

**Zoning
Code
-of-
the
Village of
Okawville,
*Illinois***

**PREPARED BY:
Illinois Codification Services**

"Serving Illinois Since 1970"

Post Office Box 69

Freeburg, Illinois 62243-0069

Phone: (618) 539-5771

FAX: (618) 539-9890

CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 **TITLE.** These provisions shall be known as the **Village of Okawville Zoning Code of 1973.**

40-1-2 **DECLARATION OF PURPOSE.** It is the purpose of this Code:

(A) To promote and protect the public health, safety, morals, comfort, and general welfare of the people;

(B) To divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, manufacturing, and other specified uses;

(C) To protect the character and the stability of the residential, business and manufacturing areas within the Village and to promote the orderly and beneficial development of such areas;

(D) To provide adequate light, air, privacy and convenience of access to property;

(E) To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;

(F) To establish building lines and the location of buildings designed for residential, business, and manufacturing, or other uses within such areas;

(G) To fix reasonable standards to which buildings or structures shall conform therein;

(H) To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts;

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

(J) To limit congestion in the streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;

(K) To protect against fire, explosion, noxious fumes, and other hazards, in the interest of the public health, safety, comfort and the general welfare;

(L) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;

(M) To conserve the taxable value of land and buildings throughout the Village;

(N) To provide for the elimination of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;

(O) And to define and limit the powers and duties of the administrative officers and bodies as provided herein. **(See 65 ILCS 5/11-13-1)**

40-1-3 CONFORMITY WITH REGULATIONS REQUIRED. Except as otherwise provided in this Code:

(A) **Conformity of Buildings and Land.** No building, structure, or premises shall be used or occupied, and no buildings or parts thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the zoning district in which it is located and as otherwise regulated herein, except as otherwise specifically provided for by this Code.

(B) **Conformity of Buildings.** No building, structure or premises shall be erected, altered or used so as to produce greater heights, smaller yards or less unoccupied area, and no building shall be occupied by more families and/or persons than prescribed for such building, structure or premises for the district in which it is located and as otherwise regulated herein, except as otherwise specifically provided for by this Code.

(C) **Conformity of Open Spaces.** No yard, court or open space, or part thereof, shall be included as part of the yard, court or open space similarly required for any other building, structure or dwelling, except as otherwise specifically provided for by this Code.

40-1-4 SCOPE. This Code is not intended to abrogate or annul any building permits, or other lawful permits issued before the effective date of this Code.

40-1-5 RULES AND DEFINITIONS. In the construction of this Code, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

(A) **Rules.** Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular. The word "shall" is mandatory and not discretionary; the word "may" is permissive. The word "lot" shall include the words "plot", "piece", and "parcel". The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", and "occupied for"; "maintained for". The word "Village" shall refer to, and be interpreted to mean, Village of Okawville, Illinois. The following words and terms, wherever they occur in this Code, shall be interpreted as herein defined.

(B) **Definitions.**

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

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: A use which is incidental and subordinate to the principal use of the premises, and does not change the basic character thereof, as determined by its principal use.

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.

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**.

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

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 Mobile Home Sales Area: An open area, other than a street, used for the display or sale of new or used automobiles or mobile homes, and where no repair work is done except for minor incidental repair of automobiles or mobile homes to be displayed and sold on the premises.

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: A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporated boundary lines of municipalities.

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.

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 built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind, excluding fences.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Building Line: The line, parallel to the front lot line, measured between side lot lines through that part of the building, structure or construction site where the lot is narrowest.

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

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.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons, but who are not provided with board or room nor kept overnight on the premises.

Club: A nonprofit association of persons who are bona fide members organized for some common purposes and paying regular dues; 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 and/or services are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Community Residence: A group 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.

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.

Corporate Authority: The Board of Trustees of the Village of Okawville, Washington County, Illinois.

Coverage: (See Figure 2.)

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: A portion of the territory of the Village within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code.

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: Any 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, 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.

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.

Essential Governmental or Public Utility Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, 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, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, 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)

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 Parking, Public: A building or portion thereof used by the public for the storage or parking of motor vehicles for compensation.

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

Gasoline Service Station: A building or premises or portion thereof used for the retail sale of gasoline, oil or other fuel, automotive parts, supplies, or accessories for motor

vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but not including liquefied petroleum gas distribution facilities.

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.

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.

Home Occupation: A use conducted entirely within a dwelling and carried on by the inhabitants there, and no other, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof.

Hotel: A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least **six (6) guest rooms**; where a general kitchen and dining room may be provided but where there are no cooking facilities in any guest room.

Junk Yard: An open area where scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building salvage yards, but excluding similar uses taking place entirely within a completely enclosed building.

Kenel: 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.

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.

Least Restrictive: For the purpose of this Code, the designation of the most or the least restrictive district shall be of the following order: I-1, HB-1, CB-1, MR-1, SR-2, SR-1, A-1, and F-1.

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle

while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

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 portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this Code, having not less than the minimum area, width and depth required by this Code, for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as permitted in accordance with the provisions of this Code. The minimum area of a lot as defined herein must be an integral unit of land under unified ownership in fee or in co-tenancy, or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building or buildings permitted to be situated on the lot.

Lot Area: See "Area of Zoning Lot".

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 Coverage: The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot Depth: The mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

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

Lot Line, Front: The line separating the lot from the street. On a corner lot, the front lot line shall be the street lot line having the least dimension.

Lot Line, Rear: The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

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: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Washington County, Illinois.

Lot, Through: A lot having frontage on **two (2)** parallel or approximately parallel streets.

Lot Width: The mean horizontal width of the lot measured at right angles to its depth.

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**". (See 210 ILCS 115/2.10)

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

Manufactured Home, Double-Wide consists of **two (2) mobile 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. (See 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. **(See 210 ILCS 115/2.5)**

Manufactured Home Park License: A permit issued by the 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.

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**".

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.

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

Most Restrictive: See "Least Restrictive".

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.

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. **(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: An institution providing day care service for children from **two (2) to six (6) years** of age.

Outlot: The word "outlot" shall mean, an adjoining lot that is fully situated in a Flood Zone within the corporate limits of the Village. **(Ord. No. 517; 08-25-14)**

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

Parking Area, Public: An open, hard-surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public whether for a fee or as an accommodation for clients or customers.

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. **(See 210 ILCS 115/2.2)**

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 together with all the buildings and uses thereon.

Principal Use: The main use of land or buildings as distinguished from a subordinate or accessory use.

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 Sewer and Water Facilities: Those water and/or sewer facilities of a municipality and/or of a sanitary sewer district which comply with applicable public health standards, Federal and State EPA rules and regulations.

Quick Shop: Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multi-family complex, mobile 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.

Recreational 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.

Sanitary Landfill: A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency.

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.

Setback: The distance in linear feet measured on a horizontal plane from the lot line to a building or structure on the lot.

Sign: Any inscription written, printed, painted, or otherwise placed on a board, plate, banner or upon any material, object or device whatsoever, which by reason of its form, color, wording or otherwise, attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement. As used in this Code, the term shall apply only to signs which attract attention to the sign from outside of a building or structure.

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 cover affixed to the bottom of the exterior walls of a manufactured 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.

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

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

Structure: Anything constructed or erected on the ground, or attached to something having fixed location on the ground including towers but not including poles, lines, cables or other transmission or distribution facilities of public utilities. All buildings are structures, but not all structures are buildings.

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.

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.

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

Yard: An open space not occupied or obstructed by any structure or portion of a structure, except fences as regulated herein and as otherwise expressly provided herein.

Yard, Front: A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

Yard, Rear: A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

Yard, Side: A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

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 of Trustees who shall administer and enforce the provisions of the Zoning Code as hereinafter stated. **(Ord. No. 296; 11-25-85)**

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 Inspector of the Village or his authorized representative.

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

40-1-6 **ANNEXED TERRITORY.** Any territory hereafter annexed to the Village shall automatically be in SR-1, one-family residence district, until duly changed by an amendment to this Code; except that the Village Board of Trustees, with the advice of the Zoning Board of Appeals, 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.

40-1-7 **FIGURES (SKETCHES AND ILLUSTRATIONS).** The following figures numbered **one (1)** through **six (6)** inclusive, contained in this Section shall form an integral part of this Code and shall be included as part of the requirement of any provision of this Code wherein reference to such figure is made.

ARTICLE II - ZONING DISTRICT REGULATIONS

40-2-1 ZONING DISTRICTS - GENERAL.

(A) For the purpose of this Code, the Village, as shown on the Zoning Map, is divided into **eight (8) categories** of zoning as follows:

- A-1 Agricultural District
- SR-1 One-Family Residence District
- SR-2 One-Family Residence District
- MR-1 Multi-Family Residence District
- CB-1 Community Business District
- HB-1 Highway Business District
- I-1 Industrial District
- F-1 Flood Plain District

(B) Whenever reference by letter designation is hereinafter made to any of the foregoing districts, such reference shall mean and include all of those districts whose symbols include such letter used in the reference (i.e., "R" Districts include the second through the fifth of the aforesaid districts of (A) above), unless otherwise indicated in the reference. Whenever reference by word designation is hereafter made to any of the foregoing districts, such reference shall mean and include those districts whose names include such word used in the reference (i.e., "Residence" Districts means and includes the second through the fifth of the aforesaid districts of (A) above), unless otherwise indicated in the reference.

40-2-2 ESTABLISHMENT OF ZONING DISTRICTS.

(A) The boundaries of the zones provided in **Section 40-2-1** are established as shown on the Village Zoning District Map. The zoning districts and boundaries are hereby adopted and established as shown on the District Map, which map together with all notations, references, data, district boundaries and other information thereon, are made a part of the Zoning Code by reference. The Zoning Map properly attested shall remain on file in the Office of the Zoning Administrator or other appropriate Village official.

ED. NOTE: Zoning Map may have to be published by March 31st pursuant to Chapter 65; Section 5/11-13-19 of the Illinois Compiled Statutes.

40-2-3 INTERPRETATION.

(A) **Interpretation of Provisions.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements. Whenever this Code imposes a greater restriction than is imposed and required by other provisions of law or by other rules or regulations or resolutions, the provisions of this Code shall govern.

(B)

Interpretation of District Boundaries.

- (1) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of such scale as may be shown on said zoning map.
- (2) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (3) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-of-way line closest to the most restrictive zoning district line shown on the Zoning District Map.
- (4) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be the center line of the stream, otherwise at the limit of the jurisdiction of the Village unless otherwise indicated.
- (5) Any area shown on the zoning map as park, playground, school, cemetery, water, street, or right-of-way, shall be subject to the zoning regulations of the district in which they are located.
- (6) Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- (7) Where any land or territory within the Village is not shown to be located in a district, the zoning regulations of the most restrictive adjoining district shall govern.
- (8) Where a lot under single ownership is divided at the time of enactment of this code or by subsequent amendments, by a zoning district boundary line, the requirements of the less restrictive district adjacent to such line may be extended for that lot, not more than **twenty-five (25) feet** into the more restrictive district.

(C)

Existing Special Uses.

Where a use is classified as a special use under this Code, it shall be considered a legal use, without further action of the Village Board.

40-2-4 SCHEDULE: AREA AND BULK REGULATIONS: SIGNS: OFF-STREET PARKING REQUIREMENTS.

(A) To facilitate public understanding of this Code and for the better administration and convenience of use thereof, the regulations limiting the dwelling unit density, the heights, bulk and arrangement of buildings, limiting the size and use of signs, and requiring minimum off-street parking for each of the districts established by **Section 40-2-1** hereof (or specified use), are set forth in **Schedule 40-2-4(E)** hereof, hereinafter called Schedule. Such schedule 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.

(B) For each District (or specified use) named in said Schedule: the minimum zoning district size shall be as indicated in Column (B), maximum number of dwelling units shall be as indicated in Column (C), the minimum lot requirements shall be as indicated in Columns (D), (E) and (F) of the Schedule; the minimum yard dimensions shall be as indicated in Columns (G), (H), (I), (J), and (K); permitted maximum floor area ratio (ratio of floor area to lot area) shall be indicated as Column (L); maximum building heights shall be as indicated in Column (M); requirements for accessory buildings and uses, as to maximum height shall be as indicated in Column (N); and as to minimum distance of detached accessory buildings and uses to principal buildings, streets, and lot lines, as indicated in Columns (O), (P), (Q), (R) and (S), respectively; signs permitted shall be as indicated in Column (T); minimum off-street parking shall be as indicated in Column (U); minimum off-street loading space shall be as indicated in Column (V); other pertinent matters and requirements are as indicated in Column (W), and as otherwise set forth in the Schedule and in notes and remarks appended thereto.

(C) A blank space in a block of a column of said Schedule indicates that the requirement of that column does not pertain to the district or use specified on the corresponding horizontal lines. The words "Same as SR-1 (or other symbol or reference)" as used in a column shall mean and include the specific limitations and requirements as set forth in the same column for district referred to by such symbol or reference; otherwise the limitations and requirements in said Schedule shall be read from left to right.

(D) Where the limitations and requirements of any Column "(T)" through "(W)" of the Schedule are contained in a block which, reading vertically on the Schedule, covers more than one district (or specified use), such limitations and requirements shall be applicable to all of the districts or uses so covered by the block.

Where reference is made in said Schedule to another Section or provision of this Code, such Section or provision referred to shall thereby to incorporated as an integral part of the requirement including such reference.

(E) **Schedule: Area and Bulk Regulations: Sign and Parking Requirements.** See Schedule 40-2-4(E) at the end of the Code.

40-2-5 SCHEDULE: PERMITTED USES; ACCESSORY USES; EXCEPTIONS AND SPECIAL PERMITS.

(A) To facilitate public understanding of this Code and for the better administration and convenience of use thereof, the regulations designating permitted uses, permitted accessory uses, exceptions and special permits for each of the districts established by **Section 40-2-1** hereof, are set forth in Use Schedule as **Section 40-2-5(D)** hereof. Such Use Schedule is intended 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.

(B) Each column refers to a specific district which lists the permitted uses, permitted accessory uses, exceptions, special permits, and supplementary regulation references, and are read vertically under a district column.

(C) Limitations and requirements in the Use Schedule as used in a column shall mean and include the specific limitations and requirements as set forth in the same column for the district referred to. Where reference is made in the Use Schedule to another section or provision of this Code, such section or provision referred to shall, thereby be incorporated as an integral part of the requirements including such reference. All provisions of this Code shall apply as integral parts of this Section although not specifically cited in a column. See Section 40-2-5(D).

(D) **Schedule: Permitted Uses; Accessory Uses; Exceptions and Special Permits.** See Schedule 40-2-5(D) at the end of the Code.

40-2-6 ZONING DISTRICT EXPANSION. An existing zoning district may be changed by expansion of said district into a contiguous district, and said change need not conform to minimum district sizes, nor shall any district involved in said change be required to meet a minimum district size.

ARTICLE III - SUPPLEMENTARY USE AND BULK REGULATIONS

40-3-1 **FENCES, WALLS AND HEDGES.** Fences, walls or hedges used for any purpose shall in all districts conform to the following:

(A) For the purpose of minimizing traffic hazards at street intersections by improving visibility for converging vehicles, obstructions higher than **two (2) feet** above the adjacent top of the curb elevation shall not be permitted to be planted, placed or erected on any corner lot within the triangular portion of land designated as "restricted area" in Figure 1.

(B) No barbed wire or other such sharp pointed fence and no electrically charged fence shall be erected or maintained except in agricultural districts.

(C) No permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless authorized by the Village Board. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed and, in event of necessity for removal of such fence for maintenance or other purpose, removal and/or replacement of such fence or other improvement shall be the responsibility of the property owner.

(D) Fences, walls and hedges in any district may be located on lot lines, provided such fences, wall and hedges shall not exceed **six (6) feet** in height and shall be subject to the minimum yard requirements of the district in which they are located. **(See 70 ILCS 605/2-1 through 2-13)**

40-3-2 **HOME OCCUPATIONS.** In any district where home occupations are permitted, the establishment and continuance of a home occupation shall be subject to the following requirements:

(A) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants there and not more than **one (1)** unrelated employee.

(B) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.

(C) The total area used for such purposes shall not exceed the equivalent of **one-half (1/2)** of the floor area, in square feet, of the first floor of the user's dwelling unit, if any; otherwise, the main floor of such dwelling unit.

(D) There shall be no advertising, display or other indications of home occupation on the premises, except the customary sign or name plate for identification purposes only.

(E) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations.

(F) There shall be no exterior storage on the premises of material used in the home occupation, nor of any highly explosive or combustible material.

(G) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

(H) A home occupation, including studios or rooms for instruction, shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than **one (1)** parking space for each **three hundred (300) square feet** of floor area devoted to the home occupation. Such parking shall be provided on the same lot as the home occupation.

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

- (1) Professional office except as otherwise provided.
- (2) Art studio.
- (3) Dressmaking or millinery.
- (4) Teaching, with musical instruction limited to **two (2) pupils** at a time.

(J) A home occupation shall not include the following: beauty shop, clinic, hospital, mortuary, funeral home, nursing home, tea room, tourist home, antique shop, animal hospital, restaurant, veterinarian's office, or other use similar to any of the foregoing excluded uses.

40-3-3 **LIGHTING CONTROLS.** Any light used for the illumination of signs, parking area, 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.

40-3-4 **SWIMMING POOLS.** A permit shall be obtained from the Zoning Administrator before the construction and/or installation of any new "in-ground" or "above-ground" pool used for swimming or bathing within the Village limits, provided however, these regulations shall not be applicable to any pool less than **twenty-four (24) inches** deep, or having a surface area less than **one hundred twenty-five (125) square feet**, or is emptied and removed regularly or annually.

For the purposes of this Section, ***in-ground pool*** shall be defined as a pool that is constructed with poured concrete, or other similar material, making up the side walls and bottom of said swimming pool, or any type of one piece or sectional swimming pool constructed of fiberglass or other similar material that is installed flush to the ground. An ***above-ground pool*** shall be defined as any pool which is constructed with any side wall, or portion thereof, rising above the surface of the ground.

(A) No public or private swimming pool in any district shall be located in any required front yard; however, if not more than **six (6) feet** in height, such use may be located in any required side or rear yard, but not closer than **ten (10) feet** to a side lot line adjacent to a street, and subject to the provisions of **Section 40-3-1.**

(B) All persons installing a pool for swimming or bathing shall do so in conformity with all fence and gate requirements specified in their homeowners or renters

insurance policy. A copy of this insurance policy shall accompany the application for permit.

(C) Any construction or installation of a swimming pool that is started without first obtaining the proper permit from the Village, shall be assessed a fine of **Fifty Dollars (\$50.00)** in addition to the permit fee.

(D) **Fees.** The permit fee shall be **Fifteen Dollars (\$15.00)** for a new above-ground pool, and **Thirty Dollars (\$30.00)** for a new in-ground pool.
(Ord. No. 415; 08-25-03)

40-3-5 SIGNS; GENERAL REGULATIONS. All signs hereafter constructed, corrected, painted, or otherwise established, moved, altered, or changed within the limits of the Village or the adjacent area designated on the zoning district map, shall comply with the following regulations and with **Section 40-2-4(E)** (area and bulk schedule), except that repair and/or maintenance of lawful, nonconforming signs shall be in accordance with the regulations set forth in **Section 40-6-4**.

(A) Sign regulations of this Code shall not apply to governmental signs including traffic signs which are erected and intended for public information, direction, safety or control purposes, and no sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic.

(B) No moving sign (a sign with moving parts) or signs with varying intermittent lighting intensity shall be permitted in any district.

(C) No freestanding sign shall exceed **thirty-five (35) feet** in height.

(D) The type of signs permitted are hereby classified according to construction and location on the lot as follows:

Class 1 – Freestanding Sign

Class 2 – Projecting Sign

Class 3 – Roof Sign

Class 4 – Wall Sign

Class 5 – Combination Sign

(E) In any subdivision for which a plat has been filed for approval by the Village, non-illuminated subdivision signs may be erected subject to the following requirements:

(1) Not more than **two (2)** such signs shall be permitted for any subdivision held in single or common ownership.

(2) The total area of any such sign shall not exceed **twenty (20) square feet**. Said subdivision sign or signs may be displayed for a period of time not to exceed **two (2) years** from the date of issuance of the permit for the first building in the subdivision or the duration of the project, whichever is less, unless an extension for a specific additional period of time is granted by the Board of Zoning Appeals.

(F) In the Community Business District the following additional sign regulations shall apply:

- (1) The total surface area of all signs shall be limited to **two (2) square feet** of sign (or total signs) for each linear foot of front width of business building or business unit, or **one (1) square foot** of sign for each linear foot of lot frontage, whichever is greater; provided that the total surface area of any **one (1) sign** shall not exceed **one hundred (100) square feet**. Only one side of a business building facing a street shall be considered to be the front.
- (2) On buildings including more than one business, the front width of each individual business unit shall be used to determine the maximum sign area for the business.
- (3) Projecting signs shall not project more than **six (6) feet** from the principal building.
- (4) No sign shall project more than **ten (10) feet** above the highest point of the roof structure of the building to which it is attached.
- (5) Freestanding signs shall project not more than **six (6) feet** into any required yard.
- (6) Signs may project up to **six (6) feet** into any public right-of-way, street or alley; however, in no case shall any sign project into that part of any public right-of-way intended or designed for traffic circulation or parking. Any such projection shall only be permitted above a height of **ten (10) feet**. In the event widening of the street or alley necessitates removal of any sign, said removal and/or replacement shall be the responsibility of the property owner.

(G) apply:

- In the Industrial District the following additional regulations shall
- (1) The surface areas of all projecting, freestanding, wall, combination, or roof signs shall not be greater than **two (2) square feet** for each linear foot of front width of business building or business unit, or **one and one-half (1 ½) square feet** for each linear foot of lot frontage, whichever is greater; provided that the maximum total surface area for the aforementioned signs shall not exceed **fifty (50) square feet**. However, the maximum permitted surface areas for any one of the aforementioned signs may be increased by **one (1) square foot** for each **two (2) linear feet** that the sign or signs are setback from the required setback line. Only the setback from **one (1) street** and/or setback line shall be permitted for this increase.
 - (2) No point on any sign shall project more than **ten (10) feet** above the highest point of the roof structure of the building to which it is attached.

- (3) No freestanding sign shall be set nearer to the lot line adjacent to a street than the required minimum setback for the principal building.
- (4) Projecting signs and marquees shall not project more than **eight (8) feet** from the principal building. Signs may project up to **six (6) feet** into any public right-of-way, street or alley; however, in no case shall any sign project into that part of any public right-of-way intended or designed for traffic circulation or parking. Any such projection shall only be permitted above a height of **ten (10) feet**. In the event widening of the street or alley necessitates removal of any sign, said removal and/or replacement shall be the responsibility of the property owner.

(H) Temporary signs shall not remain in place for a period of more than **thirty (30) days** except that the Building Official may extend the time period for an additional **thirty (30) days**. Any further time extension shall thereafter be applied for through the Board of Zoning Appeals and the Board may grant such time extension as seems reasonable and necessary.

(I) **Advertising Signs and Billboards.**

- (1) Advertising signs or billboards shall not be permitted in any zoning district other than the Industrial District.
- (2) Advertising signs or billboards shall be located not less than **twenty-five (25) feet** from any lot line, fronting on or adjoining a street right-of-way.
- (3) **Maximum Size.** The dimensions of advertising signs or billboards shall be limited to the lesser of:
 - (a) **eight (8) feet** in width by **five (5) feet** in height; or
 - (b) **one (1) square foot** of aggregate sign area per **two (2) lineal feet** of lot frontage on a street, provided that said maximum dimension may be increased by **one (1) additional square foot** of sign area for each **one (1) lineal foot** of setback, beyond said **twenty-five (25) foot** setback line, measured in one direction only from any lot line fronting on or adjoining a street right-of-way, but in any case not exceeding a total of **five hundred (500) square feet** of aggregate sign area on any lot. In determining the total permitted sign area of advertising signs or billboards, the total sign area of all signs on the lot shall be considered as part of the total sign area permitted. **(See Figure 3.)**
- (4) **Height Limitations.** Advertising signs or billboards shall not exceed **twenty (20) feet** in total height from the ground.

40-3-6 **CHURCHES AND PLACES OF FORMAL WORSHIP.** In any district where churches are permitted, the following additional requirements shall be met:

(A) For each **seventy-five (75) seats** (where benches are provided, each **twenty-four (24) inches** of said bench shall constitute a seat) or fraction thereof (not including Sunday School accommodations), the site shall contain at least **one-half (1/2) acre** of land.

(B) Each principal building shall be located at least **twenty-five (25) feet** from all property lines.

40-3-7 **GARAGES, REPAIR.** In repair garages, all work, servicing, storage of parts and equipment and the dismantling of vehicles shall be done completely within an enclosed building, or shall be enclosed by a solid fence at least **six (6) feet** in height.

40-3-8 **CONVENIENCE STORES AND SERVICE STATIONS.** In districts where service stations are permitted, the establishment of such uses shall be subject to the following requirements:

(A) All gasoline pumps, lubrication or similar devices and other service facilities shall be located at least **twenty (20) feet** from any street right-of-way line.

(B) All fuel and oil storage, pumps or other such fuel or lubricant dispensing devices shall be located at least **twenty (20) feet** from any side or rear lot line.

(C) No access drive shall be within **two hundred (200) feet** of a fire station, school, public library, church, park, playground, or other public assembly place.

(D) No access or drive shall be within **twenty (20) feet** of any corner formed by the intersection of the rights-of-way of **two (2) streets**. On a corner where a traffic signal or stop sign exists, such entrance or exit shall be located at such distance and such manner so as not to cause or increase traffic hazard or undue congestion.

(E) 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.

(F) All devices for dispensing or selling of milk, ice, cold drinks, and the like shall be located within, or immediately adjacent to the principal building.

40-3-9 **MANUFACTURED HOMES.**

(A) **Manufactured Home Parks.** In any district where manufactured home parks are permitted, the establishment of such accommodations shall be subject to the following requirements:

(1) **Minimum Lot Size and Minimum Yard Dimensions.** The following regulations relative to the minimum lot size and minimum yard dimensions shall apply to the entire tract of land on which the manufactured home park is situated:

- (a) A manufactured home park shall be located on a tract of land not less than **five (5) acres** in area, with minimum width and depth dimensions of **two hundred (200) feet**.
- (b) Any building, structure or manufactured home shall be located at least **twenty-five (25) feet** from any front or rear lot line or any side lot line adjacent to a street and at least **ten (10) feet** from any other lot line.
- (2) No building or structure within the manufactured home park will exceed the height of **thirty-five (35) feet**.
- (3) **Off-Street Parking and Access Ways.**
 - (a) There shall be provided, within the boundaries of the manufactured home park site, not less than **two (2)** off-street parking spaces for each manufactured home space.
 - (b) The manufactured home park site shall have direct access to a public street or highway by an access way of at least **forty (40) feet** in width.
 - (c) Each manufactured home space shall abut on a driveway or access way, at least **twenty-four (24) feet** wide, with unobstructed access to a public street. Each manufactured home space shall be located within **one hundred (100) feet** of such driveway or access way. Appropriate turn around space shall be provided at the terminus of any dead end access ways in the manufactured home park sufficient to accommodate emergency vehicles.
- (4) **Individual Manufactured Home Spaces.** The minimum individual area, width and depth requirements for manufactured home spaces shall be as follows:

	Area	Width	Depth
Independent Manufactured Home Space	4,000 sq. ft.	42 ft.	70 ft.

Spaces shall be arranged and manufactured home parked in such manner that there is an open space of at least **fifteen (15) feet** by **thirty (30) feet** at the rear of and as part of each manufactured home space, except that: where a common recreation area is provided that contains at least **one hundred (100) square feet** for each manufactured home space, with a minimum total area of **five thousand (5,000)**

square feet and the minimum width and depth dimension of **one hundred (100) feet**; the individual manufactured home space may have the following minimum area, width and depth dimensions:

	Area	Width	Depth
Independent Manufactured Home Space	3,500 sq. ft.	42 ft.	60 ft.

- (5) Only residential uses and uses accessory thereto shall be permitted in a manufactured home park. Dependent manufactured homes shall be prohibited to locate in any manufactured home park.
- (6) That after **August 1, 1993**, no manufactured home shall be permitted to be brought into the Village to be set up in a manufactured home park site or as an individual manufactured home that is more than **ten (10) years** old as measured from the date of its manufacture. **(Ord. No. 321; 06-28-93)**

(B) **Manufactured Homes – Individual.**

- (1) Any manufactured home used as an accessory building in the agricultural district (except for temporary use) shall be placed on a permanent foundation and shall comply with all regulations governing the location and use of an accessory building for that District.
- (2) Any manufactured home used as living quarters for persons employed in agricultural or related activities that are conducted on the premises shall be located on a permanent foundation, and shall be connected to public utilities in accordance with all requirements for any residential structure in the Village or in accordance with **Section 40-3-10.**
- (3) Nothing herein shall be construed or interpreted to permit manufactured homes to be classified as a principal use or single family residence except in (2) above or other than in a manufactured home park.

(C) **Temporary Parking – Manufactured Homes.** The temporary parking of an individual manufactured home is permitted subject to the following regulations:

- (1) An individual manufactured home may be parked outside the public right-of-way, as not otherwise prohibited, for a period of **seventy-two (72) hours** provided that no such manufactured home is parked nearer than **twenty-five (25) feet** to any right-of-way line abutting a public street.

- (2) An individual manufactured home may be parked on a zoning lot for a period of **two (2) weeks** provided that:
 - (a) Such individual manufactured home is parked in compliance with all setback requirements from any lot line or right-of-way line.
 - (b) A permit is secured by the property owner within **seventy-two (72) hours** from the Zoning Official of the Village, showing the date of issuance, name and address of property owner, address for which the permit is issued and the date of termination.
 - (c) All such permits shall be returned to the Zoning Official on or before the date of termination.
 - (d) Not more than **three (3) permits** shall be issued to any property owner during any calendar year except on approval of the Board of Zoning Appeals.

(D) **Parking for Inspection and Sales – Manufactured Homes.** A manufactured home may be parked for inspection and sale on any lawful automobile or trailer sales lot. **(See Ch. 23 – Manufactured Housing Code)**

40-3-10 TRAVEL TRAILERS. The parking of not more than **one (1)** unoccupied camp trailer and/or utility trailer (not exceeding **eight (8) feet** wide and **thirty-five (35) feet** long) in the rear yard or in a completely enclosed garage only is hereby permitted; provided that no living quarters or businesses shall be maintained in any such camp trailer and/or utility trailer, and provided further that the parking of such camp trailer and/or utility trailer shall comply with the yard requirements for accessory buildings of the district in which it is located.

40-3-11 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 agricultural 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 or agricultural or business district there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, 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.

40-3-12 PUBLIC UTILITY STATIONS; EXCHANGES; ESSENTIAL SERVICES. Electrical substations, gas regulator stations or telephone exchange facilities in any residential or agricultural district shall be subject to the following regulations:

(A) No public office, repair or storage facilities shall be maintained in connection with such substations or exchanges.

(B) The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.

(C) The area on which the facility is located shall be landscaped and maintained in conformance with the general character of the surrounding area.

(D) Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot may be as follows: lot width shall not be less than the total width of the building plus the total of the minimum required side yards; lot depth shall not be less than the depth of the building plus the minimum required front yard plus the **two (2) foot** minimum rear yard.

(E) Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than **fifteen (15) feet** to any side or rear lot line.

(F) If transformers are exposed, there shall be provided an enclosing fence or wall, at least **six (6) feet** in height, and adequate to shield view and noise of the same and to screen from the outside view the handling of materials on the premises.

40-3-13 SCHOOLS, PRIVATE AND PAROCHIAL. In any district where private or parochial schools are permitted, the following additional requirements shall be met:

(A) For each **one hundred (100) students** or fraction thereof, the site shall contain **one and one-quarter (1 ¼) acres** of land.

(B) Each principal building shall be located at least **twenty-five (25) feet** from all property lines.

40-3-14 DRIVE-IN THEATERS. In any district where drive-in theaters are permitted, the establishment of such theaters shall be subject to the following requirements:

(A) Projection screens and parking areas shall not be closer than **fifty (50) feet** from any street right-of-way line and not closer than **one hundred (100) feet** from any residential district boundary.

(B) The projection surface of motion picture screens shall not be visible from any major traffic street.

(C) Loudspeakers shall be limited to the individual type which are designed to be heard by the occupants of one car only.

(D) Entrances and exits shall connect only to major arterial or collector streets and shall be designed so as not unduly to interfere with or unnecessarily impede traffic flow.

(E) Entrance waiting space for cars shall be provided to accommodate not less than **five percent (5%)** of the theater's parking capacity.

40-3-15 NURSING HOMES. In any district where nursing homes are permitted, the following requirements shall be met:

(A) The minimum site for any nursing home shall be **two (2) acres**; provided that for a nursing home containing more than **forty (40) beds**, the minimum site area shall be the greater of: **two (2) acres** or the number of acres determined by the following formula:

$$\frac{(\# \text{ of beds}) \times (\% \text{ of total floor area at ground level})}{2000} = \text{Site Size in Acres}$$

(B) All principal buildings shall be located at least **twenty-five (25) feet** from all lot lines.

(C) The site shall have a least length and/or width dimensions of **two hundred (200) feet**.

40-3-16 NURSERY SCHOOLS. In any district where nursery schools are permitted, the following additional requirements shall be met:

(A) For each child, at least **fifty (50) square feet** of floor space shall be provided in addition to that provided for sleeping purposes.

(B) For each child, at least **one hundred (100) square feet** of outdoor, enclosed (fenced) play area shall be provided.

40-3-17 PLANT NURSERIES AND GREENHOUSES. In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

(A) No fertilizer, compost, manure or other odor or dust producing substance shall be stored within **fifty (50) feet** of any property line.

(B) Greenhouse heating plants shall be in an enclosed building and shall not be less than **fifty (50) feet** from any property line.

(C) Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

40-3-18 HOSPITALS AND SANITARIUMS. In any district where hospitals and sanitariums are permitted, the following additional requirements shall be met.

(A) The minimum site for any hospital or sanitarium shall be **five (5) acres**; provided that for a hospital or sanitarium containing more than **fifty (50) beds**, the minimum site shall be the greater of: **five (5) acres**, or the number of acres determined by the following formula:

$$\frac{(\# \text{ of beds}) \times (\% \text{ of total floor area at ground level})}{500} = \text{Site Size in Acres}$$

(B) All principal buildings shall be located at least **twenty-five (25) feet** from all lot lines.

(C) The site shall have a least length and/or width dimension of **two hundred (200) feet**.

40-3-19 SATELLITE DISHES.

(A) Definitions.

(1) **"Dish-Type Satellite Signal-Receiving Antennas"**, also referred to as "earth stations" or "ground stations" or "Television Receive Only Systems, (TVRO)" shall mean one, or a combination of **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 communication or other signals from satellites in earth orbit and other extraterrestrial sources.

(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.

(2) **"Receiver"** shall mean a television set or radio receiver.

(3) **"Dish"** shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.

(4) **"Grounding Rod"** shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

(B) **Permit Required.** No person, firm, partnership, corporation, trust or other legal entity shall construct an earth station without a permit, nor shall construction commence before a permit is issued in accordance with paragraph (C) below.

(C) **Application for Permit.** The owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within the Village, who desires to construct an earth station on said lot, premises, or land parcel, must first obtain a permit to do so from the Zoning Administrator.

The Zoning Administrator shall issue such permit, provided the applicant submits a written application upon a form or forms provided and approved by the Zoning Administrator, along with a plot plan of the lot, premises, or land parcel attached, showing the exact location and dimensions of the proposed earth station; a description of the kind of earth station proposed; and the exact location and dimensions of all other buildings or structures on the lot, premises, or land parcel. Each application shall specify among other things the owner of the real estate, the applicant, and the person to be permitted to construct the proposed earth station.

The applicant shall present documentation of the possession of any license or permit required by any federal, state or local agency pertaining to the ownership, construction, or operation of an earth station.

The applicant shall submit with each application the sum of **Fifteen Dollars (\$15.00)** which represents the permit fee. The permit fee shall cover the cost of reviewing the construction plans, inspecting the final construction and processing the application.

Upon recommendation of the Zoning Administrator, the Zoning Board of Appeals may authorize the issuance of a permit which substantially complies with the provisions of this Section without the necessity of the formal requisites of issuing a variance from the Zoning Code.

(D) **Location of Earth Station.**

(1) **Ground-Mounted.**

(a) No earth station shall be constructed in any front or side yard unless it is impossible or totally impracticable to construct or place the earth station to the rear of the residence or main structure. Any application to construct an earth station anywhere other than in a rear yard shall specifically note that fact thereon and the reason or reasons why such rear yard construction is not possible. No permit to construct an earth station in anywhere other than a rear yard shall be issued unless the Zoning Administrator makes specific finding that construction in the rear yard is impossible or totally impracticable. All permits shall specify the exact location where the earth station shall be constructed or placed and placement in any front or side yard shall not interfere or obstruct the vision of persons entering or leaving driveways or using the public streets.

(b) No part of any earth station, (other than connecting underground wiring) including its concrete base slab or other substructure, shall be constructed in such a manner that any part thereof will extend to or over a line which is **five (5) feet** from and parallel with the

property line or lines of the lot or tract upon which the earth station is constructed, no matter in what position the earth station may be placed or is capable of being placed or operated. Furthermore, no part of any earth station, including its concrete base slab or other substructure, shall be constructed or placed in such a manner that it cannot be turned, operated, or otherwise placed in such a position so as to be not less than **five (5) feet** from any utility easement or other easement.

- (c) An earth station shall not exceed a grade height of **fifteen (15) feet** unless the earth station is constructed within **three (3) feet** of the principal structure on the lot, in which case the maximum height of the earth station shall not exceed the height of such principal structure.
 - (d) Wiring between an earth station and a receiver shall be placed at least **four (4) inches** beneath the surface of the ground, unless the antenna is constructed within **three (3) feet** of the principal structure on the lot.
 - (e) Such earth station shall be designed to withstand a wind force of **seventy-five (75) miles per hour** without the use of supporting guy wires.
 - (f) Any driving motor shall be limited to 50v maximum power design and be encased in protective guards.
 - (g) An earth station must be bonded to a grounding rod.
 - (h) No earth station shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment building, hospital or any other commercial building or structure except in compliance with subparagraph (2) below.
- (2) **Roof-Mounted.**
- (a) Subject to the conditions herein stated, earth stations may be mounted directly upon the roof of a primary or accessory structure, as defined in the Zoning Code, and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles or spires.
 - (b) A roof-mounted earth station shall not exceed a height of more than **three (3) feet** above the roof upon which it is mounted.
 - (c) A roof-mounted earth station "dish" shall not exceed **three (3) feet** in diameter.

- (d) A roof-mounted earth station shall be designed to withstand a wind force of **eighty-five (85) miles per hour** without the use of supporting guy wires.
- (e) Any driving motor shall be limited to 50v maximum power design and be encased in protective guards.
- (f) A roof-mounted earth station must be bonded to a grounding rod.

(E) **Penalty.** Whoever violates any of the provisions of this Section of the Zoning Code, upon conviction, shall be fined not more than **One Hundred Dollars (\$100.00)**. A separate violation shall be deemed to have been committed each day during or on which a violation occurs or continues to occur.

(F) **Appeals.** Appeals from the decision of the Zoning Administrator shall be made to the Zoning Board of Appeals as provided in this Code. **(Ord. No. 295; 11-25-85)**

ARTICLE IV – GENERAL SUPPLEMENTARY REGULATIONS

40-4-1 USES PERMITTED. When a use or accessory use is not specifically listed in the sections devoted to “Uses Permitted”, it shall be assumed that such uses are expressly prohibited unless by a written decision of the Village Board it is determined that said use is similar to and is compatible with the uses listed and is expressly included as a use permitted in a zoning district. However, no such variation may be made by the Village Board of Trustees without first having a public hearing before the Board of Appeals in the manner prescribed by **Article IX, Section 40-9-4** of this Code.

40-4-2 BULK OF BUILDINGS. All buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located.

40-4-3 MAINTENANCE OF YARDS, COURTS AND OTHER OPEN SPACES. The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other buildings.

40-4-4 DIVISION OF ZONING LOTS. No improved zoning lot shall hereafter be divided into **two (2)** or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable regulations of the zoning district in which the property is located.

40-4-5 ACCESSORY BUILDING. No accessory building shall be used for residential purposes except as otherwise provided in this Code.

40-4-6 LOCATION OF REQUIRED OPEN SPACE. All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group unless otherwise specifically provided for herein.

40-4-7 **REQUIRED YARDS FOR EXISTING BUILDINGS.** No yards now or hereafter provided for a building existing on the effective date of this Code shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this Code for equivalent new construction.

40-4-8 **REDUCTION OF LOT – LIMITATION OF NUMBER OF PRINCIPAL BUILDINGS ON LOT.** No part of an area, frontage, or yard required for any lot, building, or use for the purpose of complying with the provisions of this Code shall be included as an area, frontage or yard for another lot, building or use. Except as otherwise specifically provided in this Code, only one principal building shall be permitted on a lot.

40-4-9 **CORNER LOTS AND THROUGH LOTS.** For any through lot, both frontages shall comply with the front yard requirements of the district in which it is located.

40-4-10 **FRONTAGE REQUIREMENTS.** Any lot in any district shall have minimum frontage abutting a public street the width of which shall be the greater of:

- (A) **thirty (30) feet;** or
- (B) the width of the building located on the lot; or
- (C) the lot width required by the Zoning District in which the lot is located as shown in **Section 40-2-4(E).**

40-4-11 **FLOODING.**

(A) In any area where a Flood Plain District (F-1) indicates a potential flood hazard or where sufficient records are available to determine the area that may be endangered during the **twenty-five (25) year** flood interval, all uses shall be prohibited except for the following uses: agricultural, outdoor recreation, conservation, parks, nature trails, wildlife preserves, and similar uses. **(See Section 40-2-4(D).)** For accessory buildings or structures normally found in conjunction with the above uses, evidence must be presented to prove that they will be protected from the **twenty-five (25) year** flood. These regulations apply except where levees or other structural and/or mechanical safeguards have been constructed to adequately protect the area from the **twenty-five (25) year** flood interval.

(B) These regulations apply in any Flood Plain (F-1) District unless a property owner or potential property owner can present findings of fact, based on the Soil Conservation Service soils classifications, and other appropriate studies, that the soils of the area in question are not soils directly resultant from floodable conditions; or unless the owner presents finding of fact based upon topographic conditions that there is no flood hazard.

(C) **Outlots.** It is the purpose of this Section to allow the use of outlots for setback purposes only in new construction. The use of outlots for setback purposes does not allow any construction of primary or accessory buildings on the outlot at any time. **(Ord. No. 517; 08-25-14)**

40-4-12 GENERAL PERFORMANCE STANDARDS.

(A) Any lot shall be properly graded for drainage and maintained in good condition, free from trash and debris.

(B) Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises, due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

(C) No obnoxious, toxic, corrosive or radioactive matter, smoke, fumes or gases shall be discharged across the boundaries of any lot in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or to cause injury or damage to property or business.

40-4-13 OCCUPANCY OF TEMPORARY STRUCTURES. No temporary structure (including travel trailers or mobile homes) shall be used or occupied for any residential, commercial or industrial use except as specifically permitted or required by this Code. However, the Board of Zoning Appeals may, upon application therefor, permit the use of such temporary structure for such reasonable time and for such use as the Board deems to be compatible with the character of the area in which the structure is located, and in compliance with reasonable consideration of the general health, safety and welfare.

40-4-14 CONTIGUOUS PARCELS. When **two (2)** or more parcels of land, each of which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous, and are held in one ownership, they shall be used as one zoning lot for such use.

40-4-15 MINIMUM YARDS – EXCEPTIONS. Subject to the requirements that there be a minimum distance of **six (6) feet** between any point on a principal building and any point on any principal building on an adjacent lot, the following exceptions shall apply:

(A) Cornices, chimneys, planters, or other similar architectural features may extend **two (2) feet** into a required yard.

(B) Open, unenclosed, uncovered porches at ground level may extend into a required yard not more than **six (6) feet**.

(C) Fire escapes may extend into a required yard not more than **four (4) feet**.

(D) Patios extending into required rear yards may be covered by a roof, but shall not be enclosed by walls.

(E) Canopies, eaves, balconies, roof overhangs or other similar features, not included in the foregoing parts of this Section, may extend into a required yard not more than **four (4) feet**.

(F) **Average Front Yard Exception.** Except as otherwise provided in this Section regarding yards adjoining "arterial" or "collector streets", in all SR and MR Districts, where lots comprising **fifty percent (50%)** or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than **ten (10) feet**, the average front yard of such buildings shall be the minimum required, provided such an average requirement is not less than **twenty (20) feet** or more than **thirty-five (35) feet**.

40-4-16 PUBLIC UTILITY DISTRIBUTION FACILITIES - EXCEPTION. Public utility transmission and distribution facilities may be exempt from minimum rear yard requirements, except as provided for each Zoning District. **(See Section 40-3-13)**

ARTICLE V – VARIANCES AND SPECIAL PERMITS

40-5-1 GENERAL. The Board of Zoning Appeals may, in accordance with the procedure set forth in this Article, grant special permits and variances from the operations of the regulations of this Code for the buildings, structures, and uses specified in this Article, provided, in each case, that:

(A) The special permit or variance is in substantial harmony with the purposes and intent hereof as declared in **Section 40-1-2.**

(B) The special permit of variance substantially complies with the specific requirements therefor as set forth in this Article and for the district in which the use is located.

(C) Satisfactory evidence is presented to the Board that the present or proposed situation of the building, structure development or use is reasonably necessary for the convenience and welfare of the public.

In granting any special permit or variance, the Board may impose (in addition to other requirements) conditions for the reasonable protection of the immediate neighborhood or the Village from adverse effects of the use or building involved. **(See 65 ILCS 5/11-13-3(D) and 11-13-12)**

40-5-2 SITE LOCATION.

(A) The site location of any building, structure, or use permitted by a special permit or variance shall have a compatible relationship to the established street system and shall be such as to impose no greater traffic burden on streets than the streets can reasonable bear.

(B) The site of any building, structure or use permitted by a special permit or variance may be located partly outside the Village limits, provided that applicable requirements of the Village relative to utility permits and extensions and to annexation are complied with, and provided further, as to such part of the site outside the Village limits, that the Washington County Zoning, and/or other requirements are complied with.

40-5-3 HEARING ON APPLICATION.

(A) The Board of Zoning Appeals shall hear the application (or any modified application) in accordance with its usual procedure. The Board may:

- (1) grant the application, with or without conditions;
- (2) deny the application; or
- (3) refer the application back to the applicant for modification.

If application is granted, a copy of the final plan shall be placed on file within the Village, clearly noting all conditions of approval and the date approved for issuance of a permit. If the application is denied, the applicant shall not again apply for a permit for substantially the same proposal unless there has occurred a substantial change of

circumstances, and in such case, only with the Board's consent first obtained, otherwise not earlier than **one (1) year** after date of the denial. If the application is referred back for modification, the applicant may resubmit the application in accordance with the directions of the Board, if any, otherwise in time for the next regular meeting of the Board.

(B) The Board of Zoning Appeals may revoke a permit issued under this Article if:

- (1) the proposal for which a permit has been issued is not carried out pursuant to the approved final site plan; or
- (2) if any condition or requirement included in the permit is not complied with. The Board may, however, allow modifications of the final plan, before completion, in conformity with the applicable provisions for review as provided for in this Article.

(C) A permit issued under this Article shall expire if the proposal authorized by the permit is not completed within the development schedule therefor included in the application, or expiration.

(D) After the final plan has been completed, it shall be a permanent site plan and shall not be modified, nor shall any additions be made thereto, except with the applicable provisions of this Article. **(See 65 ILCS 5/11-13-12)**

40-5-4 PUBLIC BUILDINGS, AND PUBLIC UTILITY BUILDINGS OR STRUCTURE. The Board of Zoning Appeals may permit any building, structure or use of the Village, the County, the Township, Public School District, University, any State or Federal agency or public utility, in either a governmental or proprietary capacity, in any zoning district as the Board deems necessary for the convenience and welfare. Such buildings or use shall be subject to such of the requirements of the district wherein the buildings or use is situated and to such of the other regulations applying to uses permitted in the development as the Board deems necessary to comply with the general provisions of **Sections 40-5-1** and **40-5-2** and to assure compatibility of the development with the character of its locality.

40-5-5 USE VARIANCES AND SPECIAL PERMITS.

(A) **General.** No use variance or special permit under this Article shall be granted by the Board of Zoning Appeals except in accordance with the procedure set forth in this Section.

(B) **Application – Preliminary Site Plan.** Application for a use variance or special permit under this Article shall be made to the Board of Zoning Appeals on a form approved and furnished by the Board. Such application shall include, among other pertinent information, **two (2)** copies of a preliminary site plan of the proposed site, to scale, showing:

- (1) the location, dimensions and character of all present and/or proposed buildings, structures and uses;

- (2) the location of adjacent pedestrian and vehicular traffic circulation;
- (3) the location of off-street parking and off-street loading;
- (4) type of proposed surfacing material for access ways and parking;
- (5) plan for pedestrian and vehicular traffic within the subject area with consideration given to the established street systems serving the subject area, and to emergency vehicle access to each building;
- (6) perspectives of structures or other such drainage necessary to indicate the relative compatibility with immediate neighborhood as well as within the subject area;
- (7) general landscaping and screening plan;
- (8) location of public or private utilities proposed to serve the subject area;
- (9) proposed finished grade of the site; and
- (10) development schedule providing reasonable guarantee for the completion of the proposed development or other construction according to the development schedule.

(C) **Hearing on Application.** The Board of Appeals shall hear the application in accordance with the procedure established in this Code.

(D) **Amendments to a Permanent Site Plan.** The permanent site plan may be amended to include such information or such other particulars so as not to create substantial change in the arrangement and/or operation of the permanent site plan without resubmitting the permanent site plan upon and with the consent of the Board of Appeals.

40-5-6 PLANNED BUILDING DEVELOPMENT - GENERAL.

(A) The Board of Zoning Appeals may grant a special permit in accordance with **Section 40-5-1** and the procedure in **Section 40-5-5** for a planned building development as classified in paragraph (B) of this Section on a tract of land under single ownership or unified control in the zoning district, and subject to the requirements as hereinafter provided for each planned building development.

(B) **Classification and Size.** A planned building development may consist of one of the following:

- (1) planned multi-family residence development, situated on a tract of land of a minimum size of **five (5) acres; (See Section 40-5-7)**
- (2) planned mobile home park, situated on a tract of land of a minimum size of **five (5) acres; (See Section 40-5-8)**
- (3) planned business center, situated on a tract of land of a minimum size of **two (2) acres** in the developed area, otherwise **five (5) acres; (See Section 40-5-9)**

(4) other planned building developments (no minimum size). **(See Section 40-5-10)**

(C) **Subdivision Regulations.** Except as otherwise specifically provided herein, a planned building development shall comply with applicable subdivision regulations. **(See Chapter 34)**

(D) **Unified Arrangements.** Any proposed development under **Sections 40-5-7, 40-5-8, 40-5-9** and **40-5-10** must present a unified arrangement of structures and service facilities having a functional relationship to each other and to the locality in which it is situated.

40-5-7 PLANNED MULTI-FAMILY RESIDENTIAL DEVELOPMENTS.

The Board of Zoning Appeals may permit a planned multi-family residence development consisting of a multi-family dwelling or dwellings, in the MR-1 and CB-1 zoning districts. The entire site for such development shall constitute a single lot and the development shall be subject to such applicable requirements of the district in which it is situated and to such other regulations applying to the uses permitted in the development as the Board deems necessary to comply with the intent and purpose of this Code and to insure compatibility of the development with the character of its locality.

40-5-8 PLANNED MOBILE HOME PARKS. The Board of Zoning Appeals may permit a planned mobile home park in any MR-1 or SR-2 Zoning District, subject to such of the requirements of the mobile home park regulations and to such of the requirements of the District where the mobile home park is situated, as the Board deems necessary to comply with the general provisions of **Sections 40-3-10, 40-5-1** and **40-5-2** and to insure compatibility of the park with the character of its locality.

40-5-9 PLANNED BUSINESS CENTERS. The Board of Zoning Appeals may permit a planned business center in any CB-1, HB-1, or I-1 zoning district. Such center may include such of the uses permitted in any CB-1 zoning district, including combinations of such uses as the Board deems necessary for the public convenience and welfare. Such center shall be subject to applicable requirements of the district in which the center is situated and to such of the other regulations applying to uses permitted in the development as the Board deems necessary to comply with the general provisions of **Section 40-5-1** and **40-5-2** to assure compatibility of the center with the character of its locality.

40-5-10 OTHER PLANNED BUILDING DEVELOPMENTS. The Board of Zoning Appeals may permit a planned building development (other than the planned building development permitted in **Section 40-5-7, 40-5-8, and 40-5-9**), which may consist of **two (2)** or more principal buildings on the same lot, in any CB-1, HB-1, or I-1

districts. Such development may include such combinations of uses as the Board deems necessary for the public convenience and welfare. Such development shall be subject to such of the requirements of the district wherein the development is situated and to such of the other regulations applying to uses permitted in the development as the Board deems necessary to comply with the general provisions of **Sections 40-5-1** and **40-5-2** and to assure compatibility of the development with the character of its locality.

40-5-11 PLANNED MINERAL EXTRACTION DEVELOPMENT. The Zoning Board of Appeals may permit a planned mineral extraction development in any "A-1", "F-1" or "I-1" zoning district. Such development may include any use permitted in such zone district (except residences) including combinations of such uses as the Board deems necessary for the public convenience and welfare. A planned mineral extraction development shall be subject to all of the zoning requirements of the district in which the development is situated and to such of the other regulations applying to uses permitted in the development as the Board of Appeals deems necessary to comply with the general provisions of **Article V** and to assure compatibility of the development with the character of its location. This development shall utilize the application procedures for obtaining a special use permit. Such developments shall comply with the requirements set forth herein:

(A) **Classification and Size.** A planned mineral extraction development shall consist of one of the following:

- (1) Stone quarry situated on a tract of a minimum size of **one hundred sixty (160) acres.**
- (2) Strip mine situated on a tract of a minimum size of **two hundred (200) acres.**
- (3) Shaft mine situated on a tract of a minimum size of **fifty (50) acres.**
- (4) Sand quarry situated on a tract of a minimum size of **thirty (30) acres.**
- (5) Oil and/or natural gas wells with no minimum size.
- (6) Soil mining with no minimum size.
- (7) Clay, shale and gravel pit mining on a tract having a minimum size of **ten (10) acres.**
- (8) Combinations of any mineral extraction development classified in (1) through (7) above, situated on a tract having an acreage at least equal to the largest minimum size required above for any of the individual classifications of extraction development.

(B) **General Requirements.** Any planned mineral extraction development shall be subject to the following additional requirements.

- (1) No extractive operation shall be carried out within **one thousand (1,000) linear feet** of any existing residential structure or subdivision.

- (2) Applicable federal and state requirements shall be met with inspection made as necessary by the County to determine compliance.
- (3) The application shall include **two (2) copies** of a site plan for the proposed site. The site plan shall be at a scale such that **one (1) inch** equals not more than **two hundred (200) feet**, and no sheet of the site plan shall be larger than **three feet by five feet (3' x 5')**. The site plan shall show:
 - (a) Existing topography of the site at **ten (10) foot** contour intervals and spot elevations in places too flat to be adequately defined by contours.
 - (b) Present use of the land and distinctive natural and cultural features including watercourses, forested areas, and historic sites.
 - (c) Ownership of the subject property and the abutting properties at the time of filing for the special permit.
 - (d) A plan for the proposed use of the land indicating the type and location of transportation facilities available and the intended use or loading of these facilities by the mineral extraction operation; the type and location of utilities and power facilities to be used; and such other data as is necessary to explain and define the intended operation.
 - (e) A plan for reshaping and grading of the land which shall show final contours (at an interval of **five (5) feet**) and drainage plan.
 - (f) A development schedule.
- (4) The plan for reshaping and grading of the site shall provide that the land can be readily used for urban and/or agricultural purposes, subject to the following additional requirements.
 - (a) The average grade of the total site shall not exceed **ten percent (10%)** and in no case shall any grade exceed **twenty percent (20%)**. No more than **twenty percent (20%)** of the total site shall exceed a grade of **ten percent (10%)**.
 - (b) The final grading and contouring of the site shall provide for a stable angle of recline so that no undue and/or excessive erosion will occur.
 - (c) Residue materials such as rocks, boulders, or whatever that would prevent operation of farm machinery such as tractors, plows, corn pickers or combines shall not be permitted on more than

twenty percent (20%) of the total site. The portion of the site covered by such residue materials, together with the portion of the site in which the grade exceeds **ten percent (10%)**, shall not exceed **twenty percent (20%)** of the total site.

- (d) That any residue materials that by their chemical nature would prevent the growth of crops, grasses or trees or would pollute the surface water shall be buried at least **three (3) feet**.
- (5) Any sediments, pollutants or water borne wastes added to any surface water as a result of the extractive operation shall be removed by an acceptable engineering process before such water is discharged into any drainageway, stream, lake or other waterway. The water shall be treated to comply with adopted federal, state and/or local water quality standards, whichever are the most restrictive.
- (6) A performance bond equal to the taxable assessed valuation of the property in the planned mineral extraction development shall be posted with the county to insure reshaping of the topography in conformance with the site plan after operation has ceased.
- (7) When the mineral extraction is completed, or has been discontinued for a period of **twelve (12) months** for any part of the development, the plan for grading and reshaping of the land of that section shall be carried out within the next **twelve (12) months**, or in accordance with the development schedule as the case may be.

ARTICLE VI - OFF-STREET PARKING AND LOADING

40-6-1 **PURPOSE.** The purpose of this Article is to alleviate or prevent congestion of the public streets, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

40-6-2 **SCOPE AND REGULATIONS.** The off-street parking and loading provisions of this Code shall apply as follows:

(A) For all buildings and structures erected and all land uses established after the effective date of this Code, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this Code, and provided that construction is begun within **one (1) year** of such effective date and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.

(B) When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units or measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

(C) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this Code, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this Code.

40-6-3 **EXISTING PARKING AND LOADING FACILITIES.** Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this Code or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this Code for a similar new building or use.

40-6-4 **DAMAGE OR DESTRUCTION.** For any conforming building or use which is in existence on the effective date of this Code, which subsequent thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not

be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code for equivalent new uses or construction.

40-6-5 CONTROL OF OFF-STREET PARKING FACILITIES. When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Zoning Board of Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

40-6-6 SIZE AND ACCESS. Each open off-street parking space shall not be less than **ten (10) feet** wide and **twenty (20) feet** long. Each covered off-street parking space shall not be less than **ten (10) feet** wide and **twenty (20) feet** long, interior dimensions.

(A) Access to off-street parking areas in all residential "R" zones shall be a minimum of **ten (10) feet** wide except as follows:

- (1) If a driveway is longer than **one hundred (100) feet** or serves more than the required parking for **four (4) dwelling units**, the minimum width shall be **twenty (20) feet**.
- (2) **Two (2) driveways** each **ten (10) feet** wide may be provided in lieu of **one (1) twenty (20) foot** driveway, provided that a minimum distance of **twenty-two (22) feet** be maintained between the driveways at the top of the slope of driveway aprons.

(B) Access to off-street parking areas in all commercial and industrial zones shall be a minimum width of **twenty (20) feet** or **two (2) driveways** each **twelve (12) feet** wide.

40-6-7 INGRESS AND EGRESS. All parking areas in any multiple family, business, industrial or similar use shall be designed or arranged so that no vehicle can have direct access to or egress from any off-street parking space from a public right-of-way. In any instance stated in this Section, ingress to and egress from a parking space shall be from an aisle, driveway, or similar arrangement, by forward motion of the vehicle.

40-6-8 **USE OF PARKING FACILITIES.** Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this Section shall be used solely for the parking of residentially-related vehicles. The use of off-street residential parking facilities for the parking of commercial vehicles not owned or operated by the occupants of the dwellings may be permitted only if a special-use permit is obtained.

40-6-9 **JOINT PARKING FACILITIES.** Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

40-6-10 **COMPUTATION.** When determination of the number of off-street parking spaces required by this Code results in a requirement of a fractional space, any fraction of **one-half (1/2)** or less may be disregarded, while a fraction in excess of **one-half (1/2)** shall be counted as **one (1)** parking space.

40-6-11 **IN YARDS.** Off-street parking spaces may be located in any yards except required front yards.

40-6-12 **DESIGN AND MAINTENANCE.**

(A) **Open and Enclosed Parking Spaces.** Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a Residence District elsewhere than on the same lot occupied by the use served may be open to the sky or enclosed in a building.

(B) **Surfacing.** All open off-street parking areas, except any parking space accessory to a one-family dwelling, shall be improved with a compacted macadam base, not less than **four (4) inches** thick, surfaced with asphaltic concrete, or some comparable all-weather dustless material, with comparable construction.

(C) **Screening and Landscaping.** All open automobile parking areas containing more than **four (4) parking spaces** shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence, or densely planted compact hedge not less than **five (5) feet** in height. Such required screening shall conform with the front and side yard setback requirements of the district in which the parking is located.

(D) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.

(E) **Signs.** Accessory signs are permitted on parking areas subject to Sections 40-3-6 and 40-2-4(E).

(F) **Repair and Service.** No motor vehicle repair work deemed to be a nuisance shall be permitted in conjunction with accessory off-street parking facilities provided in a Residence District.

(G) The sale of gasoline and motor oil in conjunction with accessory off-street parking areas shall be located with respect to residential properties in such a way as not to create a nuisance.

40-6-13 LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES. The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

(A) **For Uses in Residence Districts.** Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or across a street or alley which abuts the lot occupied by the use served, but in no case at a distance in excess of **three hundred (300) feet** from such use.

(B) **For Uses in Business and Manufacturing Districts.** All required parking spaces shall be within **one thousand (1,000) feet** of the use served, except that spaces accessory to dwelling units (other than those located in a transient hotel) shall be within **three hundred (300) feet** of the use served. However, no parking spaces accessory to a use in a Business or Manufacturing District shall be located in a Residence District, except that private, free, off-street parking accessory to such uses, and municipal parking lots, may be allowed by special use permit in accordance with the provisions of **Article V** within **two hundred (200) feet** of and adjacent to any Business or Industrial District.

40-6-14 SCHEDULE OF PARKING REQUIREMENTS. For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

(A) **Residential Uses.**

No. of Parking Spaces

Apartment Hotels

Two (2) for each dwelling unit

Lodging Houses

One (1) for each dwelling unit or lodging room; **one (1)** for the owner or manager

No. of Parking Spaces

Manufactured Home Park or Court	Two (2) parking spaces for each manufactured home
Motels and Motor Hotels	One (1) for each dwelling unit or lodging room
Multiple-Family Dwelling	Two (2) for each dwelling unit
One-Family Dwelling	Two (2) for each dwelling unit
Private Clubs, Lodges and Dormitories with Sleeping Facilities for Guests	One (1) for each lodging room; in dormitories, each one hundred (100) square feet shall be considered equivalent to a lodging room
Two-Family Dwelling	Two (2) for each dwelling unit
(B) <u>Retail and Services Uses.</u>	
Automobile Car Wash	Five (5) stacking spaces shall be provided for each wash rack, plus one (1) parking space for each one and one-half (1 ½) employees
Automobile Service Stations	One (1) parking space for each one and one-half (1 ½) employees
Bowling Alleys	Four (4) parking spaces shall be provided for each alley, plus such additional spaces may be required herein for affiliated uses – bars, restaurants, and the like
Self-Service Laundries	One (1) parking space for every two (2) washing machines
Drive-In Restaurants	Minimum of ten (10) spaces

No. of Parking Spaces

Establishments Dispensing Food or
Beverages for Consumption on the Premises

One (1) parking space shall be provided for each **five (5) seats**, or for each **fifty (50) square feet** of floor area used for assembly or seating purposes, whichever gives the greater number of spaces

Furniture and Appliance Stores, Household
Equipment or Furniture Repair Stores

One (1) parking space shall be provided for each **six hundred (600) square feet** of floor area

Motor Vehicle Sales and Machinery Sales

One (1) parking space shall be provided for each **three hundred (300) square feet** of floor area

Municipal or Privately-Owned Recreation
Building or Community Centers

One (1) parking space shall be provided for each **one and one-half (1 ½) employees**, plus spaces adequate in number — as determined by the Zoning Board of Appeals — to serve the visiting public

Retail Stores and Banks

One (1) parking space shall be provided for each **two hundred (200) square feet** of floor area; drive-in banks or other similar drive-in establishments shall provide **four (4) stacking spaces** per teller or customer service window

Theaters (Indoor)

One (1) parking space shall be provided for each **five (5) seats**

No. of Parking Spaces

Theaters (Drive-In)

At least **ten (10) stacking spaces** or at least **eight (8)** for each entrance at the ticket booths

Undertaking Establishments,
Funeral Parlors

Six (6) parking spaces shall be provided for each chapel or parlor, plus **one (1) parking space** for each funeral vehicle kept on the premises

(C) **Office Uses.**

Business, Professional and Governmental
Offices

One (1) parking space shall be provided for each **three hundred (300) square feet** of floor area

(D) **Industrial Uses.**

Industrial Uses of All Types, Except
Warehousing and Transportation Terminals,
Less than 250,000 sq. ft. of Gross Area

Employee Parking

One (1) parking space per **one and one-half (1 1/2) employees** on maximum shift or not less than **one (1) parking space** for each **five hundred (500) square feet** of gross floor area; when more than one shift is employed, parking for both shifts shall be provided, unless sufficient time is allowed between shifts to provide for the maximum use of the required parking

Visitor Parking

One (1) parking space for each **twenty-five (25) employees** on main shift, with a minimum of **two (2) parking spaces** and a maximum of **twenty (20)** required visitor spaces

No. of Parking Spaces

Company vehicles

One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking space for trucks shall be approved by the Zoning Board of Appeals

Industrial Use of All Types, Except Warehousing and Transportation Terminals, More than 250,000 sq. ft. of Gross Floor Area

Employee Parking

One (1) parking space per one and one-half (1 ½) employees on maximum shift or not less than **one (1) parking space** for each **five hundred (500) square feet** of gross floor area; for the first 250,000 square feet; then **one (1) parking space** for each **one thousand (1,000) square feet** of floor area; except where a reduction in the required parking is approved by the Zoning Board of Appeals

Visitor Parking

One (1) parking space for each **twenty-five (25) employees** on main shift, with a minimum of **two (2) parking spaces** and a maximum of **twenty (20)** required visitor spaces

Company vehicles

One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking spaces shall be approved by the Zoning Board of Appeals

No. of Parking Spaces

Warehousing

Employee Parking

One (1) parking space for each **one thousand (1,000) square feet** of gross floor area or **one (1) parking space** for each **one and one-half (1 ½) employees**, whichever is greater; whenever all or any portion of a warehouse area, facility or building, is proposed to be converted, remodeled, or changed to a non-warehouse use, the number of parking spaces required by this Section for the intended use shall be secured and provided for prior to conversion of use or remodeling of the warehouse facility or building

Company vehicles

One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking space for trucks shall be approved by the Zoning Board of Appeals

Transportation or Trucking Yard Terminals

Employee Parking

One (1) parking space for each **one thousand (1,000) square feet** of warehousing, shop area, or loading area and **one (1) parking space** for each driver of a company vehicle which is dispatched from said terminal

Company vehicles

One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking space for trucks shall be approved by the Zoning Board of Appeals

40-6-15 **MIXED USES.** When **two (2)** or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than **one (1)** use unless otherwise authorized by the Zoning Board of Appeals.

40-6-16 **OTHER USES – PARKING.** For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator.

40-6-17 **ADDITIONAL REGULATIONS – OFF-STREET LOADING.**

(A) **Location.** All permitted or required loading berths shall be located on the same zoning lot as the use served and shall not be located within **twenty-five (25) feet** of the intersection of any **two (2) streets**. Loading berths for vehicles over **two (2) ton** capacity shall not be closer than **fifty (50) feet** to any property in a Residence District unless completely enclosed by building walls, or a solid fence or wall less than **six (6) feet** in height.

(B) **Size.** Unless otherwise specified, a required loading berth shall be at least **ten (10) feet** in width by at least **twenty-five (25) feet** in length exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least **fourteen (14) feet**.

(C) **Access.** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street, or alley, in a manner which will least interfere with traffic movements.

(D) **Surfacing.** All open off-street loading berths shall be improved with a compacted macadam base, not less than **seven (7) inches** thick, surfaced with not less than **two (2) inches** of asphaltic concrete or some comparable all-weather dustless material.

(E) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence or Business District.

(F) **Not For Parking.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any of-street parking facilities or portions thereof.

(G) **Special Use.** For special uses other than prescribed for hereinafter, loading berths, adequate in number and size to serve such use – as determined by the Zoning Board of Appeals shall be provided.

(H) **Below Minimum Floor Area.** Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum for which such facilities are required shall be provided with adequate receiving facilities.

40-6-18 **SCHEDULE OF LOADING REQUIREMENTS.** For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area of building or portions thereof devoted to such uses in the amounts shown herein.

<u>Total Sq. Ft. of Gross Floor Area Per Building</u>	<u>Loading Spaces Required</u>
Commercial and Industrial Buildings	
3,000 to 20,000	1
20,000 to 50,000	2
50,000 and over	3
Hospitals, Institutions, and Office Buildings	
10,000 to 50,000	1
50,000 and over	2

40-6-19 **OTHER USES – LOADING.** For uses not listed herein, loading berths adequate in number and size to serve such uses – as determined by the Zoning Board of Appeals – shall be provided.

ARTICLE VII – NONCONFORMING USES

40-7-1 CONTINUATION.

(A) Any lawful building, structure, or use existing at the time of the enactment of this Code may be continued, even though such building, structure, or use does not conform to the provisions of this Code for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued (subject to the provisions of **Article VII**).

(B) Any legal nonconforming building or structure may be continued in use provided there is no physical change other than normal maintenance and repairs, except as otherwise permitted herein.

(C) Any building for which a permit has been lawfully granted prior to the effective date of this Code, or of amendments hereto, may be completed in accordance with the approved plans, provided construction is started within **ninety (90) days** and diligently prosecuted to completion. Such buildings shall be thereafter deemed to be a lawfully established building.

40-7-2 CHANGE OR EXTENSION OF NONCONFORMING USE.

(A) A nonconforming use shall not be extended, but the extension of a conforming use to any portion of a nonconforming building shall not be deemed the extension of such nonconforming use.

(B) A nonconforming use shall not be changed to a use of the same or greater nonconformity with the district regulations of the district in which it is located, and when so changed to a use of a greater conformity shall not thereafter be changed to a use of lesser conformity; however, in the Industrial Districts, a nonconforming use shall not be changed to any nonconforming residential use.

(C) A nonconforming use shall not be altered, extended or restored so as to displace any conforming use.

40-7-3 ABANDONMENT OR DISCONTINUANCE.

(A) Any nonconforming use of a building or premises which has been abandoned shall not thereafter be resumed and any future use on the premises shall be in conformity with the provisions of this Code.

(B) When any nonconforming use has been discontinued for a period of **six (6) consecutive months**, regardless of any intent to resume operations, such use shall not thereafter be resumed and any future use of the premises shall be in conformance with the provisions of this Code.

40-7-4 REPAIRS, MAINTENANCE AND ALTERATION.

(A) Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted.

(B) No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

- (1) When the alteration is required by law.
- (2) When the alteration will actually result in elimination of the nonconforming use.
- (3) When a building in a residence district containing residential nonconforming uses may be altered in a way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

40-7-5 RESTORATION. If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of **fifty percent (50%)** or more of its value at the time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than **fifty percent (50%)** of its value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. In any event, restoration or repair of the building or other structure must be started within a period of **six (6) months** from the date of damage or destruction and diligently prosecuted to completion.

ARTICLE VIII - BOARD OF ZONING APPEALS

40-8-1 **CREATION.** The "Board" when used in this Section shall be construed to mean Board of Zoning Appeals. The Board shall consist of **seven (7) members** appointed by the Mayor by and with the consent of the Village Board of Trustees. The terms of office shall be **five (5) years**. The Chairman of the Board shall be elected by a majority vote of the membership of the Board and shall hold his office as Chairman for a **one (1) year** term or until his successor is elected by a majority vote of the membership. **(See 65 ILCS 5/11-13-3)**

40-8-2 **MEETINGS.** Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman or any **two (2) members**, or at such times as the Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or in absence or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, special permit or planned building development and the reason for granting or denying such application shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement and interpretation, decision or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Code or with Illinois Statutes.

40-8-3 **APPEALS.** An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by any officer, department, board, or bureau affected by a decision of the building and zoning official to this Code. Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the building and zoning official and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building and zoning official shall thereupon transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of action appealed from, unless the building and zoning official certifies to the Board of Zoning Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, the stay would, in his opinion, cause eminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a Court of Record on application, or notice to the building and zoning official and on due cause shown. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in

person or by duly authorized agent or attorney. The Board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper to the premises. **(See 65 ILCS 5/11-13-12)**

40-8-4 POWER AND DUTIES. The Board of Zoning Appeals shall have all the powers and duties prescribed by law and by this Code, including the following:

(A) **Interpretation.** Upon an appeal from a decision by any administrative official, to decide any question involving the interpretation of any provision or term of this Code, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto;

(B) **Variances.** To vary or adapt the strict application of any of the requirements of this Code in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any variance, the Board shall prescribe any conditions that it deems to be necessary or desirable for the public interest, convenience or welfare. However, any "use variance" shall be subject to the applicable provisions of **Section 40-5-5** of this Code, and no other variance in the application of any provisions of this Code shall be granted by the Board unless it finds:

- (1) That there are special circumstances or conditions fully described in the findings, applying to the land or buildings for which the variances are sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Code would deprive the applicant of a reasonable use of such land or building;
- (2) that, for reasons fully set forth in the findings, the granting of the variances necessary for the reasonable use of land or buildings, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;
- (3) that the granting of this variance will be in harmony with the general purpose and intent of this Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the neighborhood which would appropriately be

the proper jurisdiction of the Village Board of Trustees for consideration of rezoning of the area rather than a variance which would affect only a small segment of the area.

(C) **Permits for Variances and Special Permits.** To issue or authorize permits for any of the uses or matter for which this Code allows or requires the obtaining of a variance or special permit from the Board of Zoning Appeals. **(Variance standards are covered in 65 ILCS 5/11-13-4)**

40-8-5 **PROCEDURE.**

(A) The Board of Zoning Appeals shall act in accordance with the procedure specified by law and by this Code. **Four (4) members** shall constitute a quorum, and, except as otherwise provided by this Code, an affirmative vote of at least **four (4) members** shall be necessary to authorize any action of the Board. All appeals and applications to the Board shall be in writing. Every appeal or application shall refer to the specific provision of the Code involved, and shall exactly set forth the interpretation that is claimed, the use for which the variance or special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

(B) The Village may appear by any designated official of the Village Board of Trustees, and be heard as a party in interest in any hearing before the Board, and the Village may appeal any decision of the Board to a court of competent jurisdiction.

(C) **Notice and Hearing.** No action of the Board of Zoning Appeals shall be taken on any case until after notice has been given that public hearing has been held as follows:

- (1) A notice of the time and date of said hearing and a brief summary of explanation of the subject matter of the hearing shall be published in the newspaper of general circulation within the Village within at least **fifteen (15) days** prior to the hearing date. **(See 65 ILCS 5/11-13-7)**
- (2) Said notice in the foregoing paragraph (1) shall be sent by first class mail at least **ten (10) days** prior to the hearing, to the applicant and owners of property in question in cases where a use variance or special permit is applied for. In any other case, such notice shall be sent by first class mail at least **ten (10) days** prior to the hearing date merely to the applicant and owners of property abutting the property in question.

(D) **Expiration of Permit.** Permit shall expire at such time as may be fixed by the Board, otherwise, **six (6) months** after the date of the permit.

(E) **Costs.** For individual applicants for rezoning of lands or for any other proposed change, a fee of **One Hundred Dollars (\$100.00)**, which shall include the cost of one newspaper publication of notice, shall be charged. If more than one publication is required or deemed necessary for any reason, such additional charge shall be paid by the applicant prior to the hearing. Under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Village Board of Trustees. **(Ord. No. 403; 12-30-02)**

ED. NOTE: **The Soil and Water Conservation Service should be consulted regarding certain variances and special use permits pursuant to 70 ILCS 405/22.02(A).**

ARTICLE IX - AMENDMENTS

40-9-1 **GENERAL.** The Village Board of Trustees may, from time to time, on its own motion, on petition of any persons or persons in interest, or on initial recommendation of the Zoning Board of Appeals, amend, supplement, or repeal the regulations and provisions of this Code. **(See 65 ILCS 5/11-13-14)**

40-9-2 **APPLICATION FOR AMENDMENT.** An application for an amendment shall be filed with the Zoning Official, in such form and accompanied by such information as required by the Zoning Official and by the Board of Appeals.

40-9-3 **THE BOARD OF ZONING APPEALS ADVISORY REPORT.** Any such proposed amendment or change, when initiated by the Village Board of Trustees or by individual petition, shall be referred to the Board of Zoning Appeals and the Soil and Water Conservation District for an advisory report thereon. When a proposed amendment or change is initiated by the Board of Zoning Appeals, both said advisory reports shall accompany the initial recommendation of the Board of Zoning Appeals.

40-9-4 **PROCEDURE BEFORE BOARD OF ZONING APPEALS.**

(A) **Public Hearing – Notice.** Before giving an advisory report or an initial recommendation on any proposed amendment, the Board of Zoning Appeals shall first conduct a public hearing thereon, the date and place of which shall be fixed in advance by the Board of Zoning Appeals at any regular or special meeting. Notice of the time and date of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by publishing one notice thereof in a newspaper of general circulation in the Village, such publication to be made at least **fifteen (15) days** prior to the public hearing. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Board of Appeals shall, by rule, prescribe from time to time. Within **ten (10) days** following the hearing, the Board of Appeals shall file a report of the hearing and its advisory report with the Village Board of Trustees. **(See 65 ILCS 5/11-13-7)**

40-9-5 **PROCEDURE OF SOIL AND WATER CONSERVATION DISTRICT.** The Soil and Water Conservation District shall issue a written opinion concerning the proposed amendment within **thirty (30) days** from the time of receipt to the Board of Appeals. If no opinion is received within **thirty (30) days**, the amendment shall be considered recommended by the Soil and Water Conservation District.

40-9-6 **PROCEDURE BEFORE VILLAGE BOARD OF TRUSTEES.** After receiving the advisory report from the Board of Zoning Appeals and the Soil and Water Conservation District and before action on any proposed amendment, the Village Board of Trustees shall hold a public hearing on the proposed amendment at the next regular meeting of the Village Board, unless the Village Board shall otherwise specifically order that such hearing by it be held at a subsequent regular or special meeting. Notice of the time and place of the public hearing before the Village Board shall be made at least **fifteen (15) days** prior to the hearing in a newspaper of general circulation in the Village.

40-9-7 **WRITTEN PROTEST.** In case of a written protest against any proposed amendments of the regulations or districts, signed and acknowledged by the owner 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, if filed with the Village Clerk, the amendment shall not be passed except by a favorable vote of at least **two-thirds (2/3)** of the Village Board of Trustees then holding office.

40-9-8 **COSTS.** For individual applications for rezoning of lands or for other proposed change, a fee of **One Hundred Dollars (\$100.00)**, which shall include the cost of one newspaper publication of notice, shall be charged. If more than one publication is required or deemed necessary for any reason, such additional charge shall be paid by the applicant prior to the hearing. Under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Village Board of Trustees. **(Ord. No. 403; 12-30-02)**

ARTICLE X – ENFORCEMENT AND ADMINISTRATION

40-10-1 ENFORCEMENT.

(A) **Enforcement by Building and Zoning Administrator.** Except as otherwise provided in this Code, the Zoning Administrator of the Village shall administer and enforce this Code including the receiving of applications, the inspection of premises and the issuing of permits and certificates of occupancy. No permit or certificate of occupancy shall be issued by the Zoning Administrator except where the provisions of this Code have been complied with.

(B) **Right of Entry.** The Zoning Administrator or any duly authorized person, shall have the right to enter upon any premises at any reasonable time prior to and upon completion of the building or other improvements, for the purpose of making inspections to carry out his duties in the enforcement of this Code.

(C) **Stop Order.** Whenever any building work is being done, or uses established, altered or otherwise changed in a manner contrary to the provisions of this Code, the Zoning Administrator or other authorized person, may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Zoning Administrator to proceed.

(D) **Prosecution.** Whenever a violation of this Code occurs, any person, including the Zoning Administrator or any other duly authorized Village official or personnel in addition to and not by way of limitation of other remedies available, may file a complaint therefor in the court of appropriate jurisdiction. The Zoning Administrator or his deputy or assistant may also issue and/or serve a summons, citation, or other process issued by the court of appropriate jurisdiction for any such violation and may prosecute the violator therefor in said court.

(E) **Permits.** There shall be submitted with all applications for building or zoning permits, **two (2) copies** of a layout or site plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Code.

(F) **Approval.** **One (1) copy** of such layout or site plan shall be returned to the applicant when approved by the Zoning Administrator, together with such permit.

40-10-2 SCHEDULE OF FEES. Fees for new homes, additions, and accessory buildings shall be based on square footage. Total square footage shall include total living area, attached garage or carport, covered or enclosed porches, decks and patios, but shall not include unfinished basements. Applicant shall provide detailed prints/drawings of building site to verify. Any fee once paid shall not be refunded. Fee schedule shall be as follows:

ZONING CODE 40-10-2

(A)	<u>Building Permit Fees.</u>	
(1)	Residential Building or Structure	
	Up to 2500 sq. ft.	\$200.00
	Over 2500 sq. ft.	\$0.08 sq. ft.
(2)	Accessory Buildings & Additions	
	Under 300 sq. ft.*	\$50.00
	Over 300 sq. ft.	\$100.00
(3)	Decks and patios	\$50.00
(4)	Fences	\$25.00
(5)	In-ground pools	\$50.00
	Above-ground pools	\$25.00
(6)	Commercial/industrial application	
	Up to 5000 sq. ft.	\$250.00
	Over 5000 sq. ft.	\$0.10 sq. ft.

A fee of **fifty percent (50%)** of the required fee will be charged for work started without a permit.

*All buildings under **three hundred (300) square feet** must be on concrete foundation, with footings, but will not require an inspection. In addition, decks, patios, fences and above ground pools will not require an inspection. All other buildings or additions and in-ground pools will require inspection(s).

A flat fee of **Five Hundred Dollars (\$500.00)** will cover all inspections required for new home construction; all other construction inspection fees will be on an individual basis for each inspection required. Any re-inspections required will be charged at **fifty percent (50%)** of the original fee.

All water/sewer tap fees, building permit fees and initial inspection fees shall be paid at the time application is submitted. Any additional re-inspection fees shall be charged to the property owner and must be paid before services are provided.

(B)	<u>Electrical Permit Fees.</u>	
(1)	Temporary Service	\$50.00
(2)	Residential Upgrade of Service	\$50.00
(3)	Residential 200 amp or under	\$75.00
(4)	Residential over 200 amp	\$100.00
(5)	Multi-Family (per living unit)	\$75.00
(6)	Accessory (residential)	\$50.00
(7)	Commercial 200 amp or under	\$100.00
(8)	Commercial up to 400 amp	\$125.00
(9)	Commercial up to 600 amp	\$175.00
(10)	Commercial over 600 amp	\$250.00

(C)	<u>Plumbing Permit Fees.</u>	
(1)	Residential	\$75.00
(2)	Multi-Family (per living unit)	\$75.00
(3)	Accessory (residential)	\$50.00
(4)	Commercial/Industrial*	\$150.00

*Plus \$5.00 per fixture to include lavatories, sinks, water heaters, water closets, showers, bathtubs, urinals, dishwasher, gas furnace, gas stoves, air compressors, floor drains, and car wash equipment.

Applicants shall receive one re-inspection at a rate of **fifty percent (50%)** of the original permit fee. The fee for any subsequent inspections shall be equal to the original permit fee. **Fifty percent (50%) penalty** for failure to obtain permit.

(D)	<u>Swimming Pool Fees.</u>	
(1)	Above-ground	\$25.00
(2)	In-ground	\$50.00
(E)	<u>Signs.</u>	
(1)	Identification and up to 16 sq ft	\$25.00
(2)	Subdivision or construction between 16 sq ft and 50 sq ft	\$50.00
(3)	Over 50 sq ft and commercial	\$100.00

ZONING CODE 40-10-2

A fee of **fifty percent (50%)** of the required fee will be charged for pools and/or signs installed without a permit.

(F)	<u>Miscellaneous Petition and Review Fees.</u>	
(1)	Area/Bulk Variance	\$100.00
(2)	Special-Use Permit	\$100.00
(3)	Zoning Decision Appeal	\$100.00
(4)	Zoning Amendment	\$100.00
(5)	Occupancy Permit	
	Mobile Home	\$100.00
	Single Family Homes	\$100.00
	Apartments over 1000 sq ft	\$75.00
	Apartments under 1000 sq ft	\$50.00

An initial occupancy inspection shall be required with each change of occupancy, unless property was inspected within last **twelve (12) months**. Landlords **must** notify Village Hall with names of tenants each time occupancy changes. Failure to do so shall result in a **Fifty Dollar (\$50.00)** fine for first offense and **One Hundred Dollars (\$100.00)** thereafter, and may also result in termination of water and sewer services. Re-inspections, if needed, shall be at the rate of **Fifty Dollars (\$50.00)** each. Occupancy will not be permitted until Inspector has passed the property for occupancy. Occupancy without an inspection and/or a permit will be subject to a fine in the amount of **Fifty Dollars (\$50.00)** for the first offense and **One Hundred Dollars (\$100.00)** thereafter. Inspector may grant additional time to complete certain requirements. Any work not completed by re-inspection deadline will be subject to a fine in the amount of **Fifty Dollars (\$50.00)** for the first offense and **One Hundred Dollars (\$100.00)** thereafter. **(Ord. No. 475; 06-27-11)**

40-10-3 TERM LIMIT ON PERMIT. All building must begin within **six (6) months** of permit issuance, and be completed within **one (1) year** from date of issuance. Any continued construction shall require an additional permit and fee. An additional **one (1) year** extension shall be issued at **fifty percent (50%)** of the original permit. **(Ord. No. 403; 12-30-02)**

40-10-4 ZONING ADMINISTRATOR. The Zoning Administrator, sometimes also referred to herein as the Zoning Official or Zoning Inspector, shall be appointed by the Mayor with the advice and consent of the Village Board of Trustees. In the event of the temporary absence of the Zoning Administrator from the Village, the Chairman of the Zoning Board of Appeals shall act as the Zoning Administrator.

If the Office of Zoning Administrator becomes vacant, then the Mayor with the advice and consent of the Village Board of Trustees may appoint the Chairman of the Plan Commission and Zoning Board of Appeals to act as the temporary Zoning Administrator until a permanent Zoning Administrator is appointed. The temporary Zoning Administrator shall receive the compensation and shall have all the powers, duties and obligations of the Zoning Administrator during such temporary appointment. A new Zoning Administrator shall be appointed to fill the vacancy within **forty-five (45) days** after such vacancy first exists. **(Ord. No. 296; 11-25-85)**

ARTICLE XI - MISCELLANEOUS

40-11-1 PENALTIES. A violation by any person, corporation or otherwise, whether as principal, agent, employee, or otherwise, of any provisions of this Code shall be a misdemeanor and will be subject to a fine up to **Three Hundred Dollars (\$300.00)** or imprisonment of a period not to exceed **ninety (90) days**, or both. Each day of the continued violation shall constitute a separate additional violation. If more than one provision is violated, each provision violated shall be considered a separate misdemeanor, and each shall be liable to maximum penalties as herein specified. Nothing herein shall limit any other right or remedy of the Village or other person in interest, including the right to obtain an injunction of any violation from a court of competent jurisdiction.

40-11-2 SEPARABILITY. If any part or provision of this Code, or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation and direction to the part, provision, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the integrity or validity of the remainder of this Code or the application thereof to other persons, property or circumstances. The Village Board of Trustees hereby declares that it would have enacted the remainder of this Code even without any such part, provision, section or application.

40-11-3 CONFLICT WITH OTHER ORDINANCES. This Code shall supercede such other Codes or parts of other Ordinances of the Village in conflict with the provisions of this Code provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any Ordinances superceded hereby.

ZONING CODE

Access Way,

- loading space, 40-68
- parking design, 40-68
- service station, 40-38

Accessory Use,

- defined, 40-3

Amendments,

- application, 40-91
- board of zoning appeals advisory report, 40-91
- costs, 40-92
- general, 40-91
- procedure before board of zoning appeals, 40-91
- procedure before village board of trustees, 40-92
- procedure of soil and water conservation district, 40-91
- written protest, 40-92

Annexed territory,

- zoning district classification, 40-23

Balconies,

- intrusion into yards, 1028

Board of Zoning Appeals,

- appeals, 40-85
- creation, 40-85
- meetings, 40-85
- powers and duties, 40-86
- procedure, 40-87

Certificate of Occupancy,

- defined, 40-5

Churches, 40-38

Conformity with regulations, 40-2

Convenience stores, 40-38

Declaration of purpose, 40-1

Definitions,

- selected, 40-2 - 40-19

District regulations,

- establishment, 40-25
- expansion, 40-28
- general, 40-25
- interpretation, 40-25

District regulations, (Continued)

schedules, 40-27, 40-28, end of code
zoning district map, (at end of code)

Drive-in theaters, 40-42

Duties,

plan commission, Ch. 4

Dwelling unit,

defined, 40-6

Enforcement and administration,

enforcement, 40-95
schedule of fees, 40-95
term limit on permit, 40-97
zoning administrator, 40-97

Fences,

generally, 40-33

Figures and sketches, 40-20

Floor Area,

defined, 40-8

Front yard,

defined, 40-19

Garages, repair, 40-38

General supplementary regulations,

accessory building, 40-51
bulk of buildings, 40-51
contiguous parcels, 40-53
corner lots, 40-52
division of zoning lots, 40-51
flooding, 40-52
frontage requirements, 40-52
general performance standards, 40-53
limitation of number of principal buildings on lot, 40-52
location of required open space, 40-51
maintenance of yards, 40-51
minimum yards - exceptions, 40-53
occupancy of temporary structures, 40-53
public utility distribution facilities - exception, 40-54
reduction of lot, 40-52
required yards for existing buildings, 40-52
through lots, 40-52
uses permitted, 40-51

Greenhouses, 40-43

Hedges, 40-33

Home occupations,

defined, 40-9

generally, 40-33

Hospitals, 40-43

Junk yards,

defined, 40-9

Jurisdiction,

zoning district map (at end of code)

Lighting controls, 40-34

Loading space,

defined, 40-8

Lot line,

defined, 40-10

Manufactured home,

defined, 40-11

generally, 40-38, (See Ch. 23)

Manufactured home park,

defined, 40-12

generally, (See Ch. 23)

Miscellaneous,

conflict with other ordinances, 40-101

penalties, 40-101

separability, 40-101

Modular homes,

defined, 40-12

Nonconforming uses,

abandonment, 40-81

change or extension, 40-81

continuation, 40-81

discontinuance, 40-81

repairs, maintenance or alteration, 40-81

restoration, 40-82

Nursery schools, 40-43

Nursing home,

generally, 40-43

Off-street parking and loading,

additional regulations - off-street loading, 40-76

computation, 40-69

Off-street parking and loading, (Continued)

- control of off-street parking facilities, 40-68
- damage or destruction, 40-67
- design and maintenance, 40-69
- existing parking and loading facilities, 40-67
- in yards, 40-69
- ingress and egress, 40-68
- joint parking facilities, 40-69
- location of accessory off-street parking facilities, 40-70
- mixed uses, 40-76
- other uses - loading, 40-77
- other uses - parking, 40-76
- purpose, 40-67
- schedule of loading requirements, 40-77
- schedule of parking requirements, 40-70
- scope and regulations, 40-67
- size and access, 40-68
- use of parking facilities, 40-69

Planned developments,

- defined, 40-14

Plant nurseries, 40-43

Public buildings, 40-41

Purpose,

- of zoning code, 40-1

Rear yard,

- defined, 40-19

Sanitariums, 40-43

Satellite dishes, 40-44

Schools, 40-42

Scope of zoning code, 40-2

Service stations, 40-38

Setbacks, Schedule,

- defined, 40-17

Side yards,

- defined, 40-19

Sign regulations, 40-35 - 40-37

Special use,

- defined, 40-18

Streets,

- defined, 40-18

Structure,

defined, 40-19

Substations,

utility, 40-42

Swimming pools, 40-34

Title, 40-1

Travel trailers, 40-41

Utility,

substations, 40-42

Variances and special permits,

general, 40-57

hearing on application, 40-57

other planned building development, 40-60

planned building development, 40-59

planned business centers, 40-60

planned mineral extraction, 40-61

planned mobile home parks, 40-60

planned multi-family, 40-60

public buildings, 40-58

site location, 40-57

use variances and special permits, 40-58

Walls, 40-33

Yard,

defined, 40-19

front, 40-19

rear, 40-19

side, 40-19

Zoning Administrator,

defined, 40-19

T

Permitted Signs

Permitted Type	Permitted Class (2)	Permitted Area in Sq. Ft.
<hr/> Districts "A-1" – "SR-1" – "SR-2"		
Identification Sign	1;2 4	1 Sq. Ft. per Dwelling
Bulletin Board	1;2 4;5	15 Sq. Ft.
Real Estate Sign	1;2 4;5	6 Sq. Ft. per Building
Construction Sign	1;2 4;5	50 Sq. Ft.
Subdivision Sign	1;2;4;5	20 Sq. Ft.
Temporary Sign	1;2;4;5	10 Sq. Ft.
<hr/> District "MR-1"		
Identification Sign	1;2;4	1 sq. ft. per dwelling for 1,2,3 family dwellings; 6 sq. ft. for each apartment building, boarding or rooming house 10 sq. ft. for any other permitted use
All other types permitted in "SR" Districts		Same as "SR" District

Districts "CB-1" – "HB-1" – "I-1"

Business Signs	1;2;3;4;5	See Sec. 40-3-6
Any Sign permitted in the "SR" or "MR" Districts		Same as "SR" or "MR" Districts
Industrial Sign Prohibited Signs		50 sq. ft. Billboards

Special-use permit may be granted for unusual sign needs such as drive-in theaters, large developments, but must meet all applicable regulations.

Districts "F-1"

Same as "SR-1"

U

Minimum Off-Street Parking Space

For	# of Required Spaces
<hr/> Districts "A-1" – "SR-1" – "SR-2" <hr/>	
Dwelling Units	2 per dwelling
Churches and Auditoriums	1 per 4 seats
Home Occupations	2 per 200 sq. ft. of floor space utilized in addition to dwelling unit requirements
Mobile Homes	2 per mobile home

For additional uses and regulations, See Article VI.

<hr/> Districts "MR-1" – "CB-1" – "HB-2" – "I-1" <hr/>	
Automobile Service Stations	1 per 1.5 employees
Car Wash	5 stacking spaces for each wash rack plus 1 per 1.5 employees
Office Uses	1 per 200 sq. ft. of floor space
Restaurants and Similar Uses	1 per 50 sq. ft. of floor space plus 1 per 1.5 employees
Retail Stores including furniture and appliances	1 per 200 sq. ft. of floor space

For additional uses and regulations, See Article VI.

District "F-1"

See Article VI for requirements

V

Minimum Off-Street Loading Space

**Districts "A-1" – "SR-1" – "SR-2"
"MR-1" – "CB-1" – "HB-1" – "I-1" – "F-1"**

See Article VI.

W

Other Provisions

- (1) Any attached accessory building shall be considered as a part of the principal building.
- (2) For the purposes of this Code, signs are classified as follows:
 - Class 1 – Freestanding Sign
 - Class 2 – Projecting Sign
 - Class 3 – Roof Sign
 - Class 4 – Wall Sign
 - Class 5 – Combination Sign
- (3) Floor area ratio shall apply to the total area included in the development, except streets and other public areas and shall not exceed the ratio specified for the district where the development is located. Where a planned Multi-Family Development is to be established in a "CB-1" or "HB-1" such housing development shall be subject to the density and height regulations of the "MR-1" District.

A lot of record below 5,000 sq. ft. may be improved with a dwelling only if a special-use permit is obtained and if all other requirements of this Code are met.

40-2-5(D)

SCHEDULE: PERMITTED USES; ACCESSORY USES; AND SPECIAL PERMITS

"A-1" Agricultural.

Permitted Uses.

All uses commonly classified as agricultural, horticulture or forestry including crop and tree farming, truck farming, gardening, nursery operation subject to the provisions of Section 40-3-18, dairy farming, livestock raising, animal and poultry breeding, raising and feeding. Forestry operations together with the operation of machinery or vehicles but not including stockyards, commercial livestock or poultry feeding or agricultural processing plants.

One Family Residence Dwellings.

Living quarters for persons employed in agricultural or related activities that are conducted on the premises.

Private clubs, lodges or camps except those whose chief activities are a service customarily carried on as a business.

Golf courses of regulation size, but not including "Par-3" golf courses or commercially operated driving ranges or miniature golf courses; and provided that no clubhouse, parking lot or accessory building shall be located nearer than **five hundred (500) feet** to any dwelling unit or other zoning lot.

Fishing lakes, including fee fishing, or clubs provided that no building, parking lot, or other intense use activity is located nearer than **five hundred (500) feet** to any dwelling or another zoning lot.

Gun clubs, if properly protected and located not nearer than **one thousand (1,000) feet** to any residence other than that of the owner or lessee of the site and if not so operated as to withdraw land from its primary agricultural use.

Carnivals, circuses and similar temporary transient amusement enterprises.

Churches, and other places of worship subject to Section 40-3-6, but not including funeral chapels or mortuary chapels.

Schools and colleges for academic instruction subject to Section 40-3-13.

Libraries, museums, art galleries and similar public cultural facilities subject to Section 40-3-11.

Cemeteries and mausoleums in conjunction therewith.

Essential services subject to the provisions of Sections 40-3-12.

Public service uses including filtration plants, pump stations, water reservoirs.

Railroad right-of-way and trackage, but not including classification yards, terminal facilities or maintenance facilities.

Accessory uses that are clearly supplementary and secondary to the primary use located on the lot.

Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that major congestion or hazard would not be created in conjunction with the location or access thereto.

Radio or television transmission towers.

Permitted Accessory Uses.

Accessory uses that are clearly supplementary and secondary to the primary use located on the lot.

Special Permits.

Parking lots, subject to the provisions of Section 40-3-4.

Airports; Marinas or boat docks.

Animal sewage lagoon; Stockyards, commercial livestock or poultry feeding or agricultural processing plants.

Convalescent or nursing homes and assisted living facilities; Hospitals, clinics and sanitariums.

Explosive uses of any kind.

Governmental facilities and uses subject to provisions of Section 40-3-12.

Home occupations.

Kennels.

Planned mineral extraction developments subject to provisions of Section 40-5-11.

Sale barns.

Sewage treatment plants.

Junk yards.

Electrical substations, subject to the provisions of Section 40-3-12.

Gas regulator stations, subject to the provisions of Section 40-3-12.

Other public utility distribution facilities, subject to the provisions of Section 40-3-12.

Supplementary Regulations.

All uses subject to the applicable provisions of Article IV.

"SR-1" Single Family.

Permitted Uses.

Single-family dwellings.

Churches and other places of worship, subject to the provisions of Section 40-3-6, but not including funeral chapels or mortuary chapels.

Electrical substations (static transformer stations) gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of Section 40-3-12.

Growing of plants and trees on a private or commercial basis, provided no retail sales are conducted on the premises subject to the applicable provisions of Section 40-3-18.

Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education, subject to the provisions of Section 40-3-13.

Governmental uses, facilities and buildings, subject to the provisions of Section 40-3-12.

Permitted Accessory Uses.

Private: Greenhouses; tool sheds; garages or carports; tennis courts; patios; subject to the applicable provisions of Section 40-4-17.

Private swimming pools, subject to the applicable provisions of Section 40-3-4.

Keeping of household pets, provided kennels are not maintained.

Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of Section 40-2-4.

Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of Section 40-3-10.

Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year whichever is greater. However, such time limit may be extended for one year by the Board of Appeals.

Accommodations for professional servants, caretakers, watchmen, or custodians, but not as a separate detached one-family dwelling on the same lot.

Home occupations, subject to the provisions of Section 40-3-2.

Fences, hedges and walls, subject to the provisions of Section 40-3-1.

Special Permits.

Any dwelling unit less than **seven hundred (700) square feet.**

Cemeteries and mausoleums in conjunction therewith.

Day care or nursery schools.

Home occupations, subject to provisions of Section 40-3-2.

Golf courses of regulation size but not including "Par 3" golf courses; and provided that no clubhouses, parking lot or accessory building shall be located nearer than **five hundred (500) feet** to any dwelling unit or other zoning lot.

Hospitals, clinics, and sanitariums.

Planned building development, subject to provisions of Section 40-5-6.

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

Railroad rights-of-way and trackage, not including switching, storage, freight yards, industrial sidings, classification yards or maintenance facilities.

Convalescent or nursing homes and assisted living facilities.

Supplementary Regulations.

All uses subject to the applicable provisions of Article IV.

"SR-2" Single Family.

Permitted Uses.

Any use permitted and as regulated in the SR-1 District, except as otherwise provided in Section 40-2-4(E) Line 3.

Permitted Accessory Uses.

Any accessory use permitted and as regulated in the SR-1 District.
Mobile homes subject to provisions in Section 40-3-9.

Special Permits.

Same as SR-1.

Apartments.

Community residence.

Planned mobile home parks, subject to applicable provisions of Section 40-5-9.

Supplementary Regulations.

All uses subject to the applicable provisions of Article IV.

"MR-1" Multi-Family.

Permitted Uses.

Any use permitted and as regulated in the SR-2 District, except as otherwise provided in Section 40-2-4(E) Line 4.

Assisted living centers.

Two and three-family dwellings.

Multi-family dwellings.

Boarding and rooming houses; Bed and Breakfast.

Dormitories or group living facilities for religious, educational or charitable purposes.

Nursing and retirement homes, subject to the provisions of Section 40-3-15.

Nursery schools and orphanages, subject to the provisions of Section 40-3-16.

Permitted Accessory Uses.

Any accessory use permitted and as regulated in the SR-2 District.

Special Permits.

Same as SR-1.

Medical and dental offices.

Apartment hotels.

Taverns and bars.

Charitable uses provided not more than **twenty percent (20%)** of gross floor area or **two thousand (2,000) sq. ft.** is used for offices.

Fraternities.

Restaurants.

Supplementary Regulations.

All uses subject to the applicable provisions of Article IV.

"CB-1" Community Business.

Permitted Uses.

Any use permitted and as regulated in the MR-1 District except as otherwise provided in Section 40-2-4(E) Line 5.

Places used for the retailing of those commodities which may be classified as "Convenience Goods", "Durable Goods", and "Fashion Goods" as follows:

Apparel stores and shops;

Bakery shop, including the baking and processing of food products for retail sales on the premises only;

Candy and ice cream shops;

Commercial institutions, such as banks, savings and loan associations;

Drug stores;

Eating and drinking establishments;

Food stores, including supermarkets, delicatessens, dairy products, meat markets, health foods;

Furniture, home furnishing and appliance stores;

Hardware stores; and

Hobby shops.

Personal service shops, including barber and beauty shops, shoe repair shops, laundries, self-service laundries, dry-cleaning stores, travel agencies, photographers, tailoring.

Pet shops, but not including animal hospitals.

Second-hand stores and rummage shops.

Taverns.

Places of amusement or recreation such as theaters, auditoriums or bowling alleys.

Plumbing, heating and air conditioning sales.

Variety shops.

Other stores and shops, including gift and card shops, leather and luggage, tobacco and news, camera shops, sporting goods, garden shops, antique shops.

General office buildings.

Medical and dental clinics and centers.

Professional and service offices.

Hotels, motels and apartment hotels.

Funeral chapels, mortuary chapels and ambulance service.

Membership clubs and public or charitable institutions not for correctional purposes.

Post offices or postal substations.

Libraries or museums, providing that all principal buildings are located at least **twenty-five (25) feet** from all property lines.

Art galleries and studios.

Meeting halls.

Radio and TV broadcasting stations.

Providing that all such uses listed in this paragraph shall be within entirely enclosed building; and provided further that all service and consumption of food in connection therewith shall be within an entirely enclosed building or at tables within an area visually screened from all public circulation ways by a hedge, fence or wall at least **six (6) feet** in height; and that the outside service area shall not be greater than **fifty percent (50%)** of the inside service area.

Preparation and manufacture of goods or products for retail sales on the premises only, provided that such manufacture process or treatment shall be clearly incidental and essential to the retail business conducted on the premises and further provided that not more than **five (5) persons** (exclusive of manager) shall be engaged in said manufacture, processing, or treatment of products and that all such operations create no undue noise, odor, dust, smoke, vibrations or other similar nuisance.

Sale of new automobiles and/or new automobile accessories and parts.

Bus terminal and other public transportation terminal facilities for passengers.

Parking lots and parking garages subject to the applicable provisions of Section 40-3-4.

Gasoline service stations subject to the applicable provisions of Section 40-3-8.

Air conditioning equipment, sales, installation.

Business machines, sales, repair and service.

Cold storage.

Drive-in restaurants and refreshment stands.

Locksmiths' repair shops.

Newspaper printing.

Photo-engraving company.

Provided that neither junk yards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district; and provided further that adequate safeguards (structural, mechanical and locational) shall be provided to protect adjoining properties from the effects of noisome or injurious substances, conditions and operations as defined in Section 40-4-12.

Permitted Accessory Uses.

Any accessory use permitted and as regulated in the MR-1 District.
Commercial greenhouses, subject to the provisions of Section 40-3-17.

Storage of merchandise or inventory usually carried in stock; provided that such storage shall be located on the lot with the retail, service or commercial use and shall be within a completely enclosed building.

Service garage, only if in conjunction with an accessory and incidental to the sale of new automobiles.

Accommodations for caretakers, watchmen or custodians.

Off-street parking and loading.

Special Permits.

Public service uses including electrical substations, gas regulator stations and other public utility distribution facilities, subject to provisions of Sections 40-4-15 and 40-3-12.

Car washes.

Drive-in restaurants.

Supplementary Regulations.

All uses subject to the applicable provisions of Article IV.

"HB-1" Highway Business.

Permitted Uses.

Any use permitted and as regulated in the CB-1 District except as otherwise provided in Section 40-2-4(E) Line 6.

Car washes.

Feed stores and similar uses.

Mobile home sales.

Par "Three" golf courses, miniature golf courses and commercially operated driving ranges.

Drive-in theaters, subject to provisions of Section 40-3-14.

Animal hospitals, provided that all animals are kept in a completely enclosed, soundproof building and further provided that adequate safeguards (structural, mechanical and locational) shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions and operations.

Automotive repair and service.

Locksmith, repair shop.

Mini-storage.

Permitted Accessory Uses.

Same as CB-1.

Special Permits.

Same as CB-1 but drive-in facilities do not require a permit.

Supplementary Regulations.

All uses subject to the applicable provisions of Article IV.

"I-1" Industrial.

Permitted Uses.

Any use permitted and as regulated in the HB-1 Business District except as otherwise provided in Section 40-2-4(E) Line 7 and further provided that the following uses shall not be permitted:

Dwelling;

Boarding and rooming houses;

Apartment hotels;

Mobile homes or mobile home parks and any uses for living quarters not specifically provided for in the portion of the section entitled "Permitted Accessory Uses".

Agricultural implement sales, repair and service.

Air conditioning equipment, custom fabrication and installation.

Beverages, bottling.

Book publishing, printing.

Business machines, storage and wholesale.

Candy, wholesale distributors.

Carpenters' shops and power woodworking.

Cement products, wholesale (pipe, blocks, etc.).

Cleaning and dyeing processing.

Contractors, equipment and material storage.

Dairies, distributing and pasteurization.

Decoration, workshop and equipment yards.

Display, designers' and builders' shops.

Dry cleaning establishment, bulk processing.

Electric equipment, assembly and repair.

Express companies, warehouses.

Food products, brokers, distributors and warehousing.

Furniture, repairing and refinishing.

Machine and equipment rental service.

Roofing materials, storage and sales.

Storage of automobiles.

Surgical supplies, wholesale distributor.

Tents and awning manufacture.

Termite control contractor shops.

Warehouses.

Water softening equipment, service and repairs.

Weighers, commercial.

Brushes and brooms.

Ceramic products such as pottery.

Creameries and dairies.

Ice, dry and natural.

Lumber yards.

Pharmaceutical products, subject to provisions of Section 40-4-12.
Research and development on any commodity except explosives or flammable gases or liquids and further provided that adequate safeguards (structural, mechanical and locational) shall be provided to protect adjoining properties from the effects of noisome or injurious substances, conditions and operations as defined in Section 40-4-12.

Tools and hardware.

Toys.

Watches.

Welding equipment, supplies and storage.

Wood products, such as furniture, boxes, crates, baskets and pencils and cooperate works.

Any commercial, industrial, or manufacturing operation which is not detrimental to the public health, safety or general welfare and provided further that adequate safeguards (structural, mechanical and locational) shall be provided to protect adjoining properties from the effects of noisome or injurious substances, conditions and operations as defined in Section 40-4-12.

Permitted Accessory Uses.

Any accessory use permitted and as regulated in the HB-1 District.
Storage of merchandise or inventory usually carried in stock, provided that all outdoor storage shall be completely concealed by a fence at least **twelve (12) feet** in height.

Special Permits.

Motor freight terminals.

Parks and recreation areas.

Sanitary landfills.

Sewage treatment facilities.

Public utility substations, distribution centers and underground holder stations.

Stadiums, auditoriums and arenas.

Theaters, outdoor drive-ins.

Storage of flammable gases, liquids, fats or oils in tanks.

Planned mineral extraction development subject to provisions of Section 40-5-11.

Supplementary Regulations.

All uses subject to the applicable provisions of Article IV.

"F-1" Flood Plain.

Permitted Uses.

Parks, nature preserves, forest preserves, farming, forestry, fishing lakes, including fee fishing.

Storage yards not subject to major damage from flooding and provided that all materials and equipment are anchored to prevent floating away.

Prohibited uses include structures for human habitation, landfills or dumping and retail commercial uses.

Permitted Accessory Uses.

No structure shall be erected that is not protected from the 25 year flood except as provided by Section 40-4-11 and Chapter 14 of the Village Code.

Special Permits.

Any structure permitted by Section 40-4-11 and Chapter 14 of the Village Code.

Planned mineral extraction development subject to provisions of Section 40-5-11.

Supplementary Regulations.

All uses subject to the applicable provisions of Article IV.