

CHAPTER 40

ZONING CODE

ARTICLE I – PURPOSE AND INTERPRETATION

40-1-1 **AUTHORITY AND PURPOSE.** In accordance with state law, this Chapter regulates lots, structures and uses in order to preserve, protect and promote the public health, safety and welfare and to implement the Village comprehensive plan. More specifically, this Chapter is intended to assist in achieving the following objectives:

(A) To expand economic opportunities and strengthen the community tax base. This will require a concentrated effort and support of effective programs for economic development. Existing agricultural support business should be maintained. Heavy industrial uses should be eliminated and commercial activities compatible with residential growth should be encouraged.

(B) To promote efficiency in the use of land. Efficiency in the use of land will conserve land resources. This will minimize the cost of public services and utilities while permitting a higher standard of service.

(C) To develop and enhance a community spirit and identity. People must identify themselves with a community before they feel they are part of the community. Traditions and pride must be encouraged if the residents are to unite and promote the best interests of their community.

(D) To upgrade the housing types throughout the Village. Conservation, rehabilitation and redevelopment techniques should be utilized as an overall program for upgrading the Village's housing stock. Quality housing must be provided for prospective residents as population increases occur.

(E) To provide a healthful community environment and a full range of municipal or public amenities and services. Community utilities and facilities have been upgraded and extended in order to attract new residents to the community. As development increases, such utilities should be monitored and provided for.

(F) To continue the development of an efficient street and transportation system for movement of people and goods within, to and from the community. Development of street and highway system should be coordinated so that the movement of people and goods will be convenient, safe and in context with overall community needs.

(G) To achieve understanding and support of the planning program. By providing a broad range of opportunity for citizen participation in public decisions, an increased understanding of the function and problems of the local government will develop. The continuous process of citizen participation results in public acceptance and support of the various planning insures and of the plan itself, thereby providing the community with a better environmental quality. (Purpose and Goal of Zoning Regulations (Comprehensive Plan), as adopted the Zoning Board of Appeals and the Village Board of Trustees, Joint meeting, January 28, 2002).

(H) To provide for the efficient administration and fair enforcement of all the regulations in this Chapter.

(Ord. No. 17-11; 12-12-17)

40-1-2 **APPLICABILITY OF PROVISIONS.** This Chapter shall be applicable to all lands within the corporate limits of the Village. Outside of the corporate limits, the unincorporated territory within **one and one-half (1 1/2) miles** of the Village is subject to the Madison County Zoning Code (enacted pursuant to Illinois statutes). Consequently, if proper application is made to Madison County for an interpretation of the building and zoning administrator or for a variance, special use permit, text amendment or rezoning, similar proceedings need not be initiated with the Village. However, in such cases, the Village is entitled to notice from Madison County.

40-1-3 **INTERPRETATION; CONFLICTING PROVISIONS.** In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Chapter, nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; except, that if this Chapter imposes a greater restriction, this Chapter shall control.

40-1-4 **DISCLAIMER OF LIABILITY.** Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the Village shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this Chapter. Any suit brought against any official, board member, agent or employee of the Village, as a result of any act required or permitted in the discharge of his or her duties under this Chapter, shall be defended by the Village until the final determination of the legal proceedings.

ARTICLE II - LANGUAGE AND DEFINITIONS

40-2-1 PURPOSE. This Chapter provides the general rules for interpreting language and the definitions of terms within this Chapter.

40-2-2 RULES FOR INTERPRETING LANGUAGE. For the purpose of this Chapter, certain terms or words used herein shall be interpreted as follows:

- (A) The word "shall" is mandatory; the word "may" is permissive.
- (B) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (C) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular unless the context clearly indicates otherwise.
- (D) The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied" as well as "maintained", "constructed", "altered", "converted", "rented", "leased", or "intended to be used".
- (E) The word "lot" includes the words "plot", "parcel", "tract", "site", and "space".
- (F) The word "village" shall refer to, and be interpreted to mean, Village of Hamel, Illinois.

40-2-3 DEFINITIONS. For the purpose of the administration and enforcement of this Chapter, and unless otherwise stated in this Chapter, the following words shall have the meanings as indicated herein. All words not specifically defined herein shall have meanings as found in Webster's seventh new collegiate dictionary.

Abutting: Having a common border with or being separated from such a common border by a right of way, alley or easement.

Accessory Use or Structure: A use or structure which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, and extent to the principal use served; and is located on the same lot as the principal use, or on an adjoining lot in the same ownership as that of the principal use.

Adjoining Lot: A lot that shares all or part of a common point or line with another lot.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Alley: A public access way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, or girders, any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Animal Hospital: Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

Apartment: A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

Apartment Hotel: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Apartment House: A multi-family dwelling used or occupied by **four (4)** or more families living independently of each other in dwelling units, such dwelling units normally being rented or used other than by the day, by the same occupant for the continuous period ordinarily of **six (6) months** or more.

Area of Zoning Lot: The total area within the property lines of a lot, excluding public streets and alleys, meeting the district requirement of this ordinance.

Attached Building: A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and a common roof with a least horizontal dimension of **six (6) feet**.

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

Automobile Parking Area: A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges.

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

Automobile Wrecking Area: See **Junk Area**.

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

Bed and Breakfast Inn: An operator-occupied residence providing accommodations for a charge to the public, with no more than **three (3) guest rooms** for rent and in operation for more than **ten (10) nights** in a **twelve (12) month** period. No meals shall be provided to guests except for breakfast. "Bed and Breakfast Inns" do not include motels, hotels, boarding houses, or food service establishments.

Billboard: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

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

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

Buildable Area: The area of a lot remaining after the minimum yard, dedicated lands and open space requirements of this Chapter have been met.

Building: Any enclosed structure designed, constructed or used for residential, commercial, institutional, industrial or agricultural purpose or accessory thereto.

Building Height: The vertical distance from the lowest grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

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

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

Caliper: The diameter of a tree measured **six (6) inches** above ground level.

Childcare Center: A facility which regularly provides daycare for less than **twenty-four (24) hours** per day for **four (4)** or more children not related to the operator. A "childcare center" shall include the terms "daycare center", "part-day childcare facility", and "daycare home" as defined by **225 Illinois Compiled Statutes 10/2**.

Church or Place of Worship: A building or set of buildings used for the purpose of worship and customarily related activities.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirmed and injured persons, but who are not provided with board and room and are not kept overnight on the premises.

Club: A nonprofit association of persons who are bona fide members organized for some common purposes and paying regular dues; not including a group organized solely or primarily to render a service customarily carried on by a commercial enterprise.

Commercial Vehicle: Any motor vehicle which is designed or used principally for business, governmental or nonprofit organizational purposes or for carrying passengers for hire, and has a platform, cabinet, box, rack, compartment, or other facility for transportation of materials, equipment, and items other than the personal effects of private passengers.

Commission, Planning: The Planning Commission of the Village of Hamel, Illinois.

Communication Tower: A tower used as a base for any communications antenna, including, but not necessarily limited to, antennas for the following:

- (A) VHF and UHF television
- (B) FM or AM radio
- (C) Two-way radio
- (D) Cellular telephone
- (E) PCS or other wireless telephones
- (F) Fixed point microwave
- (G) Low power television
- (H) Or other wireless communications and common carriers.

A "communication tower" shall not be considered a utility substation for purposes of this Chapter.

Corner Lot: See definition of **Lot, Corner.**

District: A portion of the territory of the Village or contiguous unincorporated territory within **one and one-half (1 ½) miles** of the nearest Village limit within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Chapter.

Domestic Animals: Dogs, cats, rabbits, small rodents and similar size animals commonly kept as household pets.

Duplex or Dwelling, Two-Family: A residential building divided into **two (2) dwelling units.**

Dwelling, Attached: A one-family dwelling attached to one or more other one-family dwellings by common vertical walls.

Dwelling, Detached: A freestanding dwelling unit which is not attached to any other dwelling unit by any structural means.

Dwelling, Multiple-Family: A residential building containing **three (3) or more dwelling units.**

Dwelling, Single-Family: A building designed for or occupied exclusively by **one (1) family** as a single housekeeping unit.

Dwelling Unit: One (1) or more rooms in a residential building or portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility for no more than **one (1) family**, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation. A "dwelling unit" must have direct access to the outside or to a public hallway.

Easement: A grant by a property owner of the right of use of his land by another party for a specific purpose.

Enclosed Building: A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with opening only for windows and doors, and covered by a permanent roof.

Essential Governmental or Public Utility Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or safety or general welfare, but not including buildings.

Family: Any number of individuals related by blood, marriage or adoption living together as a single housekeeping unit or up to **three (3)** unrelated individuals.

Farm or Farmland: A parcel of land of not less than **five (5) acres**, in one ownership, that is used primarily for the commercial, soil-dependent cultivation of agricultural crop production and/or for the raising of livestock, but not including a feedlot.

Fence: An outdoor freestanding structure of any material or combination of materials erected for confinement, screening or partition purposes.

Floor Area: "Floor area" shall be determined by measuring the outside dimensions of all enclosed floor area under roof, excluding garages, open and screened porches, carports, terraces, and patios.

Floor Area Ratio: The gross floor area of all principal buildings on a lot divided by the area of the lot.

Frontage: All of the property abutting and measured along the street right-of-way line.

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

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

Gasoline Service Station: Any structure or land used for retail sales and dispensing of motor vehicle fuels or oils, whether self-service or not. A service station may furnish supplies, equipment and minor repair services, including tires, to vehicles incidental to selling and dispensing of motor vehicle fuels and oils.

Hazardous Material: A substance or material which has been determined by the secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. The term includes hazardous substances, hazardous wastes, marine pollutants, and elevated temperature materials.

Hazardous Waste: Any material that is subject to the hazardous waste manifest requirements of the U. S. Environmental protection agency specified in 40 CFR Part 262.

Hearing Officer: This refers to the official that has taken the place of the Zoning Board of Appeals, who will preside over the zoning hearings of the Village.

Home Occupation: A home occupation is an accessory use by the occupant(s) of a dwelling unit in which goods are produced, or services are rendered as an economic enterprise. Such uses are clearly incidental or subordinate to the residential use of the dwelling, products are not offered for sale from the premises (other than incidental sales), no evidence of the occupation is visible or audible from the exterior of the residential property, and where traffic is not generated in excess of that customary at residences. (See Article XII of this Code.) **(Ord. No. 2017-11; 12-12-17)**

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

Junk Area: Any place where **two (2)** or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operations, 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. Any open area where scrap metal, paper rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building salvage yards. Such use is prohibited in the Village of Hamel.

Junk Vehicle: Any vehicle that has had its engine, wheels or other parts removed, damaged, altered, or otherwise so treated that the vehicle has been incapable of being driven under its own motor power for a period of at least **seven (7) days**, or a vehicle which is not currently registered or licensed by the Illinois secretary of state or similar licensing authority of another state.

Kennel: Any structure or lot on which **four (4)** or more dogs and/or cats over **four (4) months** of age are kept.

Livestock: Animals which historically have been bred, reared and utilized for the production of meat, wool, leather, milk, eggs and similar products, including, but not limited to, cows, hogs, sheep, goats, catfish and fowl which are raised on a commercial basis.

Lot: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot, Corner: A lot situated at the intersection of **two (2)** or more streets with frontage on **two (2)** or more adjacent sides.

Lot Depth: The mean distance measured from the front lot line to the rear lot line.

Lot Line: A line of record bounding a lot, thereby dividing such lot from another lot or from a right of way.

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

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

Lot Line, Side: Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the county recorder or a parcel of land, the deed of which was recorded in the office of the county recorder prior to the adoption of this Chapter.

Lot Width: For lots with parallel side lot lines, the shortest distance between the side lot lines. For lots where the side lot lines are not parallel, the width of the lot shall be the length of a straight line measured at right angles to the axis of the lot at the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines.

Modular Home: Modular homes that are built with technology much like that of stick-built, conform to current adopted building codes and are designed to be placed on a permanent concrete or concrete block foundation only, although the building take place off site, in factories, to be reassembled on site. **(See Article XII of this Chapter.)**

Mobile Home: A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. Mobile homes are designed to stand alone as transported or be "tied down" to a permanent foundation.

Mobile Home Park: A tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **five (5)** or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. A motorized recreational vehicle shall not be construed as being a part of a mobile home park.

Modular Home: As defined by this Code a modular home is a factory-fabricated single-family home built in one or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed in a full perimeter permanent foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home must have a minimum 3/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Modular homes shall meet either the National Manufactured Home Construction and Safety Standards (HUD Code) or the Building Code (BOCA). All structures shall be placed on a permanent foundation in order that they may be assessed as real estate.

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

Noisome and Injurious Substances, Conditions and Operations:

(A) Creation of unreasonable physical hazard, by fire, explosion, radiation or other cause, to persons or property.

(B) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply.

(C) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.

(D) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety or welfare of any persons.

(E) Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.

(F) Creation or causation of any unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.

(G) Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting or reflection material at or beyond any property lines of the premises on which the aforesaid reflection or direct glare is created or caused.

(H) Creation or maintenance of any unreasonably distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.

(I) Any public nuisance.

Nonconforming Building or Structure: A building or structure whose size, dimensions or location was lawful prior to the adoption, revision or amendment of this Chapter, but which would be prohibited or further restricted under the terms of this Chapter.

Nonconforming Lot: A lot whose area, dimensions or location was lawful prior to the adoption, revision or amendment of this Chapter, but which would be prohibited or further restricted under the terms of this Chapter.

Nonconforming Use: A use or activity which was lawful prior to the adoption, revision or amendment of this Chapter, but which would be prohibited or further restricted under the terms of this Chapter.

Nonconformity, Site Related: A characteristic of the site, such as off-street parking or loading, landscaping, drainage or similar matters, which are incidental to the principal use of the property but which do not satisfy current Village standards, as established in these zoning regulations.

Official Map: The portion of the master plan adopted by Ordinance which designates land necessary for public facilities or uses, including streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan or one or more separate geographical or functional parts and including all or any part of the contiguous, unincorporated area under the planning jurisdiction of the Village.

Outdoor Restaurant: An eating or drinking establishment, which has an unroofed area, or a covered area, which is not enclosed by walls where patrons may be, served food and/or beverages.

Outdoor Storage: The keeping in an unroofed area of any goods, material, or merchandise in the same place for more than **twenty-four (24) hours** unless such goods, material, or merchandise have been authorized through the issuance of a permit for a temporary outdoor display or temporary seasonal display and sales. The parking of motor vehicles, in operating condition, which are used in the operation of a commercial establishment shall not be considered outside storage.

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

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

Parking Space, Automobile: Space within a public or private parking area of not less than **two hundred (200) square feet ten (10) feet by twenty (20) feet**, exclusive of access drives, or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under **one and one-half (1 ½) ton** capacity.

Permitted Use: A use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Pets: Dogs, rabbits, cats, small rodents and similar size domestic animals or fowl kept on a noncommercial basis by occupants of dwellings.

Premises: Any land together with any structures occupying it.

Principal Use: The primary use of a lot or premises occupying the major portion of all buildings and structures.

Produce Stand: Produce Stand to include temporary use structure utilized for the display and sale of agricultural produce and by-products thereof, provided no sales or storage of any kind shall be made from or using a vehicle or trailer of any kind.

Professional Office: An office (other than a service office and other than an office for care and/or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of:

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| (A) | Accountants | (F) | Dentists |
| (B) | Architects | (G) | Musicians |
| (C) | Artists | (H) | Physicians |
| (D) | Attorneys-at-law | (I) | Teachers |
| (E) | Engineers | | |

and others who through training are qualified to perform service of a professional nature or the offices a governmental agency: and where there is no storage, sale or display of merchandise on the premises, other than incidental sales.

Recreational Vehicle: A vehicle which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel use, or for other recreational transportation including, but not limited to, travel trailers, truck campers, camping trailers, self-propelled motor homes, boats, snowmobiles, all-terrain vehicles, motorcycles, dirt bikes, go-carts and stock cars.

Residential Group Home: A building with an exterior appearance similar to a single-family residence which houses **four (4)** or fewer persons and may include **two (2)** additional persons acting as house parents or guardians. **(See Article XI (Supplementary Regulations) of this Chapter.)**

Retail (or Retailing): A business enterprise consisting primarily of the making of sales and/or rendering of services directly to ultimate consumers, where each sale or service transaction is in relatively small quantity or volume, as distinguished from a wholesale business or from a business where sales are made or services are rendered either in substantial volume to an individual customer and/or for resale to or reuse by ultimate consumers.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Seasonal Sales: The outdoor display of merchandise of interest to consumers on a seasonal basis including, but not limited to, Christmas trees, pumpkins, and lawn and garden supplies.

Self-Service Storage Facility: A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of the customer's goods or wares.

Service Office: An office in which are offered services by:

- (A) Real Estate agents
- (B) Insurance agents
- (C) Public stenographers
- (D) Brokers

or others who through training are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is no storage, sale or display of merchandise on the premises.

Setback: The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building including porches, carports, and accessory uses subject to yard encroachment provisions **(See Article XII of this Chapter)**. For lots fronting on curvilinear streets, the front setback shall be measured from a line perpendicular to the chord line to the nearest point of a structure.

Setback, Required: The minimum horizontal distance between the lot line and the buildable area of a lot necessary to meet the yard requirements of the applicable zoning district. The required setback line shall be parallel to the lot line.

Site Built Home: A home built primarily at the location where it will be inhabited with the intent that it shall remain permanently on that site. Also known as a "stick-built home." Note that this term is used to contrast such a dwelling with mobile homes and modular homes defined elsewhere in this Section. **(Ord. No. 2017-11; 12-12-17)**

Site Plan: A scaled drawing of the proposed development of a lot for buildings, structures and other site improvements showing the locations and extent of all such improvements.

Special Use: A use that would not be appropriate generally throughout a zoning district because of potential danger, smoke, noise or odor, light or other nuisance, but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, morals or general welfare. **(Ord. No. 2017-11; 12-12-17)**

Story: That portion of a building, included between the service of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Street: A public or private right of way which affords the principal means of access to abutting property.

Street Tree, Approved: A deciduous hardwood tree with a minimum caliper of **two and one-half (2 1/2) inches** and with a clear trunk of at least **six (6) feet** which is suitable for urban environments, is tolerant of disease and salt, and is included within one of the following species:

- (A) Bradford callery pear (*Pyrus calleryana* "Bradford").
- (B) Ginkgo (*Ginkgo biloba*) (male varieties only).
- (C) Hedge maple (*Acer carpestre*).
- (D) Ironwood (*Ostrya virginiana*).
- (E) Japanese zelkova (*Zelkova serrata*).
- (F) Little leaf linden (*Tilia cordata*).
- (G) Pin oak (*Quercus palustris*).
- (H) Red maple (*Acer rubrum*).
- (I) Red oak (*Quercus rubra*).
- (J) Silver linden (*Tilia tomentosum*).
- (K) Sugar maple (*Acer saccharum*).
- (L) Thornless honey locust (*Gleditsia triacanthos* "inermis").
- (M) Willow oak (*Quercus phellos*).

(See Section 33-3-2(C)) (Ord. No. 2017-11; 12-12-17)

Structure: Anything constructed, erected or located on the ground, or attached to something having or requiring a fixed location on the ground including:

- (A) Billboard
- (B) Building
- (C) Driveway
- (D) Fence
- (E) Parking lot
- (F) Sign
- (G) Tennis court

or similar feature, but not including a regulation mailbox.

Subdivision: The division and recording in accordance with law of a parcel of land into **two (2)** or more lots for the purpose of transfer of ownership for development, sale or lease.

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Used Vehicle Sales: A lot or premises where **two (2)** or more used vehicles are offered for sale concurrently or where **four (4)** or more used vehicles are offered for sale over a period of **one (1) year**. **(Ordinance 08-003 as amending Sec. 2-3 of Ordinance 05-009 as adopted 9/6/2005)**

Variance: A relaxation by the Zoning Board of Appeals of the dimensional regulations of this Chapter where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of the code would result in practical difficulties or particular hardship.

Yard: An open space at grade between a building and the adjoining lot line unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided for or regulated in the Chapter.

Yard, Front: A yard extending across the full width of a lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. On corner lots, all yards, which abut a street, are considered front yards.

Yard, Rear: A yard extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Required: The minimum setback distance for each yard established by the minimum yard dimensions in the zoning district requirements.

Yard, Side: A yard extending from the front yard to the rear lot line between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building or a yard which is not a front or rear yard.

Zoning Board of Appeals: All references to the Board created in **Section 40-13-2** and to the Zoning Hearing Officer created by **Ord. #11-05** shall mean the Hearing Officer who shall be responsible for conducting the prescribed zoning hearings.

Zoning and Building Official: The zoning and building inspector of the Village or his authorized representative.

Zoning Certificate: A document issued by the Zoning and Building Official authorizing buildings, structures or uses consistent with the terms of the Chapter and for the purpose of carrying out and enforcing its provisions.

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

ARTICLE III - ZONING DISTRICTS AND MAP

40-3-1 DISTRICTS ESTABLISHED.

(A) In order to classify, regulate and restrict the use of land, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; and to regulate the intensity of land use, the incorporated area of Hamel is divided into district as follows:

Code	Definition
A	Agricultural
SR-1	Single-family Residential
SR-2	Single-family Residential
MR-1	Multi-family Residential
MR-2	Multi-family Residential
GC	General Commercial
HC	Highway Commercial
LI	Light Industrial

(B) The zoning districts and the minimum area that may constitute a separate or detached part of a zoning district shall be as follows:

- (1) Conservation district, **ten (10) acres;**
- (2) SR-1 Single-family residential district, **five (5) acres;**
- (3) SR-2 Single-family residential district, **five (5) acres;**
- (4) MR-1 Multiple-family residential dwelling district, **one (1) acre;**
- (5) MR-2 Multiple-family residential dwelling district, **one (1) acre;**
- (6) GC General Commercial district, **one (1) acre;**
- (7) HC Highway Commercial district, **one (1) acre;**
- (8) Light Industrial district, **one (1) acre.**

(Ord. No. 2017-11; 12-12-17)

40-3-2 OFFICIAL ZONING MAP.

(A) **Map Adopted.** The boundaries of the various zoning districts are hereby fixed and established as shown on the zoning map. The zoning map is on file in the office of the Village Clerk. The map is hereby adopted and made a part of this Chapter as if the matters and information set forth by said map were fully described herein.

(B) **Changes to Map.**

- (1) **Compliance with Provisions; Unauthorized Changes.** No changes or amendments to the official zoning map shall be initiated, except in compliance and conformity with all procedures and requirements of this Chapter.
- (2) **Time For Publication.** In accordance with state law, if any changes are made in the zoning districts or regulations during a calendar year, the Village Clerk shall publish the official zoning map of the Village not later than **March 31** of the following year.

40-3-3 DETERMINATION OF DISTRICT. The boundaries of the various districts as shown on the zoning map shall be determined by the boundaries as shown and outlined thereon and when not clearly so determined, by use of the scale shown on said map unless actual dimensions are noted. Scale and field measurements and map dimensions shall be figured from the centerline of streets, highways, alleys and railroad rights of way as appropriate. Where uncertainty exists as to the exact location of said boundaries, the following rules shall apply:

(A) **Center Line as Boundary.** Where district boundaries lie on or within streets, highways, road rights of way or railroad rights of way, the district boundaries shall be the center line of the same.

(B) **Boundaries Which Bisect Blocks.** Where district boundary lines approximately bisect blocks, the boundaries shall be the median lines of such blocks between the centerline of boundary streets.

(C) **Boundaries Dividing Parcels Of Land.** In subdivided property or where a district boundary divides a subdivided lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of a scale appearing on the district map. Where a district boundary divides a platted lot, the zone classification of the greater portion shall prevail throughout the lot.

(D) **Uncertainty Settled by Zoning Hearing Officer.** In case any further uncertainty exists, the Zoning Hearing Officer shall interpret the intent of the zoning map as to the location of such boundaries.

(E) **Street and Right-of-Way Abandonments.** Where a public road, street alley or other right of way is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply.

(F) **Excluded Areas.** Unless areas are classified on or by the official zoning map of the Village or the appropriate classification can be established by the rules above, such areas shall be considered to classified A - Agricultural district, until such time as the land is rezoned by the Village Board of Trustees.

40-3-4 CHART OF DIMENSIONAL REGULATIONS. The chart of Dimensional Regulations is added as a supplement to this Chapter. Should there be any conflict between the text of this Chapter and the information displayed in the chart, the text of this Chapter shall prevail.

40-3-5 ZONING OF ANNEXED AREAS. Any territory hereafter annexed to the Village shall automatically be zoned as SR-1 single-family residential district, until duly changed by an amendment to this Chapter except under the following condition: the Village Board, with the recommendation of the Zoning Hearing Officer, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation are recorded.

*In the Table below, to accommodate improved functionality of building side yards, the Zoning Code allows for side yard distances in the A, SR-1, SR-2 and MR-1 to meet a "per side" minimum (the "either" amount in the "Minimum Side Yard Abutting a Lot" column) and an "overall distance" minimum (the "both" amount in the same column). For example, in the SR-1 zoning district, side yards must be a minimum of **ten (10) feet** per side while the total combined side yard widths must equal **twenty-five (25) feet**. This flexibility allows building foundations to be shifted to accommodate side entry garages, for example, while retaining overall uniformity.

DIMENSIONAL REGULATIONS Section 40-3-4:	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Side Yard Abutting A Lot	Minimum Side Yard Abutting A Street	Minimum Rear Yard
DISTRICT							
A – Agriculture	3 acres	150'	200'	25'	10' for either, 25' for both	25'	25'
SR-1 – Single Family	10,000 sq. Ft.	80'	100'	25'	10' for either, 25' for both	25'	25'
SR-2 – Single Family	8,000 sq. Ft.	70'	100'	25'	10' for either, 25' for both	25'	25'
MR-1 – Multi-Family	5,000 sq. Ft. or 3,000 sq. ft. per dwelling unit, whichever is greater	50'	120'	25'	5' for either, 15' for both	25'	25'
MR-2 – Multi-Family	5,000 sq. Ft. or 2,500 sq. Ft. per dwelling, whichever is greater	50' or 10' for each dwelling unit over two, whichever is greater	120'	25'	10' or 6" per Ft. of building height, whichever is greater	25'	25'
GC – General Commercial	None	None	None	None	None, unless abutting "SR" or "MR" district then 12'	25'	20'
HC – Highway Commercial	None	None	None	None	None, unless abutting "SR" or "MR" district then 12'	25'	20'
LI - Light Industrial	None	None	None	25'	12'	25'	20'

(Ord. No. 2017-11; 12-12-17)

**Accessory Building, Detached, IF PERMITTED
(Minimum Distance To)**

	Minimum yard distance to nearest principal building	Maximum Building Coverage	Maximum Building Height	Maximum Number Of Dwelling Units	Maximum Height	Principal Building	Front Lot Line	Side Lot Line Adjacent To Street	Side Lot Line	Rear Lot Line
DISTRICT										
A Agriculture	20'	20%	35'	1 per 3 acres	35'	10'	60'	25'	3'	3'
SR-1 Single Family	20'	20%	35'	1 per 10,000 sq. Ft.	15'	10'	60'	25'	5'	5'
SR-2 Single Family	20'	20%	35'	1 per 8,000 sq. Ft.	15'	10'	60'	25'	5'	5'
MR-1 Multi-Family	15'	30%	35'	1 per 8,000 sq. ft of lot area	15'	10'	60'	25'	5'	5'
MR-2 Multi-Family	14'	30% Floor area ratio: 3/4	35'	1 per 2,500 sq. Ft. of lot area	15'	10'	60'	25'	5'	5'
GC – General Commercial	12'	50%	35' or three stories	None	25'	12'	12'	12'	12'	12'
HC – Highway Commercial	12'	50%	35' or three stories	None	25'	12'	12'	12'	12'	12'
LI - Light Industrial	N/A	None	35' or three stories	N/A	25'	12'	12'	12'	12'	12'

ARTICLE IV - GENERAL ZONING REGULATIONS

40-4-1 **REGULATION OF USES.** It is the intent of this Chapter to permit certain uses, not otherwise illegal, to locate in specified zoning districts, either as a permitted use or a special use.

(A) **Permitted Uses.** No structure shall be erected, constructed, reconstructed or structurally altered, nor shall any structure or land or combination thereof be used unless the use to which the structure and/or land is to be put is listed in the permitted use section of the applicable zoning district and the use fully complies with all of the applicable district regulations, except for nonconformity's, accessory uses, and special uses.

(B) **Special Uses.** No special use, as designated within this Chapter, shall hereafter be established unless such use has been approved pursuant to the provisions of **Article XIII** of this Chapter. Any existing use which was a permitted use prior to the adoption of this Chapter and which is designated as a special use by this Chapter may continue as if it were approved as a special use.

(C) **Uses Not Specifically Listed.** In the event a particular use is not listed anywhere in this Chapter and such use is not an accessory use, then it shall be considered to be not allowed within the Village. Questions concerning such uses may be referred to the Zoning Hearing Officer, unless by written order of the Village Board it is determined that said use is similar to and is compatible with the uses listed and is expressly included as a use permitted in a zoning district. However, no such order may be made by the Village Board without first having a public hearing, in the manner prescribed in this Chapter, before the Zoning Hearing Officer. Any such proposed variation which to receive the approval of the Zoning Hearing Officer shall not be ordered except by a favorable vote of **two-thirds (2/3)** of all the Trustees.

40-4-2 **SIZE, DIMENSION AND ACCESS CRITERIA.** In order to carry out the purpose and intent and provisions of the Chapter, size and dimension criteria for particular zoning districts are hereby established. Such size and dimension criteria shall be applied in accordance with section and other applicable provisions of this Chapter.

(A) **Lot Size Requirements.**

(1) **Reduction Of Lot Size Or Yards.** No lot or yard existing on the effective date of this Chapter shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, or purchase. Lots or yards created after the effective date of this Chapter shall meet the minimum requirements established herein.

(2) **Applicability to All Uses.** Unless otherwise specified in this Chapter, all permitted uses and all special uses shall be subject to the lot size requirements specified for a given district, unless other minimum requirements are specified for such uses elsewhere in this Chapter.

(3) **Structure Built On Two Lots.** A building constructed on a site consisting of **two (2) lots** must be located either within the required setback from the common or center lot line, or the building must be constructed on both lots.

(4) **Lots Of Record Less Than Minimum Size.** Any lot of record at the time of the adoption of this Chapter which contains less lot area or width than required in the district in which it is located may be used for a use in such district; provided, that the lot has a minimum width **forty (40) feet**. This provision shall not be construed to permit more than one dwelling unit on a lot with less lot area per family than required for the district in which such lot is located. **(Ord. No. 2017-11; 12-12-17)**

(5) **Use of Lots in Single-Family Districts.** In single-family districts, every building hereafter erected or structurally altered shall be located

on a "lot" as herein defined, and in no case shall there be more than the principal building and the customary accessory buildings on one lot or parcel of land.

- (6) When **two (2)** or more parcels of land, each of which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous, and are held in one ownership, they shall be used as one zoning lot for such use. **(Ord. No. 2017-11; 12-12-17)**

(B) **Minimum Yard Requirements.**

- (1) **Generally.** Minimum yard requirements shall be as specified for a given zoning district. The yard requirements shall apply to all buildings and structures, as they relate to the respective lot lines, except as otherwise specifically provided in this Chapter or as exempted in subsection (B)(2) of this Section.

- (2) **Exemptions.** The following structures shall be exempt from the minimum yard requirements, set forth in this Chapter: underground utility equipment, clotheslines, flagpoles, regulation mailboxes, traffic signals, fire hydrants, light poles or and similar structure of device **(Also see Article XI of this Chapter).**

(C) **Maximum Building Height.** Maximum building height of **thirty-five (35) feet** shall apply to all structures located in the zoning district except those structures and appurtenances excluded in **Article XI** of this Chapter or special uses which have a maximum height specified in this Chapter.

(D) **Access Required.** Every building shall be constructed or erected upon a lot or parcel of land which abuts and has access to a public street, unless a permanent access easement to a public street was of record prior to the effective date hereof. If access is not provided to a public street or similar easement, the property must be subdivided to ensure access. **(Ord. No. 2017-11; 12-12-17)**

ARTICLE V - AGRICULTURAL DISTRICTS (A - AGRICULTURAL)

40-5-1 PURPOSE. The purpose of the A - Agricultural district is to provide areas for farms and closely related agricultural uses as well as uses requiring large amounts of land. It is further intended to provide for residential uses on relatively large tracts of land which may accommodate farm related accessory uses such as the breeding, raising and keeping of one or more varieties of animals.

40-5-2 PERMITTED USES. The A district is designed to allow considerable latitude in the range of agricultural uses allowed; provided, that the uses are legal and that certain agricultural activities maintain a reasonable setback from adjacent residentially zoned property. The following shall be considered permitted as agricultural uses: horticulture or forestry including crops and tree farming; truck farming; gardening; nursery operation (subject to setback provisions of **Article XII**); dairy farming; livestock raising; animal and poultry breeding and raising; forestry operation together with the operation of machinery or vehicles. The foregoing does not include the following: stockyards; commercial livestock, poultry or agricultural processing plants. If a particular use is not listed, it is not allowed within the A Agriculture district. Buildings or structures may be erected, altered or used and land may be used for one or more of the following:

- (A) Single family dwellings
- (B) Carnivals, circuses and similar transient amusement enterprises that are temporary in nature.
- (C) Cemeteries and mausoleums in conjunction therewith.
- (D) Churches and other places of worship subject to provisions of **Article XI**, but not including funeral chapels or mortuary chapels.
- (E) Essential services subject to the provisions of **Article XI**.
- (F) Fishing lakes or clubs provided that no building, parking lot or other intense use activity is located nearer than **five hundred (500) feet** to any dwelling or another zoning lot.
- (G) Golf courses of regulation size, including "Par 3" golf courses or commercially operated driving ranges or miniature golf courses; and provided that no clubhouse, parking lot or accessory building shall be located nearer than **five hundred (500) feet** to any dwelling unit or another zoning lot.
- (H) Greenhouses, subject to the provisions of **Article XI**.
- (I) Libraries, museums, art galleries, and similar public cultural facilities subject to the provisions of **Article XI**.
- (J) Living quarters for persons employed in agricultural or related activities that are conducted on the premises.
- (K) Parking lots subject to the provisions of **Article X**.
- (L) Private clubs, lodges or camps except in instances where chief activity area(s) customarily serves as a business. Note: Private gun club uses see **Section 40-5-4. (Ord. No. 2017-11; 12-12-17)**
- (M) Produce stands. **(See Section 40-11-31)**
- (N) Public service uses including filtration plants, pump stations, water reservoirs, sewage treatment plant, police and fire stations or other governmental uses subject to the provisions of **Article XI**.
- (O) Railroad right of way and trackage, but not including classification yards, terminal facilities or maintenance facilities.
- (P) Schools and colleges for academic instruction.
- (Q) Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and the major traffic congestion or hazards would not be created in conjunction with the location or access thereto.

40-5-3 ACCESSORY USES AND STRUCTURES.

- (A) Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- (B) Fences, hedges and wall, subject to the provisions of **Section 40-11-7.**
- (C) Home occupations, subject to the provisions of **Section 40-11-9.**
- (D) Keeping of not more than one unoccupied camp trailer or recreational vehicle, subject to the provisions of **Section 40-11-24.** Keeping of utility trailers shall be limited to personal use or in direct association with on-site agricultural uses only. **(Ord. No. 2017-11; 12-12-17)**
- (E) Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of **Section 40-10-1 et seq.**
- (F) Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of **Section 40-11-16.**
- (G) Private swimming pools, subject to the provisions of **Section 40-11-22.**
- (H) Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater. However, such time limit may be extended for one year by the Zoning Administrator.

40-5-4 SPECIAL PERMITS. The following uses may be allowed within the A - Agricultural District subject to the criteria established in **Section 40-13-35 et seq.** of this Chapter.

- (A) Airports and airstrips.
- (B) Any building in excess of **thirty-five (35) feet** in height.
- (C) Bed and Breakfast Inns and Boarding Houses. **(Ord. No. 2017-11; 12-12-17)**
- (D) Communication towers, subject to the provisions of **Section 40-11-8.**
- (E) Correctional institutions.
- (F) Gun Clubs.
- (G) Residential group homes, subject to the provisions of **Section 40-11-21.**

40-5-5 AGRICULTURAL ACTIVITIES REGULATED.

(A) **Livestock.** No accessory building used or intended to be used to shelter livestock shall be erected closer than **three hundred (300) feet** to a dwelling existing on an adjoining lot or nearby lot nor shall it be erected closer than **two hundred (200) feet** to any residentially zoned property. Fences shall be erected or other means shall be taken to prevent livestock from approaching any spot closer than **three hundred (300) feet** to any dwelling on an adjoining lot or nearby lot or within **two hundred (200) feet** of any residentially zoned property.

(B) **Farm Equipment And Commodities.** Agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides, and herbicides) shall not be stored outdoors closer than **two hundred (200) feet** from any residentially zoned property. Except, however, that such material may be stored in a building located not less than **one hundred (100) feet** from any residentially zoned property.

40-5-6 SUPPLEMENTARY REGULATIONS. All uses are subject to the applicable provisions of **Article XI.**

40-5-7 DIMENSIONAL REGULATIONS; DISTRICT A- AGRICULTURE.

(A) **Lot Standards.**

- (1) Minimum Lot Size: 3 acres
- (2) Minimum Lot Width: 150'
- (3) Minimum Lot Depth: 200'

- | | | |
|-----|---|---------------------------------------|
| (B) | <u>Yards.</u> | |
| | (1) Minimum Front Yard: | 25' |
| | (2) Minimum Side Yard Abutting a Lot: | 10' for either,
25' total for both |
| | (3) Minimum Side Yard Abutting a Street: | 25' |
| | (4) Minimum Rear Yard: | 25' |
| | (5) Minimum distance to nearest principal building on adjacent lot: | 20' |
| (C) | <u>Maximum Building Coverage of Lot.</u> | 20% |
| (D) | <u>Maximum Building Height.</u> | 35' |
| (E) | <u>Maximum Number of Dwelling Units.</u> | 1 per 3 acres |
| (F) | <u>Accessory Buildings, detached, if permitted.</u> | |
| | (1) Maximum Height: | 35' |
| | (2) Minimum Distance to principal building: | 10' |
| | (3) Minimum distance to front lot line: | 60' |
| | (4) Minimum distance to side lot line adjacent to street: | 25' |
| | (5) Minimum distance to other side lot line: | 3' |
| | (6) Minimum distance to rear lot line: | 3' |
| (G) | <u>Parking.</u> | See Article X |

ARTICLE VI - RESIDENTIAL DISTRICTS

DIVISION I - SR-1 SINGLE-FAMILY DISTRICT

40-6-1 **PURPOSE.** The purpose of the SR-1 Single-family Residential district is to provide areas for single-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences.

40-6-2 **PERMITTED USES.** If a particular use is not listed, it is not allowed in the SR-1 Single-family Residential district. Buildings or structures may be erected, altered or used for the following:

- (A) Site-built single family dwellings.
- (B) Churches and other places of worship, subject to the provisions of **Article XI**, but not including funeral chapels or mortuary chapels.
- (C) Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of **Section 40-11-18**.
- (D) Municipal uses, facilities and building, subject to the provisions of **Section 40-11-17**.
- (E) Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.
- (F) Railroad right -of -way, not including switching, storage, freight yards, industrial sidings, or classification yards.

(Ord. No. 2017-11; 12-12-17)

40-6-3 **ACCESSORY USES AND STRUCTURES.**

- (A) Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- (B) Fences, hedges and wall, subject to the provisions of **Section 40-11-7**.
- (C) Home occupations, subject to the provisions of **Section 40-11-9**.
- (D) Keeping of household pets, provided kennels are not maintained.
- (E) Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of **Section 40-11-24**.
- (F) Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of **Section 40-11-12**.
- (G) Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of **Section 40-11-16**.
- (H) Private swimming pools, subject to the provisions of **Section 40-11-22**.
- (I) Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year**, whichever is greater. However, such time limit may be extended for **one (1) year** by the Zoning Administrator.

40-6-4 **SPECIAL PERMITS.** The following uses may be allowed within the SR-1 district subject to the criteria established in **Article XIII** of this Chapter.

- (A) Planned developments based on the procedures in **Section 40-13-35 et seq.** of this Chapter.
- (B) Residential group homes, subject to the provisions of **Section 40-11-21**.
- (C) Bed and Breakfast Inns and Boarding Houses. **(Ord. No. 2017-11; 12-12-17)**

40-6-5 **SUPPLEMENTARY REGULATIONS.** All uses are subject to the applicable provisions of **Article XI.**

40-6-6 **DIMENSIONAL REGULATIONS; DISTRICT SR-1 -SINGLE FAMILY RESIDENTIAL.**

- (A) **Lot Standards.**
 - (1) Minimum Lot Size: 10,000 sq. ft.
 - (2) Minimum Lot Width: 80'
 - (3) Minimum Lot Depth: 100'
- (B) **Yards.**
 - (1) Minimum Front Yard: 25'
 - (2) Minimum Side Yard Abutting a Lot: 10' for either, 25' total for both
 - (3) Minimum Side Yard Abutting a Street: 25'
 - (4) Minimum Rear Yard: 25'
 - (5) Minimum distance to nearest principal building on adjacent lot: 20'
- (C) **Maximum Building Coverage of Lot.** 20%
- (D) **Maximum Building Height.** 35'
- (E) **Maximum Number of Dwelling Units.** 1 per 10,000 sq. ft. of lot area
- (F) **Accessory Buildings, Detached, If Permitted.**
 - (1) Maximum Height: 15'
 - (2) Minimum Distance to principal building: 10'
 - (3) Minimum distance to front lot line: 60'
 - (4) Minimum distance to side lot line adjacent to street: 25'
 - (5) Minimum distance to other side lot line: 5'
 - (6) Minimum distance to rear lot line: 5'
- (G) **Parking.** See **Article X.**

40-6-7 - 40-6-9 **RESERVED.**

DIVISION II - SR-2 SINGLE-FAMILY DISTRICT

40-6-10 **PURPOSE.** The purpose of the SR-2 single-family residential district is to provide areas for single-family residential uses of an urban character. It is further intended to provide for other uses, which are customarily found with and are not detrimental to single-family residences.

40-6-11 **PERMITTED USES.** if a particular use is not listed, it is not allowed in the SR-2 Single-family district. Buildings or structures may be erected, altered or used for the following:

- (A) Site-built single family dwellings.
- (B) Churches and other places of worship, subject to the provisions of **Article XI**, but not including funeral chapels or mortuary chapels.
- (C) Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of **Section 40-11-18.**
- (D) Municipal uses, facilities and building, subject to the provisions of **Section 40-11-17.**
- (E) Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.

(F) Railroad right-of-way, not including switching, storage, freight yards, industrial sidings, or classification yards.
(Ord. No. 2017-11; 12-12-17)

40-6-12 ACCESSORY USES AND STRUCTURES.

- (A) Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- (B) Fences, hedges and wall, subject to the provisions of **Section 40-11-7.**
- (C) Home occupations, subject to the provisions of **Section 40-11-9.**
- (D) Keeping of household pets, provided kennels are not maintained.
- (E) Keeping of not more than **one (1)** unoccupied camp and/or utility trailer, subject to the provisions of **Section 40-11-24.**
- (F) Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of **Section 40-11-12.**
- (G) Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of **Section 40-11-16.**
- (H) Private swimming pools, subject to the provisions of **Section 40-11-22.**
- (I) Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year**, whichever is greater. However, such time limit may be extended for **one (1) year** by the Zoning Administrator.

40-6-13 SPECIAL PERMITS. The following uses may be allowed within the SR-2 district subject to the criteria established in **Article XIII** of this Chapter.

- (A) Planned developments based on the procedures in **Section 40-13-35 et seq.** of this Chapter.
- (B) Residential group homes, subject to the provisions of **Section 40-11-21.**
- (C) Bed and Breakfast Inns and Boarding Houses. **(Ord. No. 2017-11; 12-12-17)**

40-6-14 SUPPLEMENTARY REGULATIONS. All uses are subject to the applicable provisions of **Article XI.**

40-6-15 DIMENSIONAL REGULATIONS; DISTRICT SR-2-SINGLE FAMILY RESIDENTIAL.

- (A) **Lot Standards.**
 - (1) Minimum Lot Size: 8,000 sq. ft.
 - (2) Minimum Lot Width: 70'
 - (3) Minimum Lot Depth: 100'
- (B) **Yards.**
 - (1) Minimum Front Yard: 25'
 - (2) Minimum Side Yard Abutting a Lot: 10' for either, 25' total for both
 - (3) Minimum Side Yard Abutting a Street: 25'
 - (4) Minimum Rear Yard: 25'
 - (5) Minimum distance to nearest principal building on adjacent lot: 20'
- (C) **Maximum Building Coverage of Lot.** 20%
- (D) **Maximum Building Height.** 35'

- (E) **Maximum Number of Dwelling Units.** 1 per 8,000 sq. ft. of lot area
- (F) **Accessory Buildings, Detached, If Permitted.**
 - (1) Maximum Height: 15'
 - (2) Minimum Distance to principal building: 10'
 - (3) Minimum distance to front lot line: 60'
 - (4) Minimum distance to side lot line adjacent to street: 25'
 - (5) Minimum distance to other side lot line: 5'
 - (6) Minimum distance to rear lot line: 5'
- (G) **Parking.** See **Article X.**

40-6-16 - 40-6-19 RESERVED.

DIVISION III - MR-1 MULTI-FAMILY DISTRICT

40-6-20 PURPOSE. The purpose of the MR-1 Multi-family Residential district is to provide areas for single and two-family residential use of an urban character. It is further intended to provide for other uses, which are customarily found with and are not detrimental to two-family residences.

40-6-21 PERMITTED USES. If a particular use is not listed, it is not allowed in the MR-1 Multi-family Residential district. Buildings or structures may be erected, altered or used for the following:

- (A) Site-built two family dwellings.
 - (B) Churches and other places of worship, subject to the provisions of **Section 40-11-4**, but not including funeral chapels or mortuary chapels.
 - (C) Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of **Section 40-11-18**.
 - (D) Municipal uses, facilities and building, subject to the provisions of **Section 40-11-17**.
 - (E) Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.
 - (F) Railroad right-of-way, not including switching, storage, freight yards, industrial sidings, or classification yards.
- (Ord. No. 2017-11; 12-12-17)**

40-6-22 ACCESSORY USES AND STRUCTURES.

- (A) Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- (B) Fences, hedges and wall, subject to the provisions of **Section 40-11-7**.
- (C) Home occupations, subject to the provisions of **Section 40-11-9**.
- (D) Keeping of household pets, provided kennels are not maintained.
- (E) Keeping of not more than **one (1)** unoccupied camp and/or utility trailer, subject to the provisions of **Section 40-11-24**.
- (F) Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of **Section 40-11-12**.
- (G) Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of **Section 40-11-16**.
- (H) Private swimming pools, subject to the provisions of **Section 40-11-22**.

(I) Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year**, whichever is greater. However, the Zoning Board of Appeals may extend such time limit for **one (1) year**.

40-6-23 SPECIAL PERMITS. The following uses may be allowed within the MR-1 Multi-Family District subject to the criteria established in **Article XIII** of this Chapter.

- (A) Planned Residential Development based on the procedures in **Section 40-13-35 et seq.** of this Chapter.
- (B) Childcare Centers.
- (C) Residential group homes, subject to the provisions of **Section 40-11-21**.
- (D) Bed and Breakfast Inns and Boarding Houses. (**Ord. No. 2017-11; 12-12-17**)

40-6-24 SUPPLEMENTARY REGULATIONS. All uses are subject to the applicable provisions of **Article XI**.

- (A) **Lot Standards.**
 - (1) Minimum Lot Size: 6,000 sq. ft. or 3,000 sq. ft. per dwelling unit, whichever is greater
 - (2) Minimum Lot Width: 50'
 - (3) Minimum Lot Depth: 120'
- (B) **Yards.**
 - (1) Minimum Front Yard: 25'
 - (2) Minimum Side Yard Abutting a Lot: 5' for either, 15' total for both
 - (3) Minimum Side Yard Abutting a Street: 25'
 - (4) Minimum Rear Yard: 25'
 - (5) Minimum distance to nearest principal building on adjacent lot: 15'
- (C) **Maximum Building Coverage of Lot.** 30%
- (D) **Maximum Building Height.** 35'
- (E) **Maximum Number of Dwelling Units.** 2
- (F) **Accessory Buildings, Detached, If Permitted.**
 - (1) Maximum Height: 15'
 - (2) Minimum Distance to principal building: 10'
 - (3) Minimum distance to front lot line: 60'
 - (4) Minimum distance to side lot line adjacent to street: 25'
 - (5) Minimum distance to other side lot line: 5'
 - (6) Minimum distance to rear lot line: 5'

(G) **Parking.** See **Article X**.
(**Ord. No. 2017-11; 12-12-17**)

40-6-25 - 40-6-29 RESERVED.

DIVISION IV - MR-2 MULTI-FAMILY DISTRICT

40-6-30 **PURPOSE.** The purpose of the MR-2 Multi-family Residential district is to provide areas for multiple-family residential uses of an urban character. It is further intended to provide for other uses, which are customarily found with and are not detrimental to multi-family residences.

40-6-31 **PERMITTED USES.** If a particular use is not listed, it is not allowed in the MR-2 Multi-family Residential district. Building or structures may be erected, altered or used for the following:

- (A) Site-built two family dwellings.
- (B) Site-built multi-family Dwellings.
- (C) Churches and other places of worship, subject to the provisions of **Article XI**, but not including funeral chapels or mortuary chapels.
- (D) Day care centers, nursery schools and orphanages.
- (E) Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of **Section 40-11-18**.
- (F) Municipal uses, facilities, and building subject to the provisions of **Section 40-11-17**.
- (G) Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.
- (H) Railroad right-of-way, not including switching, storage, freight yards, industrial sidings, or classification yards.

(Ord. No. 2017-11; 12-12-17)

40-6-32 **ACCESSORY USES AND STRUCTURES.**

- (A) Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- (B) Fences, hedges and wall, subject to the provisions of **Section 40-11-7**.
- (C) Home occupations, subject to the provisions of **Section 40-11-9**.
- (D) Keeping of household pets, provided kennels are not maintained.
- (E) Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of **Section 40-11-24**.
- (F) Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of **Section 40-11-12**.
- (G) Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of **Section 40-11-16**.
- (H) Private swimming pools, subject to the provisions of **Section 40-11-22**.
- (I) Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year**, whichever is greater. However, such time limit may be extended for **one (1) year** by the Zoning Administrator.

40-6-33 **SPECIAL PERMITS.** The following uses may be allowed within the MR-2 district subject to the criteria established in **Article XIII** of this Chapter.

- (A) Planned developments based on the procedures in **Section 40-13-35 et seq.** of this Chapter.
- (B) Convalescent homes, homes for the aged retirement homes, nursing homes and other similar health care.
- (C) Planned Mobile Home Parks, subject to the provisions of **Section 40-11-15**.

- (D) Residential group homes, subject to the provisions of **Section 40-11-21.**
- (E) Bed and Breakfast Inns and Boarding Houses. **(Ord. No. 2017-11; 12-12-17)**

40-6-34 SUPPLEMENTARY REGULATIONS. All uses are subject to the applicable provisions of **Article XI.**

40-6-35 DIMENSIONAL REGULATIONS; DISTRICT MR-2 MULTI-FAMILY RESIDENTIAL.

- (A) **Lot Standards.**
 - (1) Minimum Lot Size: 5,000 sq. Ft. or 2,500 sq. Ft. per dwelling unit, whichever is greater
 - (2) Minimum Lot Width: 50' or 10' for each dwelling unit over two, whichever is greater.
 - (3) Minimum Lot Depth: 120'
 - (B) **Yards.**
 - (1) Minimum Front Yard: 25'
 - (2) Minimum Side Yard Abutting a Lot: 10' or 6" per ft. of building height, whichever is greater
 - (3) Minimum Side Yard Abutting a Street: 25'
 - (4) Minimum Rear Yard: 25'
 - (5) Minimum distance to nearest principal building on adjacent lot: 14'
 - (C) Maximum Building Coverage of Lot: 30%
 - (1) Floor Area Ratio: Floor Area Ratio: 3/4: 1 Note: Floor area ratio shall apply to the total area included in the development, except streets and other public areas and shall not exceed the ratio specified
 - (D) **Maximum Building Height.** 35'
 - (E) **Maximum Number of Dwelling Units.** 1 per 2,500 sq. ft. of lot area
 - (F) **Accessory Buildings, Detached, If Permitted.**
 - (1) Maximum Height: 15'
 - (2) Minimum distance to principal building: 10'
 - (3) Minimum distance to front lot line: 60'
 - (4) Minimum distance to side lot line adjacent to street: 25'
 - (5) Minimum distance to other side lot line: 5'
 - (6) Minimum distance to rear lot line: 5'
 - (G) **Parking.** See **Article X.**
- (Ord. No. 2017-11; 12-12-17)**

ARTICLE VII - COMMERCIAL DISTRICTS

DIVISION I - GC - GENERAL COMMERCIAL DISTRICT

40-7-1 **PURPOSE.** The purpose of the GC - General Commercial district is to provide areas for the development of general retail sales and selected service activities at accessible locations in the Village. The GC district is not intended to allow industrial uses. In addition to the selected retail and service uses that are permitted uses, other service and retail uses which would not normally be appropriate in the GC district may be allowed as special uses with conditions specified by the Village Board of Trustees to safeguard the public health, safety, morals and welfare.

40-7-2 **PERMITTED USES.** The GC district is designed to allow considerable latitude in the range of retail uses allowed, provided, that the uses are legal and no outdoor storage is conducted except as otherwise provided herein. In addition, any building used primarily for any of the uses listed in this Section may have not more than **forty percent (40%)** of the floor area devoted to indoor storage or incidental assembly of products sold on the premises. Provided that neither junk yards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plant, or outside storage of inflammable liquids or explosives, shall permitted in the district: and provided, further, that adequate safeguards (structural, mechanical and location) shall be provided to protect adjoining properties from the effect of noisome or injurious substances, conditions and operation as defined in **Article II** and/or regulated in **Article XI**. It is provided further that any preparation or manufacture of goods or products conducted on the premises must be incidental to the retail business conducted on the premises. Such manufacture process or treatment shall employ not more the **five (5) persons** (exclusive of manager) engaged in said manufacture, processing or treatment of products and that all such operations create no undue noise, odor, dust, smoke, vibrations, or other similar nuisance. If a particular use is not listed, it is not allowed in the GC - General Commercial district. Buildings or structures may be erected, altered or used for the following:

- (A) Air conditioning equipment, custom fabrication and installation.
- (B) Animal hospitals when conducted entirely within an enclosed building.
- (C) Apparel stores and shops.
- (D) Art galleries and studios.
- (E) Bakery shops including the baking and processing of food products for retail sales on the premises only.
- (F) Business machines; repair and service.
- (G) Candy and ice cream shops.
- (H) Car washes.
- (I) Churches and other places of worship, subject to the provisions of **Article XI**.
- (J) Commercial institutions such as banks, savings and loan associations.
- (K) Day care centers, nursery schools and orphanages.
- (L) Drug stores.
- (M) Eating and drinking establishments except "drive thru" restaurants offering food or beverages directly to customers waiting in parked vehicles or drive-in restaurants offering food or beverages for consumption on the premises in parked vehicles. (See Special Permits in **Section 40-7-4**).
- (N) Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of **Article XI**.
- (O) Express companies.
- (P) Feed and seed stores.
- (Q) Food stores, including supermarkets, delicatessens, dairy products, meat markets, health foods.
- (R) Funeral chapels, mortuary chapels and ambulance service.
- (S) General office buildings.

- (T) Gift and card shops, leather and luggage, tobacco and news, camera shops, sporting goods, garden shops, and antique shops.
 - (U) Growing of plants and trees on a private or commercial basis, subject to the applicable provisions of **Article XII**.
 - (V) Hardware stores and hobby shops.
 - (W) Libraries or museums, providing that all principal buildings are located at least **twenty-five (25) feet** from all property lines.
 - (X) Locksmiths' repair shops.
 - (Y) Lumberyards.
 - (Z) Medical and dental clinics and centers.
 - (AA) Meeting halls.
 - (BB) Membership clubs and public or charitable institutions, not for correctional purposes.
 - (CC) Municipal uses, facilities and building, subject to the provisions of **Article XI**.
 - (DD) Newspaper printing.
 - (EE) Parking lots and parking garages, subject to the provisions of **Article X**.
 - (FF) Personal service shops, including barber and beauty shops, shoe repair shops, laundries, self-service laundries, dry-cleaning stores, travel agencies, photographers, tailoring.
 - (GG) Pet shops and pet grooming.
 - (HH) Places of amusement or recreation such as theaters (but not drive-in theaters), auditoriums or bowling alleys.
 - (II) Plumbing, heating and air conditioning sales.
 - (JJ) Post offices or postal substations.
 - (KK) Produce stands. **(See Section 40-11-31)**
 - (LL) Professional and service offices.
 - (MM) Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.
 - (NN) Radio and TV broadcasting stations.
 - (OO) Railroad right-of-way, not including switching, storage, freight yards, industrial sidings, or classification yards.
 - (PP) Taverns.
 - (QQ) Water softening equipment, service and repairs.
- (Ord. No. 2017-11; 12-12-17)**

40-7-3 ACCESSORY USE AND STRUCTURES.

- (A) Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- (B) Fences, hedges and wall, subject to the provisions of **Section 40-11-7**.
- (C) Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of **Section 40-11-12**.
- (D) Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of **Section 40-11-16**.
- (E) Private swimming pools, subject to the provisions of **Section 40-11-22**.
- (F) Storage of merchandise or inventory usually carried in stock: provided that such storage shall be located on the lot with the retail, service or commercial use and either:
 - (1) Such storage shall be within a completely enclosed building; or
 - (2) If placed on the building exterior, such storage shall not exceed the equivalent of **twenty-five percent (25%)** of the gross building floor area of the owned or leased space of the generating principal use. Exterior storage areas shall be completely concealed by a fence at least **six (6) feet** in height.
- (G) Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the

project or **one (1) year**, whichever is greater. However, such time limit may be extended for **one (1) year** by the Zoning Administrator.
(Ord. No. 2017-11; 12-12-17)

40-7-4 SPECIAL PERMITS. The following uses may be allowed within the GC - General Commercial District subject to the criteria established in **Article XIII** of this Chapter:

(A) Planned developments based on the procedures in **Section 40-13-35 et seq.** of this Chapter.

(B) Any use that involves commercial, service or storage activities conducted more than **twenty-five percent (25%)** outside a completely enclosed building.

(C) Eating and drinking establishments with drive-thru and/or drive-in facilities as an accessory use.

(Ord. No. 2017-11; 12-12-17)

40-7-5 SUPPLEMENTARY REGULATIONS. All uses are subject to applicable provisions of **Article XI**.

40-7-6 DIMENSIONAL REGULATIONS; DISTRICT GC - GENERAL COMMERCIAL.

(A) **Lot Standards.**

- (1) Minimum Lot Size: None
- (2) Minimum Lot Width: None
- (3) Minimum Lot Depth: None

(B) **Yards.**

- (1) Minimum Front Yard: None
- (2) Minimum Side Yard Abutting a Lot: none required unless abutting a "SR" or "MR" district then 12' required
- (3) Minimum Side Yard Abutting a Street: 25'
- (4) Minimum Rear Yard: 20'
- (5) Minimum distance to nearest principal building on adjacent lot: 12'

(C) **Maximum Building Coverage of Lot.** 50%

(D) **Maximum Building Height.** three (3) stories or 35' whichever is smaller

(E) **Accessory Buildings, Detached, If Permitted.**

- (1) Maximum Height: 25'
- (2) Minimum Distance to principal building: 12'
- (3) Minimum distance to front lot line: 12'
- (4) Minimum distance to side lot line adjacent to street: 12'
- (5) Minimum distance to other side lot line: 12'
- (6) Minimum distance to rear lot line: 12'

(F) **Parking.** See **Article X**.

(Ord. No. 2017-11; 12-12-17)

40-7-7 - 40-7-9 RESERVED.

DIVISION II - HIGHWAY COMMERCIAL DISTRICT

40-7-10 **PURPOSE.** The purpose of the HC - Highway Commercial district is to provide areas for the development of retail sales and selected activities at accessible locations of the Village most suited to heavier traffic and customer base. In addition to the selected retail and service uses that are permitted uses, other service and retail uses which would not normally be appropriate in HC classification may be allowed as special uses with conditions specified by the Village Board of Trustees to safeguard the public health, safety, morals and welfare.

40-7-11 **PERMITTED USES.** Provided that neither junk yards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plant, or outside storage of inflammable liquids or explosives, shall be permitted in the district: and provided further that adequate safeguards (structural, mechanical and location) shall be provided to protect adjoining properties from the effect of noisome or injurious substances, conditions and operation as defined in **Article II** and/or regulated in **Article XI**. It is provided further that any preparation or manufacture of goods or products conducted on the premises must be incidental to the retail business conducted on the premises. Such manufacture process or treatment shall employ not more than **five (5) persons** (exclusive of manager) engaged in said manufacture, processing or treatment of products and that all such operations create no undue noise, odor, dust, smoke, vibrations, or other similar nuisance. If a particular use is not listed, it is not allowed in the HC - Highway Commercial district. Buildings or structures may be erected, altered or used as the following:

- (A) Animal hospitals when conducted entirely within an enclosed building.
- (B) Apparel stores and shops.
- (C) Art galleries and studios.
- (D) Bakery shops including the baking and processing of food products for retail sales on the premises only.
- (E) Bus terminals and other public transportation terminal facilities for passengers.
- (F) Candy and ice cream shops.
- (G) Car washes.
- (H) Churches and other places of worship, subject to the provisions of **Article XI**.
- (I) Commercial institutions such as banks, savings and loan associations.
- (J) Day care centers, nursery schools and orphanages.
- (K) Drug stores.
- (L) Eating and drinking establishments except "drive thru" restaurants offering food or beverages directly to customers waiting in parked vehicles or drive-in restaurants offering food or beverages for consumption on the premises in parked vehicles. (See Special Permits in **Section 40-7-13**).
- (M) Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of **Article XI**.
- (N) Express delivery companies.
- (O) Feed and seed stores.
- (P) Food stores, including supermarkets, delicatessens, dairy products, meat markets, health foods.
- (Q) Funeral chapels, mortuary chapels and ambulance service.
- (R) General office buildings.
- (S) Gift and card shops, leather and luggage, tobacco and news, camera shops, sporting goods, garden shops, and antique shops.
- (T) Hardware stores and hobby shops.
- (U) Hotels and motels.
- (V) Libraries or museums, providing that all principal buildings are located at least **twenty-five (25) feet** from all property lines.
- (W) Locksmiths' repair shops.

- (X) Lumberyards.
 - (Y) Medical and dental clinics and centers.
 - (Z) Meeting halls.
 - (AA) Membership clubs and public or charitable institutions, not for correctional purposes.
 - (BB) Municipal uses, facilities, and building, subject to the provisions of **Section 40-11-17**.
 - (CC) Parking lots and parking garages, subject to the provisions of **Article X**.
 - (DD) Personal service shops, including barber and beauty shops, shoe repair shops, laundries, self-service laundries, dry-cleaning stores, travel agencies, photographers, tailoring.
 - (EE) Pet shops and pet grooming.
 - (FF) Places of amusement or recreation such as theaters (but not drive-in theaters) auditoriums or bowling alleys.
 - (GG) Post offices or postal substations.
 - (HH) Produce stands. **(See Section 40-11-31)**
 - (II) Professional and service offices.
 - (JJ) Railroad right-of-way, not including switching, storage, freight yards, industrial sidings, or classification yards.
 - (KK) Repair Garages and gasoline service stations, subject the provisions of **Section 40-11-19**.
 - (LL) Sales and service of new farm, construction and industrial equipment.
 - (MM) Sales and service of new trucks and recreational vehicles.
 - (NN) Sales and service of new automobiles and new automobile accessories.
 - (OO) Taverns.
- (Ord. No. 2017-11; 12-12-17)**

40-7-12 ACCESSORY USES AND STRUCTURES.

- (A) Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
 - (B) Fences, hedges and wall, subject to the provisions of **Section 40-11-7**.
 - (C) Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of **Section 40-11-12**.
 - (D) Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of **Section 40-11-16**.
 - (E) Private swimming pools, subject to the provisions of **Section 40-11-22**.
 - (F) Sales of used automobiles as an accessory use to new automobile sales only.
 - (G) Sales of used farm, construction and industrial equipment as an accessory use to new farm, construction and industrial equipment sales only.
 - (H) Sales of used trucks and recreational vehicles as an accessory use to the new truck and recreational vehicles sales only.
 - (I) Storage of merchandise or inventory usually carried in stock: provided that such storage shall be located on the lot with the retail, service or commercial use and either:
 - (1) Such storage shall be within a completely enclosed building; or
 - (2) If placed on the building exterior, such storage shall not exceed **twenty-five percent (25%)** of the gross building floor area of the owned or leased space of the generating use. Exterior storage areas shall be completely concealed by a fence at least **six (6) feet** in height.
 - (J) Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year**, whichever is greater. However, such time limit may be extended for **one (1) year** by the Zoning Administrator.
- (Ord. No. 2017-11; 12-12-17)**

40-7-13 SPECIAL PERMITS. The following uses may be allowed within the HC - Highway Commercial District subject to the criteria established in **Article XIII** of this Chapter:

- (A) Advertising signs and billboards.
 - (B) Planned developments based on the procedures in **Section 40-13-35 et seq.** of this Chapter.
 - (C) Manufactured Home Sales.
 - (D) Sales of used automobiles, subject to the provisions of **Section 40-11-25**.
 - (E) Sales of used farm, construction and industrial equipment.
 - (F) Sales of used truck and recreational vehicles.
 - (G) Storage and /or display of inventory usually carried in stock without a fence or outside a building.
 - (H) Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.
 - (I) Permitted uses with building heights greater than **thirty-five (35) feet or three (3) stories**.
 - (J) Any use that involves storage activities conducted more than **twenty-five percent (25%)** outside a completely enclosed building.
 - (K) Eating and drinking establishments with drive-thru and/or drive-in facilities as an accessory use.
- (Ord. No. 2017-11; 12-12-17)**

40-7-14 SUPPLEMENTARY REGULATIONS. All uses are subject to the applicable provisions of **Article XI**.

40-7-15 DIMENSIONAL REGULATIONS; DISTRICT HC – HIGHWAY COMMERCIAL.

- (A) **Lot Standards.**
 - (1) Minimum Lot Size: None
 - (2) Minimum Lot Width: None
 - (3) Minimum Lot Depth: None
- (B) **Yards.**
 - (1) Minimum Front Yard: None
 - (2) Minimum Side Yard Abutting a Lot: none required unless abutting a "SR" or "MR" district then 12' required
 - (3) Minimum Side Yard Abutting a Street: 25'
 - (4) Minimum Rear Yard: 20'
 - (5) Minimum distance to nearest principal building on adjacent lot: 12'
- (C) **Maximum Building Coverage of Lot.** 50%
- (D) **Maximum Building Height.** three (3) stories or 35' whichever is smaller
- (E) **Accessory Buildings, Detached, If Permitted:**
 - (1) Maximum Height: 25'
 - (2) Minimum Distance to principal building: 12'
 - (3) Minimum distance to front lot line: 12'
 - (4) Minimum distance to side lot line adjacent to street: 12'
 - (5) Minimum distance to other side lot line: 12'
 - (6) Minimum distance to rear lot line: 12'
- (F) **Parking.** See **Article X**.

(Ord. No. 2017-11; 12-12-17)

40-7-16 - 40-7-19 RESERVED.

ARTICLE VIII - L1 - LIGHT INDUSTRIAL DISTRICT

40-8-1 **PURPOSE.** The purpose of the LI - Light Industrial district is to provide an area within the Village where manufacturing facilities, research facilities, research parks, warehouses, and wholesale business may locate, while providing compatibility with other non-manufacturing areas of the community. It is intended that this particular district will generally provide for manufacturing of an assembly nature from finished good, warehousing and wholesale activities. Supportive services for manufacturing are generally of a non-retail or personal service character and should be encouraged to locate in this district.

40-8-2 **PERMITTED USES.** The LI Light Industrial district is designed to allow considerable latitude in the range of light manufacturing and wholesale uses. Provided that neither junk yards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plant, or outside storage of inflammable liquids or explosives, shall permitted in the district: and provided further that adequate safeguards (structural, mechanical and location) shall be provided to protect adjoining properties from the effect of noisome or injurious substances, conditions and operation as defined in **Article II** and/or regulated in **Article XI**; that all such operations create no undue noise, odor, dust, smoke, vibrations, or other similar nuisance. If a particular use is not listed as a listed permitted use, it is not allowed within the LI Light Industrial district. Buildings or structures may be erected, altered or used for one or more of the following:

- (A) Assembly production, processing, wholesaling or warehousing, fabrication, or manufacturing of any commodity from already processed or semi-finished (other than raw) materials into products, provided explosives, flammable materials, nuclear or hazardous materials, or livestock are not involved.
- (B) Freight terminals.
- (C) General warehouses and storage.
- (D) Local cartage and express facilities.
- (E) Mini-warehouses and self-storage facilities, subject to the provisions of **Section 40-11-27.**
- (F) Research and development facilities or parks, provided explosives, flammable materials, nuclear or hazardous material, or livestock are not involved.
- (G) Air conditioning equipment, custom fabrication and installation.
- (H) Animal hospitals when conducted entirely within an enclosed building.
- (I) Bus terminals and other public transportation terminal facilities for passengers.
- (J) Business machines; repair and service.
- (K) Car washes.
- (L) Churches and other places of worship, subject to the provisions of **Section 40-11-4.**
- (M) Commercial institutions such as banks, savings and loan associations.
- (N) Day care centers, nursery schools and orphanages.
- (O) Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of **Section 40-11-18.**
- (P) Express delivery companies.
- (Q) Feed and seed stores.
- (R) General office buildings.
- (S) Growing of plants and trees on a private or commercial basis, subject to the provisions of **Section 40-11-16.**
- (T) Locksmiths' repair shops.
- (U) Lumberyards.
- (V) Meeting halls.
- (W) Membership clubs and public or charitable institutions, not for correctional purposes.

- (X) Mini-warehouses and self-storage facilities, subject to provisions of **Section 40-11-27.**
 - (Y) Municipal uses, facilities, and building, subject to the provisions of **Section 40-11-17.**
 - (Z) Newspaper printing.
 - (AA) Parking lots and parking garages, subject to the provisions of **Section 40-11-12.**
 - (BB) Plumbing, heating and air conditioning sales.
 - (CC) Post offices or postal substations.
 - (DD) Professional and service offices.
 - (EE) Radio and TV broadcasting stations.
 - (FF) Railroad right-of-way, not including switching, storage, freight yards, industrial sidings, or classification yards.
 - (GG) Repair Garages and gasoline service stations, subject the provisions of **Section 40-11-19.**
 - (HH) Sales and service of new farm, construction and industrial equipment.
 - (II) Sales and service of new trucks and recreational vehicles.
 - (JJ) Sales of new automobiles and new automobile accessories.
 - (KK) Taverns.
 - (LL) Water softening equipment, service and repairs.
- (Ord. No. 2017-11; 12-12-17)**

40-8-3 ACCESSORY USES AND STRUCTURES.

- (A) Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- (B) Fences, hedges and wall, subject to the provisions of **Section 40-11-7.**
- (C) Storage of unoccupied camp and/or utility trailers at mini-warehouse or self-storage facilities, subject to the provisions of **Section 40-11-27.**
- (D) Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of **Section 40-11-12.**
- (E) Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of **Section 40-11-16.**
- (F) Private swimming pools, subject to the provisions of **Section 40-11-22.**
- (G) Sales of used automobiles as an accessory use to new automobile sales only.
- (H) Sales of used farm, construction and industrial equipment as an accessory use to new farm, construction and industrial equipment sales only.
- (I) Sales of used trucks and recreational vehicles as an accessory use to the new truck and recreational vehicles sales only.
- (J) Storage of merchandise or inventory usually carried in stock: provided that such storage shall be located on the lot with the Light Industrial use and either:
 - (1) Such storage shall be within a completely enclosed building; or
 - (2) If placed on the building exterior, such storage shall not exceed **twenty-five percent (25%)** of the gross building floor area of the owned or leased space of the generating use. Exterior storage areas shall be completely concealed by a fence at least **eight (8) feet** in height.
- (K) Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year**, whichever is greater. However, such time limit may be extended for **one (1) year** by the Zoning Administrator.

(Ord. No. 2017-11; 12-12-17)

40-8-4 SPECIAL PERMITS. The following uses may be allowed within the LI - Light Industrial district subject to the criteria established in **Article XIII** of this Chapter.

- (A) Advertising signs and billboards.
- (B) Planned developments based on the procedures in **Section 40-13-35 et seq.** of this Chapter.
- (C) Adult Business. See Chapter 7.
- (D) Assembly, production, fabrication, processing wholesaling or warehousing, or manufacturing of any commodity involving raw materials.
- (E) Research and development facilities or parks involving explosives, flammable materials, nuclear or hazardous materials, or livestock.
- (F) Fuel sales and storage.
- (G) Mobile home sales.
- (H) Sales of used automobiles, subject to the provisions of **Section 40-11-25**.
- (I) Sales of used farm, construction and industrial equipment.
- (J) Sales of used trucks and recreational vehicles.
- (K) Storage and/or display of inventory usually carried in stock without a fence or outside a building.
- (L) Wastewater/sewage treatment facilities.
- (M) Any use that involves storage activities conducted more than **twenty-five percent (25%)** outside a completely enclosed building.
(Ord. No. 2017-11; 12-12-17)

40-8-5 SUPPLEMENTARY REGULATIONS.

- (A) All uses are subject to the applicable provisions of **Article XI**, with special regard to **Section 40-11-2**.
- (B) All business, production, servicing, and processing shall take place within completely enclosed buildings. Storage may be outdoors if storage area is completely enclosed by a solid wall or fence (including doors and gates) at least **six (6) feet** high.

40-8-6 DIMENSIONAL REGULATIONS; LI - LIGHT INDUSTRIAL.

- (A) **Lot Standards.**
 - (1) Minimum Lot Size: None
 - (2) Minimum Lot Width: None
 - (3) Minimum Lot Depth: None
- (B) **Yards.**
 - (1) Minimum Front Yard: 25'
 - (2) Minimum Side Yard Abutting a Lot: 12'
 - (3) Minimum Side Yard Abutting a Street: 25'
 - (4) Minimum Rear Yard: 20'
 - (5) Minimum distance to nearest principal building on adjacent lot: N/A
- (C) **Maximum Building Coverage of Lot.** None
- (D) **Maximum Building Height.** three (3) stories or 35' whichever is smaller
- (E) **Accessory Buildings, Detached, If Permitted:**
 - (1) Maximum Height: 25'
 - (2) Minimum Distance to principal building: 12'
 - (3) Minimum distance to front lot line: 12'
 - (4) Minimum distance to side lot line adjacent to street: 12'
 - (5) Minimum distance to other side lot line: 12'
 - (6) Minimum distance to rear lot line: 12'
- (F) **Parking.** See **Article X**.

ARTICLE IX - PLANNED DEVELOPMENT PROCEDURE (PDP)

40-9-1 **PURPOSE AND INTENT.** The planned development procedure or PDP is intended to provide for development incorporating a single type or a variety of related uses, which are planned and developed as a unit. A PDP development may consist of conventionally subdivided lots or provide for nontraditional techniques of development, which are consistent with the intent of the Village comprehensive plan and meet the spirit and intent of this Chapter. The further purpose of the PDP is to permit the following:

- (A) A maximum choice in the type of environment available to the public by allowing a development that would not be possible under the strict application of the provisions of this Chapter.
- (B) Permanent preservation of common open space and recreation areas and facilities.
- (C) A pattern of development to preserve natural vegetation, topographic and geologic features.
- (D) A creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities.
- (E) An efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds and buildings, and other facilities.
- (F) A land use which promotes the public health, safety, comfort, morals and welfare.
- (G) Innovations in residential, commercial, and recreational development so that growing demands of population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings.

40-9-2 **SIZE, DENSITY AND USE CONTROLS.**

- (A) The minimum size of any PDP shall be **one (1) acre**, unless the proposed PDP abuts an existing PDP, in which case, the minimum size may be waived if the Village determines that the proposed and existing PDP uses are compatible.
- (B) For PDPs in residentially zoned areas, the maximum residential density of any PDP shall be controlled by the underlying zoning district(s) and the maximum floor area ratios shall apply (See **Section 40-9-6(H)**). Non-residential uses within residentially zoned areas shall not be allowed as part of the PDP review process.
- (C) For PDPs in non-residentially zoned areas, the maximum building coverage shall be controlled by the percentage allowed within the underlying zoning district. Residential uses within non-residentially zoned areas may be allowed as part of the PDP review process.

(Ord. No. 2017-11; 12-12-17)

40-9-3 **APPLICATION PROCEDURE AND AREA PLAN.**

- (A) **PDP Pre-Application Meeting.** Before submitting a PDP application, developers, owners, and/or their representatives, are encouraged to meet with the appropriate Village officials to discuss the proposal. The purpose of the meeting is to review a conceptual building and street layout of the property and give Village staff and the owner, developer, and/or their representatives an opportunity to address questions or concerns prior to formal submittal of the PDP. Identification of questions and concerns will assist Village officials in determining how the proposal fits with current zoning and future land use plans per the Village Comprehensive Plan, and how property will be served by public roads, utilities, and services. The meeting will also assist the Zoning Hearing Officer in ensuring he/she will have the information needed to properly conduct the Public Hearing and prepare a written report to the Village Board per **Section 40-9-4**.

(B) **Application Required.**

- (1) **Filing.** The amendment of an area plan or the designation of a portion of the Village as a planned development must be initiated by an

application with the proposed area plan, accompanied by the required fee and filed with the building and zoning administrator. The owner or owners of record or the contract purchasers must verify the application. The application must be filed at least **thirty (30) days** prior to the Zoning Board of Appeals meeting at which it is to be first considered.

(C) **Contents of Application.** The application must include the following information. The Village may require that this information be included on or filed with designated forms:

- (1) The name of the proposed PDP development.
- (2) Names, addresses and phone numbers of the owner(s) of record, and engineer, surveyor or designer responsible for the planning, engineering, survey and design.
- (3) Acreage in the entire planned development.
- (4) Legal description of the entire planned development.
- (5) **Five (5) copies** of proposed deed restrictions, protective covenants, and homeowners' association articles of incorporation and bylaws.
- (6) Signature(s) of applicant(s) and owner(s) certifying the accuracy of the requested information.
- (7) Payment of the required application fee.
- (8) A recent certificate of title to the property showing ownership.
- (9) A list containing the names and addresses of all owners of property located within **two hundred fifty (250) feet**, not including width(s) of public right-of-way, of the property to be designated a planned development.
- (10) Any additional information deemed necessary by the building and zoning administrator.

(C) **Area Plans. Sixteen (16) copies** of the proposed area plan must accompany the application. The scale for all plans shall be no smaller than **one inch equals fifty feet (1" = 50')**, and the plans shall include the following:

- (1) The name of the proposed PDP development.
- (2) A scale, north arrow and the date drawn.
- (3) The proposed use and development of the planned development.
- (4) The boundaries, dimensions and area of the planned development.
- (5) The location of the planned development in relation to the surrounding uses, buildings and zoning.
- (6) The location of the planned development in relation to major thoroughfares, and any roadways or drives connecting the planned development to those major thoroughfares.
- (7) The names of adjacent subdivisions, layout of streets (with names and right-of-way widths), connections with adjoining platted streets, location and widths and of adjoining alleys, easements and public sidewalks, and location and dimensions of all existing sanitary sewer, storm sewer, and supply facilities within **two hundred fifty (250) feet** of the planned development.
- (8) The existing conditions in the planned development area showing all easements, streets, drives or alleys, bridges, and existing structures.
- (9) The existing topography (at least 5 foot contour intervals). All topographic data shall directly relate to USGS data.
- (10) The boundary lines of school districts, fire districts, and municipal limits must be identified on the plan where applicable.
- (11) The general plan layout of the entire planned development showing proposed land uses, streets, parking areas, open space areas, sidewalks and highways or other major improvements planned by public authorities for future construction, with significant dimensions indicated where appropriate to clarify the plan.

- (12) All planned use areas must be clearly labeled as to the proposed use, and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the planned development shall be indicated on the plan dedication or reservation.
- (13) The proposed stages of development.
- (14) Subsurface conditions on the tract, if required by the director of public works, including the location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of **five (5) feet**; location and results of soil percolation tests if individual sewage disposal systems are proposed.
- (15) Site plan data must be indicated on the area plan and must include the items below:
 - (a) The total gross area of the planned development area plan in acres.
 - (b) The breakdown of total gross area by land use type, such as townhouses, single-family, retail shops, open space, church, school, etc.
 - (c) Residential data:
 - (i) The estimated total residential units.
 - (ii) The average square feet of residential land per each type of residential unit.
 - (iii) The breakdown of nonresidential land by type of use.
 - (iv) The total parking by land use type and parking ratio per dwelling unit.
 - (d) Commercial and industrial data:
 - (i) The estimated total building square footage by land use type.
 - (ii) The percentage of building coverage by land use type for business and industrial planned districts.
 - (iii) The total parking by land use type and parking ratio per floor area.
- (16) Any additional information deemed necessary by the building and zoning administrator to adequately illustrate the planned development.

(Ord. No. 2017-11; 12-12-17)

40-9-4 REVIEW OF APPLICATION AND AREA PLAN.

(A) The proposed plan shall be referred to the Zoning Hearing Officer for study, a public hearing thereon and recommendation and report to the Village Board of Trustees.

(B) The Zoning Hearing Officer shall not act on any proposed plan before holding a public meeting with **fifteen (15) days'** written notice thereof shall be given to all property owners within **two hundred fifty (250) feet** (not including the width(s) of public right-of-way) of the boundary of the premises under consideration, and at least **fifteen (15) days'** written notice thereof shall be given in a newspaper of general circulation in the Village.

(C) After holding a public hearing on any proposed plan, the Zoning Hearing Officer shall submit his/her report of such action to the Village Board of Trustees for the Board's consideration and action within **thirty (30) days** of the public hearing. Said report shall include all documents comprising the proposed plan referred to the Zoning Hearing Officer, the recommendation of the Zoning Hearing Officer with respect to such proposed plan, and the reasons for approval or disapproval of such proposed plan. The Zoning Hearing Officer's report shall address his/her recommendation shall be based upon whether the plan is consistent with good general planning practice, consistent with good site planning, can be constructed and operated in a manner that is not detrimental to the permitted uses in the district, would be visually compatible with the uses in the surrounding area, and is deemed desirable

to promote the general welfare of the Village. The Zoning Hearing Officer must also consider architectural, landscape, traffic impacts and other relationships which may exist between the proposed PDP development and the character of the surrounding neighborhood and must prescribe or require such physical treatment or other limitations as will, in its opinion, enhance the neighborhood character. The Zoning Hearing Officer may also consider other relevant criteria or issues not listed here that, in his/her opinion, may impact the PDP development and surrounding properties.

(D) If no report is transmitted by the Zoning Hearing Officer within **thirty (30) days** from the date that the application is first reviewed by the Zoning Hearing Officer at a regular meeting, the Village Board of Trustees may take action on such proposed plan even though the Zoning Hearing Officer has not submitted its report to the board. If the Zoning Hearing Officer fails to hold the public hearing required by subsection B of this Section, the Village Board of Trustees may assume that responsibility and hold such a hearing after providing the requisite notice.

(E) Upon receipt of the Zoning Hearing Officer's report, the Village Board of Trustees shall, at its next regularly scheduled meeting, either approve the application by adopting an ordinance amending the zoning district map and authorizing the PDP development in accordance with the area plan, or deny the application. If the application is approved, the matter shall be returned to the Zoning Hearing Officer for consideration of a final development plan.

(F) Minor technical and mechanical changes to the area plan may be approved by the Village Engineer without review by the Zoning Hearing Officer or the Village Board of Trustees so long as the changes do not materially affect the PDP development as approved by the Village Board of Trustees. Within **seven (7) days** of such approval, the Village Engineer will advise the chairman of the Zoning Hearing Officer of any such change. By way of example, minor technical and mechanical changes may include changes in locations of greenspace or amounts of greenspace of **five percent (5%)** or less, changes in residential density or lot coverage of **five percent (5%)** or less, parking amount and exterior lighting plan changes, street layout or engineering revisions which do not impact the character of the PDP, and changes of less than **five percent (5%)** in approved exterior building materials.

(Ord. No. 2017-11; 12-12-17)

40-9-5 FINAL DEVELOPMENT PLAN AND SECTION PLANS. As it serves as the preliminary plat for the subject property, requirements for final development plans and section plans shall be as follows:

(A) Final development plans must include, in addition to specific information required by the ordinance authorizing the PDP development, the following general information:

- (1) Requirements of the Preliminary Plat per **Section 34-4-16**.
- (2) An outboundary plat and legal description of the property.
- (3) The location of all roadways adjacent to the property and general location, size, and pavement widths of all interior roadways.
- (4) The general design of the PDP development including unit types (i.e., single-family detached, single-family attached, apartment), number of each unit type proposed, location of units, minimum and maximum size of single-family lots, approximate size of multiple-family structures, and location and size of common areas and recreation facilities.
- (5) The location and size of any commercial uses, types of uses proposed and general parking layout.
- (6) Any flood plain boundaries.
- (7) The density calculations.
- (8) Tree survey.
- (9) Concept landscape plan.

(B) The Zoning Hearing Officer must determine if the final development plan complies with the conditions of the ordinance authorizing the PDP development. The Zoning Hearing Officer's recommendation of the final development plan shall also be based upon whether the plan is consistent with good general planning practice, consistent with good site planning, can be constructed and operated in a manner that is not detrimental to the permitted uses in the district, would be visually

compatible with the uses in the surrounding area, and is deemed desirable to promote the general welfare of the Village. The Zoning Hearing Officer must also consider architectural, landscape, and other relationships which may exist between the proposed PDP development and the character of the surrounding neighborhood and must prescribe or require such physical treatment or other limitations as will, in its opinion, enhance the neighborhood character. The Zoning Hearing Officer may also consider other relevant criteria or issues not listed that, in his/her opinion, may impact the PDP development and surrounding properties.

(C) A section plan for each plat or phase of the area plan must be submitted to the Zoning Hearing Officer for review and approval. The section plan must contain such information as is required by the ordinance establishing the planned development, in addition to such other information required on a preliminary plat by the land subdivision regulations.

(D) The Zoning Hearing Officer shall submit its recommendation on each final development plan and section plan to the Village Board of Trustees. If the Zoning Hearing Officer does not approve or disapprove a final development plan or a section plan within **thirty-five (35) days** from the date that the plan is first reviewed by the Zoning Hearing Officer at a regular meeting, the Village Board of Trustees may approve or disapprove such plan even though the Zoning Hearing Officer has taken no action.

(E) The Village Clerk shall retain all plans on file. An approved final development plan will constitute an approved preliminary plat for purposes of the land subdivision regulations. No building permits or authorization for improvement or development for any use authorized under provisions of the ordinance governing the tract shall be issued prior to approval of such plans.

(F) Where elements within the designated planned development boundary are necessary to the support of a given section, but not included within the section boundary, these elements shall be included on a site plan accompanying, or a part of, the section plan.

(G) If a final development plan includes all the information required for section plans, the section plan requirements may be waived.

(Ord. No. 2017-11; 12-12-17)

40-9-6 SITE DESIGN REQUIREMENTS.

(A) All paved and landscaped areas shall, at all times, be kept in good repair and in excellent condition, in accordance with this Chapter and other ordinances. The continuous maintenance of said areas is to be the responsibility of the owners and lessees of the property.

(B) All landscaping plant materials shall be kept alive and in excellent condition.

(C) All lighting shall be served with underground cable. All parking areas and walkways shall be illuminated so as to produce a uniform illumination within said areas. All exterior lighting shall be shielded and/or otherwise designed to direct light downward and within the confines of the site area so as to prevent or minimize glare or spillover to other areas. To prevent off-site light spillover, a photometric exterior lighting plan shall be provided by the developer showing **zero (0) foot candles** at the property line and shall be subsequently adhered to by the owner/developer of the PDP site and subsequent owners. **(Ord. No. 2017-11; 12-12-17)**

(D) **Access Requirements.** All developed parcels, except those developed for single-family, shall be provided interior drives with a minimum width of pavement of **twenty-four (24) feet**. Driveway openings shall be limited to not more than **thirty-six (36) feet** in width and shall be limited to **one (1) drive** per **one hundred (100) feet** of lot width. All roads and drives shall be paved with concrete or asphalt concrete material as specified by the Village Engineer. Concrete curbs shall be provided along all drives that do not abut parking spaces. All parking areas shall be edged with concrete curbs. Surface or underground storm drainage facilities shall be provided for all roads, drives, and parking areas as approved by the Village Engineer. All storm drainage will be directed into established surface or underground storm drainage facilities.

(E) **Underground Utilities.** Telephone, electric power, cable television, and all other utilities, except surface storm water facilities, shall be located underground. Except, however, that the following shall be excluded from this requirement:

- (1) Poles used exclusively for street lighting.

- (2) Antennas, associated equipment, and supporting structures used by a utility for furnishing communication services.
- (3) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts.
- (4) Temporary poles, overhead wires and associated overhead structures used for a period not to exceed **six (6) months**, which are necessary to provide utility service until the permanent service is completed.
- (5) Poles, wires, and controller cabinets necessary for the operation to traffic signals.
- (6) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of **thirty-four thousand five hundred (34,500) volts**.

(F) **Ownership and Size.** The site of the planned development must be under single ownership and/or unified control and meet the size requirement specified in **Section 40-9-2(A)** of this Article.

(G) **Setback Requirements.** Building setback requirements within a planned development may deviate from the minimums required in the underlying zoning district.

(H) **Floor Area Ratios.** Floor area ratios shall be observed as maximum density controls for the following uses:

- | | | |
|-----|----------------------------------|-----|
| (1) | Single-family attached dwellings | 0.4 |
| (2) | Duplexes | 0.4 |
| (3) | Multiple-family buildings | 0.6 |

40-9-7 CRITERIA FOR REVIEWING APPLICATIONS. In considering whether or not such application for a planned development should be granted, it shall be the duty of the Zoning Hearing Officer and the Village Board of Trustees to give consideration to the effect of the requested use on the health, safety, morals and general welfare of the residents of the area in the vicinity of the property in question and the residents of the Village generally. In considering the planned use or uses, the Zoning Hearing Officer and the Village Board of Trustees should consider the following:

- (A) The appropriateness of the proposed use or uses for the site in terms of land patterns in the entire Village and the community's comprehensive plan.
- (B) The compatibility with surrounding uses and the surrounding neighborhood.
- (C) The comparative size, floor area, mass, and general appearance of the proposed structures in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.
- (D) The amount of traffic generated by the proposed use or uses and the relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood in terms of the street's capacity to absorb the additional traffic and any significant increase in hourly or daily traffic levels.

40-9-8 PERFORMANCE AND MAINTENANCE GUARANTEES.

(A) All public facilities and improvements made necessary as a result of the planned development shall be either constructed in advance of the approval of the final plat, or, at the discretion of the Village, escrow deposits, irrevocable letters of credit in a form approved by the Village Attorney or performance bonds shall be delivered to guarantee construction of the required improvements. Any such guarantee shall be **one hundred percent (100%)** of the estimate approved by the Village Engineer of the cost to construct said improvements. **(Ord. No. 2017-11; 12-12-17)**

(B) In addition to the deposit provided for in subsection A of this Section, a deposit shall be made to the Village in cash, irrevocable letters of credit (in a form approved by the Village Attorney), or maintenance bond equal to **fifteen percent (15%)** of the estimated cost of public facility installations. This deposit shall be a guarantee of satisfactory performance of the facilities constructed

within the planned development and shall be held by the Village for a period of **eighteen (18) months** after acceptance of such facilities by the Village. After **eighteen (18) months**, the deposit shall be refunded if no defects have developed. If any defects have developed, then the balance of such deposit shall be refunded after reimbursements for amounts expended in correcting defective facilities. The refund of the deposit under this subsection B shall be made immediately upon completion and approval of the construction of said public facilities, and the performance guarantee for the public facilities shall thereupon be released.

ARTICLE X - PARKING

40-10-1

OFF-STREET PARKING AND LOADING.

(A)

Purpose and Intent.

- (1) The purpose of this Section is to ensure that an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces are provided for all zoning districts. Parking facilities shall be landscaped and screened to the extent necessary to eliminate unsightliness and monotony of large concentrations of parked cars. Any above ground loading facility shall be screened from public view to the extent necessary to eliminate unsightliness.
- (2) Off-street parking spaces shall be required for all uses in all zoning districts.

(B)

General Provisions.

- (1) **Repair, Service or Sales Use of Parking Facilities Prohibited.** No required off-street parking or loading facilities shall be utilized for motor vehicle repair work, service, display or sales of any kind, except as expressly permitted elsewhere in this Chapter.
- (2) **Entries and Exits.** All entrances and exits to parking and loading areas from a public right of way shall ensure the smooth and safe circulation of vehicles to and from the public street system. Except for single-family residential dwellings and duplexes, all parking access shall be designed to prevent the need to back directly onto a public road or right of way.
- (3) **Location of Parking and Loading Spaces.** All required off-street parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant: all parking spaces shall be entirely within lot line and not in a public right-of-way. Off-site accessory parking areas may be considered upon written request to the Village Board, if adequate on-site parking cannot be accommodated. **(Ord. No. 2017-11; 12-12-17)**
- (4) **Joint Parking Facilities.** Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided and used collectively or jointly in any zoning district, provided adequate parking area is provided for all uses/buildings.

(C)

Design and Maintenance Standards.

- (1) **Size of Parking Space.** Each off-street parking space shall not be less than **ten (10) feet** wide, **twenty (20) feet** long.
- (2) **Parking Surface And Drainage.** All open off-street parking areas, except those accessory to one- or two-family dwellings, shall be improved with a compacted select rock base, surfaced with an all-weather, dustless material suitably designed for the intended use, to a standard approved by the Village. Parking and loading facilities shall be provided with adequate storm water drainage facilities to prevent damage or inconvenience to abutting property and/or public streets and alleys.
- (3) **Lighting.** Any off-street parking or loading area used between **six o'clock (6:00) P.M.** and **six o'clock (6:00) A.M.** shall contain a system of lighting to provide illumination over the area of the parking area to be used. All lighting shall be arranged to deflect, shade and downwardly focus lights away from adjacent properties, and shall be designed so as not to create a nuisance at any property boundary abutting a residential zoning district. A photometric exterior lighting plan

shall be provided to the Zoning Administrator prior to the issuance of the off-street parking permit that shows **zero (0) foot candles** at the property line and said lighting plan shall be subsequently adhered to by the property owner and/or lease with regard to this standard. **(Ord. No. 2017-11; 12-12-17)**

- (4) **Screening and Landscaping.** All parking and loading areas shall be landscaped and provide screening.
- (5) **Signs.** Parking direction and regulation signs may be provided in accordance with **Article XII** of this Chapter showing the ownership of any parking facility and the permitted use thereof. If the lot is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon the parking regulation sign.
- (6) **Maintenance.** Any person operating a parking facility shall keep it free, as may be practical, of dust and loose particles and shall promptly remove the snow and ice from the surface of the parking facility. Such person shall also keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep the sidewalks in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise any walls, landscaping, including trees and shrubbery, as well as surfacing and curbing of the parking facility, shall be maintained in good condition throughout its use for parking purposes, and the Village Board of Trustees shall have the authority to prohibit the use of the area for parking purposes, after **fifteen (15) days'** written notice, unless and until proper maintenance, repair or rehabilitation is completed, including the replacement of any landscaping material which may die from time to time, or the failure of the landscape irrigation or surface drainage system within the parking area.
- (7) **Paving of Residential Parking Spaces.** The required off-street parking spaces for any residential use shall be paved with concrete, asphaltic concrete or brick. Any parking space constructed or designated after the effective date of this Chapter, and the driveways between such spaces and the right of way line of the street, shall be similarly paved.

(D)

Additional Parking Requirements.

- (1) **Minimum Off-Street Parking Space For:**
(sf = square feet; gfa = gross floor area)
 - (a) One family dwelling: **one (1)** per unit
 - (b) Churches and Auditoriums: **one (1)** per **four (4) seats** in residential districts, **one (1)** per **six (6) seats** in commercial districts
 - (c) Libraries and museums: **one (1)** per **five hundred (500) sf gfa**
 - (d) Municipal buildings: **one (1)** per **three hundred (300) sf gfa**
 - (e) Elementary and Junior high schools: **one (1)** per **five hundred (500) sf gfa**
 - (f) Senior high schools: **one (2)** per **two hundred (200) sf gfa** of classroom area
 - (g) Two family dwellings: **one (1) space** per bedroom
 - (h) Multi-family dwellings: **one (1) space** per bedroom
 - (i) All Permitted Retail and Commercial Service Uses not denoted below: **one (1) space** per **three hundred (300) sf gfa** of the first floor, plus **one (1) space** for each **five hundred (500) sf**

- gfa** above the first floor or **one (1) space** per **three (3) employees**, whichever is greater
- (j) Office generally, except medical and dental: **one (1) space** per **two hundred (200) sf gfa**
 - (k) Medical and dental offices: **one (1) space** per **two hundred (200) sf gfa** or **three (3) spaces** per unit (exam room/table/chair), whichever is greater
 - (l) Banks and savings and loans: **one (1) space** per **three hundred (300) sf gfa**
 - (m) Eating and drinking establishments: **one (1) space** per **one hundred fifty (150) sf gfa**
 - (n) Furniture and appliance stores: **one (1) space** per **six hundred (600) sf gfa**
 - (o) Shopping Centers with multiple leasable tenant spaces wherein individual tenant uses need not be calculated separately: **six (6) spaces** per **one thousand (1,000) sf gfa** (multiple buildings within the same shopping center may be reviewed separately regarding parking regulations)
 - (p) For any use that is not listed, the Zoning Administrator shall make the determination of on-site parking needs using resources such as the latest edition of the ITE Parking Generation manual

(Ord. No. 2017-11; 12-12-17)

- (2) **Computing Number of Required Off-street Parking Spaces.** In computing the number of required off-street parking spaces, the following rules shall apply:
 - (a) "Floor area" shall mean the gross leasable area of the entire building of the specific use, excluding any floor or portion thereof used for parking.
 - (b) Where fractional spaces result, the parking spaces required shall be the next greater whole number.
 - (c) All required parking shall be available at all times for the use for which the parking is required except as specifically provided by this Article.
 - (d) In the case of bench seating, such as pews in a place of worship, **twenty-four (24) lineal inches** of bench seating shall equate to **one (1) seat**.
 - (e) For residential uses, off-street parking requirements can be met through the use of a garage and /or paved parking spaces located outside of any right of way.
- (3) **Parking Garages.**
 - (a) Required off street-parking spaces may be provided within parking garages; provided that all other provisions of this Article are met.
 - (b) Every part of a parking garage situated above ground level shall comply with the building setback requirements of the specific zoning district in which it is located. Those portions of a parking garage located below ground level may encroach into this setback: provided that no part of the parking garage extends into a public right of way or crosses any other property line.
 - (c) Within parking garages, parking space width shall be measured from the base of structural columns rather than from the center of such columns.

- (4) **Parking for Handicapped Persons.**
- (a) All applicants for site plan approval for a new or changed development should be aware of the requirements of the Americans with Disabilities Act (ADA) of 1990 including provisions of the act which were effective as of **January 26, 1992** and the Illinois Accessibility Code. **(Ord. No. 2017-11; 12-12-17)**
 - (b) Each accessible off-street parking space shall be **sixteen (16) feet** wide, including either an **eight (8) foot** or **five (5) foot** wide diagonally striped access aisle. The access aisle shall be located on either side of the vehicle space except for angled parking spaces, which shall have the access aisle located on the passenger side of the vehicle space. High-quality yellow paint, manufactured especially for pavement striping, must be used. Adjacent accessible parking spaces cannot share a common access aisle.
 - (c) Accessible parking must be placed on level pavement on the shortest accessible route to an accessible entrance. The accessible route, which may include a curb ramp or curb cut, must be installed as close as possible to the accessible entrance it serves. Additionally, a curb ramp must never be built so that it protrudes into or interferes with the diagonally striped access aisle of an accessible space.
 - (d) **Signs.** A U.S. Department of Transportation R7-8 (Reserved Parking) and R7-I101 (\$250 Fine) sign must be permanently mounted in the center of the **sixteen (16) foot** wide accessible parking space. The signs must be placed no more than **five (5) feet** from the front of the parking space. At a minimum, the bottom of the R7-8 sign must be **five (5) feet** from the pavement.

(Ord. No. 2017-11; 12-12-17)

- (E) **Increase or Decrease in Parking Needs.** When any building, structure or site undergoes a change that may cause an increase or decrease the requirement for total off-street parking and/or loading spaces, such off-street parking and/or loading facilities shall be added (increase) or used otherwise (decrease).

ARTICLE XI - SUPPLEMENTARY REGULATIONS

40-11-1 **SCOPE.** This Article provides supplementary regulations to be used in administering and interpreting the intent of this Chapter.

40-11-2 **GENERAL PERFORMANCE STANDARDS.**

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

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

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

40-11-3 **ACCESSORY USES AND STRUCTURES.**

(A) **Authorization.** Accessory uses are permitted in all zoning districts as provided herein.

(B) **Use Limitations.**

- (1) No accessory structure shall be built prior to the construction of the principal use.
- (2) No accessory structure shall be occupied or utilized unless the principal structure to which it is an accessory is occupied or utilized.
- (3) All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.
- (4) No accessory structure shall be used as a dwelling.
- (5) All accessory uses and structures shall comply with the following height regulations, except as provided in **Section 40-11-28** of the Article:
 - (a) No accessory building shall exceed **fifteen (15) feet** in height in any residential (SR or MR) district and shall not exceed the height of the principal building.
 - (b) No accessory building shall exceed **twenty-five (25) feet** in height in any commercial (GC, HC) or industrial (LI) district and shall not exceed the height of the principal building.

(C) **Location.**

- (1) If an accessory type building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Chapter applicable to a principal building.
- (2) If an accessory building is detached from the principal building, it shall be located at least **ten (10) feet** from the principal building in residential zoning districts and at least **twelve (12) feet** from the principal building in non-residential zoning districts.
[Above text creates consistency with bulk regulations found in this Code.]
- (3) No accessory structure or use shall be located in any required corner visibility triangle as established in **Section 40-11-20** of this Article.
(Ord. No. 2017-11; 12-12-17)

40-11-4 **CHURCHES AND PLACES OF FORMAL WORSHIP.** In any district where churches are permitted, the following additional requirements shall be met:

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

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

40-11-5 COMMUNICATION TOWERS. Regulations for Communications Towers:

(A) The height of the tower shall not exceed **one hundred (100) feet**.

(B) The tower shall be set back from property lines a minimum of **one (1) foot** for every foot of tower height.

(C) Owners and operators of every communication tower approved after the effective date of this Chapter shall provide for the collocation of other communications providers on their tower for reasonable compensation.

(D) Prior to approval of a communication tower by the Village Board of Trustees, the applicant shall document this effort to locate his antenna on an existing tower is not feasible.

(E) Additional reasonable requirements designed to protect the safety and general welfare of adjoining landowners and other residents of the Village.

40-11-6 CONTIGUOUS PARCELS. When **two (2)** or more parcels of land, each of which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous, and are held in one ownership, they shall be used as one zoning lot for such use.

40-11-7 FENCES, WALLS AND HEDGES. Fences, walls or hedges used for any purpose shall in all districts conform to the following:

(A) For the purpose of minimizing traffic hazards at street intersections by improving visibility for converging vehicles, obstructions higher than **two (2) feet** above the adjacent top of the curb elevation shall not be permitted to be planted, placed or erected on any corner lot within the triangular portion of land designated as "restricted area" in **Section 40-11-20** of this Article.

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

(C) No permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless authorized by the Village Board. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed and, in event of necessity for removal of such fence for maintenance or other purpose, removal and/or replacement of such fence or other improvement shall be the responsibility of the property owner. In the event of necessity of removal, for maintenance or other purposes, of any fence or other improvement that has been previously erected in a public street, alley, right-of-way or public easement, removal and/or replacement of such fence or other such improvement shall be the sole responsibility of the property owner. Any fence constructed in accordance with the issuance of a City fence permit or in existence prior to the adoption of the City's ordinance requiring fence permits may be repaired and/or replaced in its current location, unless it was erected improperly or interferes with the operation of any public street, alley, right-of-way or public easement.

(D) Fences, walls and hedges in any district may be located on lot lines.

(E) All proposed fence installations require an approval by the director of public works or his designate. Application is to be made at Village Hall.

(Ord. No. 2017-11; 12-12-17)

40-11-8 HEIGHT EXCEPTIONS AND LIMITATIONS.

(A) **Exemptions From Height Limits.** The building height limitations stipulated in the applicable districts shall not apply to the following; provided, that no such structure exceeds the height limits for airport approach areas as established in this Chapter:

- (1) Air-conditioning units.
- (2) Antennas.
- (3) Chimneys.
- (4) Church Steeples.
- (5) Communication towers.
- (6) Flagpoles.
- (7) Parapet walls.

(B) **Encroachment Into Airport Approach Plan.** No structure shall be erected to a height that would encroach into or through any established public or private airport approach plan prepared in accordance with the criteria established by the federal aviation administration.

40-11-9 HOME OCCUPATIONS.

(A) **Applicability of Provisions.** In residential zoning districts, home occupations shall be limited to those uses listed as permitted home occupations, or restricted home occupations which receive approval as a conditional home occupation.

(B) **Permitted Home Occupations.** Home occupations are permitted in any dwelling unit subject to the following provisions. Authorized home occupations are subject to the requirements of this Article, the respective zoning district regulations and the following:

- (1) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants there and no others.
- (2) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.
- (3) The total area used for such purposes shall not exceed the equivalent of **one-half (1/2)** the floor area, in square feet, of the first floor of the user's dwelling unit, if any; otherwise, the main floor of such dwelling unit.
- (4) There shall be no advertising, display or other indications of home occupation on the premises, except the customary sign or nameplate for identification purposes only **two (2) sq. ft.** maximum sign surface area and affixed to the building).
- (5) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, except that of incidental retail sales made in connection with permitted home occupations. Sale of merchandise through internet or mail order catalog are permitted provided that the general public are not physically visiting the residence.
- (6) There shall be no exterior storage on the premises of material used in the home occupation, nor of any highly explosive or combustible material.
- (7) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (8) The home occupation shall not generate more than **six (6)** business related visitation per day which shall constitute **six (6)** arrivals and **six (6)** departures by vehicles. This shall include customers picking up or dropping off merchandise, delivery or pick-up of merchandise by delivery vehicles, or employees associated with the home occupation.
- (9) The home occupation shall be conducted only by family members residing on the premises with assistance from no more than **one (1)** non-family member not residing on the premises. Regardless of the

number of home occupations on site, there shall be no more than **one (1)** non-resident employed on the premises.

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

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

- (1) Professional office except clinic, hospital, mortuary, funeral home, nursing home, restaurant, veterinarian office, animal hospital, or similar uses.
- (2) Art studio.
- (3) Dressmaking or millinery.
- (4) Teaching, with musical instruction limited to two pupils at a time.
- (5) Data entry or similar computer work.
- (6) Childcare for not more than 3 children not related to the occupant of the home.
- (7) Home crafts, such as model making, rug weaving, lapidary work, and ceramics.
- (8) Office facility of a salesman, sales representative, or manufacturer's representative, provided no retail or wholesale transactions are made on the premises.
- (9) Telephone sales and similar telephone-related uses.
- (10) Other uses, as determined by the Zoning Administrator so long as the requirements of **Section 40-11-9(B)** are strictly adhered to.

(D) **Restricted Home Occupations.** A restricted home occupation is one which, as a result of visible exterior indication of business related activities occurring on the premises, requires a special use permit, and including the following:

- (1) Bed and breakfast inn establishments.
- (2) Beauty and barber shops.
- (3) Commercial baking operations with net sales of up to **One Thousand Dollars (\$1,000.00)** per month, so long as the sale and transfer of baked goods to customers is not occurring at the place of business.
- (4) Other uses, as determined by the Zoning Administrator.

(E) **Prohibited Home Occupations.** The following are prohibited home occupations in residential districts:

- (1) Dog grooming and kennels.
- (2) Retail or wholesale shops.
- (3) Small engine shops.
- (4) Automobile repair.
- (5) Taxi or limousine services.
- (6) Delivery service.
- (7) Clinics, doctor, dentist offices.
- (8) Restaurants.
- (9) Animal hospitals.
- (10) Tea rooms.
- (11) Other uses, as determined by the Zoning Administrator.

(Ord. No. 2017-11; 12-12-17)

40-11-10 **MANUFACTURED (MOBILE) HOMES.** The following are additional requirements for manufacture/modular homes:

- (A) **Foundation.** Reinforced footing and foundation wall shall meet the current adopted Building Code of the Village of Hamel.
- (B) **Building Structures.** Floor, wall and roof structure shall meet the current adopted Building Code of the Village of Hamel.
- (C) **Plumbing.** Plumbing shall meet the current Plumbing Code of the State of Illinois.
- (D) **Mechanical.** Mechanical shall meet the current Mechanical Code adopted by the Village of Hamel.
- (E) **Electrical.** Electrical shall meet the current National Electrical Code.
- (F) Manufactured/Modular homes must be on the State of Illinois list of accepted homes by the Illinois Department of Public Health. These homes are inspected in the plant by the Illinois Department of Public Health before they leave the plant.
- (G) Manufactured/Modular Homes are only allowed by Special Use Permit in a Manufactured/Modular Home Park.

40-11-11 **NONCONFORMITIES.**

- (A) **Purpose and Intent.** It is the purpose and intent of this Section to permit the continuation of those lots, structures, uses and characteristics of use or combinations thereof which were lawful before the passage of this Chapter, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendments. It is the further purpose and intent of the section to allow nonconforming lots, structures, uses, and characteristics of uses and combinations thereof to continue subject to specific conditions or limitations.
- (B) **Continuation of Nonconformities.** Nonconformities may be continued so long as they remain otherwise lawful, subject to the remaining provisions of the section.
- (C) **Expansion or Change of Nonconformities.**
 - (1) No nonconformity shall be enlarged or changed to a different nonconformity, except upon a determination by the zoning and building official that the change results in a lessening of the degree of nonconformity.
 - (2) Additions to nonconforming structures containing conforming uses shall be permitted if the additions comply with setback and other applicable site-related regulations.
 - (3) No non-conforming use shall be reinstated, changed, or extended without a certificate of occupancy having first been issued by the zoning and building official.
- (D) **Repair Or Alteration Of Nonconformities.** Repairs, maintenance and improvements of nonconformities may be carried out; provided, that such work does not increase the cubic content of the building or the floor or ground area devoted to the nonconforming use or in any way increase or create a site-related nonconformity. The preceding requirement does not prevent compliance with applicable laws or requirements relative to the safety and sanitation of a building occupied by a nonconforming use.
- (E) **Cessation of Nonconformities.** Any nonconforming use of land, structure, or an establishment having a site-related nonconformity which ceases operation for a continuous period of **ninety (90) days** or more, or if a nonconforming structure is removed for a continuous period of **ninety (90) days** or more, all nonconformities shall be considered terminated and shall not thereafter be reestablished.

40-11-12 **PARKING COMMERCIAL VEHICLES IN RESIDENTIAL AREAS.** No commercial vehicle which is used for hauling explosives, gasoline, liquefied petroleum products, or any other "hazardous material" (as defined in **Article II** of this Chapter) shall be permitted to be parked in a

residential area except for short periods of time (less than **one (1) hour**). No commercial vehicles shall be parked on any residentially used lot, in the street abutting such lot, or on residentially zoned land, except:

(A) Commercial vehicles not exceeding **three-quarter (3/4) ton** rated capacity used by the resident of the premises, limited to one per premises and parked off-street in a garage, carport or driveway.

(B) Commercial vehicles temporarily parked on a lot for the purpose of providing construction, transportation or other services specifically for the location where such vehicles are parked.

40-11-13 PARKING OR STORAGE OF VEHICLES. Junk Vehicles: No junk vehicle shall be parked, and no motor vehicle frame, vehicle body, or vehicle body part shall be stored on residentially zoned property except when parked or stored in a completely enclosed garage or building.

40-11-14 RESERVED.

40-11-15 PLANNED MOBILE HOME PARKS.

(A) The Zoning Hearing Officer may recommend a planned mobile home park in any MR-2 Zoning District under a special permit as outlined in **Article XIII** of this Chapter. The planned manufactured home park is subject to the requirements of the manufactured park listed below and to the requirements of the district where the manufactured home park situated. The planned manufactured home park may also be subject to any additional regulations the Board deems necessary to insure compatibility of the park with the character of locality. In any district where manufactured home parks are permitted, the establishment of such accommodations shall be subject to the following requirements:

- (1) Minimum lot size and minimum yard dimensions. The following regulations relative to the minimum lot size and minimum yard dimensions shall apply to the entire tract of land on which the manufactured home park is situated:
 - (a) A manufactured home park shall be located on a tract of land not less than **five (5) acres** in area, with minimum width and depth dimensions of **two hundred (200) feet**.
 - (b) Any building, structure, or mobile home shall be located at least **twenty-five (25) feet** from any front or rear lot line or any side lot line adjacent to a street and at least **ten (10) feet** from any other lot line.
- (2) No building or structure within the manufactured home park will exceed the height of **thirty-five (35) feet**.
- (3) Off-street parking and access ways.
 - (a) There shall be provided, within the boundaries of the manufactured home park site, not less than **two (2)** off-street parking spaces for each manufactured home space.
 - (b) The Manufactured Home Park Site shall have direct access to a public street or highway by an access way of at least **forty (40) feet** in width.
 - (c) Each manufactured home space shall be located within **one hundred (100) feet** of driveway or access way.
 - (d) Pavement and widths in access ways are subject to the requirements of the subdivision control ordinance.
- (4) Individual manufactured home spaces. The minimum individual area, width and depth requirements for manufactured home spaces shall be as follows:

	Area	Width	Depth
Manufactured Home Space	15,000 sq. Ft.	100 Ft.	150 Ft.

Spaces shall be arranged and manufactured homes parked in such manner that there is an open space of at least **fifteen (15) feet by thirty (30) feet** at the rear of and as a part of each manufactured home space.

(5) Only residential uses and uses accessory thereto shall be permitted in a manufactured home park.

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

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

(2) An individual manufactured home may be parked on a zoning lot for a period of **two weeks** provided that:

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

(Ord. No. 2017-11; 12-12-17)

40-11-16 PLANT NURSERIES AND GREENHOUSES. In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following:

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

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

40-11-17 PUBLIC BUILDINGS. In any district where municipally owned or other publicly owned buildings are permitted the following additional requirements shall be met.

(A) In any residential or agricultural district all municipal or other publicly owned buildings shall be located at least **twenty-five (25) feet** from all property lines.

(B) In no district, except Light Industrial (LI), shall there be any permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), except in an enclosed building or a solid fence not less the **six (6) feet** in height.

40-11-18 PUBLIC UTILITY STATIONS; EXCHANGES; ESSENTIAL SERVICES.

Electrical sub-stations, gas regulator stations, or telephone exchange facilities in any residential or agricultural district shall be subject to the following regulations:

- (A) No public office, repair or storage facilities shall be maintained in connection with such sub-stations or exchanges.
- (B) The building housing any such facilities shall be designed and constructed to conform to the general character of the neighborhood.
- (C) The area on which the facility is located shall be landscaped and maintained in conformance with the general character of the surrounding area.
- (D) Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot may be as follows: lot width shall not be less than the total width of the building plus the total of the minimum required side yards: lot depth shall not be less than the depth of the building plus the minimum required front yard plus the **two (2) foot** minimum rear yard.
- (E) Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than **fifteen (15) feet** to any side or rear lot line.
- (F) If transformers are exposed, there shall be provided an enclosing fence or wall, at least **six (6) feet** in height, and adequate to shield view and noise of the same from the outside view the handling of materials on the premises.

40-11-19 REPAIR GARAGES AND GASOLINE SERVICE STATIONS. In districts where repair garages and gasoline service stations are permitted, the establishment of such uses shall be subject to the following requirements:

(A) **In Repair Garages.**

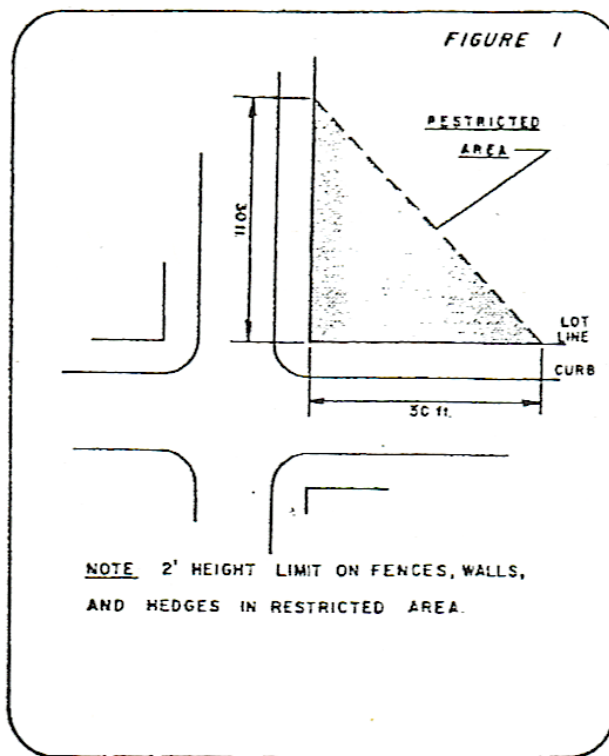
- (1) All repair work, servicing, storage of parts and equipment and the dismantling of vehicles shall be done completely within an enclosed building.
- (2) Vehicles in non-running condition may stored outside the building, but must be in an area enclosed by a solid fence **six (6) feet** in height for a period no longer than **sixty (60) days**. This area is in addition to the required parking for the business and shall not take up or be part of the required parking.

(B) **In Gasoline Service Stations.**

- (1) All gasoline pumps, lubrication or similar devises and other service facilities shall be located at least **twenty (20) feet** from any street right-of-way line.
- (2) All fuel and oil storage, pumps and other such fuel or lubricant dispensing devices shall be located at least **twenty (20) feet** from any side or rear lot line.
- (3) No access drive shall be within **two hundred (200) feet** of a fire station, school, public library, church, park, playground, or other public assembly place.
- (4) No accessory drive shall be within **twenty (20) feet** of any corner formed by the intersection of the rights-of-way of **two (2) streets**. On a corner where a traffic signal or stop sign exists, such entrance or exit shall be located at such distance and such manner so as not to cause or increase traffic hazard or undue congestion.
- (5) All state and federal regulations shall take precedence if more stringent than Village regulations.
- (6) A permanent curb of at least **four (4) inches** in height, shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length or the pump island.

- (7) All devices for dispensing or selling of milk, ice, cold drinks, and the like shall be located within, or immediately adjacent to the principal building.
- (C) Additional criteria may be required by the Village Board of Trustees to protect the public health, safety and welfare.

40-11-20 REQUIRED CORNER VISIBILITY. On every corner lot, the triangle formed by the street lines of such lot and a line drawn between points on such street lines which are **thirty (30) feet** from the intersection thereof shall be clear of any structure or planting of such nature and dimension as to obstruct lateral vision; provided, that this requirement shall generally not apply to the trunk of a tree (but not branches or foliage) or a post, column or similar structure which is no greater than **one (1) foot** in cross section or diameter. Lateral vision shall be maintained between a height of **thirty (30) inches** and **ten (10) feet** above the average elevation of the existing surface of both streets measured along the center lines adjacent to the visibility triangle. **(See Figure 1)**



CORNERS

- 40-11-21 RESIDENTIAL GROUP HOMES.**
- (A) The exterior of the structure shall maintain the appearance of a single-family dwelling.
 - (B) No proposed residential group home shall be located within **six hundred (600) feet** of an existing residential group home.
 - (C) There shall be **one (1) bedroom** for each resident of the residential group home.
 - (D) There shall be a statement of use or purpose of the residential group home.
 - (E) Other additional reasonable requirements designed to protect the safety and general welfare of adjoining landowners and other residents of the Village may be required.

40-11-22 SWIMMING POOLS.

(A) **Location.** No swimming pool, whether public or private, shall be located in a front or side yard or closer than **fifteen (15) feet** to any side or rear lot line.

(B) **Fences And Gates.** Every swimming pool, including above ground pools that are more than **two (2) feet** deep, shall be enclosed by a wall or fence at least **four (4) feet** in height. The passage through such wall or fence shall be equipped with a self-closing gate.

(C) **Easements.** No portion of the pool, pool deck or equipment associated with the pool shall be placed in any easement. By way of example, this restriction includes raised decks, pervious or impervious brick pavers, waterfalls, water features, water slides, diving boards, staircases, pumps, electrical outlets and conduits, and pool lighting.

(D) All proposed pool installations require notification of the director of public works or his designate before work begins. Application is to be made at Village Hall.

(Ord. No. 2017-11; 12-12-17)

40-11-23 TRASH ENCLOSURES.

All refuse generated by any establishment in the General Commercial or Highway Commercial districts shall be stored in tightly covered containers and places in a screened area. Trash and/or recycling containers or dumpsters shall be located within a building or, if placed on the building exterior and greater than **two (2) cubic yards** in size, within an enclosed structure surrounded by **six (6) foot** high walls. All enclosure/screening materials shall be compatible with the principal structure or of low maintenance sight-proof materials e.g. vinyl, "composite wood", chain link with vinyl/"composite wood" slats added, to effectively screen the dumpster, brick, stone or textured and pigmented concrete blocks. An opaque gate made of low maintenance sight-proof materials e.g. vinyl, "composite wood", chain link with vinyl/"composite wood" slats shall be included, to effectively screen the dumpster, or metal must be placed on the enclosure with a mortise/tenon-style plunger to secure the gate in both the closed and open positions. Enclosures shall be of adequate size to allow for removal and replacement of refuse and/or recycling containers by a trash hauler. Such trash enclosures shall not be located in the front yard of any lot and shall be located next to a parking lot rather than within a parking lot. Dumpsters located on a corner lot shall be placed behind the building line of subject property and the immediately adjacent property. **(Ord. No. 2017-11; 12-12-17)**

40-11-24 TRAVEL TRAILERS AND RECREATIONAL VEHICLES.

The parking of not more than **one (1)** unoccupied camp trailer and/or utility trailer (not exceeding **eight (8) feet** wide and **twenty-five (25) feet** long) or recreational vehicle in the rear yard, garage or carport only is hereby permitted: provided that no living quarters or businesses shall be maintained in any such camp trailers and/or utility trailer or recreational vehicle, and provided further that the parking of camp trailer and/or utility trailer or recreational vehicle shall comply with the yard requirements for accessory buildings of the district in which it is located. The vehicle shall be parked on a paved surface.

40-11-25 USED VEHICLE SALES.

Used vehicles may be sold in the HC - Highway Commercial district by special permit based on the following criteria:

(A) Shall be located on a site of at least **one (1) acre**.

(B) All vehicles shall be in proper running order.

(C) Additional criteria necessary to protect the public health, safety and welfare may be required.

40-11-26 USES PERMITTED.

When a use or accessory use is not specifically listed in the sections devoted to "Permitted Uses", it shall be assumed that such uses are expressly prohibited unless by written order of the Village Board of Trustees it is determined that said use is similar to and is compatible with the uses listed and is expressly included as a permitted use in a zoning district. However, no such order may be made by the Village Board of Trustees without first having a public

hearing, in such the manner prescribed by **Article XIII** of this Chapter, before the Zoning Hearing Officer. Any such proposed variation which fails to receive the recommendation of the Zoning Hearing Officer shall not be ordered except by a favorable vote of **two-thirds (2/3)** of all the Trustees.

40-11-27 WAREHOUSING AND STORAGE FACILITIES. Mini-warehouses and self-storage facilities will be allowed in the Light Industrial District based on the following criteria:

(A) There shall be a minimum of **one (1) parking space** for each employee on duty and at least **two (2)** customer parking spaces.

(B) No gasoline, flammables, explosives or other dangerous materials may be stored, and no motor vehicles may be stored inside a storage building egress to the storage facilities.

(C) Such facility may contain a surfaced lot for the outside storage of motor vehicles, trailers, and recreational vehicle, and automobiles and light trucks of less than **ten thousand (10,000) pounds** gross weight. All such vehicles shall be registered and in operating condition, and shall be screened from the view of adjoining properties. No derelict vehicles shall be allowed. No repair, maintenance, and /or upgrading of motor vehicles, trailers, or watercraft shall be permitted on site.

(D) All storage facilities shall be separated by walls and ceilings. There shall be a minimum of **twenty-four (24) feet** of surfaced access way between buildings for purposes of ingress and egress to storage facilities.

(E) Each individual storage facility shall not exceed a width of **twelve (12) feet**, a length of **thirty (30) feet** and a height of **nine (9) feet**.

(F) The storage facilities shall be screened from streets and surrounding residential properties.

(G) Additional reasonable requirements, including but not limited to, access ways, billing locations, hours of operation, and an on-site resident manager, may be imposed for the protection of adjoining landowners.

(Ord. No. 2017-11; 12-12-17)

40-11-28 YARD ENCROACHMENTS. Every part of a required yard shall be open and unobstructed from the ground to the sky, except as herein provided or as otherwise permitted in this Chapter:

(A) Accessory buildings or sheds may be located within a required rear yard, provided a minimum of **five (5) feet** is maintained from the side or rear property line and the structure is clear of all easements.

(B) Air-conditioning equipment, sprinkler system controls and similar mechanical equipment (including utility's pad mounted equipment) may project into any required yard; provided that the equipment is mounted in a manner contiguous to the building.

(C) An unroofed porch, steps or paved terrace area may project into the front yard for a distance not to exceed **ten (10) feet** and may project into side or rear yards at any distance so long as they do not encroach into any easements. However, said unroofed areas which are subsequently roofed must adhere to the applicable setbacks of the zoning district in which the structure is located.

(D) Cornices, eaves, gutters or other similar structural overhangs at least **seven (7) feet** above grade may extend up to **eighteen (18) inches** into any required yard: provided, that no such overhang shall extend to within **four (4) feet** of any property line. Permanent structural overhangs greater than **eighteen (18) inches** shall be assessed as part of the minimum setback for the zoning district in which the structure is located after being credited for the initial **eighteen (18) inches**.

(E) Fences and walls are allowed within required yard, subject to provisions of **Section 40-11-7** of this Article.

(F) Gasoline pumps and pump islands associated with either a service station or as an accessory facility may be located within a front yard, provided they are located no closer than **fifteen (15) feet** to any public right of way.

(G) Off-street parking areas may encroach into the required front yard setbacks; provided that the encroachment does not extend into a required landscape buffer along the street

frontage. Parking areas and driveways may encroach into required side yards of multi-family residential and nonresidential districts. On single-family zoned lots, driveways must be located a minimum of **five (5) feet** from the nearest side lot line at the point of intersection with the right of way.

(H) Open or enclosed fire escapes, outside stairways, balconies, and chimneys and flues may project up to **four (4) feet** into any required yard, provided such projections shall not unduly obstruct light and ventilation.

(I) Satellite dish antennas may encroach into any side or rear yard.

(J) Sidewalks may be located within any required yard.

(K) Sills and similar ornamental features may extend **six (6) inches** into any required yard.

(L) Swimming pools may be located in a required rear yard, provided they are no closer than **fifteen (15) feet** to any side or rear property line and not within any easement. Decks or patios constructed in conjunction with any swimming pool may be located within a required rear yard; provided, that they are not located within an easement or closer than **five (5) feet** to any property line.

(See Section 40-11-22)

(M) Trellises and trelliswork, play equipment, wires, lights, outdoor furniture, mailboxes, ornamental entry columns and gates, and outdoor equipment are allowed within required yards.

(Ord. No. 2017-11; 12-12-17)

40-11-29 BED AND BREAKFAST INNS AND BOARDING HOUSES. Bed and breakfast inns and boarding house uses are a special use in all zoning districts except the MR-1 Multi-Family District, the MR-2 Multi-Family District, and the Light Industrial District (LI) where they are not allowed.

If approved, Bed and Breakfast and Boarding Houses shall be subject to the following regulations:

(A) Bed and Breakfast Inns and Boarding Houses are subordinate and incidental to the main use of the building.

(B) Rooms used for sleeping shall be part of the primary structure and shall not have been specifically constructed for rental purposes.

(C) No exterior alterations, other than those required by law to ensure safety of the structure shall be made to any building for the purpose of providing a bed and breakfast inn.

(D) A minimum of **two (2) parking spaces** for the dwelling unit and **one (1)** additional for each guest room shall be required.

(E) In residentially zoned areas, identification signs shall not exceed **sixteen (16) square feet** in area and must be affixed to the Bed and Breakfast Inn or Boarding House structure.

(Ord. No. 2017-11; 12-12-17)

40-11-30 ACCESSORY DRIVE-THROUGH AND DRIVE-IN FACILITIES.

(A) Any commercial use of **ten thousand (10,000) square feet** or less of gross floor area within the GC and HC zoning districts seeking a drive-through facility in which to serve customers in parked or waiting vehicles shall be required to obtain a Special Use per the **Division IV, Sections 40-13-35 to 40-13-39.**

(B) Drive-through facilities shall adhere to the following requirements:

At the time of the Special Use Permit application, a site plan must be provided to the Zoning Administrator. This site plan shall adhere to the following:

(1) The drive-through queue and/or order box associated with a drive-through facility shall be a minimum of **one hundred (100) feet** from the nearest lot line of any adjacent residential zoning district.

(2) Drive-throughs shall be limited to a maximum of **two (2) lanes.**

(3) Access to and from the site shall meet the appropriate minimum distance spacing between driveways and street intersections per the Subdivision Code.

- (4) Drive-through facilities are discouraged from locating adjacent to the residential zoning districts. Where this cannot be achieved, a transitional buffer yard (TBY) is required. The TBY shall be **ten percent (10%)** of the lot width and/or depth along property lines shared with residentially zoned property, up to a maximum width of **twenty-five (25) feet**. Minimum TBY width shall be **ten (10) feet**.
- (5) Drive-through lanes must demonstrate adequate stacking space. For restaurants, the recommended minimum total for vehicle stacking spaces is **eight (8)** in the drive-through aisle. Each stacking space length shall be **nineteen (19) feet**. For financial institutions and pharmacies, a minimum total of **four (4)** vehicle stacking spaces in the drive-through aisle. Applicants may provide evidence that a lesser number is reasonable at the time of site plan application to the Zoning Administrator.
- (6) The drive-through queue shall not impede passage for required drive aisles. Queue lines which encroach onto adjoining lots/uses, off-site drive aisles or into the public street right-of-way shall not be permitted.
- (7) To the extent feasible, stacking lanes shall be designed to be linear and straight, with a minimum of curves and turning movements and not wrapped around the building. Where appropriate, an escape lane shall be provided.
- (8) There shall be a minimum distance of **three (3)** car lengths between the entrance to the stacking lane and the access to the site from a street and blocking access to parking spaces and loading and service areas is to be avoided.
- (9) Lighting sources shall be directed away from adjacent residential properties. Exterior outdoor lighting shall be confined to the site, with **zero (0.0) foot candles** at the property line as shown on a photometric plan measured. Field measurements at the property line shall be taken to demonstrate no light spillover.
- (10) Stacking lanes shall not be within the front yard setback.
- (11) Clearly visible and appropriately placed directional signage at entrance and exit locations to stacking lanes shall be provided. This signage shall conform to the Sign Ordinance.
- (12) The lot will establish a defined edge to the street through the use of walls, berms and landscaping (or combination thereof) to establish clear boundaries between the public and private spaces.
- (13) Landscaping should be used to screen operational elements of the development such as stacking lanes, driveways, parking, utilities and services.

(Ord. No. 2017-11; 12-12-17)

40-11-31 PRODUCE STANDS. Produce stands may be erected and operated from **May 1st** in any year until **October 31st** in the same year. The setback requirement shall be as follows:

(A)	Maximum height	15 feet
(B)	Minimum distance to principal building	12 feet
(C)	Minimum distance to front lot line	None
(D)	Minimum distance to side lot line adjacent to street	25 feet
(E)	Minimum distance to other side lot line	25 feet
(F)	Minimum distance to rear lot line	20 feet

ARTICLE XII - SIGN REGULATIONS

DIVISION I - GENERAL PROVISIONS

40-12-1 PURPOSE AND INTENT. The purpose of these regulations is to encourage the effective use of signs as a means of communication, while maintaining and enhancing the aesthetic appearance of the Village, and facilitating pedestrian and vehicular traffic safety. Sign regulations of this Code shall not apply to governmental signs including traffic signs which are erected and intended for public information, direction, safety or control purposes, and no sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic or safety.

40-12-2 DEFINITIONS. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Banner. Any sign constructed of lightweight fabric or similar material. National flags, state, or municipal flags or the official flags of any institution or business shall not be considered *Banners*.

Billboard. An outdoor sign, advertising an article or product not manufactured, assembled, processed, repaired, or sold upon the premises upon which the sign is located or advertising a service not rendered upon the premises upon which the sign is located.

Bulletin Board. See *Reader Board*.

Directional Signs. Small post signs indicating the direction to a business (exit or entrance).

Electronic Message Board. An electronically or electrically controlled sign or portion of a larger sign whereon different messages are displayed including, but not necessarily limited to public service messages, advertising for the business or businesses on-site, projection of on-site activities in real-time, time and temperature and the like. The *Message Boards* shall include those devices that display information using panels of individual lamps, rotating panels, liquid crystal displays, light emitting diodes, or similar technology or rear projection screens. **(Ord. No. 2017-11; 12-12-17)**

Enforcement Official. The person responsible for the administration and enforcement of this Article shall be the Village Building Inspector or his or her designee.

Erect. To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

Facing or Surface. Any surface of a sign upon, against, or through which the message is displayed or illustrated on the sign.

Gasoline Station or Automotive Service Center. Any business, which dispenses, or is designed to dispense, gasoline and/or oil for use in motor vehicles and boats.

Ground Sign. Any sign which has the top part of its face less than **ten (10) feet** above the ground and which is erected upon or supported by the ground, a ground planter box, or other supports.

Illuminated Sign. Any sign, which has characters, letter, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Incombustible Material. Any material, which will not ignite at or below a temperature of **twelve hundred (1,200) degrees Fahrenheit** and will not continue to burn or glow at that temperature.

Light Pole Sign. A sign that has the lowest part of its face at least **eight (8) feet** above the ground and which is supported by a pole with a light designed for illuminating a street and adjacent area; however, this definition shall not be construed to include any public utility pole.

Marquee Sign. Any sign affixed to a marquee over the entrance to a building such as a hotel or theater, extending and supported from the building.

Occupational Signs. All industrial, commercial and mercantile signs advertising the business on its premises or any of its activities, including permanent theater signs used to advertise performances.

Other Advertising Structures. Any marquee, canopy, awning, street clock, time and weather information.

Pennant. Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind. Flags are not considered **Pennants** for the purposes of this definition.

Permanent Sign. Any sign designed and intended to be permanently affixed to the ground, a building, or other permanent structure. Signs originally designed and manufactured to be portable shall not be considered permanent even if modified and permanently affixed to the ground, a building, or other permanent structure.

Pole Sign. Any sign, which has the lowest part of its face, at least **ten (10) feet** above the ground and which is supported by a freestanding pole, except as noted in **Section 40-12-16**.

Political Sign. Any temporary sign as defined herein that is intended to promote a candidate or proposition in a village, county, local taxing district election, or state or federal election.

Portable Signs. Any sign not permanently affixed to the ground or other permanent structure or a sign designed to be transported, including, but not limited to signs designed to be transported by means of wheels, sign converted to a- or t- frames; menu and sandwich board signs, balloons, umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, including any vehicle that is used in the normal day-to-day operation of the business.

Projecting Sign. Any sign projecting perpendicularly from the building.

Reader Board or Bulletin Board. Any sign that has manually changeable or removable lettering, with the exception of marquee signs or electronic reader boards, as defined herein.

Residential Subdivision Identification Sign. Any sign identifying the name of a residential subdivisions, which may include a logo and the names of the streets within the subdivision.

Roof Sign. Any sign painted, erected, constructed, and maintained upon the roof of any building, including wall signs or projecting signs attached to a building wall that extend above the roof line.

Shopping Center. An area containing **four (4)** or more shops, stores, and other places of business and located in an approved planned development commercial district or mixed development district under the zoning ordinance and providing off-street parking facilities in common for all businesses and their customers.

Sign. Any sign as defined herein including any letter, figure, design, symbol, trademark, panel, device, or structure designed or intended to convey information to the public in written or pictorial form, including without limitation, billboard, banner sign, ground sign, portable sign, pole sign, wall sign, roof sign, projecting sign, temporary sign, marquee, awning, canopy, time and weather information and street cock, when placed out of doors or in show display windows intended to be visible from the outside.

Sign Area. The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. The total allowable area for a double faced sign, where the two faces are not substantially parallel, shall be equal to the allowable area for a single-faced sign.

Special Events. Special promotional events by businesses; municipal, charitable, institutional, cultural, or other non-profit organizations; or units of local government involving the temporary display and/or sale of merchandise, entertainment, and food and beverage sales where the events do not exceed **three (3)** consecutive calendar days.

Structural Trim. The molding, battens, capping, nailing strips, latticing and platforms, which are attached to the sign structure.

Temporary Signs. Any sign either by nature of its definition and/or permitted use proved for herein that is intended to display information for or about an event, activity, election, or public service which has a specific date or time frame or occurrence that is not permanently affixed to the ground, a building, or permanent structure, but not to include signs as defined herein that are permanently affixed to the ground, a building or permanent structure that proved for changeable copy or messaging.

Wall Sign. Any sign affixed to the front, side, or rear wall of any building and parallel to the face of the wall.

Window Sign. Any sign that is intended to be viewed through a display or storefront window.

40-12-3 ADMINISTRATION. The provisions hereof shall be enforced and administered in accordance with the provisions of the Zoning Code.

40-12-4 APPEALS. Any person whose application for a permit for a sign has been denied may file an appeal with, and seek a recommended variance from, the Zoning Hearing Officer as provided for in the Zoning Code.

40-12-5 PERMIT REQUIRED; EXCEPTIONS; FEES.

- (A)
- (1) No sign shall be erected, nor the location of any existing sign changed, until the Village Clerk shall have issued a permit.
 - (2) An application for a sign permit shall be submitted to the Zoning Administrator, and shall be accompanied by plans and specifications. The plans and specifications must be drawn to scale and shall include the dimensions, material, and details of construction of the proposed sign, together with accurate colored rendering of the proposed sign. A site plan of the property where the sign is to be located indicating the location of the sign must also be provided.
 - (3) Before a permit can be granted for the installation for any sign, the applicant for the permit must submit evidence of an agreement signed by the owner or owners of the property granting permission to the applicant to install the sign and binding the owner or owners, their heirs and signs irrevocably, to permit the Village through its agents to enter on the real property for the purpose of removing the sign or signs as provided under the provisions of this Article and waiving, and holding the Village harmless from any damage to the real property occasioned by the sign removal.
 - (4) The Zoning Administrator may prescribe suitable regulations not inconsistent with the provisions of this Section concerning the form and content of all application for the various types of permits herein required.
 - (5) The following signs are exempt from the preceding requirements contained in subsections (A)(1) through (4) above:
 - (a) Real estate signs not exceeding **six (6) square feet** in area, which advertise only the sale, rental, or lease of the premises, upon which the signs are located;
 - (b) Bulletin boards and/or reader boards no over **twenty-five (25) square feet** in area, for public, charitable, or religious institutions, which are located on the premises of the institutions and wherein the color of any lettering of copy to be displayed is one color not including the background color or the color of the sign structure;
 - (c) Signs denoting the architect, engineer, or contractor when placed upon a site under construction not exceeding **sixteen (16) square feet** in area for residential construction and **thirty-two (32) square feet** in area for commercial construction, and only for the duration for the construction period;
 - (d) Memorial signs or tablets, names of buildings, and date of erection when cut into masonry surface or when constructed of bronze or other incombustible materials;
 - (e) Traffic or other municipal signs, legal notices, railroad crossing signs, danger, emergency, or non-advertising signs;

- (f) Political campaign signs, announcing candidates seeking public office and/or political issues and other pertinent information. Such signs shall be confined to private property with the owner's permission. In any residential district, political campaign signs shall not exceed **sixteen (16) square feet** in area; in other districts, such signs shall not exceed **thirty-two (32) square feet**. Not more than one political campaign sign per individual candidate and/or political issue shall be permitted per lot or site area. In no instance shall any political campaign sign be located closer than **ten (10) feet** from any Village road pavement edge or within designated right-of-way or as otherwise prohibited pursuant to county, state or federal law, statute or regulation. Any signs constituting a hazard to traffic safety or the community shall be removed or relocated immediately as directed by the Zoning Administrator; **(Ord. No. 2017-11; 12-12-17)**

[IL State statutes now prohibit the required removal of political signs within a given date of an election. Communities can still regulate size and location but not duration.]

- (g) Professional name plates not exceeding **three (3) square feet** in area;
 - (h) Occupational signs not over **four (4) square feet** in area (on building); and
 - (i) Signs erected inside a building and not visible through windows;
 - (j) Portable signs attached or painted or affixed to a vehicle used in the normal day-to-day operation of business, identifying the name, address, and type of business;
 - (k) Signs advertising the sale of a used vehicle, if not otherwise prohibited by ordinance;
 - (l) Signs advertising a garage sale, if not otherwise prohibited by ordinance.
- (B)
 - (1) No permit fees are required for the erection of signs listed in paragraph (A)(5) above.
 - (2) The Village shall periodically review and establish permit fees by Resolution, which shall be required to be paid to the Village in full prior to the issuance of each required sign permit. For purposes of this Code and excluding separate fees associated with electrical permits and inspections, the fees for permits shall be **Fifty Dollars (\$50.00)**.
 - (3) The permit fees shall cover the inspection of the location of the proposed sign and the inspection during and construction and all monies so collected by the enforcement official shall be deposited in the general revenue fund of the Village.
 - (4) The provisions for the building code and electrical code of the Village shall govern the construction, alteration, and maintenance of all signs, with their permanent and auxiliary devices, so far as they do not conflict with the provisions of this Article.
 - (5) If the sign is illuminated, an electrical permit and inspection by a Village electrical inspector shall be required. A fee covering the electrical permit and inspection shall be charged as provided by ordinance or resolution as the Village adopts.
 - (6) Fees provided for in paragraphs (B)(1) through (4) above may be waived for charitable organizations if approved by the enforcement official.

DIVISION II - RULES AND REGULATIONS

40-12-6 **SIGNS AND DEVICES PROHIBITED.** The following signs and advertising devices are prohibited in the Village:

- (A) Signs or devices, which by color, location or design resemble or conflict with traffic control signs or devices;
- (B) Exterior use of advertising devices such as pennants affixed on poles, wires, or ropes, streamers; wind operated devices; searchlights; flashing lights; and any other type of fluttering devices, except as provided for in **Section 40-12-22**;
- (C) Letters to pictures in the form of advertising printed or applied directly on the wall of a building;
- (D) Signs containing flashers, animators, or mechanical movement or contrivances of any kind, excepting electronic message boards as defined and permitted herein;
- (E) Paper posters and painted signs applied directly to the wall of a building or pole or other support;
- (F) Signs painted on the inside or outside of windows;
- (G) Signs advertising an article or product not manufactured, assembled, processed, repaired or sold upon the premises upon which the sign is located unless otherwise permitted by ordinance;
- (H) Portable signs, except as provided in **Section 40-12-25**;
- (I) Signs advertising a service not rendered on the premises upon which the sign is located unless otherwise permitted by ordinance;
- (J) Revolving signs of any type;
- (K) Signs greater than **two (2) square feet** in area in residential districts for home occupations; (Sign must be affixed to the building); (**Ord. No. 2017-11; 12-12-17**)
- (L) Signs on parking lot light standards;
- (M) Signs with more than two faces;
- (N) Roof signs;
- (O) Banners, pennants, or flags suspended from an awning;
- (P) Exterior banner signs, excepts as provided in **Section 40-12-11**; and
- (Q) Signs placed in such a way as to create a traffic hazard.

40-12-7 **LOCATION.**

- (A) All signs must be located on the property of the business or building they advertise.
- (B) Setback lines are designated for pole signs in **Section 40-12-16**; for ground signs in **Section 40-12-15**; for temporary signs in **Section 40-12-12**; and for signs at gasoline stations and automotive service centers in **Section 40-12-29**.
- (C) No sign shall be located on public property other than residential subdivision identification signs provided in **Section 40-12-20**.
- (D) Signs advertising off-site business or activity, require a variance, which will be granted only upon a showing that equal location is not otherwise available to the sign applicant, and that the sign otherwise complies with all other ordinances. In addition, a variance will be recommended only if the Hearing Officer pre-approves the sign as to style and construction. A variance may be granted by the Village Board to allow said signs to be erected for a reasonable duration, but in no case to exceed **thirty (30) days** in a **twelve (12) month** period.

Application for such variance shall follow the procedure for variances listed in **Section 40-13-3**.

40-12-8 QUANTITY OF SIGNS PER BUSINESS.

- (A) Each building occupied by one business shall be allowed a maximum of **four (4) signs**, which may be a wall sign, a projecting sign, a ground sign, or a pole sign, provided that there shall not be more than one type of sign per type, or two temporary signs.
- (B) (1) For a business located on a corner lot, one wall sign may be permitted on each street side of the building.
 (2) One projecting sign may be permitted on each street side of the building and **one (1) pole sign** or ground sign on the lot may be permitted, provided that there shall not be more than two types of signs.
- (C) Where more than one business is located on the ground floor of a building, each business shall be allowed two signs, one of which may be a wall sign and the other of which may be an under-canopy sign or a sign as described under **Section 40-12-17** and **Section 40-12-18**, if applicable.
- (D) **Two (2)** non-illuminated small-scale "store hours" signs may be lettered on the glass show window or entry door of each storefront of a business.
- (E) A canopy or awning sign may be substituted for a permitted wall sign upon determination by the Zoning Administrator of a hardship warranting the sign, provided that the sign is in compliance with all of the requirements of this Article and the sign.
 (1) Maintains a clearance of at least **thirteen (13) feet** above grade where there will be vehicular traffic beneath it or maintains a clearance of nine feet above grade where there will be pedestrian traffic beneath it;
 (2) Is painted or is of the same material as the awning or canopy when the sign is applied to cloth or similar material; and/or
 (3) Is not internally illuminated.
- (F) The limitation as to the number of signs shall not include window signs as authorized in **Section 40-12-14** or directional signs as authorized in **Section 40-12-28**.

40-12-9 LETTER SIZE. The size of letters of all signs shall be proportionate or harmonious in size to the overall area of each sign.

DIVISION III - TYPES OF SIGNS

40-12-10 SEASONAL SIGNS AND DEVICES. Decorations and displays denoting holidays, events, seasons of the year, or similar occasions shall be permitted, subject to the following requirements:

- (A) No such display shall be in place for more than **ninety (90) days**.
 (B) No pennants, streamers, or flags shall be allowed.
 (C) A display shall not convey a commercial message or bear the name of a business or product.
 (D) A permit for a seasonal sign or display shall be issued upon determination by the enforcement that the sign or display conforms to all applicable requirements of this Article.

40-12-11 BANNER SIGNS. Banner signs, outside of a building, are prohibited, except for the following:

- (A) Temporary promotional banners, as provided in **Section 40-12-12(H)**;
 (B) Temporary banners as provided for in **Section 40-12-22**, special events;
 (C) Temporary banners as provided for in **Section 40-12-12(G)**, grand openings;
 and/or
 (D) Banners inside buildings may be used as windows signs, as provided in **Section 40-12-14**.

(E) Banners hung by the Village from buildings or utility poles promoting the Village, its business or Route 66.

40-12-12 TEMPORARY SIGNS.

(A) Temporary ground signs advertising or announcing the future development of the property, other than subdivisions on which the signs are located may be maintained subject to the provisions of this Article, provided such signs do not exceed **one hundred (100) square feet** in area or remain longer than **six (6) months**.

(B) Temporary for sale or for lease signs for new commercial or industrial buildings shall not exceed **thirty-two (32) square feet** or remain more than **thirty (30) days** after the building is completed.

(C) Temporary for sale or for lease signs for existing commercial or industrial buildings shall not exceed **twelve (12) square feet** or remain more than **ninety (90) days**, but may be renewed upon application to the enforcement official.

(D) Temporary ground signs may be displayed in show or display windows provided that they do not remain more than **thirty (30) days** per year.

(F) Temporary for sale or for lease signs for subdivisions and signs advertising the development of a new subdivision shall not exceed **thirty-two (32) square feet** or remain more than **ninety (90) days** after the subdivision is completed or **ninety percent (90%)** of all lots are sold. The signs must be posted on the subdivision property. Security in the form of a certified check in the amount of **One Hundred Dollars (\$100.00)** shall be deposited with the Village Clerk, to be returned upon satisfactory compliance with permit requirements.

(G) Temporary banner signs outside a building, relating to grand openings, for businesses under new management, or special events, as defined in **Section 40-12-12**, sponsored by charitable, municipal, institutional, cultural, non-profit, or local government organizations may be permitted for a period of time not longer than **thirty (30) days** prior to the date or the opening, advent of new management or special even and not more than **fifteen (15) days** thereafter, but in any event not to exceed a total of **forty-five (45) days**. In the situation where a temporary banner sign is intended to substitute for permanent new or replacement signage that is permitted and approved in accordance with the provisions of this Article, the temporary banner sign my be allowed for a period not to exceed **thirty (30) days**.

(H) Temporary banner signs, used outside a building, for special events involving businesses shall be permitted only for the duration of the event and for a period of time not to exceed **one (1) week** prior to the event. The number of banners shall be limited to a total of **two (2)** and for a duration of up to **thirty (30) days**.

40-12-13 WALL SIGNS. A wall sign shall comply with the following requirements:

(A) (1) A wall sign shall consist of individual letters with faces and returns of complimentary colors.

(2) The sign shall not project beyond the building for a distance of more than **twenty-one (21) inches**. If illumination is to be provided, the sign shall be internally illuminated or back-lighted, so as to prevent glare upon the street or adjacent property.

(B) A wall sign shall be constructed of incombustible materials, except that molding and capping may be made of wood. A wall sign shall be safely and adequately attached to the building. No wall sign shall cover the doors or windows of a building or otherwise prevent free ingress and egress to or from any window, door, or fire escape of a building.

(C) A wall sign shall not extend downward nearer than **ten (10) feet** to the ground.

(D) No wall sign shall extend above the roof line.

(E) A building occupied by a single occupant that is not on a corner lot may have a wall sign with an area up to **ten percent (10%)** of the area of the front wall of the building on which

the sign is to be installed. The maximum permitted sign area on any one building occupied by a single user shall not exceed **two hundred fifty (250) square feet**.

(F) A building occupied by a single occupant that is located on a corner lot may have one wall sign on each street frontage, not exceeding the size limitations as set forth in paragraph (E) above for each sign.

(G) A building with multiple occupants that is not on a corner lot shall be permitted to have **one (1) wall sign** no greater than **fifty (50) square feet**, depicting the name or use of the building. In addition, each ground floor occupant who has separate main business entrance may erect a wall sign which may be **ten percent (10%)** of the front wall area of the business, but not greater than **one hundred (100) square feet**.

(H) A building with multiple occupants that is on a corner lot shall be permitted to have **one (1) wall sign** no greater than **fifty (50) square feet**, depicting the name or use of the building. In addition, each ground floor occupant who has a separate main business entrance may erect a wall sign which may be **ten percent (10%)** of the wall area facing the street, but not greater than **one hundred (100) square feet** for each sign.

40-12-14 WINDOW SIGNS. All window signage shall comply with the following requirements:

(A) Decals indicating store acceptance of charge cards or affiliations with organizations may be affixed to the window glass or door glass. No decal shall be larger than **forty (40) square inches**.

(B) Vinyl lettering depicting the name, address, and telephone number of the business may be located on the door glass, provided that the lettering does not cover more than **twenty percent (20%)** of the total of all door glass within which the lettering is placed. For purposes of this provision, where the entry doors consist of double frame door units (or other multi-frame units), the total of all door glass shall be measured based upon the total glass within each door frame unit.

(C) The total amount of window signage shall not be greater than **twenty-five percent (25%)** of the total window area of the business when visible from the principal street.

(D) Not more than **one (1) window sign** shall be located within a window.

(E) For multiple occupant buildings, the preceding regulations apply to each occupant.

(F) In any event, no such window or door signage shall be placed in such a manner as to impede the ability for the public safety (police or fire) officers to see into the premises. In determining whether or not any window or door sign is an impediment to public safety officers, the Zoning Administrator for this chapter may seek the opinion of the appropriate chief public safety official. A written ruling of the chief public safety official shall be final in determining the extent and placement of window signage, not withstanding any other provisions of this Section.

40-12-15 GROUND SIGNS.

(A) No ground sign shall be at any point over **ten (10) feet** above the ground level.

(B) Every ground sign shall be stoutly constructed and anchored in a secure and substantial manner.

(C) The ends of all such signs shall be at least **six (6) feet** from any wall or fence or any obstruction, which would prevent a clear passage around.

(D) (1) No ground sign shall exceed **fifty (50) square feet** for each face.

(2) Not more than **one (1) ground sign** shall be erected on any one lot or tract of land.

(E) No ground sign when erected on a lot fronting on intersecting streets shall be erected within **sixty (60) feet** of the intersection of the streets.

(F) Ground signs, less than **thirty-six (36) square feet** in size, shall be located so that no part of the sign projects beyond a **five (5) foot** setback line from the street right-of-way.

- (H) (1) In the case of a multiple occupant building, **one (1) ground sign** shall be permitted depicting only the name or use of the building.
- (2) No sign shall be permitted for an individual occupant of the building.
- (I) A ground sign may include permanently affixed reader boards or electronic message boards. In addition to the requirements of this subsection, electronic message boards shall also adhere to the requirements of **Section 40-12-24** (Electronic Message Boards).
 - (1) These types of signs shall be permitted in addition to the above noted permitted sign area. However, the reader board or electronic message board area of any sign may occupy no more than **fifty percent (50%)** of the total square footage of the sign face, up to a maximum of **twenty-five (25) square feet**. This area must be placed on the lower half of the sign structure.
 - (2) Clocks and time and temperature information devices shall be permitted on a ground sign with a maximum area of **ten (10) square feet**. These types of signs shall be permitted in addition to the above noted permitted sign area.

(Ord. No. 2017-11; 12-12-17)

40-12-16 POLE SIGNS.

- (A) Pole signs shall not exceed **fifty (50) square feet** for each face, including air space between parts of the sign situated on private property.
- (B) The maximum height of any pole sign shall be **two and one-half (2 ½) times** the largest sign face dimension, but in no case more than **twenty-eight (28) feet** with a reader board or **twenty-two (22) feet** without a reader board.
- (C) The pole sign shall be so located that no part of the sign projects beyond a **five (5) foot** setback line from the street right-of-way.
- (D) No pole sign shall extend downward nearer than **ten (10) feet** to the ground or pavement.
- (E) A pole sign shall be constructed of incombustible material.
- (F) Pole signs shall be proportioned so that the ratio of the width-to-height of the sign face does not exceed two to one or that the ratio of the height-to-width does not exceed 1.33 to one.
- (G) Double-faced pole signs shall be constructed with parallel faces having identical size and shape so that the back of a sign face is not visible.
- (H) The size of support poles shall be proportional and harmonious to the overall size of the sign. The support poles shall be a color compatible with the sign face and frame.
- (I) (1) A pole sign may include permanently affixed reader boards or electronic message boards.
- (2) These types of signs shall be permitted in addition to the above noted permitted sign area.
- (J) (1) Clocks and time and temperature information devices shall be permitted on a pole sign with a maximum area of **ten (10) square feet**.
- (2) These types of signs shall be permitted in addition to the above noted permitted sign area.
- (K) **One (1) pole sign** for each building fronting a public street, which is occupied by only one occupant, shall be allowed.
- (L) (1) In the case of a multi-occupant building, **one (1) pole sign** depicting the name or use of the building shall be allowed.
- (2) Such a sign may include a list of the occupants of the building.

40-12-17 **COMMUNITY OR REGIONAL SHOPPING CENTER IDENTIFICATION SIGNS.**

(A) For the purpose of this provision, a community or regional shopping center shall be a shopping center having a total leasable area of more than **seventy-five thousand (75,000) square feet** in which the majority of the tenant spaces are located more than **two hundred fifty (250) feet** from the street right-of-way.

(B) Any shopping center qualifying as a community or regional shopping center hereunder may erect a monument having a maximum height of **twenty-five (25) feet** above grade on the property of the shopping center, which shall be so located as not to obstruct the view for exiting the shopping center and composed of stone, masonry, plastic masonry, or such other materials as are deemed consistent with the shopping center improvements, on which individual signs may be placed in accordance with the following standards:

- (1) Maximum total sign area of all such signs: **one hundred twenty-five (125) square feet**, per face subject to division (B)(5) below.
- (2) Minimum sign letter size: **eight (8) inches**.
- (3) The background of each such sign shall be compatible with the background of all other signs on the monument.
- (4) The total area of all of the signs located on the monument shall not exceed **sixty-five percent (65%)** of the total area of the monument. In making the determination, the area of each sign shall be calculated on the basis of the total area of the background of each sign.
- (5) The content of the signs shall be limited to the name of the shopping center and the name of the occupants of the shopping center.

(C) Any shopping center qualifying as a community or regional shopping center hereunder located within **one thousand (1,000) feet** of an interstate highway interchange may erect a pole sign in addition to the signage provided for in paragraph (B) above. The pole sign shall be designed in accordance with the provisions of **Section 40-12-16**, except that the following may be permitted:

- (1) The total area shall not exceed **seventy-five (75) square feet** per face.
- (2) The maximum height shall not exceed **one hundred (100) feet**.
- (3) The sign may be located on property that is not part of the principal shopping center site; however, the property must be in private ownership, cannot be zoned for single or multi-family residential use and must be contiguous to or within **two hundred (200) feet** of the principal community or regional shopping center site.
- (4) The sign cannot be placed closer than **five hundred (500) feet** to any property line for parcels that are zoned single-family or multi-family residential.

40-12-18 **NEIGHBORHOOD SHOPPING CENTER IDENTIFICATION SIGNS.**

(A) For the purpose of this provision, a neighborhood shopping center shall be a shopping center having a total leasable area of more than **twenty thousand (20,000) square feet** and less than **seventy-five thousand (75,000) square feet**.

(B) Any shopping center qualifying as a neighborhood shopping center hereunder may erect a monument having a maximum height of **twenty (20) feet** above grade on the property of the shopping center, which shall be located as not to obstruct the view for exiting the shopping center and composed of stone, masonry, plastic masonry, or other materials as are deemed consistent with the shopping center improvements, on which individual signs may be placed in accordance with the following standards:

- (1) Maximum total sign area of all signs; **one hundred (100) square feet** per face, subject to paragraph (B)(5) below.
- (2) Minimum sign letter size: **eight (8) inches**.

- (3) The background of each such sign shall be compatible with the background of all other signs on the monument.
- (4) The total area of all of the signs located on the monument shall not exceed **sixty-five percent (65%)** of the total area of the monument. In making the determination, the area of each sign shall be calculated on the basis of the total area of the background of each sign.
- (5) The content of the signs shall be limited to the name of the shopping center and the name of the occupants of the shopping center.

40-12-19 OFFICE BUILDING IDENTIFICATION SIGNS.

(A) For the purpose of this provision, an office building shall be any building where more than **fifty percent (50%)** of the building's leasable space is occupied for office usage.

(B) Any building qualifying as an office building hereunder may erect a monument having a maximum height of **ten (10) feet** above grade on the property of the office building, but in no case shall the sign be higher than the roof line, and shall be so located as not to obstruct the view for exiting the office building and composed of stone, masonry, plastic masonry, or other materials as are deemed consistent with the shopping center improvements, on which individual signs may be placed in accordance with the following standards:

- (1) Maximum total sign area of all signs; **one hundred (100) square feet** per face, subject to paragraph (B)(5) below.
- (2) Minimum sign letter size: **eight (8) inches**.
- (3) The background of each such sign shall be compatible with the background of all other signs on the monument.
- (4) The total area of all of the signs located on the monument shall not exceed **sixty-five percent (65%)** of the total area of the monument. In making the determination, the area of each sign shall be calculated on the basis of the total area of the background of each sign.
- (5) The content of the signs shall be limited to the name of the office building and the name of the tenants of the office building.

40-12-20 RESIDENTIAL SUBDIVISION IDENTIFICATION SIGNS. For each residential subdivision entry street, a residential subdivision identification sign may be installed by a developer, subdivision governing body and or subdivision residents, subject to the following regulations:

(A) **Type of Sign.** Any sign shall be a ground sign or a light pole sign, as defined in **Section 40-12-2.**

(B) **Area of Sign.**

- (1) Any such ground sign shall not exceed **twenty-five (25) square feet** in area, excluding any supports.
- (2) Any light pole sign shall not exceed **3.75 square feet**.

(C) **Submission of Plans.** The plan for any proposed residential subdivision identification sign shall be submitted to the Zoning Administrator, who may impose such specifications, as deemed necessary, for safety purposes prior to granting approval.

(D) **Location and Placement.** Any such sign shall be located on private property. If authorization for placement on private property cannot be obtained, the sign may be located between the curb and edge of public right-of-way, the specific location of which shall be determined by the enforcement official in accordance herewith.

(E) **Agreements; Claims.** Hereof and in the case of a proposed ground sign, upon the filing of a duly authorized agreement of indemnification of the Village by the governing body or residents of the subdivision to protect the Village against any claims arising out of the condition of the sign.

(F) **Visibility; Obstructions.** Any such sign shall not obscure the visibility or line of sight of the operator of a vehicle at the intersection at which the sign is proposed to be located.

40-12-21 BILLBOARDS NEAR HIGHWAYS IN INDUSTRIALLY OR COMMERCIAL ZONED AREAS. Billboards shall be permitted in the Highway Commercial and Light Industrial zoning districts.

(A) **Size.** The maximum sign area for any one billboard shall be limited to **one (1) square foot** of aggregate sign area per **two (2) lineal feet** of lot frontage on a street, provided that said maximum dimension may be increased by **one (1) additional square foot** of sign area for each **one (1) lineal foot** of setback, beyond said **twenty-five (25) foot** setback line, measured in one direction only from any lot line fronting on or adjoining a street right-of-way, but in any case not exceeding a total of **five hundred (500) square feet** of aggregate sign area on any lot. In determining the total permitted sign area of advertising signs or billboards, the total sign area of all signs on the lot shall be considered as part of the total sign area permitted. The face of advertising signs or billboards shall not exceed **twenty (20) feet** in total height.

(B) **Lighting.**

- (1) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any billboard. No flashing, intermittent or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature or similar information, will be allowed.
- (2) External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided that the light source is directed solely upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the highway or onto adjacent property and the lights are not of an intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with the driver's operation of a motor vehicle.
- (3) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.

(C) **Spacing.**

- (1) There shall not be more than **twelve (12) billboards** within the Village at any one time. A special use permit for erection of a new billboard will be denied in the event there are **twelve (12) billboards** currently in use or available for use within the Village.
- (2) No billboard shall be located in such manner as to obstruct or otherwise physically or visually interfere with the effectiveness of an official traffic sign, including directional signs, signals, or devices or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

(D) **Location.** To provide a safety zone and to prevent injury or property damage to residentially zoned properties resulting from billboard collapse, no portion of a billboard shall be located within **one thousand (1,000) feet** of any residentially zoned property. Billboards shall be located not less than **twenty-five (25) feet** from any lot line, fronting on or adjoining street right-of-way.

(E) **Other Regulations.** All other provisions of this Article relating to the design and construction of signs and permit requirements shall apply equally to billboards authorized under this Section.

40-12-22 SPECIAL EVENT SIGNS.

(A) The following signs are permitted for a special event, as defined in **Section 40-12-2**, and as may be permitted under other provisions of the Village Code.

- (1) Pennants and streamers that are securely fastened;
- (2) Search lights; and

- (3) Other signs as may be permitted under the temporary signs provisions of this Code, as provided for in **Section 40-12-2**.
- (B) The Zoning Administrator must approve all proposed signage prior to the event.

40-12-23 READER BOARD SIGNS.

- (A) Reader board signs shall be prohibited for use except by churches, schools, libraries, governmental agencies, businesses and civic organizations, except as authorized under **Sections 40-12-15(I)** and **40-12-16(I)**. (**Ord. No. 2017-11; 12-12-17**)
- (B) Reader board signs shall not exceed **thirty-two (32) square feet** in area, except those authorized under **Section 40-12-16(I)**.

40-12-24 ELECTRONIC MESSAGE BOARDS.

- (A) Electronic message board signs shall be prohibited for use except for churches, schools, libraries, governmental agencies, businesses and civic organizations, except as authorized under **Sections 40-12-15(I)** and **40-12-16(I)**.
- (B) All electronic message board signs shall be turned off or otherwise non-operational from **11:00 P.M.** until **6:00 A.M.** or after business hours, whichever is later.
- (C) In order to insure that no sign is brighter than necessary for clear and adequate visibility, all electronic message board signs shall be allowed no greater than **five thousand (5,000) candela per square meter (NITS)** during daylight hours and **four hundred (400) candela per square meter (NITS)** from dusk until dawn.
- (D) The images and messages displayed on the electronic message board sign shall not flash or blink. They must be static, complete in themselves, without continuation in content to any other sign and must remain visible for at least a **five (5) second** interval before being reset or replaced with another message, content or image.
- (E) The images or messages on electronic message board signs shall not include moving or animated video images or content.
(Ord. No. 2017-11; 12-12-17)

40-12-25 PORTABLE SIGNS. Portable signs are prohibited, except that vehicles that are used in the normal day-to-day operation of the business may have a sign attached or painted on the vehicle identifying the name, address, and type of business.

40-12-26 PROJECTING SIGNS. A projecting sign shall comply with the following requirements:

- (A) A projecting sign not exceeding **twenty-five (25) square feet** in area for each building fronting a public street shall be allowed, provided that, if a building is occupied by only one user and the front wall area adjoining the public street on which the building is located exceeds **five hundred (500) square feet**, the building may have a projecting sign with an area equal to **ten percent (10%)** of the area of the front wall of the building, but shall not exceed **two hundred fifty (250) square feet**.
- (B) A building located on a corner lot may have **one (1) projecting sign** on each street side of the building, but not exceeding the size limitations as set forth in paragraph (A) above for each sign.
- (C) No projecting sign shall extend more than **four (4) feet, six (6) inches** from the building, including structural supporting or extending members attached to the building.
- (D) No projecting sign shall project nearer to the curb line than **four (4) feet**.
- (E) No projecting sign shall extend downward nearer than **ten (10) feet** to the ground or pavement.
- (F) No projecting sign shall extend above the roof line.

(G) Every projecting sign shall be constructed on non combustible material and braced to withstand a horizontal wind pressure of not less than **thirty (30) pounds** for every square foot of surface exposed and shall be securely attached to the building wall in an approved manner.

40-12-27 **DIRECTION SIGNS.** In addition to the **two (2) signs** allowed by **Section 40-12-8**, small post signs indicating the direction to an on-site business (exit and entrance) may be erected and maintained subject to the following:

(A) The enforcement official shall investigate and make a determination that the sign will serve a public purpose.

(B) The sign shall not exceed **four (4) square feet** in area and shall be installed in a manner and at a height so as not to interfere with the ordinary and lawful use of the street. The sign may include the corporate logo of the business.

40-12-28 **MARQUEES; MARQUEE SIGNS.**

(A) Marquees and marquee signs may extend to a point **four (4) feet** back of the curb line, but no marquee or marquee sign shall extend downward nearer than **eleven (11) feet** above the level of the sidewalk at its lowest level.

(B) An illuminated sign which may be placed on a marquee which may extend the entire length and width of the marquee, provided such sign does not extend more than **nine (9) feet** above nor **one (1) foot** below the marquee, but under no circumstances shall the sign or signs have a vertical height greater than **nine (9) feet**.

(C) No additional sign shall be attached to a marquee.

40-12-29 **UNDER CANOPY SIGNS.**

(A) Any under canopy sign bearing only the name of the business to which the sign is attached and which sign does not exceed **four (4) square feet** in area shall be allowed.

(B) No under canopy sign shall project horizontally beyond the canopy or nearer to the curb line than **four (4) feet**.

(C) No under canopy sign shall extend downward nearer than **ten (10) feet** to the ground or pavement.

(D) Every under canopy sign shall be constructed of noncombustible material and shall be securely attached to the canopy in an approved manner.

DIVISION IV - PROHIBITED ACTIVITY

40-12-30 **LIGHTS; REFLECTORS.** No sign shall be erected or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

40-12-31 **OBSCENE MATTER.** It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent, or immoral matter.

40-12-32 **MAINTENANCE.** All signs shall be maintained in good repair, free of rust; peeling, flaking or fading paint; broken or cracked surfaces- broken or missing letters; and graffiti. Every supporting structure shall be kept in an upright condition.

40-12-33

REMOVAL.

(A) The following signs are subject to removal in accordance with the procedures hereof.

- (1) Signs which are found to be unsafe and capable of creating a hazard to persons or property,
- (2) Signs which are prohibited under **Section 40-12-16**;
- (3) Signs which are erected without a permit, if required under the sign code;
- (4) Signs for which required fees have not been paid; and
- (5) Signs that are not maintained in accordance with the requirements of this Code.

(B) The Village shall give written notice to the owner or the managing agent of the property on which any such sign is located, directing its removal within **seven (7) days** and informing the owner or managing agent that, if the sign is not removed within the designated period, the Zoning Administrator shall cause it to be removed and the costs charged as an administrative fee. If the sign is not timely removed, the Zoning Administrator shall cause the same to be removed and certify the costs to the Village Clerk. The Village Clerk shall issue an administrative fee therefore against the property, which shall be a first lien on the property from the date of issuance until paid and shall be prima facie evidence of the recitals therein and of its validity. No clerical error or informality in the tax bill or in the proceedings leading to its issuance shall be a defense. Any administrative fee, if not paid, shall bear interest at the rate of **ten percent (10%)** per annum.

(C) Signs which the Zoning Administrator finds upon public streets, sidewalks, rights of way, or other public property, or which present an immediate and serious danger to the public because of their unsafe condition, may be removed by the Village or its designee without prior notice.

(D) The Zoning Administrator is authorized to go upon any premises for the purpose of removal of any sign under the provisions hereof. Signs so removed shall be retained by the Village for a period of **thirty (30) days** and, if payment of all expenses of the Village in connection with the removal are paid within the period, shall be returned to the owner. If not so claimed within such period of time, the Zoning Administrator may dispose of the sign in any manner by destroying or selling same, and owner waives all liability against the Village its employees, officers, assigns or agents.

(E) In addition to the procedures herein authorized, any person failing to remove any sign, upon notification to do so, shall, upon conviction, be subject to the penalties provided for violation of Village ordinances. **(See Section 1-1-20)**

(Ord. No. 08-01; 2008)

ARTICLE XIII - SPECIAL PROCEDURES AND PERMITS

DIVISION I - HEARING OFFICER

40-13-1 **HEARING OFFICER.** The position of Hearing Officer is hereby established in accordance with Illinois law. **(65 ILCS 5/11-13-3)**

40-13-2 **APPOINTMENT.** The position of Zoning Hearing Officer is hereby established. The Zoning Hearing Officer shall be appointed by the Mayor with the advice and consent of the Board of Trustees from individuals who have, at a minimum, a law degree from a nationally accredited law school and admittance to practice law in the State of Illinois. **(Ord. No. 11-05; 06-14-11)**

40-13-3 **TERM OF OFFICE - VACANCIES.** The Hearing Officer shall hold office from the date of his/her appointment, which shall be between **one (1) and four (4) years**, the duration of the appointment not to exceed the term of office of the Mayor. The Mayor may remove the Hearing Officer for cause after a public hearing. Vacancies in the Hearing Officer position shall be filled for the unexpired term in the same manner as provided for the initial appointment.

40-13-4 **DUTIES.** The Zoning Hearing Officer shall preside over and shall have the following duties and primary jurisdiction over all the following matters, unless otherwise specifically directed in writing by the Mayor.

(A) **Conducting Public Hearings.** Conducting all public hearings required to be held under **65 ILCS 5/11-13**, including specifically in connection with applications for any special use, variation, amendment or other change or modification in any ordinance of the municipality adopted pursuant to **65 ILCS 5/11-31**.

(B) **Hearings.** Hearing all appeals from any review of any order, requirement, decision or determination made by an administrative official charged with the enforcement of this Code adopted pursuant to **65 ILCS 5/11-31**; and recommending to the Village Board what his recommendation is.

(C) **Creating Rules of Procedure.** Creating all administrative and procedural rules and procedures necessary to ensure the orderly and efficient operation of the Village's public hearings, including but not limited to: establishing the time, manner, and frequency for conducting the above referenced public hearings; generating or directing to the Village Clerk's office the generation of the docket and all materials necessary to conduct the above referenced public hearings; referring matters back to the Zoning Administrator for further review; and all other matters and powers necessary and incidental to the position of Zoning Hearing Officer. **(Ord. No. 11-005; 06-14-11)**

40-13-5 **COMPENSATION.** The Zoning Hearing Officer shall be paid for his services the sum of **Three Hundred Fifty Dollars (\$350.00)** per zoning docket. **(Ord. No. 11-05; 06-14-11)**

40-13-6 **MEETING.** All meetings of the Hearing Officer shall be held at such times as he may determine. All meetings shall be open to the public. The Hearing Officer may adopt rules of meeting procedures consistent with this Code and the applicable Illinois Statutes. The Hearing Officer may administer oaths and compel the attendance of witnesses.

40-13-7 **RECORDS.** The secretary for the Hearing Officer shall keep minutes of the proceedings and examinations. These minutes shall indicate any official action taken. A copy of every rule, variance, order or recommendation of the Hearing Officer shall be filed immediately with the Village Clerk and shall be a public record.

40-13-8 **DECISIONS.** The approval of the Hearing Officer shall be necessary to recommend a variance or special-use permit or to recommend an amendment to the Village Board. The recommendation of the Hearing Officer shall be by written letter and shall contain its findings of fact. A copy shall be sent to the Village Board.

40-13-9 **PERIOD OF VALIDITY.** No decision by the Village Board granting a variance or special-use permit shall be valid for a period longer than **twelve (12) months** from the date of such decision unless (1) an application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or (2) an occupancy certificate is obtained and a use is commenced. However, the Village Board may grant additional extensions of time not exceeding **one hundred eighty (180) days**, each upon written application made within the initial **twelve (12) month** period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

40-13-10 **FINALITY OF DECISIONS OF THE VILLAGE BOARD.** All decisions of the Village Board, shall in all instances be the final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois Compiled Statutes. No applicant shall apply for the same or identical request for a period of one (1) year unless the facts and/or request have substantially changed.

[ED. NOTE: The Village Board will need to pass an ordinance each time it takes action on a special-use permit, variance or amendment.]

40-13-11 - 40-13-15 **RESERVED.**

DIVISION II - APPEALS

40-13-16 **NATURE OF AN APPEAL.** Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Hearing Officer on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Division. **(65 ILCS 5/11-13-12)**

40-13-17 **FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Hearing Officer a written notice specifying the grounds for appeal. Every appeal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. Not more than **five (5)** working days after the notice of appeal has been filed, the Administrator shall transmit to the Hearing Officer all records pertinent to the case. **(65 ILCS 5/11-13-12 and 5/11-13-14) (70 ILCS 405/22.02A)**

40-13-18 **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Hearing Officer after the notice of appeal has

been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Hearing Officer or the Circuit Court grants a restraining order for due cause and so notifies the Administrator. **(65 ILCS 5/11-13-12)**

40-13-19 PUBLIC HEARING, NOTICE. The Hearing Officer shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By publication in a newspaper of general circulation within this Municipality; and
- (B) By certified mail to the applicant; and,
- (C) By first-class mail to all owners of property contiguous to any property affected by the appeal.

(65 ILCS 5/11-13-12)

40-13-20 DECISION BY HEARING OFFICER. The Hearing Officer shall render a recommendation on the appeal within **thirty (30) days** after the hearing therein. The Hearing Officer may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate. In so doing, the Hearing Officer has all the power of the Administrator. **(65 ILCS 5/11-13-3 and 5/11-13-12)**

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

40-13-21 - 40-13-23 RESERVED.

DIVISION III - VARIANCES

40-13-24 VARIANCES.

(A) A variance is a relaxation of the requirements of this Code that are applicable to a particular lot or structure.

(B) A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as provided for in **Section 40-13-44**.

40-13-25 APPLICATION. Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the **Soil and Water Conservation District** as per State law. The Administrator shall promptly transmit said application, together with any device he might wish to offer, to the Hearing Officer. The application shall contain sufficient information to allow the Hearing Officer to make an informed decision and shall include, at a minimum, the following: **(NOTE: Filing fee required.) [70 ILCS 405/22.02(A)]**

- (A) Name and address of the applicant;
- (B) Location of the structure/use for which the variance is sought;
- (C) Brief description of adjacent lots, structures, and/or uses;
- (D) Brief description of the problems/circumstances engendering the variance request;
- (E) Brief, but specific, explanation of the desired variance;
- (F) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (G) Any other pertinent information that the Administrator may require.

40-13-26 PUBLIC HEARING, NOTICE. The Hearing Officer shall hold a public hearing on each variance request within **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing;

- (A) By certified mail to the applicant and
- (B) By publication in a newspaper of general circulation within the Municipality and,
- (C) By first-class mail to all owners of property contiguous to the property affected by the proposed variance. **(65 ILCS 5/11-13-7)**

40-13-27 STANDARDS FOR VARIANCES. The Hearing Officer shall not recommend any variance unless they find that the proposed variance is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties of hardship to the applicant. More specifically the Hearing Officer shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:

- (A) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and
- (B) The plight of the owner is due to peculiar circumstances; and
- (C) The variance, if granted, will not alter the essential character of the locality. **(65 ILCS 5/11-13-4 and 5/11-13-5)**

[NOTE: A variation shall be recommended only if in the judgment of the Hearing Officer sustains each of the three conditions above.]

40-13-28 RECOMMENDATION OF HEARING OFFICER. The Hearing Officer shall be required to submit an advisory report on all applications within **thirty (30) days** after the final hearing thereon. A copy of the Hearing Officer's report shall be transmitted to the applicant or appellant and to the Zoning Administrator. The Hearing Officer shall specify the terms of relief recommended (if any) in one statement and the findings of fact in another statement. The findings of fact shall clearly indicate the Hearing Officer's reasons for recommending or denying any requested variance. **(65 ILCS 5/11-13-5 and 5/11-13-11)**

40-13-29 ACTION BY VILLAGE BOARD. The Village Board shall act on every proposed variance at their next regularly scheduled meeting following submission of the advisory report of the Hearing Officer. **Without further public hearing**, the Village Board may approve or disapprove any proposed variance by simply majority vote of all the members then holding office. Such decision shall be binding upon the Zoning Administrator and observed by him. The Administrator shall be required to incorporate the terms and conditions of the same in the Zoning Certificate to the applicant or appellant whenever a Certificate is authorized by the Hearing Officer. **[NOTE: The Village Board takes action through the adoption of an ordinance.]**

40-13-30 - 40-13-34 RESERVED.

DIVISION IV - SPECIAL USES

40-13-35 **SPECIAL-USE PERMITS.** This Code divides the Village into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such "special uses" require careful case-by-case review, and may be allowed only after review and approval by the Hearing Officer.

40-13-36 **APPLICATION.** Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form, the items of information enumerated below. The Administrator shall promptly transmit the completed application, together with any comments or recommendation he might have, to the Hearing Officer for further consideration. **(NOTE: Filing fee required in Section 40-14-14)**

ITEMS OF INFORMATION:

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height and setbacks of the proposed structure;
- (I) Number and size of the proposed dwelling units, if any;
- (J) Number and location of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) Any other pertinent information that the Administrator may require;
- (M) Location of any signs.

40-13-37 **PUBLIC HEARING, NOTICE.** The Hearing Officer shall hold a public hearing on every special-use permit application within **sixty (60) days** after the application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special-use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By certified mail to the applicant; and,
- (B) By publication in a newspaper of general circulation within this Municipality.
- (C) By first-class mail to all owners of property contiguous to the property affected by the proposed special-use request. **(65 ILCS 5/11-13-7)**

40-13-38 **ADVISORY REPORT, FACTORS CONSIDERED.** Within **thirty (30) days** after the public hearing, the Hearing Officer shall prepare an advisory report. In deciding the recommendation the Hearing Officer shall consider the following factors:

- (A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (B) Whether the proposed special-use is consistent with this Municipality's comprehensive plan, if any;
- (C) The effect the proposed special-use would have on the value of neighboring property and on this Municipality's overall tax base;
- (D) The effect the proposed special-use would have on the public utilities and on the traffic circulation on nearby streets, on traffic generation impacts with the surrounding neighborhood and properties, and on the availability of on and off-street parking for the proposed special use; and **(Ord. No. 2017-11; 12-12-17)**
- (E) Whether there are any facilities near the proposed special-use (such as schools or hospitals) that require special protection.

40-13-39 ACTION BY VILLAGE BOARD. The Village Board shall act on every request for a special-use permit at their next regularly scheduled meeting following submission of the advisory report by the Hearing Officer. **Without further public hearing**, the Village Board may approve or disapprove the special-use permit by an ordinance passed by simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the Village Board shall state their findings of fact, and indicate their reasons for a special-use permit. **(65 ILCS 5/11-13-1)**

40-13-40 TEMPORARY USE PERMITS: PROCEDURE FOR. As set forth at **Section 40-3-7**, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Hearing Officer shall issue no temporary use permit for a period longer than **one (1) year** but may renew any such permit as they see fit.

40-13-41 - 40-13-43 RESERVED.

DIVISION V - AMENDMENTS

40-13-44 AMENDMENTS. The Village Board may amend this Code in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Village Board, the Hearing Officer, the Plan Commission, the Zoning Administrator or any party in interest. **(65 ILCS 5/11-13-14)**

40-13-45 FILING. Every proposal to amend this Code shall be filed with the Zoning Administrator on a prescribed form. Every amendment proposal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. The Administrator shall promptly transmit the proposal, together with any comments or recommendations he might wish to make to the Hearing Officer for a public hearing. **(NOTE: Filing fee required.)**

40-13-46 PUBLIC HEARING - NOTICE. The Hearing Officer shall hold a public hearing on every amendment proposal within **sixty (60) days** after said proposal has been submitted to him. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By certified mail to the applicant; and,

- (B) By publication in a newspaper of general circulation within the Municipality.
- (C) By first-class mail to all owners of property contiguous to the property affected by the proposed amendment. **(65 ILCS 5/11-13-14)**

40-13-47 **ADVISORY REPORT - FINDINGS OF FACT.** Within **ten (10) days** after the public hearing, the Hearing Officer shall submit his advisory report to the Village Board. The report shall state the recommendations of the Hearing Officer regarding adoption of the proposed amendment and his reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Hearing Officer shall include in his advisory report findings of fact concerning each of the following matters:

- (A) Existing use and zoning of the property in question;
- (B) Existing uses and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;
- (D) Suitability of the property in question for the proposed use;
- (E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned.

40-13-48 **ACTION BY VILLAGE BOARD.** The Village Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Hearing Officer. Except as provided in **Section 40-13-49**, the Village Board, without further public hearing, may approve or disapprove any proposed amendment or may refer it back to the Hearing Officer for further consideration by simple majority vote of all the members then holding office.

40-13-49 **WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED.** The favorable vote of at least **two-thirds (2/3)** of the members of the Village Board is required to pass an amendment to this Code in each of the following instances:

- (A) When passage would be contrary to the recommendation of the Hearing Officer.
- (B) When the amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered.

40-13-50 **NOTICE TO APPLICANT OF WRITTEN PROTEST.** In cases of written opposition to an amendment of this Code as prescribed in **Section 40-10-35**, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(65 ILCS 5/11-13-14)

ARTICLE XIV - ADMINISTRATION AND ENFORCEMENT

40-14-1 ZONING ADMINISTRATOR. The office of Zoning Administrator of this Municipality is hereby established. He shall be appointed by the Mayor with the advice and consent of the Village Board for a term of **two (2) years**. The Zoning Administrator shall be the executive head of this office.

40-14-2 DUTIES. The Zoning Administrator is hereby authorized and directed to diligently administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following duties:

- (A) To review applications pertaining to land, structures and the uses of land and/or structures;
- (B) To issue or deny initial and final certificates of zoning compliance;
- (C) To supervise and/or coordinate inspections of land, structures, and the uses of land and/or structures to determine compliance with this Code, and where there are violations, to initiate appropriate action to secure compliance;
- (D) To receive, file and forward to the Hearing Officer all applications for variances and appeals;
- (E) To receive and file all applications for amendments and special use permits;
- (F) To maintain up-to-date records of this Code including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Hearing Officer, amendments and all applications related to any of these matters;
- (G) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Village Board at least once each year;
- (H) To cause copies of this Code (including the district map) and any amendments thereto to be printed from time to time, as necessary; and
- (I) To provide information to the general public on topics related to this Code; and
- (J) To republish in a local newspaper the zoning district map not later than March 31st if any rezonings or annexations have been approved during the preceding calendar year.

40-14-3 INITIAL CERTIFICATES OF ZONING COMPLIANCE. Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an **initial certificate of zoning compliance** has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless he determines that the proposed activity conforms to the applicable provisions of this Code.

40-14-4 ZONING APPLICATION. Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. **(NOTE: Filing fee required in Section 40-14-14.)**

ITEMS OF INFORMATION:

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed lot, structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;

- (D) Location of the proposed use or structures, and its relationship to existing adjacent uses or structures;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height, setbacks, and lot coverage of the proposed structures;
- (I) Number and size of proposed dwelling units, if any;
- (J) Location and number of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing and proposed utilities, whether public or private; and/or
- (L) Location and square footage of existing and proposed signs by type and class.

40-14-5 **DURATION OF CERTIFICATE.** Initial certificates of zoning compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work. **(See Sec. 40-14-7)**

40-14-6 **RELATIONSHIP TO BUILDING PERMITS.** Upon the effective date of this Code, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

The Village in compliance with the **Illinois Architecture Practice Act of 1989** and effective **January 1, 1992 (See 225 ILCS Sec. 305/1 et seq.)** requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require architectural plans with an architect's seal from a licensed architect.

40-14-7 **FINAL CERTIFICATES OF ZONING COMPLIANCE.** No lot or part thereof that has been recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied or put into operation until a certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until it has been determined, **by inspection**, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

40-14-8 **CORRECTIVE ACTION ORDERS.** Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, he shall so notify the responsible party, and shall institute appropriate measures to secure compliance.

40-14-9 **CONTENTS OF ORDER.** The order to take corrective action shall be in writing and shall include:

- (A) A description of the premises sufficient for identification;
- (B) A statement indicating the nature of the violation;
- (C) A statement of the remedial action necessary to effect compliance;
- (D) The date by which the violation must be corrected;

- (E) A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (F) The date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and
- (G) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

40-14-10 SERVICE OF ORDER. A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

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

40-14-11 STOP ORDERS. Whenever any work being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation be stopped immediately. In such case, the corrective action order is equivalent to a stop order. **(See Sec. 40-14-9(D))**

40-14-12 EMERGENCY MEASURES. Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

40-14-13 COMPLAINTS. Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

40-14-14 SCHEDULE OF FEES. The Village Board establishes the following schedule of fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the Village Clerk as follows:

- (A) **Zoning Application Submittals.**
 - (1) **Variance Requests, Special Use Permit Requests and Appeal Requests. Four Hundred Dollars (\$400.00)** for filing a variance from or appeal to the Zoning Code plus all costs of publication of the required notice of public hearing for advertising and processing.
 - (2) **Zoning Amendment. Four Hundred Dollars (\$400.00)** for changes to zoning district or the text of the Zoning Code.
 - (3) **Planned Development Procedure Special Use Submittal.**
 - (a) **Four Hundred Dollar (\$400.00)** application fee for area plan and **Fifteen Dollars (\$15.00)** per living unit if residential.
 - (b) **Four Hundred Dollars (\$400.00)** for final development plan and section plans.
 - (4) **Special Use Permit Other than PDP. Four Hundred Dollars (\$400.00)**
 - (5) The Zoning Administrator or Zoning Hearing Officer shall have the discretion to waive such fees, particularly in action initiated by the Zoning Administrator or the Board of Trustees.

(B) **Minor Subdivision (Less Than 5,000 Square Feet) Submittal Fee.** Two Hundred Dollars (\$200.00) for review and recommendation.

(C) **Major Subdivision (More Than 5,000 Square Feet) Submittal Fees.**

(1) **Filing of Preliminary Plat, Four Hundred Dollars (\$400.00)** and **Fifteen Dollars (\$15.00)** for each proposed building lot.

(2) **Filing of Improvement Plans, Forty Dollars (\$40.00)** per proposed building lot.

(3) **Filing of Final Plat for Subdivision, Four Hundred Dollars (\$400.00).**

(D) **Site Plan Review.** Four Hundred Dollars (\$400.00), to review and make recommendations of a proposed site plan by Village officials.

(E) **Payment Of Fees.** Until such fees have been paid, no request for any of the above shall be deemed to have been filed, and no procedure shall be initiated.

40-14-15 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code.

(Ord. No. 17-11; 12-12-17)