

ORDINANCE NO. 1712

AN ORDINANCE APPROVING THE REVISIONS TO THE ZONING CODE (CHAPTER 40), OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, MAKING CERTAIN SUBSTANTIVE CHANGES TO SAID CODE, AND AUTHORIZING MUNICODE TO CODIFY SAID REVISIONS AND CHANGES

WHEREAS, the Village of Freeburg, St. Clair County, Illinois, is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Constitution and laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, Chapter 40 of the Village of Freeburg Municipal Code ("Village Code") provides for the regulation of lots, structures and uses in order to preserve, protect and promote the public health, safety and welfare; and

WHEREAS, the Village held several public review meetings and a public hearing on February 9, 2021 where the proposed revisions to the Zoning Code were presented; and

WHEREAS, the Village now desires to revise and codify the ordinances comprising Chapter 40 of the Village Code into a modern, user-friendly format to aid Village Staff, residents and other individuals and entities that use the Code on a regular basis; and

WHEREAS, the Village has a contract with Municode to codify Chapter 40 of the Village Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, THAT:

Section 1: That the foregoing recitals are incorporated herein as findings of the Village Board of Trustees of the Village of Freeburg, Illinois.

Section 2: The Zoning Code of the Village of Freeburg is hereby approved as the Zoning Code of the Village of Freeburg and hereby forwarded to Municode for codification, See "Exhibit A," attached.

Section 3. Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

Section 4: Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

Section 5: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

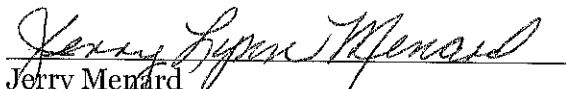
Section 6: Passed this 16th day of February, 2021 by the Mayor and the Village Board of Trustees of the Village of Freeburg, St. Clair County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.


JERRY MENARD, VILLAGE CLERK

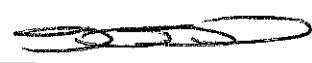
PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS
16th DAY OF February, 2021.

AYES: Trustee Michael Neap NAYS _____
Trustee Elizabeth Meckling _____
Trustee Robert Karsier _____
Trustee Roman Matchett, Jr. _____
Trustee Denise Allum _____
Trustee James Davis _____

ABSENT _____ ABSTAIN _____


Jerry Menard
Village Clerk

Approved this 16th day of February, 2021.


Seth Speiser
Village President

ATTEST:


Jerry Menard
Village Clerk

Approval as to Legal Form:

Village Attorney

CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 TITLE. This Chapter shall be known as and cited as "**The Zoning Code of the Village of Freeburg, Illinois.**"

40-1-2 PURPOSE.
(A) In accordance with state law, this Chapter regulates lots, structures and uses in order to preserve, protect and promote the public health, safety and welfare.
(B) More specifically, this Chapter is intended to assist in achieving the following objectives:

- (1) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents and to discourage development on inappropriate sites;
- (2) To assist in implementing the Village Comprehensive Plan;
- (3) To protect and enhance the character and stability of sound existing residential, commercial and industrial areas and to gradually eliminate nonconforming uses and structures;
- (4) To conserve and increase the value of taxable property throughout the Village;
- (5) To ensure the provision of adequate light, air and privacy for the occupants of all buildings;
- (6) To protect persons and property from damage caused by fire, flooding and improper sewage disposal;
- (7) To provide adequate and well designed parking and loading space for all buildings and uses and to reduce vehicular congestion on the public streets and highways;
- (8) To ensure the proper design and improvement of manufactured home parks;
- (9) To promote the use of well maintained signs which are safe, aesthetically pleasing, compatible with their surroundings and legible in the circumstances in which they are seen; and
- (10) To provide for the efficient administration and fair enforcement of all the substantive regulations in this chapter. **(65 ILCS 5/11-13-1)**

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

40-1-4 INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.

(A) Every provision of this Chapter shall be construed liberally in favor of the Village, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Chapter differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed restriction or covenant, the more stringent requirement shall prevail.

(B) Adopted Building Codes. **(See Chapter 6 of Village of Freeburg Code of Ordinances)**

40-1-5 DISCLAIMER OF LIABILITY.

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

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

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

40-1-7 REVIEW. This Chapter shall be reviewed every **five (5) years** after its effective date by the Combined Planning and Zoning Board. After the review, it shall file its report and recommendations with the Mayor and the Village Board.

40-1-8 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Chapter, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-1-9** unless the context clearly indicates otherwise; terms not defined in **Section 40-1-9** shall have their standard English dictionary meanings.

(B) Words denoting the masculine gender shall be deemed to include all genders.

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

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

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

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

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

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

40-1-9 DEFINITIONS. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTTING. Having a common lot line or district line. (Synonym for "adjacent" or "adjoining.")

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

ACCESSORY USE. Any structure or use that is:

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

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

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

ADMINISTRATOR. The official appointed by the Mayor, with the advice and consent of the Board of Trustees, or their representative, to administer this chapter. (Synonymous with "Zoning Administrator" or "Zoning Official.")

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

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

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

ALTER. To change the size, shape or use of a structure, or the moving from one location to another.

AMENDMENT. A change in the provisions of this Chapter (including the District Map), properly effected in accordance with state law and the procedures set forth herein.

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

APPROVED. Acceptable to the appropriate governmental agency.

ATTACHED. As applied to buildings, means having a common wall and/or a common roof.

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

BITUMINOUS CONCRETE. A mixture of petroleum by-products and gravel used for paving to form a smooth, permanent surface. It does not mean "oil and chip."

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

BOARD OF APPEALS. See Combined Planning and Zoning Board.

BUFFER STRIP. An area of land undeveloped except for landscaping fences and the like used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

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

BUILDING CODE. A set of rules that specify the standards for constructed objects such as buildings and non-building structures. The main purpose of building codes are to protect public health, safety, and general welfare as they relate to the construction and occupancy of buildings and structures.

BUILDING OR STRUCTURE HEIGHT. The vertical distance measured from the average grade at the front wall of a building to the highest point of the roof.

BUILDING LINE. The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the front lot line.

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

- (1) Size or height of structure;
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (3) Lot area;
- (4) Yards or setbacks.

CENTERLINE.

- (1) The centerline of any right-of-way having a uniform width;
- (2) The original centerline where a right-of-way has been widened irregularly;
- (3) The new centerline, whenever a road has been relocated.

CERTIFICATE OF ZONING COMPLIANCE, FINAL. A permit issued by the Zoning Administrator indicating that a lot or newly completed structure or use complied with all pertinent requirements of this Chapter and therefore, may be occupied or used.

CERTIFICATE OF ZONING COMPLIANCE, INITIAL. A permit issued by the Zoning Administrator indicating a proposed lot, structure or use is in conformity with the requirements of this Chapter.

COMPREHENSIVE PLAN. The plan or any portion thereof adopted by the Village for the coordinated physical development including among other things plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the Village.

CONFORMING. In compliance with the applicable provisions of this Chapter.

CORRECTIVE ACTION ORDER. A legally binding order issued by the Zoning Administrator in accordance with the procedures set forth herein to effect compliance with this Chapter.

DETACHED. As applied to buildings, means surrounded by yards on the same lot as the building.

DEVELOP. To erect any structure or to install any improvements on a tract of land or to undertake any activity (such as grading) in preparation therefore.

DIMENSIONS. A measurable extent of some kind, such as length, breadth, depth, or height.

DISABILITY. A physical or mental impairment which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such an impairment, or being regarded as having such an impairment. Individuals who pose a danger to others or to property are not regarded as people with disabilities. **(Ord. No. 1187; 09-19-05)**

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

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

DWELLING. A building or portion thereof designed or used primarily as living quarters

for **one (1)** or more families, but not including hotels, motels or other accommodations for the transient public.

EASEMENT. A legal right to use another person's real property for certain limited purposes.

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

ENLARGE. To increase the size (floor area, height and the like) of an existing principal structure or accessory use or to devote more land to an existing use.

ERECT. To build or construct.

ESTABLISHMENT. Either of the following:

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

(2) An institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

(a) The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and

(b) The activity has either a separate entrance from the exterior of the building or a separate entrance from a common and clearly defined entry way that has direct access to the exterior of the building.

EXISTING. Actually constructed or in operation on the effective date of this Chapter.

FAMILY.

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

(2) 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

(3) A group of not more than **eight (8)** 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). (**Ord. No. 1187; 09-19-05**)

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

FRONTAGE. The lineal extent of the lot abutting a street or public roadway, or the lineal extent of the lot abutting a public parking area if the lot has no street frontage.

GARAGE, PRIVATE. A garage for **four (4)** or less passenger motor vehicles without provision for repairing or servicing such vehicle(s) for profit.

HEREAFTER. Any time after the effective date of this Chapter.

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

LIMOUSINE. Any privately owned vehicle intended to be used for the transportation of persons for-hire when the payment is not based on a meter charge, but is prearranged for a designated destination(s).

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.

LOT. A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A **LOT** may or may not coincide with a "lot of record."

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

LOT, THROUGH. A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets.

LOT AREA. The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

LOT COVERAGE. The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH. The average horizontal distance between the front lot line and the rear lot line of a lot.

LOT LINE, FRONT. The lot line abutting the street.

LOT LINE, REAR. An interior lot line which is most distant from and most nearly parallel to the front lot line.

LOT LINE, SIDE. Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. (A side lot line separating a lot from another lot or lots is called an interior side lot line.)

LOT OF RECORD. An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with state law.

LOT SIZE REQUIREMENTS. The lot area, width and depth requirements of the applicable district.

LOT WIDTH. The mean horizontal width of a lot measured at right angles to the side lot lines at the building line.

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

MANUFACTURED HOME, IMMOBILIZED. Any manufactured home resting on a permanent foundation with wheels, tongue, and hitch permanently removed. The Village Board establishes the following criteria to complete the immobilization of a manufactured home:

(1) The foundation shall extend 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, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation.

(2) As an alternative to subsection (1) above, piers may be used, extending into the ground below the frost line and sufficient in number to properly support the manufactured home.

(3) To complete the immobilization, wheels, tongue, and hitch must be removed. Axles may be removed.

MANUFACTURED HOME PARK. A parcel of not less than **two (2) acres** in area in single ownership/control, developed with facilities for accommodating occupied manufactured homes in accordance with the requirements of this Chapter and **Chapter 23** of this Code of Ordinances.

MANUFACTURED HOME SPACE. A portion of a manufactured home park designed and improved for the placement of one manufactured home and the private use of the

occupants thereof. **(See Chapter 23)**

MANUFACTURED HOME STAND. The part of a manufactured home space beneath the manufactured home that includes the concrete slab on which the home is placed and to which it is anchored.

MANUFACTURING. An economic activity involving the mechanical or chemical transformation of materials or substances into new products including the assembly of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins, or liquors, at a scale and intensity that is compatible with the surrounding uses and the intent of the village's industrial districts.

NONCONFORMING. As applied to a lot, structure or use, means:

- (1) Lawfully existing on the effective date of this Chapter, but
- (2) Not in compliance with the applicable provisions thereof.

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

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

OVERLAY DISTRICT. A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, and the like.

PARKING AREA/LOT, OFF-STREET. Land that is improved in accordance with this Chapter and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An **OFF-STREET PARKING LOT**, depending on the circumstances of its use, may be either a principal use or an accessory use.

PARKING LOT, COMMERCIAL. Land that is improved in accordance with this Code and shall be limited to automobiles and trucks **one (1) ton** and under.

PARKING SPACE, OFF-STREET. An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of **one (1)** passenger motor vehicle.

PERMITTED USE. Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to such district(s).

PERSON. Any individual, firm, association, organization, or corporate body.

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.

PREMISES. A lot and all the structures and uses thereon.

PRINCIPAL BUILDING/STRUCTURE/USE. The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

PROPERTY LINE. See "lot line."

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

PUBLIC OPEN SPACE. Any publicly owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

PUBLIC UTILITIES. Utilities which are either government-owned or owned by an

established firm serving a wide geographical area and/or a substantial number of persons.

RECONSTRUCT. As applied to nonconforming structures, means to rebuild after damage or destruction.

RECREATIONAL VEHICLE. A vehicle which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping or travel use, or for other recreational transportation, including, but not limited to, travel trailers, truck campers, camping trailers, self-propelled motor homes, boats, snowmobiles, and utility trailers.

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

RELOCATE. To move to another portion of a lot or to a different lot.

REPAIR. To restore to sound condition, but not to reconstruct.

RESTRICTIVE. Tending to keep within prescribed limits.

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

RIGHT OF WAY, PUBLIC. A strip of land which the owner/subdivider has dedicated to the Village or to another unit of government for streets and alleys.

SCREENING. Trees, shrubs, walls, solid fences, and the like 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.

SETBACK LINE. The horizontal distance from the lot line in question to the side of the structure facing that lot line or to the edge of the area of operation of the principal use (in the case of a use which does not involve a structure).

SEWAGE TREATMENT PLANT, PRIVATE. Any properly constructed disposal system intended for the treatment of wastewaters from more than one residence and/or building unit.

SKIRTING. The covering 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.

SPECIAL-USE PERMIT. A permit issued in accordance with the provisions of this Chapter to regulate development of a special use.

STOP ORDER. A type of corrective action order used by the Zoning Administrator to halt work in progress that is in violation of this Chapter.

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

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

STRINGENT. Binding and/or exacting.

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

STRUCTURE, TEMPORARY. Any structure which is erected to fill a temporary need, lasting for hours or days. Temporary structures are any structure or vehicle which is designed to be easily transported or dismantled including, but not limited to, storage containers,

dumpsters, PODS, carports, and tents.

TOPOGRAPHY. The relief features or surface configuration of an area.

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

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

UTILITIES (PUBLIC). Any person, firm, corporation or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, cable television, radio, cellular communications, transportation, water or sewer.

UTILITY SUBSTATION. A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, and the like.

VACANT. As applied to a lot, means that no structure is situated thereon.

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

VILLAGE. Either the territory or the local government of the Village.

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

YARD. The minimum required open space that is unobstructed, except as specifically permitted in this Chapter and that is located on the same lot as the principal building.

YARD, FRONT. The yard which is bounded by the side lot lines, front lot line, and the building line.

YARD, REAR. The yard which is bounded by side lot lines, rear lot line and rear yard lines.

YARD, SIDE. The yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

ZONING ADMINISTRATOR, ZONING OFFICIAL or ZONING OFFICER. The Zoning Administrator of the Village or their authorized representative.

ZONING MAP. The map(s) and any amendments thereto designating zoning districts and incorporated into this Chapter by reference.

(Am. Ord. 929, passed 12-21-98)

ARTICLE II – GENERAL ZONING REGULATIONS**40-2-1 ESTABLISHMENT OF DISTRICTS.**

In order to implement the regulatory scheme of this Chapter so as to achieve the objectives enumerated in **Section 40-1-2**, the entire Village is divided into the following Zoning Districts:

| <i>District</i> | <i>Designation</i> |
|---------------------------------|---------------------------|
| Agricultural | A-1 |
| Single-Family Residence (Large) | SR-1 |
| Single-Family Residence (Small) | SR-2 |
| Two-Family Residence | MR-1 |
| Multiple-Family Residence | MR-2 |
| Manufactured Housing | MH-1 |
| Community Business | B-1 |
| Highway Business | B-2 |
| Industrial - Light | I-1 |
| Industrial - Moderate | I-2 |
| Flood Plain Overlay | O-FP |

(Ord. No. 1271; 11-19-07)

40-2-2 ZONING MAP AND DISTRICT BOUNDARIES. The boundaries of the listed zoning districts are established as shown on the Official Zoning Map of the Village. This map, including all notations and other information thereof, is made a part of this Chapter by reference. The Official Zoning Map shall be kept on file in the Zoning Administrator's office.

40-2-3 ANNUAL PUBLICATION. In accordance with state law, if any annexations or changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the revised official zoning map of the Village not later than **March 31** of the following year. **(65 ILCS 5/11-13-19)**

40-2-4 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. In determining with precision what territory is actually included within any zoning district, the Zoning Administrator shall apply the following rules:

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

- | | |
|--|----------------------------------|
| (1) Center line of any street, alley, or highway | such center line |
| (2) Lot line | such lot line |
| (3) Railroad tracks | right-of-way line of such tracks |

- (4) Stream center of such stream
 - (5) Section, fraction or survey lines such lines.
 - (B) Whenever any street, alley, or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.
- (Sec. 155.023)**

40-2-5 ANNEXED TERRITORY. Any territory hereafter annexed to the Village shall automatically be in the SR-1, Single-Family Residence District until duly changed by an amendment to this Code; except that the Village Board of Trustees, with the advice of the **Combined Planning and Zoning Board**, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met.

40-2-6 GENERAL PROHIBITION. Hereafter, it shall be unlawful to do the following within the Village, except in conformity with the provisions of this Chapter:

- (A) Erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;
- (B) To create any lot; or
- (C) To use, occupy, or develop any lot or part thereof.

Penalty, see Section 40-25-1

40-2-7 UNLISTED USES PROHIBITED. Whenever any use is not specifically listed as "permitted" or "special" within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Board of Trustees, following consultation with the Zoning Administrator and the **Combined Planning and Zoning Board**, finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use by amending this Chapter in accordance with **Section 40-23-1**. The decision of the Board of Trustees shall become a permanent public record, and any unlisted use that they approve shall hereafter have the same status as listed uses.

40-2-8 MEETING MINIMUM REQUIREMENTS. Except as specifically provided otherwise:

- (A) Only **one (1)** principal building or structure shall be permitted on any residential lot; and
- (B) No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use.

40-2-9 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts or has permanent easement of access to a public street or private street.

Penalty, see Section 40-25-1

40-2-10 FRONT SETBACK; CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-2-11 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise in the "B-1", Community Business District, and in all residential zoning districts where lots having **fifty percent (50%)** or more of the frontage on **one (1) side** of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setback on that block shall be the average of the existing front setbacks, but no less than **five (5) feet**, provided, however, that in any built-up area, no front setback greater than **fifty (50) feet** shall be required.

40-2-12 INTRUSIONS INTO YARDS. To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the standard district minimum setback requirements as long as a variance has not been previously granted and is maintained at least 3 feet from the lot line:

| <i>Features</i> | <i>Maximum Intrusion</i> |
|--|---------------------------------|
| Cornices, chimneys, planters or similar architectural features | 2 feet |
| Fire escapes | 4 feet |
| Patios uncovered at ground level | NO LIMIT |
| Porches, if unenclosed | 6 feet |
| Balconies and decks | 4 feet |
| Canopies, roof overhangs | 4 feet. |

40-2-13 EXCEPTIONS TO HEIGHT LIMITS.
(A) Necessary Appurtenances. Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the Village.

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

(Am. Ord. 929, passed 12-21-98)

40-2-14 SEWERS; SEPTIC TANKS.

(A) In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

- (1) Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **one hundred fifty (150) feet**), all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.
- (2) Whenever the public sanitary sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:
 - (a) Illinois Private Sewage Disposal Licensing Act, **225 ILCS 225/1 – 225/23**, as amended from time to time;
 - (b) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time;
 - (c) Pertinent, current regulations issued by the Illinois Environmental Protection Agency; and
 - (d) Applicable codes and relations of the Village, particularly the Subdivision Code.

(B) The Zoning Administrator shall not issue any initial certificate of zoning compliance unless, following consultation with the County Health Department, and they are satisfied that these requirements will be met.

40-2-15 ACCESSORY USES.

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

- (1) Meets the definition of "accessory use" found in **Section 40-1-9**;
- (2) Is accessory to a principal structure or use that is allowed in a particular zoning district as a permitted or special use; and
- (3) Is in compliance with restrictions set forth in **Section 40-2-16**.
- (4) The principal structure must be constructed prior to constructing the accessory structure in any residential zoned area.

(B) The appropriate building permit shall be obtained prior to the construction or placement of any accessory structure.

(C) Accessory structures that are existing as of August 19, 2019 may remain as is. Structures not meeting the following requirements may not be expanded or replaced unless there is an existing foundation in place. In that case, the structure may be rebuilt on the existing foundation without any changes to the foot print of the structure.

40-2-16 ACCESSORY USE RESTRICTIONS.

(A) General Limitations.

(1) A maximum of one accessory structure shall be allowed as an accessory use per one and two family dwelling excluding the agriculture district.

(2) An accessory building shall require a building permit.

(B) Height. No accessory structure shall be higher than twenty-five (25) feet in any zoning district; however, there shall be no height limit on accessory structures related to agriculture.

(C) Setbacks.

(1) No accessory use in any residential zoning district shall be located between the front lot line(s) and the principal structure. All other setback requirements are established in the area-bulk schedule in **Section 40-2-17.**

(2) Accessory structures shall be subject to the same setback requirements as the primary structure. The rear setback for garages and carports that are accessed from an alley shall be no less than 3 feet from the rear property line.

(3) Accessory structures must be located at least 10 feet from the primary structure.

(D) Lot coverage. Accessory structures shall adhere to the appropriate lot coverage restrictions for that zoning district. In no event shall the combined total area of any and all accessory structures exceed 30% of the required rear yard coverage. In no case shall the total square footage of all accessory structures be greater in square footage than the footprint of the primary structure.

(E) Materials.

(1) The design, construction, building materials, and color of the accessory building shall be similar to or compatible with the design and construction of the primary structure.

(2) All types of metal shall be prohibited as a primary build material for any accessory structures. However, "High rib" metal roofing panels shall be allowed as an acceptable roofing material. The following materials shall be strictly prohibited:

(a) Prefabricated metal sheds excluding the agriculture (A) and moderate industrial (I-2) zoning districts;

(b) Pole barns excluding the agriculture (A) and moderate industrial (I-2) zoning districts;

(c) Railroad cars, shipping/moving containers, truck trailers, and other transitory type containers; and

(d) Metal carports.

(F) Use of Dwelling. Use of any accessory structure as a dwelling is strictly prohibited throughout the Village, in all zoning districts.

(G) Temporary Structure. A temporary structure shall be permitted for no more than 14 consecutive days annually or otherwise so approved by the Zoning Administrator.

40-2-17 AREA-BULK RESTRICTIONS. To facilitate public understanding of this

Code, the area-bulk regulation schedule is 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.

40-2-18 PARABOLIC OR DISH-TYPE ANTENNAS. Parabolic or dish-type antennas located outside of the business or residence shall meet the following requirements:

(A) Maximum number per business lot or residence lot shall be **one (1)** antenna. Businesses selling these dishes shall be allowed a maximum of **three (3)** and only one of these shall be allowed in front of the building.

(B) The parabolic or dish-type antenna shall be located in the rear yard, except that when the main building is on a corner lot, the parabolic or dish-type antenna cannot be closer to the adjoining side street than the main building is permitted to be located.

(C) (1) The parabolic or dish-type antenna shall be placed in the rear yard, except that if a usable satellite signal cannot be obtained from the rear yard, the antenna may be located on the side yard of the property, subject to the approval of the Zoning Administrator and subject to the other requirements of this Section.

(2) In the event that a usable satellite signal cannot be obtained from the rear or side yard of the property, such antenna may be placed on the roof of a structure subject to the approval of the Zoning Administrator and subject to the other requirements of this Section.

(D) Screening shall be as deemed necessary by the Zoning Administrator for commercial installations.

(E) All parts of the parabolic or dish-type antenna structure must be a minimum of **three (3) feet** from all property lines of the lot.

(F) The parabolic or dish-type antenna shall be mounted on a steel pipe support embedded in a concrete foundation, and the parabolic or dish-type antenna, when turned perpendicular to the ground, together with the base, shall not extend more than **fifteen (15) feet** above the ground. In the event that a usable signal cannot be obtained at a height of **fifteen (15) feet**, then the pole may be raised to the minimum height necessary to obtain a clear signal for the installation. The main diameter of the parabolic or dish-type antenna shall not exceed **eleven (11) feet**.

(G) All petitions for a variance from the provisions of this Section shall be heard by the Combined Planning and Zoning Board and as provided in **Section 40-21-1** through **40-21-5**.

(H) A zoning occupancy permit shall be required prior to erection of any such parabolic or dish-type antenna.

(I) No parabolic or dish-type antenna shall be roof-mounted unless the dish is **six (6) feet** or less in diameter and is mounted on the rear portion of the roof.

(J) No parabolic or dish-type antenna shall be used or serve as a sign for the purpose of advertisement by a business or commercial unit.

(K) This Section shall not apply to any existing parabolic or dish-type antennae which have been installed prior to the effective date of code.

40-2-19 SINGLE SIDE YARD; SPECIAL USE PERMIT. Upon the application for and the granting of a special-use permit by the Combined Planning and Zoning Board, a

person may occupy a structure in a multi-family district that has a zero lot line for one side yard. The following regulations shall apply to that district:

(A) **Front Yard.** There shall be a front yard of not less than **twenty-five (25) feet** in depth.

(B) **Side Yard.** The total of the side yards shall be **fifteen (15) feet**, provided that only one side yard need be provided so a building is permitted with a **fifteen (15) foot** side yard on one side and with the side of the building on the lot line on the other. On a corner lot, there shall be a side yard of not less than **twenty-five (25) feet** on the side of the building nearest the street. No part of any building shall project over onto any neighboring lot unless an easement permitting the same has been duly executed and recorded by the owner of the neighboring lot. Two buildings on neighboring lots may be built touching each other with party walls or adjacent walls, provided that such walls shall comply with all applicable provisions of the Building Code, if any, relating to walls between condominiums and apartments. No two buildings shall be built touching each other unless the owner(s) of each of the two lots involved sign an agreement.

(C) **Lot Coverage.** Not more than **thirty-five percent (35%)** of any lot shall be occupied by buildings of any kind.

(D) **Lot Area.** Each dwelling hereinafter erected or structurally altered shall be on a lot having an area of not less than **six thousand (6,000) square feet** and a width of not less than **fifty (50) feet**, provided, however, that any lot established before the effective date of this Section may be used as a building site even though it does not comply with the requirements of this Code.

(E) **Accessory Buildings.** No accessory building shall encroach on any required front yard. No accessory building on any corner lot shall encroach on any side yard adjacent to the street. Accessory buildings shall include, but not be limited to, play houses, storage buildings and garages. Accessory buildings shall not be used for dwellings.

(F) **Required Floor Areas.** Each single-family residence located in the single side yard in a multi-family district shall have a floor area of not less than **one thousand (1,000) square feet**. The areas of garages, open porches, cellars and basements shall not be included.

(G) **Minimum Width.** No principal building shall have a width of less than **twenty (20) feet** measured on the exterior walls. Attached garages and porches shall not be included in measuring the width of the principal building.

40-2-20 SOLAR ENERGY SYSTEMS. The following sections shall apply to Solar Energy Systems. All definitions set forth of this Code shall apply when applicable and to the extent that they are not inconsistent with the definitions contained in this Section.

(A) **DEFINITIONS.** For the purpose of this Subsection, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GROUND MOUNT SOLAR ENERGY SYSTEM. A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

NET METERING. A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month. (See Chapter 10 of the Village of Freeburg Code of Ordinances)

PERSONAL SOLAR ENERGY SYSTEM. Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any

substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM. The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

SOLAR PANEL. A device for the direct conversion of solar energy into electricity.

STRUCTURE MOUNT SOLAR ENERGY SYSTEM. A solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

(B) **Personal Solar Energy System.**

(1) **Purpose and Intent.** The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of Personal Solar Energy Systems designed for on-site use that shall be used solely to reduce on-site consumption of utility power, but energy output may be delivered to a power grid to offset the cost of energy on-site. The intent of these regulations is to protect the public health, safety, and welfare without unduly restricting the development of personal solar energy system.

(2) **Permitted Use.** Ground mounted personal solar energy systems shall be considered an accessory use to a principal permitted use or a granted special use in any zoning district.

(3) **Special Requirements.** Personal solar energy systems shall be subject to the requirements included in Sections 40-2-16 (Accessory Use Restrictions) and 40-2-17 (Area and Bulk Requirements) unless otherwise stated herein:

(a) **Ground Mounted Personal Solar Energy System Height and Size.** Height shall not be greater than six feet at maximum tilt of the solar panel(s) as measured from the average grade at the base of the supporting structure to the highest edge of the system and the size shall not occupy more than thirty percent (30%) of square feet of ground in any zoning district.

(b) **Structure Mounted Personal Solar Energy System Height.** Shall not be greater than the allowable height of any structure within the zoning district in which the personal solar energy system is to be installed.

(c) **Setbacks.** The personal solar energy system shall maintain perimeter setbacks of at least ten (10) feet. No personal solar energy system shall be permitted to be located in the required front or side yard.

(d) **Building Codes.** All village, county, state, and national construction codes shall be followed.

(e) **Use.** The personal solar energy system shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available through net metering.

(f) **Approved Solar Components.** Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than thirty percent (30%) or shall be placed such that concentrated sunlight or glare shall not be directed onto aircraft or nearby properties or streets.

(g) **Screening.** Ground mounted personal solar energy systems must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, walls, plantings, or other architectural feature, or any combination thereof;

provided however, that the screening shall not be required to be so dense, so tall, or so located as to render the equipment essentially non-functional.

(4) **Certificate of Compliance.** Before a building permit is issued for a personal solar energy system, the following shall be submitted to the Village of Freeburg for review:

(a) Net Metering Application Submitted.

(b) Site plan to scale showing:

(i) Name, address, and phone number of the property

owner;

(ii) Lot lines;

(iii) All structures;

(iv) Septic field (if any);

(v) Field tile location (if any);

(vi) Setback lines;

(vii) Location of all solar panels and associated equipment;

(viii) Location of the electrical disconnect for the personal

solar energy system.

(ix) Structural Engineer's sealed plans for all Structure

Mount Solar Energy Systems.

(c) Evidence that the site plan has been submitted to the local fire protection district or department.

After an approved final inspection of the personal solar energy system and all building permits, a certificate of compliance shall be issued.

ARTICLE III – PLANNED DEVELOPMENTS

40-3-1 DEFINITION. As used in this subchapter, the term "planned development" or "PD" means a development wherein, in accordance with an approved development plan:

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

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

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

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

40-3-4 DISTRICTS WHERE ALLOWED. Planned Developments may be built in any Zoning District, but only upon approval by the Village Board after a hearing before the **Combined Planning and Zoning Board.**

40-3-5 PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS. The Planned Development concept is intended to afford both the developer and the Village considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

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

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

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

(D) **Location of Parking/Loading Spaces.** By permission of the **Combined Planning and Zoning Board**, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Section 40-15-1 et seq.**

40-3-6 PROCEDURES FOR PLANNED DEVELOPMENTS. Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A) Filing development plan with the Zoning Administrator;
- (B) Review of plans by Combined Planning and Zoning Board;
- (C) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
- (D) Public hearing by the Combined Planning and Zoning Board as per the requirements of **Section 40-19-1 et seq.**;
- (F) Recommendation of the Combined Planning and Zoning Board regarding approval/rejection of the development plan and advisory report;
- (G) Approval of Village Board;
- (H) Recording of development plan with the County Recorder of Deeds.

40-3-7 APPLICATION; INFORMATION REQUIRED. Every applicant for approval of a development plan shall submit to the Zoning Administrator, in narrative and/or graphic form, the items of information listed below.

(A) **Written Documents.**

- (1) Legal description of the total site proposed for development;
- (2) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- (3) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

- (4) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
 - (5) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, and the like.
 - (6) Data indicating:
 - (a) Total number and type of proposed dwelling units;
 - (b) Gross and net acreage of parcel;
 - (c) Acreage of gross and usable open space; and
 - (d) Area of any commercial uses.
- (B) **Graphic Materials.**
- (1) Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas;
 - (2) Proposed lot lines and plot designs;
 - (3) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and nonresidential) and other structures and facilities;
 - (4) Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
 - (5) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
 - (6) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
 - (7) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
 - (8) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
 - (9) Master Sign Plan
 - (10) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
 - (11) Any additional information required by the Village to evaluate the character and impact of the proposed PD.
 - (12) Appropriate seals of the licensed surveyor, engineer, or architect.

40-3-8 ADVISORY REPORT; CRITERIA CONSIDERED. The Combined Planning and Zoning Board shall submit to the Village Board a written advisory report concerning acceptance/rejection of the Development Plan. In making its recommendation, the Combined Planning and Zoning Board shall consider the following criteria:

(A) The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;

(B) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.

(C) Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;

(D) The compatibility of the proposed PD with adjacent properties and surrounding area; and

(E) Any other reasonable criteria that the Combined Planning and Zoning Board may devise.

40-3-9 DECISION BY VILLAGE BOARD. After the **Combined Planning and Zoning Board** has conducted a public hearing and submitted its advisory report, the **Village Board** shall, **by resolution**, either approve or disapprove each and every PD Development Plan. However, the Village Board shall not approve any PD unless:

(A) The developer has posted a performance bond or deposited funds in escrow in the amount equal to 50 percent of the cost of constructing the required improvements as certified by a registered professional engineer of Illinois;

(B) The Village Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(C) The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. (Deviations to the extent permitted under **Section 40-3-10** shall not be deemed as noncomplying.)

40-3-10 CHANGES IN APPROVED PLANS. No changes shall be made to any approved PD Development Plan, except as follows:

(A) Minor changes, which do not substantially affect the design or intent of the final development plan and are required by engineering or other circumstances not foreseen at the time the final development plan was approved, shall be submitted to the Village upon written application to the Zoning Administrator.

(B) Approval or denial of all minor changes shall be returned in writing to the applicant by the Zoning Administrator.

(C) All other changes shall require a public hearing before the Combined Planning and Zoning Board and a resolution by the Village Board.

(D) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan.

40-3-11 FAILURE TO BEGIN DEVELOPMENT. If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in their discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be

applicable:

- (A) The approval of the PD shall be automatically revoked;
- (B) Any zoning permits shall automatically become null and void; and
- (C) All regulations applicable before the PD was approved shall automatically be in full effect.

40-3-12 MUNICIPAL EXEMPTION. In conjunction with any existing or proposed development, the Village shall be exempt from all of the provisions of this subchapter.

40-3-13 SCHEDULE. Every applicant for Planned Development approval shall comply with the schedule requirements of this Section.

(A) The required procedures are as follows:

- (1) Filing development plan with the Zoning Administrator;
- (2) Review of plans by Combined Planning and Zoning Board;
- (3) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
- (4) Public hearing by the Combined Planning and Zoning Board as per the requirements of Section 40-19-1 et seq.;
- (5) Recommendation of the Combined Planning and Zoning Board regarding approval/rejection of the development plan and advisory report;
- (6) Approval of Village Board;
- (7) Recording of development plan with the County Recorder of Deeds.

Every applicant for approval of a development plan shall submit to the Zoning Administrator, in narrative and/or graphic form, the items of information listed below.

(B) Written Documents

- _____ (1) Legal description of the total site proposed for development;
- _____ (2) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- _____ (3) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- _____ (4) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- _____ (5) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, and the like.
- _____ (6) Data indicating:
 - _____ (a) Total number and type of proposed dwelling units;
 - _____ (b) Gross and net acreage of parcel;
 - _____ (c) Acreage of gross and usable open space; and
 - _____ (d) Area of any commercial uses.

(C) Graphic Materials.

_____ (1) Existing site conditions, including contours at ten (10) foot intervals and locations of watercourses, flood plains, unique natural features, and wooded areas. **Provide prior to the Final Plat being approved for the development;**

_____ (2) Proposed lot lines and plot designs;

_____ (3) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and nonresidential) and other structures and facilities;

_____ (4) Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;

_____ (5) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);

_____ (6) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;

_____ (7) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines. **Provide prior to the Final Plat being approved for the development;**

_____ (8) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;

_____ (9) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;

_____ (10) Any additional information required by the Village to evaluate the character and impact of the proposed PD.

_____ (11) Appropriate seals of the licensed surveyor, engineer, or architect.

(D) Residential Development. For Residential Planned Development proceed to Chapter 34, Subdivision Code of the Village of Freeburg Code of Ordinances.

40-4-0 PRINCIPLE and ACCESSORY USE DEFINITIONS. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

AGRICULTURAL IMPLEMENT SALES. Establishment or place of business primarily engaged in sale from the premises of tractors, tools, equipment, feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Uses also include hay, feed and grain stores and tree service firms.

AMUSMENT FACILITY. A commercially operated park having various devices for entertainment such as Go-Carts, roller coaster, water slides, and miniature golf courses and usually booths for the sale of food and drink.

ANIMAL HOSPITAL. See Veterinarian.

AUTOMOTIVE SERVICE. An establishment or place of business primarily engaged in automotive related sales or services.

(1) CAR WASH. An establishment or place of business primarily containing equipment for washing motor vehicles manually or automatically.

(2) DETAILING. The act of performing a thorough cleaning, restoration, and finishing of a motor vehicle, to produce a show quality cleanliness and polish.

(3) MOTOR VEHICLE SALES AND SERVICE. An establishment or place of business primarily engaged in the sale and leasing of automobiles, vans and/or trucks less than two tons, including incidental parking and servicing of vehicles available for sales or lease.

(4) PARTS AND SUPPLY STORE. An establishment or place of business primarily engaged in the sale of merchandise that is associated with the use, repair or upkeep of automobiles.

(5) PAINT OR BODY SHOP. The Use of a building or premises for the repair of automotive bodies and/or major mechanical works, straightening of body parts, painting, welding or storage of automobiles not in operable condition.

(6) REPAIR SHOP. An establishment or place of business primarily engaged in the maintenance or repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, transmissions, glass, and engines or engine parts, but excluding dismantling or salvage.

(7) SERVICE STATION. An establishment or place of business primarily engaged in gasoline or diesel fuel sales at retail for automobiles, recreation vehicles and motorcycles, and where in addition at least one of the following services is rendered: Sale, replacement or servicing of spark plugs, oil, water hoses, brake fluids, batteries, distributors, tires, carburetors, brakes fuel pumps, or other automotive parts or accessories.

(8) TIRE SHOP. An establishment or place of business primarily engaged in the sale of tires and services relating to the repair or purchase of tires for automobiles.

BAKERY. An establishment or place of business primarily engaged in the making or selling of bread, cakes, cookies, and other baked goods.

BANKS and OTHER FINANCIAL INSTITUTIONS. See Financial Services.

BAR OR TAVERN. An establishment or place of business primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises with a

Village and state approved liquor license, including taverns, bars, cocktail lounges, and similar uses in which over 50 percent of the total revenue is generated from alcoholic beverages.

BED AND BREAKFAST ESTABLISHMENT. A bed and breakfast (or B&B) establishment is a small lodging establishment that offers overnight accommodation and breakfast. Bed and breakfast establishments are private homes with five (5) or fewer guestrooms for rent, in operation for more than 10 nights in a 12 month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. Bed and breakfast establishments are classified as either: a) bed and breakfast home (Owner Occupied) or b) bed and breakfast inn and as further defined in 50 Illinois Compiled Statutes 820/1 et seq.

BEEKEEPING. The occupation of owning and breeding bees for their honey.

BOWLING ALLEY. A building containing long and narrow lanes in which the game of bowling is played.

BUSINESS OR VOCATIONAL SCHOOL. A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing and repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zoning district. Incidental instructional services in conjunction with other primary use shall not be considered a business or vocational school.

CEMETERY. A place for the burial of deceased human beings.

CHURCH OR PLACE OF WORSHIP. A building or set of buildings used for the purpose of worship and customarily related activities.

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

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

CO-BRANDING OR CO-BRANDING FACILITY. The pairing of two nationally branded businesses in a single establishment. The most common co-branded developments consist of a fast-food restaurant franchise and a major branded fuel station. Co-branded facilities may also contain as a planned use a convenience store, car wash, ATM machine or drive through service. Parking, signage, landscaping and design continuity shall be in accordance with the village's minimum requirements.

COMMERCIAL USE/ESTABLISHMENT. Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

COMMUNITY CENTER. A public building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

COMMUNITY GROUP RESIDENCE. A dwelling unit occupied as a single housekeeping unit in a family-like environment by persons with disabilities (the residents) plus support staff, if any. Residents are supervised by a sponsoring entity or its staff which furnishes habilitative services to the group home residents as an alternative to institutional care. Inter-relationships between residents are an essential component of a group home. A group home is a relatively permanent living arrangement where tenancy is measured in years. A group home shall be considered a residential use of property for purposes of all zoning and building codes. **(Ord. No. 1187; 09-19-05)**

COMMUNITY RESIDENCE. A family-like living arrangement of no more than **eight (8)** unrelated persons with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services provided by the operator,

if any, of the community residence. A type of community residence is a group home. (**Ord. No. 1187; 09-19-05**)

CONSTRUCTION SALES AND SERVICE. An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, and the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction contractors' storage yards and construction equipment rental establishments.

CONVENIENCE SHOP. A building or premises or portion thereof used for retail sales of general convenience service goods to include the retail sale of alcoholic beverages, packaged food, cold drinks, household convenience goods, fuel, and other automobile needs, not for consumption on the premises where it is sold. Convenience Shops also are to include Small Drug Stores and Laundromats.

DANCE HALL. A business or establishment that offers, for its patrons, dancing accommodations exceeding 20 percent of the total floor area of the establishment. Uses shall include nightclubs, private clubs or other uses offering dancing accommodations for patrons of any age. The definition does not include establishments that offer illicit sexual services under the guise of a dance hall.

DANCE STUDIO OR SCHOOL. A facility for teaching or rehearsing the art of dance or tap. A dance studio or school typically includes a smooth or hardwood flooring. The definition does not include establishments that offer illicit sexual services under the guise of dance studio or school.

DAY CARE CENTER, COMMERCIAL. An establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary or elementary school age.

DRIVE-IN AND DRIVE-THROUGH RESTAURANT. An establishment where the product is delivered to customers in motor vehicles either parked nearby or directly through a window. A use primarily engaged in the sale of food and non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food restaurant offering quick food service, where food is generally served in disposable wrapping or containers.

DRIVE-THROUGH BANKS. See Financial Services.

DRUG STORE (PHARMACY). A business or establishment where primarily medicinal drugs are dispensed and sold.

DRY CLEANING/LAUNDRY PICK-UP. An establishment or business maintained for the pick-up and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry cleaning equipment or machinery on the premises.

DRY CLEANING PLANT. An establishment that is primarily engaged in the large-scale washing or cleaning of laundry, rugs and similar materials. This definition does not include laundromats or dry cleaning pick-up stations.

DWELLING, CONDOMINIUM. A single unit under individual ownership within a multifamily structure and located on a lot having common ownership. A structure containing two condominiums shall be considered a two-family dwelling and a structure with more than two condominiums shall be considered a multifamily dwelling.

DWELLING, EXISTING RESIDENTIAL. A structure or part of a structure that is used as a home or **residence** by one or more persons who maintain a household, whether single family or multifamily.

DWELLING, LOFT. A dwelling unit placed between the roof and the uppermost story

of a nonresidential or mixed-use building.

DWELLING, MULTIPLE-FAMILY. A building or portion thereof containing **three (3)** or more dwelling units with single ownership.

DWELLING, SINGLE-FAMILY. A dwelling containing **one (1) dwelling unit** and intended for the occupancy of **one (1) family**.

DWELLING, SINGLE-FAMILY ATTACHED (VILLA). Single-Family dwellings sharing a common wall but situated on separate lots that are owned and occupied exclusively by separate parties.

(1) The term "Villa" refers to one side of a single-family attached dwelling (villa) that contains two or more single-family units.

(2) The term "villa building" refers to an entire single-family attached dwelling (villa) that contains two or more single-family units with a common wall between them, which common wall is centered on a boundary line between the lots on which the villas are respectively located.

DWELLING, TWO-FAMILY. A dwelling containing **two (2) dwelling units** with single ownership.

DWELLING UNIT. **Two (2)** or more rooms designed or used as living quarters by **one (1) family** or for a community residence. A **DWELLING UNIT** always includes a bathroom and a kitchen. **(Ord. No. 1187; 09-19-05)**

ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITY SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments, or 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, 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 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.

EXTENDED/LONG TERM HEALTH CARE FACILITY. Multifamily dwelling units used or designed to be used by persons needing or desiring assistance with day-to-day living matters, including assisted living facilities, convalescent care facilities, or nursing homes.

FINANCIAL SERVICES. An establishment that primarily performs central banking functions (such as issuing currency, managing national money supply and international reserves, and acting as fiscal agent for the central government) and accepts deposits (or share deposits) and lends funds from these deposits, and may include these services to patrons and customers through an accessory drive-through when permitted as a special or planned use. Financial services do not include pawn shops, businesses primarily engaged in check cashing or issuing money orders or title loan establishments or other businesses offering short-term consumer loans secured by personal property, certificates of title to such property estimated tax refunds or other such collateral. These uses are prohibited money changing/money brokering uses.

FOOD STORE. An establishment where food and prepackaged beverages are sold on-site for consumption off-site. A limited amount of food preparation on-site may also be allowed. Also referred to as a grocery store.

FREIGHT TERMINAL. As applied to motor carriers subject to **65 ILCS 5/1-100 et seq.**, a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

FUNERAL HOME SERVICES. An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals. Also referred to

as a funeral parlor.

FURNITURE, APPLIANCE OR EQUIPMENT SALES/LEASE. See Commercial Use/Establishment.

GARDEN CENTER, GREENHOUSE OR PLANT NURSERY. A tract of land on which trees, shrubs, and other plants are raised for transplanting and/or sale, and including any structure in which said activities are conducted.

GOLF COURSE (REGULATION SIZE). Golf courses of regulation size of either nine or 18 holes, but not including commercially operated golf driving ranges, nor miniature golf courses. **GOLF COURSE** shall include associated club house or country club, pro shop and cart rental operation.

GOVERNMENT/PUBLIC BUILDINGS. Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies, police, fire and utility billing offices.

HEALTH CLUB or FITNESS CENTER. An establishment having members who pay a fee to use its health and fitness facilities and equipment for the purpose of physical exercise. Also referred to as a fitness center or gym.

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

HOSPITAL. An institution that: (1) offers service more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond **twenty-four (24) hours** by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

HOTEL or MOTEL. A series of attached, semi-attached or detached sleeping or living units for the accommodation of transient guests for periods of not more than 28 consecutive days 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.

INSTITUTION. A building occupied by a non-profit corporation or a non-profit establishment but not including places of public assembly.

JUNK YARD. A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastic, rags, and rubber tires. (A lot on which three or more inoperable or abandoned vehicles are stored shall be deemed a junk yard.)

KENNEL, COMMERCIAL (INDOOR). Any structure or lot on which **five (5)** or more domesticated animals over **four (4) months** of age are kept.

LIMOUSINE BUSINESS. A business with privately owned vehicles intended to be used for the transportation of persons for-hire when the payment is not based on a meter charge, but is prearranged for a designated destination(s).

LIQUOR STORE. An establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

LUMBER OR BUILDING MATERIALS SALES. Establishments or places of business

primarily engaged in the retail or wholesale sale of materials used in the construction and maintenance of structures, as well as construction activities and the outdoor storage of construction equipment or materials on lots other than construction sites. Uses may include lumber yards, building materials stores, and tool and equipment rental or sales.

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 or more persons. A **MANUFACTURED HOME** should not be confused with a camping trailer or recreational vehicle.

MANUFACTURING. An economic activity involving the mechanical or chemical transformation of materials or substances into new products including the assembly of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins, or liquors, at a scale and intensity that is compatible with the surrounding uses and the intent of the village's industrial districts.

MASSAGE ESTABLISHMENT (THERAPEUTIC). An establishment licensed by the State of Illinois that offers therapeutic massage. The definition does not include establishments that offer illicit sexual services under the guise of therapeutic massage.

MEDICAL OR DENTAL OFFICE. An office occupied and maintained for the provision of services by a person licensed by the state to practice in the healing arts for humans, such as a physician, surgeon, dentist, optometrist or associated rehabilitation, fitness and recreation offices.

MODULAR HOME. A substantially constructed factory fabricated building unit transported to a building site, mounted on a permanent foundation and designed for residential use as a "single-family dwelling" unit. **MODULAR HOME** shall not be construed to include "manufactured homes," "immobilized manufactured homes," "manufactured housing," or "prefabricated housing."

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

OFFICE, DATA STORAGE. An office wherein data and records are processed and stored relative to an ongoing business; provided, however no customers or clients of the business shall be allowed to patronize the premises. (**Ord. No. 1535; 01-05-15**)

PARKING GARAGE. A building or portion thereof used by the public for the storage or parking of motor vehicles for compensation.

PARKS & RECREATION. A park, playground or community facility, owned by or under the control of a public agency or homeowners' association that provides opportunities for active or passive recreational activities.

PERSONAL SERVICES. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barbershops, shoe repair shops, and tailor shops.

PET CARE and PET RELATED SALES AND SERVICE. The care or grooming of domestic animals.

PLACES OF PUBLIC ASSEMBLY. A facility maintained by a not-for-profit community or neighborhood association, religious institution, or by a public agency or political subdivision primarily as a community gathering place for members or other people for the social, educational, spiritual or religious needs of the community or neighborhood. Such use may include community buildings, auditoriums, and gymnasiums (including those accessory to schools or other primary uses), churches, temples, synagogues and other places of worship.

However, a place of public assembly shall not include an undertaker's chapel, funeral building, a religious educational institution, parochial or other school, day care center, shelter for the homeless, or other similar social service use. Such uses shall be considered permitted accessory used to the place of public assembly, and shall only be permitted within those districts where they are reflected in **TABLE 40-4-00**, as well as subject to those supplemental regulations set forth in this chapter applicable to such uses.

POLE BARN. A typically metal clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural operations, for construction trade storage, or for general storage and not intended for human inhabitation.

PREFABRICATED DWELLING. A partially constructed factory fabricated building unit which will be substantially assembled on-site, utilizing pre-manufactured component parts. This term shall not be construed to include "manufactured homes," "immobilized manufactured homes," or "modular homes."

PRINT SHOP. A small business that prints and copies items such as, but not limited to documents and cards for customers.

PRINTING AND PUBLISHING FACILITY. Establishments primarily engaged in printing by the lithographic process usually performed on a job or custom basis; but in some cases lithographed calendars, maps, posters, decalcomanias, or other products are made for sale. Offset printing, photo-offset printing, photolithographing and publishing are also included. Establishments primarily engaged in publishing and printing newspapers and periodicals are also included.

PRIVATE CLUB AND LODGES. An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are conducted for profit.

PROFESSIONAL SERVICES. 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, or engineers 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 SERVICE. A use owned or operated by a publicly owned or publicly licensed or franchised agency which provides essential public services such as utility, emergency and safety services, including filtration plants, pump stations, water reservoirs, public water storage facilities, sewage treatment plants, police and fire stations, post offices, government administration buildings or other governmental uses. Wireless communication facilities, as defined herein, are not included in this definition.

RECREATIONAL VEHICLE SALES. The sale of a vehicle which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping or travel use, or for other recreational transportation, including, but not limited to, travel trailers, truck campers, camping trailers, self-propelled motor homes, boats and snowmobiles.

RESEARCH AND DEVELOPMENT. The work a business conducts for the innovation, introduction and improvement of its products and procedures. It is a series of investigative activities to improve existing products and procedures or to lead to the **development** of new products and procedures.

RESTAURANT, GENERAL. A building wherein food is prepared and served in ready to eat form to the public for human consumption. The term restaurant shall include cafe, cafeteria, grill, pizza or chili parlor, diner, snack shop, hamburger shop and steak house.

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

RETAIL SALES AND SERVICE. An establishment engaged in the sale or rental of goods and services, including, but not limited to, antique shops, apparel and accessory stores, art and supply stores, bicycle shops, book and stationery stores, candy and ice cream stores, cigar and tobacco stores, dressmakers and tailors, flower and gift shops, hobby shops, interior decorators, jewelry stores, key shops, leather goods and luggage stores, music instrument sales and repair, photocopying services, shoe repair and shoe shine stores, sporting and athletic goods, toy stores and department stores; excluding uses more specifically defined.

SCHOOL, PRIVATE. A facility established for the purposes of general education not associated with any public or governmental body. This definition shall include schools, academies, colleges, day schools, nursery schools and schools associated with religious institutions (does not include home schooling by a parent of children residing at residence.)

SCHOOL, PUBLIC. A facility established by the state or other governmental agency for the purposes of education.

SERVICE USE/ESTABLISHMENT. Any use or establishment where services are provided for remuneration either to individuals or to other firms.

STABLE, COMMERCIAL. Any building where horses, mules or ponies are sheltered, fed, and/or kept for hire.

STUDIO. A facility for recording, editing or a work room which generally consists of at least two rooms: A live room and the control room.

TEMPORARY PRODUCE STAND. A stand or store is a temporary structure used to display and sell agricultural goods to passing consumers.

THEATER, DRIVE IN. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or other prerecorded productions to patrons seated in automobiles.

THEATER, MOTION PICTURE. A building primarily used for the exhibition of movies or other prerecorded productions to the general public in an indoor setting.

THEATER, PERFORMING ARTS. A building primarily used for the presentation of live performances of plays or music. **USED CAR LOT.** See Motor Vehicle Sales and Service.

USED MERCHANDISE STORE. A use primarily engaged in the retail sale of used merchandise, antiques and secondhand goods, such as clothing and shoes; furniture; books and rare manuscripts; musical instruments; office furniture; phonographs and phonograph records; and store fixtures and equipment.

UTILITIES, PUBLIC. Any person, firm, corporation or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, cable television, radio, cellular communications, transportation, water or sewer.

UTILITY SUBSTATION. A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, and the like.

VETERINARIAN. A person or business qualified to treat sick or injured animals.

VIDEO GAMING PARLOR. An establishment or a business whose primary purpose is to operate video gaming terminals as defined under the Illinois Video Gaming Act and in which the sale of pre-packaged foods or snacks and alcoholic beverages are only incidental to the operation of the video gaming terminals. These establishments cannot have patios, musical events, additional games such as pool tables, pinball machines, etc.

WAREHOUSING. An establishment primarily engaged in the storage or sale of materials, equipment, or products for sale to wholesalers or retailers. Typical uses include cold storage, warehousing and dead storage facilities, but exclude Mini Warehousing (self storage) and the sale of goods to the general public.

WAREHOUSE, MINI (self storage). A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property, recreational vehicles, and personal vehicles.

40-4-00 Permitted and accessory use table.

The use table of this section provides a tabular summary of the land use types allowed in each zoning district. The table is intended for reference and does not necessarily reflect all of the regulations that may apply to particular uses or districts. In the event of a conflict between the use regulations of this section and those found in the text of the zoning district regulations, the text of the zoning district regulations shall prevail.

- (1) *Principal and accessory uses:* Principal and accessory uses that are permitted as special uses, planned uses or uses permitted by right are shown in the land use table.
- (2) *Permitted (by-right) uses:* Uses identified in a zoning district column of the use table with a "*" are "permitted-by-right" and shall be permitted in such zoning district, subject to any additional regulations as may be indicated in the "supplemental regulations" column and all other requirements of this chapter.
- (3) *Special uses:* Uses identified in a zoning district column of the use table with a "S" as "special uses" and shall be permitted in such zoning district, subject to any additional regulations as may be indicated in the "supplemental regulations" column and all other requirements of this chapter. All special uses shall require the receipt of a special use permit prior to the issuance of a building permit. A special use permit may be obtained by following the procedures and complying with the performance standards set forth in article II, division 5.
- (4) *Planned uses (PUDs):* Uses identified in a zoning district column of the use table with a "P" are "planned uses" and shall be permitted in such zoning district, subject to any additional regulations that may be indicated in the "supplemental regulations" column and all other requirements of this chapter. All planned uses require the approval of a site plan prior to the issuance of a building permit. The submission requirements, procedures and approval standards shall comply with article III, division 10.
- (5) *Accessory uses:* All accessory uses are subject to the performance standards set forth in 40-2-15 and 40-2-16.
- (6) *Unlisted uses:* Uses not listed have been determined either not to be appropriate in any district, incompatible with certain existing uses, or sufficiently rare or unexpected as to be incapable of being listed at the time of adoption of this Code except pursuant to 40-2-7. Any other uses not shown as a use permitted by right, a special use or a planned use in any zoning district, but constituting a use that is required to be permitted by law, shall be authorized only in the industrial district subject to the following conditions:
 - a. The use shall be permitted only to the extent required by law to be permitted;
 - b. The use shall be approved only as a planned use, except if by law it is required to be permitted by right;
 - c. The use shall be located no closer than 1,000 feet from any residence, residential property, park, school, or church, except as may be modified by the Village Board through a planned use procedure;

- d. The use shall maintain a distance of at least 1,000 feet from any other such use;
 - e. No use shall occupy a structure in excess of 5,000 square feet without an approved parking plan designed for that use and supported by a traffic study submitted to and approved by the Village Board.
- (7) *Supplemental regulations:* The last column of the use table entitled "supplemental regulations" references additional supplemental requirements categorized by land use. The numbers in this column refer to specific sections found in article IV. Additional requirements, beyond those listed in the supplemental regulation's column, may be required at the discretion of the city.

INSERT TABLE HERE

ARTICLE IV – AGRICULTURE DISTRICT

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

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

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

| | | |
|-----|---|-----------|
| (A) | Minimum lot area: | 3 Acres. |
| (B) | Minimum lot width at the established building line: | 150 feet. |
| (C) | Minimum lot depth: | 200 feet. |
| (D) | Minimum setbacks: | |
| | (1) From front lot line: | 50 feet. |
| | (2) Total for both side yard lines: | 25 feet. |
| | (3) From either side lot line: | 10 feet. |
| | (4) From rear lot line: | 25 feet. |
| | (5) From side yard abutting street: | 50 feet. |
| (E) | Maximum building height: | 35 feet. |

(Does not apply to accessory agricultural structures.)

40-4-4 PERMITTED USES. Permitted Uses in the "A" Agricultural District: agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-17-2** are met, shall be found in the Principle and Accessory Table.

40-4-5 SPECIAL USES. Special Uses in the "A" Agricultural District in accordance with **Section 40-22-1 et seq.** in the "A" Agricultural District shall be found in the Principle and Accessory Table.

ARTICLE V - "SR-1" SINGLE FAMILY RESIDENCE DISTRICT

40-5-1 "SR-1" SINGLE FAMILY DISTRICT (LARGE LOT). In the "SR-1", Single-family Residence District, land is principally used for or is best suited for detached, single-family dwellings and related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing single-family neighborhoods and to promote the development of subdivisions offering a range of new conventionally constructed single-family housing. Other types of residences (manufactured homes, immobilized manufactured homes, duplexes, apartments, and the like) are strictly prohibited in this district.

Penalty, see Section 40-25-1

40-5-2 SPECIAL RESTRICTIONS.

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

(B) **Manufactured Homes Prohibited.**

- (1) No manufactured home shall be brought into or placed anywhere in the "SR-1" District.
- (2) No existing manufactured home in the "SR-1" District shall be immobilized unless a special-use permit is granted by the Combined Planning and Zoning Board.
- (3) It shall be unlawful to replace any existing manufactured home located in the "SR-1" District without a special-use permit from the Combined Planning and Zoning Board.

Penalty, see 40-25-1

40-5-3 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "SR-1" District shall conform to the following requirements:

- | | | |
|-----|---|--------------------|
| (A) | Minimum lot area: | 9,500 square feet. |
| (B) | Minimum lot width at the established building line: | 80 feet. |
| (C) | Minimum lot depth: | 100 feet. |
| (D) | Minimum setbacks: | |
| | (1) From front lot line: | 25 feet. |
| | (2) Total for both side yard lines: | 25 feet. |
| | (3) From either side lot line: | 10 feet. |
| | (4) From rear lot line: | 25 feet. |
| | (5) From side yard abutting street: | 25 feet. |
| (E) | Maximum building height: | 35 feet. |
| (F) | Minimum off-street parking per dwelling unit: | 2 spaces. |
| (G) | Maximum percent lot coverage per lot: | 35%. |

(Ord. No. 1103; 07-21-03)

(H) Minimum floor area of not less than **one thousand (1,000) square feet.** The areas of garages, open porches, cellars and basements shall not be included.

(I) All types of metal shall be prohibited as a primary build material for any single-family residence. However, "High rib" metal roofing panels shall be allowed as an acceptable roofing material. The following materials shall be strictly prohibited in residential

districts:

- (1) Prefabricated metal buildings;
- (2) Pole Barns;
- (3) Railroad cars, shipping/moving containers, truck trailers, and other transitory type containers.

40-5-4 PERMITTED USES. Permitted Uses in the "SR-1" Single-Family Residential District shall be found in the Principle and Accessory Table.

40-5-5 SPECIAL USES. Special Uses in the "SR-1" Single-Family Residential District in accordance with **Section 40-22-1** shall be found in the Principle and Accessory Table.

ARTICLE VI - "SR-2" SINGLE FAMILY RESIDENCE DISTRICT

40-6-1 "SR-2" SINGLE FAMILY DISTRICT (SMALL LOT). The "SR-2", Single-family Residence District, encompasses areas suitable for single-family dwellings as well as related educational, religious, and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing single-family neighborhoods and to promote the development of subdivisions offering a range of new conventionally constructed single-family housing. Other types of residences (manufactured homes, immobilized manufactured homes, duplexes, apartments, and the like) are strictly prohibited in this district.
Penalty, see Section 40-25-1

40-6-2 SPECIAL RESTRICTIONS. The provisions of **Section 40-5-2** shall be controlling in this district.

40-6-3 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "SR-2" District shall conform to the following requirements:

- | | | |
|-----|--|--------------------|
| (A) | Minimum lot area: | 6,000 square feet. |
| (B) | Minimum lot width at the established building line: | 50 feet. |
| (C) | Minimum lot depth: | 100 feet. |
| (D) | Minimum setbacks: | |
| | (1) From front lot line: | 25 feet. |
| | (2) For both side yards: | 15 feet. |
| | (3) From either side lot line: | 5 feet. |
| | (4) From rear lot line: | 25 feet. |
| | (5) From side yard abutting street: | 25 feet. |
| (E) | Maximum building height: | 35 feet. |
| (F) | Minimum off-street parking per dwelling unit: | 2 spaces. |
| (G) | Maximum percent coverage per lot: | 25%. |
| (H) | Minimum floor area of not less than one thousand (1,000) square | |

feet. The areas of garages, open porches, cellars and basements shall not be included.

(I) All types of metal shall be prohibited as a primary build material for any single-family residence. However, "High rib" metal roofing panels shall be allowed as an acceptable roofing material. The following materials shall be strictly prohibited in residential districts:

- | | |
|-----|--|
| (1) | Prefabricated metal buildings; |
| (2) | Pole Barns; |
| (3) | Railroad cars, shipping/moving containers, truck trailers, and other transitory type containers. |

40-6-4 PERMITTED USES. Permitted Uses in the "SR-2" Single-Family Residential District shall be found in the Principle and Accessory Table.

40-6-5 SPECIAL USES. Special Uses in the "SR-2" District in accordance with **Section 40-22-1** shall be found in the Principle and Accessory Use Table.

ARTICLE VII - "MR-1" TWO FAMILY RESIDENCE DISTRICT

40-7-1 "MR-1" TWO FAMILY RESIDENCE DISTRICT. The "MR-1," Two-Family Residence District, encompasses areas suitable for both single-family dwellings and duplexes as well as related educational, religious and recreational facilities.

40-7-2 SINGLE OR TWO FAMILY DWELLING. In the "MR-1" District, only one single-family or two-family dwelling may be situated on any one lot.

40-7-3 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "MR-1" District shall conform to the following requirements:

- (A) Minimum lot area: 9,000 square feet or 4,500 square feet per unit.
- (B) Minimum lot width at the established building line: 80 feet.
- (C) Minimum lot depth: 100 feet.
- (D) Minimum setbacks:
 - (1) From front lot line: 25 feet.
 - (2) Total for both side lot lines: 15 feet.
 - (3) From either side lot line: 5 feet.
 - (4) From rear lot line: 25 feet.
 - (5) From side yard abutting street: 25 feet.
- (E) Maximum building height: 35 feet.
- (F) Minimum off-street parking per dwelling unit: 2 spaces.
- (G) Maximum percent coverage per lot: 30%.
- (H) Minimum floor area of not less than **eight hundred (800) square feet**

for one bedroom units and one thousand (1,000) square feet for two or more bedroom units. The areas of garages, open porches, cellars and basements shall not be included.

(I) All types of metal shall be prohibited as a primary build material for any multi-family residence. However, "High rib" metal roofing panels shall be allowed as an acceptable roofing material. The following materials shall be strictly prohibited in residential districts:

- (1) Prefabricated metal buildings;
- (2) Pole Barns;
- (3) Railroad cars, shipping/moving containers, truck trailers, and other transitory type containers.

40-7-4 PERMITTED USES. Permitted Uses in the "MR-1" Two-Family Residential District shall be found in the Principle and Accessory Table.

40-7-5 SPECIAL USES. Special Uses in the "MR-1" District in accordance with **Section 40-22-1** shall be found in the Principle and Accessory Use Table.

ARTICLE VIII - "MR-2" MULTIPLE FAMILY RESIDENCE DISTRICT

40-8-1 "MR-2" MULTIPLE FAMILY RESIDENCE DISTRICT. The "MR-2" Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings and to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

40-8-2 LOT AND BUILDING REQUIREMENTS. Every principal building in the "MR-2" District shall conform to the requirements indicated below:

NOTE: Detached single-family and two-family dwellings erected in the "MR-2" District shall comply with all applicable regulations of the "MR-2" District.

- | | | |
|-----|---|---|
| (A) | Minimum lot area: | 10,000 square feet or 2,500 square feet per unit, whichever is greater. |
| (B) | Minimum lot width at the established building line: | 80 feet. |
| (C) | Minimum lot depth: | 100 feet. |
| (D) | Minimum setbacks: | |
| | (1) From front lot line: | 25 feet. |
| | (2) Total for both side yard lines: | 15 feet. |
| | (3) From any side lot line: | 7.5 feet. |
| | (4) From rear lot line: | 25 feet. |
| (E) | Maximum building height: | 35 feet. |
| (F) | Minimum off-street parking per dwelling unit: | 2 spaces. |
| (G) | Maximum percent coverage per lot: | 30%. |
| (H) | Minimum floor area of not less than eight hundred (800) square feet for one bedroom units and one thousand (1,000) square feet for two or more bedrooms per unit. The areas of garages, open porches, cellars and basements shall not be included. | |

(I) All types of metal shall be prohibited as a primary build material for any multi-family residence. However, "High rib" metal roofing panels shall be allowed as an acceptable roofing material. The following materials shall be strictly prohibited in residential districts:

- (1) Prefabricated metal buildings;
- (2) Pole Barns;
- (3) Railroad cars, shipping/moving containers, truck trailers, and other transitory type containers.

40-8-3 PERMITTED USES. Permitted Uses in the "MR-2" Multiple-Family Residential District shall be found in the Principle and Accessory Table.

40-8-4 SPECIAL USES. Special Uses in the "MR-2" District in accordance with **Section 40-7-4** shall be found in the Principle and Accessory Table.

ARTICLE IX – MANUFACTURED HOUSING DISTRICT

40-9-1 "MH-1" MANUFACTURED HOUSING DISTRICT. The "MH-1" Manufactured Housing District is primarily intended to provide areas suitable for the placement of immobilized manufactured homes on individual lots for the establishment of manufactured home parks. This district is intended to preserve all other residential districts for conventionally constructed dwellings.

40-9-2 MANUFACTURED HOUSING LOT OWNERSHIP.
 (A) All manufactured housing units located outside an approved manufactured home park shall be located on property owned by the owner of the manufactured housing unit.
 (B) All units shall meet the Housing and Urban Development Federal Code known as the "National Manufactured Home Construction and Safety Standards." **(Ord. No. 1021; 01-21-02)**

40-9-3 LOT AND BUILDING REQUIREMENTS.

| | | |
|-----|--|--------------------|
| (A) | Minimum lot area: | 6,000 square feet. |
| (B) | Minimum lot width at the established building line: | 50 feet. |
| (C) | Minimum lot depth: | 100 feet. |
| (D) | Minimum setbacks: | |
| | (1) From front lot line: | 25 feet. |
| | (2) Total for both side yard lines: | 15 feet. |
| | (3) From either side lot line: | 5 feet. |
| | (4) From rear lot line: | 20 feet. |
| | (5) From side yard abutting street: | 25 feet. |
| (E) | Maximum building height: | 35 feet. |
| (F) | Maximum percent coverage per lot: | 25%. |
| (G) | Minimum off-street parking per unit: | 2 spaces. |
| (H) | Minimum floor area of not less than nine hundred (900) square feet. | |

The areas of garages, open porches, cellars and basements shall not be included.

(I) All types of metal shall be prohibited as a primary build material for any single-family residence. However, "High rib" metal roofing panels shall be allowed as an acceptable roofing material. The following materials shall be strictly prohibited in residential districts:

- (1) Prefabricated metal buildings;
- (2) Pole Barns;
- (3) Railroad cars, shipping/moving containers, truck trailers, and other transitory type containers.

See Section 40-9-6 for special lot and building requirements applicable to manufactured home parks.

40-9-4 PERMITTED USES. Permitted Uses in the "MH-1" Manufactured Housing District shall be found in the Principle and Accessory Table.

40-9-5 SPECIAL USES. Special Uses in the "MH-1" District in accordance with **Section 40-22-1** shall be found in the Principle and Accessory Table.

40-9-6 MANUFACTURED HOME PARKS. After the effective date of this Chapter, no manufactured home park shall be established except in conformity with the requirements of this Section:

(A) **Minimum Lot Size, Setback Requirements.**

- (1) **Minimum Lot Area.** No manufactured home park shall be located on a tract less than **two (2) acres** in area.
- (2) **Minimum Dimensions.** No manufactured home park shall be developed on any tract that is less than **two hundred fifty (250) feet** in both width or depth.
- (3) **Minimum Setbacks.** No part of any manufactured home or other structure in any manufactured home park shall be situated closer than **twenty-five (25) feet** to any boundary line of the park.
- (4) **Maximum Height.** No structure in any manufactured home park shall be more than **thirty-five (35) feet** in height.

(B) **Spacing of Manufactured Homes.**

- (1) Every manufactured home space shall meet the following requirements:
 - (a) Minimum area: 6,000 square feet.
 - (b) Minimum width: 50 feet.
 - (c) Minimum depth: 100 feet.
- (2) Manufactured homes within any park shall be placed so that no part of any manufactured home is closer than:
 - (a) **ten (10) feet** to any park street;
 - (b) **twenty-five (25) feet** to any boundary line of the park; or
 - (c) **twenty (20) feet** to any part of any other manufactured home or structure.

Penalty, see Section 40-25-1

ARTICLE X - "B-1" COMMUNITY BUSINESS DISTRICT

40-10-1 "B-1" COMMUNITY BUSINESS. The "B-1," Community Business District, primarily encompasses the long-established commercial areas of the Village where a wide range of goods and services is offered to the general public at retail or wholesale.

40-10-2 LOT AND BUILDING REQUIREMENTS.

- | | | |
|-----|--|---------------|
| (A) | Minimum lot area: | 5,000 sq. ft. |
| (B) | Minimum lot width: | 50 feet. |
| (C) | Minimum lot depth: | 100 feet. |
| (D) | Minimum depth of side yard abutting street: | 25 feet. |
| (E) | Minimum setbacks: generally, none required except as necessary to comply with applicable off-street parking and loading requirements. However, any lot that abuts any residential district shall meet the front setback and side setback (on the side abutting the residential use) requirements of such residential district. | |
| (F) | Maximum building height: | 45 feet. |
| (G) | Maximum percent coverage per lot: | 50%. |

40-10-3 PERMITTED USES. Permitted Uses in the "B-1" Community Business District shall be found in the Principle and Accessory Table.

40-10-4 SPECIAL USES. Special Uses in the "B-1" District in accordance with **Section 40-22-1** shall be found in the Principle and Accessory Table.

ARTICLE XI - "B-2" HIGHWAY BUSINESS DISTRICT

40-11-1 "B2" HIGHWAY BUSINESS DISTRICT. The "B-2" Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses. Since such businesses, both retail and wholesale, draw their patrons primarily from the motoring public, they typically require direct access to major streets and large lots for off-street parking and loading.

40-11-2 USE RESTRICTIONS.

(A) **Storage Areas.** Any inventory or materials stored outside may be open to the sky, but shall be enclosed by walls or solid fences at least **six (6) feet** high.

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

(C) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening at least **six (6) feet** high, which completely blocks the view from the adjacent residential property, shall be installed. The screening shall be approved by the Zoning Administrator.

(D) **Parking.** See Section 40-15-1 et seq.

(E) **Signs.** See Section 40-16-1 et seq.

40-11-3 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "B-2" Highway Business District shall conform to the requirements indicated below:

- | | | |
|-----|---|---------------------|
| (A) | Minimum lot area: | 20,000 square feet. |
| (B) | Minimum lot width at the established building line: | 125 feet. |
| (C) | Minimum lot depth: | 125 feet. |
| (D) | Minimum setbacks: | |
| | (1) From front lot line: | 50 feet. |
| | (2) Side yards: | |
| | (a) Minimum total setback from abutting street: | 50 feet. |
| | (b) Minimum setback from either side lot line: | 25 feet. |
| | (3) From rear lot line when lot is 125 feet or more in depth: | 25 feet. |
| | (4) From rear lot line when lot is less than 125 feet in depth: | 15 feet. |
| (E) | Maximum structure height: | 35 feet. |
| (F) | Maximum percent coverage per lot: | 50%. |

40-11-4 PERMITTED USES. Provided all the use restrictions of the "B-2" District are observed, Permitted Uses shall be found in the Principle and Accessory Table.

40-11-5 SPECIAL USES. Provided all the use restrictions of the "B-2" District are observed, Special Uses shall be found in the Principle and Accessory Table.

ARTICLE XII - "I-1" LIGHT INDUSTRIAL

40-12-1 "I-1" LIGHT INDUSTRIAL. The "I-1" Light Industrial District is intended to provide for areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

40-12-2 USE RESTRICTION.

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

(B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether sod or chain-link), including gates, at least **eight (8) feet** high.

(C) **Buffer Strip.** Whenever any industrial use located in this district abuts any residential district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. The buffer strip shall consist of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of ten feet when full grown.

40-12-3 LOT AND STRUCTURE REQUIREMENTS.

| | | |
|-----|---|---------------------|
| (A) | Minimum lot area: | 20,000 square feet. |
| (B) | Minimum lot width at the established building line: | 125 feet. |
| (C) | Minimum lot depth: | 150 feet. |
| (D) | Minimum setbacks: | |
| | (1) From front lot line: | 50 feet. |
| | (2) From any side lot line: | 25 feet. |
| | (3) From rear lot line: | 25 feet. |
| | (4) From side yard abutting street: | 50 feet. |
| (E) | Maximum structure height: | 60 feet. |
| (F) | Maximum percent coverage per lot: | 50%. |

40-12-4 PERMITTED USES. Provided all the use restrictions of the "I-1" District are observed, Permitted Uses shall be found in the Principle and Accessory Table.

40-12-5 SPECIAL USES. Special Uses in the "I-1" District in accordance with **Section 40-22-1** shall be found in the Principle and Accessory Table.

ARTICLE XIII – "I-2" MODERATE INDUSTRIAL

40-13-1 "I-2" MODERATE INDUSTRIAL. The "I-2" Moderate Industrial District is intended to provide for areas where industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

40-13-2 USE RESTRICTION.

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

(B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings or screened in storage areas. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link with solid inserts or slats), including gates, at least **eight (8) feet** high.

(C) **Buffer Strips.** Wherever any industrial use located in this district abuts any residential district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. The buffer strip shall consist of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full grown.

(Ord. 982, passed 2-19-01) Penalty, see Section 40-25-1

40-13-3 LOT AND STRUCTURE REQUIREMENTS.

| | | |
|-----|---|---------------------|
| (A) | Minimum lot area: | 20,000 square feet. |
| (B) | Minimum lot width at the established building line: | 125 feet. |
| (C) | Minimum lot depth: | 150 feet. |
| (D) | Minimum setbacks: | |
| | (1) From front lot line: | 50 feet. |
| | (2) From any side lot line: | 25 feet. |
| | (3) From rear lot line: | 25 feet. |
| | (4) From side yard abutting street: | 50 feet. |
| (E) | Maximum structure height: | 60 feet. |
| (F) | Maximum percent coverage per lot: | 40%. |

40-13-4 PERMITTED USES. Provided all the use restrictions of the "I-2" District are observed, Permitted Uses shall be found in the Principle and Accessory Table.

40-13-5 SPECIAL USES. Special Uses in the "I-2" District in accordance with Section **40-22-1** shall be found in the Principle and Accessory Table.

ARTICLE XIV - FLOOD PLAIN DISTRICT

40-14-1 "O-FP" FLOOD PLAIN OVERLAY DISTRICT.

(A) The "O-FP" Flood Plain Overlay District delineates areas in the vicinity of watercourses and tributaries in the Village subject to special requirements.

(B) In the absence of flood protection measures, these areas are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the municipal tax base, and the need for extraordinary relief measures. The regulations of this Section are intended to restrict permitted development in flood plains to:

- (1) Uses which inherently have low flood damage potential; and
- (2) To other uses allowed in the primary zoning districts provided appropriate protective measures have been taken.

40-14-2 PERMITTED AND/OR SPECIAL USES. This overlay district has no effect on the classification, whether permitted, special, or prohibited, of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.

40-14-3 ADDITIONAL RESTRICTIONS.

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

- (1) Anchorage or addition of weight to structures to resist flotation;
- (2) Installation of watertight doors and bulkheads;
- (3) Use of special paints, membranes, or mortars so as to reduce seepage through walls;
- (4) Installation of pumps to lower water levels in structures or to relieve external foundation wall flood pressure;
- (5) Reinforcement of walls to resist rupture or collapse caused by water pressure or floating debris;
- (6) Installation of valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewage or storm runoff into structures;
- (7) Location of electrical equipment and appliances above the level of the regulatory flood elevation;
- (8) Location of storage facilities for chemicals, explosives, flammable liquids, toxic substances, and the like above the regulatory flood elevation;
- (9) Filling and earth-moving to raise the level of proposed building site above the regulatory flood elevation; and/or
- (10) Any other reasonable flood protection measures.

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

(See Chapter 14 Flood Plain Code)

ARTICLE XV - OFF-STREET PARKING AND LOADING

40-15-1 APPLICABILITY. Off-street parking and loading shall be provided in accordance with this subchapter for all structures and uses erected or established after the effective date of this Chapter.

40-15-2 EXISTING PARKING/LOADING FACILITIES.

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

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

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

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

40-15-3 PARKING LOT DESIGN STANDARDS. All off-street parking lots shall conform to the standards indicated in the **Section 40-15-4** through **40-15-9**. **NOTE:** Standards applicable to all parking areas are indicated by one asterisk, standards applicable to all parking areas except those accessory to single- or two-family dwellings are indicated by two asterisks.

40-15-4 SPACES.

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

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

(C) All Handicapped Parking shall comply with the requirements of the most current Illinois Accessibility Code.

| <i>Table: Handicap Accessible Spaces Required (From Illinois Accessibility Code)</i> | |
|---|--|
| <i>Spaces Required for Use</i> | <i>Minimum Number of Handicapped Spaces</i> |
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1,000 | 2% of total |
| 1,001 and over | 20, plus 1 for each 100 over 1,000 |

40-15-5 INTERIOR AISLES. Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty (60) degree** parking shall be at least **eighteen (18) feet** wide.**

40-15-6 ACCESS WAYS.

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

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

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

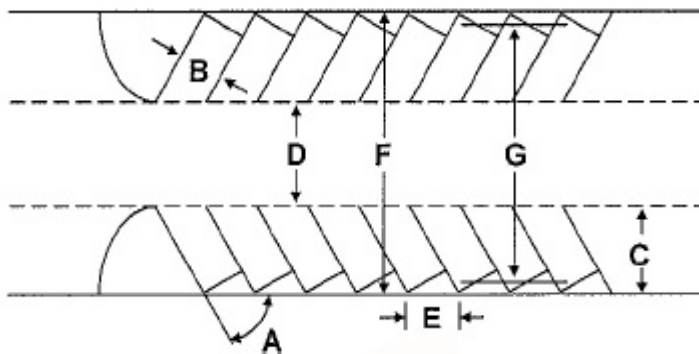
(D) The access way to every parking lot located in any business district or in the Industrial District shall be at least **twenty-four (24) feet** wide unless **two (2)** one-way drives, each **twelve (12) feet** wide are provided.**

(E) The access way to every parking lot located in any residential district or in the Agriculture District shall be at least **ten (10) feet** wide; but if the parking area is longer

than **one hundred (100) feet**, access shall be provided either by **one (1)** two-way drive at least **twenty (20) feet** wide or by **two (2)** one-way drives, each at least **ten (10) feet** wide.*

Table: Parking Table

| Parking Angle (A) | Stall Width (B) | Stall to Curb (C) | Aisle Width* (D) | Curb Length (E) | Curb to Curb (F) | Center to Center (G) |
|--------------------------|------------------------|--------------------------|-------------------------|------------------------|-------------------------|-----------------------------|
| 60 degrees | 10.0' | 20.8' | 16.0' | 11.2' | 57.6' | 53.3' |
| 75 degrees | 10.0' | 21.0' | 20.0' | 10.4' | 62.0' | 59.2' |
| 90 degrees | 10.0' | 19.0' | 24.0' | 10.0' | 62.0' | ----- |



40-15-7 SURFACING/MAINTENANCE.

(A) Parking lots shall be graded and improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphalt or surfaced with at least **six (6) inches** of Portland cement concrete over a compacted base. **(Am. Ord. 923, passed 9-21-98)**

(B) All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, landscaping including trees and shrubbery, as well as surfacing and curbing of the parking facility, shall be maintained in good condition throughout its use for parking purposes.

40-15-8 LIGHTING. Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible, and in no case shall the light(s) shine on or into nearby residences.

40-15-9 LANDSCAPING. In order to reduce heat and glare, to minimize blowing

of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains **twenty (20)** or more parking spaces. **(Am. Ord. 923, passed 9-21-98)**

40-15-10 LOCATION OF PARKING. All off-street parking shall be located in conformity with the following requirements:

(A)

For Dwellings.

- (1) Parking spaces accessory to any dwelling shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any required front yard or required side yard adjacent to a street except in the driveway, but may be located in the side or rear yards.
- (2) Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area; provided that this requirement shall not be applicable to two-family dwellings.

(B)

For Business/Industrial Uses.

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

40-15-11 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.

All off-street loading facilities shall conform to the minimum standards indicated below.

(A)

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

(B)

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

(C)

Surfacing. Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. (No "oil and chip.")

(D)

Buffer Strips. No loading space or area for vehicles over **two (2) ton** cargo capacity shall be developed closer than **fifty (50) feet** to the lot line of any lot located in any residential district or in the Agricultural District unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least **six (6) feet** in height and of sufficient density to block the view from residential property.

(E)

Location. Every off-street loading space shall be located on the same parcel of land as the use served and not closer than **fifty (50) feet** to the intersection of the

rights-of-way of **two (2)** or more streets and not on any required front yard.

40-15-12 COMPUTATION OF REQUIRED PARKING/LOADING SPACES. In computing the number of parking spaces required by this Chapter, the Zoning Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means **one (1) parking space** shall be required per **one and one-half (1 ½) employees**, unless otherwise stated.

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

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

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

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

40-15-13 NUMBER OF PARKING AND LOADING SPACES REQUIRED. Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity:

| <i>Use</i> | <i>Parking Spaces Required</i> | <i>Loading Spaces Required (if any)</i> |
|------------|------------------------------------|---|
|------------|------------------------------------|---|

(A) Dwellings, lodgings:

| | | |
|---|---|---|
| Motels, boarding hotels, and Bed and Breakfast Establishments | 1 space per lodging unit, plus employee parking | 1 space if the use has 20,000 sq. ft. or more of floor area |
| Manufactured homes & Immobilized homes | 2 spaces per unit | Not applicable |
| Multi-family dwellings | 2 spaces per dwelling unit | Not applicable |
| Single-family & two-family dwellings | 2 spaces per dwelling unit | Not applicable |
| Community Residence | 2 spaces per dwelling unit | Not applicable |

(Ord. No. 1187; 09-19-05)

(B) Educational, institutional, recreational:

| | | |
|--------------------------|--|---|
| Churches, assembly halls | 1 space per 4 seats in the largest seating area | Not applicable |
| Libraries, museums | 1 space per 500 sq. ft. of floor area | On review by the Zoning Administrator |
| Nursing homes | 1 space per 5 beds plus 1.5 spaces per employee on the major shift | To 50,000 sq. ft. of floor area...1 space; 50,001-100,000 sq. ft...2 spaces |

Schools

| | | |
|----------------------------|--|---------------------------------------|
| Elementary and Junior High | 1 space for every 20 students that the building is designed to accommodate, plus employee parking. | On review by the Zoning Administrator |
| Senior High | 1 space for every 4 students that the building is designed to accommodate, plus employee parking. | On review by the Zoning Administrator |

(C) Commercial, office service:

| | | |
|---|--|---|
| Note: All commercial and service uses, unless specifically indicated otherwise below. | 1 space per 300 sq. ft. of floor area. | To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft....1 space, plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft. |
|---|--|---|

| <i>Use</i> | <i>Parking Spaces Required</i> | <i>Loading Spaces Required (if any)</i> |
|--------------------------------|--|---|
| Financial institutions | | |
| Walk-in | 1 space per 300 sq. ft. of floor area, plus employee parking. | (Both walk-in and drive-in): To 30,000 sq. ft. of floor area... none required; 30,001 to 100,000 sq. ft....1 space |
| Drive in | 5 spaces per teller window | |
| Beauty and barber shops | 2 spaces per chair, plus employee parking | Not applicable |
| Bowling alleys | 4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns. | Not applicable, except as required for affiliated uses. |
| Car wash | 3 spaces per wash lane | Not applicable |
| Furniture and appliance Stores | 1 space per 600 sq. ft. of floor area. | To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area...2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft. |
| Home occupations | 1 space per 150 sq. ft. of | Not applicable floor area devoted to the home occupation in addition to the parking requirements for the dwelling. |
| Video Gaming Parlor | 1 space per 2 seats or 1 space per 200 sq. ft. of floor area, whichever is greater | 1 space per structure having 10,000 sq. ft. or more of floor area |

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| | | |
|---|---|--|
| Offices generally, but not medical/dental offices | 1 space per 300 sq. ft. of floor area. | To 30,000 sq. ft. of floor area...none required; 30,001- 100,000 sq. ft. ...1 space. |
| Offices, medical/dental | 1 space per 200 sq. ft. of floor. | Not applicable area or 3 spaces per professional, whichever is greater. |
| Mortuaries | 1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room. | 1 space per 10,000 sq. ft. or more of floor area. |

Restaurants; refreshment stands

| | | |
|------------------|--|---|
| Sit-down | 1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater. | (Both sit-down and drive-in): 1 space per structure |
| Drive-in | 1 space per 25 sq. ft. of floor area. | having 10,000 sq. ft. or more of floor area. |
| Service stations | 2 spaces per service stall, plus employee parking. | Not applicable |

| <i>Use</i> | <i>Parking Spaces Required</i> | <i>Loading Spaces Required (if any)</i> |
|------------|--|--|
| Taverns | 1 space per 2 seats or 1 space per 50 sq. ft. of floor area, whichever is greater. | 1 space per structure having 10,000 sq. ft. or more of floor area. |

Theaters

| | | |
|---------------|--|---|
| Indoor | 1 space per 4 seats | Not applicable |
| Drive-in | On review by the Zoning Administrator | |
| Vehicle sales | 1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space per 2,500 sq. ft. of open lot area; above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft. | To 25,000 sq. ft. of area and open lot area...2 spaces More than 25,000 sq. of floor area and open lot area...2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft. |

(D) Industrial:

| | | |
|---|--|--|
| Any manufacturing, warehousing, or other industrial use | Employee parking (1 space per 1.5 employees) plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift. | To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft.. 2 spaces; 50,001-90,000 sq. ft...3 spaces; above 90,000 sq. ft...3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft. |
|---|--|--|

ARTICLE XVI - SIGN REGULATIONS

40-16-1 GENERAL PROHIBITION. No permanent sign shall be erected without a zoning permit issued by the Zoning Administrator. **(Sec. 155.270) Penalty, see 40-25-1 (Ord. No. 1433; 09-04-12)**

(A) **DEFINITIONS.** For the purpose of this Subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BILLBOARD. Any single- or double-faced sign displaying messages or advertising not associated with the premises on which the sign is located or to which it is affixed.

CANOPY/MARQUEE SIGN. Any sign affixed to, painted on, or suspended from an awning, canopy, marquee, or similar overhang.

FLUSH-MOUNTED SIGN. Any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not projecting more than **eighteen (18) inches**. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

FREESTANDING SIGN. Any sign supported by **one (1)** or more uprights, poles, or braces placed in or upon the ground; or any sign supported by any structure erected primarily for the display and support of the sign; provided that a freestanding sign displays only messages associated with the structure to which it is attached.

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

PROJECTING SIGN. Any sign which is suspended from or supported by a wall, awning, canopy, marquee, and the like and which is approximately perpendicular thereto. A **PROJECTING SIGN** displays only messages associated with the structure to which it is attached.

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

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

SIGN AREA. The entire area within a single, continuous perimeter enclosing the extreme limits of the message and the background thereof, calculated in accordance with the provisions of this Chapter.

SIGN AREA ALLOWANCE. The maximum total sign area of all signs that an establishment is permitted to display.

40-16-2 COMPUTATION OF SIGN AREA ALLOWANCE.

(A) Within the limitations and restrictions as further provided in this

subchapter, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

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

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

40-16-3 DEFINITION OF SIGN AREA. As used in this subchapter, the term ***SIGN AREA*** means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign (**see Appendixes C and D**). (**Sec. 155.272**)

40-16-4 SPECIAL SITUATIONS.

(A) Except as specifically provided otherwise in this subchapter, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this subchapter. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any one frontage a greater area of signs than would be permitted by application of the formula set forth in **Section 40-16-2**.

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

40-16-5 SIGNS TO BE NONHAZARDOUS, WELL MAINTAINED.

(A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic-control device.

(C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code.

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

Penalty, see 40-25-1

40-16-6 ILLUMINATION. Illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

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

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

Penalty, see 40-25-1

40-16-7 NONCONFORMING SIGNS. A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this subchapter or any amendment thereto.

40-16-8 RESTRICTIONS. Any nonconforming sign as defined in **Section 40-16-7** that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in **Section 40-18-1** through **40-18-7**; provided as follows:

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

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

40-16-9 STRICTLY PROHIBITED SIGNS. Except as specifically noted otherwise, the following signs and street graphics are strictly prohibited throughout the Village:

(A) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.

(B) Defunct signs, including the posts or other supports therefor that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

(C) Roof-mounted signs, that project or protrude above the highest point of the roof.

(D) Mobile/portable marquees; except that they may be permitted as a temporary sign (**See Section 40-16-19**).

Penalty, see Section 40-25-1

40-16-10 SIGNS PERMITTED IN ANY DISTRICT. Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the Village. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance (**See Section 40-16-2**).

(A) **Construction Signs.** Construction signs identifying the architects, engineers, contractors and other individuals or firms involved with the construction and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall be confined to the site of the construction.

(B) **Real Estate Signs.** Real estate signs indicating the sale, rental or lease of the premises on which they are located.

(C) **Political Signs.** Political signs announcing candidates seeking public office and/or political issues or questions to be voted upon at an upcoming election or referendum.

(D) **Garage Sale Signs.** Garage sale signs advertising a garage or yard sale

to be held on private residential property.

(E) **Public Interest Signs and Street Banners.** Public interest signs and street banners publicizing a charitable or non-profit event of general public interest.

(F) **Governmental, Public and Directional Signs.** Such as traffic-control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones, restrooms and the like.

(G) **Institutional Signs.** Institutional signs identifying a public, charitable or religious institution. Such signs shall be located on the premises of such institution, and shall not obstruct the vision of motorists.

(H) **Integral Signs.** Integral signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building and memorial tributes.

(I) **Home Occupation Signs Identifying Only the Name and Occupation of the Residents.**

(J) **Subdivision Entrance Signs Identifying a Residential Subdivision or Apartment Complex.**

(K) **Permanent House Numbers and/or Permanent Name of Occupant Signs Located on the Lot to Which the Sign Applies.**

(L) Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

(Ord. No. 1433; 09-04-12)

40-16-11 RESIDENTIAL DISTRICTS. No sign other than those listed in **Section 40-16-10** shall be erected in any Residential District. **Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)**

40-16-12 BUSINESS; INDUSTRIAL DISTRICTS.

(A) No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in **Section 40-16-2. (See Appendix B)**

(B) Additionally, signs in any Business District or in the Industrial District shall conform to the requirements indicated in **Sections 40-16-11** through **40-16-16.**

(Ord. No. 1433; 09-04-12)

40-16-13 FLUSH-MOUNTED SIGNS. No flush-mounted (wall) sign shall:

(A) Project more than **eighteen (18) inches** from the wall or surface to which it is attached; or

(B) Extend above the roof line of the building to which it is attached.

Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)

40-16-14 WINDOW SIGNS. Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment. **(Ord. No. 1433; 09-04-12)**

40-16-15 PROJECTING SIGNS. No establishment shall display more than one projecting sign on any street front. No projecting sign shall:

- (A) Project above the roof line of the building to which it is attached;
- (B) Extend below a point **eight (8) feet** above the ground or pavement;
- (C) Project over a driveway or beyond the curblin of any public street;
- (D) Project more than **four (4) feet** from the building to which it is attached;

or

- (E) Extend to a point higher than **twelve (12) feet** above ground level.

(See Appendix B)

Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)

40-16-16 CANOPY OR MARQUEE SIGNS. Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs and shall meet the requirements of **Section 40-16-13**. Signs suspended beneath a canopy or marquee shall be considered projecting signs and shall meet the requirements of **Section 40-16-15. (Ord. No. 1433; 09-04-12)**

40-16-17 FREESTANDING SIGNS. No establishment shall display more than **one (1)** freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:

(A) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point **ten (10) feet** above the ground or pavement shall be located closer than **ten (10) feet** from the public right-of-way line.

(B) The area of any freestanding sign, calculated in accordance with **Section 40-16-3** shall not exceed **one hundred (100) square feet** in a "B-1" District or **one hundred fifty (150) square feet** in a "B-2" District.

(C) When attached to its structural supports, no part of any freestanding sign shall extend more than **thirty-five (35) feet** above the ground or pavement.

(D) The length or width of any freestanding sign shall not exceed **thirteen (13) feet. (See Appendix B)**

Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)

40-16-18 BILLBOARDS. Billboards and other off-premises advertising signs are strictly prohibited in every district except the Industrial District. No billboard shall:

(A) Be stacked on top of another billboard;

(B) Be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way;

(C) Be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway;

(D) Extend more than **twenty (20) feet** above the ground or pavement; or

(E) Exceed **three hundred (300) square feet** in area.

Penalty, see 40-25-1. (Ord. No. 1433; 09-04-12)

40-16-19 TEMPORARY SIGNS. Any temporary sign that complies with the indicated requirements may be permitted on private property in any district of the Village.

(A) No individual temporary sign shall exceed **sixteen (16) square feet** in size and the total square footage of temporary signs displayed on any one lot shall not exceed **eighty (80) square feet.**

(B) No temporary signs shall be permitted on any public right-of-way or other publicly owned areas except for governmental, public and directional signs.

Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)

(C) No Temporary sign shall be placed on a property that exceeds a 30 day period with in a 12 month period.

ARTICLE XVII - ADDITIONAL SUPPLEMENTARY REGULATIONS

40-17-1 APPLICABILITY. This subchapter establishes lot and structure requirements and design/operational standards for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special-use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-17-2 AGRICULTURAL ACTIVITIES.

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

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

(C) **Barbed Wire/Electrical Fences.** See Section 40-17-3.
Penalty, see Section 40-25-1

40-17-3 FENCES, WALLS.

(A) No barbed wire or electrically-charged fence shall be erected or maintained anywhere in the Village, except in the Agricultural District and shall not be erected closer than **three hundred (300) feet** to any existing neighboring dwelling or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater.

(B) No fence, wall, landscaping, hedges, or other obstruction shall be erected within any public right-of-way. For utility easement, See Illinois State Statute.

(C) No fence, wall, or other obstruction shall be erected in violation of the Illinois Drainage Code, **70 ILCS 605/2-1 through 605/2-12**, as amended from time to time.

(D) Structures, fences, walls, and hedges in any district may be located on lot lines, provided such structures, fences, walls and hedges exceeding **six (6) feet** in height shall be subject to the minimum yard requirements of the district in which such fences are located.

(E) Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections.

Penalty, see Section 40-25-1

40-17-4 HOME OCCUPATIONS.

(A) **Limitations on Use.** A home occupation shall be considered a special-use in any residential district, provided the home occupation is subject to the following limitations.(1) The use shall be conducted entirely within a dwelling or permitted accessory

building and carried on by the inhabitants living there and only one other person.

- (2) The use shall be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character of use as a dwelling.
- (3) The total area used for the home occupation shall not exceed **one-half (1/2)** the floor area of the user's living unit.
- (4) There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed **two (2) square feet** in area and which shall not be illuminated.
- (5) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- (6) There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (7) There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
- (8) A home occupation, including studios or rooms for instruction, shall provide an off-street parking area adequate to accommodate needs created by the home occupation.
- (9) The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.
- (10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

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

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

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

(D) **Parking.** See Section 40-15-13.

(E) **Signs.** See Section 40-16-10.

Penalty, see Section 40-25-1

40-17-5 JUNK YARDS.

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

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

Penalty, see 40-25-1

40-17-6 LONG TERM CARE FACILITY.

(A) The lot on which any long term care facility is situated shall have a minimum width and depth of **two hundred (200) feet** and a minimum area of **two (2) acres**.

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

Penalty, see 40-25-1

40-17-7 RECREATIONAL VEHICLES. The regulations of this Section do not apply to travel trailers or other recreational vehicles parked in a permitted travel trailer park that conforms to the pertinent requirements of the Mobile or Manufactured Housing Code. The requirements of divisions (A), (C) and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicles sales lot.

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

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

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

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

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

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

Penalty, see Section 40-25-1

40-17-8 SERVICE STATIONS.

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

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

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

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

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

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

Penalty, see Section 40-25-1

40-17-9 SWIMMING POOLS.

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

(B) Every swimming pool that is more than **two (2) feet** deep shall be enclosed by a wall or fence at least **four (4) feet** in height. The passage through such wall or fence shall be equipped with a gate.

(C) All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible.

(D) No portion of the pool, pool deck or equipment associated with the pool shall be placed in an easement.

(E) An 18-foot overhead electrical wire clearance must be maintained from the nearest point of the pool to the power line. All electrical wiring must conform and be maintained to meet all present village electrical codes.

(F) Pools shall not be filled until all safety requirements and regulations of the latest adopted building code are met.

(G) Removeable or locking ladders are not acceptable means of safely enclosing a pool.

Penalty, see Section 40-25-1

40-17-10 UTILITY SUBSTATIONS. Every electrical substation, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility, or similar facility shall be deemed a special use and shall conform to the following regulations:

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

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

(C) Screening at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property shall be installed around every such facility. Furthermore, if the Zoning Administrator determines that the facility poses a safety hazard (for example, if there are transformers exposed), they shall require that a secure fence at least **ten (10) feet** in height be installed behind the planting screen.

Penalty, see Section 40-25-1

40-17-11 LIGHTING CONTROLS. Any light used for the illumination of signs,

parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists. **Penalty, see Section 40-25-1**

40-17-12 EROSION CONTROLS. Any individual, partnership, company, or other entity, during the construction of any development, building or other structure that disturbs the soil surface, shall utilize adequate erosion controls to prevent sediment, dirt, silt, construction materials or other matter from being discharged from the construction site. Provisions shall be made to effectively accommodate any increased water runoff, snow drifting or erosion caused by changed soil and surface conditions during and after construction. **(Ord. No. 1029; 03-18-02)**

40-17-13 EXTERIOR BUILDING MATERIAL AND DESIGN: BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS. Any building, as defined in the Building Code, which is located abutting the Route 13/15 Right-of-Way shall have exterior finished walls and architectural design in accordance with the requirements of this Section.

(A)

Construction Materials and Exterior.

- (1) Any exterior wall facing 13/15 and adjacent streets shall consist of only masonry materials on their exterior face.
- (2) Materials allowed include brick, stone and architectural concrete units, excluding smooth-faced block except when used as an accent, synthetic or cast stone, glass, metal for detailing, copper, slate and Exterior Insulation and Finishing Systems (EIFS). All concrete masonry units shall be integrally colored.
 - (a) Visible exterior construction materials specifically not allowed are: Plaster stucco; Synthetic materials (i.e., vinyl siding, vinyl wrapped details, vinyl gutters and downspouts); Plastics; Corrugated metal and steel or aluminum siding; Unfinished concrete; Wood shingles; Rough sawn or treated lumber.
- (3) Other materials may be allowed upon review by the Combined Planning and Zoning Board.
- (4) At the discretion of the Zoning Administrator, materials listed above may be required if the building does not sit directly parallel to route 13/15.

Exceptions:

- (1) Accessory buildings if otherwise permitted by Ordinance and approved by the Zoning Administrator;
- (2) Buildings specifically exempt from such requirement under provisions of a variance as granted by the Combined Planning and Zoning Board;
- (3) Any buildings legally existing on or for which building permits have been legally issued prior to the effective date of this Ordinance;
- (4) Any reconstruction, alterations or expansion of buildings legally existing on the effective date of this Ordinance if reviewed by the Combined Planning and Zoning Board and approved by the Village Board.

(Ord. No. 1396; 07-18-11)

40-17-14 BED AND BREAKFAST: (50 ILCS 820)

In all districts in which bed and breakfast inns or bed and breakfast homes are approved, the following standards shall apply:

(A) LICENSE REQUIRED; APPLICATION:

An annual license shall be required to operate and maintain a bed and breakfast establishment within the jurisdiction of the Village. Application for such license shall be submitted to the Zoning Administrator.

(B) LICENSE TERM AND FEES:

Licenses shall be issued for one year and shall expire at twelve o'clock (12:00) midnight December 31 of each year. Yearly license fees shall be as follows:

1. Bed and breakfast homes. \$100.00
2. Bed and breakfast inn. \$100.00

(C) OTHER REQUIRED PERMITS AND LICENSES: Required Permits and

Licenses: It shall be unlawful for any person to operate a bed and breakfast establishment without first receiving:

1. A special use permit when required, from the Combined Planning and Zoning Board.
2. An occupancy permit, including maximum occupancy, from the village and the fire chief.
3. The appropriate food service license from the St. Clair County health department.

(D) Documents Required for Approval:

1. A floor plan of the bed and breakfast shall be submitted to the village and the fire chief prior to issuance of an occupancy permit.
2. All plans and documentation by the health department regulations for review of food service application and issuance of a food service license.
3. Plans for all remodeling to the building and zoning office through the standard village building permit policy.
4. A statement of operating policies and methods including, but not limited to:
 - a. Maximum number of guests at any one time.
 - b. Period of operation.
 - c. If breakfast will be served and what type (continental, traditional or none).
 - d. Number of parking spaces and location, including a plan of layout and location of all parking spaces.
 - e. Name, address and phone number of the operator/owner of the property.

(E) LOCATION:

Bed and breakfast establishments shall be located as allowed by the principle and accessory uses table of this code.

(F) SANITARY CONDITIONS:

1. All food service within bed and breakfast establishments shall conform to the St. Clair County sanitation ordinances and be properly licensed by the St. Clair County health department.

(G) COMPLIANCE WITH APPLICABLE LAWS, CODES AND

ORDINANCES: The following laws, codes and ordinances having effect on bed and breakfast

establishments shall apply:

1. Village unified development code
2. Village Adopted Building Codes
3. Village property maintenance code
4. Village Zoning Code.
5. St. Clair County food sanitation ordinance.
6. Illinois state plumbing code
7. All other applicable federal, state and local laws, codes and

standards.

(H) REGISTER KEPT:

A register of all guests must be kept. The register shall include the guest name, home address, vehicle make and license number and the length of stay of the guest.

(J) REVOCATION OF LICENSE; REINSTATEMENT:

Any licensee under the provisions of this chapter shall be subject to revocation of his license upon conviction of violations of this chapter one time in any twelve (12) month period. The license shall be reinstated only by applying for a new license under the terms of this chapter and compliance with laws, ordinances and codes or standards.

(K) VIOLATIONS; PENALTIES:

1. Any person in violation of terms of this chapter shall be guilty of a petty offense and, upon conviction thereof, shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) at the discretion of the village. Each day a violation occurs or continues is considered a separate offense.

Penalty, see 40-25-1.

ARTICLE XVIII - NONCONFORMITIES

40-18-1 PURPOSE. The requirements imposed by this Chapter are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations of this subchapter are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

40-18-2 NONCONFORMING LOTS. If the Combined Planning and Zoning Board grants a variance for any vacant lot that does not conform to one or more of the lot size (area dimensions) requirements of the district in which it is located, that lot may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (A) Was recorded in the office of the County Recorder of Deeds prior to the effective date of this Chapter (or pertinent amendment thereto); and
- (B) Is at least **fifty (50) feet** wide.

40-18-3 TWO OR MORE LOTS IN COMMON OWNERSHIP. If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Chapter and if one or more of those lots does not meet the minimum lot width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Chapter.

40-18-4 NONCONFORMING STRUCTURES. Any otherwise lawful structure which exists on the effective date of this Chapter but which could not be erected under the terms of this Chapter because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions.

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

(B) **Enlargement, Alterations.** A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.

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

(D) **Reconstruction.**

- (1) No structure which is destroyed or damaged by any means shall be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the

structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Zoning Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of the loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

- (2) The Zoning Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Zoning Administrator.
- (3) As an alternative, the market value may be determined by the Zoning Administrator by using the "state equalized assessed value" multiplied by the number three.
- (4) The provisions of this division (D) shall not apply to single-family dwellings.

Penalty, see Section 40-25-1

40-18-5 NONCONFORMING USES OCCUPYING A STRUCTURE. If any lawful use occupying a structure exists on the effective date of this Chapter but would not be allowed under the terms of this Chapter, such use may lawfully continue, subject to the following provisions.

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

(B) **Enlargement; Alteration; Reconstruction; Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed, or relocated unless the use of the structure is changed to a permitted use. This division (B) shall not apply to the reconstruction of single-family dwellings. **(Ord. No. 1079; 03-17-03)**

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

(D) **Change of Use.** A nonconforming use occupying a structure may be changed to a similar use, to a more restrictive use, or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.

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

40-18-6 NONCONFORMING USES OF LAND. Any lawful use of land existing on the effective date of this Chapter that would not be permitted under the terms of this Chapter may lawfully continue, subject to the following provisions:

- (A) **Intensification or Extension of Use.** A nonconforming use of land

shall not be intensified or extended to occupy a greater area of land than was occupied by such use on the effective date of this Chapter.

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

(C) **Change of Use.** Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

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

40-18-7 NONCONFORMING UNDER PERMIT AUTHORITY. The regulations of this subchapter shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this Chapter or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE XIX – COMBINED PLANNING AND ZONING BOARD

40-19-1 COMBINED PLANNING AND ZONING BOARD. The Combined Planning and Zoning Board is established in accordance with Illinois law for the Village to carry out the duties of a Plan Commission and Zoning Board of Appeals. Any ordinance, code or regulation of the Village or state statutes that reference the Plan Commission and/or Zoning Board of Appeals shall mean the Combined Planning and Zoning Board. **(See 65 ILCS 5/11-13-1)**

40-19-2 MEMBERSHIP, APPOINTMENT, COMPENSATION. The Combined Planning and Zoning Board shall consist of **seven (7) members**, all of whom shall reside within the Village. Each Board member shall be appointed by the Mayor with the advice and consent of the Board of Trustees. One of the members of the Board shall be designated as Chairperson by the Mayor with the advice and consent of the Village Board of Trustees and shall hold office until a successor is appointed. The Village Board of Trustees may appoint other officers as it deems necessary. Each Board member shall receive compensation as established by the Village Board of Trustees.

40-19-3 TERM OF OFFICE; REMOVAL; VACANCIES.

(A) The Combined Planning and Zoning Board shall consist of seven (7) members to serve respectively for the following initial terms: one for 1 year, one for 2 years, one for 3 years, one for 4 years, one for 5 years, one for 6 years, and one for 7 years with terms expiring on April 30th of the respective year. Following the expiration of the initial terms of appointment, each member shall serve for a term of five (5) years.

(B) With the advice and consent of the Board of Trustees, the Mayor may remove any member of the Combined Planning and Zoning Board for cause after a public hearing. Cause shall include a member's failure to attend three (3) consecutive meetings or failure to attend fifty percent (50%) of all meetings held within a twelve-month period.

(C) Vacancies on the Combined Planning and Zoning Board shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

40-19-4 MEETINGS; RULES OF PROCEDURE; QUORUM. All meetings of the Combined Planning and Zoning Board shall be held at the call of the Chairperson and at such times as the Board may determine. All Board meetings shall be open to the public. The Village Board of Trustees may adopt their own rules of meeting procedures consistent with this Chapter and the applicable Illinois statutes. The Chairperson, or in their absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of the majority of those present shall be necessary to authorize any Board action except Special Use Permit and Variance Hearings. **(See 40-19-11 (A)). (See Section 40-19-6 for vote on decisions of Board.)**

40-19-5 RECORDS. The Combined Planning and Zoning Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action

taken. A copy of every rule, variance, order or decision of the Board shall be filed immediately with the Village Clerk and shall be a public record.

40-19-6 OFFICE OF THE SECRETARY OF THE COMBINED PLANNING AND ZONING BOARD. The Secretary of the Combined Planning and Zoning Board shall be appointed by the Board of Trustees to serve until their successor is appointed. The Secretary shall record the minutes of the Board's proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. They shall perform such other duties as may be assigned from time to time by the Board.

40-19-7 POWERS AND DUTIES:

(A) Authority:

(1) The Combined Planning and Zoning Board shall have the powers and duties as to planning as set forth in 65 Illinois Compiled Statutes 5/11-12-4 through 5/11-12-13 and as more particularly specified in this section.

(2) The Combined Planning and Zoning Board shall have the powers and duties as to zoning as set forth in 65 Illinois Compiled Statutes 5/11-13-1 through 5/11-13-20, 5/11-14-1 et seq. 5/11-15-1 and 5/11-15.1-1 et seq. and Chapter 40 of this Code.

(B) General: The Combined Planning and Zoning Board shall have the following powers and duties:

(1) Prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the Village. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of the Village. This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements specified in this section. The plan, as recommended by the Combined Planning and Zoning Board and as thereafter adopted by the Village, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than 1 1/2 miles beyond the corporate limits and not included in the Village. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the Village Clerk shall be complied with as provided by law. Such plan may be implemented by ordinances:

a. To provide for the health, safety, comfort, and convenience of the inhabitants of the village and contiguous territory, such plan or plans shall establish reasonable standards habitants of the village and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for re-subdivisions of unimproved land and

of areas subject to re-development in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by law; and

b. Designating land suitable for annexation to the city and the recommended zoning classification for such land upon annexation.

(2) Recommend changes, from time to time, in the official comprehensive plan.

(3) Prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official comprehensive plan.

(4) Give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects, and, generally, to promote the realization of the official comprehensive plan.

(5) Prepare and recommend to the corporate authorities schemes for regulating or forbidding structures or activities which may hinder access to solar energy necessary for the proper functioning of solar energy systems, as defined in section 1.2 of the Comprehensive Solar Energy Act of 1977 (30 ILCS 725/1.2), or to recommend changes in such schemes.

(6) Recommend changes in Chapter 40, pertaining to zoning.

(7) Cooperate with county and regional planning commissions and other agencies or groups to further the local planning program and to ensure harmonious and integrated planning for the area.

(8) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

(9) To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois, as may be conferred by the Village Board.

40-19-8 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP. At any time or times, before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan or one or more geographical or functional parts and may include all or any part of the contiguous unincorporated area within one and one-half miles from the corporate limits of the village. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Clerk shall be complied with as provided by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the village or within contiguous territory which is not more than one and one-half miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map. (Former Code, § 5-1-6)

Statutory reference:

Recording maps and plats, see ILCS Ch. 65, Act 5, §§ 11-12-12

40-19-9 IMPROVEMENTS. The Village Clerk shall furnish the Combined Planning and Zoning Board, for its consideration, a copy of all ordinances, plans, and data relative to public improvements of any nature. The Combined Planning and Zoning Board may report in relation thereto, if it deems a report necessary or advisable, for the consideration of the Village Board.

40-19-10 EXPENDITURES. Expenditures of the Combined Planning and Zoning Board shall be at the discretion of the Village Board of Trustees and if the Combined Planning and Zoning Board shall deem it advisable to secure technical advice or services, it shall be done upon authority of the Village Board of Trustees and appropriations by the Village Board of Trustees therefore.

40-19-11 DECISIONS.

- (A) Vote. The concurring vote of **four (4) members** of the Combined Planning and Zoning Board shall be necessary to grant a variance or special-use permit. The order of the Combined Planning and Zoning Board shall be by written letter and shall contain its findings of fact.
- (B) Period of Validity. No decision granting a variance or special-use permit shall be valid for a period longer than **twelve (12) months** from the date of such decision unless:
 - (1) An application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or
 - (2) An occupancy certificate is obtained and a use is commenced.
- (C) Extensions. The Combined Planning and Zoning Board may grant additional extensions of time not exceeding **one hundred eighty (180) days** each upon written application made within the initial **twelve (12) month** period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.
- (D) Finality and Review. All decisions of the Combined Planning and Zoning Board, on appeal or upon application for a variation shall, in all instances, be final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois statutes. No applicant shall apply for the same or identical request for a period of one year unless the facts and/or request have substantially changed.

ARTICLE XX - APPEALS

40-20-1 APPEALS.

(A) Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provisions of this Chapter may be filed and treated in accordance with Illinois law and the provisions of this Section. **(65 ILCS 5/11-13-12)**

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

40-20-2 FILING, RECORD TRANSMITTAL. Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Zoning Administrator and the Combined Planning and Zoning Board a written notice specifying the grounds for appeal. Every appeal shall also be filed with the Soil and Water Conservation District as per state law. Not more than **five (5) working days** after the notice of appeal has been filed, the Zoning Administrator shall transmit to the Board of Appeals all records pertinent to the case. **(70 ILCS 405/22.02a and 65 ILCS 5/11-13-12)**

40-20-3 STAY OF FURTHER PROCEEDINGS. An appeal stays all further action on the matter being appealed unless the Zoning Administrator certifies to the Combined Planning and Zoning Board after the notice of appeal has been filed with them that, for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Combined Planning and Zoning Board or the Circuit Court grants a restraining order for due cause and so notifies the Zoning Administrator. **(65 ILCS 5/11-13-12)**

40-20-4 PUBLIC HEARING; NOTICE.

(A) The Combined Planning and Zoning Board shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

(B) Notice indicating the time, date, and place of the hearing and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (1) By first-class mail to all parties whose property is within 250 feet of the lot affected by the appeal;
- (2) By publication in a newspaper of general circulation within the Village; and
- (3) By certified mail to the applicant. **(65 ILCS 5/11-13-12)**

40-20-5 DECISION BY COMBINED PLANNING AND ZONING BOARD. The Combined Planning and Zoning Board shall render a decision on the appeal within a reasonable time after the hearing. The Combined Planning and Zoning Board may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from, the extent and in the manner that they deem appropriate. In so doing, the Combined Planning and Zoning Board has all the powers of the Zoning Administrator.

ARTICLE XXI - VARIANCES

40-21-1 VARIANCES. A variance is a relaxation of the requirements of this Chapter that are applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and may be granted only as provided for in **Section 40-23-1. (65 ILCS 5/11-13-5)**

40-21-2 APPLICATION.

(A) Every application for a variance shall be filed with the Zoning Administrator on a prescribed form. Every variance application shall also be filed with the Soil and Water Conservation District as per state law. The Zoning Administrator shall promptly transmit said application, together with any device they might wish to offer, to the Combined Planning and Zoning Board.

(B) The application shall contain sufficient information to allow the Combined Planning and Zoning Board to make an informed decision and shall include, at a minimum, the following:

- (1) Name and address of the applicant;
- (2) Location of the structure/use for which the variance is sought;
- (3) Brief description of adjacent lots, structures, and/or uses;
- (4) Brief description of the problems/circumstances engendering the variance request;
- (5) Brief, but specific, statement, explanation of the desired variance;
- (6) Specific section(s) of this Chapter containing the regulations which, if strictly applied, would cause a serious problem;
- (7) To scale drawing of said variance propose property;
- (8) Surveyed plat with located property corners;
- (9) Variance request staked out prior to placing structure on said property; and
- (10) Any other pertinent information that the Zoning Administrator may require.

(70 ILCS 405/22.02a)

40-21-3 PUBLIC HEARING; NOTICE.

(A) The Combined Planning and Zoning Board shall hold a public hearing on each variance request not later than **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney.

(B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (1) By certified mail to the applicant and by first class mail to all parties whose property is within 250 feet of the property affected by the proposed variance; and
- (2) By publication in a newspaper of general circulation within the Village. **(65 ILCS**

5/11-13-6)

40-21-4 STANDARDS FOR VARIANCES.

(A) The Combined Planning and Zoning Board shall not grant any variance unless, based upon the evidence presented to them in each specific case, they determine that:

- (1) The proposed variance is consistent with the general purposes of this Chapter **(See Section 40-1-2)**;
- (2) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant and prevent a reasonable return on the property;
- (3) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;
- (4) The plight of the applicant is due to peculiar circumstances not of their own making;
- (5) The peculiar circumstances engendering the variance request are not applicable to another property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (6) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this Village's comprehensive plan.

(B) The Combined Planning and Zoning Board may impose such conditions and restrictions upon the location, construction, design, and use of the property benefitted by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values. **(65 ILCS 5/11-13-5)**

40-21-5 TERMS OF RELIEF; FINDINGS OF FACT. The Combined Planning and Zoning Board shall decide on every variance request within a reasonable time after the public hearing. In accordance with state law **(65 ILCS 5/11-13-11)**, the Combined Planning and Zoning Board shall specify the terms of relief recommended, if any, in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Combined Planning and Zoning Board's reasons for the granting or denying the requested variance.

ARTICLE XXII - SPECIAL USES

40-22-1 SPECIAL USE PERMITS. This Chapter divides the Village into various districts and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only after review and approval by the Combined Planning and Zoning Board.

40-22-2 APPLICATION.

(A) Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form the items of information enumerated below. The Zoning Administrator shall promptly transmit the completed application, together with any comments or recommendation they might have, to the Combined Planning and Zoning Board.

(B) **Items of Information.**

- (1) Name and address of the applicant;
- (2) Name and address of the owner or operator of the proposed structure or use, if different from subsection (1);
- (3) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (4) Location of the proposed use or structure and its relationship to existing uses of structures on adjacent lots;
- (5) Area and dimensions of the site for the proposed structure or use;
- (6) Existing topography of the site and proposed finished grade;
- (7) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (8) Height and setbacks of the proposed structure;
- (9) Number and size of the proposed dwelling units, if any;
- (10) Number and location of proposed parking/loading spaces and access ways;
- (11) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (12) Any other pertinent information that the Zoning Administrator may require.

40-22-3 PUBLIC HEARING; NOTICE.

(A) The Combined Planning and Zoning Board shall hold a public hearing on every special-use permit application within a reasonable time after the application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

(B) Notice indicating the time, date, and place of the hearing and the nature of the proposed special use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (1) By certified mail to the applicant; and by first-class mail to all parties whose property is within 250 feet of the lot line of the proposed special-use; and
- (2) By publication in a newspaper of general circulation within the Village.

40-22-4 FACTORS CONSIDERED BY THE BOARD. The Combined Planning and Zoning Board shall consider the following factors in making a decision:

- (A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (B) Whether the proposed special use is consistent with this Village's comprehensive plan, if any;
- (C) The effect the proposed special use would have on the value of neighboring property and on this Village's overall tax base;
- (D) The effect the proposed special use would have on public utilities and on the traffic circulation on nearby streets; and
- (E) Whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

40-22-5 DECISION; FINDINGS OF FACT. The Combined Planning and Zoning Board shall reach a decision on every special-use permit application within a reasonable time after public hearing. In accordance with state law, the Combined Planning and Zoning Board shall specify the terms and conditions of the permit to be granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall be responsive in the decision-making factors listed in the preceding section and shall clearly indicate the Combined Planning and Zoning Board's reasons for granting, with or without modifications and/or conditions, or denying the requested special-use permit. **(65 ILCS 5/11-13-11)**

ARTICLE XXIII - AMENDMENTS

40-23-1 AMENDMENTS. The Village Board of Trustees may amend this Chapter in accordance with state law and the provisions of this subchapter. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Board of Trustees, the Zoning Administrator, the Combined Planning and Zoning Board, or any party in interest. **(65 ILCS 5/11-13-14)**

40-23-2 FILING. Every proposal to amend this Chapter shall be filed with the Zoning Administrator on a prescribed form. Every amendment proposal shall also be filed with the Soil and Water Conservation District as per state law. The Zoning Administrator shall promptly transmit said proposal, together with any comments or recommendations they might wish to make to the Combined Planning and Zoning Board for a public hearing.

40-23-3 PUBLIC HEARING; NOTICE.

(A) The Combined Planning and Zoning Board shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

(B) Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (1) By publication in a newspaper of general circulation within the Village; and
- (2) When the amendment involves a rezoning, not a text amendment, by first-class mail to all parties whose property is within 250 feet of the property for which rezoning is requested.

40-23-4 ADVISORY REPORT; FINDINGS OF FACT. Within a reasonable time after the public hearing, the Combined Planning and Zoning Board shall submit their advisory report to the Board of Trustees. The report shall state the recommendations of the Combined Planning and Zoning Board regarding adoption of the proposed amendment and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Combined Planning and Zoning Board shall include in their advisory report findings of fact concerning each of the following matters:

- (A) Existing use and zoning of the property in question;
- (B) Existing uses and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;
- (D) Suitability of the property in question for the proposed use;
- (E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned.

40-23-5 ACTION BY BOARD OF TRUSTEES. The Board of Trustees shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Combined Planning and Zoning Board. Without further public hearing, the Village Board may approve or disapprove any proposed amendment or may refer it back to the Combined Planning and Zoning Board for further consideration by simple majority vote of all the members then holding office.

40-23-6 WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED. The favorable vote of at least **two-thirds (2/3)** of the members of the Village Board of Trustees is required to pass an amendment to this Chapter in each of the following instances:

(A) When passage would be contrary to the recommendations of the Combined Planning and Zoning Board.

(B) When the amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered. **(65 ILCS 5/11-13-14)**

40-23-7 NOTICE TO APPLICANT OF WRITTEN PROTEST. In cases of written opposition to an amendment of this Chapter as prescribed in **Section 40-23-6**, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. **(65 ILCS 5/11-13-14)**

ARTICLE XXIV - ADMINISTRATION AND ENFORCEMENT

40-24-1 APPOINTMENT AND DUTIES OF ZONING ADMINISTRATOR.

(A) There is established the office of Zoning Administrator, who shall be appointed by the Mayor, with the advice and consent of the Village Board of Trustees.

(B) The Zoning Administrator is authorized and directed to administer and enforce the provisions of this Chapter. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (1) To review and pass upon applications for initial and final certificates of zoning compliance;
- (2) To inspect lots, structures, and uses to determine compliance with this Chapter, and where there are violations, to initiate appropriate corrective action;
- (3) To review and forward to the Combined Planning and Zoning Board all appeals, applications for variances and special-use permits, and amendments.
- (4) To maintain up-to-date records of matters related to this Chapter, including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Combined Planning and Zoning Board, amendments and all applications/documents related to any of these items;
- (5) To republish the zoning district map not later than **March 31** if any rezonings or annexations have been approved during the preceding calendar year;
- (6) To provide information to the general public on matters related to this Chapter; and
- (7) To perform such other duties as the Board of Trustees may prescribe from time to time.

40-24-2 INITIAL CERTIFICATES OF ZONING COMPLIANCE. Upon the effective date of this Chapter, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an initial certificate of zoning compliance has been issued. The Zoning Administrator shall not issue an initial certificate of zoning compliance unless they determine that the proposed activity conforms to the applicable provisions of this Chapter.

40-24-3 APPLICATION.

(A) Every applicant for an initial certificate of zoning compliance shall submit to the Zoning Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Zoning Administrator shall decide which items are applicable.

(B) **Items of Information.**

- (1) Name and address of the applicant;

- (2) Name and address of the owner or operator of the proposed lot, structure or use, if different from subsection (1);
- (3) Brief, general description/explanation of the proposal;
- (4) Location of the proposed lot, use or structure, and its relationship to adjacent lots, uses, or structures;
- (5) Area and dimensions of the site for the proposed structure or use;
- (6) Existing topography of the site and proposed finished grade;
- (7) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (8) Height and setbacks of the proposed structure;
- (9) Number and size of proposed dwelling units, if any;
- (10) Location and number of proposed parking/loading spaces and access ways;
- (11) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (12) To scale drawing of said proposed structure or use;
- (13) Surveyed plat with located property corners;
- (14) Request staked out prior to placing structure on said property; and
- (15) Any other pertinent information that the Zoning Administrator may require.

40-24-4 DURATION OF CERTIFICATE. Initial certificates of zoning compliance shall be valid for **one (1) year** or until revoked for failure to abide by a corrective action order. The Zoning Administrator may renew initial certificates of zoning compliance for successive **one (1) year periods** upon written request, provided the applicant is making a good faith effort to complete the authorized work.

40-24-5 RELATIONSHIP TO BUILDING PERMITS.
(A) Upon the effective date of this Chapter, no building permit for the erection, enlargement, alteration, extension, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance to such work.

(B) The Village in compliance with the Architecture Practice Act, the Structural Engineers Practice Act, and the Professional Engineering Act, as in effect in the State of Illinois requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require sealed plans. These plans shall be sealed by the appropriate licensed design professional.

(Am. Ord. 859, passed 6-5-95)

40-24-6 FINAL CERTIFICATES OF ZONING COMPLIANCE. No lot or part thereof recorded or developed after the effective date of this Chapter and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Chapter shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. The Zoning Administrator shall not issue a

final certificate of zoning compliance until it has been determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Chapter.

40-24-7 CORRECTIVE ACTION ORDERS. Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Chapter, they shall so notify the responsible party, and shall order appropriate corrective action.

40-24-8 CONTENTS OF ORDER. The order to take corrective action shall be in writing and shall include:

- (A) A description of the premises sufficient for identification;
- (B) A statement indicating the nature of the violation;
- (C) A statement of the remedial action necessary to effect compliance;
- (D) The date by which the violation must be corrected;
- (E) A statement that the alleged violator is entitled to a conference with the Zoning Administrator if they so desire;
- (F) The date by which an appeal of the corrective action order must be filed and a statement of the procedure for so filing; and
- (G) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

40-24-9 SERVICE OF ORDER. A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

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

40-24-10 STOP ORDERS. Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation must cease immediately. In such case, the corrective action order is equivalent to a stop order.

40-24-11 EMERGENCY MEASURES. Notwithstanding any other provisions of this Chapter, whenever the Zoning Administrator determines that any violation of this Chapter poses an imminent peril to life or property, they may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

40-24-12 COMPLAINTS. Whenever any violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Zoning Administrator. The Zoning Administrator shall record such complaints, promptly

investigate, and, if necessary, institute appropriate corrective action.

40-24-13 FEES. The Board of Trustees establishes the following schedule of fees for the various permits and procedures listed in this Chapter. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the Village Clerk as follows:

(A)

(1) **Zoning Fees:**

| | |
|--|--|
| Single-Family Residence | \$25 or \$.04 per sq. ft. (whichever is greater) |
| Multi-Family Residence | \$25 per unit or \$.04 per sq. ft. (whichever is greater) |
| Commercial or Business Structure | \$100 or \$.04 per sq. ft.; (whichever is greater) |
| Industrial Structure | \$150 or \$.04 per sq. ft.; (whichever is greater) |
| Manufactured Home Unit/Immobilized | \$125 |
| Accessory Building | \$10 per building or \$.04 per sq. ft.; (whichever is greater) |
| Structural Additions | \$10 or \$.04 per sq. ft.; (whichever is greater) |
| Plan Development | \$500 or \$.04 per sq. ft.; (whichever is greater) |
| Manufactured Home Park Permit | \$500 or \$25.00 per pad; (whichever is greater, plus engineering costs, if any) |
| Miscellaneous Permit (I.E. Parking Lot, Patio, Driveway, Etc.) | \$.02 per sq. ft. (\$10 Minimum) (\$25 Maximum) |
| Sign Permit | \$10 or \$.10 per sq. ft.; (whichever is greater) |

(2) All fees for the above projects that are started prior to obtaining the zoning occupancy permit and/or paying the fees shall be doubled.

(B)

Combined Planning and Zoning Board Fees:

| | |
|------------------------|--|
| Interpretation of Code | \$350, plus mailing and publication costs. |
| Special-Use Permit | \$350, plus mailing and publication costs. |
| Variance Permit | \$350, plus mailing and publication costs. |
| Amendments | \$350, plus mailing and publication costs. |

ARTICLE XXV - PENALTIES

40-25-1 PENALTY.

(A) Any person who is convicted of a violation of this Chapter shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day on which a violation continues shall be considered a separate offense.

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

[See Section 1-1-20 for Penalties]

APPENDIX B: SIGN ILLUSTRATIONS

Projecting Signs (See Section 40-16-15)

Freestanding Signs (See Section 40-16-17)

Sign Area (See Section 40-16-3)

APPENDIX C: LOT TERMS

APPENDIX D: CORNERS

APPENDIX E: LOTS

SECTION 40-2-17 - AREA AND BULK REGULATIONS

| Zone District | | | | Accessory Buildings and Uses if Detached Minimum Distance to: | | | | |
|---------------------------|---|-------------------------------------|--|---|-----------------------------------|---|--|-------------------------------------|
| | Max Height of Principal Building in Linear Feet | Max Coverage as a Percentage of Lot | Minimum dwelling unit area or commercial tenant space in sq. ft. | Max Height in Linear Feet | Principal Building in Linear Feet | Front Lot Adjacent to Street in Linear Feet | Side Lot Adjacent to Street in Linear Feet | Other Side Lot Line, in Linear Feet |
| "A-1" Agricultural | 35' | N/A | N/A | 25' | N/A | 50' | 25' | 3' |
| "SR-1" Single-Family | 35' | 35% | 1,000 | 25' | N/A | N/A | 25' | 3' |
| "SR-2" Single Family | 35' | 25% | 1,000 | 25' | N/A | N/A | 25' | 3' |
| "MR-1" Two-Family | 35' | 30% | 800 Per 1 Bedroom Unit & 1,000 2 or more bedroom | 25' | N/A | N/A | 25' | 3' |
| "MR-2" Multi-Family | 35' | 25% | 800 Per 1 Bedroom Unit & 1,000 2 or more bedroom | 25' | N/A | N/A | 25' | 3' |
| "MH-1" Mobile Housing | 35' | 25% | 900 | 25' | N/A | N/A | 25' | 3' |
| "B-1" Community Business | 35' | 50% | 300 | 25' | 15' | 15' | 25' | See Principal Building |
| "B-2" Highway Business | 35' | 50% | 350 | 25' | 15' | 15' | 25' | 15' |
| "I-1" Light Industrial | 60' | 50% | 350 | 25' | 15' | 15' | 25' | 15' |
| "I-2" Moderate Industrial | 60' | 50% | 350 | 25' | 15' | 15' | 25' | 15' |

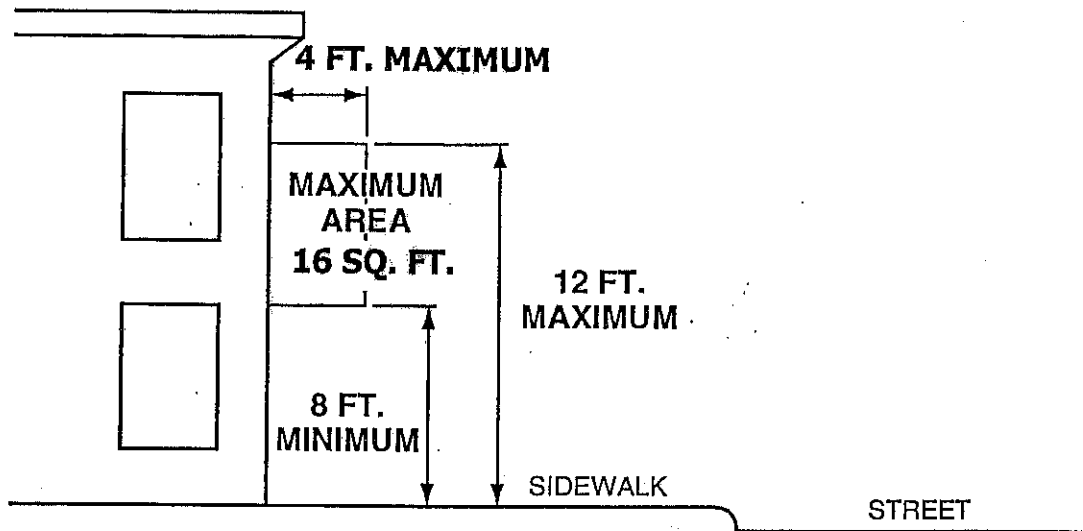
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| |
| |
| Rear Lot Line in Linear Feet |
| 3' |
| 3' |
| 3' |
| 3' |
| 3' |
| 3' |
| 12' |
| 12' |
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| 12' |

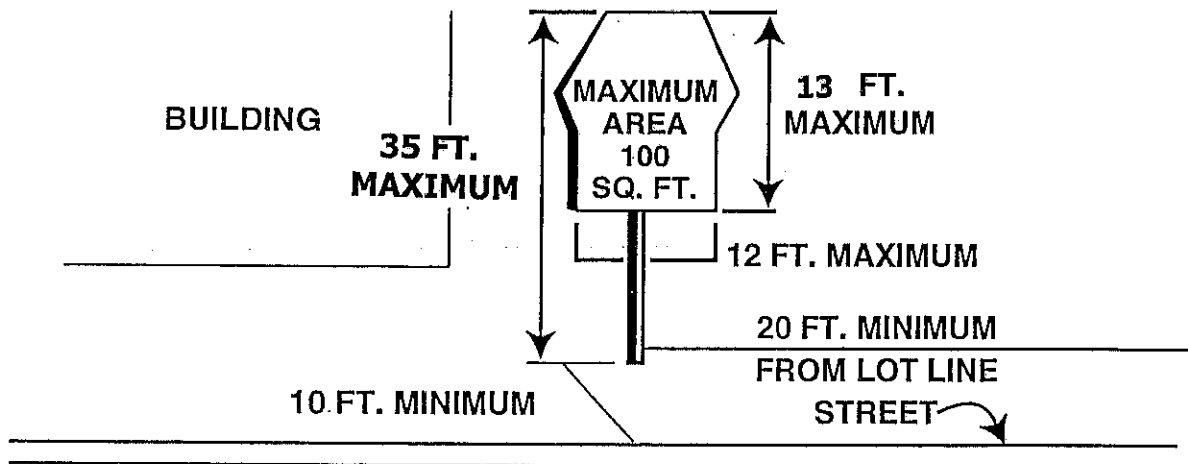


APPENDIX B: SIGN ILLUSTRATIONS

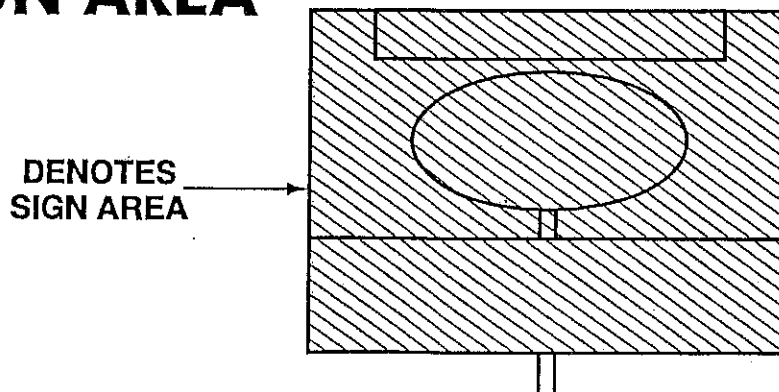
A PROJECTING SIGNS (See Section 40-16-15)



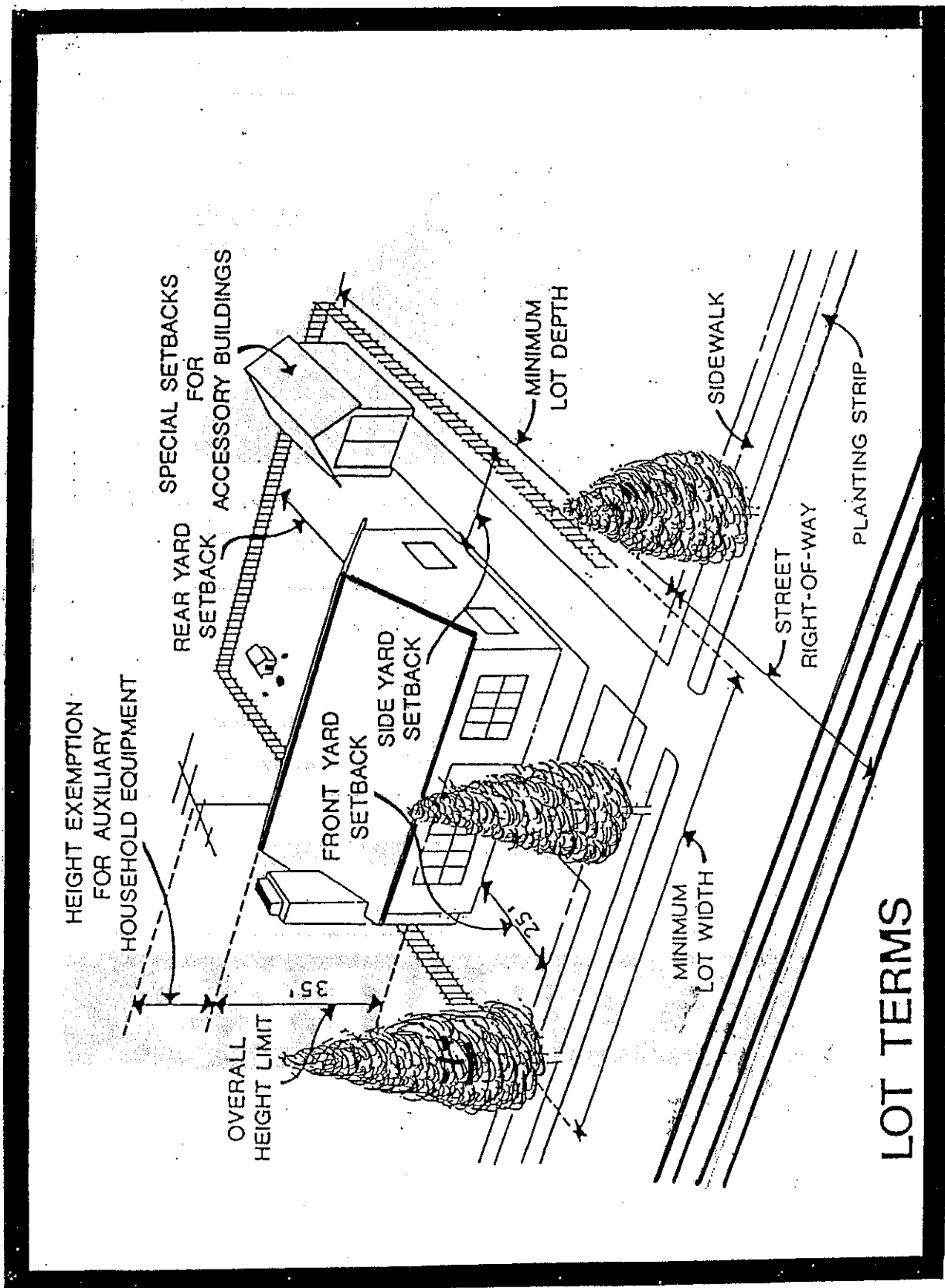
B Freestanding Signs (See Section 40-16-17)



C SIGN AREA

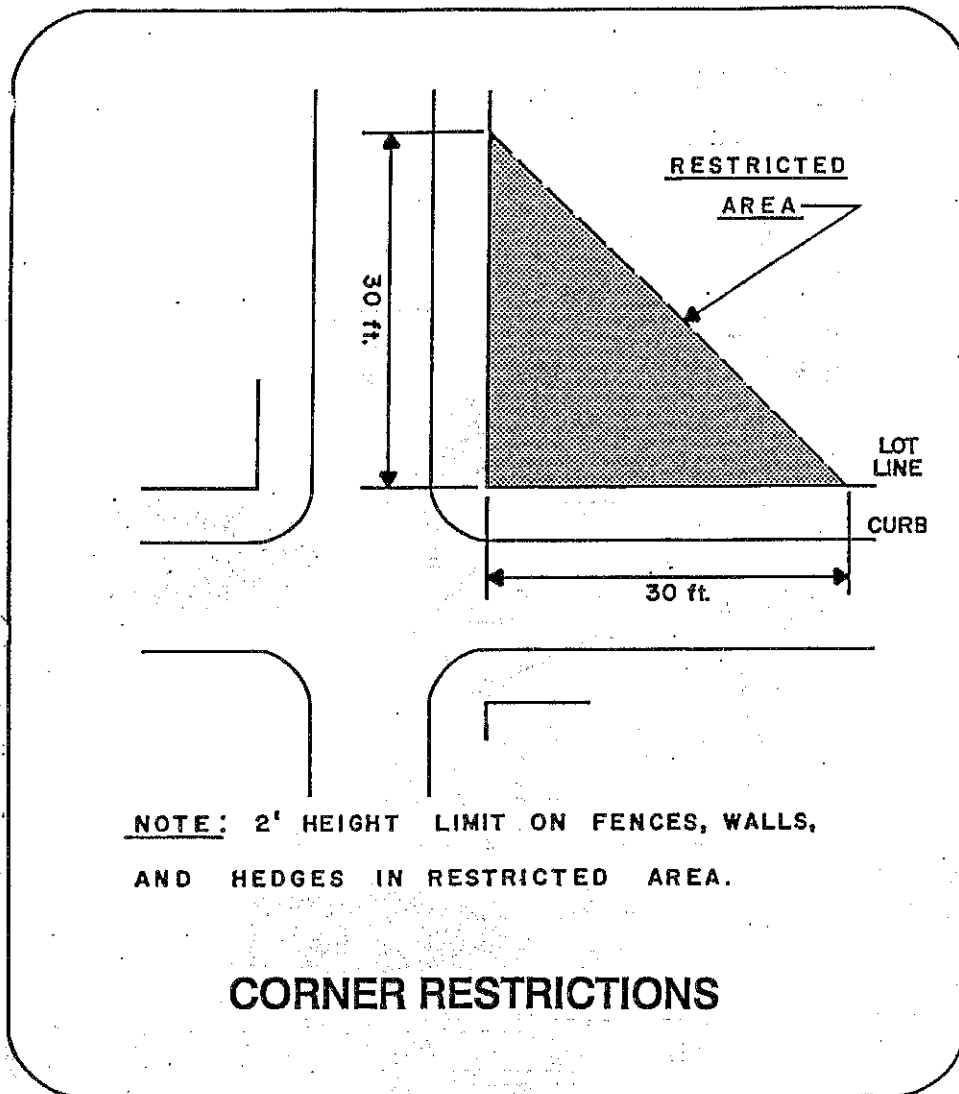


(See Section 40-16-3)



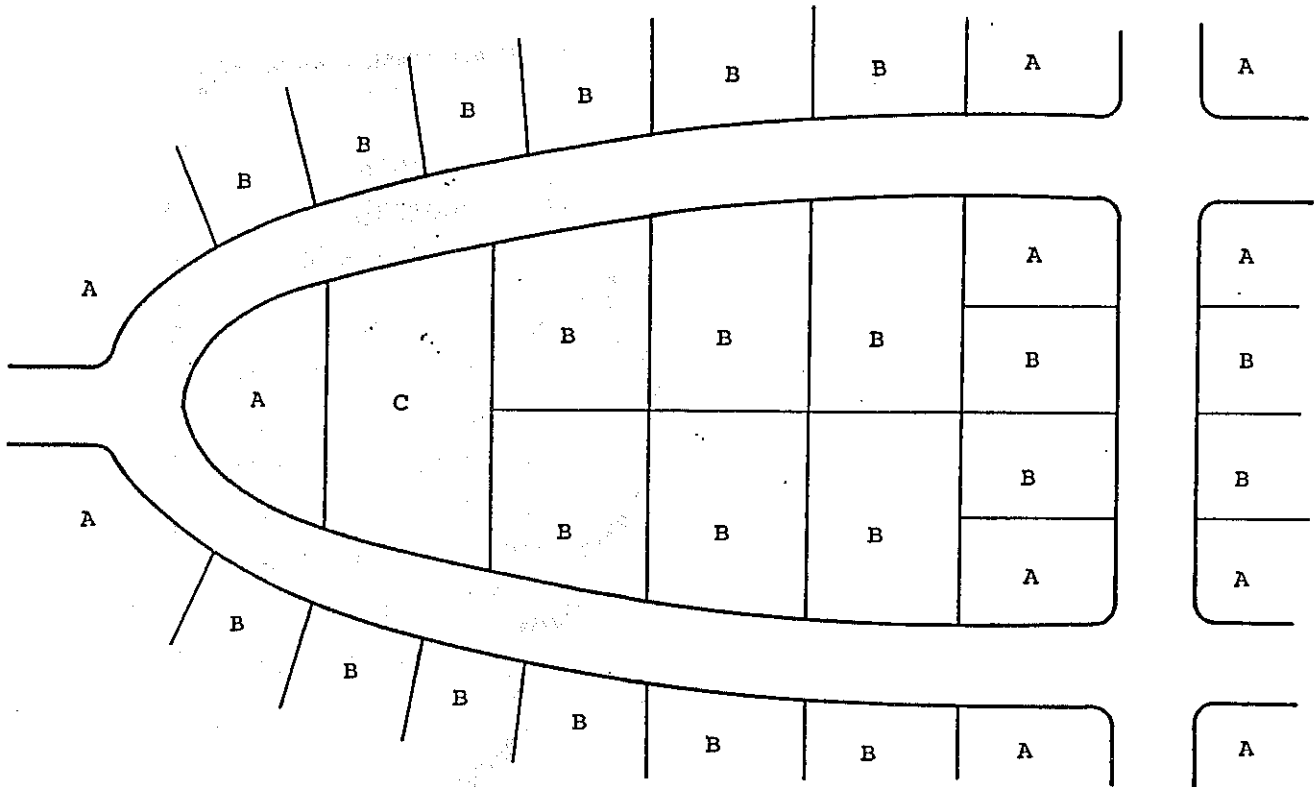
LOT TERMS

APPENDIX D: CORNERS



CORNERS

APPENDIX E: LOTS



A – CORNER LOT

B – INTERIOR LOT

C – THROUGH LOT

LOTS, CORNER