATOR. There is hereby created the position of Zoning Administrator who is hereby authorized and directed to administer and enforce the provisions of this Code. **(Sec. 20-1604)**

40-16-5 APPOINTMENT AND TERM OF OFFICE.

(A) The Zoning Administrator shall be appointed annually by the President of the Board of Trustees, with the advice and consent of the Board of Trustees.

(B) The Zoning Administrator's term shall commence each May with the first regular meeting of the Board of Trustees, and continue for **one (1) year** or until his successor has qualified and is appointed.

(Sec. 20-1605)

40-16-6 COMPENSATION. The Zoning Administrator shall receive a salary or compensation such as is provided by the President and the Board of Trustees. **(Sec. 20-1606)**

40-16-7 DUTIES AND RESPONSIBILITIES. The Zoning Administrator, or his authorized representative, shall administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To provide information to the general public on matters related to this Code, assist them in understanding its provisions, and assist them in any application process;

(B) To review all applications for initial and final certificates of zoning compliance, determine compliance with the provisions of this Code, notify the applicant of any matters of noncompliance, and issue initial and final certificates of zoning compliance when appropriate;

(C) To review all application for certificates of nonconformance and issue such certificates when appropriate;

(D) To review the provisions of this Code and render decisions on matters relative to those provisions;

(E) To review and forward to the Zoning Board of Appeals, all application for variation and appeals;

(F) To review and forward to the Planning Commission, all applications for special use permits, amendments to the text, and amendments to the official zoning map;

(G) To provide technical support to the Zoning Board of Appeals and to the Planning Commission;

(H) To issue certificates or permits for all variations, special uses, planned businesses, and planned unit developments, as approved by the Board of Trustees;

(I) To inspect lots, structures, and uses to determine compliance with this Code, and where there are violations, to initiate appropriate corrective action;

(J) To maintain up-to-date records of matters related to this Code including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Board of Zoning Appeals, amendments and all applications/documents related to any of these items;

(K) To prepare and cause to be published, on or before **March 31st** of each year, a map showing the existing zoning district classifications and divisions in effect on the preceding **December 31st**, if those classifications have been amended during the preceding calendar year; and

(L) To keep the President and Board of Trustees advised of zoning activities by written report presented at the second regular meeting each month, and to perform such other duties as the Board of Trustees may, from time to time, prescribe.

(Sec. 20-1607)

40-16-8 COMPLAINTS. Whenever any person alleges that a violation of the provisions of this Code has occurred, that person shall file a written complaint on forms provided by the Zoning Administrator. The Zoning Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

(Sec. 20-1608)

40-16-9 CORRECTIVE ACTION ORDERS. Whenever the Zoning Administrator finds, by complaint, inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this Code, he shall so notify the responsible party, and shall order appropriate corrective action. **(Sec. 20-1609)**

40-16-10 CONTENTS OF ORDER. Every order to take corrective action shall be issued in writing and shall at least include:

(A) A description of the premises sufficient for identification;

(B) A statement indicating the nature of the violation;

(C) A statement of the corrective action necessary to effect compliance;

(D) The date by which the violation must be corrected;

(E) A statement that the alleged violator is entitled to a conference with the Zoning Administrator if he so desires;

(F) The date by which an appeal of the correction action order must be filed, and a statement of the procedure for so filing; and

(G) A statement that failure to obey a corrective action order shall result in revocation of an issued certificate of zoning compliance and may result in the imposition of fines.

(Sec. 20-1610)

40-16-11 SERVICE OF ORDER. A corrective action order shall be deemed properly served upon the owner, occupant or operator of the offending lot, structure, or use if it is:

- (A) Served upon him personally;
- (B) Sent by certified mail to his last known address; or
- (C) Posted in a conspicuous place on or about the affected premises.

(Sec. 20-1611)

40-16-12 STOP WORK ORDERS. Whenever any work is being done in violation of an **Initial Certificate of Zoning Compliance**, the Zoning Administrator's corrective action order may state that the violation must cease immediately, in which case, the corrective action order is equivalent to a stop order. **(Sec. 20-1612)**

40-16-13 EMERGENCY MEASURES. Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition. **(Sec. 20-1613)**

40-16-14 INITIAL CERTIFICATES OF ZONING COMPLIANCE. An **Initial Certificate of Zoning Compliance** is issued by the Zoning Administrator and indicates that he has reviewed all plans for a proposed development and found those plans to be in compliance with the provisions of this Code, thereby authorizing the applicant to proceed with securing all required building permits. **(Sec. 20-1614)**

40-16-15 ISSUANCE.

(A) Upon the effective date of this Code, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed, until an **Initial Certificate of Zoning Compliance** has been applied for and issued.

(B) The Zoning Administrator shall not issue an **Initial Certificate of Zoning Compliance**, unless, following consultation with technically qualified persons as necessary, he determines that the proposed activity conforms to the applicable provisions of this Code.

40-16-16 APPLICATION.

(A) Any person seeking an initial certificate of zoning compliance, shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the proposed plans conform to the provisions of this Code.

- (1) If the Zoning Administrator finds that the plans, as submitted, comply with all provisions of this Code, he shall issue an initial certificate of zoning compliance, thereby authorizing the applicant to proceed with securing all required building permits.
- (2) If the Zoning Administrator should find that the plans, as submitted do not conform to the provisions of this code, he shall promptly notify the applicant of the deficiencies, and identify corrections that are necessary in order to bring the plans into compliance.

(B) In addition to the required application form, the applicant shall submit the following:

- (1) A site plan, drawn to scale, showing the proposed ground area, height and bulk of the building or structure, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, fuel tanks underground or above, the fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets;
- (2) A copy of the legal description of the property in question; and
- (3) Detailed drawings and plans for any and all proposed buildings and structures.

(Sec. 20-1616)

40-16-17 DURATION OF CERTIFICATE. Initial Certificates of Zoning Compliance shall be valid for **one (1) year** from the date of issue, or until revoked for failure to abide by a corrective action order. The Zoning Administrator may renew **Initial Certificates of Zoning Compliance** for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work. **(Sec. 20-1617)**

40-16-18 RELATIONSHIP TO BUILDING PERMITS. Upon the effective date of this Code, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work. **(Sec. 20-1618)**

40-16-19 FINAL CERTIFICATES OF ZONING COMPLIANCE. A Final Certificate of Zoning Compliance is issued by the Zoning Administrator and indicates that he has reviewed the actual construction of a proposed development and found that construction to be in compliance with plans submitted at the time of application, and therefore in compliance with the provisions of this Code. **(Sec. 20-1619)**

40-16-20 ISSUANCE.

(A) No lot, or part thereof, recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code, shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued.

(B) The Zoning Administrator shall not issue a final certificate of zoning compliance until it has been determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code. **(Sec. 20-1620)**

40-16-21 CERTIFICATES OF NONCONFORMANCE. A Certificate of Nonconformance is issued by the Zoning Administrator and indicates that he has reviewed a specific building, structure, lot, or use, at the request of the applicant, and has determined that the building, structure, lot, or use lawfully existed prior to the effective date of this Code, and though not in conformance with all provisions of this Code, shall be allowed to remain within the provisions of **Article XII**. **(Sec. 20-1621)**

40-16-22 ISSUANCE. The Zoning Administrator shall not issue a certificate of nonconformance, unless, following consultation with technically qualified persons as necessary, he determines that the building, structure, lot, or use lawfully existed prior to changes in the zoning regulations which created the nonconformity. **(Sec. 20-1622)**

40-16-23 APPLICATION.

(A) Any person seeking a certificate of nonconformance shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the building, structure, lot or use lawfully existed prior to changes in the zoning regulations which created the nonconformity.

(1) If the Zoning Administrator finds that the building, structure, lot, or use lawfully existed prior to changes in the zoning regulations which created the nonconformity, he shall issue a certificate of nonconformance, thereby authorizing the building, structure, lot, or use to continue within the provisions of **Article XII** of this Code.

- (2) If the Zoning Administrator should find that the building, structure, lot, or use did not lawfully exist prior to changes in the zoning regulations which created the nonconformity, he shall promptly notify the applicant of his findings, and identify corrections that are necessary in order to bring the building, structure, lot, or use into compliance with this Code.

(B)
the following:

- (1) A site plan, drawn to scale, showing the actual ground area, height and bulk of the buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets;
- (2) A copy of the legal description of the property in question; and
- (3) Detailed documentation which supports the claim of lawful existence prior to changes in the zoning regulations which created the nonconformity.

(Sec. 20-1623)

40-16-24 DURATION OF CERTIFICATE. Certificates of Nonconformance shall be valid from date of issue, provided that no amendment to the provisions of this Code occurs which would invalidate such certificate, and provided that no alteration to the building, structure, lot, or use occurs which would invalidate the information originally submitted on the application for certificate of nonconformance. **(Sec. 20-1624)**

40-16-25 CERTIFICATES OF SIGN COMPLIANCE. A Certificate of Sign Compliance is issued by the Zoning Administrator and indicates that he has reviewed all plans for a proposed sign and found those plans to be in compliance with the provisions of this Code, thereby authorizing the applicant to proceed with securing any required building permits and with sign installation. **(Sec. 20-1625)**

40-16-26 ISSUANCE.

(A) Upon the effective date of this Code, no sign shall be installed, erected, enlarged, extended, altered, relocated, or reconstructed, until a certificate of sign compliance has been applied for an issued.

(B) The Zoning Administrator shall not issue a certificate of sign compliance, unless, following consultation with technically qualified persons as necessary, he determines that the proposed activity conforms to the applicable provisions of this Code.

(Sec. 20-1626)

40-16-27 APPLICATION.

(A) Any person seeking a certificate of sign compliance shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the proposed plans conform to the provisions of this Code.

- (1) If the Zoning Administrator finds that the plans, as submitted, comply with all provisions of this Code, he shall issue a certificate of sign compliance, thereby authorizing the applicant to proceed with securing any required building permits and with sign installation.
- (2) If the Zoning Administrator should find that the plans, as submitted do not conform to the provisions of this Code, he shall promptly notify the applicant of the deficiencies, and identify corrections that are necessary in order to bring the plans into compliance.

(B) In addition to the required application form, the applicant shall submit, if not previously submitted, the following:

- (1) A site plan, drawn to scale, showing the proposed ground area, height and bulk of all signs, the lot lines and dimensions, the location of building lines to lot lines, the location of any easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of access ways and off-street parking areas in relation to those streets;
- (2) A copy of the legal description of the property in question; and
- (3) Detailed drawings and plans for all proposed signs.

(Sec. 20-1627)

40-16-28 DURATION OF CERTIFICATE. Certificates of Sign Compliance shall be valid from the date of issue, or until revoked for failure to abide by a corrective action order. **(Sec. 20-1624)**

40-16-29 APPEALS.

(A) The Zoning Board of Appeals shall hear and decide appeals from any order, requirement or determination made by the Zoning Administrator or other administrative official.

(B) An appeal, in which it is alleged that there is an error in any decision made by the Zoning Administrator under this Code, may be taken to the Zoning Board of Appeals by any person or governmental agency aggrieved by such decision.

(C) Every appeal shall be filed by the applicant in the office of the Zoning Administrator and mailed directly to the Chairman of the Zoning Board, on a form provided by the Zoning Administrator, who shall thereafter forward to all members of the Zoning Board, without delay, a copy of the appeal, together with all of the information constituting the record upon which the decision to appeal was made. **(Sec. 20-1629)**

40-16-30 HEARING.

(A) The Zoning Board of Appeals shall promptly schedule a public hearing following notice of the appeal, and shall thereafter give notice of said hearing to the parties involved, including the applicant and the Zoning Administrator.

(B) Notice of the time and place for said hearing shall be published at least once in a newspaper of general circulation in the Village, not more than **thirty (30) days** nor less than **fifteen (15) days** before said hearing. **(Sec. 20-1630)**

40-16-31 DECISIONS.

(A) The Zoning Board of Appeals shall render a written decision on the appeal within a reasonable time, but in no event shall that decision be rendered more than **ninety (90) days** after the filing of the notice of appeal by the Clerk.

(1) Any member of the Zoning Board of Appeals who was absent from the public hearing but certifies that he has read the transcript of the proceedings before the Board, may vote upon any question before the Board.

(B) The Board shall promptly forward a copy of the decision to the applicant, Zoning Administrator, and Village Clerk.

(C) The Board may affirm, or may, upon the concurring vote of **four (4) members**, reverse, wholly or in part, or modify, the decision of the Zoning Administrator, as in its opinion ought to be done, and to that end shall have the powers of the Zoning Administrator.

(D) All decisions, rendered by the Zoning Board of Appeals on any administrative order, requirement, decision, or determination of the Zoning Administrator, shall, in all instances, be final administrative determinations, and shall be subject to judicial review only in accordance with applicable law. **(Sec. 20-1631)**

40-16-32 STAY OF PROCEEDINGS.

(A) An appeal shall stay all proceedings in furtherance of the decision appealed, unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the notice of the appeal has been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

(B) In such a case, the proceedings shall not be stayed, unless by a restraining order, which may be granted by the Board of Trustees or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown. **(Sec. 20-1632)**

40-16-33 VARIATIONS. In specific cases, where practical difficulties or a particular hardship would be incurred by the strict applications of the provisions of this Code, the Zoning Board of Appeals, after conducting a public hearing, may recommend to the Board of Trustees that a variation of the regulations of this Code be granted in accordance with this Section. **(Sec. 20-1633)**

40-16-34 AUTHORITY TO RECOMMEND VARIATION. The Zoning Board of Appeals shall have the authority to recommend variation to the provisions of this Code only in accordance with the standards outlined in **Section 40-16-35**, and only in the following instances:

(A) To permit any minimum setback less than that required by the applicable regulations;

(B) To permit the same off-street parking facility to qualify for **two (2)** or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

(C) To reduce the required off-street parking or loading facilities by not more than **one (1)** parking or loading space, or **twenty-five percent (25%)** of the required spaces, whichever is greater;

(D) To increase by not more than **twenty-five percent (25%)** the maximum distance that required parking spaces are permitted to be located from the use served;

(E) To permit a variation, in all districts, for signs:

(1) Relative to the maximum height above-grade or the minimum height above-grade; or

(2) Relative to the minimum setback requirements; or

(3) Relative to the maximum projection.

(F) To permit a variation of the regulations as listed in the **Flood Plain Code**.
(Sec. 20-1634)

40-16-35 STANDARDS FOR ISSUANCE. The Zoning Board of Appeals shall not make a recommendation to the Board of Trustees to vary any regulation to this Code unless, in each specific case, the Zoning Board has found that:

(A) The proposed variation is in harmony with the general purposes and intent of this Code;

(B) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a practical difficulty or particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(C) The conditions upon which the application for a variation are based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;

(D) The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the regulations of the zoning classification; provided, however that the variation is not based exclusively upon a desire to increase financial gain;

- (E) The alleged difficulty or hardship is caused by this Code and has not been created by any persons presently having an interest in the property;
- (F) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- (G) The proposed variation will not:
 - (1) Impair an adequate supply of light and air to the adjacent property; or
 - (2) Substantially increase the congestion of public streets; or
 - (3) Increase the danger of fire; or
 - (4) Endanger the public safety; or
 - (5) Impair property values within the neighborhood.

(Sec. 20-1635)

40-16-36 APPLICATION.

(A) Every application for a variation shall be filed on forms provided by the Zoning Administrator, who shall review said application and initiate a permanent record thereof.

(B) In addition to the required application form, the Zoning Administrator shall require the applicant to submit the following:

- (1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets; and
- (2) Any and all documentation which supports the claim of practical difficulty or specific hardship.

(C) The Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Zoning Board of Appeals.

(D) The Zoning Administrator shall also file every application for variation with the Randolph County Soil and Water Conservation District, as per State law. **(See 70 ILCS Sec. 405/22.02a) (Sec. 20-1636)**

40-16-37 HEARING.

(A) The Zoning Board of Appeals shall schedule and hold a public hearing within **sixty (60) days** after the application for variation is filed.

(B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed variation, shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before said hearing:

- (1) By first class mail to the applicant; and
- (2) By publication in a newspaper of general circulation, within the Village.

(C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney. **(See 65 ILCS Sec. 5/11-13-6)**

- (1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.

(Sec. 20-1637)

40-16-38 FINDINGS OF FACT, RECOMMENDATION.

(A) The Zoning Board of Appeals may recommend approval or denial of the application for variation, upon the concurring vote of **four (4) members**.

(B) The Zoning Board shall submit such recommendation in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than **thirty (30) days** after the public hearing on the application for variation.

(C) The recommendation so submitted, shall be accompanied by findings of fact specifying the reason or reasons for the recommendation, and referring to any exhibits containing plans and specifications for the proposed variation, copies of which shall remain a part of the permanent record of the Zoning Board of Appeals.

(D) The terms of relief, if any, shall be contained within the recommendation, but clearly set forth in a conclusion or a statement separate from the Zoning Board's findings. **(See 65 ILCS Sec. 5/11-13-11) (Sec. 20-1638)**

40-16-39 ACTION BY THE BOARD OF TRUSTEES.

(A) The Board of Trustees shall not act upon a proposed variation to this Code until it has received and reviewed a written recommendation and findings of fact from the Zoning Board of Appeals.

(B) The Board of Trustees may grant or deny any variation for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Zoning Board of Appeals; provided, however, that any variation which fails to receive the approval of the Zoning Board of Appeals, shall not be passed, except by the favorable vote of at least **two-thirds (2/3)** of the members of the Board of Trustees.

(C) The Board of Trustees, having voted to grant any variation, shall adopt said variation in ordinance form, at their next regularly scheduled meeting.

(D) If an application for a proposed variation is not acted upon finally by the Board of Trustees within **ninety (90) days** of the date the Board of Trustees received the Zoning Board of Appeals recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the variation shall be deemed to have been denied. **(Sec. 20-1639)**

40-16-40 EFFEFT OF DENIAL. No application for a variation which has been denied by the Board of Trustees shall be resubmitted for a period of **one (1) year** from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees. **(Sec. 20-1640)**

40-16-41 DURATION OF VARIATION. Any ordinance varying the provisions of this Code shall be invalid **one (1) year** from the date of its passage and approval by the Board of Trustees, unless the variation, as permitted, has been substantially implemented by the applicant. **(Sec. 20-1641)**

40-16-42 SPECIAL USE PERMITS. This Code is based upon the division of the Village into districts, within which the uses of land, and the uses and bulk of buildings and structures are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be classified in any particular district upon consideration in each case of the impact of those uses upon neighboring land and uses, and for the public need for the particular uses at the particular location. Such uses fall into **three (3) categories:**

- (A) Uses publicly operated or traditionally affected with public interest;
- (B) Uses entirely private in character, but of such an unusual nature that their operation may give to unique problems with respect to their impact upon neighboring property, public facilities, or the Village as a whole;
- (C) Uses, either public or private, that because of past or present conditions, need special consideration.

(Sec. 20-1642)

40-16-43 AUTHORITY TO GRANT SPECIAL USE PERMITS.

(A) The Planning Commission shall have the authority to recommend granting of a special use permit only in accordance with the standards outlined in **Section 40-15-65.**

(B) A special use permit shall authorize only such uses as are listed on the permit and only under the conditions of this Code and any other conditions that may be made part of said permit. **(Sec. 20-1643)**

40-16-44 STANDARDS FOR ISSUANCE. The Planning Commission shall not make a recommendation to the Board of Trustees to grant any special use permit unless, in each specific case, the Planning Commission has found that:

- (A) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare;

(B) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

(C) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(D) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;

(E) Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets;

(F) Adequate measures have been taken or will be taken to protect any facilities near the proposed special use, such as a school or nursing home, that may require special protection.

(G) The special use shall in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Board of Trustees pursuant to the recommendation of the Planning Commission. **(Sec. 20-1644)**

40-16-45 APPLICATION.

(A) Every application for a special use shall be filed on forms provided by the Zoning Administrator, who shall review said application and initiate a permanent record thereof.

(B) In addition to the required application form, the Zoning Administrator shall require the applicant to submit the following:

- (1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets.

(C) The Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Planning Commission. **(Sec. 20-1645)**

40-16-46 HEARING.

(A) The Planning Commission shall schedule and hold a public hearing within **sixty (60) days** after the application for special use permit is filed.

(B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use, shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before said hearing:

- (1) By first class mail to the applicant; and
- (2) By publication in a newspaper of general circulation, within the Village.

(C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney. **(See 65 ILCS Sec. 5/11-13-6)**

- (1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.

(Sec. 20-1646)

40-16-47 FINDINGS OF FACT, RECOMMENDATION.

(A) The Planning Commission may recommend approval or denial of the application for special use permit, upon the concurring vote of **four (4) members**.

(B) The Planning Commission shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than **thirty (30) days** after the public hearing on the application for special use permit.

(C) The recommendation so submitted, shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed special use, copies of which shall remain a part of the permanent record of the Planning Commission, and specifying the following:

- (1) The extent to which the proposed special use departs from the zoning and subdivision regulations of the Village;
- (2) The conformance or nonconformance of the proposed special use with the Standards for Issuance listed under **Section 40-16-44**;
- (3) The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods;
- (4) The effect of the proposed special use on the development pattern, tax base, and economic well being on the Village;

(D) Special conditions, if any, shall be contained within the recommendation, but clearly set forth in a conclusion or a statement separate from the Planning Commission's findings.

- (1) In recommending that a special use permit be granted, the Planning Commission shall stipulate if the permit is transferable to successive owners of the property in question, or if the permit is not transferable to any other person or any other property.

(Sec. 20-1647)

40-16-48 ACTION BY THE BOARD OF TRUSTEES.

(A) The Board of Trustees shall not act upon a proposed special use permit application until it has received and reviewed a written recommendation and findings of fact from the Planning Commission.

(B) The Board of Trustees may grant or deny any special use permit for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning Commission.

(C) The Board of Trustees, having voted to grant any special use permit, shall adopt said permit in ordinance form, at their next regularly scheduled meeting.

(D) If an application for a proposed special use is not acted upon finally by the Board of Trustees within **ninety (90) days** of the date the Board of Trustees received the Planning Commission recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the special use shall be deemed to have been denied. **(Sec. 20-1648)**

40-16-49 **EFFEFT OF DENIAL.** No application for a special use which has been denied by the Board of Trustees shall be resubmitted for a period of **one (1) year** from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees. **(Sec. 20-1649)**

40-16-50 **DURATION OF PERMIT.** Any ordinance granting a special use permit shall be invalid **one (1) year** from the date of its passage and approval by the Board of Trustees, unless the special use, as permitted, has been substantially implemented by the applicant.

(A) The Board of Trustees shall require any special use permit which is issued, to stipulate the conditions of its duration if the property is sold to another person. **(Sec. 20-1650)**

40-16-51 **AMENDMENTS TO THE TEXT.** The regulations established by this Code may be amended from time to time by the Board of Trustees through the enactment of an amending ordinance; provided, however, that the Planning Commission shall first conduct a public hearing to consider such amendment, and thereafter submit its recommendation and findings of fact to the Board of Trustees. **(Sec. 20-1651)**

40-16-52 **INITIATION.** Amendments to the text may be proposed by the Board of Trustees, the Zoning Administrator, the Zoning Board of Appeals, the Planning Commission, or any other party in interest. **(Sec. 20-1652)**

40-16-53 **STANDARDS FOR AMENDMENT TO THE TEXT.** The Planning Commission shall not make a recommendation to the Board of Trustees to grant any amendment to the text unless, in each specific case, the Planning Commission has found that:

(A) The proposed amendment is in harmony with the general purposes and intent of this Code.

(B) The granting of the amendment will not be detrimental to the public welfare or injurious to other property or improvements in the Village. **(Sec. 20-1653)**

40-16-54 APPLICATION.

(A) Every application for an amendment to the text shall be filed on forms provided by the Zoning Administrator, who shall review said application and initiate a permanent record thereof.

(B) The Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Planning Commission. **(Sec. 20-1654)**

40-16-55 HEARING.

(A) The Planning Commission shall schedule and hold a public hearing within **sixty (60) days** after the application for amendment to the map is filed.

(B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment, shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before said hearing:

(1) By publication in a newspaper of general circulation, within the Village;

(2) By first class mail to the applicant.

(C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney. **(See 65 ILCS Sec. 5/11-13-6)**

(1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.

(D) Any school district within which the property in question, or any part of the property in question, is located, shall have the right to appear and present evidence at such hearings. **(Sec. 20-1655)**

40-16-56 FINDINGS OF FACT, RECOMMENDATION.

(A) The Planning Commission may recommend approval or denial of the proposed amendment to the text, upon the concurring vote of **four (4) members**.

(B) The Planning Commission shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than **thirty (30) days** after the public hearing on the application for amendment.

(C) The recommendation so submitted, shall be accompanied by findings of fact, copies of which shall remain a part of the permanent record of the Planning Commission. **(Sec. 20-1656)**

40-16-57 ACTION BY THE BOARD OF TRUSTEES.

(A) The Board of Trustees shall not act upon a proposed amendment to the text until it has received and reviewed a written recommendation and findings of fact from the Planning Commission.

(B) The Board of Trustees may grant or deny any proposed amendment to the text for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning Commission; provided, however, that when a written protest against any proposed special use is filed with the Village Clerk, and signed and acknowledged by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered, the amendment shall not be enacted except by a favorable vote of **two-thirds (2/3)** of the Board of Trustees.

(1) In such cases, a copy of the written protest shall be served by the protestor or protestors, on the applicant for the proposed amendment, and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(C) The Board of Trustees, having voted to grant any amendment, shall adopt said amendment in ordinance form, at their next regularly scheduled meeting.

(D) If an application for an amendment to the text is not acted upon finally by the Board of Trustees within **ninety (90) days** of the date the Board of Trustees received the Planning Commission recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the special use shall be deemed to have been denied. **(Sec. 20-1657)**

40-16-58 AMENDMENTS TO THE OFFICIAL ZONING MAP. The zoning districts established by this Code, and depicted on the Official Zoning Map of the Village, may be amended, or rezoned, from time to time by the Board of Trustees through the enactment of an amending ordinance; provided, however, that the Planning Commission shall first conduct a public hearing to consider such amendment, and thereafter submit its recommendation and findings of fact to the Board of Trustees. **(Sec. 20-1658)**

40-16-59 INITIATION. Amendments to the map may be proposed by the Board of Trustees, the Zoning Administrator, the Zoning Board of Appeals, the Planning Commission, and by any other person having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for amendment to the map. **(Sec. 20-1659)**

40-16-60 STANDARDS FOR AMENDMENT TO THE MAP. The Planning Commission shall not make a recommendation to the Board of Trustees to grant any amendment to the map unless, in each specific case, the Planning Commission has found that:

- (A) The proposed amendment is in harmony with the general purposes and intent of this Code;
- (B) The proposed amendment is in the public interest and is not solely for the interest of the applicant;
- (C) The conditions upon which the application for an amendment is based are generally applicable to other property within the same zoning classification, and are not unique to a specific property; and
- (D) The granting of the amendment will not be detrimental to the public welfare or injurious to other property or improvements in the Village. **(Sec. 20-1660)**

40-16-61 APPLICATION.

(A) Every application for an amendment to the map shall be filed on forms provided by the Zoning Administrator, who shall review said application and initiate a permanent record thereof.

(B) In addition to the required application form, the Zoning Administrator shall require the applicant to submit the following:

- (1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easement, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets.

(C) The Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Planning Commission.

(D) The Zoning Administrator shall also file every application for amendment to the map with the Randolph County Soil and Water Conservation District, as per State law. **(See 70 ILCS Sec. 405/22.02a) (Sec. 20-1661)**

40-16-62 HEARING.

(A) The Planning Commission shall schedule and hold a public hearing within **sixty (60) days** after the application for amendment to the map is filed.

(B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment, shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before said hearing:

- (1) By publication in a newspaper of general circulation, within the Village;

- (2) By first class mail to the applicant, and all parties affected, including those property owners whose property would be directly effected by the proposed amendment and rezoning.
- (C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney. **(See 65 ILCS Sec. 5/11-13-6)**
- (1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.
- (D) Any school district within which the property in question, or any part of the property in question, is located, shall have the right to appear and present evidence at such hearings. **(Sec. 20-1662)**

40-16-63 FINDINGS OF FACT, RECOMMENDATION.

- (A) The Planning Commission may recommend approval or denial of the proposed amendment to the text, upon the concurring vote of **four (4) members**.
- (B) The Planning Commission shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than **thirty (30) days** after the public hearing on the application for amendment.
- (C) The recommendation so submitted, shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed amendment, copies of which shall remain a part of the permanent record of the Planning Commission, and specifying the following:
 - (1) The existing uses of property within the general area of the property in question;
 - (2) The zoning classification of the property within the general area of the property in question;
 - (3) The suitability of the property in question for the uses permitted under the existing zoning classification;
 - (4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.
 - (5) The conformance or nonconformance of the proposed amendment with the Standards for Amendment listed under **Section 40-16-60**, and the officially adopted plans of the Village.
- (D) The Planning Commission may also recommend the enactment of an amendment changing the zoning classification of the property in question to a classification other than that requested by the applicant. **(Sec. 20-1663)**

40-16-64 ACTION BY THE BOARD OF TRUSTEES.

(A) The Board of Trustees shall not act upon a proposed amendment to the map until it has received and reviewed a written recommendation and findings of fact from the Planning Commission.

(B) The Board of Trustees may grant or deny any proposed amendment to the map for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning Commission; provided, however, that when a written protest against any proposed special use is filed with the Village Clerk, and signed and acknowledged by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered, the amendment shall not be enacted except by a favorable vote of **two-thirds (2/3)** of the Board of Trustees.

(1) In such cases, a copy of the written protest shall be served by the protestor or protestors, on the applicant for the proposed amendment, and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(C) The Board of Trustees, having voted to grant any amendment, shall adopt said amendment in ordinance form, at their next regularly scheduled meeting.

(D) If an application for an amendment to the map is not acted upon finally by the Board of Trustees within **ninety (90) days** of the date the Board of Trustees received the Planning Commission recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the special use shall be deemed to have been denied. **(Sec. 20-1664)**

40-16-65 EFFEFT OF DENIAL. No application for an amendment to the map which has been denied by the Board of Trustees shall be resubmitted for a period of **one (1) year** from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees. **(Sec. 20-1665)**

40-16-66 DURATION OF REZONING. In any case where the boundary lines of the Official Zoning Map of the Village have been amended, and no development has occurred on the property in the **two (2) years** following enactment of the amending ordinance, the Planning Commission may hold a public hearing, after proper notice has been given, and recommend to the Board of Trustees that such zoning be affirmed, or repealed and rezoning to its most appropriate district classification. **(Sec. 20-1666)**