

**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.**" (**Sec. 155.001**)

**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 lights, 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 mobile home parks;
- (9)      To promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings and legible in the circumstances in which they are seen; and
- (10)     To provide for the efficient administration and fair enforcement of all the substantive regulations in this chapter. (**65 ILCS 5/11-13-1**)

(**Sec. 115.002**)

**40-1-3**      **JURISDICTION.** This Chapter shall be applicable only within the corporate limits of the Village. (**Sec. 115.003**)

**40-1-4**      **INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.** 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. **(Sec. 155.004)**

**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 him or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her 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 his or her duties under this Chapter shall be defended by the Village Attorney until the final determination of the legal proceedings.  
**(Sec. 155.005)**

**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. **(Sec. 155.006)**

**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. **(Sec. 155.007)**

**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 the feminine and neuter genders.  
(C)            Words used in the present tense shall include the future tense.  
(D)            Words used in the singular number shall include the plural number, and the plural 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.  
**(Sec. 155.008)**

**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 his or her 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.

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

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

**ALTER.** To change the size, shape or use of a structure, 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.

**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.

**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.

**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.** The Zoning Board of Appeals of the Village.

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

**BUFFER STRIP.** An area of land undeveloped except for landscaping fences 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 OR STRUCTURE HEIGHT.** The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

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

**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 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 Administrator indicating a proposed lot, structure or use is in conformity with the requirements of this Chapter.

**CLINIC.** A place used for the care, diagnosis and treatment of sick, ailing, infirm 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.

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

**COMMUNITY RESIDENCE.** A 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)**

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

**CONVENIENCE/GASOLINE SERVICE STATION.** A building or premises or portion thereof used for retail sales of gasoline, oil and accessories of motor vehicles, and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on the premises where it is sold.

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

**DAY CARE CENTER.** 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.

**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.** Refers to both lot depth and lot width.

**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.

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

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

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

**DWELLING UNIT.** **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)**

**EASEMENT.** A 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.

**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.

**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 his or her 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.

**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.

**FRONTAGE.** The lineal extent of the front (street side) of a lot or establishment.

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

**GREENHOUSE.** (See "Nursery")

**GROUP HOME.** 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)**

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

**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.

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

**JUNK YARD.** A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, 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.** Any structure or lot on which **five (5)** or more domesticated animals over **four (4) months** of age are kept.

**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.

**LONG TERM CARE FACILITY.** A building used as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care.

**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 OR PREFABRICATED HOUSING.** 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 "mobile homes," "immobilized mobile homes," or "modular homes."

**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.

**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.

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

**MODULAR HOME.** A 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 "mobile homes," "immobilized mobile homes," "manufactured housing," or "prefabricated housing."

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

**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.

**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.

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

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

**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)**

**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.

**PROFESSIONAL OFFICE.** An office (other than a service office and other than an office for care and/or treatment of or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, 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.

**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.

**QUICK SHOP.** Any small retail commercial or service establishment offering goods or services primarily to the residents of a particular multi-family complex, mobile home park or similar development.

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

**RECREATIONAL VEHICLE.** Any type of vehicle used primarily for pleasure, such as travel trailers, motor homes, boats, snowmobiles, and the like.

**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.

**ROOF LINE.** A horizontal line parallel to the average ground level of a building along the front thereof, which line delineates the highest point of a flat roof; or where the flat surface area of a gable, hip, mansard, or gambrel roof is in view from the ground level, the line of demarcation between the flat surface and the vertically structured facade; or the line along the front of a building delineating the roof line between eaves and ridge for gable, hip, and gambrel roofs.

**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.

**SERVICE BUILDING.** A structure within a mobile home park or travel trailer park that contains toilet facilities, clothes washers and dryers and in some instances, a convenience store.

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

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

**SETBACK.** The 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.

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

**SIGN, FLUSH-MOUNTED.** 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.

**SIGN, FREESTANDING.** 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.

**SIGN, PROJECTING.** 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.

**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.

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

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

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

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

**STREET.** A public or private way for motor vehicle travel. The term **STREET** includes a highway, thoroughfare, parkway, 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 maintained by and dedicated to 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.

**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.

**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.

**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 passers by of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

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

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

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

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

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

**ZONING ADMINISTRATOR, ZONING OFFICIAL or ZONING OFFICER.** The Zoning Administrator of the Village or his or her authorized representative.

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

**(Sec. 155.009) (Am. Ord. 929, passed 12-21-98)**

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**ARTICLE II – GENERAL ZONING REGULATIONS**

**40-2-1 ESTABLISHMENT OF DISTRICTS.**

(A) 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><b>District</b></i>	<i><b>Designation</b></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
Mobile 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) (Sec. 155.020)**

**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 Administrator's office. **(Sec. 155.021)**

**40-2-3 ANNUAL PUBLICATION.**

In accordance with state law, if any changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the revised official zoning map of the Village not later than **March 31** of the following year. **(65 ILCS 5/11-13-19) [NOTE: The map shall be published if there are any annexations.] (Sec. 155.022)**

**40-2-4 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.**

In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

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

- |                                                  |                                  |
|--------------------------------------------------|----------------------------------|
| (1) Center line of any street, alley, or highway | such 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. **(Sec. 155.024)**

**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.

**(Sec. 155.025) 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. **(Sec. 155.026)**

**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.

**(Sec. 155.027)**

**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. **(Sec. 155.028)**  
**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. **(Sec. 155.029)**

**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. **(Sec. 155.030)**

**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 minimum setback requirements:

<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 and at ground level	6 feet
Balconies and decks	4 feet
Canopies, roof overhangs	4 feet.

**(Sec. 155.031)**

**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.  
**(Sec. 155.032) (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 Administrator shall not issue any initial certificate of zoning compliance unless, following consultation with the County Health Department, he or she is satisfied that these requirements will be met.

**(Sec. 155.033)**

**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**.

(B) If an accessory structure is attached to a principal structure, it shall be considered part of such structure.

**(Sec. 155.034)**

**40-2-16      ACCESSORY USE RESTRICTIONS.**

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

(B) **Setbacks.** No accessory use in any zoning district shall be located in any part of any front yard that is required because of the setback regulations of such district. All other setback requirements are established in the area-bulk schedule in **Section 40-2-17**.

(C) **Yard Coverage.** Accessory uses shall not cover more than **thirty percent (30%)** of a required rear yard.

(D) **Use as Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited throughout the Village.

**(Sec. 155.035) Penalty, see Section 40-25-1**

**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. **(Sec. 155.036)**

**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 Zoning Board of Appeals 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) Any violation of this Section is declared to be a nuisance. In addition to any other relief provided by this Code, the Village Attorney may apply to a Court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Section. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

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

**(Sec. 155.037)**

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

**(Sec. 155.038)**

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**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.

**(Sec. 155.050)**

**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.

**(Sec. 155.051)**

**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. **(Sec. 155.052)**

**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. **(Sec. 155.053)**

**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 Village Board, provided that in approving such mixed uses, the Village 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 Village 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 Village 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.**

**(Sec. 155.054)**

**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.

**(Sec. 155.055)**

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

(A) **Written Documents.**

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

- (4) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- (5) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, 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) 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.

**(Sec. 155.056)**

**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 Zoning Board of Appeals may devise.

**(Sec. 155.057)**

**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.)

**(Sec. 155.058)**

**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.

**(Sec. 155.059)**

**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 his or her 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.
- (Sec. 155.060)**

**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.  
**(Sec. 155.061)**

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**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.
- (L) Limousine Business.

**(Sec. 155.079)**

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- (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)**

- (H) Office, Data Storage. **(Ord. No. 1535; 01-05-15)**

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**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 <b>six hundred sixty (660) linear feet</b> 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)**

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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 <b>six hundred sixty (660) linear feet</b> 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 <b>Section 40-17-4.</b>
(C)	Modular homes in compliance with the provisions of <b>Section 40-9-2.</b>

- (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)**

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**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.  
**(Sec. 155.135)**

**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<br>or 2,500 square feet per unit,<br>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%.                                                                          |

**(Sec. 155.136)**

**40-8-3 PERMITTED USES.** The following uses shall be permitted in the "MR-2" Multiple-Family Residential District:

- (A) Any use permitted in the "MR-1" District;
- (B) Multiple-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. 155.137)**

**40-8-4 SPECIAL USES.** The following uses may be allowed in the "MR-2" District by special-use permit in accordance with **Section 40-7-4:**

- (A) Churches and related religious facilities;
- (B) Convenience shops (for example, small drugstore, food store, laundromat);

- (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)**

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**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)**

**40-9-5**      **SPECIAL USES.** The following special uses may be permitted in the "MH-1" District by special-use permit in accordance with **Section 40-22-1:**

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

**Section 40-17-4;**

(D) Mobile home parks in conformity with all applicable requirements of this Section;

- (E) Multiple-family dwellings;
- (F) Nursing homes;
- (G) Quick shops, as defined in this Chapter;
- (H) Schools;
- (I) Utility substations.
- (J) 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. 155.154)**

**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.

**(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)**

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**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)**

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**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.

**(Sec. 155.225)**

**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. **(Sec. 155.226)**

**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 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.

**(Sec. 155.227)**

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**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. **(Sec. 155.240)**

**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. **(Sec. 155.241)**

**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. **(Sec. 155.242)**

**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.\*\* **(Sec. 155.243)**

**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.\*\* **(Sec. 155.244)**

**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 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.\*

**(Sec. 155.245)**

**40-15-7**      **SURFACING.**    Parking lots shall be graded and improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphalt or surfaced with at least **six (6) inches** of Portland cement concrete over a compacted base. **(Sec. 155.246) (Am. Ord. 923, passed 9-21-98)**

**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.\* **(Sec. 155.247)**

**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. **(Sec. 155.248) (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 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.

**(Sec. 155.249)**

**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 **ten (10) feet** in height and of sufficient density to block the view from residential property.

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

**(Sec. 155.250)**

**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.

**(Sec. 155.251)**

**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	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Modular homes, mobile 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 <b>(Ord. No. 1187; 09-19-05)</b>	2 spaces per dwelling unit	Not applicable
(B) Educational, institutional, recreational:		
Churches, assembly halls	1 space per 4 seats in the largest seating area	Not applicable

**ZONING CODE 40-15-13**

<i>Use</i>	<i>Parking Spaces Required</i>	<i>Loading Spaces Required (if any)</i>
Libraries, museums	1 space per 500 sq. ft. of floor area	On review by the 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 Administrator
Senior High	1 space for every 4 students that the building is designed to accommodate, plus employee parking.	On review by the 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.
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

**ZONING CODE 40-15-13**

<i>Use</i>	<i>Parking Spaces Required</i>	<i>Loading Spaces Required (if any)</i>
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 floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not applicable
Offices generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area...none required; 30,001-100,000 sq. ft. ...1 space
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater	Not applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area
Restaurants; refreshment stands		
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

**ZONING CODE 40-15-13**

<i>Use</i>	<i>Parking Spaces Required</i>	<i>Loading Spaces Required (if any)</i>
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
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		Not applicable
Indoor	1 space per 4 seats	
Drive-in	On review by the 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.

**(Sec. 155.252)**

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**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)**

**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. **(Sec. 155.271) Penalty, see 40-25-1**

**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. **(Sec. 155.273)**

**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. **(Sec. 155.274) 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.

**(Sec. 155.275) 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. **(Sec. 155.276)**

**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 an 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.

**(Sec. 155.277)**

**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).**

**(Sec. 155.278) 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.

**(Sec. 155.279) (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. (**Sec. 155.280**) **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**.  
**(Sec. 155.281) (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.  
**(Sec. 155.282) 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. **(Sec. 155.283) (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)**  
**(Sec. 155.284) 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**. **(Sec. 155.285) (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)**  
**(Sec. 155.286) 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.

**(Sec. 155.287) 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 is 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.

**(Sec. 155.288) Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)**

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**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. **(Sec. 155.300)**

**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 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.**  
**(Sec. 155.301) 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 by special-use permit.

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

(C)     No fence, wall, or other obstruction shall be erected in violation of the Illinois Drainage Code, **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.

**(Sec. 155.302) 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 Zoning Board of Appeals, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

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

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

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

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

**(Sec. 155.303) 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.

**(Sec. 155.304) 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.

**(Sec. 155.305) 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 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 home may be located in a travel trailer or recreational vehicle park.

**(Sec. 155.306) 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 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.

**(Sec. 155.307) 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.

**(Sec. 155.308) 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 Administrator determines that the facility poses a safety hazard (for example, if there are transformers exposed), he or she shall require that a secure fence at least **ten (10) feet** in height be installed behind the planting screen.

**(Sec. 155.309) 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. **(Sec. 155.310) 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) (Sec. 155.311)**

**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) All exterior walls facing adjacent streets shall consist of masonry materials (brick, natural clay, natural stone and architectural concrete units, excluding smooth-faced block except when used as an accent) on their exterior face. All concrete masonry units shall be integrally colored.
- (2) Other materials allowed include synthetic or cast stone, glass, metal for detailing, copper slate and Exterior Insulation and Finishing Systems (EIFS).
- (3) Other materials may be allowed upon review by the Zoning Board of Appeals.
- (4) 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.

**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 Zoning Board of Appeals;
- (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) (Sec. 155.312)**

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**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. **(Sec. 155.320)**

**40-18-2**     **NONCONFORMING LOTS.** If the Zoning Board of Appeals 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.

**(Sec. 155.321)**

**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. **(Sec. 155.322)**

**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 Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the

structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of 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 Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.
- (3) As an alternative, the market value may be determined by the 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.

**(Sec. 155.323) 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.

**(Sec. 155.324)**

**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.

**(Sec. 155.325)**

**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.

**(Sec. 155.326)**

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**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)**  
**(Sec. 155.340)**

**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.  
**(Sec. 155.341)**

**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 30<sup>th</sup> 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.  
**(Sec. 155.342)**

**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 Chairman, or in his or her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board action. **(See Section 40-19-6 for vote on decisions of Board.)** **(Sec. 155.343)**

**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.

**(Sec. 155.344)**

**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 his or her 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. He or she shall perform such other duties as may be assigned from time to time by the Board. **(Sec. 155.348)**

**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.

(Former Code, § 5-1-5)

**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. (Former Code, § 5-1-7)

**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. (Former Code, § 5-1-8)

**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. **(Sec. 155.345)**
- (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. **(Sec. 155.346)**
- (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. **(Sec. 155.347)**

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**ARTICLE XX - APPEALS**

**40-20-1** **APPEALS.** 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 made and treated in accordance with Illinois law and the provisions of this Section. **(65 ILCS 5/11-13-12) (Sec. 155.360)**

**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 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 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) (Sec. 155.361)**

**40-20-3** **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Combined Planning and Zoning Board after the notice of appeal has been filed with him or her 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 Administrator. **(65 ILCS 5/11-13-12) (Sec. 155.362)**

**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 abuts 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)**

**(Sec. 155.363)**

**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 Administrator. **(Sec. 155.364)**

***Editor's note:***

*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))*

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**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) (Sec. 155.375)**

**40-21-2 APPLICATION.**

(A) Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the Soil and Water Conservation District as per state law. The Administrator shall promptly transmit said application, together with any device he or she 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; and
- (7) Any other pertinent information that the Administrator may require.

**(70 ILCS 405/22.02a) (Sec. 155.376)**

**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 abuts 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)**

**(Sec. 155.377)**

**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, 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 his or her 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)**  
**(Sec. 155.378)**

**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. **(Sec. 155.379)**

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**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. **(Sec. 155.390)**

**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 Administrator shall promptly transmit the completed application, together with any comments or recommendation he or she 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 Administrator may require.

**(Sec. 155.391)**

**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 abuts the lot line of the proposed special-use; and
- (2) By publication in a newspaper of general circulation within the Village.

**(Sec. 155.392)**

**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.

**(Sec. 155.393)**

**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) (Sec. 155.394)**

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**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 Administrator, the Combined Planning and Zoning Board, or any party in interest. **(65 ILCS 5/11-13-14) (Sec. 155.405)**

**40-23-2**     **FILING.** Every proposal to amend this Chapter shall be filed with the Administrator on a prescribed form. Every amendment proposal shall also be filed with the Soil and Water Conservation District as per state law. The Administrator shall promptly transmit said proposal, together with any comments or recommendations he or she might wish to make to the Combined Planning and Zoning Board for a public hearing. **(Sec. 155.406)**

**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 abuts the property for which rezoning is requested. **(65 ILCS 5/11-13-14)**

**(Sec. 155.407)**

**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.

**(Sec. 155.408)**

**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. **(Sec. 155.409)**

**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) (Sec. 155.410)**

**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) (Sec. 155.411)**

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**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.

**(Sec. 155.425)**

**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 Administrator shall not issue an initial certificate of zoning compliance unless he or she determines that the proposed activity conforms to the applicable provisions of this Chapter.

**(Sec. 155.426)**

**40-24-3 APPLICATION.**

(A) Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable.

(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) Any other pertinent information that the Administrator may require.

**(Sec. 155.427)**

**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 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. **(Sec. 155.428)**

**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.

**(Sec. 155.429) (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 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. **(Sec. 155.430)**

**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, he or she shall so notify the responsible party, and shall order appropriate corrective action. **(Sec. 155.431)**

**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 Administrator if he or she so desires;
  - (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.
- (Sec. 155.432)**

**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 him or her personally;
  - (B) Sent by certified mail to his or her last known address; or
  - (C) Posted in a conspicuous place on or about the affected premises.
- (Sec. 155.433)**

**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. **(Sec. 155.434)**

**40-24-11 EMERGENCY MEASURES.** Notwithstanding any other provisions of this Chapter, whenever the Administrator determines that any violation of this Chapter poses an imminent peril to life or property, he or she may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition. **(Sec. 155.435)**

**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 Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action. **(Sec. 155.436)**

**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 Occupancy 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)
Mobile 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)
Mobile 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.)	\$.01 per sq. ft. (\$5 Minimum) (\$25 Maximum)
Sign Permit	\$5 or \$.05 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      \$100, plus mailing and publication costs.

Special-Use Permit          \$100, plus mailing and publication costs.

Variance Permit              \$100, plus mailing and publication costs.

Amendments                  \$100, plus mailing and publication costs.

**(Sec. 155.437)**

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**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 **Fifty 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.  
**(Sec. 155.999)**

**[See Section 1-1-20 for Penalties]**

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**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**