

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
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VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
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PHONE: (618) 539-5545 • FAX: (618) 539-5590
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VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster & Keck, P.C.

July 1, 2020

COMBINED PLANNING/ZONING BOARD AGENDA Tuesday, July 7, 2020

I. Items to be Reviewed

PLAN COMMISSION:

- A. Old Business
 - 1. Approval of June 9, 2020 and June 23, 2020 Minutes
 - 2. Review of Zoning Code
- B. New Business
 - 1. Possible New Development

BOARD OF APPEALS

- A. Old Business
- B. New Business
- C. General Concerns
- D. Public Participation
- E. Adjourn

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Combined Planning and Zoning Board
Tuesday, June 9, 2020 at 6:00 p.m.

The meeting of the Combined Planning and Zoning Board was called to order at 6:00 p.m. on Tuesday, June 9, 2020 via the Zoom Application by Chairperson Steve Woodward. Members present via Zoom were Chairperson Steve Woodward, Dirk Downen, Rita Green, Kevin Groth (absent), Gary Henning, Gary Mack, Lee Smith, Zoning Administrator Matt Trout, Village and Office Manager Julie Polson (absent). Guests present: Trustee Mike Blaies and Trustee Mike Heap.

PLAN COMMISSION:

A. Old Business:

1. Approval of May 5, 2020 Minutes: Gary Mack motioned to approve the May 5, 2020 minutes and Gary Henning seconded the motion. All voting yea, the motion carried.
2. Review of Zoning Code: Article III – Planned Developments. Lee asked if the Village has ever approved a planned development, and Matt advised Edison Estates was originally a planned development since it contained multiple zoning districts. Steve said Meadow Brook and part of Vollmer's subdivision was too. Matt said other communities have planned developments, and that is the zoning classification. When you look at ours, they are broken out into separate zoning districts within the development, and he does not think that is the right way to do it. Matt thinks the current planned development section in our code is more geared towards commercial rather than residential.
40-3-8, Advisory Report; Criteria Considered: Steve said they have never submitted a written recommendation to the board, and Matt advised he has done that with every recommendation from the Combined Board, and the Village Board takes action on the recommendation. No comment was made on whether to make any revisions to this section or to leave it alone.
40-3-5(b), Lot and Structure Requirements: Steve questioned where it says the Village Board can approve any reasonable deviation from the lot and structure requirements, and further stated the Village Board is making more of a decision on it than this board. Rita felt this section should reference the Combined Board since these items are all areas this board looks at. A deviation of this section does not require a 2/3's vote by the Village Board. The committee agreed to change the references to the Village Board in this section to the Combined Planning and Zoning Board.
40-3-11, Failure to Begin Development: The committee discussed what a substantial amount of construction means, and Rita said it depends on the construction schedule. Matt referenced 40-3-7(a)(4) which provides a 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. After discussion, no changes were suggested for this section.
40-3-13, Schedule: Matt added this section provide a checklist for the planned development process.
40-4-0, Principle and Accessory Use Definitions: These definitions will apply to the chart that will be incorporated into the code.

Convalescent Care: Rita said you have this and long-term care facility. At the end of convalescent care it states, "Typical uses include nursing homes." She did not see long-term care facility on the chart. Rita said they sell long-term care insurance and that is for nursing homes. There are also definitions for community group home and community residence. Steve said the state has guidelines that regulate these types of homes by level of care and number of residents. Rita is saying nursing home and long-term care are the same thing. Steve said nursing homes are no longer referenced, and are now considered long-term health care facilities. The committee agreed to delete the nursing home definition, and add to long term care facility, "This includes skilled nursing facilities and intermediate care facilities. The committee agreed to align these definitions with state statute definitions.

Automotive Service, Repair Shop and Service Station: Steve felt repair shop and service station should be combined. Gary Mack said all three could be combined repair shop, paint or body shop, and service station. Lee suggested adding in maintenance to repair shop and get rid of service station. It was suggested adding the selling of gas to the convenience store definition.

Co-Branding: Matt doesn't think it has to be two nationally branded businesses, he would delete nationally.

The board discussed video gaming and the number of licenses available.

Clinic: take out infirm.

Community Center: We don't have a definition for senior center. Should this one be revised? Steve would like to see if we did get a community center that it could serve senior meals. Matt said if you hold weddings there, they would want alcohol. The board agreed to address it if and when there is a senior center.

Steve said we might need to look up adult day care centers and check into that definition.

Prefabricated dwelling – Steve said that allows for both when it comes in built and also in pieces, and Matt said yes.

Public Parks & Recreation: Rita asked if they are really under the control of homeowner's association. She said generally that is for the homeowner's association and not the general public. Matt suggested taking out Public in the title of Public Parks & Recreation.

Schools: Public schools have to follow our zoning laws.

Service Use/Establishment: Matt believes this is a catch-all definition for this section. Steve asked if we should add something that would include thrift or consignment stores.

Matt would like everyone to look at the use chart at our next meeting which is the table for principle and accessory uses. The board agreed to meet on June 23rd at 6:00 p.m. After that, the following meeting will be July 7th.

B. New Business:

BOARD OF APPEALS:

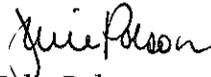
A. Old Business: None.

B. New Business: None.

C. General Concerns: None.

D. Public Participation: None.

E. Adjourn: Gary Mack motioned to adjourn the meeting at 6:23 p.m. and Dirk Downen seconded the motion. All voting yea, the motion carried.


Julie Polson
Office Manager

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Combined Planning and Zoning Board
Tuesday, June 23, 2020 at 6:00 p.m.

The meeting of the Combined Planning and Zoning Board was called to order at 6:00 p.m. on Tuesday, June 23, 2020 via the Zoom Application by Chairperson Steve Woodward. Members present were Chairperson Steve Woodward, Dirk Downen, Rita Green, Kevin, Groth (absent), Gary Henning, Gary Mack, Lee Smith, Zoning Administrator Matt Trout, Village and Office Manager Julie Polson (absent). Guests present: Trustee Mike Blaies and Trustee Mike Heap.

PLAN COMMISSION:

A. Old Business:

Zoning Administrator Matt Trout advised he and Village Administrator Tony Funderburg are going to meet with a gentleman who wants to build individual villas at the front of Timberwolf and Loan Oak Subdivisions. The land would need to be rezoned and it would eliminate the ATM. Steve said they questioned at the beginning why would we have business lots out that far. Matt is curious as to the layouts of the villas. Lee believes the village is short on land for business development and would be willing to hear the proposal. The other item is a house for sale on the north end of town, and a gentleman would like to open a wood working shop in the shed which would require a home occupation. The land is currently zoned agriculture with .89 acres, and the land around it is as well and is located in the village. There would be no traffic and he will be the only one working. Steve commented long-term, this property would be considered highway business according to the Comprehensive Plan.

1. Review of Zoning Code: Appendix F – Table for Principal and Accessory Uses: Anything in red is new, black is currently in the code. Matt added the supplemental regulations information in.

Principal Residential Uses:

Assisted Living Facilities: Gary Mack does not see the assisted living, community residence or community group residence compatible with an SR-1 or SR-2 district. He does not like the idea of mixing businesses with homes. Steve said you cannot keep a community residence for people with disabilities out of a SR-1 or SR-2 district. Dirk feels a special use might fit. Steve does not think assisted living belongs in an SR-1 or SR-2 district. Dirk commented there is a lot of traffic with those facilities. The current group home is in a highway business area. The committee discussed making these uses allowable as a special use in certain districts. That request would come to this board where you could set guidelines and then onto the village board for their decision. The special use runs with the property. Lee and Smith felt it should be rezoned if the parcel was ag. Lee said our ag areas are not improved and might not have any utilities. The committee suggested MR-2, MH-1 and B-2 for Assisted Living Facilities.

Community Residence: 8 or less residents with disabilities. This and community group should be zoned the same to include A, SR-1, SR-2, MR-1, MR-2, and add B-2.

Community Group Residence: More than 8 residents with disabilities with same zoning districts as community residence.

Convalescent Care: MR-2, MH-1 and B-2.

Long-term Care Facility: Same as Assisted Living.

Dwelling Condominium (up to 2 units): Dirk asked isn't this effectively a duplex, and the committee agreed. Dirk said would we then allow it as a special use in an SR-1 district. Also, what is the difference between a dwelling condo and a house. Gary Mack said you don't own the ground in a condo. Steve said if it's two units now, it is a villa. Rita has never seen a condo development that was 2 units. Committee agreed with table.

Dwelling-Condominium: Steve asked if we need a detached condominium definition, and the committee did not make a decision. Matt doesn't think a condo fits in SR-1 or SR-2 and the committee agreed.

Dwelling-Single-Family Attached (Villa): Rita asked if this was the same a dwelling-two family. Matt thinks the duplex is one owner of the whole building. Our definition of a villa includes the lots are owned by separate owners. Add MR-1 as permitted by right. Rita questioned whether a special use under SR-1 and SR-2 should be a planned use rather than a special use if the villas are attached. The committee agreed.

Dwelling-Two Family (Duplex): Dirk believes this definition fits more towards a rental situation, whereas a villa has a zero lot line with two owners. We could add with single ownership to the duplex definition. Rita suggested adding Sr-1 and SR-2 as special uses.

Existing Residential Dwellings: Take off.

Loft: Change from S to P in B-1, B-2 and I-1.

Modular Homes (ICC Compliant): Change from S to P

Public Parks and Recreation: Change B-2 to use permitted by right.

Principal Non-Residential Uses:

Bed and Breakfast: Took out SR-1 use.

Business or Vocational School: took out SR-1 through MH-1 as permitted by a special use.

Community Center: took out SR-1 use.

Construction Sales & Service: Committee discussed the I-1 and I-2 "S" designation and left it that way so the type of special use could be controlled. The industrial park grant only applies to the first owner of the property.

Convenience Shops (Small drugstore, small food store, laundromat): Changed MR-2 and MH-1 to planned.

Institutions: Gary Mack commented if you are going to include not-for-profit, that could be a rehab place. Matt believes the intention of this would be for a church camp.

Limousine business: Added as a use permitted by right in I-1.

Office, data storage: Took out of SR-1, changed to special use for SR-2, MR-1, MR-2 and MH-1.

Places of Public Assembly: Took out any use in A. Added as a use permitted by right to B-2 and I-1.

Produce Stand, Temporary: Added as a use permitted by right to B-1 and B-2 and as a special use in I-1 and I-2.

Public Service (Other than Freeburg): Added as special use in all categories.

Quick Shop: Does not sell gasoline, and a convenience store does.

The next meeting will be held July 7th at 6:00 p.m.

B. New Business: None.

BOARD OF APPEALS:

A. Old Business: None.

B. New Business: None.

C. General Concerns: None.

D. Public Participation: None.

E. Adjourn: *Gary Mack motioned to adjourn the meeting at 6:23 p.m. and Dirk Downen seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

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. **(Sec. 155.075)**

40-4-2 **ONE DWELLING ON ONE LOT.** In the "A" District, only one dwelling shall be situated on any one lot. **(Sec. 155.076)**

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.)

(Sec. 155.077)

40-4-4 **PERMITTED USES.** The following uses shall be permitted in the "A" Agricultural District: agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-17-2** are met:

- (A) Cemeteries;
- (B) Government uses;
- (C) Nurseries;
- (D) Greenhouses;
- (E) Temporary produce stands;
- (F) Single-family dwellings, conventionally constructed; and
- (G) Accessory uses in accordance with **Section 40-2-15.**

(Sec. 155.078)

40-4-5 **SPECIAL USES.** The following uses may be allowed by special-use permit in accordance with **Section 40-22-1 et seq.** in the "A" Agricultural District:

- (A) Agricultural implement sales.

- (B) Amusement facilities, such as go-cart tracks, miniature golf courses, and the like.
- (C) Animal hospitals.
- (D) Churches and other places of formal worship.
- (E) Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.
- (F) Golf courses, regulation size.
- (G) Home occupations.
- (H) Institutions, such as convents, retreat houses, seminaries, and the like.
- (I) Kennels, commercial.
- (J) Nursing homes, sanitariums.
- (K) Utility substations.

(Sec. 155.079)

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 (mobile homes, immobilized mobile homes, duplexes, apartments, and the like) are strictly prohibited in this district.

(Sec. 155.090) 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 Zoning Board of Appeals.
- (3) It shall be unlawful to replace any existing manufactured home located in the "SR-1" District without a special-use permit from the Zoning Board of Appeals.

(Sec. 155.091) 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) (Sec. 155.092)

40-5-4 **PERMITTED USES.** The following uses shall be permitted in the "SR-1" Single-Family Residential District:

- (A) Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-17-2** are met.
- (B) Government uses.
- (C) Single-family dwellings, conventionally constructed.
- (D) Manufactured or prefabricated dwellings.
- (E) Accessory uses in accordance with **Section 40-2-15**.
- (F) Community Residence.
- (G) Group Homes for people with disabilities located at least **six hundred sixty (660) linear feet** from any existing community residence, measured lot line to lot line via the most direct driving route and that are licensed, certified, or accredited by the State of Illinois, Village of Freeburg, or appropriate national licensing, certification or accreditation body.
(Ord. No. 1187; 09-19-05) (Sec. 155.093)

40-5-5 SPECIAL USES. The following special uses may be allowed by special-use permit in accordance with **Section 40-22-1** in the "SR-1" District:

- (A) Churches and related religious facilities.
- (B) Home occupations, but only in conformity with the requirements of **Section 40-17-4**.
- (C) Modular homes.
- (D) Schools.
- (E) Utility substations.
- (F) Group Homes, provided:
 - (1) the cumulative effect of the proposed group home will not hinder the normalization process for residents of any existing community residence located within **six hundred sixty (660) linear feet** of the proposed community residence; and
 - (2) the cumulative effect of the proposed group home will not create a concentration of community residences in the immediate vicinity or zoning district that would change the character of the area from residential to that of a de facto social service district.

Group homes for people with disabilities for which the State of Illinois, Village of Freeburg, and the United States do not require a license, certification, or accreditation shall be allowed if found to be in substantial compliance with state licensing standards or certification standards of an appropriate national accreditation agency for a comparable type of group home. A group home or its operator that is currently denied a required license, certification, or accreditation is not eligible for a special use permit.

(Ord. 1187; 09-19-05) (Sec. 155.094)

- (G) Two-family dwellings, provided:
 - (1) the proposed two-family dwelling must be within a building constructed prior to the original adoption of the Zoning Code on **November 10, 1969**; and
 - (2) the proposed two-family dwelling must conform with all Lot and Building Requirements for property zoned as "MR-1" Two Family Residence District (Section 40-7-3).

(Ord. No. 1483; 02-03-14)

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. **(Sec. 155.105) Penalty, see Section 40-25-1**

40-6-2 **SPECIAL RESTRICTIONS.** The provisions of **Section 40-5-2** shall be controlling in this district. **(Sec. 155.106)**

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%. |

(Sec. 155.107)

40-6-4 **PERMITTED USES.** The following uses shall be permitted in the "SR-2" Single-Family Residential District:

- (A) Any use permitted in the "SR-1" District.
- (B) Community Residence.
- (C) Group Homes for people with disabilities located at least **six hundred sixty (660) linear feet** from any existing community residence, measured lot line to lot line via the most direct driving route and that are licensed, certified, or accredited by the State of Illinois, Village of Freeburg, or appropriate national licensing, certification or accreditation body. **(Ord. No. 1187; 09-19-05) (Sec. 155.108)**

40-6-5 **SPECIAL USES.** The following uses may be allowed in the "SR-2" District by special-use permit in accordance with **Section 40-22-1** to-wit:

- (A) Churches and related religious facilities.

(B) Home occupations, but only in conformity with the requirements of **Section 40-17-4.**

(C) Modular homes in compliance with the provisions of **Section 40-4-3.**

(D) Schools.

(E) Utility substations.

(F) Group Homes, provided:

- (1) the cumulative effect of the proposed group home will not hinder the normalization process for residents of any existing community residence located within **six hundred sixty (660) linear feet** of the proposed community residence; and
- (2) the cumulative effect of the proposed group home will not create a concentration of community residences in the immediate vicinity or zoning district that would change the character of the area from residential to that of a de facto social service district.

Group homes for people with disabilities for which the State of Illinois, Village of Freeburg, and the United States do not require a license, certification, or accreditation shall be allowed if found to be in substantial compliance with state licensing standards or certification standards of an appropriate national accreditation agency for a comparable type of group home. A group home or its operator that is currently denied a required license, certification, or accreditation is not eligible for a special use permit. **(Ord. No. 1187; 09-19-05)**
(Sec. 155.109)

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.
(Sec. 155.120)

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.
(Sec. 155.121)

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%. |

(Sec. 155.122)

40-7-4 **PERMITTED USES.** The following uses shall be permitted in the "MR-1" Two-Family Residential District:

- (A) Any use permitted in the "SR-2" District.
- (B) Two-family dwellings.
- (C) Community Residence.
- (D) Group Homes for people with disabilities located at least **six hundred**

sixty (660) linear feet from any existing community residence, measured lot line to lot line via the most direct driving route and that are licensed, certified, or accredited by the State of Illinois, Village of Freeburg, or appropriate national licensing, certification or accreditation body.
(Ord. No. 1187; 09-19-05) (Sec. 155.123)

40-7-5 **SPECIAL USES.** The following uses may be allowed in the "MR-1" District by special use permit in accordance with **Section 40-22-1:**

- (A) Churches and related religious facilities.
- (B) Home occupations, but only in conformity with the requirements of

Section 40-17-4.

- (C) Modular homes in compliance with the provisions of **Section 40-9-2.**

- (D) Nursing homes.
- (E) Schools.
- (F) Utility substations.
- (G) Group Homes, provided:

- (1) the cumulative effect of the proposed group home will not hinder the normalization process for residents of any existing community residence located within **six hundred sixty (660) linear feet** of the proposed community residence; and
- (2) the cumulative effect of the proposed group home will not create a concentration of community residences in the immediate vicinity or zoning district that would change the character of the area from residential to that of a de facto social service district.

Group homes for people with disabilities for which the State of Illinois, Village of Freeburg, and the United States do not require a license, certification, or accreditation shall be allowed if found to be in substantial compliance with state licensing standards or certification standards of an appropriate national accreditation agency for a comparable type of group home. A group home or its operator that is currently denied a required license, certification, or accreditation is not eligible for a special use permit. **(Ord. No. 1187; 09-19-05)**
(Sec. 155.124)

- (C) Home occupations, but only in conformity with the requirements of
 - Section 40-17-4;**
 - (D) Nursing homes;
 - (E) Quick shop, as defined in this chapter;
 - (F) Schools;
 - (G) Utility substations.
- (Sec. 155.138)**

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 and for the placement of modular homes. This district is intended to preserve all other residential districts for conventionally constructed dwellings. **(Sec. 155.150)**

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)**
(Sec. 155.151)

40-9-3 **LOT AND BUILDING REQUIREMENTS.** Special lot and building requirements are applicable to mobile home parks. **(See Section 40-9-6)**

- | | | |
|-----|---|--------------------|
| (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. |

(Sec. 155.152)

40-9-4 **PERMITTED USES.** The following uses shall be permitted in the "MH-1" Mobile Housing District:

(A) Any use permitted in the "MR-1" District.

(B) Immobilized mobile homes on individual lots and modular homes, provided said units conform to all applicable requirements of this Code. **(See Chapter 23, entitled "Mobile Housing Code.")**

(C) Community Residence.

(D) Group Homes for people with disabilities located at least **six hundred sixty (660) linear feet** from any existing community residence, measured lot line to lot line via the most direct driving route and that are licensed, certified, or accredited by the State of Illinois, Village of Freeburg, or appropriate national licensing, certification or accreditation body.
(Ord. No. 1187; 09-19-05) (Sec. 155.153)

- (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.

(Sec. 155.155) Penalty, see Section 40-25-1

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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.
(Sec. 155.165)

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%. |

(Sec. 155.166)

40-10-3 PERMITTED USES. The following uses shall be permitted in the "B-1"

Community Business District:

- (A) Churches and related facilities;
- (B) Clubs and lodges;
- (C) Commercial establishments, wholesale and retail except those listed

under **Section 40-10-4;**

- (D) Government uses;
- (E) Medical/dental clinics;
- (F) Offices;
- (G) Service establishments;
- (H) Accessory uses in accordance with **Section 40-2-15.**

(Sec. 155.167)

40-10-4 SPECIAL USES. The following may be permitted as special uses in the "B-1" District in accordance with **Section 40-22-1**, to-wit:

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

- (B) Churches and related religious facilities.
- (C) Dwelling units, if located above the first story.
- (D) Nursing homes.
- (E) Schools.
- (F) Utility substations.
- (G) Any use permitted in the "MR-2" District.

(Sec. 155.168)

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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. **(Sec. 155.180)**

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.
(Sec. 155.181)

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%.

(Sec. 155.182)

40-11-4 **PERMITTED USES.** Provided all the use restrictions of the "B-2" District are observed, the following uses are permitted:

- (A) Any use permitted in the "B-1" District.
- (B) Churches and related facilities.
- (C) Clubs and lodges.

- (D) Commercial establishments, any type, including drive-in facilities.
 - (E) Such uses as the following are especially appropriate in this district:
 - (1) Bowling alleys.
 - (2) Furniture and appliance sales.
 - (3) Greenhouses.
 - (4) Lumber and building supplies sales.
 - (5) Mobile home and recreational vehicles sales.
 - (6) Motor vehicles sales.
 - (F) Government uses.
 - (G) Offices.
 - (H) Service establishments, any type, including drive-in facilities.
 - (I) Such uses as the following are especially appropriate in this district:
 - (1) Animal hospitals.
 - (2) Banks and other financial institutions.
 - (3) Motels.
 - (4) Motor vehicles services.
 - (5) Restaurants.
 - (6) Service stations.
 - (7) Accessory uses in accordance with **Section 40-2-15**.
 - (J) Day care centers. **(Ord. No. 1171; 02-07-04)**
- (Sec. 155.183)**

40-11-5 SPECIAL USES. Provided all the use restrictions of the "B-2" District are observed, the following uses may be allowed by special-use permit.

- (A) Drive-in theaters.
- (B) Bus terminals and bus transportation facilities.
- (C) Research and development facilities not involving explosives, flammable gases or liquids, or live animals.
- (D) Utility substations.
- (E) Warehousing and wholesaling of any goods except explosives, flammable gases, or live animals.
- (F) Any use permitted in the "MR-2" District.

(Sec. 155.184)

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. **(Sec. 155.195)**

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. **(Sec. 155.196)**

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%.

(Sec. 155.197)

40-12-4 **PERMITTED USES.** Provided all the use restrictions of the "I-1" District are observed, the following uses are permitted:

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

(B) Freight and bus terminals and related mass transportation facilities.

(C) Government uses.

- (D) Research and development facilities not involving explosives, flammable gases or liquids.
 - (E) Service stations.
 - (F) Warehousing or wholesaling of goods, except explosives, flammable gases or liquids, or live animals.
 - (G) Utility substations or government uses.
 - (H) Accessory uses in accordance with **Section 40-2-15**.
- (Sec. 155.198)**

40-12-5 SPECIAL USES. The following uses may be permitted as special uses in the "I-1" District by special-use permit in accordance with **Section 40-22-1**, to-wit:

- (A) Any use permitted in the "B-1" or "B-2" Districts.
- (B) Nursing homes.
- (C) Schools.
- (D) Utility substations.
- (E) **Rehabilitation Facilities.** Uses and facilities owned and operated by not-for-profit corporations and organizations consisting of no less than **forty (40) acres** and designed to provide vocational, residential and social support to physically and/or mentally handicapped or developmentally disabled individuals. The following uses, facilities, buildings and structures shall be permitted within a rehabilitation use and facility:

- (1) **Residential.** Uses, facilities, buildings and structures designed for dwelling purposes, including group homes; supported living arrangements; intermediate care facilities; residential units or structures; and similar or compatible uses.
- (2) **Recreational.** Uses, facilities, buildings and structures designed for use by residents, visitors, guests and patrons, including swimming pools, ponds or lakes; gymnasiums; miniature golf courses; boat docks or piers; open air athletic fields, stadiums or exhibition areas; picnic fields and pavilions; and similar or compatible uses.
- (3) **Amusements or Attractions.** Uses, facilities, buildings and structures designed for use by residents, guests, visitors and patrons for amusements or entertainment purposes including bandstands; stables; riding rings or corrals; petting zoos or farmyards (including barns and outbuildings housing domesticated animals and livestock and equipment appertaining thereto); auto shows and rallies; theaters; rides; music and dance halls; antique shows; music festivals; miniature trains, tramways or other mass conveyances designed to provide rides or tours; and similar or compatible uses.
- (4) **Food Service.** Uses, facilities, buildings and structures designed to sell and dispense food and beverages, including full service restaurants (including service of alcoholic beverages as approved by the Village Board); snack shops (freestanding, permanent structures or mobile vehicles); ice cream parlors; pastry or bakery shops; coffee houses; cafeterias; lunchrooms; temporary alcoholic beverage service (as may be approved by the Village Board); and similar or compatible uses.

- (5) **Retail.** Uses, facilities, buildings and structures designed to provide vocational training or employment for residents or to raise funds for the not-for-profit corporations and organizations, including pet shops; restaurants; thrift or resale shops; gift or book shops; antiques or collectible shops; shops dealing in foodstuffs produced on the premises or brought on the premises for resale; and similar or compatible uses.
- (6) **Wholesale Sales and Light Manufacturing.** Uses, facilities, buildings and structures designed to provide vocational training or employment for residents or to raise funds for the not-for-profit corporations and organizations, including wholesale uses; food processing; silk screening or creative production; assembly and collation; light manufacturing; and similar or compatible uses.
- (7) **Accessory Uses.** Uses, facilities, buildings and structures accessory to the above-described uses, including off-street parking structures and equipment; administrative offices; vehicles and equipment maintenance facilities, buildings and structures; public restroom facilities; satellite receiving dishes or "earth stations"; electronic radio and/or cellular transmission towers and water towers, underground fuel tank storage tanks; and similar or compatible uses.

(Ord. No. 1186; 09-19-05) (Sec. 155.199)

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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. **(Sec. 155.210)**

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.

(Sec. 155.211) (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%.

(Sec. 155.212)

40-13-4 **PERMITTED USES.** Provided all the use restrictions of the "I-2" District are observed, the following uses are permitted:

(A) Assembly, manufacturing or processing of any commodity from semi-finished materials, provided explosives or live animals are not involved.

(B) Freight and bus terminals and related mass transportation facilities.

- (C) Research and development facilities not involving explosives or live animals.
- (D) Service stations.
- (E) Warehousing or wholesaling of goods, except explosives or live animals.
- (F) Utility substations or government uses.
- (G) The following uses shall be prohibited in this district:
 - (1) Residential construction.
 - (2) Commercial incineration.
 - (3) Junk yards or auto wrecking or salvage yards.
 - (4) Rubbish, garbage or trash dumps or storage.
 - (5) Sawmill.
 - (6) Contractors storage yard.
 - (7) Fuel storage yard.
 - (8) Mini storage facilities unrelated to normal business operations.
 - (9) Outside above ground permanent chemical storage units.
 - (10) Adult entertainment.
 - (11) Bulk storage of flammable gases or liquids (except service stations).

(Sec. 155.213) (Ord. 982, passed 2-19-01)

40-13-5 **SPECIAL USES.** The following uses may be permitted as special uses in the "I-2" District by special-use permit in accordance with **Section 40-22-1**, to-wit:

- (A) Any use permitted in the "B-2" District.
- (B) Nursing homes.
- (C) Schools.

(Sec. 155.214)