

CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 **TITLE.** This Code shall be known as and cited as the “**Zoning Code of the Village of Evansville, Illinois**”.

40-1-2 **PURPOSE.** In accordance with State Law, this Code regulates lots, structures, and uses in order to preserve, protect, and promote the public health, safety, and welfare. More specifically, this Code 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 assist in implementing the Village Community Plan;

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

(D) to conserve and increase the value of taxable property throughout the Village;

(E) to ensure the provision of adequate lights, air, and privacy for the occupants of all buildings;

(F) to protect persons and property from damage caused by fire, flooding, and improper sewage disposal;

(G) 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;

(H) to ensure the proper design and improvement of mobile home parks;

(I) to promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen; and

(J) to provide for the efficient administration and fair enforcement of all the substantive regulations in this Code. **(65 ILCS 5/11-13-1)**

40-1-3 **JURISDICTION.** This Code shall be applicable only within the corporate limits of the Village of Evansville.

40-1-4 **INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.** Every provision of this Code shall be construed liberally in favor of the Village and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-5 DISCLAIMER OF LIABILITY.

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

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

40-1-6 SEVERABILITY. If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

40-1-7 REVIEW. This Code shall be reviewed every **ten (10) years** after its effective date by the Zoning Board of Appeals. After the review, they shall file their reports and recommendations with the Mayor and the Village Board.

ARTICLE II - DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Code, 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 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.

(F) The term "may" is discretionary.

(G) The words "lots," "parcel," "tract," and "site" shall be synonymous.

(H) The phrases "used for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for" shall be synonymous.

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

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

(K) 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.

Abandonment: An action to give up one's rights or interests in property.

Abutting: As applied to lots, "abutting" means having a common lot line or district line, or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley, or other public right-of-way.

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

Accessory Building or Structure: A detached subordinate building or structure, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use.

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 with the advice and consent of the Village Board to administer this Code, 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, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

Alley: A public access way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alterations, Structural: A change in the supporting members of a building, such as bearing walls, columns, beams or girders.

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

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

Apartment: A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

Apartment Hotel: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Apartment House: A multi-family dwelling used or occupied by **four (4)** or more families living independently of each other in dwelling units, such dwelling units normally being rented or used other than by the day, by the same occupant for a continuous period ordinarily of **six (6) months** or more.

Area of Zoning Lot: The total area within the property lines of a lot, excluding public streets and alleys, meeting the district requirement of this Code.

Attached Building: A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and a common roof with a least horizontal dimension of **six (6) feet**.

Automobile Parking Area: A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges.

Automobile and Manufactured Home Sales Area: An open area, other than a street, used for the display or sale of new or used automobiles or manufactured homes, and where no repair

work is done except for minor incidental repair of automobiles or manufactured homes to be displayed and sold on the premises.

Automobile Repair: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

Automobile Wrecking Yard: Any place where **two (2)** or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

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

Bed and Breakfast: Bed and breakfast shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast and light snacks/refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

Billboard: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

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 Zoning Board of Appeals of the Village.

Boarding House: A building other than a hotel or restaurant where meals are provided for compensation to **three (3)** or more persons, but not more than **ten (10)**, who are not members of the keeper's family, but not open on a daily, overnight or per meal basis to transient guests.

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.

Buildable Area: The space remaining on a zoning lot after the minimum open space requirements of this Code have been complied with.

Building: Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Building, Enclosed: A building 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.

Building or Structure 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 or gambrel roofs.

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 line.

Building, Principal: A non-accessory building in which the principal use of the premises is conducted.

Bulk: Any one or any combination of the following:

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

Camping Trailer: A trailer, not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and of a size or weight not requiring an over-dimension permit when towed on a highway. **(625 ILCS 5/1-109.01)**

Camping Trailer Park: A lot developed with facilities for accommodating temporarily occupied camping trailers.

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 Code and may, therefore may be occupied or used.

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

Church or Building for Religious Worship: A building used by a corporate religious institution that people regularly attend to participate in religious services, meetings and other customary, integrally related religious activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clinic: An establishment where 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 or 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).

Community Residence: A group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. **Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease. (See Fair Housing Code)**

Community Residence - Large: A community residence serving **nine (9)** to **fifteen (15)** persons with handicaps.

Community Residence - Small: A community residence serving **eight (8)** or fewer persons with handicaps in a family-like atmosphere.

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

Convenience/Gasoline Service Station means a building or premises or portion thereof used for retail sales of gasoline, oil and accessories of motor vehicles, and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on the premises where it is sold.

Corrective Action Order means a legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

Day Care Center means an establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children or pre-elementary or elementary school age.

Deck: An open porch which has no roof, is generally open on the sides, is above ground level, and its intended use is for leisure enjoyment.

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.

Dish-Type Satellite Signal-Receiving Antennas: Also referred to as "earth stations" or "ground stations" or "Television Receive Only Systems, (TVRO)" shall mean **one (1)**, or a combination or **two (2)** or more of the following:

(A) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communications or other signals from satellites in earth orbit and other extraterrestrial source.

(B) A Low-Noise Amplifier (LNA), or a Low Noise Block Converter (LNB), or a Low Noise Converter (LNC), which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

(C) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

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 Code.

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

Drive-In Restaurant or Refreshment Stand: An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. 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.

Dump: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Dwelling: A building or portion thereof designed or used exclusively as living quarters for **one (1)** or more families, other than hotels, motels, tourist homes, clubs, hospitals, or similar uses.

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

Dwelling, One-Family: A detached principal building designed for or used as a dwelling exclusively by **one (1) family** as an independent housekeeping unit.

Dwelling, Two-Family: A detached principal building designed for or used as a dwelling exclusively by **two (2) families** each living as an independent housekeeping unit.

Dwelling, Three-Family: A detached principal building designed for or used as a dwelling exclusively by **three (3) families** each living as an independent housekeeping unit.

Dwelling, Multiple-Family: A building or portion thereof, designed or altered for occupancy by **four (4)** or more families living independently of each other.

Dwelling Unit: One or more rooms designed or used as living quarters by one 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 Building: A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with openings only for windows and doors, and covered by a permanent roof.

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: Build, construct.

Essential Governmental or Public Utility Services: The erection, replacement, construction, alteration, or maintenance by public utilities or governmental departments, of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings.

Establishment: Either of the following:

(A) an institutional, business, commercial, or industrial activity that is the sole occupant of one 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: Existing, constructed or in operation, on the effective date of this Code.

Extend: To increase the amount of floor area or land area devoted to an existing use.

Family:

(A) A single individual doing his own cooking and living upon the premises as a separate housekeeping unit; or

(B) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or

(C) A group of not more than **three (3)** unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity or hotel).

Farmhouse: A detached dwelling on a tract of land of not less than **ten (10) acres**, and occupied by a family whose income is primarily derived from agricultural activities conducted on the premises.

Filling Station: (See Service Station)

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 the 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: The area included within outside walls of a building or portion thereof, including habitable penthouses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

Floor Area, Gross: As used in determining floor/area ratios and parking requirements, 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 all of the following: basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; enclosed porches.

Floor Area Ratio: The ratio of total floor area, in square feet, of all buildings on a lot to total lot area, in square feet.

Freight Terminal: as applied to motor carriers subject to the **Illinois Compiled Statutes, Chapter 625, Section 18c-1101 et seq.**, a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

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

Garage: A structure designed and primarily used for the storage of motor vehicles, whether free of charge or for compensation.

Garage, Private: A building or portion thereof for the storage of **one (1)** or more vehicles for persons living on the premises.

Grade: The average of the finished ground level at the midpoint of each wall of a building. In case walls are parallel to and within **five (5) feet** of a public sidewalk, said ground level shall be measured at the sidewalk.

Group Home: (See **Community Residence**)

Government: The act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof.

Guest House: Living quarters within a detached accessory building located on the same premises with the principal building, for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

Height: In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if

higher, to the average height of the top of the cornice or a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

Home Occupation: Any business, profession, or occupation conducted for gain or support entirely within a dwelling or on residential premises in conformity with the provisions of this Code. **(See Section 40-7-4.)**

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

Intensify: To increase the level or degree of.

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

Junk Yard: A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, bailing, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or part thereof), and metals, glass, paper, plastics, rags, and rubber tires. A rebuttable presumption as to the existence of a junk yard shall arise with regard to any lot upon which **three (3)** or more inoperable vehicles are located. An "inoperable vehicle" for purposes of this provision shall be defined by **Chapter 24** of the Village Code herein. A "junk yard" includes an automobile wrecking yard. **(See Chapter 25, Article IV)**

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 or on which more than **two (2)** such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

Landscape Fence: A non-obstructive fence, no greater than **four (4) feet** in height, of approved design and materials. Picket, split-rail, and wrought iron fences are acceptable within this definition. Examples of unacceptable fence types include privacy, chain link, and welded wire.

Laundries:

(A) ***Laundromat.*** A business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises.

(B) ***Commercial Industrial Laundry.*** A business that provides washing, drying and ironing services operated by the employees on the premises.

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

Lodging or Rooming House: A building with more than **three (3) guest spaces** where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.

Lot: A tract of land used or developed as a unit, under single ownership or under single control. A "lot" may or may not coincide with a "lot of record."

Lot, Corner: A lot abutting upon **two (2)** or more streets at their intersection or upon **two (2)** parts of the same street, such streets or parts of the same street forming an interior angle of less than **one hundred thirty-five (135) degrees**. The point of intersection of the street lines is the "corner".

Lot, Interior: A lot whose side lines do not abut upon any street.

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. The rear lot on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lot lines as defined elsewhere in these definitions.

Lot Line, Side: Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded or registered with the County Recorder of Deeds, in accordance with State law.

Lot Size Requirement: Refers to the lot area, width, and depth requirements of the applicable district.

Lot Size/Bulk Variance: A relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure. A lot Size/Bulk Variance goes with the property.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building lines), especially on irregularly shaped lots.

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.

Manufactured Home: A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place

of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term shall only include manufactured homes constructed after **June 30, 1976**, in accordance with the Federal "**National Manufactured Housing Construction and Safety Standards Act of 1974**". Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior tail light end of the manufactured home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. As with all residences, a manufactured home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhand, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a "**manufactured home**", but shall be an "**immobilized manufactured home**". A manufactured home should not be confused with a "**camping trailer**" or "**recreational vehicle**". **(210 ILCS 115/2.10)**

Manufactured Home, Dependent means a manufactured home which does not have a toilet and bath or shower facilities. **(210 ILCS 115/2.3)**

Manufactured Home, Double-Wide consists of **two (2) manufactured units** joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

Manufactured Home, Independent means a manufactured home which has self-contained toilet and bath or shower facilities. **(210 ILCS 115/2.4)**

Manufactured Home Lot means a parcel of land for the placement of a manufactured home and the exclusive use of its occupants.

Manufactured Home Pad means that part of an individual manufactured home space or lot beneath the manufactured home, including the concrete portion of the pad.

Manufactured Home Park means a tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **two (2)** or more independent manufactured homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home park if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park. **(210 ILCS 115/2.5)**

Manufactured Home Park License: A permit issued by the Zoning Administrator authorizing the operation of a manufactured home park in accordance with all applicable regulations.

Manufactured Home Sales Area means a parcel of land used for the display, sale, and repair of new or used manufactured homes.

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

Manufactured Housing Unit includes all forms of housing units listed in this Section and as regulated in this Code.

Mini-Warehouses: A building, or part of one, for the storage of goods, merchandise, etc. for rent to individuals or businesses for a monthly fee.

Mobile Home means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term "**mobile home**" shall only include homes constructed prior to **June 30, 1976**, not in accordance with the Federal "**National Manufactured Housing Construction and Safety Standards Act of 1974**".

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

Modular Home: A modular home is a factory-fabricated single-family home built in **one (1)** or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed on a full perimeter foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Modular homes shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. Local officials may require additional items other than the minimum state requirements such as the National Manufactured Home Construction and Safety Standards (HUD Code) or the International Building Code (IBC). All structures shall be placed on a permanent foundation in order that they may be assessed as real estate.

Most Restrictive: See "Least Restrictive".

Motel: A motel for motorists, usually with blocks of rooms opening directly onto a parking area. Also called motor court.

Motel or Motor Hotel: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Noisome and Injurious Substances, Conditions and Operations:

(A) Creation of unreasonable physical hazard, by fire, explosion, radiation or other cause, to persons or property.

(B) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply.

- (C) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.
- (D) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety, or welfare of any persons.
- (E) Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.
- (F) Creation or causation of an unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.
- (G) Creation or maintenance of any unreasonable reflection, or direct glare, by any process, lighting or reflective material at or beyond any property line of the premises on which the reflective or direct glare is created or caused.
- (H) Creation or maintenance of any unreasonable distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.
- (I) Any public nuisance.

Nonconforming Building: A building or structure or portion thereof conflicting with the provisions of this Code applicable to the district in which it is situated.

Nonconforming Use: A use of a building or land legally existing at the time of adoption of this Code, or any amendment thereto, and which does not conform with the use regulations of the district in which located. **(See Article VIII)**

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 or property. **(See Chapter 25 of the Revised Code)**

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: **(See Day Care Center)**

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/service enterprise or professional person is transacted.

Official Map: The portion of the master plan which designates land necessary for public facilities or uses. It shall include streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan. It can be one or more separate geographical or functional parts or include all or any part of the contiguous, unincorporated area under the planning jurisdiction of the Village.

Off-Street Parking Area: Land that is improved 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 either a principal use or an accessory use.

Off-Street Parking Space: 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 passenger motor vehicle.

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, flooding, etc.

Patio: An at-grade -paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining, or entertaining area.

Parking Space, Automobile: Space within a public or private parking area of not less than **two hundred (200) square feet (ten (10) feet by twenty (20) feet)**, exclusive of access drives, or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under **one and one-half (1 ½) ton** capacity.

Permanent Foundation: A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation. In addition, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation.

Permanent Habitation: A period of **two (2)** or more months. **(210 ILCS 115/2.2)**

Permitted Uses: 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.

Plan: The geographical and topographical maps, engineering and architectural drawings and specifications, and other information indicating the location and nature of a development.

Planned Development Project: A residential or commercial development on a parcel of land in single ownership and consisting of **two (2)** or more buildings having any yard, court, parking or loading space in common.

Porch: A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, generally open-sided, and usually large enough to allow seating devices.

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.

Private Street: Any street providing access to abutting property that is not maintained by and dedicated to a unit of government.

Professional Office: An office (other than a service office and other than an office for care and/or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, engineers, artists, musicians, teachers, accountants and others who through training are qualified to perform services of a professional nature, or the offices of a governmental agency; and where there is no storage, sale or display of merchandise on the premises.

Public Buildings: Any building owned, operated, constructed or maintained at the expense of the public or a building which provides a service or function necessary for the general health, welfare, and convenience of the public.

Public Open Space: Any publicly-owned open area, including, but not limited to the following: Parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

Public Utilities: Utilities which are either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

Public Utility Services: Means and includes facilities providing those services used for or in connection with the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity, water or light except when used solely for communications purposes. Public Utility Services does not mean and shall not include facilities designed or intended to be used for the transmission of telephone messages or any other form of telecommunications.

Quick Shop: Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multi-family complex, manufactured home park or similar development. No liquor or gasoline shall be sold in this shop.

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

Recreation Vehicle: Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business. **(625 ILCS 5/1-169)**

Recreational Vehicle (RV) Park: See Camping Trailer Park.

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.

Residence: A site-constructed building designed for use as a residence. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of 3 to 1. All residences shall be placed on a full perimeter foundation extending below the frost depth unless located in a Special Flood Hazard Area, and shall have a minimum 3/12 pitch roof. All residences shall have a minimum of **nine hundred (900) square feet** of living area and shall be built in conformity with the International Building Code.

Retail (or Retailing): A business enterprise consisting primarily of the making of sales and/or rendering of services directly to ultimate consumers, where each sale or service transaction is in relatively small quantity or volume, as distinguished from a wholesale business or from a business where sales are made or services are rendered either in substantial volume to an individual customer and/or for resale to or reuse by ultimate consumers.

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

Room: An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches and the like.

Satellite Dish: Any parabolic/dish-type apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television or radio signals. Satellite dishes are considered an accessory use.

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

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

Service Office: An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who through training are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is no storage, sale or display of merchandise on the premises.

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

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

Setback: The distance between the front lot line and the building line; or between a side or rear lot line and the side of the structure which faces such lot line; or between the appropriate lot line and the nearest boundary of the area of operation which is approximately parallel to such lot line.

Sign: Any object, device, display or structure or part thereof used to advertise, identify, display or attract attention to a person, establishment, product, service or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illuminations, etc. The term "sign" includes, but is not limited to, every projecting sign, freestanding sign, awning, canopy, marquee sign; changeable copy sign, illuminated sign; moving sign, temporary sign; portable sign; or other display whether affixed to a building or erected elsewhere on the premises. The term "sign" excludes features of a building which are an integral part of the building's design (e.g., the "castle-look" of a White Castle restaurant).

Sign, Advertising: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the lot where the sign is located, or only incidentally on that lot if at all.

Sign Area: The total surface area of the entire sign, including all parts and appurtenances thereof (except principal supports, the total cross-sectional area of which does not exceed **one (1) square foot** and on which there is no display of advertising material or any lighting). In the case of any sign having display surfaces which are not continuous (e.g., separated letter displays or separated display surfaces), sign area shall include a theoretical display surface equal to the area of the smallest enclosure into which the combined non-continuous display surfaces can be fitted, and including intermediate structural supports. **(See Figure 3.)**

Sign, Bulletin Board: As used in this Code, a sign used for purposes of notification of the public of an event or other occurrence of public interest, such as a church service, political rally, civic meeting or similar event.

Sign, Business: A sign which directs attention to a business, profession, display or entertainment conducted upon a lot or to a commodity or service stored, sold, or displayed on a lot.

Sign, Construction: As used in this Code, a sign advertising the development or improvement of a property by a builder, contractor or other person furnishing services, materials, or labor to said premises, which sign is intended for a limited period of display, and erected on the same lot with the work being done.

Sign, Identification: A sign which establishes the identity of a person and his business or professional title occupying the premises, such as a name plate. As used in this Code, the term "identification sign" shall not be construed to include a sign identifying a commercial or industrial use or a commodity or service offered on the premises.

Sign, Combination: Any sign incorporating any combination of the features of free-standing, projecting and roof signs.

Sign, Marquee: A display sign which is attached to or suspended from a marquee, canopy, or other covered structure projecting from and supported by the building and extending beyond the building wall or building line.

Sign, Projecting: A display sign which is attached directly to the wall of a building and which extends more than **fifteen (15) inches** from the face of the wall.

Sign, Real Estate: A sign indicating the availability for sale, rent or lease of the specific lot and/or building upon which the sign is erected or displayed.

Sign, Roof: A sign erected upon or above a roof or parapet wall of a building or structure.

Sign, Subdivision: A sign advertising the general sale, development or subdivision of land, and displayed or erected upon the subject property, as distinguished from a real estate sign.

Sign, Temporary: A sign, banner or other advertising device or display constructed of cloth, canvas, cardboard, wall board or other light temporary material, with or without a structural frame, intended for a temporary period of display; such as decorative displays for holidays or public demonstrations.

Sign, Wall: Any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than **fifteen (15) inches** from the face of the wall.

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. A special use permit shall not be transferable.

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.

Stoop: A small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building.

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

Storage Building: A structure designed to keep or store goods and equipment. Said building is not designed for occupancy by families or individuals.

Storage Container: A structure consisting of either a demobilized train or railroad car, a truck body or a shell or truck trailer licensed or unlicensed. **(See Section 40-5-12)**

Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

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 Line: The street right-of-way line abutting a lot line.

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

Structural Alteration: Any change in the supporting members of a building including but not limited to bearing walls, load-bearing partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure: Anything constructed or erected on the ground, or attached to something having 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.

Swimming Pool (Permanent): Any swimming pool constructed in the ground or any above ground swimming pool designed and constructed to remain in place continuously for more than one summer swimming season.

Swimming Pool (Temporary): Any above ground swimming pool with non-rigid side walls which are self-standing or supported by a framework designed and assembled to remain in place one summer swimming season.

Telecommuting: Working in the home by using a computer terminal or other terminal connected by a telephone line or by other means to a central office or central computer.

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

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

Trailer: Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. **(625 ILCS 5/1-209)**

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

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

Vacant as applied to a lot, means that no structure is situated thereon.

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

Wading Pool: A plastic or inflatable pool of less than **two (2) feet** in depth, designed and assembled to be drained after each use.

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

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

Yard: Open space that is unobstructed except as specifically permitted in this Code 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 applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

Zoning Administrator: The Zoning Administrator, sometimes also referred to as Zoning Official and Zoning Inspector, shall be that person appointed by the Mayor by and with the consent of the Village Board who shall administer and enforce the provisions of the Zoning Code as hereinafter stated.

Zoning Certificate: A document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this Code and for the purpose of carrying out and enforcing its provisions.

Zoning Inspector: The Zoning Administrator of the Village or his authorized representative.

Zoning Map: The zoning map or maps of the Village together with all amendments subsequently adopted.

ARTICLE III - GENERAL ZONING REGULATIONS

DIVISION I - GENERALLY

40-3-1 ESTABLISHMENT OF DISTRICTS. In order to implement the regulatory scheme of this Code so as to achieve the objectives enumerated in Section 40-1-2, the entire Village is hereby divided into the following zoning districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>	<u>MINIMUM AREA*</u>
Agricultural	A-1	3 Acres
Single Family Residence	SR-1	1 Acre
Multiple-Family Residence	MR-1	1 Acre
Manufactured Housing Residence	MH-1	2 Acres
General Business	B-1	1 Acre
Industrial	I-1	5 Acres

* 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 acreage of numerous noncontiguous parcels, when aggregated, happens 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 the Village. This 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 Administrator's office.

40-3-3 ANNUAL PUBLICATION. In accordance with State Law, if any changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the revised official zoning map of the Village not later than March 31st of the following year. (65 ILCS 5/11-13-19)

NOTE: The map shall be published if there were any annexations or zone district changes in the previous year.

40-3-4 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. In determining with precision what territory is actually included within any zoning district, the 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 tracks
- (4) Stream Center of such stream
- (5) Section, fraction or 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.

40-3-5 ANNEXED TERRITORY. Any territory hereafter annexed to the municipality shall automatically be in the SR-1, Single-Family Residence District until duly changed by an amendment to this Code; except that the Village Board, with the advice of the Zoning Board, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met. **(See Sec. 40-10-30 for amendments)**

40-3-6 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 Code. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Code.

(A) **Agricultural Exemption.** The provisions of this Code shall not be interpreted or administered so as to restrict the erection, maintenance, alteration, or extension of buildings (including farmhouses) or structures used or intended to be used for agricultural purposes on agricultural land except that such buildings or structures shall be required to conform to applicable setback regulations. Whenever a portion of a tract of land ceases to be used primarily for agricultural purposes, all pertinent provisions of this Code shall apply to that portion. **(See Section 40-10-30)**

40-3-7 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 Zoning Board of Appeals finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use. The decision of the Village Board shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

40-3-8 ONE BUILDING AND ALL YARDS ON ONE LOT. Except as specifically provided otherwise:

(A) Only one principal building or structure shall be permitted on any residential lot; and

(B) No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use. **(See Sec. 40-8-2.1)**

40-3-9 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public street or private street.

40-3-10 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. **(See Sketch at end of Code)**

40-3-11 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise in the "B-1" General Business District and in all residential zoning districts where lots having **fifty percent (50%)** or more of the frontage on one side of a street between intersections (that is, in one 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 set-backs, but no less than **five (5) feet**, provided however, that in any built-up area, no front setback shall be greater than **fifty (50) feet**, shall be required.

40-3-12 INTRUSIONS INTO YARDS. To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>FEATURES</u>	<u>MAXIMUM INTRUSIONS</u>
Cornices, chimneys, planters or similar architectural features	Two (2) feet.
Fire escapes	Four (4) feet.
Patios uncovered at ground level	NO LIMIT
Porches, if unenclosed and at ground level	Six (6) feet.
Balconies and decks	Four (4) feet.
Canopies, roof overhangs	Four (4) feet.

40-3-13 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 for the district in which they are located if they comply with all other pertinent ordinances of the Village.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or manmade, shall intrude into the air space

that is between **two (2) feet** and **ten (10) feet** above the level of the adjacent street. **(See Figure 1 at the end of this Code.)**

40-3-14 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 public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **one hundred (100) feet**), all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.

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

- (1) Illinois Private Sewage Disposal Licensing Act, **Illinois Compiled Statutes, Chapter 225; Sections 225/1 through 225/23**, as amended from time to time;
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as amended from time to time;
- (3) Pertinent, current regulations issued by the **Illinois Environmental Protection Agency**; and
- (4) Applicable codes and regulations of the Village, particularly the **Subdivision Code**.

The Administrator shall not issue any Certificate of Zoning Compliance unless, following consultation with the Village Engineer, he is satisfied that these requirements will be met. **(Also, see Chapter 38 entitled "Utilities" of Revised Code)**

40-3-15 ACCESSORY USES.

(A) Any accessory use shall be deemed permitted in a particular zoning district if such use:

- (1) meets the definitions of "accessory use" found in **Section 40-2-2**;
- (2) is accessory to a principal structure or use that is allowed in a particular zoning district as a permitted or special use; and
- (3) is in compliance with restrictions set forth in **Section 40-3-16**.

(B) If an accessory structure is attached to a principal structure, it shall be considered part of such structure. **(See Definition of "Attached" in Section 40-2-2)**

40-3-16 ACCESSORY USE RESTRICTIONS.

(A) **Height.** No accessory use shall be higher than **twenty-five (25) feet** in any Zoning District; provided, there shall be no height limit on accessory structures related to agriculture.

(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 Agricultural District or in any Residential District, an accessory use may be located as close as **five (5) feet** to any side or **five (5) feet** to any rear lot line.

(C) **Yard Coverage.** 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 Village.

40-3-17 AREA-BULK REGULATIONS. To facilitate public understanding of this Code, the area-bulk regulation schedule summary is hereby adopted and declared to be an integral part of this Code and it may be amended in the same manner as any other part of this Code. The Schedule is found at the conclusion of this Code.

40-3-18 - 40-3-19 RESERVED.

DIVISION II - PLANNED DEVELOPMENTS

40-3-20 PLANNED DEVELOPMENT DEFINED. As used in this Division, the term "planned development" or "PD" means a development wherein, in accordance with an approved development plan:

- (A) common open space is reserved;
- (B) various housing types and other structures and uses may be mixed and/or
- (C) overall average density does not exceed the usual zoning district limit.

40-3-21 OBJECTIVES. This section authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in **Section 40-1-2** and the following additional objectives:

- (A) to provide a regulatory mechanism whereby the Village can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits;
- (B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
- (C) to preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;
- (D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (E) to ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;
- (F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

40-3-22 COMPLIANCE WITH REGULATIONS GENERALLY REQUIRED. Except as specifically provided otherwise in this Code, planned developments--including all structures and uses therein--shall, at a minimum, be built in conformity with all applicable codes and ordinances, including this Code and the Subdivision Code.

40-3-23 DISTRICTS WHERE ALLOWED. Planned Developments may be built in any Zoning District, but only upon the issuance of a special-use permit by the Zoning Board of Appeals. **(See Sec. 40-10-24)**

40-3-24 PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS. The Planned Development concept is intended to afford both the developer and the Village considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the Zoning Board of Appeals, provided that in approving such mixed uses, the Zoning Board of Appeals may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In Planned Developments, the Zoning Board of Appeals may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(C) **Accessory Uses.** In PDs the Zoning Board of Appeals may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(D) **Location of Parking/Loading Spaces.** By permission of the Zoning Board of Appeals, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Article VI** of this Code.

40-3-25 PROCEDURES FOR PLANNED DEVELOPMENTS. Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A) Filing development plan with the Zoning Administrator;
- (B) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
- (C) Public hearing by the Zoning Board of Appeals as per the requirements of **Article X - Administration**;
- (D) Decision of the Zoning Board of Appeals regarding approval/rejection of the development plan;
- (E) Recording of development plan with the County Recorder of Deeds;

40-3-26 APPLICATION; INFORMATION REQUIRED. Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

- (A) **Written Documents.**
 - (1) Legal description of the total site proposed for development;

- (2) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- (3) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (4) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- (5) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
- (6) Data indicating:
 - (a) total number and type of proposed dwelling units;
 - (b) gross and net acreage of parcel;
 - (c) acreage of gross and usable open space; and
 - (d) area of any commercial uses.

(B)

Graphic Materials.

- (1) Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas;
- (2) Proposed lot lines and plot designs;
- (3) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
- (4) Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- (5) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
- (6) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
- (7) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines;
- (8) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- (9) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
- (10) Any additional information required by the Village to evaluate the character and impact of the proposed PD.
- (11) Appropriate seals of the licensed surveyor, engineer, or architect.

40-3-27 **CRITERIA CONSIDERED.** The Zoning Board of Appeals shall compile a written report which either accepts or rejects the Development Plan. In making their decision, the Zoning Board of Appeals shall consider the following criteria:

- (A) The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;
- (B) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.
- (C) Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;
- (D) The compatibility of the proposed PD with adjacent properties and surrounding area; and
- (E) Any other reasonable criteria that the Zoning Board of Appeals may devise.

40-3-28 **DECISION BY ZONING BOARD.** The Zoning Board of Appeals shall either approve or disapprove each and every Development Plan. However, the Zoning Board shall not approve any PD unless:

- (A) The developer has posted a performance bond or deposited funds in escrow in the amount of the Village Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and
- (B) The Village Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (C) The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. (Deviations to the extent permitted under **Section 40-3-27** shall not be deemed as noncomplying.)

40-3-29 **CHANGES IN APPROVED PLANS.** No changes shall be made to any approved PD Development Plan, except as follows:

- (A) **Minor** changes, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- (B) All other changes shall require a public hearing before the Zoning Board of Appeals.
- (C) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan. (**See Article X - Division V**)

40-3-30 **FAILURE TO BEGIN DEVELOPMENT.** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be applicable:

- (A) The special-use permit shall be automatically revoked; and
- (B) any zoning permits shall automatically become null and void; and

(C) all regulations applicable before the PD was approved shall automatically be in full effect.

40-3-31 MUNICIPAL EXEMPTION. In conjunction with any existing or proposed development, the Village shall be exempt from all of the provisions of this Section.

40-3-32 - 40-3-33 RESERVED.

ARTICLE IV - REGULATIONS FOR SPECIFIC DISTRICTS

DIVISION I - AGRICULTURAL DISTRICT

40-4-1 **"A-1" - AGRICULTURAL DISTRICT.** The "A-1" Agricultural 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 and maintenance of roads, utilities, and storm water drainage systems would be impractical or burdensomely expensive to the tax-paying public.

(A) **Agricultural Exemption.** The provisions of this Code shall not be exercised so as to impose regulations with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or intended to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes shall be required to conform to building setback lines. Permits issued for the erection or extension of buildings or structures used or to be used for agricultural purposes shall be issued free of any charge. In the event that the land ceases to be used solely for agricultural purposes, then and only then shall the provisions of this Code apply.

40-4-2 **ONE DWELLING ON ONE LOT.** In the "A-1" District, only **one (1) dwelling** shall be situated on any **one (1) lot**.

40-4-3 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "A-1" District shall conform to the following requirements:

(A)	Minimum Lot Area	3 Acres
(B)	Minimum Lot Width at the established building line	150 feet
(C)	Minimum Lot Depth	200 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	25 feet
	(5) From side yard abutting street	50 feet
(E)	Maximum Building Height	35 feet
	(Does not apply to accessory agricultural structures)	

40-4-4 **PERMITTED USES.** The following uses shall be permitted in the **"A-1" - Agricultural District:**

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-2** are met.
Cemeteries.

Government uses of the Village.

Nurseries, greenhouses, temporary produce stands.

Parks and playgrounds.

Single-family dwellings, including modular homes.

Towers, structures and other facilities designed or intended to be used for the support, enclosure, shelter or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service.

Accessory uses in accordance with **Section 40-3-15, 40-3-16, and 40-3-17.**

40-4-5 **SPECIAL USES.** The following uses may be allowed by special-use permit in accordance with **Section 40-10-24**, et seq. of this Code in the "**A-1**" - **Agricultural District:**

Agricultural implement sales.

Amusement facilities, such as go-cart tracks, archery ranges, etc.

Animal hospitals.

Churches and other places of formal worship. **(See Section 40-5-13)**

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

Golf courses, all sizes and types.

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

Kennels, commercial. **(See Section 40-5-15)**

Manufactured home park.

Manufactured homes.

Nursing homes.

Stables, commercial.

Storage containers. **(See Section 40-5-12)**

Travel trailer parks (not including manufactured home parks). **(See Section 40-5-7)**

Utility substations. **(See Section 40-5-10)**

Government uses other than those of the Village.

40-4-6 **RESERVED.**

DIVISION II - SINGLE-FAMILY DISTRICT (SR-1)

40-4-7 **"SR-1" - SINGLE-FAMILY RESIDENCE DISTRICT.** In the "SR-1", Single-Family Residence District, land is principally used for or is best suited for detached, single-family dwellings and related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing single-family neighborhoods, and to promote the development of subdivisions offering a range of newly constructed single-family housing.

40-4-8 **SPECIAL RESTRICTIONS.**
(A) **One Principal Building Per Lot.** In the "SR-1" District, only **one (1)** principal building shall be situated on any **one (1) lot.**

40-4-9 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "SR-1" District shall conform to the following requirements:

(A)	Minimum Lot Area	10,000 sq. ft.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking <u>Per Dwelling Unit</u>	2 spaces
(G)	Maximum Percent Coverage Per Lot	25%

40-4-10 **PERMITTED USES.** The following uses shall be permitted in the **"SR-1" - Single-family Residential District:**

- Accessory uses in accordance with **Sections 40-3-15, 40-3-16 and 40-3-17.**
- Agriculture, as defined in **Section 40-2-2**, excluding the raising of dairy livestock, and/or animal husbandry. **(See Section 40-5-2)**
- Community residences.
- Government uses of this municipality.
- Modular homes.
- Poultry, subject to Chapter 3 regulations.
- Single-family dwellings.

40-4-11 **SPECIAL USES.** The following special uses may be allowed by special-use permit in accordance with **Section 40-10-24 et seq.** of this Code in the **"SR-1" District:**

- Bed and breakfast establishments.
- Cemeteries and mausoleums in conjunction therewith.

Churches and other places of formal worship.

Community residences, small.

Day care or nursery schools.

Duplexes.

Government uses other than those of the municipality.

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

Park, playgrounds.

Schools.

Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations. **(See Section 40-5-10)**

40-4-12 **ACCESSORY USES PROHIBITED.** It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2.** **(See Section 40-5-12)**

40-4-13 - 40-4-15 **RESERVED.**

DIVISION III - SINGLE-FAMILY DISTRICT (SMALL) (SR-2)

40-4-16 **"SR-2" - SINGLE-FAMILY DISTRICT (SMALL LOT).** The "SR-2", Single-Family Residence District encompasses areas suitable for single-family dwellings as well as related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing subdivision offering a range of new single-family housing. Other types of residences (manufactured homes, apartments, etc.) are permitted in this district by special-use.

40-4-17 **SPECIAL RESTRICTIONS.** In the "SR-2" District, only **one (1) principal building** (single-family dwelling) shall be situated on any **one (1) lot**.

40-4-18 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "SR-2" District shall conform to the following requirements:

(A)	Minimum Lot Area	6,000 sq. ft.
(B)	Minimum Lot Width at the established building line	50 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	5 feet
	(4) From rear lot line	15 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking <u>Per Dwelling Unit</u>	2 spaces
(G)	Maximum Percent Coverage Per Lot	25%

40-4-19 **PERMITTED USES.** The following uses shall be permitted in the **"SR-2" - Single-family Residential District:**

Any use permitted in the SR-1 District. **(See Section 40-4-10)**

Agriculture, as defined in **Section 40-2-2** excluding the raising of dairy livestock, poultry, and/or animal husbandry.

Modular homes.

Single-family dwellings.

Accessory uses in accordance with **Section 40-3-15, 40-3-16** and **40-3-17**. **(See Section 40-5-12)**

Government uses of this municipality.

Community residences. **(See Section 40-2-2)**

40-4-20 **SPECIAL USES.** The following uses may be allowed in the **"SR-2" District** by special-use permit in accordance with **Section 40-10-24**, to-wit:

Bed and breakfast.

Churches and other places of formal worship. **(See Section 40-5-13)**

Duplexes.

Government uses other than those of the municipality.

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

Manufactured homes.

Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.

40-4-21 **ACCESSORY USES PROHIBITED.** It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2** and **40-5-12.**

40-4-22 - 40-4-25 **RESERVED.**

DIVISION IV - MULTIPLE-FAMILY DISTRICTS (MR-1)

40-4-26 "MR-1" - MULTIPLE-FAMILY RESIDENCE DISTRICT. The "MR-1", Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings and to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

40-4-27 LOT AND BUILDING REQUIREMENTS. Every principal building in the "MR-1" District shall conform to the requirements indicated below:

NOTE: Detached single-family and two-family dwellings erected in the "MR-1" District shall comply with all applicable regulations of the "MR-1" District.

(A)	Minimum Lot Area	10,000 sq. ft. 2,500 sq. ft. per unit, which- ever is greater.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	7.5 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	3 spaces
(G)	Maximum Percent Coverage Per Lot	30%

40-4-28 PERMITTED USES. The following uses shall be permitted in the "MR-1" - Multiple-Family Residential District:

- Any use permitted in the "SR-2" District. (Section 40-4-19)
- Community residences. (See Section 40-2-2)
- Multiple-family dwellings.

40-4-29 SPECIAL USES. The following uses may be allowed in the "MR-1" District by special-use permit in accordance with Section 40-10-24:

- Convenience shops (e.g., small drugstore, food store, laundromat).
- Day care center.
- Home occupations. (See Section 40-5-4)
- Utility substations. (See Section 40-5-10)

40-4-30 **ACCESSORY USES PROHIBITED.** It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2** and **40-5-12.**

40-4-31 - 40-4-32 **RESERVED.**

DIVISION V - MANUFACTURED HOUSING DISTRICT (MH-1)

40-4-33 "MH-1" - MANUFACTURED HOUSING DISTRICT. The "MH-1", Manufactured Housing District is primarily intended to provide areas suitable for the placement of immobilized manufactured homes on individual lots, for the establishment of manufactured home parks, and for the placement of modular or manufactured homes on individual lots. This district is intended to preserve other residential districts for site constructed dwellings.

40-4-34 LOT OWNERSHIP. All manufactured housing units located outside an approved manufactured home park shall be located on property owned by the owner of the manufactured housing unit.

All units shall meet the Housing and Urban Development Federal Code known as the "National Manufactured Home Construction and Safety Standards" or the State of Illinois standards for modular homes and Chapter 23.

40-4-35 LOT AND BUILDING REQUIREMENTS, GENERALLY.

NOTE: Special lot and building requirements are applicable to manufactured home parks. (See Section 40-4-38)

(A)	Minimum Lot Area	8,000 sq. ft.
(B)	Minimum Lot Width at the established building line	60 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	15 feet
	(3) From either side lot line	7.5 feet
	(4) From rear lot line	20 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Maximum Percent Coverage Per Lot	25%
(G)	Minimum Off-Street Parking Per Unit	2 spaces

40-4-36 PERMITTED USES. The following uses shall be permitted in the "MH-1" - Manufactured Housing District:

Any use permitted in the "MR-1" District. (See Section 40-4-28)

Manufactured homes on individual lots, provided said units conform to all applicable requirements of the Village Code. (See Chapter 23)

Modular homes.

40-4-37 SPECIAL USES. The following special uses may be permitted in the "MH-1" District by special-use permit in accordance with Section 40-10-24, et seq.

Any special-use allowed in the "MR-1" District. (See 40-4-29)

Convenience stores.

Manufactured home parks in conformity with all applicable requirements of this Code and **Chapter 23**.

40-4-38 **MANUFACTURED HOME PARKS.** No manufactured home park shall be established except in conformity with the requirements of this Section:

- (A) **Minimum Lot Size, Setback Requirements.**
 - (1) **Minimum Lot Area.** No manufactured home park shall be located on a tract less than **two (2) acres** in area.
 - (2) **Minimum Dimensions.** No manufactured home park shall be developed on any tract that is less than **two hundred fifty (250) feet** in both width or depth.
 - (3) **Minimum Setbacks.** No part of any manufactured home or other structure in any manufactured home park shall be situated closer than **twenty-five (25) feet** to any boundary line of the park.
 - (4) **Maximum Height.** No structure in any manufactured home park shall be more than **twenty-five (25) feet** in height.

- (B) **Spacing of Manufactured Homes.**
 - (1) Every manufactured home space shall meet the following requirements:

(a) Minimum Area	8,000 square feet
(b) Minimum Width	60 feet
(c) Minimum Depth	120 feet
 - (2) Manufactured homes within any park shall be placed so that no part of any manufactured home is closer than:
 - (a) 25 feet to any park street;
 - (b) 25 feet to any boundary line of the park; or
 - (c) 20 feet to any part of any other manufactured home or structure.
 - (d) 20 feet from front lot line
 - (3) Parking requirements in **Section 40-5-7**.

40-4-39 **RESERVED.**

[NOTE: See Chapter 23 for additional regulations.]

DIVISION VI – GENERAL BUSINESS DISTRICT (B-1)

40-4-40 **PURPOSE OF DISTRICT.** The “B-1”, General Business District is intended to accommodate and regulate commercial developments and compatible uses. This district encompasses long-established commercial areas of the Village where a wide range of goods and services is offered to the general public at retail and wholesale.

40-4-41 **USE RESTRICTIONS.**

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

(B) **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.

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

(D) **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 provided.

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

(F) **Signs. See Article VII.**

40-4-42 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the “B-1” Highway Business District shall conform to the requirements indicated below:

(A)	Minimum Lot Area	10,000 sq. ft.
(B)	Minimum Lot Width at the established building line	90 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	30 feet
	(3) From either side lot line	15 feet
	(4) From rear lot line	15 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Structure Height	40 feet
(F)	Maximum Percent Coverage Per Lot	50%

40-4-43 **PERMITTED USES.** Provided all the use restrictions of the “B-1” District are observed, the following uses are permitted: **(See Section 40-4-57)**

Churches and related facilities.

Clubs and lodges.

Commercial establishments, any type, including drive-in facilities.

Government uses of the Village.

Offices; medical, dental, real estate, law.

Service establishments, any type, including drive-in facilities.

Accessory uses in accordance with **Section 40-3-15** and **40-3-16**.

40-4-44 **SPECIAL USES.** Provided all the use restrictions of the "B-1" District are observed, the following uses may be allowed by special-use permit. **(See Section 40-10-24)**

Single-family residences.

Manufactured homes.

Modular homes.

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

Storage containers. **(See Section 40-5-12)**

Utility substations. **(See Section 40-5-10)**

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

Any use permitted in the "MR-1" District. **(See Section 40-4-29)**

40-4-45 - 40-4-69 **RESERVED.**

DIVISION VII - INDUSTRIAL DISTRICT

40-4-70 **"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.

40-4-71 **USE RESTRICTION.**

(A) **Nuisances Prohibited.** 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 residential district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. Such buffer strip 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.

40-4-72 **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	50 feet
	(2) From any side lot line	25 feet
	(3) From rear lot line	25 feet
	(4) From side yard abutting street	50 feet
(E)	Maximum Structure Height	60 feet
(G)	Maximum Percent Coverage Per Lot	40%

40-4-73 **PERMITTED USES.** Provided all the use restrictions of the "I" District are observed, the following uses are permitted: **(See Section 40-4-71)**

- Assembly, manufacturing or processing of any commodity from semi-finished materials, provided explosives or live animals are not involved.
- Fuel storage facilities.
- Freight and bus terminals and related mass transportation facilities.
- Research and development facilities not involving explosives, or flammable gases or liquids.
- Service stations.

Warehousing or wholesaling of goods, except explosives or live animals.
Utility substations or government uses. **(See Section 40-5-10)**
Accessory uses in accordance with **Section 40-3-15.**

40-4-74 **SPECIAL USES.** The following uses may be permitted as special-uses in the **"I" District** by special-use permit in accordance with **Section 40-10-24**, to-wit:

Any "permitted or special-use" in the **"B-1" District** except residential uses. **(See Sections 40-4-43 and 40-4-44)**

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

Churches and related religious facilities.

Junk/Salvage Yards, but only in accordance with **Section 40-5-5.**

Research and development facilities involving explosives, or flammable liquids or gases.
(Ord. No. 535; 05-10-04)

40-4-75 **PROHIBITED USES.** The following uses shall be prohibited in this District:

Commercial incineration.

Junk yards.

Landfills or rubbish and/or garbage and trash dumps.

Chemical storage units above ground.

Adult entertainment.

40-4-76 - 40-4-79 **RESERVED.**

DIVISION VIII - FLOOD PLAIN DISTRICT

40-4-80 **"O-FP" - FLOOD PLAIN OVERLAY DISTRICT.** The "O-FP", Flood Plain Overlay District delineates areas in the vicinity of watercourses and tributaries in the Village subject to special requirements.

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.

40-4-81 **PERMITTED AND/OR 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.

40-4-82 **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, 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 Zoning Administrator approve any proposed flood protection measure which would result in an increase in the volume or velocity of floodwater leaving the lot in question.

(See Chapter 14 of the Revised Code for Flood Plain Code)

ARTICLE V - ADDITIONAL SUPPLEMENTARY REGULATIONS

40-5-1 **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements and design/operational standards 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 **AGRICULTURAL ACTIVITIES.**

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

(B) **Farm Equipment/Commodities.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **one hundred (100) feet** from any lot line of residential property.

(C) **Barbed Wire/Electrical Fences.** [See Section 40-5-3(C)(5)(c)(i)]

40-5-3 **FENCES, WALLS.** The following regulations shall apply to fences, walls, and hedges to maximize both the safety of persons using sidewalks and streets and the enjoyment and use of the property by occupants.

(A) **Fence/Wall Permit Required.** Anyone wishing to erect or replace a fence or wall within the Village shall obtain a fence or wall permit from the Village.

(B) **Line of Sight.** Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections. [See Section 40-3-13(B).]

(C) **Residential Regulations.**

(1) **Front Yard.** A fence, wall, or hedge located in any front yard shall be limited to **four (4) feet** in height and shall meet the definition of landscape fence in Section 40-2-2.

(2) **Corner Side Yard.**

(a) A fence or wall limited to **six (6) feet** in height, may be located in a corner side yard from the wall of the principal structure closest to the rear yard to the property line to enclose the resulting rear yard.

(b) A semi-open fence or wall limited to **four (4) feet** in height, or a closed fence, or wall limited to **three (3) feet** in height, may be located in a corner side yard.

(3) **Interior Side Yard.** A fence or wall, limited to **six (6) feet** in height, may be located in an interior side yard.

- (4) **Rear Yard.** A fence or wall limited to **six (6) feet** in height, may be located in a rear yard.
- (5) **Other Residential Regulations.**
 - (a) Fence, wall or hedge height is measured from the adjacent finished grade to the highest point, except that the posts of a fence or wall may be **six (6) inches** higher.
 - (b) Every fence, wall, or hedge shall be maintained in a good and safe condition at all times. Every damaged, dead, or missing element of any fence, wall or hedge shall be repaired, removed, or replaced immediately. No fence, wall or other obstruction shall be erected in violation of the **Illinois Drainage Code, Illinois Compiled Statutes, Chapter 70, Sections 605/2-1 through 2-13.**
 - (c) The following fences and/or walls are prohibited in residential zoning districts:
 - (i) barbed or razor wire;
 - (ii) above ground electrically charged fences or walls;
 - (iii) snow fences (except for exclusive control of snow between **November 1** and **April 15** and as authorized by the Zoning Administrator for special events or constructions sites);
 - (iv) fences or walls made of solid plywood, scrap lumber, temporary fencing and similar non-customary materials;
 - (v) fences or walls made of common concrete or cinderblock;
 - (vi) fences, walls or hedges on any portion of any public right-of-way, except fences erected by a governmental agency;
 - (vii) fences, walls or hedges that interfere with clear vision at or near a public or private street, alley, driveway or other means of ingress or egress; and
 - (viii) fences, walls, or hedges so constructed or plated as to prevent natural water drainage and/or water runoff.

(D)

Non-Conforming Fences and Walls.

- (1) **Authority to Continue.** Except as provided below in **Section 40-5-3(D)(5)** (damage and destruction) any nonconforming fence or wall may be continued so long as it otherwise remains lawful, subject to the regulations of this Section (nonconforming fences).
- (2) **Ordinary Repair and Maintenance.** Normal maintenance and incidental repair may be performed on any nonconforming fence or wall; provided, however, that any repair shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired and provided further, however, that this shall not be deemed to authorize any violation of this Section (nonconforming fences and walls).
- (3) **Alteration; Enlargement; Moving.** No nonconforming fence or wall shall be changed or altered in any manner that would increase

the degree of its nonconformity, be enlarged or expanded, be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

- (4) **Change of Fence or Wall.** A nonconforming fence or wall that has been changed to eliminate its nonconformity or any element of its nonconformity shall not thereafter be changed to restore such nonconformity or nonconforming element.
- (5) **Damage or Destruction.** Any nonconforming fence or wall, or any nonconforming element of a fence or wall capable of change or discontinuance separate from other elements of the fence or wall, damaged, destroyed or deteriorated by any means to the extent of **thirty-five percent (35%)** or more of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this Code.
- (6) **Termination of Certain Fences or Walls.** The following nonconforming fences or walls shall be removed immediately or altered immediately to eliminate every nonconformity:
 - (a) **Barbed Wire, Razor Wire and Electrical Fences.** All nonconforming barbed wire or razor wire fences and fences or walls with electrical elements.
 - (b) **Dilapidated Fences or Walls.** Each nonconforming fence or wall that is dilapidated or deteriorated to the extent that the replacement of **fifty percent (50%)** or more of the load bearing elements of the fence or wall is required.
 - (c) **Public Health, Safety, and Welfare.** Every nonconforming fence, wall, or hedge that poses a threat to the health, safety or welfare of any person or of the public.

40-5-4 HOME OCCUPATIONS.

(A) **Limitations on Use.** A home occupation shall be considered a special-use in any residence district, provided the home occupation is subject to the following limitations.

- (1) **Employees.** The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there. No more than **one (1)** other individual may be employed who does not reside on the premises.
- (2) **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.
- (3) **Floor Space.** The total area used for the 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.
- (4) **Sign Restrictions.** There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory

building and shall not exceed **three (3) square feet** in area and shall not be illuminated.

- (5) **Exterior Storage.** There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- (6) **Nuisances.** There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. All nuisances are prohibited.
- (7) **Unlawful Storage.** There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
- (8) **Parking Requirements.** A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation as prescribed in **Section 40-7-8.**
- (9) **Covenants.** The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.
- (10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

(B) **Permit Required.** A home occupation shall not be permitted without a special-use permit being granted by the Zoning Board of Appeals, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

- (1) The applicant for a home occupation permit shall be responsible for providing a list of surrounding landowners and tenants. **(See Sec. 40-10-26)**
- (2) A hearing upon the application shall be held in accordance with the rules and regulations of the Zoning Board of Appeals.

(C) **Activities Not Covered.** No home occupation permit shall be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section, "telecommuting" means working in the home by using a computer terminal connected by the telephone line to a central office or central computer.

(D) **Parking.** **(See Section 40-5-7)**

(E) **Signs.** **(See Section 40-7-10)**

40-5-5 JUNK YARDS.

(A) No part of any junk yard--which includes any lot on which any **three (3)** 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 **eight (8) feet** high and of sufficient density to block the view from adjacent property.

(C) All existing junk yards located in any Residential or Commercial District shall meet the requirements of **Section 40-5-5(B)** within **three (3) years** following adoption of this Code. (**See Section 40-2-2 for definition**)

40-5-6 NURSING HOMES.

(A) 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**.

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

40-5-7 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 **Manufactured Housing Code**. The requirements of paragraphs (A), (C) and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sales lot.

(A) Not more than **two (2)** travel trailers or recreational vehicles shall be parked on any lot. They shall not be parked on a street.

(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) Travel trailers or recreational vehicles shall be required to have setbacks as required for accessory buildings.

(E) No travel trailer or other recreational vehicle shall be parked on any front yard.

(F) No unlicensed manufactured home may be located in a travel trailer or recreational vehicle park.

(G) No trailer or other type recreational vehicle shall be parked on a public street or alley for more than a **seventy-two (72) hour** period.

40-5-8 SERVICE STATIONS.

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

(B) Every access way shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from any intersection of public streets.

(C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.

(D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

(E) Whenever the use of a service station has been discontinued for **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year** period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief.

(F) A permanent curb of at least **four (4) inches** in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

40-5-9 SWIMMING POOLS.

- (A) No private swimming pool shall be located in any front yard or closer than **ten (10) feet** to any side or rear lot line.
- (B) In ground swimming pools that are 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 capable of being secured with a locking device.
- (C) All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible.
- (D) All swimming pools shall conform to the County's building codes.

40-5-10 UTILITY SUBSTATIONS. Every electrical substation, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

- (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 with the residential character of the area.
- (C) Screening at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property shall be installed around every such facility. 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 **ten (10) feet** in height be installed behind the planting screen.

40-5-11 LIGHTING CONTROLS. Any light used for the illumination of signs, parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists.

40-5-12 STORAGE CONTAINERS. It shall be unlawful to locate in this Village an accessory use known as a storage container consisting of either a railroad or train car, a truck body or shell or a truck trailer, licensed or unlicensed, on any lot in the Village, unless the lot is in a zoned commercial or industrial district. All containers shall be closed and be secured when not in use. They shall meet all setbacks prescribed for accessory uses and located on a permanent foundation. The Zoning Administrator may submit all applications for a "storage unit" to the Zoning Board of Appeals if he feels that the unit is not consistent with this Section. **(See Section 40-3-13 for height limitations.)**

40-5-13 CHURCHES AND HOUSES OF FORMAL WORSHIP. The following restrictions shall apply to churches no matter if they are permitted uses or special-uses:

- (A) **Lot Size.** The minimum size of the lot or tract shall not be less than **two (2) acres** and have a minimum frontage on a public street and at the building line of **one hundred fifty (150) feet.**

(B) **Commercial and Residential Uses.** No part of a church or building for religious worship or accessory building shall be used for commercial or residential purposes, except that **one (1) parsonage** may be permitted on the same lot or tract provided the parsonage is located no more than **seventy-five (75) feet** from the principal building for religious worship.

(C) **Property Lines.** Each principal building shall be located at least **twenty-five (25) feet** from all property lines, and shall meet all other applicable requirements of the Zoning Code.

(D) **Accessory Buildings.** Accessory buildings shall meet all applicable requirements of the Zone District.

(E) **Accessory Uses.** Permitted accessory uses and functions shall be directly related to and an integral part of the customary religious worship activities except as otherwise provided by applicable provisions. **(805 ILCS 110/0.01 et seq.)**

40-5-14 PUBLIC BUILDINGS. In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

(A) In any residential or conservation district, all municipal or other publicly-owned buildings shall be located at least **twenty-five (25) feet** from all property lines.

(B) In any residential, conservation or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavation, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six (6) feet** in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five (25) feet** from any front or side property line.

40-5-15 KENNELS.

(A) Kennels shall be permitted only in the A-1 District.

(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.

(C) The lot on which any kennel is situated shall have a minimum area of **three (3) acres.** **(See Chapter 3 of the Code)**

ARTICLE VI - OFF-STREET PARKING AND LOADING

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.

40-6-2 **EXISTING PARKING/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/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading spaces need not be provided.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, gross floor area, greater seating capacity, etc., additional off-street parking and loading spaces commensurate with such intensification shall be provided.

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

40-6-3 **PARKING LOT DESIGN STANDARDS.** All off-street parking lots shall conform to the standards indicated in the subsections which follow:

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

40-6-3.1 **SPACES.**

(A) Every off-street 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(**).

40-6-3.2 **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 degree (60°)** parking shall be at least **eighteen (18) feet** wide(**).

40-6-3.3 **ACCESS WAY.**

(A) Parking lots shall be designed so that ingress to or 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 lot 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 hazards.(*)

(C) Parking lot access ways (as well as 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 business district or in the Industrial District shall be at least **twenty-four (24) feet** wide unless **two (2)** one-way drives, each **twelve (12) feet** wide are provided. (**)

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

40-6-3.4 SURFACING. Parking lots shall be graded and improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface. **(Note: "Oil and chip" is not comparable material.)** (**)

40-6-3.5 LIGHTING. Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible and in no case, shall the light(s) shine on or into nearby residences.(*)

40-6-3.6 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. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface.(**)

(A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for a 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, and drainage of landscaped islands; and
- (3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

40-6-4 LOCATION OF PARKING. All off-street parking shall be located in conformity with the following requirements:

(A) **For Dwellings.**

- (1) Parking spaces accessory to any dwelling shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any required front yard or required side yard adjacent to a street

- except in the driveway, but may be located in the side or rear yards.
- (2) 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/exit the parking area; provided that this requirement shall not be applicable to two-family dwellings.
- (B) **For Business/Industrial Uses.**
- (1) Every off-street parking space accessory to any business or industrial use shall be located within **five hundred (500) feet** of the use served; provided that no portion of any parking lot for non-residential uses shall extend into any residential district or into the Agriculture District, except by written permission of the Administrator.
- (2) In any business 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 other pertinent regulations are observed.
- (C) No overnight parking on or at loading facility lots.

40-6-5 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES. All off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size of Space.** Every 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.

(B) **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.

(C) **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 or approved comparable material. **(No "oil and chip")**

(D) **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 in the Agricultural District unless such space/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.

(E) **Location.** Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of **two (2)** or more streets, and not on any required front yard.

40-6-6 COMPUTATION OF REQUIRED PARKING/LOADING SPACES. In computing the number of parking spaces required by this Code, 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 Code results in a fractional space, any fraction of **one-half (.5)** 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.

40-6-7 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>		
Multi-family dwellings	3 spaces per dwelling unit	Not Applicable
Single-family	2 spaces per dwelling unit	Not Applicable
Manufactured Home (on private lot)	2 spaces per dwelling unit	Not Applicable
Manufactured Home (in a park)	3 spaces per dwelling unit	Not Applicable
Duplexes	2 spaces per dwelling unit	Not Applicable
(B) <u>Educational, Institutional, Recreational:</u>		
Churches, assembly halls	1 space per 4 seats in the largest seating area	Not Applicable
Nursing Homes	1 space per 5 beds plus 1.5 spaces per employee on the major shift	To 50,000 sq. ft. of floor area...1 space; 50,001-100,000 sq. ft...2 spaces

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(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.
Financial Institutions		
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
Drive-in	5 spaces per teller window	
Beauty and Barber shops	2 spaces per chair, plus employee parking	Not Applicable
Car Wash	3 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...non required. 30,001-100,000 sq. ft...1 space
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater.	Not Applicable

ZONING CODE 40-6-7

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
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 2 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
Vehicle sales (autos, boats, trailers, 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.
(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 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.

ARTICLE VII - SIGN REGULATIONS

40-7-1 **GENERAL PROHIBITION.** Any sign not expressly permitted in this Article shall be deemed prohibited.

40-7-2 **COMPUTATION OF SIGN AREA ALLOWANCE.** Within the limitations and restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

One (1) square foot of sign area per one (1) foot of street frontage or two (2) square feet of sign for each lineal foot of the front width of the business.

provided, however, that no establishment in any district shall display more than **three hundred (300) square feet** of sign on any street front.

40-7-3 **DEFINITION OF SIGN AREA.** As used in this Article, 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. **(See Figure 3 at End of Code)**

40-7-4 **SPECIAL SITUATIONS.**

(A) Except as specifically provided otherwise in this Article, 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 Article. 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.

(B) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

40-7-5 **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, if any.

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

40-7-6 **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) No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color; provided, however, that this provision shall not apply to any message on any electronically-operated, changeable sign.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

40-7-7 NONCONFORMING SIGNS. A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this Article or any amendment thereto.

40-7-8 RESTRICTIONS. Any nonconforming sign as defined in **Section 40-7-7** that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in **Article VIII** of this Code; provided as follows:

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

(B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any Business District or in the Industrial District.

40-7-9 STRICTLY PROHIBITED SIGNS. Except as specifically noted otherwise, henceforth, 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, that project or protrude above the highest point of the roof. **(See Sec. 40-7-12)**

40-7-10 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 Sec. 40-7-2)**

(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 **twenty-four (24) 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**;

on other property, such signs shall not exceed **sixteen (16) square feet**. Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Political Signs**, announcing candidates seeking public/political office and/or political issues and other pertinent information: In any Residential District, political signs shall not exceed **eight (8) square feet**; in other districts, such signs shall not exceed **thirty-two (32) square feet**. Political signs shall be removed within **seven (7) days** after the election to which they pertain, by the party responsible for their erection.

(D) **Garage Sale Signs**, advertising a garage or yard sale to be held on private residential property: Such signs shall not exceed **four (4) square feet**, and shall not be posted for longer than **five (5) days**.

(E) **Public Interest Signs and Street Banners**, publicizing a charitable or non-profit event of general public interest: In the Agricultural 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 **sixty (60) days** before and **seven (7) days** after the event.

(F) **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, and so forth.

(G) **Institutional Signs** identifying a public, charitable, or religious institution: Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet**.

(H) **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.

(I) **Home Occupation 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**.

(J) **Subdivision Entrance Signs**, identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed **twenty (20) square feet**.

(K) **Permanent House Numbers and/or Permanent 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 dwelling, nor **six (6) square feet** for multiple-family dwellings.

(L) **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.

40-7-11 AGRICULTURAL; RESIDENTIAL DISTRICTS. No sign other than those listed in **Section 40-7-10** shall be erected in the Agricultural District or in any Residential District.

40-7-12 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 40-7-2 and 40-7-10**.

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; or
 - (2) Extend above the roof line of the building to which it is attached.
- (B) **Window Signs.** Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment.
- (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; or
 - (2) Extend below a point **eight (8) feet** above the ground or pavement; or
 - (3) Project over a driveway or beyond the curblines of any public street; or
 - (4) Project more than **four (4) feet** from the building to which it is attached; or
 - (5) Extend to a point above **twelve (12) feet**.
- (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 40-7-12(A)**. Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of **Section 40-7-12(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 40-7-2** shall not exceed **one hundred (100) 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 **twelve (12) 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; or
 - (2) Be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way; or
 - (3) Be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway; or
 - (4) Extend more than **twenty (20) feet** above the ground or pavement;
 - (5) Exceed **three hundred (300) square feet** in area.

40-7-13 **TEMPORARY SIGNS.** Temporary signs shall not remain in place for a period of more than **thirty (30) days** except when the Zoning Administrator extends the time period for an additional **thirty (30) days**. Any further time extension shall thereafter be applied for through Zoning Board of Appeals and the Board may grant such time extension as seems reasonable and necessary in compliance with this Article. A permit is required for all temporary signs. **(See Section 40-10-29)**

ARTICLE VIII - NONCONFORMITIES

40-8-1 **PURPOSE OF ARTICLE.** The requirements imposed by this Code 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 tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaking of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

40-8-2 **NONCONFORMING LOTS.** If the Zoning Board of Appeals approves a variance for 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, that lot may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (A) was recorded in the office of the County Recorder of Deeds prior to the effective date of this Code (or pertinent amendment thereto);
- (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 the applicable zoning code or other ordinances; and
- (C) is at least **fifty (50) feet** wide.

40-8-2.1 **TWO 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. **(See Section 40-3-8)**

40-8-3 **NONCONFORMING STRUCTURES.** Any otherwise 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 requirements/restrictions concerning 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) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.
- (B) **Enlargement, Alterations.** A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.
- (C) **Relocation.** A nonconforming structure shall not be moved unless, after relocation, it will conform to all the regulations of the district in which it is situated.
- (D) **Reconstruction.** No 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.

As an alternative, the market value may be determined by the Administrator by using the **"state equalized assessed value" multiplied by the number three (3).**

The provisions of paragraph (D) shall not apply to single-family dwellings.

40-8-4 NONCONFORMING USES OCCUPYING A STRUCTURE. If any lawful nonconforming use occupying a structure exists on the effective date 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 may be changed to a similar use, to a more restrictive use, or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.

(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.

40-8-5 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.** Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a nonconforming use of a

building may be changed to another nonconforming use of the same or more restricted classification.

(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.

40-8-6 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 IX - ADMINISTRATION AND ENFORCEMENT

40-9-1 **APPOINTMENT AND DUTIES OF ZONING ADMINISTRATOR.** There is hereby established the office of Zoning Administrator, who shall be appointed by the Mayor at the May regular meeting, with the advice and consent of the Village Board for a term of **four (4) years**.

40-9-2 **DUTIES.** The Zoning Administrator is hereby authorized and directed to diligently administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To review applications pertaining to land, structures and the uses of land and/or structures;

(B) To issue or deny initial and final certificates of zoning compliance;

(C) To supervise inspections of land, structures, and the uses of land and/or structures to determine compliance with this Code, and where there are violations, to initiate appropriate action to secure compliance;

(D) To receive, file and forward to the Board of Appeals all applications for variances and appeals;

(E) To receive and file all applications for amendments and special use permits;

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

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

(H) To cause copies of this Code (including the district map) and any amendments thereto to be printed from time to time, as necessary; and

(I) To provide information to the general public on topics related to this Code; and

(J) To republish the zoning district map not later than **March 31st** if any rezonings or annexations have been approved during the preceding calendar year; **(See Section 40-3-3)**

40-9-3 **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 he determines that the proposed activity conforms to the applicable provisions of this Code.

40-9-4 **ZONING APPLICATION.** Every applicant for a 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. **(NOTE: Filing fee required in Section 40-9-14.)**

ITEMS OF INFORMATION:

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed lot, structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structures, 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, setbacks, and lot coverage of the proposed structures;
- (I) Number and size of proposed dwelling units, if any;
- (J) Location and number of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing and proposed utilities, whether public or private; and/or
- (L) Location and square footage of existing and proposed signs by type and class.

40-9-5 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. **(See Section 40-9-7)**

40-9-6 RELATIONSHIP TO BUILDING PERMITS. Upon the effective date of this Code, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

The Village in compliance with the **Illinois Architecture Practice Act of 1989 (225 ILCS 305/1 et seq.)** requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require architectural plans with an architect's seal from a licensed architect.

40-9-7 FINAL CERTIFICATES OF ZONING COMPLIANCE. No lot or part thereof that has been 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 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.

40-9-8 **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.

40-9-9 **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.

40-9-10 **SERVICE OF ORDER.** A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (A) Served upon him personally;
- (B) Sent by certified mail to his last known address; or
- (C) Posted in a conspicuous place on or about the affected premises.

40-9-11 **STOP ORDERS.** Whenever any work being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation be stopped immediately. In such case, the corrective action order is equivalent to a stop order. **(See Section 40-9-9(D))**

40-9-12 **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.

40-9-13 **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, promptly investigate, and, if necessary, institute appropriate corrective action.

40-9-14 **FEES.** The Board of Trustees establishes the following schedule of fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the Village Clerk as follows:

ZONING CODE 40-9-15

(A) **Zoning Fees:**

Single-Family Residence	\$25.00
Multi-Family Residence	\$25.00 per unit
Commercial or Business Structure	\$25.00
Industrial Structure	\$100.00
Mobile Home Unit/Manufactured Home/ Immobilized	\$25.00
Accessory Building (larger than 100 sq. ft.)	\$10.00
Accessory Building (smaller than 100 sq. ft.)	\$5.00
Structural Additions	\$10.00
Plan Development	\$500.00
Manufactured Home Park (Initial)	\$500.00
Manufactured Home Park Addition	\$500.00
Miscellaneous Permit (i.e. Parking Lot, Deck, Pool, Driveway, etc.)	\$10.00
Sign Permit	\$5.00
Carport (Attached or Unattached) (Must be anchored/inspection required)	\$10.00

All structures or projects that are started prior to obtaining the Zoning Occupancy Permit and/or paying the fees shall be doubled.

(B) **Zoning Board of Appeals Fees:**

Interpretation of Code (Appeal)	\$200.00
Special-Use Permit	\$100.00
Variance Permit	\$100.00
Amendments	\$100.00
Temporary Use Permit	\$75.00
Appeal	\$100.00

40-9-15 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code.

ARTICLE X - SPECIAL PROCEDURES AND PERMITS

DIVISION I - BOARD OF APPEALS

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

40-10-2 **MEMBERSHIP, APPOINTMENT, COMPENSATION.** The Zoning Board of Appeals shall consist of **seven (7) members**, all of whom shall reside within **one (1) mile** of the Village. Each Board member shall be appointed by the Mayor with the advice and consent of the Board of Trustees at the first regular meeting in May. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. The Zoning Board shall select **one (1)** of its members to be the vice-chairman and **one (1)** the secretary. Each Board member shall receive compensation as established by the Village Board.

40-10-3 **TERM OF OFFICE - VACANCIES.** Every member of the Zoning Board of Appeals, which was established pursuant to the former Zoning Code shall be entitled to serve on the Zoning Board of Appeals established by this Section until the date his term of office would have expired if the former Zoning Code had remained in effect. Any person appointed to the Zoning Board of Appeals on or after the effective date of this Code shall hold office for five (5) years from the date of his appointment, and until his successor has been selected and qualified.

With the advice and consent of the Board of Trustees, the Mayor may remove any member of the Zoning Board of Appeals for cause after a public hearing. Vacancies on the Zoning Board of Appeals 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 **MEETING--QUORUM.** All meetings of the Zoning 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 it deems 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. **(See Section 40-10-6 for vote on decisions of Board.)**

40-10-5 **RECORDS.** The Secretary of 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 recommendation of the Zoning Board shall be filed immediately with the Village Clerk and shall be a public record.

40-10-6 DECISIONS. The concurring vote of **four (4) members** of the Zoning Board of Appeals shall be necessary to grant a variance or special-use permit or to recommend an amendment to the Village Board. The recommendation of the Zoning Board of Appeals shall be by written letter and shall contain its findings of fact. A copy shall be sent to the Village Board. The Chairman of the Zoning Board shall countersign all documents and applications relative to the Zoning and Subdivision Codes. **(See Zoning Manual)**

40-10-7 PERIOD OF VALIDITY. No decision by the Zoning Board granting a variance or special-use permit shall be valid for a period longer than **twelve (12) months** from the date of such decision unless (1) an application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or (2) an occupancy certificate is obtained and a use is commenced. However, the Zoning Board may grant additional extensions of time not exceeding **one hundred eighty (180) days**, each upon written application made within the initial **twelve (12) month** period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

40-10-8 FINALITY OF DECISIONS OF THE ZONING BOARD. All decisions of the Zoning Board, shall in all instances be the final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois Compiled Statutes. No applicant shall apply for the same or identical request for a period of one (1) year unless the facts and/or request have substantially changed.

40-10-9 OFFICE OF THE SECRETARY OF THE BOARD OF APPEALS. The Secretary shall be appointed by the Mayor with the advice and consent of the Village Board to serve a term of **one (1) year** until a successor is appointed. The appointment shall be made at the first regular meeting in May of each year. The Secretary shall record the minutes of the Board's proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The Secretary shall perform such other duties as may be assigned from time to time by the Zoning Board.

40-10-10 - 40-10-11 RESERVED.

DIVISION II - APPEALS

40-10-12 **NATURE OF AN APPEAL.** Any person aggrieved 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 on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Division. **(65 ILCS 5/11-13-12)**

40-10-13 **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 Zoning Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. Not more than **five (5)** working days after the notice of appeal has been filed, the Administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case. **(65 ILCS 5/11-13-12) (70 ILCS 405/22.02A)**

[ED. NOTE: The Soil and Water Conservation District shall be given not more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the proposal.]

40-10-14 **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals 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 Zoning Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Administrator. **(65 ILCS 5/11-13-12)**

40-10-15 **PUBLIC HEARING, NOTICE.** The Zoning 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 publication in a newspaper of general circulation within this municipality;
- and
- (B) By certified mail to the applicant; and,
 - (C) By first-class mail to all owners of property contiguous to any property affected by the appeal.

(65 ILCS 5/11-13-12)

40-10-16 **DECISION BY BOARD OF APPEALS.** The Board of Appeals shall render a decision on the appeal within **thirty (30) days** after the hearing therein. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the power of the Administrator. **(65 ILCS 5/11-13-3 and 5/11-13-12)**

ED. NOTE: The Board of Appeals is delegated the task of hearing appeals from the decisions of the zoning administrator or other official charged with enforcement of an ordinance passed pursuant to the Zoning Enabling Act. This may, for example, entail determining whether there has been a discontinuance of a nonconforming use. It is important for the applicant to note the appeal process because of the requirement of exhaustion of administrative remedies before suit is filed as well as the more obvious reason of using a less expensive administrative process for correcting a mistake or error which may have been made by the zoning administrator. (65 ILCS 5/11-13-3)

40-10-17 RESERVED.

DIVISION III - VARIANCES

40-10-18 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 should be granted only as provided for in **Section 40-10-30. (65 ILCS 5/11-13-5)**

40-10-19 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. The Administrator shall promptly transmit said application, together with any device he might wish to offer, to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Zoning Board of Appeals to make an informed decision and shall include, at a minimum, the following: **(NOTE: Filing fee required.) [70 ILCS 405/22.02(A)]**

- (A) Name and address of the applicant;
- (B) Location of the structure/use for which the variance is sought;
- (C) Brief description of adjacent lots, structures, and/or uses;
- (D) Brief description of the problems/circumstances engendering the variance request;
- (E) Brief, but specific, explanation of the desired variance;
- (F) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (G) Any other pertinent information that the Administrator may require.

[ED. NOTE: The Soil and Water Conservation District shall be given not more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the proposal.]

40-10-20 PUBLIC HEARING, NOTICE. The Zoning Board of Appeals shall hold a public hearing on each variance request within **sixty (60) days** 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 certified mail to the applicant and
- (B) By publication in a newspaper of general circulation within the municipality and,
- (C) By first-class mail to all owners of property contiguous to any property affected by the variance. **(65 ILCS 5/11-13-5)**

40-10-21 STANDARDS FOR VARIANCES. The Zoning Board of Appeals shall not grant any variance unless they find that the proposed variance is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties of hardship to the applicant. More specifically the Board shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:

ZONING CODE 40-10-22

- (A) The property in question cannot yield a reasonable return if the district regulations are strictly applied; and
- (B) The plight of the applicant is due to peculiar circumstances not of his own making;
- (C) The variance, if granted, will not be detrimental to the public health, safety and welfare.
- (D) The peculiar circumstances engendering 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
- (E) 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. **(65 ILCS 5/11-13-5)**

40-10-22 **DECISION BY BOARD OF APPEALS.** The Zoning Board shall decide on every variance request within a reasonable time after the final hearing thereon in accordance with state statutes. A copy of the Zoning Board's report shall be transmitted to the applicant or appellant and to the Zoning Administrator. The Zoning Board shall specify the terms of relief (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Zoning Board's reasons for granting or denying the requested variance. **(65 ILCS 5/11-13-11)**

40-10-23 **RESERVED.**

DIVISION IV - SPECIAL USES

40-10-24 SPECIAL-USE PERMITS. This Code divides the Village 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 after review and approval by the Zoning Board of Appeals.

40-10-25 APPLICATION. Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form, the items of information enumerated below. Every special-use request shall also be filed with the Soil and Water Conservation District pursuant to state law. The Administrator shall promptly transmit the completed application, together with any comments or recommendation he might have, to the Zoning Board of Appeals for further consideration. **(NOTE: Filing fee required in Section 40-9-14) (70 ILCS 405/22.02A)**

[ED. NOTE: The Soil and Water Conservation District shall be given not more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the proposal.]

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 uses of structures on adjacent lots;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site 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 the proposed dwelling units, if any;
- (J) Number and location of proposed parking/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;
- (M) Location of any signs.

40-10-26 PUBLIC HEARING, NOTICE. The Zoning Board of Appeals shall hold a public hearing on every special-use permit application within **sixty (60) days** after the 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 certified mail to the applicant; and,
- (B) By publication in a newspaper of general circulation within this municipality.
- (C) By first-class mail to all owners of property contiguous to the property affected by the proposed special-use request. **(65 ILCS 5/11-13-1.1 and 11/13-6)**

40-10-27 FACTORS CONSIDERED BY THE BOARD. Within **thirty (30) days** after the public hearing, the Zoning Board of Appeals shall reach a final decision. In deciding the Zoning Board of Appeals 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, if any;
 - (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 this 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.
- (65 ILCS 5/11-13-7)**

40-10-28 DECISION - FINDINGS OF FACT. The Zoning Board of Appeals shall reach a decision on every special-use permit application within **thirty (30) days** after public hearing. In accordance with State Law, the Zoning Board of Appeals shall specify the terms and conditions of the permit to be granted (if any) in one statement, and their findings of fact in another statement. The findings of fact shall be responsible in the decision-making factors listed in the preceding section and shall clearly indicate the Zoning Board's reasons for granting, with or without modifications and/or conditions, or denying the requested special-use permit. **(65 ILCS 5/11-13-1.1 and 5/11-13-11)**

[ED. NOTE: The applicants and property owners for a variation or special-use should review Sec. 5/11-13-7A of the Illinois Compiled Statutes relative to subpoenas for persons to appear at the zoning hearings.]

40-10-29 TEMPORARY USE PERMITS: PROCEDURE FOR. As set forth at **Section 40-3-7**, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Zoning Board shall issue no temporary use permit for a period longer than **one (1) year** but may renew any such permit as they see fit.

DIVISION V - AMENDMENTS

40-10-30 AMENDMENTS. The Village Board may amend this Code in accordance with State law 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 Zoning Board, the Plan Commission, the Zoning Administrator or any party in interest. **(65 ILCS 5/11-13-14)**

40-10-31 FILING. Every proposal to amend this Code shall be filed with the Zoning Administrator on a prescribed form. Every amendment proposal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. The Administrator shall promptly transmit the proposal, together with any comments or recommendations he might wish to make to the Board of Appeals for a public hearing. **(NOTE: Filing fee required.)**

[ED. NOTE: The Soil and Water Conservation District shall be given not more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the proposal.] (70 ILCS 405/22.02A)

40-10-32 PUBLIC HEARING - NOTICE. The Board of Appeals shall hold a public hearing on every amendment proposal within **sixty (60) days** 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 certified mail to the applicant; and,
- (B) By publication in a newspaper of general circulation within the municipality.
- (C) By first-class mail to all owners of property contiguous to the property affected by the proposed amendment. **(65 ILCS 5/11-13-14)**

40-10-33 ADVISORY REPORT - FINDINGS OF FACT. Within **thirty (30) days** after the public hearing, the Board of Appeals shall submit their advisory report to the Village Board. The report shall state the recommendations of the Board of Appeals 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 Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

- (A) Existing use and zoning of the property in question;
- (B) Existing uses 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. **(See Section 40-1-2)**

40-10-34 ACTION BY VILLAGE BOARD. The Village Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Zoning Board of Appeals. Without further public hearing, the Village Board may approve or disapprove any proposed amendment or may refer it back to the Board of Appeals for further consideration by simple majority vote of all the members then holding office.

40-10-35 WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED. The favorable vote of at least **two-thirds (2/3)** of the members of the Village Board is required to pass an amendment to this Code in each of the following instances:

(A) When passage would be contrary to the recommendation of the Board of Appeals.

(B) When the 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. **(65 ILCS 5/11-13-14)**

40-10-36 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. **(65 ILCS 5/11-13-14)**