

CHAPTER 40 – ZONING CODE

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CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

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

40-1-2 **INTENT AND PURPOSE.** The purposes of this Code are:

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

(B) To divide the Village and the surrounding **one and one-half (1 ½) mile** jurisdictional area into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;

(C) To protect the character and the stability of the residential, business and manufacturing areas within the Village and the **one and one-half (1 ½) mile** jurisdictional area and to promote the orderly and beneficial development of such areas;

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

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

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

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

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

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

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

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

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

(M) To conserve the taxable value of land and buildings throughout the Village and surrounding **one and one-half (1 ½) mile** area;

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

(O) To define and limit the powers and duties of the administrative officers and bodies as provided herein.

(See 65 ILCS 5/11-13-1)

ARTICLE II - DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS. Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular; the word “building” shall include the word “structure,” and the word “lot” shall include the word “plot,” and the word “shall” is mandatory and not directory.

40-2-2 SELECTED DEFINITIONS.

Accessory Building or Use: A subordinate building or use which is located on the same lot on which the principal building or use is situated, and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.

An “accessory use” includes, but is not limited to, the following:

- (A) A children’s playhouse, garden house, and private greenhouse.
- (B) A garage, shed, carport or building for domestic storage.
- (C) Incinerators incidental to residential uses.
- (D) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
- (E) Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations.
- (F) Off-street motor vehicle parking areas and loading and unloading facilities.
- (G) Signs as permitted and regulated in each district incorporated herein.
- (H) Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
- (I) Private swimming pools.
- (J) Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

Acreage: Any tract or parcel of land which has not been subdivided and platted.

Agriculture: All of the growing of crops in the open and the raising and feeding of livestock and poultry; including farming, farm buildings and farm dwellings; truck gardens, flower gardens, apiaries, mushroom growing, nurseries, orchards, forestry, dairying, greenhouses and commercial vegetables.

Alley: A public way not more than **thirty (30) feet** wide, which affords only a secondary means of access to abutting property.

Apartment: A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

Automobile Laundry: A building or portion thereof, where automobiles are washed with the use of a chain conveyor or blower or steam-cleaning device.

Automobile Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.

Automobile Repair, Minor: Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under “Automobile Repair, Major.”

Automobile Service Station: A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and services for automobiles, but not including major automobile repairs; and including washing of automobiles where no chain conveyor, blower or steam-cleaning device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

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

Basement: A story partly or wholly underground. Where more than **one-half (1/2)** of its height is above the established curb level or above the average level of the adjoining ground where curb level has not been established, a basement shall not be counted as a story for purposes of height measurement.

Billboard: Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to announce church services or to display official court or public office notices or signs advertising the sale or lease of the premises on which the sign is located.

Block: A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead line or shorelines of waterways or a corporate boundary line of the Village.

Board of Appeals: The Zoning Board of Appeals of the Village of Pocahontas, Illinois.

Boarding House: A building other than a hotel or restaurant where meals are provided for compensation to **four (4)** or more persons, but not more than **twelve (12)**, who are not members of the keeper's family.

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

Building: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter enclosure, or protection of persons, animals, or chattels. Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers, and other similar structures are not considered as buildings.

Building Height: The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Building, Nonconforming: A legally existing building which fails to comply with the regulations set forth in the Code applicable to the district in which such building is located.

Building, Principal: A building in which is conducted the main use of the zoning lot on which it is situated.

Building Setback Line: A line parallel to the street line at a distance from it, regulated by the front yard requirements set up in this Code.

Bulk: The term used to describe the size and mutual relationships of buildings and other structures, as to size; height; coverage; shape; location of exterior walls in relation to lot lines, to the center line of streets, to other walls of the same building, and to other buildings or structures; and to all open spaces relating to the building or structure.

Carport: A roofed-over area attached to the principal building for vehicle storage which may be open on three sides.

Cellar: A cellar is a story having more than **one-half (1/2)** of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurements.

Clinic or Medical Health Center: An establishment where patients are admitted for special study and treatment by **two (2)** or more licensed physicians and their professional associates, practicing medicine together.

Club or Lodge, Private: An association of persons for some common purpose which is jointly supported and meets periodically, but not including groups organized primarily to render services which are customarily carried on as a business.

It shall be permissible to serve food and meals on the premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to the members and their guests may be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Village laws.

Commission: The Pocahontas Plan Commission.

Curb Level: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level."

District or Zone: A section of the territorial jurisdictional area of the Village for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are established by these suggested standards.

Dwelling: A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, boarding or lodging houses.

Dwelling Group: **Two (2)** or more one-family, two-family or multiple-family dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.

Dwelling, Multiple-Family: A building or portion thereof designed or altered for occupancy by **three (3)** or more families living independently of each other.

Dwelling, One-Family: A building designed exclusively for use and occupancy by one family and entirely separated from any other dwelling by space.

Dwelling, Row (Party-Wall): A row of **two (2)** to **eight (8)** attached, one-family, party-wall dwellings, not more than **two and one-half (2 ½)** stories in height, nor more than **two (2)** rooms in depth measured from the building line.

Dwelling, Two-Family: A building designed or altered to provide dwelling units for occupancy by two families.

Dwelling Unit: One or more rooms in a residential structure or apartment hotel, designed for occupancy by one family, for living and sleeping purposes.

Educational Institution: Public, parochial, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Family: **One (1)** or more persons related by blood, marriage or adoption, or a group of not more than **five (5) persons** (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities or other similar organizations.

Garage, Bus: Any building used or intended to be used for the storage of **three (3)** or more passenger motor buses, or motor coaches used in public transportation, including school buses.

Garage, Private: A detached accessory building or portion of the principal building designed, arranged, used or intended to be used for the storage of passenger automobiles of the occupants of the premises, and one truck of not more than **one and one-half (1 ½)** ton capacity.

Garage, Public: A building other than a private garage, used for the care incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including, trucks, tractors, truck trailers and commercial vehicles exceeding **one and one-half (1 ½)** ton capacity.

Garage, Truck: A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding **one and one-half (1 ½)** ton capacity.

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

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family. Hospitals, barber shops, beauty parlors, dress shops, millinery shops, animal hospitals, kennels, among others, shall not be deemed to be home occupations.

Hospital or Sanitarium: An institution open to the public in which patients or injured persons are given medial or surgical care; or for the care of contagious diseases or incurable patients.

Hotel, Apartment: A building containing dwelling units or individual guest rooms, the majority of which are for permanent guests. Maid and janitor service may be provided but kitchen facilities are not necessarily included.

Hotel or Motel: A building in which more than **five (5) rooms** or suites are reserved to provide living and sleeping accommodations for temporary guests.

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

Kennel, Commercial: Any lot or premises on which **four (4)** or more domestic animals, at least **four (4) months** of age, are kept, boarded for compensation, or kept or bred for sale.

Laboratory (Commercial): A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

Loading and Unloading Space, Off-Street: An open hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading, and unloading of motor trucks, tractors and trailers, to avoid undue interference with the public use of streets and alleys. Such space shall be not less than **ten (10) feet** in width, **forty-five (45) feet** in length and **fourteen (14) feet** in height, exclusive of access aisles and maneuvering space.

Lodging or Rooming House: A building with not more than **five (5) guest rooms** where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or to overnight guests.

Lot: The word “lot” when used alone shall mean a “zoning lot” unless the context of this Zoning Code indicates otherwise.

Lot, Corner: A parcel of land situated at the intersection of **two (2)** or more streets or adjoining a curved street at the end of a block.

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

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

Lot Frontage: The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

Lot, Interior: A lot other than a corner or reversed corner lot.

Lot Line, Front: The front property line of a zoning lot.

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

Lot Line, Side: Lot lines other than front or rear lot lines are side lot lines.

Lot, Reversed Corner: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot, Through: A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot.

Lot Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

Manufacture: The assembly, production, fabrication or distribution of products or commodities from any raw material, for sale to or consumption by the general public and private or public institutions or organizations.

Motor Freight Terminal: A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

Nonconforming Use: Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this Code or amendments hereto, which does not conform after the adoption of these suggested standards or amendments hereto with the use regulations herein.

Nursery, Day: An institution providing care for **three (3)** or more children under the age of **four (4)** years, for periods of more than **four (4)** hours but not exceeding **twenty-four (24)** hours.

Nursery School: An institution providing day care services for children from **four (4)** to **six (6)** years of age.

Nursing Home or Rest Home: A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

Open Sales Lot: An open or vacant parcel of land used for the display and sale or trade of any commodity, product, or type of product other than used cars, trucks or trailers.

Parking Area, Public: An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under **one and one-half (1 ½)** tons capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

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

Parking Space, Automobile: Space within a public or private parking area of not less than **one hundred sixty-two (162) square feet (eight and one-half feet by nineteen feet [8 ½' x 19']**), exclusive of access drives or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under **one and one-half (1 ½)** tons capacity.

Porch: A roofed-over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Public Utility: Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, telegraph, television, transportation, water or sanitary sewer.

Railroad Right-of-Way: A strip of land with tracks and auxiliary facilities for track operation but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, or water towers.

Sign: A name, identification, description, display or illustration which is affixed to, or painted or represented directly or indirectly upon a building, structure, tree, rock or other object, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

However, a sign shall not include any display or official court or public office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

Special Use: Any use of land or buildings, or both, described and permitted herein, subject to the provisions of **Article IV**.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding **fourteen (14) feet** in height shall be considered as an additional story for each **fourteen (14) feet** or fraction thereof.

Story, Half: A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than **four and one-half (4 ½) feet** above the finished floor of such story. In the case of one-family dwellings, two-family dwellings less than **three (3) stories** in height, a half story in a sloping roof shall not be counted as a story for the purpose of this Code. In the case of multiple-family dwellings **three (3) or more stories** in height, a half story shall be counted as a story.

Street: A public way other than an alley.

Structural Alteration: Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams or girders.

Structure: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

Tavern or Lounge: A building or part thereof, where alcoholic beverages are sold to be consumed on the premises, but not including restaurants where the primary business is serving food.

Trailer: A vehicle without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include mobile home, camp car and house car. A permanent foundation shall not change its character unless the entire structure is erected in accordance with prevailing Village laws. **(625 ILCS 5/1-209)**

Trailer Camp or Park: Any premises occupied or designed to accommodate one or more families living in an automobile house trailer or mobile home.

Truck Parking Area or Yard: Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading, and which exceed **one and one-half (1 ½) tons** capacity.

Use: The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

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

Used Car Lot: A zoning lot on which used cars, trailers or trucks are displayed for sale or trade.

Village: Reference to "Village" herein refers to the Village of Pocahontas, Illinois.

Yard: An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its level upward, except as otherwise permitted in this Code, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard, Front: A yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of a building.

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

Yard, Side: That part of the yard lying between the nearest line of the principal building and a side lot line and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.

Zoning Administrator: Whenever the term “Zoning Administrator” is used, it shall mean the Zoning Administrator of the Village of Pocahontas appointed by the President and Board of Trustees, or his duly appointed representative.

Zoning Lot: A plot of ground, made up of one or more parcels, which is or may be occupied by a use, building or buildings, including the open spaces required by this Code.

Zoning Map: The map or maps incorporated herein as a part hereof.

ARTICLE III – USE DISTRICTS

40-3-1 **ESTABLISHMENT OF ZONING DISTRICTS.** In order to carry out the purpose and provisions of this Code, the Village is hereby divided into the following districts.

40-3-2 **AGRICULTURAL DISTRICT (A-1).** The A-1 zone is established as a zone in which agriculture and certain related uses are encouraged as the principal land use. The specific intent is to facilitate the proper use of lands best suited for agriculture by preventing the mixture of urban and rural areas which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services and contributes to the premature termination of agricultural pursuits. This zone is also designed to prevent the illogical placement of residential uses in the otherwise open countryside.

40-3-3 **RESIDENTIAL DISTRICTS.**

(A) **One-Family Dwelling District (R-1).** The R-1 zone is established to recognize areas presently existing or proposed for single-family dwellings. These suggested standards recognize the need for providing adequate space for buildings, open areas and off-street parking.

(B) **General Residence District (R-2).** The R-2 zone is established to recognize areas presently existing or proposed for either single-family, two-family or multiple-family dwellings. These suggested standards recognize the need for properly regulated areas for higher density residential uses. The standards reflect the corresponding space requirements of higher density residential uses.

40-3-4 **BUSINESS DISTRICTS.**

(A) **Limited Retail Business District (B-1).** The B-1 zone is established to protect compatible limited retail business uses. Such uses as clothing, variety, drug and jewelry stores are generally compatible when located in proximity to one another. Deleterious commercial uses should be separated from the limited retail uses.

(B) **General Retail, Service or Wholesale Business District (B-2).** The B-2 zone is established to permit those commercial uses excluded from the limited retail business district. These uses are of the type that generally require more space or are incompatible with limited retail business uses.

40-3-5 **MANUFACTURING DISTRICT (M-1).** The M-1 zone is established to protect the public health, safety, comfort, convenience and general welfare of the community by the proper allocation of land for industrial use. It is also the aim of the M-1 zone to protect and promote the economic base of the Village by regulating manufacturing development in appropriate locations.

40-3-6 **ZONING MAPS.** The location and boundaries of the districts established herein are shown upon the Zoning Map, which is hereby incorporated into these suggested standards. The Zoning Map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part hereof and shall have the same force and effect as if the Zoning Map, together with all notations, references and other information shown thereon, were fully set forth and described herein.

40-3-7 **NEW OR ANNEXED LAND.** Submerged land heretofore reclaimed or which may be reclaimed hereafter, and land heretofore annexed or which may be annexed to the Village hereafter, and which is not shown on the Zoning Map made a part hereof, shall be classified in the

R-1 One-Family Dwelling District until such time as the Village Board of Trustees designates the permitted use of the land in accordance with the provisions of these suggested standards. (65 ILCS 5/11-13-19)

40-3-8 **ZONING OF STREETS, ALLEYS, PUBLIC WAYS AND RAILROAD RIGHTS-OF-WAY.** All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same use district as the property immediately abutting upon such alleys, streets, public ways and railroad rights-of-way. Where the center line of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

40-3-9 **BOUNDARY LINES.** Wherever any uncertainty exists as to the boundary of any use district as shown on the Zoning Map, incorporated herein, the following rules shall apply:

- (A) Where district boundary lines are indicated as following streets, alleys or similar rights-of-way, they shall be construed as following the center lines thereof.
- (B) Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (C) Where a lot held in one ownership and of record at the effective date of these suggested standards is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than **twenty percent (20%)**.

ARTICLE IV – GENERAL PROVISIONS

40-4-1 **SCOPE OF REGULATIONS.** No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

40-4-2 **PERMITS.** No application for a building permit or other permit or license, or for a certificate of occupancy shall be approved by the Zoning Administrator and no permit or license shall be issued by any other municipal department which would authorize the use or change in use of any land or building contrary to the provisions of this Code, or the erection, moving, alteration enlargement or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provision of this Code.

40-4-3 **BUILDING HEIGHT, BULK AND LOT COVERAGE.**
(A) No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height or bulk, a higher percentage of lot coverage or smaller open space about it than permissible under the limitations set forth herein for the district in which such building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, stage towers or scenery lofts, and necessary mechanical appurtenances, shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the municipality.

(B) No space allocated to a building or dwelling group for the purpose of complying with the side, rear or front yard or court or other open space, or lot area requirements of this Code shall thereafter by reason of a change in ownership or for any other reason, be used to satisfy the yard, court, open space or lot area requirements of any other building or dwelling group.

(C) No useable open space or off-street parking space or loading space existing or provided hereafter for any building shall be reduced below the minimum requirements hereinafter set forth for such useable open space, parking space or loading space, nor further reduced if already less than said minimum requirements.

40-4-4 **LOT AREA AND DIMENSIONS.**
(A) When **two (2)** or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.

(B) Any single lot or parcel of land held in one ownership, which was of record at the time of adoption of this Zoning Code, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or useable open space are not less than **seventy-five percent (75%)** of the minimum required dimensions or areas.

40-4-5 **LOCATION OF BUILDINGS.** Except as otherwise provided for in this Code, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of **twenty-five (25) feet**, unless an easement of lesser width was on record prior to the adoption of this Code.

40-4-6 **BUILDING UNDER CONSTRUCTION.** Nothing in this Code shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Code, and upon which building, actual construction has been diligently carried on, and provided, further, that such building shall be completed within **one (1) year** from the date of passage and publication of this Code.

40-4-7 BUILDINGS ON A ZONING LOT. Every building hereafter erected or structurally altered to provide dwelling units, shall be located on a zoning lot as herein defined and in no case shall there be more than one such building on one zoning lot, except that in a two-story garage with living quarters on the second floor, such quarters may be occupied by a servant (and his family) of the family occupying the main structure. There may also be constructed a guest house (without kitchen) or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the main structure and not for permanent occupancy by others as a housekeeping unit.

40-4-8 REZONING OF PUBLIC AND SEMI-PUBLIC AREAS. An area indicated on the Zoning Map as a public park, recreation area, public school site, cemetery or other similar open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until appropriate zoning is authorized by the Board of Trustees within **three (3) months** after the date of application filed for rezoning.

ARTICLE V – NONCONFORMING BUILDINGS AND USES

40-5-1 CONTINUANCE OF USE.

(A) Any lawfully established use of a building or land, established prior to the effective date of this Code or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.

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

(C) Any building for which a permit has been lawfully granted prior to the effective date of this Code or amendments hereto, may be completed in accordance with the approved plans; provided construction is started within **six (6) months** after the date of the permit and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

40-5-2 DISCONTINUANCE OF USE.

(A) Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this Code, such premises shall not thereafter be used or occupied by any nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.

(B) Whenever a nonconforming use of a building or structure, or part thereof, has been discontinued for a period of **eighteen (18) consecutive months**, or for a continuous period of **thirty (30) months** if the building was originally designed and constructed for a non-residential use, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

(C) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of **one (1) year** shall constitute abandonment.

40-5-3 CHANGE OF USE.

(A) A nonconforming use of a building or structure or part thereof, may be changed to a use of the same or of a more restricted character, but may not thereafter be changed to any less restricted use.

(B) Any part of a building, structure or land occupied by a nonconforming use which is changed to or replaced by a use conforming to the provisions of this Code shall not thereafter be used or occupied by a nonconforming use.

40-5-4 TERMINATION AND REMOVAL OF NONCONFORMING USES.

(A) The period of time during which the following nonconforming use of buildings, structures or land may continue or remain shall be limited to **two (2) years** from the effective date of this Code, or of any amendments hereto, which causes the use to be nonconforming. Every such nonconforming use shall be completely removed from the premises at the expiration of the **two (2) year** period.

(1) Any nonconforming building or structure having an assessed valuation not in excess of **Five Hundred Dollars (\$500.00)** on the effective date of the Zoning Code.

(2) All nonconforming billboards and outdoor advertising structures not attached to a building lawfully existing upon the effective date of this Code.

(3) Any nonconforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use; or where such use is maintained in

connection with a conforming building other than automobile wrecking yards and junk yards. This provision shall not include public or private parking lots established prior to the date of this Code.

(B) No junk yard or automobile wrecking yard shall be operated or maintained for more than **thirty-six (36) months** after a zoning change to a use district within which such use is not permitted except that in an M-1 District, the Zoning Board of Appeals may permit the continued use of an area containing an automobile wrecking yard or junk yard provided that a **six (6) foot** high solid wall or fence be constructed around sch area.

40-5-5 REPAIRS AND ALTERATIONS.

(A) Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.

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

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

40-5-6 DAMAGE AND DESTRUCTION. If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of **fifty percent (50%)** or more of its replacement value at that time, the building or other structure may be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district. In the event the damage or destruction is less than **fifty percent (50%)** of its replacement value, based on prevailing costs, the extent of the damage shall be established by estimates made by the Zoning Administrator. Any appeal from the decision of the Zoning Administrator may be taken by the owner or agent as outlined in **Article XII Division II** of this Code. The building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. In either event, restoration or repair of the building or other structure must be started within a period of **one (1) year** and diligently prosecuted to completion.

40-5-7 ADDITIONS AND ENLARGEMENTS.

(A) A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use and is made to conform to all the regulations of the district in which it is located.

(B) No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

(C) No nonconforming building in any residential district shall be so altered as to increase the number of dwelling units therein.

40-5-8 USE DISTRICT CHANGES. Whenever the boundaries of a use district shall be changed so as to transfer an area from one use district to another use district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

40-5-9 **EXCEPTIONS.** Wherever a lawfully existing building or other structure otherwise conforms to the use regulations of this Code but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of **Sections 40-5-4** and **40-5-5** above.

(A) In any residence district where a dwelling is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.

(B) In any R-2 District, where a use permitted in the B-1 District occupies ground floor space within a multiple-family dwelling located on a corner.

(C) In any business or manufacturing district, where the use is less distant from a residential district than that specified in the regulations for the district in which it is located.

ARTICLE VI – SPECIAL USES

40-6-1 PURPOSE. The principal objective of these suggested standards for land use control is to provide for an orderly arrangement of compatible buildings and land uses, and for the proper location of all types of uses required for the social and economic welfare of the Village. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established herein. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These “special uses” require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. The conditions controlling the location and operation of such “special uses” are established by the following provisions of this Section.

40-6-2 AUTHORITY. The Board of Trustees shall have authority to permit by special ordinance, the following uses of land or structures, or both, subject to conditions contained herein if it finds that the proposed location and establishment of any such use will be desirable or necessary to the public convenience or welfare and will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites. **[NOTE: Zoning Board hearing required.]**

(A) **Airport, landing field, or landing strip**, in any use district subject to the Federal Aviation Agency certifying that a new or reoriented runway will not interfere with the flight pattern of any established airport, landing field or landing strip.

(B) **Areas for the dumping or disposal of trash or garbage**, in any use district, provided the sanitary landfill method is used.

(C) **Auditorium, stadium, arena, armory, gymnasium and other similar places for public events**, in any business or manufacturing district.

(D) **Barber shops and beauty parlors**, in any residential district.

(E) **Bus terminal, railroad passenger station, freight terminal, or any other public transportation terminal facilities**, in any use district.

(F) **Clinic or medical center**, in any use district.

(G) **Cemeteries, crematories or mausoleums**, in any use district.

(H) **Extraction of gravel, sand or other raw materials**, in Agricultural or Manufacturing Districts.

(I) **Golf courses, public or private**, in any use district.

(J) **Hospitals or sanitariums, public or private**, in any use district other than a manufacturing district.

(K) **Institutions for the care of the insane or feeble-minded, public or private**, in any use district other than a manufacturing district.

(L) **Municipal or privately owned recreation building or community center**, in any use district.

(M) **Nursery school or day nursery**, in any residential or business district.

(N) **Off-street parking areas and garages**, in any residential district, provided there is a need for this facility and that no appropriate site is available in nearby business or manufacturing districts, and provided that an adequate method of screening is provided.

(O) **Penal or correctional institutions**, in any use district.

(P) **Police station or fire station**, in any use district.

(Q) **Public buildings including art gallery, post office, library, museum, or similar structures**, in any residential or business district.

(R) **Public or private park or playground**, in any use district.

(S) **Public or privately owned and operated fairgrounds, permanent carnivals, “kiddie parks,” or other similar amusement centers**, in any B-2 or Manufacturing District.

(T) **Public utility facilities, i.e., filtration plant, water reservoir or pumping station, heat or power plant, transformer station and other similar facilities**, in any use district other than the B-2 or M Districts, where such facilities are permitted uses.

(U) Radio and television transmitting or antenna towers (commercial) and other electronic equipment requiring outdoor structures, and including antenna towers used for sending private messages, but not including private receiving aerials or antennas, in any business or manufacturing district.

(V) Railroad right-of-way, in any use district.

(W) Rest homes and nursing homes, in any R-2 or business district, provided that when located in a business district, such uses shall be established above the first floor when located in a building constructed for a business use. A building originally constructed for residential use may be used in whole or in part.

(X) Schools, elementary, high and college, public or private, in any residential district, but not including trade or commercial schools operated for profit.

(Y) Stable, Livery, in any B-2 or Manufacturing District.

(Z) Telephone exchange, antenna towers and other outdoor equipment essential to the operation of the exchange, in any R-2 District in addition to the business or manufacturing districts where such facilities are permissive uses.

40-6-3 CONDITIONS OF APPROVAL. The Plan Commission may recommend, and the Board of Trustees may impose, such restrictions upon the height, bulk and area of lot coverage of any structure so approved for “special use” as may be reasonable under the particular circumstances, provided that such restrictions and stipulations shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located, or as may be required in any other municipal code. Off-street parking facilities as well as off-street loading and unloading spaces may also be stipulated in the order permitting the “special use.”

40-6-4 PROCEDURE. The procedure to be followed in considering applications for “special uses” shall be as follows:

(A) Application. An application verified by the owner or authorized agent of the owner of the property involved, shall be filed with the Village Clerk for the attention of the Plan Commission, upon a form prescribed therefor, which shall contain or be accompanied by all required information.

(B) Public Hearing. Upon receipt of such verified application, the Village Clerk shall notify the Chairman of the Plan Commission or, in his absence, the Vice-Chairman, who shall give notice of a public hearing in the same manner as provided for hearings on the reclassification of property, as contained in the **Article XII**. A record of pertinent information presented at the public hearing shall be made and maintained by the Plan Commission as part of the permanent record relative to the application.

(C) Determination. The Plan Commission shall then make its findings and recommendations to the Village Board of Trustees within **thirty (30) days** following the date of public hearing on each application. The Board of Trustees may then authorize a “special use” as defined herein, provided the evidence that is presented is such as to establish beyond a reasonable doubt:

- (1) That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community; and
- (2) That such use will not, under the circumstances as the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity; and
- (3) That the proposed use will comply with the regulations and conditions specified in this Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

ARTICLE VII – ACCESSORY BUILDINGS

40-7-1 **LOCATION.** An accessory building may not be located nearer to any interior lot line than that permitted for the principal building, when any part of the accessory building is on line with the principal building, if extended. However, when an accessory building is located in the rear yard, it may then be located within **two (2) feet** of the interior lot line, but not nearer than **three (3) feet** of the rear lot line.

40-7-2 **TIMING OF CONSTRUCTION.** An accessory building shall not be erected prior to the establishment or construction of the principal building to which it is accessory, or to which it is intended to be accessory.

40-7-3 **LOCATIONS PROHIBITED.** No accessory building shall be located on a reversed corner lot beyond the front yard required on the adjacent lot to the rear, nor be located nearer than **five (5) feet** to the side lot line of the adjacent lot.

ARTICLE VIII – SIGNS

Any publicly displayed sign, symbol or notice on a premises to advertise the business there transacted, or name of person or firm conducting said business on premises or directing to some other locale, shall be regulated as follows.

40-8-1 **PERMITTED SIGNS – AGRICULTURAL DISTRICT.** In an Agricultural District, the following signs shall be permitted:

- (A) Highway directional signs and markers.
- (B) Traffic or directional signs.
- (C) Billboards or other similar forms of advertising signs.

40-8-2 **PERMITTED SIGNS – RESIDENTIAL DISTRICTS.** In the residential districts, the following signs shall be permitted:

- (A) For a structure other than a dwelling unit, one identification sign not exceeding **ten (10) square feet**, except a church bulletin board – which shall not exceed **twenty-four (24) square feet**.
- (B) For purposes of orientation, directional signs when established by the Village.

40-8-3 **PERMITTED SIGNS – BUSINESS DISTRICTS.** In the business districts, the following signs shall be permitted:

- (A) Signs relating only to the name and use of buildings or premises upon which they are placed. Outdoor billboards or signs advertising products or matters not related to the occupancy of the premises shall not be permitted, with the exception of **Section 40-8-3(F)** below.
- (B) Signs attached to or hung from a marquee or canopy shall be completely within the borderline of the outer edge of the marquee or canopy and shall in no instance be lower than **eight (8) feet** above the ground or surface over which the marquee or canopy is constructed.
- (C) Signs, clocks or other advertising devices erected upon standards or separate supports shall be placed so as to be entirely within the property lines of the premises upon which they are located, and no part of the sign or standard shall have a total height greater than **twenty (20) feet** above the level of the street upon which the sign faces, or above the adjoining ground level if such ground level is above the street level, nor shall the surface of any face of any such sign exceed an area of **fifty (50) square feet**.
- (D) No sign shall be permitted which conflicts with traffic signals, controls or directional signs.
- (E) Traffic or directional signs designating entrances, exits and conditions of use of parking facilities, accessory to the main use of the premises, may be maintained provided they are located within the property lines of the subject lot.
- (F) Signs advertising products or services shall be allowed on the outfield fence of the baseball field located upon Village property for businesses that either sponsor a little league team or that have a Pocahontas address. The advertising or promotion of alcohol or tobacco shall not be permitted. Signs shall be no more than **three (3) foot by four (4) foot** in area and shall be limited to **one (1) per ten (10) foot** fence section. The Village of Pocahontas Little League shall be responsible for the maintenance of these signs.
(Ord. No. 06-24-13)

40-8-4 **PERMITTED SIGNS – MANUFACTURING DISTRICTS.** The following signs shall be permitted:

- (A) Signs identifying the occupant of a building or buildings.
- (B) Billboards when located not less than **one hundred (100) feet** from any adjoining lot in a residential district.

- (C) Directional signs permitted in residential districts.

ARTICLE IX – OFF-STREET PARKING AND LOADING

40-9-1 **PURPOSE.** The purpose of this Article is to alleviate or prevent congestion of the public streets and so promote the safety and welfare of the public, by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

40-9-2 **GENERAL PROVISIONS – PARKING AND LOADING.**

(A) **Procedure.** An application for a building permit for a new or enlarged building, structure or use, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with the requirements of this Code.

(B) **Extent of Control.** The off-street parking and loading requirements of this Code shall apply as follows:

- (1) All buildings and structures erected or enlarged and land uses initiate after the effective date of these suggested standards shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof, except that a building or structure for which a building permit has been issued prior to the effective date of this Code shall not be required to furnish parking or loading facilities if construction is begun thereon within **six (6) months** of the effective date of the building permit and diligently prosecuted to completion.
- (2) When a building or structure erected or enlarged prior to or after the effective date of these suggested standards shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other units of measurement specified hereinafter for required parking or loading facilities, and further, when said decrease would result in a requirement for fewer total parking or loading spaces through application of the provisions herein, parking and loading facilities may be reduced accordingly provided that existing parking or loading facilities shall be so decreased only when the facilities remaining would at least equal or exceed the parking or loading requirements resulting from application of the provisions of this Code to the entire building or structure as modified.
- (3) When a building or structure shall undergo any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said increase would result in a requirement for additional total parking or loading spaces through application of the provisions of these suggested standards, parking and loading facilities may be increased accordingly, provided that existing parking or loading facilities shall be so increased that the facilities would at least equal or exceed the parking or loading requirements resulting from application of these provisions to the entire building or structure as modified.

(C) **Existing Parking and Loading Spaces.** Accessory off-street parking and loading spaces in existence on the effective date of these suggested standards may not be reduced in number unless already exceeding the requirements of this Article for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

(D) **Permissive Parking and Loading Spaces.** Nothing in this Article shall prevent the establishment of off-street automobile parking or loading facilities to serve any existing use of land or buildings, subject to full compliance with the provisions of this Article, except that off-

street parking areas accessory to existing multiple-family structures cannot be located off the

premises containing the principal use, unless on a lot adjacent thereto, without special authorization by the Village Board of Trustees.

(E) **Damage or Destruction.** Any building, structure or use which is in existence and is a conforming use on the effective date of these suggested standards and which subsequently shall be damaged or destroyed by fire, collapse, explosion or other cause may be reconstructed, re-established or repaired with or without off-street parking or loading facilities, except that parking or loading facilities, equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, it shall not be necessary to restore or maintain parking or loading facilities in excess of those required herein for equivalent new construction.

(F) **Schedule of Requirements.**

(1) **Tables for Required Parking and Loading.** Requirements governing the number and location of off-street parking and off-street loading facilities in relation to the use of property are established hereinafter in this Article. The parking and loading requirements for any use not specified herein shall be the same as for a similar specified use, as determined by **Section 40-9-6.**

(2) **Floor Area.** The term “floor area” as employed in this parking and loading section in the case of office, merchandising or service types of use shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. “Floor area” for the purposes of this Article, shall not include any area used for:

- (a) Storage accessory to the principal use of a building;
- (b) Incidental repairs;
- (c) Processing or packaging or merchandise;
- (d) Show windows, or offices incidental to the management or maintenance of a store or building;
- (e) Restrooms;
- (f) Utilities; or
- (g) Dressing fitting or alteration rooms.

40-9-3 ADDITIONAL REGULATIONS – PARKING.

(A) **Use of Parking Facilities.** Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this Article shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors or customers of business or manufacturing establishments, except as permitted in **Section 40-9-3(E)** below.

(B) **Joint Parking Facilities.** Off-street parking facilities for different buildings, structures or uses or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

(C) **Control of Off-Site Facilities.** When required accessory off-street parking facilities are provided elsewhere than on the same lot on which the principal use served is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants filed of record in the Office of the Recorder of Deeds, requiring the owner and his or her heirs and assigns to maintain the required number of parking spaces during the existence of said principal use.

(D) **Permitted Districts for Accessory Parking.** Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use served in accordance with **Section 40-9-6(D)** may be located in any zoning district except as follows:

- (1) No parking facilities accessory to a multiple-family use shall be located in an R-1 District.
- (2) No parking facilities accessory to a business or manufacturing use shall be located in a residential district, except when authorized by the Village Board of Trustees as prescribed hereinafter.
- (3) No parking facilities accessory to a manufacturing use shall be permitted in a B-1 District.

(E) **Non-Residential Parking in Residential Districts.** Accessory off-street parking facilities serving non-residential uses of property may be permitted in an R-2 District when authorized by the Board of Trustees, subject to the following requirements in addition to all other relevant requirements of this Article.

- (1) The parking lot shall be accessory to, and for use in connection with, one or more non-residential establishments located in adjoining districts, or in connection with one or more existing professional or institutional office buildings or institutions.
- (2) Said parking lot shall be used solely for the parking of passenger automobiles.
- (3) No commercial repair work or service of any kind shall be conducted on said parking lot.
- (4) No sign of any kind other than signs designating entrances, exits and conditions of use, shall be maintained on said parking lot.
- (5) Each entrance to and exit from said parking lot shall be at least **twenty (20) feet** distant from any adjacent property located in any residential district, except where ingress and egress to the parking lot are provided from a public alley or public way separating the residential areas from the proposed parking lot.
- (6) In addition to the foregoing requirements, such parking lots shall conform to any further requirements and conditions as may be prescribed by the Board of Trustees for the protection of properties adjacent to and in the vicinity of the proposed parking lot. These may include the provision of screen planting.

(F) **Design and Maintenance.**

- (1) **Parking Space – Description.** A required off-street parking space shall be an area of not less than **one hundred sixty-two (162) square feet** nor less than **eight and one-half (8 ½) feet** wide by **nineteen (19) feet** long, exclusive of access drives or aisles, ramps, columns or office and work areas, accessible from streets or alleys or from private driveways or aisles leading to streets or alleys and to be used for the storage or parking of passenger automobiles and commercial vehicles under **one and one-half (1 ½) tons** capacity where permitted in this Code. Aisles between vehicular parking spaces shall not be less than **twelve (12) feet** in width when serving automobiles parking at a **forty-five-degree (45°)** angle in one direction, nor less than **twenty (20) feet** in width when serving automobiles parked perpendicular to the aisles and accommodating two-way traffic.
- (2) **Measurement of Space.** When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be interpreted as one parking space.
- (3) **Open and Enclosed Spaces.** Parking areas may be open or enclosed except that when parking facilities accessory to a multiple dwelling are located in a residential or business district elsewhere

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the

same zoning lot with the principal use served, such parking facilities shall be open to the sky.

- (4) **Access.** Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic.
- (5) **Signs.** No signs shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities.
- (6) **Required Setbacks.** No parking space nor portion thereof established on the same zoning lot with a building shall be located within a required front yard. No parking spaces nor portion thereof established on a zoning lot without a building shall be located closer to any street line than the established building line on adjacent properties nor closer than the front yard setback required for the district in which the parking lot is located. Further, any wall, fence or hedge developed around any parking area shall be subject to the front yard setback requirements established in this Code in the same manner as a building or structure.
- (7) **Surfacing.** All open off-street parking areas shall be hard surfaced or shall be surfaced with a dustless material.
- (8) **Screening and Landscaping.** All open off-street parking areas for **six (6)** or more cars shall be effectively screened by a wall, a solid fence or a densely planted compact hedge along any side which adjoins or is directly across a street or alley from a property in a residential district or an institutional property. Such wall, fence, or hedge shall be at least **four (4) feet**, but not more than **seven (7) feet**, in height, and shall be maintained in good condition.
- (9) **Lighting.** Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining properties.
- (10) **“Special Use” Public Parking Areas.** Any automobile parking area developed for transient trade, and not accessory to specific principal uses or groups of uses for which parking is required by this Code, shall be treated as a “special use,” as defined in **Article VI** and as allowed in accordance with the provisions of **Article VI** by the Board of Trustees.

40-9-4
(A)

ADDITIONAL REGULATIONS – LOADING.

Design.

- (1) **Loading Berth - Description.** An off-street loading berth shall be a hard-surfaced area of land, open or enclosed, other than a street or a public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall not be less than **ten (10) feet** in width, **forty-five (45) feet** in length, and **fourteen (14) feet** in height, exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned hereinafter.
- (2) **Location.** No permitted or required loading berth shall be closer than **fifty (50) feet** to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof not less than **six (6) feet** in height. No permitted or required loading berth shall be located within **twenty-five (25) feet** of the nearest point of intersection of any **two (2) streets**. Loading berths open to the sky may be located in any required yards.

- (3) **Measurement of Berth.** When determination of the number of required off-street loading berths results in a requirement of a fractional berth, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be interpreted as one loading berth.
- (4) **Surfacing.** All open off-street loading berths shall be improved with a hard surface or shall be surfaced with a dustless material.

40-9-5 LOCATION OF PARKING AREAS.

(A) **Extent of Control.** Off-street automobile parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that said parking area is required to serve:

- (1) For one- and two-family dwellings, on the same lot with the building they are required to serve.
- (2) For three- and four-family dwellings not over **two (2) stories** in height, on the same lot or parcel of land as the building they are required to serve. For the purpose of this Code, a group of such uses constructed and maintained under single ownership or management shall be assumed to be on a single lot or parcel of land.
- (3) For apartment houses containing **four (4)** or more dwelling units, on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than **three hundred (300) feet** from the nearest entrance to the principal building being served, provided the lot or parcel of land selected for the parking facilities is located in an apartment district or a less restricted district.
- (4) For rooming houses, lodging houses, clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, dormitories, sorority and fraternity houses, and for the other similar uses, the off-street parking facilities required shall be on the same lot or parcel of land as the principal building or buildings being served, or upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.
- (5) For uses other than those specified above, off-street parking facilities shall be provided on the same lot or parcel of land as the principal building being served, or on a separate lot or parcel of land not over **one thousand (1,000) feet** from the entrance of the principal building, measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.

40-9-6 SCHEDULE OF PARKING REQUIREMENTS.

- (A) For one- and two-family dwellings, **one (1)** parking space for each family dwelling unit.
- (B) For three or more family dwellings, **one (1)** parking space for each family dwelling unit.
- (C) For hotels and clubs, **one (1)** parking space for each **six (6)** guests or sleeping rooms and suites, plus **one (1)** parking space for each **three hundred (300) square feet** of floor area devoted to supplementary parking generative activities such as bars, ballrooms, dining rooms, night club facilities and the like.
- (D) For motels, **one (1)** parking space for each guest or sleeping room or suite, plus **one (1)** additional space for the owner, manager and employees on the premises.

- (E) For lodging, rooming and boarding houses, **one (1)** parking space for each **four (4)** guests, plus **one (1)** additional space for the owner or manager if resident on the premises.
- (F) For private clubs or lodges (without sleeping rooms), parking spaces equal in number to **twenty-five percent (25%)** of the total membership.
- (G) For hospitals, **one (1)** parking space for each **three (3)** hospital beds, plus **one (1)** parking space for each **fifteen hundred (1,500) square feet** of gross floor area in residents' quarters, plus **one (1)** additional space for each staff or visiting doctor.
- (H) For sanitariums, convalescent homes, nursing homes or homes for the aged, **one (1)** parking space for each **four (4)** patient beds, plus **one (1)** additional space for each staff or visiting doctor.
- (I) For medical or dental clinics, **three (3)** parking spaces per doctor engaged at clinic.
- (J) For mortuaries or funeral parlors, **five (5)** parking spaces for each room used as a chapel or parlor, plus **one (1)** space for each funeral vehicle maintained on the premises, plus **one (1)** space for each family residing on the premises.
- (K) For bowling alleys, **two (2)** parking spaces for each alley plus such additional spaces as may be determined by the Zoning Administrator for affiliated uses such as bars, restaurants and the like.
- (L) For convention halls, dance halls, skating rinks, assembly halls, exhibition halls or other places of assembly, **one (1)** parking space for each **one hundred (100) square feet** of floor area used for assembly.
- (M) Stadium, sports arena, auditorium and gymnasium (other than incidental to a school), **one (1)** parking space for each **eight (8)** seats.
- (N) For theaters:
 (1) Indoor – **one (1)** parking space for each **ten (10)** seats up to **five hundred (500)**, plus **one (1)** parking space for each **five (5)** seats above **five hundred (500)**.
 (2) Outdoor – reservoir space equal to **ten percent (10%)** of the capacity.
- (O) For church, Sunday school, high school, college and university auditoriums, **one (1)** parking space for each **twelve (12)** seats provided in said buildings or structures.
- (P) For airports, railroad passenger stations, bus depots, or other passenger terminal facilities (special uses), such parking space as the Board of Trustees, subject to the recommendation of the Plan Commission, shall deem to be adequate for employees, passengers, spectators, visitors and others.
- (Q) For banks, business or professional offices, or public administration buildings, **one (1)** parking space for each **four hundred (400) square feet** of floor area.
- (R) For retail stores and service shops, **one (1)** parking space for each **three hundred (300) square feet** of retail floor area.
- (S) For mixed uses – the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this Article; parking facilities for one use shall not be considered as providing the required parking facilities for any other use in the same building or on the same lot.
- (T) For establishments handling the sale and consumption of alcoholic beverages, food or refreshments on the premises, **one (1)** parking space for each **three hundred (300) square feet** of floor area.
- (U) For furniture and appliance stores, motor vehicle sales, wholesale stores, household equipment or furniture repair shops or machinery sales, **one (1)** parking space for each **six hundred (600) square feet** of floor area.
- (V) For manufacturing and industrial uses, research and testing laboratories, laundry and dry-cleaning plants, printing, binding, publishing and issuing of newspapers, periodicals, books and other reading matter, telephone exchanges, warehouses, storage buildings, engraving shops, assembly of materials and products, and other similar uses, **one (1)** parking space for each **four (4)** employees, based upon the maximum number of persons to be employed at any one work period during the day or night, plus such additional parking facilities as shall be required for all vehicles used in the conduct of the enterprise.

40-9-7 OFF-STREET LOADING AND UNLOADING FACILITIES. In all districts where property uses include the loading and unloading of materials or merchandise from vehicles, off-street loading and unloading facilities shall be provided in accordance with the following requirements:

(A) For hospitals or sanitariums containing **forty thousand (40,000) to one hundred thousand (100,000) square feet** of gross floor area, **one (1)** off-street loading and unloading space, plus **one (1)** additional such space for each additional **one hundred thousand (100,000) square feet** of gross floor area or fraction thereof in excess of **one hundred thousand (100,000) square feet**.

(B) For buildings containing bowling alleys, taverns, restaurants, or any retail shops and having **ten thousand (10,000) or more** square feet of gross floor area, **one (1)** off-street loading and unloading space.

(C) For banks, business or professional offices or public administration buildings containing **twenty thousand (20,000) square feet** or more of gross floor space, **one (1)** off-street loading and unloading space.

(D) For buildings containing furniture and appliance stores, motor vehicle sales, wholesale stores, household equipment or machinery sales and having **eight thousand (8,000) to twenty-five thousand (25,000) square feet** of gross floor area, **one (1)** off-street loading and unloading space.

(E) For buildings containing manufacturing uses, research and testing laboratories, laundry and dry-cleaning establishments, printing, binding, publishing and issuing of newspapers, periodicals, books and other reading matter, warehouse and storage facilities, engraving shops, assembly of materials and products, processing and distribution of materials and products, and other similar uses, having more than **eight thousand (8,000) square feet** of gross floor area, exclusive of basement area, and less than **forty thousand (40,000) square feet** of gross floor area, **one (1)** off-street loading and unloading space, plus **one (1)** additional such space for each additional **sixty thousand (60,000) square feet** of gross floor area in excess of **forty thousand (40,000) square feet**.

ARTICLE X – A-1 AGRICULTURAL DISTRICT

40-10-1 **EXEMPTION OF AGRICULTURAL USES.** The provisions of this Code shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then and only then shall the provisions of this Code apply.

40-10-2 **PERMITTED USES.** The following uses are permitted:

All uses commonly classed as agriculture, horticulture, or forestry, including crop and tree farming, truck farming, gardening, nursery operation, dairy farming, stock raising, domestic animals and poultry breeding and raising, and forestry operations together with the operation of any machinery or vehicles incidental to the above uses.

Accessory uses, as defined herein and as regulated by **Article VII**.

Churches, rectories and parish houses.

Golf courses, including ancillary uses normally provided, such as restaurants, including the sale of alcoholic beverages, residential uses for guests, manager and other employees, but not including commercially operated driving ranges or miniature golf courses; and provided that no club house or accessory building shall be located nearer than **five hundred (500) feet** to any dwelling on another zoning lot.

Home occupations.

One-family detached dwellings, subject to the requirements of **Section 40-10-4**.

Parks, forest preserves and recreational areas, when publicly owned and operated.

Public utility facilities, as defined in the State Act, entitled “An Act Concerning Public Utilities.”

Schools, elementary and high, and including playgrounds, school bus garage, athletic fields and other uses auxiliary thereto.

Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.

Signs as permitted or required in **Article VIII**.

Temporary buildings for construction purposes for a period not to exceed **one (1) year**.

Temporary roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that no structure is located less than **ten (10) feet** from the highway right-of-way.

40-10-3 **SPECIAL USES.** The following uses may be allowed by special-use permit in accordance with the provisions of **Article VI**.

(A) Agricultural implement and machinery sales, service and repair.

(B) Airports or aircraft landing fields.

(C) Animal fee, storage, preparation, grinding and mixing – wholesale and retail.

(D) Blacksmith or welding shop.

(E) Cemeteries, including crematories and mausoleums in conjunction therewith if not located within **five hundred (500) feet** of any dwelling.

(F) Commercial feeding of poultry and livestock.

(G) Dog kennels and animal hospitals.

(H) Fertilizer sales, including bulk storage and mixing.

(I) Filling of holes, pits, quarries or lowland with non-combustible material free from refuse and food wastes.

(J) Fur bearing animal farms.

(K) Grain elevators and storage.

(L) Greenhouses, wholesale and retail.

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

(N) Livestock depots and sales yards.

(O) Milk depots.

(P) Milk processing and distribution, including pasteurizing and manufacture of ice cream but not including the process or manufacture of cheese.

(Q) Mining, loading and hauling of sand, gravel, topsoil or other aggregate or minerals, including equipment, buildings or structures for screening, crushing, mixing, washing or storage, provided that:

- (1) No open pit or shaft is less than **three hundred (300) feet** from any public road, nor less than **five hundred (500) feet** from an existing residence or residence district established herein.
- (2) All buildings or structures for the screening, crushing, washing, mixing or storage are located not less than **one thousand (1,000) feet** from an existing residence, or any residence district established herein.
- (3) The borders of the entire property are fenced with a solid fence or wall at least **six (6) feet** in height.
- (4) A plan of development for the reclamation of the land is provided as part of the application for special use.
- (5) The plan of development shall be accompanied by a written agreement between the owner or his agent and the Village, and a performance bond in an amount equal to the cost of the reclamation of the land as set forth in the development plan.

(R) Penal and correctional institutions.

(S) Private recreational areas or camps.

(T) Public service uses, i.e., filtration plant, pumping station and water reservoir; sewage treatment plant; police and fire stations; and other governmental uses.

(U) Radio and television towers, commercial.

(V) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities or maintenance facilities.

(W) Rest homes, nursing homes, hospitals and sanitariums, institutions for the aged and for children, for human beings only.

(X) Sales yard, wholesale or retail, for agricultural products, including but not necessarily limited to, fruits, vegetables, flowers, plants, etc.

(Y) Sanitary landfill, when supervised by the Zoning Administrator or the Village Engineer.

(Z) Truck parking areas, the prime purpose of which is the loading and shipping of farm products, livestock, poultry, fertilizer, etc.

40-10-4 **LOT SIZE.**

(A) Every one-family detached dwelling hereafter erected shall be located on a zoning lot having an area of land of not less than **three (3) acres**, and a width at the established building line of not less than **one hundred fifty (150) feet**. All or part of the zoning lot may be devoted to permitted agricultural uses.

(B) All other permitted uses shall be on a tract of land having an area of not less than **one (1) acre** and a width at the established building line of not less than **one hundred (100) feet**.

(C) Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area of less than **twenty thousand (20,000) square feet** and a width at the building line of **one hundred (100) feet**.

40-10-5 **BUILDING SETBACK LINE.** No building or structure, other than permitted signs, hereafter erected shall be placed closer than **fifty (50) feet** to the nearest right-of-way line of any public street, road or highway upon which the subject property abuts, or closer than **fifty (50) feet** to the

nearest right-of-way line of any proposed public street, road or highway set forth in officially adopted plans and upon which the subject property would abut.

ARTICLE XI – ZONE DISTRICTS

DIVISION I – RESIDENTIAL DISTRICTS

40-11-1 **PURPOSE.** The Residential Districts set forth herein are established in order to protect public health, and promote public safety, convenience, comfort, morals, prosperity and welfare. These general goals include, among others, the following specific purposes.

(A) To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odor, heat, glare and other objectionable factors.

(B) To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through traffic, and to alleviate congestion by promoting off-street parking.

(C) To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of buildings.

(D) To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.

(E) To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.

(F) To provide sufficient space in appropriate locations to meet the probable needs for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents, and which do not exert objectionable influences.

(G) To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character and desirable development and to protect the value of land and improvements and so strengthen the economic base of the Village.

DIVISION II – R-1 ONE-FAMILY DWELLING DISTRICT

40-11-2 **PERMITTED USES.**

Accessory buildings, as defined herein, and regulated by **Article VII.**

Churches.

Convents, monasteries, rectories or parish houses to be occupied by no more than **fifteen (15)** persons.

Home occupations as defined herein.

Off-street parking facilities, as required or permitted by **Article IX.**

One-family detached dwellings.

Signs, as regulated by **Article VIII.**

Temporary buildings and uses for construction purposes for a period not to exceed **one (1)** year.

Transitional uses – two-family dwellings, principal offices of physicians, dentists, lawyers, architects, real estate brokers, and other professional occupations, when conducted in a residential structure used primarily as a home and when located on lots having a side line adjoining a lot in a business or manufacturing district; or on lots having a side lot line adjacent to a railroad right-of-way or directly across a street or alley from a business or manufacturing district, provided that:

(A) The lot on which the transitional use is located does not extend more than **seventy-five (75) feet** from the adjoining business or manufacturing district, or more than **one hundred twenty (120) feet** in depth from the street line in cases where the lot does not adjoin but faces a business or manufacturing district.

(B) There is a minimum lot area of **eighty-seven hundred (8,700) square feet** for each two-family dwelling.

(C) The home occupations are conducted in conjunction with the use of a dwelling unit as a home by the occupant thereof, with not more than **two (2) employees** other than members of the related family, and that the residential character of the exterior of the dwelling is not changed.

Truck gardening and other horticultural uses where no buildings are involved and when no sale of products is conducted on the premises.

40-11-3 **HEIGHT OF BUILDINGS.** The maximum height of buildings permitted shall be as follows:

(A) One-family detached dwellings: **Twenty-five (25) feet** and not over **two and one-half (2 ½) stories.**

(B) Churches: **Seventy-five (75) feet** for towers or steeples, and not more than **forty-five (45) feet** for the main structure.

40-11-4 **LOT SIZES.**

(A) Every one-family detached dwelling hereafter 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 at the established building line of not less than **sixty (60) feet**, except as provided in **Article IV.**

(B) Churches, convents and monasteries hereafter erected or structurally altered shall be on a lot having an area of not less than **ten thousand (10,000) square feet** and a width at the building line of not less than **seventy-five (75) feet.**

40-11-5 **YARD AREAS.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

(A) **Front Yard.** Each lot upon which a dwelling is constructed shall have a front yard of not less than **twenty-five (25) feet.** Where lots comprising **forty percent (40%)** of the frontage between **two (2)** intersecting streets are developed with buildings having front yards with a variation of more than **fifteen (15) feet** in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage. In no case, shall a front yard of more than **fifty (50) feet** be required.

(B) **Side Yards.** On each lot upon which a dwelling is constructed, there shall be a side yard on each side of the principal building of not less than **ten percent (10%)** of the width of the lot. The combined total of side yards shall be not less than **fifteen (15) feet.** On corner lots there shall be maintained a side yard of not less than **ten (10) feet** on the side adjacent to the street, and in the case of a reversed corner lot there shall be maintained a setback from the side street of not less than **fifty percent (50%)** of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed **fifteen (15) feet.** No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than **five (5) feet** to the side lot line of said adjacent lot, nor less than **ten (10) feet** from a principal building on an adjacent lot.

On lots upon which a church is constructed or extensions made to an existing church, there shall be a side yard of not less than **ten (10) feet** on each side of the main structure and a combined total of side yards of not less than **twenty-five (25) feet.**

(C) **Rear Yard.** Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than **twenty-five (25) feet.**

40-11-6 **PERMITTED OBSTRUCTIONS.** The following shall not be considered as obstructions when located within or over required yards:

- (A) Open terraces;
- (B) Canopies and awnings;
- (C) Steps;
- (D) Chimneys not exceeding **two percent (2%)** of the width of the yard;

(E) Arbors and trellises;

- (F) Fences or walls (rear yards only);
- (G) Breezeways and open porches (rear yards only);
- (H) Open parking areas.

40-11-7 RESERVED.

DIVISION III – R-2 GENERAL RESIDENCE DISTRICT

40-11-8 PERMITTED USES.

Any use permitted in the R-1 One-Family Dwelling District.

Two-family dwellings.

One-family row dwellings (party-wall type) with not more than **six (6)** dwelling units in a building.

Multiple-family dwellings and apartments.

Offices of physicians, dentists, lawyers, architects, real estate brokers, and other professional occupations including funeral homes when conducted in a residential structure providing the residential character of the building is not altered extensively.

Signs, as defined and regulated in **Article VIII.**

Boarding and lodging houses.

40-11-9 HEIGHT OF BUILDINGS. No building shall hereafter be erected or structurally altered to exceed **three (3) stories**, nor shall it exceed **forty-five (45) feet** in height.

40-11-10 LOT SIZE. No building hereafter erected or structurally altered in this R-2 General Residence District shall have a total lot area of less than **six thousand six hundred (6,600) square feet** or have a total lot width of less than **sixty-six (66) feet**. Every building hereafter erected or structurally altered as a multiple-family dwelling, or more than **two (2)** dwelling units shall provide a lot area per dwelling unit of **one thousand five hundred (1,500) square feet**. One-family row houses hereafter erected or structurally altered shall have a total lot area of **two thousand (2,000) square feet** per dwelling unit except that corner and end dwelling units of a row unit building shall have not less than **two thousand five hundred (2,500) square feet** of total lot area.

40-11-11 YARD AREAS. No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such structure or enlargement:

(A) **Front Yard.** For multiple-family dwellings other than one-family row dwellings, there shall be a front yard of not less than **twenty-five (25) feet**. For row dwellings, two-family dwellings and one-family dwellings, the same regulations shall apply as required in the R-1 District.

(B) **Side Yards.**

(1) **Multiple-family dwellings.** On interior lots there shall be a side yard on each side of the principal building equal to not less than **ten percent (10%)** of the width of the lot and a combined total of side yards of not less than **fifteen (15) feet** for all multiple-family dwellings of not more than **two (2) stories** in height. On corner lots, the side yard on the intersecting street side shall be not less than **ten (10) feet**, except in the case of a reversed corner lot, where there shall be a side yard on the street side of a corner lot of not less than **fifty percent (50%)** of the front yard required in the lots in the rear of such corner lot. No accessory building on said reversed corner lot shall

project beyond the front yard line required on the adjacent lot to the rear, nor be located nearer than **five (5) feet** to the side lot line of such adjacent lot.

- (2) **One-family dwellings.** The same regulations shall apply as required in the R-1 District.
- (3) **Two-family dwellings.** The same regulations shall apply as required in the R-1 District.
- (4) **One-family row dwellings.** The same regulations as govern side yards of multiple-family dwellings, except that there may be not less than **fifteen (15) feet** between adjacent row buildings.

(C) **Rear Yard.** For multiple-family dwellings, other than one-family row dwellings, there shall be a rear yard of not less than **twenty-five (25) feet** for interior lots nor less than **fifteen (15) feet** for corner lots. For other type dwellings, the same rear yard regulations shall apply as required in the R-1 District.

40-11-12 PERMITTED OBSTRUCTIONS. The same regulations shall apply as required or permitted in the R-1 District.

40-11-13 RESERVED.

DIVISION IV – BUSINESS DISTRICTS

40-11-14 PURPOSE. The Business Districts set forth herein are established to protect public health, to promote public safety, comfort, convenience and the general welfare, and to protect the economic base of the Village and the value of property. These general purposes include, among others, the following specific objectives:

- (A) To promote the most desirable use of land in accordance with a well-considered plan so that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base of the Village.
- (B) To place in separate districts those businesses which may create noise, odors, hazards, unsightliness, or which may generate excessive traffic.
- (C) To permit selected business uses in districts where adjacency to or inclusion in a residential area has sufficient elements of service or convenience to such areas to offset the disadvantage.
- (D) To encourage the grouping in appropriate locations of compatible business uses which will tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity and contribute to the alleviation of traffic and pedestrian congestion.
- (E) To provide for the establishment of off-street parking facilities – permitted and required – so as to alleviate traffic congestion and so promote shopping convenience, and business prosperity.

40-11-15 PERMITTED USES.

Dwelling units, provided they are located above the first floor and above a permitted business use. Dwelling units shall not be permitted on the ground floor of business buildings or in the rear of business establishments on the ground floor.

Art and school supply stores.

Auto accessory store, where there is no driveway entrance across the sidewalk into the principal building.

Bakery shop, including the baking and processing of food products, when prepared for retail use on the premises only.

Banks and financial institutions.
 Barber shop, beauty parlor, chiropody, massage or similar personal service shop.
 Book and stationery stores.
 Meeting halls, lodge halls, fraternal organizations and clubs, provided they are located in a basement or above the first floor and above a business use permitted in this Article or said uses may be located on the ground floor when permitted business establishments occupy street frontage except for an entranceway to the rear use.
 Candy and ice cream shops.
 Camera and photographic supply shops for retail sale.
 Coin and philatelic stores.
 Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on the premises only.
 Currency exchanges.
 Department stores.
 Drug stores.
 Dry cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than **seventeen hundred fifty (1,750) pounds** of dry goods per day and when using non-flammable solvents approved by the Fire Department.
 Dry goods store.
 Electric appliance store and repair, but not including appliance assembly or manufacturing.
 Florist shop and conservatory for retail trade on the premises only.
 Food and fruit stores.
 Frozen food store.
 Furniture store, and upholstery when conducted as part of the retail operations and secondary to the main use.
 Furrier, when conducted for retail trade on the premises only.
 Garden supplies and seed stores.
 Gift shops.
 Hardware shops.
 Haberdashery.
 Hobby stores.
 Hotels, including dining and meeting rooms, when business uses occupy the street frontage except for an entranceway to the hotel lobby.
 Household appliance store.
 Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the main use.
 Jewelry store and watch repair.
 Launderette and laundromat.
 Leather goods and luggage store.
 Liquor stores and taverns (subject to local regulations).
 Loan offices, when located above the first floor and above a business use permitted in this Article.
 Meat markets.
 Musical instrument sales and repair, retail trade only.
 News stand.
 Notions store.
 Offices, business and professional, including medical clinics.
 Optician, optometrist.
 Paint and wallpaper store.
 Photography studio, including the developing of film and pictures when conducted as a part of the retail business on the premises.
 Plumbing showroom without shop or repair facilities.
 Postal substations (finance stations and contract stations).
 Public utility collection offices.
 Restaurant, tearoom or café, when the establishment is not of the drive-in type where food is served to occupants remaining in motor vehicles.

Savings and loan association.
 Sewing machine sales and service.
 Shoe store.
 Signs, as defined and regulated in **Article VIII**.
 Sporting goods store.
 Stationery store.
 Telegraph office.
 Tobacco shop.
 Toy store.
 Travel bureau and transportation ticket office.
 Typewriter and adding machine sales and service.
 Variety store.
 Wearing apparel shop.

Any other similar type of retail store not specifically listed herein, and which has economic compatibility with established uses on adjoining properties.

Any use permitted in the B-2 Business District may also be permitted in this district provided it is located in the basement or above the first floor.

All activities, except for automobile off-street parking facilities as permitted or required in this B-1 District, shall be conducted wholly within an enclosed building.

40-11-16 **HEIGHT OF BUILDING.** No building or structure shall be erected or structurally altered to exceed a height of **three (3) stories**, nor shall it exceed **thirty-five (35) feet** in height. Parapet walls, chimneys, cooling towers, elevator bulkheads, stacks and necessary mechanical appurtenances may be erected over and above the maximum height of **thirty-five (35) feet**, provide they are constructed in accordance with all the ordinances of the Village.

40-11-17 **YARD AREAS.** No building shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building:

(A) **Front Yard.** No front yard shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in a residential district all of which front upon the same street between two intersecting streets, there shall be established the same front yard setback for all of the frontage as has been established in the residential districts.

Exception: When existing buildings located in this district have already established a building line at the street line or at a less depth than required above, then all new buildings may conform to the same building line, except for the first **fifty (50) feet** of B-1 District frontage adjacent to a residential district, whereupon there shall be provided a front setback of not less than **ten (10) feet**.

(B) **Side Yards.** No side yard is required, except for a corner lot whose rear lot line abuts upon a residential district or upon an alley separating this district from a residential district. There shall then be provided a side yard equal to one-half the front yard required in the abutting residential district, but in no case more than **ten (10) feet**. The setback shall also apply if the business building fronts the intersecting street, commonly referred to as the side street.

(C) **Rear Yard.** There shall be a rear yard of not less than **twenty (20) feet**, provided, however, that a one-story accessory building may be located thereon, except for the **five (5) feet** adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof, as provided in **Article IX**.

40-11-18 - 40-11-19 **RESERVED.**

DIVISION V – B-2 GENERAL RETAIL SERVICE AND WHOLESALE BUSINESS DISTRICT

40-11-20 PERMITTED USES.

Any use permitted in the B-1 District.

Dwelling units, provided they are located above the first floor and above a permitted business use. Dwelling units shall not be permitted on the ground floor of business buildings or in the rear of business establishments on the ground floor.

Agricultural implement sales and services.

Air conditioning and heating sales and service.

Antique shops.

Art galleries and studios.

Automobile sales and service, but not including automobile body repair and rebuilding, or painting of automobiles.

Automobile and truck (under **one and one-half (1 ½) ton** capacity) minor motor repair and service shop, but not including body repair and rebuilding or painting.

Automobile service stations.

Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaning.

Battery and tire service stations.

Beverage, non-alcoholic, bottling and distributing.

Blueprinting and photo staking establishments.

Bicycle and motorcycle sales and repair.

Billiard and pool rooms, bowling alleys, dance halls and gymnasiums.

Boat showroom.

Book binding.

Building materials sales, when conducted wholly within a building.

Catering establishments.

Clubs and fraternal organizations.

Contractors' offices and shops, where no fabricating is done on the premises and where all storage of material is within a building or enclosed area.

Costume rental shop.

Employment agency.

Exterminating shop.

Feed and seed store.

Garages, public, for storage of private passenger automobiles and commercial vehicles under **one and one-half (1 ½) tons** capacity.

Glass cutting and glazing establishments.

Greenhouse, wholesale growers.

Household appliance repair shop.

Laboratories, commercial (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.

Locksmith.

Open sales lot.

Orthopedic and medical appliance store, but not including the assembly or manufacture of such articles.

Parcel delivery station.

Pawn shop.

Pet shops, kennels or animal hospitals when conducted wholly within an enclosed building.

Picture framing when conducted for retail trade on the premises only.

Plumbing showroom, heating and roofing supply shops.

Photograph developing and processing.

Poultry and rabbit killing for retail sale on the premises only.

Printing, publishing and issuing of newspapers, periodicals, books, stationery and other reading matter.

Processing or assembly limited to the following, provided that space occupied in a building does not exceed **six thousand (6,000) square feet** of total floor and basement space, not including stairwells, or elevator shafts; and provide such processing or assembly can be conducted without noise, vibration, odor, dust or any other condition which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar product demand space exceeding **six thousand (6,000) square feet**, they shall then be located in the M-1 Manufacturing District.

- Advertising displays.
- Awnings, venetian blinds and window shades.
- Bakeries, wholesale.
- Brushes and brooms.
- Cosmetics, drugs and perfumes.
- Electrical equipment appliances.
- Food processing, packaging and distribution.
- Jewelry.
- Medical and dental supplies.
- Optical goods and equipment.
- Pattern-making.
- Products from finished materials such as plastic, bone, cloth, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious or semi-precious stone, rubber, shell or yard.
- Scientific and precision instruments.

- Public auction rooms.
- Radio and television broadcasting stations.
- Recreation places, including bowling alley, dance hall, gymnasium, skating rink, archery range, golf practicing range, miniature golf course, or other similar places of amusement or entertainment when operated for pecuniary profit.
- Restaurants (drive-in – car service).
- Riding academies.
- Schools: music, dance, business, commercial or trade.
- Second-hand stores and rummage shops.
- Silver plating and repair shop.
- Smoking and processing of meat products.
- Theater, indoor.
- Undertaking establishments.
- Used passenger automobile sales (used car lot) on an open lot or within a building.
- Wholesale business, excluding a building, the principal use of which is for a storage warehouse.

40-11-21 **HEIGHT OF BUILDINGS.** No building or structure shall be erected or structurally altered to exceed a height of **three (3) stories**, nor shall it exceed **thirty-five (35) feet** in height.

40-11-22 **YARD AREAS.** No building shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building:

(A) **Front Yard.** No front yard shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in a residential district, all of which front upon the same street between two intersecting streets, there shall be established the same front yard setback for all of the frontage as has been established in the residential district.

Exception: When existing buildings located in this district have already established a building line at the street line or at a less depth than required above, then all new buildings may conform to the same building line, except for the first **fifty (50) feet** of B-2 District frontage adjacent to a residential district, whereupon there shall be provided a front setback of not less than **ten (10) feet**.

(B) Side Yard. The same regulations shall apply as required or permitted in the B-1 Business District.

(C) Rear Yard. The same rear yard regulations shall apply as required or permitted in the B-1 Business District.

40-11-23 RESERVED.

DIVISION VI – MANUFACTURING DISTRICTS

40-11-24 PURPOSE. The Manufacturing District set forth herein is established to protect public health, safety, comfort, convenience and the general welfare, and to protect the economic base of the Village as well as the value of real estate by regulating manufacturing development in appropriate locations. These general objectives include, among others, the following specific objectives:

(A) To protect established residential areas, and the health of families living therein, by restricting those nearby manufacturing activities which may create offensive noise, vibration, smoke, dust, odors, heat, glare, fire hazards and other objectionable influences, to those areas which are appropriate therefor.

(B) To provide adequate space in appropriate locations for all types of manufacturing and related activities so that economic structure of the community may be strengthened, and that employment opportunities may be found in the interest of public prosperity and welfare.

(C) To provide more space for manufacturing activities in locations accessible to rail and highways, so that the movement of raw materials, finished products and employees can be carried on efficiently and with a minimum of danger to public life and property.

(D) To establish proper standards of performance, which will restrict obnoxious manufacturing activities, while at the same time encourage and permit the manufacturing activities which had adopted facilities for the processing of finished products without adversely affecting the health, happiness, safety convenience and welfare of the people living and working in nearby areas.

(E) To protect manufacturing districts from incompatible uses of land by prohibiting the use of such space for new residential development, thereby preserving the land for a more appropriate use in accordance with the plans for Village improvement and development.

(F) To promote the most desirable use of land in accordance with a well-considered plan of land use for all of the Village, to conserve the use of property, to promote stability of manufacturing activities and related development, and to protect the character and established development in each area of the community, to enhance and stabilize the value of land and to protect the tax base of the Village.

40-11-25 PERMITTED USES. Since most uses permitted in this district will be in proximity to residential districts, it is hereby declared that performance standards will be high and that all manufacturing, processing or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by reason of the emission of odors, fumes or gases, dust, smoke, noise, vibrations or fire hazards.

Permitted uses are:

Any use permitted in the Business District, but not including residences or apartments, except such dwelling accommodations as may be needed to house a caretaker or watchman employed on the premises, and their families.

Automobile and truck repair (major), painting, upholstering, reconditioning, and body and fender repairing when done within the confines of a structure.

Apparel and other products manufactured from textiles.

Batteries, manufacture and rebuilding.

Bedspring and mattress manufacture.

Belting manufacture.
 Bicycle manufacture.
 Brooms and brush manufacture.
 Boat building and repair.
 Building equipment yards, yards for building materials, lumber, coal, sand and gravel yards; yards for contracting equipment, maintenance or operating equipment of public agencies, or public utilities, or materials or equipment of similar nature.
 Bus line shops and garages.
 Canning and preserving.
 Canvas and canvas products manufacture.
 Carpet and rug cleaning.
 Carpet manufacture.
 Cartage (local), express hauling or storage yards.
 Cement block manufacture.
 Ceramic products, pottery, and glazed tile manufacture.
 Chick hatcheries.
 Cleaning and dyeing establishments when employing facilities for handling more than **one thousand (1,000) pounds** of dry goods per day.
 Cigarette and cigar manufacture.
 Coated fabrics, except rubberized, manufacture.
 Cork and cork products manufacture.
 Creameries and dairies.
 Drapery and bedding manufacture.
 Drugs and pharmaceutical products manufacture.
 Electric motors and generators manufacture.
 Engraving.
 Felt manufacture.
 Fur goods manufacture, but not including tanning or dyeing.
 Glass products, from previously manufactured glass.
 Heating appliances and sheet metal products, including stoves and ranges, manufacture.
 Hosiery manufacture.
 Ice cream and ice manufacture.
 Kennel and outdoor pens and runs.
 Laundries, more than **one thousand (1,000) pounds** daily capacity.
 Machine shops and metal products manufacture, when not equipped with heavy (exceeding **fifty (50) ton** pressure) punch presses, drop forges, riveting and grinding machines or any other equipment which may create noise, vibration, smoke, odors, heat, glare or fire hazards.
 Metal polishing and plating.
 Motor freight terminal, private.
 Musical instruments manufacture.
 Pianos and organs manufacture.
 Perfumes and cosmetics manufacture.
 Plastic products, but not including the processing of the raw materials, manufacture.
 Public utility electric substations and distribution centers, gas regulation centers and underground gas holder stations.
 Rubber products (small) manufacture, such as washers, gloves, footwear, and bathing caps, but excluding rubber and synthetic rubber processing.
 Shoes and boots manufacture.
 Storage of household goods.
 Storage and sale of trailers, farm implements and other similar equipment on an open lot.
 Sporting and athletic equipment manufacture.
 Storage of flammable liquids, fats or oil in tanks, each of **fifty thousand (50,000) gallons** or less capacity, but only after the location and protective measures have been approved by local governing officials.
 Stone, marble and granite grinding and cutting.
 Textiles – spinning, weaving, dyeing and printing.
 Tools, locks, and plumbing appliances, manufacture.

- Tool and die shops.
- Truck, tractor, bus storage or parking yard, lot or groups.
- Truck terminal, including exchange and handling of freight.
- Toys and children’s vehicles, manufacture.
- Wire brush manufacture.

Any other manufacturing establishment that can be operated in compliance with the requirements of this Article, without creating objectionable noise, odor, dust, smoke, gas, fumes or vapor, and that is a use compatible with the use and occupancy of adjoining properties.

40-11-26 **HEIGHT OF BUILDINGS.** No building or structure shall be erected or structurally altered to exceed a height of **four (4) stories**, nor shall it exceed **forty-five (45) feet** in height, except as provided in **Article IV**.

40-11-27 **AREA.** The maximum ground area occupied by all buildings shall be not more than **sixty percent (60%)** of the area of the lot or tract.

40-11-28 **YARD AREAS.**

(A) **Front Yard.** There shall be a front yard having a depth of not less than **twenty-five (25) feet** wherein there shall be no structure of any kind, open storage of materials or equipment, or the parking of vehicles. Where established building line is less, the established building line governs the front yard.

(B) **Side Yard.** There shall be a minimum side yard of not less than **fifteen (15) feet** on both sides of the building or buildings, but where the property is adjacent to a residence district, there shall be a side yard of not less than **twenty-five (25) feet** on the side nearest to residential lots. The parking of private automobiles may be permitted within the side yard areas, but not closer than **five (5) feet** to any lot zoned for residential use.

(C) **Rear Yard.** A rear yard is not required except where a lot abuts upon a residence district, in which case there shall be a rear yard of not less than **thirty-five (35) feet**, and no storage of materials or equipment, or the parking of automobiles shall take place within the **ten (10) feet** closest to any residential lot or lots.

40-11-29 **PERFORMANCE STANDARDS.** Performance standards for manufacturing operations shall be in accordance with applicable state and local ordinances.

ARTICLE XII – ADMINISTRATION**DIVISION I – GENERALLY**

40-12-1 ENFORCING OFFICER. The Administrator of this Code for the Village shall be the Zoning Administrator, who shall be responsible for the enforcement of this Code and any amendments hereto, and in addition thereto and in furtherance of said authority he shall receive applications required by this Code, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of this Code are complied with. He shall, when requested by the Village President or Board of Trustees, or when the interests of the Village so require, make investigations in connection with matters referred to in this Code and render written reports on the same. For the purpose of enforcing compliance with the law, he shall issue such notices or orders as may be necessary.

For carrying into effect its provisions, the Zoning Administrator may adopt rules consistent with this Code.

40-12-2 BUILDING PERMITS. No building or structure shall hereafter be erected or structurally altered until a building permit shall be issued by the Zoning Administrator stating that the building or structure and use of land comply with the regulations of the Code and all buildings and health laws and ordinances of the Village.

All applications or building permits shall be accompanied by a plot plan, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots in relation to adjoining streets and lot lines, location of well, septic tanks and seepage fields, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plat plans shall be kept in the office of the Zoning Administrator.

40-12-3 CERTIFICATE OF COMPLIANCE. No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of compliance has been issued by the Zoning Administrator. The certificate of compliance shall be issued only after the Zoning Administrator makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions herein and other health and building laws and in accordance with a building permit.

Certificates of compliance shall be applied for coincidence with the application for a building permit and shall be issued within **ten (10) days** after the erection and alterations of such building have been satisfactorily completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies furnished on request to any person having a proprietary or tenancy interest in the building affected.

40-12-4 CERTIFICATE OF CONTINUED OCCUPANCY OF NONCONFORMING USES. Certificates for the continued occupancy of nonconforming uses existing at the time of passage of this Code, or made nonconforming by this Code, shall state that the use is a nonconforming one and does not conform with the provisions of this Code. The Zoning Administrator shall notify the owners of the property being used as a nonconforming use and shall furnish said owner with a certificate of occupancy for such nonconforming use.

40-12-5 USE PERMIT. No change shall be made in the use of a building or part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without a use permit having first been issued by the Zoning Administrator. No such use permit shall be issued to make such change unless it is in conformity with the provisions herein and amendments hereto, hereafter duly enacted.

40-12-6 **CONTINUANCE OF EXISTING USES.** Nothing herein shall prevent the continuance of the present lawful occupancy or lawful use of any existing building or zoning lot, except as may be necessary for the safety of life and property and except as provided herein.

DIVISION II – ZONING BOARD OF APPEALS

40-12-7 **ZONING BOARD OF APPEALS ESTABLISHED.** A Zoning Board of Appeals is established in accordance with the provisions of the Illinois Municipal Code.

40-12-8 **MEETINGS.** All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. There shall be at least **fifteen (15) days**, but not more than **thirty (30) days**, notice of the time and place of such meeting published in a paper of general circulation in the Village; said notice to contain a statement of the particular purposes of such meeting and a brief description of the location of the property or properties under consideration at such meeting.

(A) All meetings of the Board of Appeals shall be open to the public.

(B) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes on each case and the reasons for granting or denying each application shall be specified. Every rule, regulation, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be a public record.

(C) The Board of Appeals shall adopt its own rules of procedure, a copy of which and all recommendations thereto shall be filed in the office of the Village Clerk.

(D) The minutes of the Board of Appeals shall be open to public examination at reasonable hours.

(E) Expenses incurred by the Zoning Board of Appeals shall be itemized and shall be borne by the Village.

(F) In considering all appeals and proposed variations to the Code, the Zoning Board of Appeals shall, before recommending that the Village Board of Trustees grant any variation from the Code in a specific case, first determine and make a finding of fact that the proposed variation will not (1) impair an adequate supply of light and air to adjacent property; (2) unreasonably increase the congestion in public streets; (3) increase the danger of fire or endanger the public safety; (4) unreasonably diminish or impair established property values within the surrounding area; (5) merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty; or in any other respect impair the public health, safety, comfort, morals and welfare of the inhabitants of the Village.

40-12-9 **APPEALS AND REVIEW.** Any person aggrieved by a ruling of the Zoning Administrator charged with the enforcement of this Code, or by any officer, department, board or bureau of the Village concerning the interpretation of this Code, may take an appeal to the Zoning Board of Appeals.

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons appealing and to the officer from whom the appeal is taken. It shall hear the appeal within a reasonable time. At the hearing, parties of interest may appear in person or by agent or attorney.

Such appeal shall be taken within **thirty (30) days** by the Zoning Board of Appeals and shall be taken by filing with the Village Clerk and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof, together with such plats and exhibits as are reasonably necessary. Such appeal shall be taken upon forms provided by the Zoning Board of Appeals. The Village Clerk shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed was taken.

The Zoning Board of Appeals shall hear appeals from and review any order, requirement, decision or determination made by the Zoning Administrator charged with the enforcement of this Code.

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination made by the Zoning Administrator charged with the enforcement of this Code.

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that said Board may decide to be fitting and proper in the premises, and to that end said Board shall also have all the powers of the office from whom the appeal is taken.

The concurring vote of **four (4) members** of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which it is authorized by this Code to render decisions.

40-12-10 VARIATIONS.

(A) **Purpose.** A variation is that power authorized by the State Act to permit municipalities to vary the requirements of the Zoning Code. Variations should be granted solely to provide relief under unusual considerations and only when in harmony with the general intent and purpose of this Code.

(B) **Conditions.** In making its determination as to whether there is unnecessary hardship, the Zoning Board of Appeals shall take into consideration the extent to which the following conditions, all favorable to the applicant or appellant, have been established by the evidence:

- (1) That the particular physical surrounding, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience or loss of revenue if the strict letter of the regulations were carried out;
- (2) That the conditions upon which the requested variation is based would not be applicable generally to other properties within the same zoning classification;
- (3) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- (4) That the granting of the variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- (5) That the proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
- (6) That the proposed variation complies with the spirit and intent of the restrictions imposed by this Code.

(C) **Authorized Variations.** Variations from the regulations of this Code shall be granted by the Zoning Board of Appeals only in accordance with the standards set forth in this Code, and may be granted in the following instances only and in no others:

- (1) To permit the extension of a district to include an entire lot where the boundary line of the district divides a lot of record on the effective date of this Code;
- (2) to permit any yard of less dimension than required by the applicable regulations;
- (3) To permit any building or structure to exceed the lot coverage limitations imposed by the applicable regulations;
- (4) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the

area of the lot be less than **seventy-five percent (75%)** of the required lot area;

- (5) To reduce the applicable off-street parking and loading facilities required by not more than **one (1)** parking space or loading berth, or **twenty percent (20%)** of the required number, whichever is greater;
- (6) To increase by not more than **twenty-five percent (25%)**, the maximum distance that required parking spaces are permitted to be located from the use served;
- (7) To permit the same off-street parking facilities to qualify as a required facility for **two (2)** or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same day of the week.

(D) **Application.** An application for a variation of the regulations of this Code may be made by a property owner or his agent to the Zoning Board of Appeals. Such application shall be made in writing, stating the variation requested, the location of the property for which the variation is requested, name of the property owner, and cause of the requested variations.

(E) **Public Hearing.** The Zoning Board of Appeals shall fix a reasonable time and place for the public hearing and shall give notice of the time and place of the public hearing, published at least once, not more than **thirty (30) days** and not less than **fifteen (15) days** before the hearing, in one or more newspapers published in the Village, or, if no newspaper is published therein, then in one or more newspapers with a general circulation in the Village. The decision of the Zoning Board of Appeals granting or denying a variation shall be final, subject to the provisions of the Administrative Review Act.

(F) **Planned Development.** Planned developments are of such substantially different character from other special uses that specific and additional standards and exceptions are hereby established to govern the recommendations of the Zoning Board of Appeals and the action of the Village Board of Trustees.

- (1) In the case of residential, business or manufacturing planned developments, the Zoning Board of Appeals may recommend, and the Village Board of Trustees may authorize, that there be in part of the area of such development and for the duration of such development, specified uses not permitted by the use regulations for the district in which said development is located, provided the Zoning Board of Appeals shall find:

- (a) That the uses permitted by such variation are necessary or desirable and are appropriate with respect to the primary purpose of the development;
- (b) That the uses permitted by such special use variation are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood;
- (c) That not more than **twenty percent (20%)** of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said special use variation;
- (d) That in a manufacturing planned development such additional uses allowed by use variations shall conform with the performance standards of the district in which the development is located, as set forth herein;
- (e) That the special use variation so allowed is reflected by the appropriate zoning district symbols and so recorded on the Zoning District Map.

- (2) **Bulk Regulations.** In the case of any planned developments, the Zoning Board of Appeals may recommend, and the Village Board of Trustees may authorize variations to the applicable bulk regulations of the Zoning Code within the boundaries of such development, provided that the Zoning Board of Appeals shall find:

- (a) That such variation shall be solely for the purpose of promoting an integrated site plan no less beneficial to the

- residents of or occupants of such development, as well as of neighboring properties, than would be obtained under the bulk regulations of the Zoning Code for buildings developed on separate zoning lots;
- (b) That the overall minimum lot area or maximum lot coverage of a residential planned development would not exceed by more than **fifteen percent (15%)** the requirements for individual uses in the district in which such planned development is located;
 - (c) That the minimum lot area per dwelling unit requirements herein shall not be decreased by more than **fifteen percent (15%)** in any such development containing residential uses, and that there shall be available to each residential building and immediately adjacent thereto (including the land area upon which it is erected) the minimum amount of land area required for such building under the lot area per dwelling unit provisions of this Code.
 - (d) That spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of the Code on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys;
 - (e) That along the periphery of such planned developments, yard shall be provided as required by the regulations of the district in which said development is located.

40-12-11 CHANGE OF ZONING. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the Zoning Code or any use district made a part of the Zoning Map; such power and authority being reserved to the Board of Trustees. The Board of Appeals shall not have any power or authority with respect to any alterations or change of the Zoning Code except to make recommendations to the Village Board of Trustees in such specific cases as may properly come before the Board of Appeals.

40-12-12 MISCELLANEOUS. No order for a use variation permitting the erection or alteration of a building shall be valid for a period longer than **six (6) months** unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtainable within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order for a use variation permitting a use of a building or premises shall be valid for a period longer than **six (6) months**, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

40-12-13 STAY OF PROCEEDINGS. The appeal shall stay all proceedings and furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property; in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by Court of Record on application, with notice to the officer from whom the appeal is taken, and all due causes shown.

40-12-14 **ADMINISTRATIVE REVIEW.** All final administrative decisions of the Board under this Article shall be subject to judicial review pursuant to the provisions of the “Administrative Review Act,” of the State of Illinois, approved **May 8, 1945**, and all amendments and modifications thereto, and the rules adopted pursuant thereto.

ARTICLE XIII – INTERPRETATION: PURPOSE AND CONFLICT

40-13-1 **INTERPRERATION: PURPOSE AND CONFLICT.** In interpreting and applying the provisions herein, they shall be held to be the minimum requirements for the promotion of the safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this Code to interfere with, abrogate, annul, or repeal any ordinances, rules or regulations previously adopted, and not in conflict with any of the provisions herein or which shall be adopted, pursuant to law relating to the use of buildings or premises, nor is it intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that where this Code imposes a greater restriction upon the use of land, buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by such other ordinances or such other easements, covenants or agreements, the provisions herein shall control.

ARTICLE XIV – FEES

40-14-1 **FEES.** Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, variations and for appeals to the Zoning Board of Appeals shall be established by action of the Village Board of Trustees from time to time. Such fees shall be paid to the Village Clerk who shall give a receipt therefor, and account for same at regular intervals to the Village Board of Trustees.

- (A) **Special Use Permit Fee.**
 - (1) All applicants for a special use permit must pay a fee of **Seventy-Five Dollars (\$75.00)** upon submission of the Application for Special Use.
 - (2) Additionally, applicants shall reimburse the Village for any fees and expenses paid by said Village with regards to the Application for Special Uses that are in excess of **Seventy-Five Dollars (\$75.00)**. (Ord. No. 4-1993; 04-26-92)

ARTICLE XV – VALIDITY

40-15-1 **VALIDITY.** Should any clause, section or provision herein be declared by the courts to be invalid, the same shall not affect the validity of this Code as a whole or any part hereof, other than the part so declared to be invalid.

ARTICLE XVI – WHEN EFFECTIVE

40-16-1 **WHEN EFFECTIVE.** This Code is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be in full force and effect from and after its due passage, approval and recording and publication as provided by law.