

CHAPTER 40

ZONING CODE

ARTICLE I - GENERAL PROVISIONS

40-1-1 **PURPOSE.** In accordance with State law, **(65 ILCS Sec. 5/11-13-1 et seq.)**, this Chapter regulates structures and land uses in order to preserve, protect, and promote the public health, safety and welfare through implementation of this Municipality's comprehensive plan. More specifically, this Chapter is intended to assist in achieving the following objectives:

(A) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;

(B) To protect and enhance the character and stability of sound existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures;

(C) To conserve and increase the value of taxable property throughout this Municipality;

(D) To ensure the provision of adequate light, air and privacy for the occupants of all buildings;

(E) To protect property from damage caused by fire, flooding, poorly controlled storm water runoff, and adverse soil and topographical conditions;

(F) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;

(G) To guide the provision of water mains, sanitary sewers, storm water sewers, and other utilities and services, and to reduce the initial costs and future maintenance expenses thereof;

(H) To provide for the efficient administration and fair enforcement of all the regulations set forth herein; and

(I) To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments, and the like.

40-1-2 **JURISDICTION.** This Chapter shall be applicable within the corporate limits of this Municipality. **(See 65 ILCS Sec. 5/11-13-1)**

40-1-3 **INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.** Every provision of this Chapter shall be construed liberally in favor of this Municipality, and every requirement imposed herein shall be deemed minimal. Whenever the

requirements of this Chapter differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-4 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of this Municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. **[See "Local Governmental and Governmental Employees Tort Immunity Act", 745 ILCS Sec. 10/1-101.]**

(B) Any suit brought against any officer, board member, agent, or employee of this Municipality, as a result of any act required or permitted in the discharge of his duties under this Chapter, shall be defended by the Municipal Attorney until the final determination of the legal proceedings.

40-1-5 SEVERABILITY. If any provision of this Chapter is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Chapter.

ARTICLE II - DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Chapter, the following rules shall be observed:

(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 dictionary 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) The term "this Municipality" shall mean the Village of Hartford, Illinois.

(G) The words "lot", "parcel", "tract", and "site" shall be synonymous. **(See Definition of "plot".)**

(H) The words "extend", "enlarge", and "expand" shall be synonymous. **(See Definition of "enlarge".)**

(I) The words "abutting", "adjacent", and "contiguous" shall be synonymous. **(See Definition of "abutting".)**

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

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

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

40-2-2 SELECTED DEFINITIONS.

Abutting: Having a common lot line or district line.

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

Accessory Use: Any structure or use that is:

(A) Subordinate in size or purpose to the principal use or structure which it serves;

(B) Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served; and

(C) Located on the same lot as the principal use or structure served.

Administrator: The official appointed by the Mayor of this Municipality with the advice and consent of the Village Board to administer this Chapter, or his representative. **(Synonymous with "Zoning Administrator".)**

Agriculture: Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

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

Alley: A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter: To change the size, shape, or use of a structure.

Amendment: A change in the provisions of this Chapter {including those portions incorporated by reference}, properly effected in accordance with State law and the procedures set forth herein.

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

Asphaltic Concrete: A mixture of petroleum by-products and gravel used for paving to form a smooth, permanent surface. "Asphaltic concrete" does not mean "oil and chip".

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

Basement: A story having **one-half (1/2)** or more of its height below the average level of the adjoining ground.

Block: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Board of Appeals: The Board of Zoning Appeals of this Municipality.

Boarding House: A residential building or portion thereof -- other than a hotel or motel -- containing lodging rooms for accommodation of **three (3)** to **ten (10) persons** who are not members of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods, but not on an overnight or per-meal basis to the transient public.

Buffer Strip: An area of land -- undeveloped except for landscaping, fences, etc., -- used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

Building: Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

Building Height: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs. Chimneys, towers, cooling towers, and similar projections (other than signs), shall not be included in calculating building height.

Building Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way.

Bulk: Any one or any combination of the following structural or site design characteristics:

- (A) Size or height of structure;
- (B) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) Lot area;
- (D) Yards or setbacks.

Centerline:

- (A) The centerline of any right-of-way having a uniform width;
- (B) The original centerline, where a 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 Administrator indicating that proposed construction work is in conformity with the requirements of this Chapter and may, therefore, proceed.

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

Clinic: An establishment wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club/Lodge: A nonprofit association of persons who are bona fide 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).

Comprehensive Plan: The plan or any portion thereof adopted by this Municipality to guide and coordinate the physical and economic development of the community. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways; bridges; public buildings or uses; utilities; schools; residential, commercial or industrial land uses; parks; drainage facilities, etc.

Conforming: In compliance with the applicable provisions of this Chapter.

Convenience Shop: Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multiple-family complex, mobile home park, or similar development.

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

Day Care Center: See "Nursery School".

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

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.

Dimensions: Refers to both lot depth and lot width.

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

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

Drive-In Restaurant: An establishment principally used for the sale of fast order food. Fast order food means food that is:

- (A) Primarily intended for immediate consumption;
- (B) Available after a short waiting time; and
- (C) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Drive-In Theater: A tract of land developed with facilities for projecting motion pictures on an outdoor screen for viewing from the patrons' automobiles parked on the premises.

Dwelling: A building or portion thereof designed or used primarily as living quarters for **one (1)** or more families, but not including hotels, motels, and other accommodations for the transient public.

Dwelling, Multiple-Family: A building or portion thereof containing **three (3)** or more dwelling units.

Dwelling, Single-Family: A detached dwelling containing **one (1)** dwelling unit and intended for the occupancy of **one (1) family**.

Dwelling, Two-Family: A dwelling containing **two (2) dwelling units**.

Dwelling Unit: One (1) or more rooms designed or used as living quarters by **one (1) family**. A "dwelling unit" always includes a bathroom and a kitchen.

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

Enclosed: As applies to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings 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.

Establishment: Either of the following:

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

(B) an institutional, 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.

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

Family: **One (1) person**, or **two (2)** or more persons related by blood, marriage, or legal adoption, or not more than **three (3)** unrelated persons, maintaining a common household in a dwelling unit.

Flood Elevation, Regulatory: The elevation of the most severe flood that, on the basis of Corps of Engineer's data, may be expected to occur once every **one hundred (100) years**.

Flood Plain Area: The area adjacent to a water course and its tributaries having an elevation equal to or lower than the regulatory flood elevation. Tracts of land less than **ten (10) acres** in area that, naturally or by landfill, have an elevation higher than the regulatory flood elevation shall be included in the flood plain area if they are surrounded by land in the flood plain area.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; and enclosed porches.

Frontage: The lineal extent of the front (street-side) of a lot.

Greenhouse: See "Nursery".

Hereafter: Any time after the effective date of this Code.

Home Occupation: Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Chapter.

Hospital: An institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment, or care of members of the general public suffering from disease, injury, or other abnormal physical conditions. The term "hospital" as used in this Chapter includes sanitariums, but excludes institutions operating solely for the treatment of insane persons, drug addicts, and alcoholics, and convalescent/nursing homes.

Immobilize: As applied to a mobile home, "immobilize" means to remove the wheels, tongue and hitch.

Intensify: To increase the level or degree of.

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, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition [or parts thereof], and metals, glass, paper, plastics, rags, and rubber

tires. A lot on which **two (2)** or more inoperable vehicles are stored shall be deemed a junk yard. A "junk yard" includes an automobile wrecking yard.

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.

Loading Space: An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A tract of land intended as a unit for the purpose [whether immediate or future] of transfer of ownership or development. A "lot" may or may not coincide with a "lot of record."

Lot, Corner: A lot having at least **two (2)** adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot Coverage: The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front: The lot boundary abutting the street.

Lot Line, Rear: An interior lot line which is most distant from and 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 Size Requirements: Refers to the lot area, width, and depth requirements of the applicable district.

Lot Width: The mean horizontal width of a lot measured at right angles to the side lot lines.

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

Materially: As applied to the impact of one thing or another, “materially” means significantly or substantially.

Mobile Home: A manufactured structure designed to permit its transport on its own wheels, containing complete kitchen and sanitary facilities, and used as a long-term dwelling by **one (1) family**.

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

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.

Nonconforming: As applied to a lot, structure, or use, "nonconforming" means: (1) lawfully existing on the effective date of this Code, but (2) not in compliance with the applicable provisions thereof.

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 sale, and including any structure in which said activities are conducted.

Nursery School: An establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary school age.

Nursing Home: A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

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

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

Parking Area/Lot, Off-Street: Land that is improved in accordance with this Chapter and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An “off-street parking area”, depending on the circumstances of its use, may be either a principal use or an accessory use.

Parking Space, Off-Street: An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of **one (1)** passenger motor vehicle.

Permitted Use: Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

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

Planned Unit Development: A tract of land which is planned as a whole for development under single ownership or control in accordance with the Planned Unit Development Ordinance, and which by virtue of such unified planning and development, provides greater amenities, convenience or other benefits [especially open space], than would normally be had through the development of diverse smaller tracts under multiple ownership. A "planned unit development" may contain **one (1)** type of use or a variety of uses.

Planning Commission: The Planning Commission of this Municipality.

Plot: A parcel of land consisting of **one (1)** or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

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

Principal Building/Structure/Use: The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Property Line: See "Lot Line".

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after partial or total 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.

Restrictive: Tending to keep within prescribed limits.

Retail: Refers to the sale of goods or services directly to the consumer rather than to another business.

Right-of-Way, Public: A strip of land which the owner and/or subdivider has dedicated to this Municipality or to another unit of government for streets and alleys.

Rooming House: See "Boarding House".

Sanitarium: See "Hospital".

Sanitary Landfill: A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency. At a "sanitary landfill" the refuse is periodically covered with topsoil.

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

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 filling 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 minimum horizontal distance between a street line and: (a) the nearest wall of a building or side of a structure facing such street line, or (b) the edge of the area of operation of a principal use involving no building or structure.

Setback Line: See "Building Line".

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

Special Use: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

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

Stable: A structure, situated on the same lot as a dwelling and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

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

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

Street, Private: Any street providing access to abutting property that is not maintained by and dedicated to this Municipality or other public entity.

Stringent: Binding, exacting.

Structure: Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structure, Temporary: Any structure that is not attached to a permanent foundation.

Temporary Use Permit: A permit issued in accordance with the provisions of this Chapter and valid for not more than **one (1) year**, which allows the occupation of a temporary structure or the operation of a temporary enterprise.

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

Travel-Trailer: A mobile structure designed for temporary occupancy.

Travel-Trailer Park: A lot developed with facilities for accommodating temporarily occupied travel-trailers in accordance with the requirements of the Mobile Home Code.

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

Use Variance: A type of amendment (not a variance) that allows a use in a district where said use would not be allowed under existing provisions of this Chapter.

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

Variance: A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

Wholesale: Refers to the sale of goods or services by one business to another business.

Yard: Open space that is unobstructed except as specifically permitted in this Chapter and that is located on the same lot as the principal building.

Yard, Front: A yard which is bounded by the side lot lines, front lot line and the building line.

Yard, Rear: A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

Yard, Side: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

Yard Line: A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

Zoning Map: The map(s) and any amendments thereto designating zoning districts, and incorporated into this Chapter by reference.

ARTICLE III

GENERAL ZONING REGULATIONS

40-3-1 **ESTABLISHMENT OF DISTRICTS (ILLUSTRATIVE).** In order to implement the regulatory scheme of this Chapter so as to achieve the objectives enumerated in **Section 40-1-1**, this entire Municipality is hereby divided into the following zoning districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>	<u>MINIMUM AREA*</u>
Non-Urban	NR	NONE
Single-Family Residence	RS-1	5 acres
Single-Family Residence	RS-2	5 acres
Single-Family Residence	RS-3	5 acres
Multi-Family Residence	RM-1	2 acres
Multi-Family Residence	RM-2	2 acres
Neighborhood Business	B-1	1 acre
Central Business	B-2	1 acre
Highway Business	B-3	1 acre
Industrial-Light	I-1	5 acres
Industrial-Heavy	I-2	10 acres
Flood Plain Overlay	O-FP	NONE

* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the areas of numerous non-contiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

40-3-2 **ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of this Municipality. This official map, including all notations and other information thereof, is hereby made a part of this Code by reference. The official zoning map shall be kept on file in the office of the Administrator.

40-3-2.1 **ANNUAL PUBLICATION.** In accordance with State Law, **(65 ILCS Sec. 5/11-13-19)**, the Administrator shall publish the zoning map of this Municipality

not later than **March 31st** of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations.

40-3-2.2 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. In determining with precision what territory is actually included within any zoning district, the Zoning Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- | | | |
|-----|---|------------------------------------|
| (1) | Center line of any street,
alley or highway | Such centerline. |
| (2) | Lot line | Such lot line. |
| (3) | Railroad tracks | Right-of-way line of such
track |
| (4) | Stream | Center of such stream. |
| (5) | Section lines, quarter section lines,
quarter-quarter section lines,
survey lines | Such lines. |

(B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(C) The regulatory flood elevation at any point in question shall determine where the flood plain overlay district boundary is located on the land.

40-3-2.3 ANNEXED TERRITORY. Upon the effective date of this Code, whenever any territory is annexed to this Municipality, the Village Board shall determine its district classification at the time of annexation.

40-3-3 GENERAL PROHIBITION. No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed, except in conformity with the provisions of this Chapter. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Chapter.

40-3-4 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. However, if the Village Board, following consultation with the Zoning Administrator and the Municipal Planning Commission finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use by amending this Code in accordance with **Section 40-9-3**. The Village Board's

decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

40-3-5 **TEMPORARY USES.** Except as specifically provided otherwise in this Chapter, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise, whether for profit or not-for-profit, unless a temporary use permit has been obtained. No temporary use permit shall be valid for more than **one (1) year**, unless it is properly renewed. **(See Section 40-9-2)**

40-3-6 **MEETING MINIMUM REQUIREMENTS.** Except as specifically provided otherwise elsewhere in this Chapter, every lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located independently; that is, without counting any portion of any abutting lot.

40-3-7 **ACCESS REQUIRED.** No building shall be erected on any lot unless such lot abuts, or has permanent easement or access to a public street or a private street that conforms to the standards set forth in the Land Subdivision Control Ordinance of this Municipality.

40-3-8 **FRONT SETBACKS - CORNER/THROUGH LOTS.** Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-3-9 **FRONT SETBACKS IN CERTAIN BUILT-UP AREAS.** Except as specifically provided otherwise, in the residential zoning districts, and in the B-1 Neighborhood Business and B-2 Central Business Districts, where lots having **fifty percent (50%)** or more of the frontage on **one (1) side** of a street between intersections (that is, in **one (1) block**) 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 on that block shall be the average of the existing front setbacks; provided, however, that in any built-up area, no front setback shall be less than **fifteen (15) feet** shall be permitted, nor shall any front setback greater than **fifty (50) feet** be required.

40-3-10 **INTRUSIONS INTO YARDS.** To the extent indicated below, the following feature of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

FEATURES

MAXIMUM INTRUSIONS

(A) Cornices, chimneys, planters or similar architectural features	Two (2) feet.
(B) Fire escapes	Four (4) feet.
(C) Patios	None.
(D) Porches, if enclosed, and at ground level	Six (6) feet.
(E) Balconies	Four (4) feet.
(F) Canopies, roof overhangs	Four (4) feet.

40-3-11 EXCEPTIONS TO HEIGHT LIMITS.

(A) **Necessary appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire 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 this Municipality.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by the street lines of such corner lots, and a line joining the **two (2) points**, each of which is on **one (1)** street line and **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) **Airport Hazard Areas.** Notwithstanding any other provision of this Chapter, all structures erected within any airport hazard area, as defined by State Law, shall conform to the location, height, and identification requirements imposed by the Illinois Department of Aeronautics pursuant to "An Act relating to Airport Zoning" (**620 ILCS Sec. 25/1 – 25/37**) and "An Act in relation to Zoning to Eliminate Airport Hazards (**620 ILCS Sec. 30/1 – 30/12**)

40-3-12 SEWERS, SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the municipal or public sanitary sewage system is reasonably available, all sewage shall be discharged into such system, whether or not a private sewage system already exists or is more convenient.

(B) Whenever the municipal or public sewage system is not reasonably available, a private sewage system shall be installed and used. All private sewage 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 now or hereafter amended; and

- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as now or hereafter amended; and
- (3) Pertinent, current regulation issued by the **Illinois Environmental Protection Agency**; and
- (4) Applicable codes and ordinances of this Municipality, particularly the **Land Subdivision Control Ordinance**.

The Administrator shall not issue any Initial Certificate of Zoning Compliance unless, following consultation with the Municipal Engineer, he is satisfied that these requirements will be met.

40-3-13 **ACCESSORY USES.** "Accessory use" means any structure or use which is:

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

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

40-3-13.1 **PERMITTED ACCESSORY USES.** Any accessory use shall be deemed permitted in a particular zoning district if such accessory use is:

- (A) Accessory to a principal structure or use that is allowed in that zoning district as of right (permitted use) or by virtue of the fact that a special-use permit has been granted; and
- (B) In compliance with the restrictions set forth in **Section 40-3-13.2**.

40-3-13.2 **ACCESSORY USE RESTRICTIONS.**

- (A) **Height.** No accessory use shall be higher than:
 - (1) **Fifteen (15) feet** in any residential district; or
 - (2) **Twenty-five (25) feet** in any other zoning district, except the Non-Urban District where, due to the special needs of farmers, there shall be no height limit on accessory structures.
- (B) **Setbacks.** No accessory use in any zoning district shall be located in any part of any yard (front, side or rear) that is required because of the setback regulations of such district; provided that in the Non-Urban District or in any Residential District, an accessory use may be located as close as **five (5) feet** to the side lot line and/or as close as **five (5) feet** to the rear lot line.
- (C) **Yard Coverage.** In any residential district, accessory uses shall not cover more than **thirty percent (30%)** of a required rear yard.
- (D) **Use As Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of this Municipality.

ARTICLE IV

REGULATIONS FOR SPECIFIC DISTRICTS

40-4-1 **"NU" – NON-URBAN DISTRICT.** The "NU" Non-Urban District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Some tracts of land in this district are fertile and relatively level, and best suited for agricultural pursuits. Other tracts in this district have such poor soils, steep slopes, inadequate natural drainage, and/or other problems; or are simply so distant from existing developed areas, that the provision of roads, utilities, and storm water drainage systems would be impractical or burdensomely expensive to the tax-paying public.

40-4-1.1 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "NU" District shall conform to the following requirements:

(A)	Minimum Lot Area	3 Acres
(B)	Minimum Lot Width at the established building line	250 feet
(C)	Minimum Lot Depth	250 feet
(D)	Minimum Setbacks	
	(1) From front lot line	50 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	50 feet

40-4-1.2 **ONE DWELLING ON ONE LOT.** In the "NU" District, only **one (1) dwelling** shall be situated on any lot.

40-4-1.3 **PERMITTED USES.**

Agriculture, including all uses commonly classified as such.

Cemeteries.

Detached single-family dwelling.

Government uses of this Municipality.

Nurseries, greenhouses, temporary produce stands. **(See Section 40-5-3)**

Parks, playgrounds.

Radio or television transmission towers.

Accessory uses in accordance with **Section 40-3-13.**

40-4-1.4 SPECIAL USES.

Agricultural implement sales.
Amusement facilities such as go-cart tracks, miniature golf courses, etc.
Animal hospitals.
Blacksmith and welding shops.
Churches and other places of formal worship.
Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.
Golf courses, regulation size.
Government uses other than those of this Municipality.
Home occupations. **(See Sec. 40-5-4)**
Hospitals, nursing homes, sanitariums. **(See Section 40-5-5)**
Institutions such as convents, retreat houses, seminaries, etc.
Kennels, commercial. **(See Section 40-5-7)**
Stables, commercial. **(See Section 40-5-13)**
Travel trailer parks (but not mobile home parks) in conformity with the requirements of this Municipality's Mobile Home Park Ordinance.
Utility substations. **(See Section 40-5-15)**

40-4-2 "RS-1", "RS-2", "RS-3" SINGLE-FAMILY RESIDENCE DISTRICTS. In the "RS-1", "RS-2" and "RS-3" Single-Family Residence Districts, land is principally used for, or is best suited for, detached single-family dwellings and related educational, religious and recreational facilities. The regulations applicable to each single-family residence district are intended to stabilize and preserve sound existing neighborhoods developed at varying densities. The differing regulations are also intended to promote the development of a range of new single-family housing that is appropriate for persons having different social needs and income levels.

40-4-2.1 ONE PRINCIPAL BUILDING ON ONE LOT. In the "RS-1", "RS-2" and "RS-3" Districts, only **one (1)** principal building (which includes a mobile home) shall be erected on any lot; provided that this regulation is not applicable to mobile home parks allowed in the "RS-3" District by special use permit.

40-4-2.2 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "RS-1", "RS-2", or "RS-3" District shall conform to the applicable requirements indicated in tabular form below:

[NOTE: For "cluster zoning" provision, refer to the Planned Unit Development Ordinance.]

REQUIREMENTS	RS-1 DISTRICT	RS-2 DISTRICT	RS-3 DISTRICT
(A) Minimum Lot Area	11,700 sq. ft.	5,000 sq. ft.	2,500 sq. ft.
(B) Minimum Lot Width at the established building line	90 ft.	40 ft.	25 ft.
(C) Minimum Lot Depth	130 ft.	125 ft.	100 ft.
(D) Minimum Setbacks			
(1) From front lot line	30 ft.	25 ft.	20 ft.
(2) Total for both side yard lines	20 ft.	15 ft.	10 ft.
(3) From either side lot line	10 ft.	5 ft.	5 ft.
(4) From rear lot line	30 ft.	25 ft.	20 ft.
(E) Maximum Building Height	35 ft.	35 ft.	35 ft.

40-4-2.3 PERMITTED USES.

Churches and other places of formal worship.

Detached single-family dwellings.

Government uses of this Municipality.

Libraries.

Parks, playgrounds.

Schools, public or private, elementary or secondary. **(See Section 40-5-11)**

Accessory uses in accordance with **Section 40-3-13.**

40-4-2.4 SPECIAL USES.

Cemeteries.

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

Day care centers, nursery schools. **(See Section 40-5-11)**

Golf courses, regulation size.

Government uses other than those of this Municipality.

Home occupations. **(See Section 40-5-4)**

Hospitals, nursing homes, sanitariums. **(See Section 40-5-5)**

Medical and dental offices and clinics.

Mobile home parks (but not travel-trailer parks) in conformity with the requirements of the Mobile Home Park Ordinance, but only in the "RS-3" District.

Mobile homes in conformity with **Chapter 23** of the "Revised Code of Ordinances".

Planned unit developments in conformity with the requirements of the Planned Unit Development Ordinance.

Two-family dwellings, but only in the "RS-3" District.
 Utility substations. **(See Section 40-5-15)**

40-4-3 "RM-1", "RM-2" MULTIPLE-FAMILY RESIDENCE DISTRICTS.

The "RM-1" and "RM-2" Multiple-Family Residence Districts are established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings built either at low and/or medium or at relatively high density. These districts are also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

40-4-3.1 LOT AND BUILDING REQUIREMENTS. Detached single-family and two-family dwellings erected in either the "RM-1" or "RM-2" Districts shall comply with the "one principal building on one (1) lot" regulation **(See Section 40-4-2.1)** and with the lot and building requirements of the "RS-3" District. **(See Section 40-4-2.2)**

All other principal buildings shall conform to the requirements indicated in tabular form below:

REQUIREMENTS	RS-1 DISTRICT	RS-2 DISTRICT
(A) Minimum Lot Area	35,000 sq. ft./unit	2,500 sq. ft./unit
(B) Minimum Lot Width at the established building line	75 ft. or 15 ft./unit, whichever is greater, but not more than 250 ft.	75 ft. or 10 ft./unit, whichever is greater, but not more than 250 ft.
(C) Minimum Lot Depth	100 ft.	100 ft.
(D) Minimum Setbacks		
(1) From front lot line	25 ft.	25 ft., plus 1 ft. for every 2 ft. by which building height exceeds 35 ft.
(2) From any side lot line	10 ft.	10 ft., plus 1 ft. for every 2 ft. by which building height exceeds 35 ft.
(3) From rear lot line	25 ft.	25 ft.
(E) Maximum Building Height	35 ft.	35 ft.

40-4-3.2 PERMITTED USES.

Churches and other places of formal worship.

Day care centers, nursery schools. **(See Section 40-5-11)**

Government uses of this Municipality.

Libraries.

Multiple-family dwellings.

Parks, playgrounds.

Single-family dwellings, detached or attached.

Schools, public or private, elementary or secondary. **(See Section 40-5-11)**

Two-family dwellings.

Accessory uses in accordance with **Section 40-3-13.**

40-4-3.3 SPECIAL USES.

Boarding houses, rooming houses.

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

Convenience shops (e.g., small drugstore, food store, laundromat); but only if located on the ground floor of a multiple-family dwelling, or in a PUD.

Government uses other than those of this Municipality.

Home occupations. **(See Section 40-5-4)**

Hospitals, nursing homes, sanitariums. **(See Section 40-5-5)**

Medical and dental offices and clinics.

Planned unit developments in conformity with the requirements of the Planned Unit Development Ordinance.

Utility substations. **(See Section 40-5-15)**

40-4-4 "B-1" NEIGHBORHOOD BUSINESS DISTRICT. The "B-1" Neighborhood Business District, as delineated on the zoning map, encompasses small commercial enclaves located within predominantly residential areas. Only selected small-scale sales and service facilities that constitute a convenience to residents of the immediate neighborhood may locate in this district. These commercial establishments must be compatible in design and operation with an essentially residential environment.

40-4-4.1 USE RESTRICTIONS.

(A) **Retail Only.** Every commercial or service establishment located in this district shall deal directly with consumers.

(B) **Enclosed Buildings.** All commercial, service and storage activities shall be conducted within completely enclosed structures.

(C) **Limited Size.** The gross floor area of any commercial or service establishment located in this district shall not exceed **three thousand (3,000) square feet.**

(D) **No Drive-Ins.** No commercial or service establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell food or beverages for consumption on the premises in parked motor vehicles. Thus, service stations, drive-in restaurants, etc. are excluded from this district.

(E) **Access Ways.** Any access way (driveway) to any off-street parking lot or loading berth shall be located at least **ten (10) feet** from any lot line.

(F) **Refuse Containers.** All refuse generated by any establishment located within this district shall be stored in tightly covered containers placed in a visually-screened area.

(G) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least **six (6) feet**, but not to exceed **eight (8) feet** in height and of sufficient density to completely block the view from the adjacent residential property shall be provided.

(H) **Parking. See Article VI.**

(I) **Signs. See Section 40-5-10 et seq.**

40-4-4.2 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "B-1" District shall conform to the requirements indicated below:

- | | | |
|-----|-------------------|--|
| (A) | Minimum Lot Area | 10,000 sq. ft. |
| (B) | Minimum Lot Width | 75 feet at the established building line |
| (C) | Minimum Lot Depth | 100 feet |
| (D) | Minimum Setbacks | |

(1) From front and side lot lines: Establishments located in this district must conform to the front and side setback requirements applicable to dwellings located in the adjacent Residential District. If more than **one (1)** Residential District is adjacent to the "B-1" District, the front and side setback requirements of the district shall be the same as those imposed in the least restrictive adjacent residential district.

- | | | |
|-----|--------------------------|---------|
| (2) | From rear lot line | 25 feet |
| (E) | Maximum Structure Height | 35 feet |

40-4-4.3 PERMITTED USES. Provided all the use restrictions of this district are observed, the following uses are permitted: **(See Section 40-4-4.1)**

- Churches and other places of formal worship.
- Clubs and lodges.
- Commercial establishments.
- Government uses of this Municipality.
- Libraries, museums.

Offices.
Service establishments.
Accessory uses in accordance with Section **40-3-13**.

40-4-4.4 SPECIAL USES. Provided all the use restrictions of this district (**See Section 40-4-4.1**) are observed, the following uses may be allowed by Special Use Permit:

Dwelling units, if located above the first (1st) floor.
Governmental uses other than those of this Municipality.
Taverns.
Utility substations. (**See Section 40-5-15**)

40-4-5 "B-2" CENTRAL BUSINESS DISTRICT. The "B-2" Central Business District encompasses the concentrated pedestrian-oriented commercial area of this Municipality. Stores and other facilities providing a wide range of retail goods and services to the general public may be located within this district.

40-4-5.1 USE RESTRICTIONS.

(A) **Retail Only.** Every commercial or service establishment located in this district shall deal directly with consumers.

(B) **Processing Incidental.** Any processing or treatment of goods on any premises must be clearly incidental to the retail business conducted on such premises.

(C) **Unenclosed Activities--Special-Use Permit.** In this district, a special use permit is required to conduct any commercial, service or storage activities outside a completely enclosed building.

(D) **Drive-Ins – Special Use Permit.** In this district, a special use permit is required to establish any business that will offer goods or services directly to customers waiting in parked motor vehicles, or that will sell food or beverages for consumption on the premises in parked motor vehicles.

(E) **Refuse Containers.** All refuse generated by any establishment located within this district shall be stored in tightly-covered containers placed in a visually-screened area.

(F) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be installed.

(G) **Parking. See Article VI.**

(H) **Signs. See Section 40-5-10 et seq.**

40-4-5.2 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "B-2" Central Business District shall conform to the requirements indicated below:

- | | | |
|-----|--|--|
| (A) | Minimum Lot Area | None |
| (B) | Minimum Lot Width at established building line | 30 feet |
| (C) | Minimum Lot Depth | None |
| (D) | Minimum Setbacks | Generally none required except as necessary to achieve compliance with applicable off-street parking and loading requirements. (See Article VI) However, any lot abutting a residential district shall conform to the front and side setback requirements of such district. |
| (E) | Maximum Building Height | 60 feet |

40-4-5.3 PERMITTED USES. Provided all the use restrictions of this district **(See Section 40-4-5.1)** are observed, the following uses are permitted:

- Auditoriums, meeting rooms, and other places of assembly.
- Churches and other places of formal worship.
- Clubs and lodges.
- Commercial establishments, except those listed in **Section 40-4-5.4.**
- Government uses of this Municipality.
- Libraries, museums.
- Mass transit facilities.
- Offices.
- Service establishments, except those listed in **Section 40-4-5.4.**
- Accessory uses in accordance with **Section 40-3-13.**

40-4-5.4 SPECIAL USES. Provided all the use restrictions of this district **(See Section 40-4-5.1)** are observed, the following uses may be allowed by special-use permit.

Any use that involves commercial, service or storage activities conducted outside completely enclosed buildings.

Any use, such as drive-in restaurants, drive-in banks, service stations, etc., that offers goods or services directly to customers waiting in parked vehicles, or that sells food or beverages for consumption on the premises in parked motor vehicles.

Dwelling units, if located above the first (1st) floor.

Governmental uses other than those of this Municipality.

Hospitals, medical/dental clinics. **(See Section 40-5-5)**

Taverns.

Utility substations. **(See Section 40-5-15)**

40-4-6 "B-3" HIGHWAY BUSINESS DISTRICT. The "B-3" Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses. Since such businesses, both retail and wholesale, draw their patrons primarily from the motoring public, they typically require direct access to major streets and large lots for off-street parking and loading.

40-4-6.1 USE RESTRICTIONS.

(A) **Repairs Indoors.** All repair and maintenance services shall be conducted within completely enclosed structures. Storage areas may be open to the sky, but shall be enclosed by walls or solid fences at least **eight (8) feet** high.

(B) **Refuse Containers.** All refuse generated by facilities located within this district shall be stored in tightly-covered containers placed in visually-screened areas.

(C) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be installed.

(D) **Parking. See Article VI.**

(E) **Signs. See Section 40-4-10 et seq.**

40-4-6.2 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "B-3" Highway Business District shall conform to the requirements indicated below:

(A)	Minimum Lot Area	20,000 sq. ft.
(B)	Minimum Lot Width at established building line	125 feet
(C)	Minimum Lot Depth	150 feet
(D)	Minimum Setbacks	
	(1) From front lot line	50 feet
	(2) Total for both side yard lines	50 feet
	(3) From either side lot line	20 feet
	(4) From rear lot line	25 feet
(E)	Maximum Building Height	45 feet

40-4-6.3 PERMITTED USES. Provided all the use restrictions of this district (**See Section 40-4-6.1**) are observed, the following uses are permitted:

Churches and other places of formal worship.

Clubs and lodges.

Commercial establishments, any type, including drive-in facilities. Such uses as the following are especially appropriate in this district:

- bowling alleys
- furniture and appliance sales
- greenhouses (**See Section 40-5-3**)

- lumber and building supplies sales
- miniature golf courses
- mobile home and recreational vehicles sales
- motor vehicles sales.

Government uses of this Municipality.

Offices.

Service establishments, any type, including drive-in facilities. Such uses as the following are especially appropriate in this district:

- animal hospitals
- miniature golf courses
- motels
- motor vehicles services
- restaurants
- service stations **(See Section 40-5-12)**

Accessory uses in accordance with Section **40-3-13**.

40-4-6.4 SPECIAL USES. Provided all the use restrictions of this district **(See Section 40-4-6.1)** are observed, the following uses may be allowed by special-use permit:

Drive-in theaters. **(See Section 40-5-1)**

Freight and bus terminals, and related transportation facilities.

Governmental uses other than those of this Municipality.

Research and development facilities not involving explosives, flammable gases, or liquids, or live animals.

Utility substations. **(See Section 40-5-15)**

Warehousing and wholesaling of any goods except explosives, flammable gases, or liquids, or live animals.

40-4-7 "I-1" - INDUSTRIAL DISTRICT. The "I-1" 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.

40-4-7.1 USE RESTRICTION.

(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 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 within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least **eight (8) feet** high.

(C) **Buffer Strips.** Wherever any industrial use located in this district abuts any other district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. Such buffer strips shall consist 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.

(D) **Parking.** See Article VI.

(E) **Signs.** See the Sign Control Ordinance.

40-4-7.2 LOT AND STRUCTURE REQUIREMENTS.

(A)	Minimum Lot Area	20,000 sq. ft.
(B)	Minimum Lot Width at the established building line	125 feet
(C)	Minimum Lot Depth	150 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) From any side lot line	25 feet
	(3) From rear lot line	25 feet
(E)	Maximum Structure Height	60 feet

40-4-7.3 PERMITTED USES. Provided all the use restrictions of this district (See Section 40-4-7.1) are observed, the following uses are permitted:

Assembly, manufacturing or processing of any commodity from semi-finished materials provided explosives, flammable gases, or liquids, or live animals are not involved.

Freight and bus terminals, and related mass transportation facilities.

Government uses of this Municipality.

Research and development facilities not involving explosives, or flammable gases or liquids.

Service stations. (See Section 40-5-12)

Warehousing or wholesaling of goods, except explosives, flammable gases or liquids, or live animals.

Accessory uses in accordance with Section 40-3-14.

40-4-7.4 SPECIAL USES. Provided all the use restrictions of this district (See Section 40-4-7.1) are observed, the following uses may be allowed by special use permit:

Assembly, manufacturing, processing, warehousing, or wholesaling, involving explosives, flammable gases, or liquids, or live animals.

Government uses other than those of this Municipality.

Junk Yards.

Research and development facilities involving explosives, or flammable liquids or gases.

Utility substations. **(See Section 40-5-15)**

40-4-8 **"I-2" HEAVY INDUSTRIAL DISTRICT.** The "I-2" Heavy Industrial District encompasses areas where a satisfactory correlation of factors such as adequate transportation, efficient land assembly, adequate topographical characteristics, and adequate availability of utilities required by industry may be achieved. It is intended that this district will provide for any type of manufacturing that is not permitted in the "I-1" Light Industrial District, that meets the requirements and conditions of this Code, and which may be carried out in a manner that will not endanger the public health, safety, and general welfare. It is further intended to insure the County will achieve a favorable position with respect to regional and national competition for production and distribution of manufactured goods.

40-4-8.1 **USE RESTRICTIONS.**

(A) Any production, processing, cleaning, servicing, testing, repair, or storage of goods, materials, or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.

(B) All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise approved. Storage of equipment and supplies in this district may be open to the sky, but shall be enclosed by a wall or fence, including gates, at least **eight (8) feet** high and if abutting an "SR" or "MR" District, an approved landscaped screen shall be provided. Open, off-street loading facilities and open, off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required to protect adjacent uses or residential districts.

(C) **Railroad Siding Frontage.** No yards shall be required for those portions of lots which front on railroad sidings.

(D) **Buffer Areas.** A **twenty (20) foot** wide planting screen, consisting of suitable shrubbery and trees, shall be planted wherever an industrial use abuts any other use district. Such screen shall consist of shrubbery and trees at least **five (5) feet** in height when planted and shall be maintained at not less than **twenty (20) feet** in height when full grown or as reviewed by the Manager and approved by the Environmental Committee.

(E) **Yard Areas.** No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such building. **(See Exhibit 2-1)**

(F) **Front Yard.** On every zoning lot a front yard of not less than **seventy-five (75) feet** in depth shall be provided.

(G) **Side Yards.** On every zoning lot a side yard shall be provided along each side lot line. Each side yard shall be not less in width than **twenty-five (25) feet.**

(H) **Rear Yard.** A rear yard of at least **twenty (20) feet** in depth shall be provided.

(I) **Maximum Height of Principal Structures.** The maximum height of all principal structures in this district shall be **forty-five (45) feet.**

(J) **Lot Coverage.** No more than **forty percent (40%)** of the area of a lot may be covered by buildings and structures, including accessory buildings.

(K) **Additional Requirements.** The applicant should refer to the following portions of this Code for additional use regulations. [General Development Standards, Art. II, Div. B, 1st Part]; [Supplementary Development Standards, Art. II, Div. B, 2nd Part]; [Off-Street Parking/Loading, Art. II, Div. B, 3rd Part]; and [Sign Controls, Art. IV].

40-4-8.2 USES PERMITTED BY RIGHT.

Same as for the "I-1" District. **(See Section 40-4-7.3)**

Any commercial, industrial, or manufacturing operation which is not detrimental to the public health, safety and general welfare, and provided that adequate safeguards (structural, mechanical, and locational) shall be provided to protect adjoining properties from the effects of noisome or injurious substances, conditions, and operations.

40-4-8.3 USES PERMITTED BY SITE PLAN REVIEW.

See **Section 40-9-1.**

Port facilities.

Railroad classification yards, terminal facilities and maintenance facilities.

40-4-8.4 SPECIAL USES.

See **Article V.**

Junk Yards.

Sanitary landfills.

40-4-8.5 ACCESSORY USES.

See **Section 40-3-13.**

Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.

Dwelling units for watchmen when located on the premise where they are employed in such capacity.

Off-street parking and loading.

Storage of merchandise or inventory usually carried in stock.

Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

40-4-9 **"O-FP" FLOOD PLAIN OVERLAY DISTRICT.** The "O-FP" Flood Plain Overlay District delineates areas in the vicinity of the Mississippi watercourse and its tributaries. In the absence of flood protection measures, these areas 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 municipal tax base, and the need for extraordinary relief measures. The regulations of this Section are intended to restrict permitted development in flood plains to:

- (A) Uses which inherently have low flood damage potential and
- (B) to other uses allowed in the primary zoning districts, provided appropriate protective measures have been taken.

40-4-9.1 **PERMITTED USES, SPECIAL USES.** This overlay district has no effect on the classification, whether permitted, special, or prohibited, of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.

40-4-9.2 **ADDITIONAL RESTRICTIONS.** All uses, whether permitted or special, that are located in the area covered by the "**O-FP" Overlay District** shall not only meet all the applicable requirements of the primary district, but shall also be adequately protected against flood damage. To assure such protection, the Administrator, following consultation with technically-qualified persons, may require as necessary:

- (A) Anchorage or addition of weight to structures to resist flotation;
- (B) Installation of watertight doors and bulkheads;
- (C) Use of special paints, membranes, or mortars so as to reduce seepage through walls.
- (D) Installation of pumps to lower water levels in structures or to relieve external foundation wall flood pressure;
- (E) Reinforcement of walls to resist rupture or collapse caused by water pressure or floating debris;
- (F) Installation of valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewage or storm runoff into structures;
- (G) Location of electrical equipment and appliances above the level of the regulatory flood elevation;

(H) Location of storage facilities for chemicals, explosives, flammable liquids, toxic substances, etc., above the regulatory flood elevation;

(I) Filling and earth-moving to raise the level of proposed building site above the regulatory flood elevation; and/or

(J) Any other reasonable flood protection measures.

In no case shall the Administrator approve any proposed flood protection measure which would result in an increase in the volume or velocity of flood water leaving the lot in question.

ARTICLE V

SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

40-5-1 **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome structures, and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-5-2 **FENCES; WALLS.**

(A) No barbed wire or electrically-charged fence shall be erected or maintained anywhere in this Municipality, except in the non-urban or industrial districts by special-use permit.

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

(C) No fence, wall, or other obstruction shall be erected in violation of the **Illinois Drainage Code. (See 70 ILCS Sec. 2-1 through 2-13)**

(D) Every fence, wall, or other obstruction shall conform to the special height restrictions applicable in areas near intersection. **(See Section 40-3-11(B))**

(E) No fence, wall, or other obstruction shall exceed the district's maximum height from ground to top of fence, wall or other obstruction as follows:

All Residential Zone Districts: **6' 6" Maximum**

All Business and Industrial Zone Districts: **8' Maximum**

40-5-3 **GREENHOUSES, NURSERIES.**

(A) No fertilizer, compost, manure, or other odor-or-dust-producing substance shall be stored closer than **one hundred (100) feet** to any lot line.

(B) Greenhouse heating plants shall be situated in an enclosed structure, and shall not be closer than **fifty (50) feet** to any lot line.

40-5-4 **HOME OCCUPATIONS.** A "home occupation" means any business, profession, or occupation conducted for gain or support entirely within any dwelling or on any residential premises. Within this Municipality, every home occupation shall be considered a special use. No home occupation shall be established or conducted except in conformity with the following regulations:

(A) **Unrelated Employees.** A home occupation shall employ no more than **one (1) individual** who is unrelated to the family residing on the premises.

(B) **Floor Space.** The total area used for a home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **three hundred (300) square feet**, whichever is less.

(C) **Dwelling Alterations.** In any residential district, a principal residential building shall not be altered, to accommodate a home occupation, in such a way as to materially change the residential character of the building.

(D) **Outdoor Storage.** Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited.

(E) **Nuisances.** A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.

(F) **Parking.** See Article VI.

(G) **Signs.** See Section 40-6-10 et seq.

40-5-5 HOSPITALS, NURSING HOMES.

(A) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **five (5) acres**.

(B) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres**.

(C) The principal building of any hospital, sanitarium, or nursing home shall be located at least **twenty-five (25) feet** from all lot lines.

40-5-6 JUNK YARDS.

(A) No part of any junk yard, which includes any lot on which any **two (2)** or more inoperable vehicles are stored, shall be located closer than **five hundred (500) feet** to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely 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.

(C) All junk yards shall comply with the provisions of **Chapter 6, Article IV**.

40-5-7 KENNELS.

(A) The lot on which any 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.

40-5-8 MOBILE HOMES ON PRIVATE LOTS. Mobile homes on private lots shall comply with all of the following supplementary regulations: **[Note: Mobile home park requirements are set forth in a separate ordinance.]**

(A) No mobile home shall be placed on any private lot unless the minimum lot size and setback requirements of the district [RS-3] in which such lot is located are met. **(See Section 40-4-2.2)**

(B) As set forth in **Section 40-4-2.1**, not more than **one (1) mobile home** shall be placed on any private lot, nor shall any mobile home be placed on any private lot whereon another principal building exists.

(C) Every mobile home shall be immobilized and placed on a stand to provide adequate support therefor. The stand shall extend the length of the supports of the mobile home and shall consist of either **six (6) inch** thick reinforced concrete runners or a **four (4) inch** thick reinforced concrete slab.

(D) Anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of every mobile home stand or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.

(E) Every mobile home shall be skirted with fire-resistant material. The skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home.

40-5-9 RECREATIONAL VEHICLES. The regulations of this Section do not apply to travel-trailers or other recreational vehicles parked in a permitted travel-trailer park that conforms to the pertinent requirements of the Mobile Home Park Ordinance. The requirements of paragraphs (A), (C), and (D) do not apply to travel-trailers or other recreational vehicles parked on a permitted recreational vehicles sales lot.

(A) Not more than **one (1)** travel-trailer or other recreational vehicle shall be parked on any lot.

(B) No travel-trailer or other recreational vehicle shall be used as a dwelling.

(C) No travel-trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.

(D) No travel-trailer or other recreational vehicle shall be parked on any front yard, except on a driveway.

40-5-10 SANITARY LANDFILLS. Any person who intends to establish or conduct a sanitary landfill within the zoning jurisdiction of this Municipality shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the "Solid Waste Rules and Regulations" promulgated by the IEPA pursuant to the authority granted by State law. **(See 415 ILCS Sec. 5/22)**

40-5-14 **SWIMMING POOLS.**

(A) No swimming pool, whether public or private, shall be located in any front yard or closer than **ten (10) feet** to any side or rear lot line.

(B) Every swimming pool that is more than **two (2) feet** deep shall be enclosed by a wall or fence at least **six (6) feet** in height. The passage through such wall or fence shall be equipped with a gate. No fence shall exceed **six feet six inches (6'6")** in height from ground to top of fence.

40-5-15 **UTILITY SUBSTATIONS.** Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

(A) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part 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 that 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. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least **eight (8) feet** in height be installed behind the planting screen.

ARTICLE VI

OFF-STREET PARKING AND LOADING

DIVISION I - PARKING

40-6-1 **APPLICABILITY OF ARTICLE.** Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

40-6-1.1 **EXISTING PARKING AND/OR LOADING FACILITIES.**

(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced, or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking and/or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking and/or loading facilities need not be provided.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional parking and loading facilities commensurate with such increase in use-intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.

40-6-2 **PARKING AREA DESIGN STANDARDS.** All areas providing off-street parking shall conform to the standards indicated in the subsections which follow:

[NOTE: Standards applicable to all parking areas are indicated by one (1) asterisk (*); standards applicable to all parking areas except those accessory to single or two-family dwellings are indicated by two (2) asterisks ().]**

40-6-2.1 **SPACES.**

(A) Each required parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long, and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.*

(B) Markings shall be laid and restored as often as necessary to clearly delineate each parking space.**

40-6-2.2 INTERIOR AISLES. Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty (60) degree** parking shall be at least **eighteen (18) feet** wide.**

40-6-2.3 ACCESS WAY.

(A) Parking areas shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.*

(B) No access way to any parking area shall be located within **thirty (30) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent traffic hazards.*

(C) Parking area access ways (including residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles.*

(D) The access way to every parking lot located in any commercial district or in the Industrial District shall be at least **twenty-four (24) feet** wide unless two one-way drives, each **twelve (12) feet** wide, are provided.**

(E) The access way to every parking area located in any residential district or in the Non-Urban District shall be at least **ten (10) feet** wide; but if the parking area contains more than **eight (8) parking spaces**, or if the access way is longer than **one hundred (100) feet**, access shall be provided either by one 2-way drive at least **twenty (20) feet** wide or by two 1-way drives, each at least **ten (10) feet** wide.*

40-6-2.4 SURFACING. Parking lots shall be graded and improved with a compacted stone base at least **four (4) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material.**

40-6-2.5 LIGHTING. Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking area boundary lines to the greatest extent practicable.*

40-6-2.6 BORDERING. In order to preserve the continuity of the streetscape and to minimize visual pollution, all parking lots containing more than **eight (8) parking spaces** shall be bordered by a wall, fence, earth berm, or closely planted shrubbery at least **three (3) feet** high on each side abutting any street or conforming residential property. Wheel bumpers or curbs shall be designed and arranged to prevent damage to such screening. The screening shall be maintained by the owner or lessee of the parking lot in accordance with a maintenance agreement filed with the Zoning Administrator.**

40-6-2.7 LANDSCAPING. In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large, open parking areas, landscaping shall be provided and maintained within every parking lot that contains **twenty (20)** or more parking spaces.**

(A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for an Initial Certificate of Zoning Compliance to develop any parking lot that will contain **twenty (20)** or more parking spaces.

(B) The landscaping plan shall include the following information:

- (1) Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;
- (2) Proposed size, construction materials, drainage and scheduled maintenance of landscaped islands or planting beds; and
- (3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

40-6-3 LOCATION OF PARKING. All off-street parking shall be located in conformity with the following requirements:

40-6-3.1 NON-URBAN AND RESIDENTIAL DISTRICTS.

(A) Parking spaces accessory to dwellings located in the Non-Urban District or in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard, except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter and/or exit the parking area.

(B) All parking spaces accessory to permitted non-dwelling uses located in the Non-Urban District or in any residential district generally shall be located on the same lot as the use served. However, the Administrator may allow such parking facilities to be located on another parcel within **two hundred (200) feet** of the use served if the "same lot" requirement is not feasible.

(C) No commercial vehicle exceeding **one (1) ton** cargo capacity shall be parked anywhere in the Non-Urban District or in any residential district except for normal loading, unloading, and service calls, nor shall any vehicle repair work be conducted on any non-residential parking lot located in said districts.

40-6-3.2 COMMERCIAL AND INDUSTRIAL DISTRICTS.

(A) Parking spaces accessory to any dwelling located in any commercial district shall be located on the same lot as the dwelling or on another parcel within **two hundred (200) feet** of the residential premises. Parking lots accessory to any commercial or industrial use located in any commercial district or in the Industrial District

shall be located within **five hundred (500) feet** of the use served; provided, that no portion of any such parking lot shall extend into any residential district or into the Non-Urban District, except by written permission of the Administrator.

(B) In any commercial district, or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only 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 regulations governing location of parking spaces in relation to the uses served are observed.

40-6-4 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES. All off-street loading facilities shall conform to the minimum standards indicated below:

40-6-4.1 SIZE OF SPACE. Every required off-street loading space shall be at least **twelve (12) feet** wide and **forty-five (45) feet** long, exclusive of aisle and maneuver space, and shall have vertical clearance of at least **fourteen (14) feet**. In no case, shall a vehicle being loaded or unloaded overhang into the public right-of-way.

40-6-4.2 ACCESS WAY. Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

40-6-4.3 SURFACING. Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete.

40-6-4.4 BUFFER STRIPS. No loading space or area for vehicles over **two (2) ton** cargo capacity shall be developed closer than **fifty (50) feet** to the lot line of any lot located in any residential district or the Non-Urban District, unless such space and/or area is completely enclosed by walls, 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.

40-6-4.5 LOCATION. Every off-street loading space that is required or provided 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, and not on required front yards.

40-6-5 COMPUTATION OF REQUIRED PARKING AND/OR LOADING SPACES. In computing the number of parking spaces required by this Chapter, the Zoning Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **“Employee parking” means one (1) parking space shall be required per one and one-half (1.5) employees”,** unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1)** parking space.

(D) If computation of the number of parking or loading spaces required by this Chapter results in a fractional space, any fraction of **one-half (1/2)** or more shall be counted as **one (1) space**.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

40-6-6 NUMBER OF PARKING AND LOADING SPACES REQUIRED. Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity:

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(A) <u>Dwellings, Lodgings:</u>		
Hotels, Motels, Boarding Houses, Lodges	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Mobile Homes	2 spaces per mobile home	Not Applicable
Multi-Family Dwellings		
1 bedroom or less	1.5 spaces per dwelling unit	
2 or more bedrooms	2 spaces per dwelling unit	
Single-Family & Two-Family Dwellings	2 spaces per dwelling unit	Not Applicable

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(B) <u>Educational, Institutional, Recreational:</u>		
Churches, Auditoriums	1 space per 4 seats in the largest seating area	Not Applicable
Hospitals	1 space per 2 beds, plus Employee parking	To 50,000 sq. ft. of floor area...1 space; 50,001-100,000 sq. ft. of floor area...2 spaces; 100,001-200,000 sq. ft. of floor area...3 spaces
Libraries, Museums	1 space per 500 sq. ft. of floor area	On review by the Administrator
Nursing Homes	1 space per 5 beds	To 50,000 sq. ft. of floor area...1 space; 50,001-100,000 sq. ft...2 spaces; 100,001-200,000 sq. ft...3 spaces
Schools		
Elementary and Junior High	1 space for every 20 students that the building is designed to accommodate, plus employee parking.	
Senior High	1 space for every 4 students over 16 yrs. Old that the building is designed to accommodate, plus employee parking.	
Trade Schools	1 space for every 3 students that the building is designed to accommodate, plus employee parking	
(C) <u>Commercial, Office, Service:</u>		
Note: All commercial and service uses, unless specifically indicated otherwise below.	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft...1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Banks, Savings and Loans		
Walk-In	1 space per 300 sq. ft. of floor area, plus employee parking	(Both walk-in and drive-in): To 30,000 sq. ft. of floor area...none required; 30,001 to 100,000 sq. ft...1 space; more than 100,000 sq. ft...1 space, plus additional space per 100,000 sq. ft. of floor area in excess of 100,000 sq. ft.
Drive-In	5 space per teller window	
Beauty and Barber Shops	2 spaces per chair, plus employee parking	Not Applicable
Bowling Alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not Applicable, except as required for affiliated uses
Car Wash	5 spaces per wash lane	Not Applicable
Furniture and Appliance Stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area... 2 spaces plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home Occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not Applicable
Offices generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area...none required. 30,001-100,000 sq. ft...1 space; more than 100,000 sq. ft...1 space plus 1 additional space per 100,000 sq. ft. of floor area in excess of 100,000 sq. ft.

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater.	Not Applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area
Restaurants; refreshment stands		(Both sit-down and drive-in):
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more floor area
Drive-in	1 space per 25 sq. ft. of floor area	
Service stations	2 spaces per service stall, plus employee parking	Not Applicable
Taverns	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more of floor area
Theaters		Not Applicable
Indoor	1 space per 4 seats in the largest seating area	
Drive-In	On review by the Administrator	
Vehicle sales (autos, boats, trailers, motorcycles, etc.)	1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space per 2,500 sq. ft. of open lot area. Above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area...2 More than 25,000 sq. ft. of floor area and open lot area... 2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(D) <u>Industrial:</u>		
Any manufacturing, warehousing, or other industrial use	Employee parking of 1 space per 1.5 employee; plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift	To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft...2 spaces; 50,001-90,000 sq. ft...3 spaces; above 90,000 sq. ft...3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

40-6-7 - 40-6-9 RESERVED.

DIVISION II - SIGN REGULATIONS

40-6-10 **GENERAL PROHIBITION.** Any sign not expressly permitted in this Division shall be deemed prohibited.

40-6-11 **COMPUTATION OF SIGN AREA ALLOWANCE.** Within the limitations and restrictions as further provided in this Division, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

One and one-half (1.5) square feet of sign area per 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 one (1) foot of frontage in excess of one hundred (100) feet of such frontage; example: If a lot has a one hundred fifty (150) foot front lot line, the sign can be two hundred (200) square feet provided, that no establishment in any district shall display more than three hundred (300) square feet of sign on any street front.

(A) **Definition of Sign Area.** As used in this Division, the term "sign area" means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign.

(B) **Special Situations.**

- (1) Except as specifically provided otherwise in this Division, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Division. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any **one (1) frontage** a greater area of signs than would be permitted by application of the formula set forth above.
- (2) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

40-6-12 **SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED.**

(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 Code and Electrical Code.

(D) Every sign and appurtenance shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

(E) Any sign must be constructed to protect the general public from damage and injury.

40-6-13 ILLUMINATION. 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) 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.

40-6-14 MOVEMENTS PROHIBITED. Every sign that revolves, rotates, or mechanically moves in any manner is prohibited.

40-6-15 NONCONFORMING SIGNS. A "nonconforming sign" means any lawfully-erected sign or billboard that does not conform to one or more provisions of this Division or any amendment thereto.

(A) **Restrictions.** Any nonconforming sign that does not pose an imminent peril to life or property may lawfully remain until the amortization period has elapsed, subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures provided as follows:

(1) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration.

(2) Whenever any sign is nonconforming solely because it is appropriate to a nonconforming commercial/industrial use located in the Conservation District or in any residential district, said sign shall be treated in the same manner as it would be if it were appropriate to a commercial/industrial use located in any business district or in the industrial district.

(B) **Amortization.**

(1) Any sign that is nonconforming on the effective date of this Division because it violates one or more of the listed sections shall either be removed or made to comply with said section within the time limit indicated below:

<u>Section Number</u>	<u>Time Limit</u> (commencing on effective date of chapter)
40-6-12	Ninety (90) days
All other sections	Five (5) years

Provided that any sign which would be conforming but for the fact that it is appropriate to a nonconforming commercial/industrial use located in the Conservation District or in any residential district shall be exempt from amortization.

- (2) Any sign that becomes nonconforming because of any amendment to this Division shall either be removed or made to comply with the provisions of the amendment within **five (5) years** after its effective date.

40-6-16 **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,** fences or public utility poles, other than warning signs posted by government officials or public utilities.
- (B) **Defunct Signs,** including the posts or other supports therefor, that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.
- (C) **Roof-Mounted Signs.**

40-6-17 **SIGNS PERMITTED IN ANY 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. **(See Section 40-6-11)**

(A) **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 **thirty-two (32) square feet** in area, shall be confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use of the project has begun.

(B) **Real Estate Signs,** indicating the sale, rental, or lease of the premises on which they are located. Such signs on residential property shall not exceed **six (6) square feet**. Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such sign shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Political Signs,** announcing candidates seeking public/political office and/or political issues and other pertinent information. In any Conservation District and in any residential district, political signs shall not exceed **thirty-six (36) square feet**. Political signs shall be removed within **three (3) days** after the election to which they pertain, by the party(s) responsible for their erection.

(D) **Public Interest Signs and Street Banners** publicizing a charitable or non-profit event of general public interest. In the Conservation District and in any residential district, public interest signs shall not exceed **thirty-two (32) square**

feet. Public interest signs and street banners shall be permitted only for **thirty (30) days** before and **seven (7) days** after the event.

(E) **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 indicating the location of public telephones, restrooms, etc., and so forth.

(F) **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.

(G) **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.

(H) **Home Occupation Signs** by special use. Signs identifying only the name and occupation of the residents. Home occupation signs shall not be illuminated, and shall not exceed **four (4) square feet**.

(I) **Subdivision Entrance Signs** identifying a residential subdivision or apartment complex. Such signs shall contain no commercial advertising, and shall not exceed **forty (40) square feet**.

(J) **Home Numbers and/or Name of Occupant Signs** located on the lot to which the sign applies. Such signs shall not exceed **two (2) square feet** for single-family dwellings nor **six (6) square feet** for multiple-family dwellings.

(K) **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.

40-6-18 CONSERVATION, RESIDENTIAL DISTRICTS. On or after the effective date of this Division, no sign other than those listed in **Section 40-6-17** shall be erected in the Conservation District or in any Residential District.

40-6-19 BUSINESS, INDUSTRIAL DISTRICTS. No establishment located in any business district or in the industrial district shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in **Section 40-6-11**. Additionally, signs in any business district or in the industrial district shall conform to the requirements indicated in the subsections below:

(A) **Flush-Mounted Signs.** No flush-mounted (wall) sign shall:

- (1) Project more than **eighteen (18) inches** from the wall or surface to which it is attached.
- (2) Extend above the roof line of the building to which it is attached.

(B) **Window Signs.** Signs permanently (i.e., longer than **thirty (30) days**) mounted in display windows shall be debited against the sign area allowance of the particular establishment; window signs mounted for shorter periods shall not be debited.

(C) **Projecting Signs.** No establishment shall display more than **one (1)** projecting sign on any street front. No projecting sign shall:

- (1) Project above the roof line of the building to which it is attached.
- (2) Extend below a point **eight (8) feet** above the ground or pavement.
- (3) Project over a driveway or beyond the curblines of any public street.
- (4) Project more than **four (4) feet** from the building to which it is attached.
- (5) Exceed **sixteen (16) square feet** in area.

(D) **Canopy or Marquee Signs.** Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of **Section 40-6-19(A)**. Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of **Section 40-6-19(C)**.

(E) **Freestanding Signs.** No establishment shall display more than **one (1)** freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:

- (1) No part of any freestanding sign shall intrude into any public right-of-way. 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.
- (2) The area of any freestanding sign, calculated in accordance with **Section 40-6-11(A)** shall not exceed **thirty-two (32) square feet**.
- (3) When attached to its structural supports, no part of any freestanding sign shall extend more than **twenty (20) feet** above the ground or pavement.
- (4) The length or width of any freestanding sign shall not exceed **eight (8) feet**.

(F) **Billboards.** Billboards (and other off-premises advertising signs) are strictly prohibited in every district except the Industrial District. No billboard shall:

- (1) Be stacked on top of another billboard.
- (2) Be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way.
- (3) Be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway.
- (4) Extend more than **twenty (20) feet** above the ground or pavement.
- (5) Exceed **three hundred (300) square feet** in area.

ARTICLE VII

NONCONFORMITIES

40-7-1 **PURPOSE OF ARTICLE.** The requirements imposed by this Chapter are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the emission of noxious fumes or excessive noise, and/or the lowering of property values. **The regulations in this Article are intended to alleviate such existing and/or potential problems by encouraging the gradual elimination of nonconformities.**

40-7-2 **NONCONFORMING LOTS.** Any vacant lot that does not conform to **one (1)** or more of the lot size (area, dimensions) requirements of the district in which it is located may be used in the manner indicated in **Section 40-7-2.1 and 40-7-202** if such vacant lot:

- (A) Is of record on the date of the adoption or amendment of this Code;
and
- (B) Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by any applicable zoning or other ordinance.
- (C) Is at least **thirty (30) feet** wide.

40-7-2.1 **NON-URBAN AND RESIDENTIAL DISTRICTS.** In the Non-Urban District and in any residential district, one single-family dwelling and related accessory structure, but no other use, may be erected on any vacant, nonconforming lot of the type described above, provided all the bulk regulations of the particular district are observed.

40-7-2.2 **COMMERCIAL AND INDUSTRIAL DISTRICTS.** In the Industrial District and in any commercial district, any structure permitted in the particular district may be erected on any vacant, nonconforming lot of the type described above if the bulk requirements of that district are met.

40-7-2.3 **TWO (2) OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations 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 lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. 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.

40-7-3 NONCONFORMING STRUCTURES. Any lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of restrictions on the lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions.

(A) **Enlargement, Alterations.** No such structure shall be enlarged or altered in any way which increases its nonconformity.

(B) **Relocation.** No such structure shall be relocated, unless, after relocation, it will conform to all the regulations of the district in which it is located.

(C) **Reconstruction.** No such structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market 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. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

The 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. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

40-7-4 NONCONFORMING USES OCCUPYING A STRUCTURE. If any lawful use occupying a structure exists on the effective date of this Code, but would not be allowed under the terms of this Code, such use may lawfully continue, subject to the following provisions:

(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Enlargement, Alteration, Reconstruction, Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated, unless the use of the structure is changed to a permitted use.

(C) **Extension of Use.** No nonconforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

(D) **Change of Use.** A nonconforming use occupying a structure shall not be changed, except to a use permitted under the applicable district regulations.

(E) **Discontinuance of Use.** When a nonconforming use of a structure, or of a structure and premises in combination is discontinued for **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

40-7-5 NONCONFORMING USE OF LAND. Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) **Intensification or Extension of Use.** A nonconforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.

(B) **Relocation.** No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(C) **Change of Use.** A nonconforming use of land shall not be changed, except to a use that is permitted under the applicable district regulations.

(D) **Discontinuance.** When a nonconforming use of land is discontinued for a period of **twelve (12)** consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

40-7-6 NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to effective date of this Code or any pertinent amendment thereto provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

40-8-1 **ZONING ADMINISTRATOR.** The office of Zoning Administrator of this Municipality is hereby established. The Zoning Administrator shall be the executive head of this office. With the consent of the Village Board, the Administrator may appoint such other employees as he deems necessary to carry out the duties of his office.

40-8-1.1 **DUTIES.** The Zoning Administrator is hereby authorized and directed to administer and enforce the provisions of this Chapter. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To review and pass upon applications for initial and final certificates of zoning compliance;

(B) To inspect land, structures, and uses to determine compliance with this Code, and where there are violations to initiate appropriate corrective action;

(C) To review and forward to the Zoning Board of Appeals all applications for variances and appeals;

(D) To review and forward to the Municipal Planning Commission all applications for special use permits, temporary use permits, and amendments;

(E) To maintain up-to-date records of this Code, including, but not limited to, district maps, certificates of zoning compliance, special-use permits, temporary use permits, variances, interpretative decisions of the Board of Appeals, amendments and all applications related to any of these matters;

(F) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Planning Commission at least once each year;

(G) To annually publish copies of this Code (including district map) and any amendments thereto;

(H) To provide information to the general public on matters related to this Code; and

(I) To perform such other duties as the Village Board may, from time to time, prescribe.

40-8-2 **INITIAL CERTIFICATES OF ZONING COMPLIANCE.** Upon the effective date of this Code, 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 issued. The Administrator shall not issue an initial certificate of zoning compliance unless, following consultation with technically qualified persons, as necessary, he determines that the proposed work conforms to the applicable provisions of this Code.

40-8-2.1 APPLICATION. Every applicant for an **Initial Certificate of Zoning Compliance** shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. **(See also Section 40-8-8, "Schedule of Fees".)**

40-8-2.2 ITEMS OF INFORMATION.

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height and setbacks of the proposed structure;
- (I) Number and size of proposed dwelling units, if any;
- (J) Location and number of proposed parking and/or loading spaces and access ways;
- (K) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) Any other pertinent information that the Administrator may require.

40-8-2.3 DURATION OF CERTIFICATE. **Initial Certificates of Zoning Compliance** shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The 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.

40-8-2.4 RELATIONSHIP TO BUILDING PERMITS. Upon the effective date of this Code, the Building Commissioner shall not issue any building permit for the erection, enlargement, extension, alteration or reconstruction of any structure unless the applicant for such permit presents to the Commissioner a copy of the **Initial Certificate of Zoning Compliance** pertaining to such work.

40-8-3 **FINAL CERTIFICATES OF ZONING COMPLIANCE.** 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. The 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.

40-8-4 **CORRECTIVE ACTION ORDERS.** Whenever the Zoning Administrator finds, by 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.

40-8-4.1 **CONTENTS OF ORDER.** The order to take corrective action shall be in writing and shall include:

- (A) A description of the premises sufficient for identification;
- (B) A statement indicating the nature of the violation;
- (C) A statement of the remedial 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 Administrator if he so desires;
- (F) The date by which an appeal of the correction 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 the **Certificate of Zoning Compliance** and may result in the imposition of fines.

40-8-4.2 **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 registered mail to his last known address; or
- (C) Posted in a conspicuous place on or about the affected premises.

40-8-4.3 **STOP ORDERS.** Whenever any work is being done in violation of an **Initial Certificate of Zoning Compliance**, the Administrator's corrective action order may state that the violation must cease immediately. **(See Section 40-8-4.1(D).)** In such case, the corrective action order is equivalent to a stop order.

40-8-5 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.

40-8-6 COMPLAINTS. Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, immediately investigate, and, if necessary, institute appropriate corrective action.

40-8-7 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be fined not less than **Fifty Dollars (\$50.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day that a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent this Municipality from taking any other lawful action that may be necessary to secure compliance with this Code. **(Ord. No. 2005-185; 07-05-05)**

40-8-8 SCHEDULE OF FEES. By ordinance, the Village Board shall establish and may amend, from time to time, a schedule of fees for filing applications for the various certificates, licenses, permits, and procedures set forth in this Article. Said fees are intended to defray the administrative costs connected with the processing/conducting of such certificates, licenses, permits, and procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the Village Clerk.

ARTICLE IX

PLANNING COMMISSION PROCEDURES

DIVISION I - SPECIAL USES

40-9-1 **SPECIAL USE PERMITS.** This Code divides this Municipality into various districts, and permits in each district as a matter of right, only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the Village Board.

40-9-2 **APPLICATION.** Every applicant for a special use permit shall submit to the Administrator, in narrative and/or graphic form, the items of information enumerated below. The Administrator shall prepare an advisory report on every request for a special use permit. He shall promptly transmit the completed application and his advisory report to the Planning Commission. **(See Also, Section 40-8-8, "Schedule of Fees".)**

40-9-3 **ITEMS OF INFORMATION.**

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (E) Area and dimensions of the site for the proposed structure or uses;
- (F) Existing topography of the site (USGS ten (10) foot contour data is acceptable), and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height and setbacks of the proposed structure;
- (I) Number and size of proposed dwelling units, if any;
- (J) Location and number of proposed parking and/or loading spaces and access ways;
- (K) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) Any other pertinent information that the Administrator may require.

40-9-4 PUBLIC HEARING, NOTICE. The Planning Commission shall hold a public hearing on every special use permit application within a reasonable time after said application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. 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) days** nor less than **fifteen (15) days** before the hearing:

(A) By first-class mail to the applicant and to all parties whose property would be directly affected by the proposed special use; and

(B) By publication in a newspaper of general circulation within this Municipality.

40-9-5 ADVISORY REPORT, FACTORS CONSIDERED. Within a reasonable time after the public hearing, the Planning Commission shall submit their advisory report to the Village Board. In deciding what their advice should be, the Planning Commission shall consider the following factors:

(A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;

(B) Whether the proposed special-use is consistent with this Municipality's comprehensive plan;

(C) The effect the proposed special-use would have on the value of neighboring property and on this Municipality's overall tax base;

(D) The effect the proposed special-use would have on the public utilities and on the traffic circulation on nearby streets; and

(E) Whether there are any facilities near the proposed special-use (such as schools or hospitals) that require special protection.

40-9-6 ACTION BY VILLAGE BOARD. The Village Board shall act on every request for a special-use permit at their next regularly scheduled meeting following submission of the Planning Commission's advisory report. Without further public hearing, the Village Board may grant a special-use permit by an ordinance passed by simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the Village Board shall state their findings of fact, and indicate their reasons for approving (with or without conditions), or denying the request for a special-use permit.

40-9-7 TEMPORARY USE PERMITS. As set forth at **Section 40-3-5**, requests for temporary use permits shall be treated in substantially the same manner as requests for special use permits. The Village Board of Trustees shall not initially issue any temporary use permit for a period longer than **one (1) year**, but may renew any such permit as they see fit. (**See Also Section 40-8-8, "Schedule of Fees".**)

40-9-8 RESERVED.

DIVISION II - AMENDMENTS

40-9-9 **AMENDMENTS.** The Village Board may amend this Code in accordance with State law (**See 65 ILCS Sec. 5/11-13-14**) and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Village Board, the Administrator, the Board of Appeals, the Plan Commission, or any party in interest.

40-9-10 **FILING.** Every proposal to amend this Code shall be filed with the Administrator on prescribed form. Every amendment proposal shall also be filed with the **Soil and Water Conservation District** as per **Illinois Compiled Statutes, Chapter 70, Section 405/22.02a**. The Administrator shall promptly transmit said proposal, together with any comments or recommendations he may wish to make, to the Planning Commission for a public hearing. (**See Also Section 40-8-8, "Schedule of Fees".**)

40-9-11 **PUBLIC HEARING - NOTICE.** The Planning Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. 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 the hearing:

- (A) By first-class mail to all parties whose property would be directly affected by the proposed amendment; and
- (B) By publication in a newspaper of general circulation within this Municipality.

40-9-12 **ADVISORY REPORT - FINDINGS OF FACT.** Within a reasonable time after the public hearing, the Planning Commission shall submit their advisory report to the Village Board. The report shall state the Planning Commission's recommendations regarding adoption of the proposed amendment, and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Planning Commission shall include in their advisory report findings of fact concerning each of the following matters:

- (A) Existing use(s) and zoning of the property in question;
- (B) Existing use(s) and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;
- (D) Suitability of the property in question for the proposed use;

(E) The trend of development in the vicinity of the property in question, including changes (if any), which may have occurred since that property was initially zoned or last rezoned; and

(F) The effect the proposed rezoning would have on implementation of this Municipality's comprehensive plan.

40-9-13 ACTION BY VILLAGE BOARD. The Village Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the Planning Commission's advisory report. Without further public hearing, the Village Board may pass any proposed amendment or may refer it back to the Planning Commission for further consideration, by simple majority vote of all the members then holding office.

40-9-14 EXCEPTION. The favorable vote of at least **two-thirds (2/3)** of all the members of the Village Board is required to pass an amendment to this Code when the proposed amendment is opposed, in writing, 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. **(See 65 ILCS Sec. 5/11-13-14)**

[ED. NOTE: The following statutory change has been adopted since this Code was passed and approved:]

40-9-15 NOTICE TO APPLICANT OF WRITTEN PROTEST. In cases of written opposition to an amendment of this Code as prescribed in **Section 40-10-35**, a copy of the written protest shall be served by the protester or protesters 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.

(See 65 ILCS Sec. 5/11-13-14)

ARTICLE X

ZONING BOARD OF APPEALS PROCEDURES

DIVISION I – BOARD ESTABLISHED

40-10-1 BOARD OF APPEALS ESTABLISHED. The Zoning Board of Appeals of this Municipality is hereby established in accordance with Illinois law. **(See 65 ILCS Sec. 5/11-13-3)**

40-10-2 MEMBERSHIP, APPOINTMENT, COMPENSATION. The Board of Appeals shall consist of **seven (7) members**, all of whom shall reside within this Municipality. Each Board member shall be appointed by the Mayor, with the advice and consent of the Village Board. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. Each Board member shall receive for his services such compensation, if any, as is determined from time to time by the Village Board.

40-10-3 TERM OF OFFICE, VACANCIES. Each Board member shall hold office for **five (5) years** from the date of his appointment, and until his successor has been selected and qualified; provided, however, that the initial appointees to the Board shall serve respectively for the following terms:

One (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; one (1) for five (5) years; one (1) for six (6) years; and one (1) for seven (7) years.

With the advice and consent of the Village Board, the Mayor may remove any member of the Board of Appeals for cause, after a public hearing. Vacancies on the Board shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

40-10-4 MEETINGS, QUORUM. All meetings of the Board of Appeals shall be held at the call of the Chairman, and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this Code and the applicable Illinois Statutes. The Board may select such officers as they deem necessary. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board action.

40-10-5 **RECORDS.** The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board shall be filed immediately in the Board's office, and shall be a public record.

40-10-6 **RESERVED.**

DIVISION II - APPEALS

40-10-7 **NATURE OF APPEAL.** Any person who feels he is wronged by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Section. **(See 65 ILCS Sec. 5/11-13-12)**

40-10-8 **FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Board of Appeals, a written notice specifying the grounds for appeal. Every appeal shall also be filed with the **Soil and Water Conservation District** as per State law. Not more than **five (5)** working days after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. **(See 70 ILCS Sec. 405/22.02A) (See Also Section 40-8-8, "Schedule of Fees".)**

40-10-9 **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed, unless the Board or the Circuit Court grants a restraining order for due cause, and so notifies the Administrator.

40-10-10 **PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By first-class mail to all parties directly affected by the appeal; and
- (A) By publication in a newspaper of general circulation within this Municipality.

40-10-11 **DECISION BY BOARD OF APPEALS.** The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator.

40-10-12 **RESERVED.**

DIVISION III - VARIANCES

40-10-13 VARIANCES. A variance is a relaxation of the requirements of this Code that are applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance; it is an amendment, and may be granted only as provided for in **Section 40-9-9**, et seq.

40-10-14 APPLICATION. Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the **Soil and Water Conservation District** as per State law. **(See 70 ILCS Sec. 405/22.02a)**

The Administrator shall promptly transmit said application, together with any advice he might wish to offer, to the Board of Appeals. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following: **(See Also Section 40-8-8, "Schedule of Fees".)**

- (A) Name and address of the applicant;
- (B) Location of the structure and/or use for which the variance is sought;
- (C) Relationship of said structure and/or use to existing structures and/or uses on adjacent lots;
- (D) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (E) Any other pertinent information that the Administrator may require.

40-10-15 PUBLIC HEARING, NOTICE. The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing;

- (A) By first-class mail to the applicant and to all parties whose property would be directly affected by the proposed variance; and
- (B) By publication in a newspaper of general circulation within this Municipality.

40-10-16 STANDARDS FOR VARIANCES. The Board of Appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:

- (A) The proposed variance is consistent with the general purposes of this Code **(See Section 40-1-1)**; and

(B) Strict application of the district requirements would result in great practical difficulties of hardship to the applicant, and prevent a reasonable return on the property; and

(C) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties and/or hardship, and allow a reasonable return on the property; and

(D) The plight of the applicant is due to peculiar circumstances not of his own making; and

(E) The peculiar circumstances suggesting the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

(F) The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of this Municipality's comprehensive plan.

40-10-17 TERMS OF RELIEF, FINDINGS OF FACT. The Board of Appeals shall render a decision on every variance request within a reasonable time after the public hearing. In accordance with State law (**See 65 ILCS Sec. 5/11-13-11**), the Board of Appeals shall specify the terms of relief granted, if any, in **one (1)** statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board's reasons for granting or denying any requested variance.