

APPENDIX A
ZONING ORDINANCE

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CHAPTER 1

TITLE

SECTION:

9-1-1: Title

9-1-1: **TITLE:** This ordinance shall be known and may be cited as the *ZONING ORDINANCE OF THE VILLAGE OF SHABBONA, ILLINOIS*.
(Ord., 11-25-1996)

CHAPTER 2

PURPOSE

SECTION:

9-2-1: Purpose

9-2-1: **PURPOSE:** The purpose of this zoning ordinance is to guide development in accordance with existing and future needs in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and the general welfare of the citizens of the village. These regulations are made in accordance with the comprehensive plan. More specifically, this ordinance is intended to assist in achieving the following objectives:

- A. To encourage the development of buildings and uses on appropriate sites in order to maximize communitywide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;
- B. To protect and enhance the character and stability of existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures;
- C. To conserve and increase the value of taxable property throughout this municipality;
- D. To ensure the provision of adequate light, air and privacy for the occupants of all buildings;
- E. To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;
- F. To provide for efficient administration and fair enforcement of all regulations set forth herein; and

- G. To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments and the like. (Ord., 11-25-1996)

CHAPTER 3

DEFINITIONS

SECTION:

9-3-1: Definitions

9-3-1: **DEFINITIONS:** In construing the intended meanings of terminology used in this ordinance, the following rules shall be observed:

- A. Words and phrases shall have the meanings respectively ascribed to them unless the context clearly indicates otherwise; terms not defined shall have their standard English dictionary meanings.
- B. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- C. Words used in the present tense shall include the future tense.
- D. Words used in the singular number shall include the plural number; and the plural the singular.
- E. The term "shall" is mandatory; the term "may" is discretionary.
- F. The term "this municipality" shall mean the village of Shabbona, Illinois.
- G. The words "lot", "parcel", "tract", "plot" and "site" shall be synonymous. (See definition of "plot".)
- H. The words "extend", "enlarge" and "expand" shall be synonymous. (See definition of "enlarge".)
- I. The words "abutting", "adjacent" and "contiguous" shall be synonymous. (See definition of "abutting".)
- J. References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

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

Selected definitions:

ABANDONED:	To give up one's rights or interests in property.
ABUTTING:	Having a common lot line or district line.
ACCESSORY USE:	Any structure or use that is: <ul style="list-style-type: none"> A. Subordinate in size or purpose to the principal structure or use which it serves; B. Necessary or contributing to the comfort and convenience of the occupants of the principal structure or use served; and C. Located on the same lot as the principal structure or use served.
ACCESSWAY:	A curb cut, ramp, driveway or other means for providing vehicular access to an off street parking or loading area.
ADMINISTRATOR:	The official, or his/her representative, appointed to administer and enforce this ordinance.
ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:	A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization. (Ord. 2020-01-27(A), 01-27-2020)
ADULT-USE CANNABIS CRAFT GROWER:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-

to-time, and regulations promulgated thereunder. (Ord. 2020-01-27(A), 01-27-2020)

ADULT-USE
CANNABIS
CULTIVATION
CENTER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. 2020-01-27(A), 01-27-2020)

ADULT-USE
CANNABIS
DISPENSING
ORGANIZATION:

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. 2020-01-27(A), 01-27-2020)

ADULT USE
CANNABIS
INFUSER
ORGANIZATION OR
INFUSER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. 2020-01-27(A), 01-27-2020)

ADULT-USE
CANNABIS

A facility operated by an organization or business that is licensed by the Illinois Department of

PROCESSING
ORGANIZATION OR
PROCESSOR:

Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. 2020-01-27(A), 01-27-2020)

ADULT-USE
CANNABIS
TRANSPORTING
ORGANIZATION OR
TRANSPORTER:

An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. 2020-01-27(A), 01-27-2020)

ADULT
ENTERTAINMENT
ESTABLISHMENT:

Any performance, bookstore, video store, motel, or theater establishment having a substantial or significant portion of its stock in trade or business activity in a use where explicit sexual conduct is depicted or performed, or sexual activity if explicitly or implicitly encourage or tolerated. (Ord. 2019-01-28(A), 01-28-2019)

AISLE:

A vehicular trafficway within an off street parking area, used as a means of access/egress from parking spaces.

ALLEY:

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

ALTER:

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

AMENDMENT:

A change in the provisions of this ordinance (including those portions incorporated by reference), properly effected in accordance with state law and the procedures set forth herein.

ASPHALT:	A mixture of petroleum byproducts and gravel used for paving to form a smooth, permanent surface. "Asphaltic concrete" does not mean "oil and chip".
ATTACHED:	As applied to buildings, means having a common wall and/or a common roof.
AUTO REPAIR STATION:	A place where, along with the sale of engine fuels, the following services may be carried out: general repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.
AUTO SERVICE STATION:	A place where gasoline or any other vehicular engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles. An "auto service station" may include facilities for washing vehicles and the making of minor automotive repairs.
AUTOMOBILE SALES LOT:	A lot arranged, designed or used for the storage and display for sale of any motor vehicle including trucks or any type of trailer; provided, that the trailer is unoccupied and where repair work as an accessory use is done to automobiles or trailers.
BASEMENT:	A story having one-half ($\frac{1}{2}$) or more of its height below the average level of the adjoining ground.
BLOCK:	An area of land entirely bounded by streets, highways, barriers or ways (except alleys, pedestrian ways or exterior boundaries of a subdivision unless the exterior boundary is in a street, highway or way), or bounded by a combination of streets, public parks, cemeteries, railroad rights of way, waterways or corporate boundary lines.
BOARD OF APPEALS:	The board of zoning appeals of this municipality.

BUFFER STRIP:	An area of land, undeveloped except for landscaping, fences, etc., used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.
BUILDING:	Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.
BUILDING HEIGHT:	The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof, or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and similar projections (other than signs) shall not be included in calculating building height.
BUILDING LINE:	The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right of way.
BULK:	<p>Any one or any combination of the following structural or site design characteristics:</p> <ul style="list-style-type: none">A. Size and height of structure.B. Location of exterior walls at all levels in relation to lot lines, streets or other structures.C. Lot area.D. Yards or setbacks.
CENTERLINE:	<ul style="list-style-type: none">A. The centerline of any right of way having a uniform width.B. The original centerline where a right of way has been widened irregularly.C. The new centerline whenever a road has been relocated.

CLINIC:	An establishment wherein licensed physicians or dentists practice medicine or dentistry but where overnight lodging for sick or injured persons is not provided.
CLUB/LODGE:	A nonprofit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
COMMERCIAL USE/ ESTABLISHMENT:	Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).
COMMUNITY RESIDENCE:	A group home or specialized residential care home serving unrelated persons with disabilities which is licensed, certified or accredited by appropriate local, state or national bodies. "Community residence" does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease.
COMPREHENSIVE PLAN:	The plan or any portion thereof adopted by this municipality to guide and coordinate the physical and economic development of the community. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.
CONFORMING:	In compliance with the applicable provisions of this ordinance.
CORRECTIVE ACTION ORDER:	A legally binding order issued by the administrator in accordance with the procedures set forth herein to effect compliance with this ordinance.

DAYCARE CENTER:	See definition of Nursery School per state standards.
DETACHED:	As applied to buildings, means surrounded by yards on the same lot as the building.
DEVELOP:	To erect any structure or to install any improvements on a tract of land or to undertake any activity (such as grading) in preparation therefor.
DIMENSIONS:	Refers to lot depth, lot width and total lot area.
DISTRICT, ZONING:	A portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this ordinance.
DRIVE-IN RESTAURANT:	<p>An establishment principally used for the sale of fast order food. "Fast order food" means food that is:</p> <ul style="list-style-type: none">A. Primarily intended for immediate consumption;B. Available after a short waiting time; andC. Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.
DRIVE-IN THEATER:	A tract of land developed with facilities for projecting motion pictures on an outdoor screen for viewing by patrons in automobiles parked on the premises.
DWELLING:	A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels or other accommodations for the transient public.
DWELLING, MULTIPLE-FAMILY:	A building or portion thereof containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY:	A detached dwelling containing one dwelling unit and intended for the occupancy of one family.
DWELLING, TWO-FAMILY:	A dwelling containing two (2) dwelling units.
DWELLING UNIT:	One or more rooms designed or used as living quarters by one family.
EASEMENT:	A right to use another person's real property for certain limited purposes.
ENCLOSED:	As applied to a building, means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls with openings only for windows and doors.
ENLARGE:	To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.
ERECT:	To build or construct.
ESTABLISHMENTS:	<p>Either of the following:</p> <p>A. An institutional, business, commercial or industrial activity that is the sole occupant of one or more buildings; or</p> <p>B. An institutional, business, commercial or industrial activity that occupies a portion of a building such that:</p> <ol style="list-style-type: none"> 1. The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and 2. The activity has either a separate entrance from the exterior of the building or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.
EXISTING:	Actually constructed or in operation on the effective

date of this ordinance.

FAMILY:	Either: a) two (2) or more persons, each related to the other by blood, marriage or adoption, together with usual domestic servants and not more than one bona fide guest, all living together as a single housekeeping unit and using common kitchen facilities (that is, a "related family"); or b) four (4) or fewer persons, all of whom are not necessarily related to each of the others by blood, marriage or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, an "unrelated family"). For purposes of this zoning ordinance, however, an "unrelated family" shall not include persons living together in a community residence or nursing home.
FLOOR AREA, GROSS:	The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. "Gross floor area" includes living areas; halls, closets, stairwells; space devoted to mechanical equipment; and enclosed porches.
FLOOR AREA RATIO (FAR):	The gross floor area of the building or buildings on the zoning lot divided by the area of such zoning lot; or in the case of a planned development, by the net site area.
FOUNDATION, PERMANENT:	A closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below the frost line.
FRONTAGE:	The linear extent of the front (street side) of a lot.
GARAGE, PRIVATE:	An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the private passenger vehicles of the family or families residing upon the premises, and in which no business, service or industry connected with automobile vehicles is carried on.

GREENHOUSE:	See definition of Nursery.
HEREAFTER:	Any time after the effective date of this ordinance.
HOME OCCUPATION:	Any business, profession or occupation conducted for gain entirely within a dwelling or on residential premises.
HOSPITAL:	An institution devoted, on an around the clock basis, to the maintenance and operation of facilities for the diagnosis, treatment or care of members of the general public suffering from disease, injury or other abnormal physical conditions. The term "hospital", as used in this ordinance, includes sanitariums but excludes institutions operating solely for the treatment of insane persons, drug addicts and alcoholics and convalescent/nursing homes.
INTENSIFY:	To increase the level or degree of use.
INTERSECTION:	The point at which two (2) or more public rights of way (generally streets) meet.
KENNEL:	Any structure or premises, or portion thereof, on which more than five (5) dogs and/or cats over four (4) months of age are kept.
LARGE COMMUNITY RESIDENCE:	A community residence serving eight (8) to twenty (20) persons with disabilities.
LOADING SPACE:	An off street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
LOT:	A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a lot of record or zoning lot.
LOT AREA:	The area of a horizontal plane bounded by the front, side and rear lines of a lot.

LOT, CORNER:	A lot having at least two (2) adjacent sides that abut for their full length upon streets. One such sideline shall be deemed a front lot line.
LOT COVERAGE:	The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.
LOT DEPTH:	The average horizontal distance between the front line and the rear lot line.
LOT LINE, FRONT:	The lot boundary abutting the street right of way.
LOT LINE, REAR:	An interior lot line which is most distant from and most nearly parallel to the front lot line.
LOT LINE, SIDE:	Any boundary of a lot which is not a front lot line or a rear lot line.
LOT OF RECORD:	A lot properly platted and recorded in the office of the DeKalb County recorder of deeds.
LOT, REVERSE CORNER:	A corner lot where the street side lot line is substantially a continuation of the front lot line of the first lot to its rear.
LOT SIZE REQUIREMENTS:	Refers to the lot area, width and depth requirements of the applicable district.
LOT, THROUGH:	A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed "front lot lines".
LOT WIDTH:	The mean horizontal width of a lot measured at right angles to the side lot lines measured at the building line.
LOT, ZONING:	A single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

MAINTENANCE:	The routine upkeep of a structure, premises or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.
MIXED USE DISTRICT:	The development of a parcel or structure with one or more different land uses, such as a combination of residential and commercial, in a single or physically integrated group of structures.
NONCONFORMING:	<p>As applied to a lot of record, structure and use, means:</p> <p>A. Lawfully existing on the effective date of this ordinance; and</p> <p>B. Not in compliance with the applicable provisions hereof.</p>
NUISANCE:	Anything, condition or conduct that endangers health or unreasonably offends the senses or obstructs the free use and comfortable enjoyment of property or essentially interferes with the comfortable enjoyment of life.
NURSERY:	A tract of land on which trees, shrubs and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.
NURSERY SCHOOL:	An establishment for the part time care and/or instruction at any time of day of five (5) or more unrelated children of pre-elementary school age.
NURSING HOME:	A licensed public or private home or institution which provides maintenance, personal care and nursing for three (3) or more persons who, by reason of physical illness or infirmity, are incapable of maintaining a private, independent residence.
OFFICE:	Any building or portion thereof in which business (usually clerical and administrative affairs) of a commercial/service enterprise or professional

person is transacted.

**PARKING AREA/LOT,
OFF STREET:**

Land that is improved in accordance with this ordinance and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off street parking area", depending on the circumstances of its use, may be either a principal use or an accessory use.

PERMITTED USE:

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

PERSON:

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

**PERSON WITH
A DISABILITY:**

Any individual whose disability:

A. Is attributable to mental, intellectual or physical impairments, or a combination of mental, intellectual or physical impairments; and

B. Is likely to continue for a significant amount of time indefinitely; and/or

C. Results in functional limitations in three (3) or more of the following areas of major life activities:

1. Self-care;
2. Receptive or expressive language;
3. Learning;
4. Mobility;
5. Self-direction;
6. Capacity for independent living;
7. Economic self-sufficiency; and

D. Reflects the person's need for a combination

and sequence of special interdisciplinary or generic care, treatment or other services which are of a lifelong or extended duration.

PLAN COMMISSION:	The plan commission of the village.
PLANNED UNIT DEVELOPMENT:	Tracts of land that may be developed through a comprehensive approach which will provide greater amenities, convenience, or other benefits than normally afforded by other traditional districts in this Zoning Ordinance.
PLOT:	A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.
PREMISES:	A lot and all the structures and uses thereon.
PRINCIPAL BUILDING/STRUCTURE/USE:	The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.
PROPERTY LINE:	See definition of Lot Line.
PUBLIC UTILITY:	Any person, firm, corporation, municipal department, board or commission, duly authorized to furnish and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
RECONSTRUCT:	As applied to nonconforming structures, means to rebuild after partial or total destruction.
RECREATIONAL VEHICLE:	A term encompassing any type of vehicle used primarily for recreational pleasure. Examples are, but not limited to, travel trailers, motor homes, boats, etc. A. Travel Trailer: A structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle, not to exceed eight feet (8') in width and a body

length of thirty five feet (35').

B. Camper Trailer (Pop Up): A structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle, not to exceed twenty four feet (24') in length and five feet six inches (5'6") in height in a collapsed position.

C. Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle not to exceed forty feet (40') in length and twelve feet (12') in height.

D. Pickup Camper: A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.

E. Watercraft: Any unit that is used for water travel or pleasure, thirty five feet (35') or less in length, but not to exceed twelve feet (12') in height, either mounted on a boat trailer or unmounted; also boat trailer without boat mounted.

F. Snowmobiles: Snowmobiles are not considered "recreational vehicles".

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

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

SANITARIUM: See definition of Hospital.

SCREENING: Trees, shrubs, walls, solid fences, etc., used as a means of visual and noise control.

SETBACK: The minimum horizontal distance between a lot line and:

	<p>A. The nearest wall of a building or side of a structure facing such lot line; or</p> <p>B. The edge of the area of operation of a principal use involving no building or structure.</p>
SETBACK LINE:	See definition of Building Line.
SMALL COMMUNITY RESIDENCE:	A community residence serving eight (8) or fewer persons with disabilities in a family like atmosphere.
SPECIAL USE:	A use that has unusual operational, physical or other characteristics which distinguish it from the permitted uses of a district, but which may be made compatible with the intended overall development within a district. "Special uses" commonly must meet special standards not necessarily applicable to permitted uses in the district and are allowed only by permit.
SPECIAL USE PERMIT:	A permit issued in accordance with the provisions of this ordinance to regulate development of a special use.
STOP ORDER:	A type of corrective action order used by the administrator to halt work in progress that is in violation of this ordinance or other ordinances.
STREET:	A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.
STREET, PRIVATE:	Any street providing access to abutting property that is not maintained by and dedicated to this municipality or other public entity.
STRINGENT:	Binding, exacting.
STRUCTURE:	Anything constructed or erected on the ground or attached to something having a fixed location on

	the ground. All buildings are structures, but not all structures are buildings.
STRUCTURE, TEMPORARY:	Any structure that is not attached to a permanent foundation.
TEMPORARY USE PERMIT:	A permit issued in accordance with the provisions of this ordinance and valid for not more than one year which allows the occupation of a temporary structure or the operation of a temporary enterprise.
TOPOGRAPHY:	The relief features or surface configuration of an area.
USE:	The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied or maintained.
UTILITY SUBSTATION:	A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.
VARIANCE:	A relaxation of the strict application of the lot size, setbacks or other bulk requirements applicable to a particular lot or structure.
WHOLESALE:	The sale of goods or services by one business to another business.
YARD:	Open space that is unobstructed except as specifically permitted in this ordinance and that is located on the same lot as a principal building.
YARD, CORNER SIDE:	A yard which is bounded by the rear yard line, front yard line and side lot line.
YARD, FRONT:	A yard which is bounded by the side lot lines, front lot line and the front building line.
YARD, INTERIOR:	A yard adjoining another lot which extends the full depth of a lot along an interior side lot line, excluding the areas within a front yard and/or rear yard.

YARD, REAR:	A yard which is bounded by side lot lines, rear lot line and the rear building line.
ZONING MAP:	The map(s), and any amendments thereto, designating zoning districts and incorporated into this ordinance by reference. (Ord., 11-25-1996; amd. 2009 Code; amd. Ord. 2019-01-28(A))

CHAPTER 4

ZONING ADMINISTRATION

SECTION:

- 9-4-1: Zoning Administrator
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- 9-4-4-2: Jurisdiction
- 9-4-4-3: Amendments
- 9-4-4-4: Special Use Permits
- 9-4-5: Village Board

9-4-1: **ZONING ADMINISTRATOR:** The zoning administrator is hereby authorized and directed to administer and initiate enforcement of the provisions of this ordinance. This includes, but is not limited to, the following duties:

- A. To review and pass upon applications for certificates of zoning compliance;
- B. To inspect all land, structures and uses to determine compliance with this ordinance and, where there are violations, to initiate appropriate corrective action;

- C. To review and forward to the zoning board of appeals all applications for variances;
- D. To review and forward to the plan commission all applications for map amendments, text amendments, and special use permits for public hearings and recommendations;
- E. To maintain up to date records of this ordinance including, but not limited to, district maps, certificates of zoning compliance, special use permits, temporary use permits, variances, interpretative decisions, amendments and all related matters;
- F. To review the provisions of this ordinance to determine whether revisions are needed and to make recommendations on these matters to the plan commission at least once per year;
- G. To annually publish any revisions of this ordinance including the zoning district map and any amendments thereto; and
- H. To provide information to the general public on matters related to this ordinance. (Ord., 11-25-1996)

9-4-1-1: **RECORDS:** The administrator shall be responsible for recording all proceedings and examinations of the zoning board of appeals, and shall indicate the absence of any member, the vote or abstention of each member on each question and any official action taken. A copy of every rule, variance, order or decision of the board shall be filed and shall be a public record.

The administrator shall be responsible for recording all of the proceedings and examinations of the plan commission, and shall indicate the absence of any member, the vote or abstention of each member on each question and any official action taken. A copy of every decision of the commission shall be filed and shall be a public record. The administrator shall be responsible for the preparation of the findings of fact. (Ord., 11-25-1996)

9-4-2: **CERTIFICATE OF ZONING COMPLIANCE:** Upon the adoption of this ordinance, 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 a certificate of zoning compliance has been issued. The administrator shall not issue a certificate of zoning compliance unless he determines that the proposed work conforms to the applicable provisions of this ordinance. (Ord., 11-25-1996)

9-4-2-1: **APPLICATION:** Every applicant for a certificate of zoning compliance shall submit to the administrator in graphic and/or in narrative form all of the following items:

A. Items Of Information:

1. Name, address and phone number of the applicant.
2. Name, address and phone number of the owner or operator of the proposed structure or use, if different from subsection A1 of this section.
3. Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees and other related information.
4. Location of the proposed use or structure and its relationship to existing adjacent uses or structures.
5. Area and dimensions of the site for the proposed structure or use.
6. Number and size of proposed dwelling units, if any.
7. Location and number of proposed parking/loading spaces and accessways.
8. Any other information that the administrator may require.

B. Relationship To Building Permits: Upon the effective date of this ordinance, the building official shall not issue any building permit for the erection, enlargement, extension, alteration or reconstruction of any structure unless the applicant for such permit presents to the building official a copy of the certificate of zoning compliance pertaining to such work. (Ord., 11-25-1996)

9-4-2-2: **CORRECTIVE ACTION ORDERS:** Whenever the zoning administrator finds, by inspection or otherwise, that any lot or structure, or use or work thereon, is in violation of this ordinance, he/she shall so notify the responsible party and shall order corrective action. (Ord., 11-25-1996)

9-4-2-3: **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 corrective action order must be filed and a statement of the procedure for so filing.
- 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. (Ord., 11-25-1996)

9-4-2-4: **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 personally;
- B. Sent by certified or registered mail to his last known address; or
- C. Posted in a conspicuous place on or about the affected premises. (Ord., 11-25-1996)

9-4-2-5: **STOP ORDERS:** Whenever any work is being done in violation of a certificate of zoning compliance or this ordinance, the administrator's corrective action order may state that the violation must cease immediately. In such cases, the corrective action order is equivalent to a stop order. (Ord., 11-25-1996)

9-4-2-6: **EMERGENCY MEASURES:** Notwithstanding any other provisions of this ordinance, whenever the administrator determines that any violation of this ordinance poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition. At the earliest possible time, notice shall be served; costs, including attorney fees, to be paid by violator. (Ord., 11-25-1996)

9-4-2-7: **COMPLAINTS:** Whenever any violation of this ordinance occurs or is alleged to have occurred, any person may file a complaint to the administrator. The administrator shall record such complaints, immediately investigate, and if necessary, institute appropriate corrective action. (Ord., 11-25-1996)

9-4-2-8: **PENALTY:** Whoever violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord., 11-25-1996; amd. Ord. 2001-3, 7-23-2001)

9-4-3: **ZONING BOARD OF APPEALS:**

9-4-3-1: **CREATION AND PROCEDURE:**

- A. The zoning board of appeals of the village, as heretofore created and established under the provisions of the zoning ordinance of the village, as amended, is hereby reconstituted and reestablished as the zoning board of appeals under the provisions of this ordinance, and the present duly appointed members of the zoning board of appeals shall continue to serve in such capacity for the full term for which they were appointed and qualify. The successor to each member so appointed shall serve for a term of five (5) years. The zoning board of appeals shall consist of seven (7) members.
- B. All appointments to the zoning board of appeals shall be made by the mayor, subject to the approval of the village board. One of the members so appointed shall be named by the mayor as chairperson at the time of this appointment. The mayor, subject to the approval of the village board, shall have the power to remove any member of the zoning board of appeals for cause and after a public hearing. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of chairperson is vacated for any reason, the mayor, subject to approval of the board of trustees, shall immediately appoint any one of the remaining members of the board of appeals, or any member who is appointed to fill such vacancy on the zoning board of appeals, as the new chairperson. The members of the zoning board of appeals shall elect an acting chairperson who shall serve in the absence of the chairperson.

- C. All meetings of the zoning board of appeals shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, or repeal thereof, and every order, requirement, decision or determination of the board shall immediately be filed in the office of the village clerk and shall be public record.
- D. The zoning board of appeals shall decide matters as authorized by this ordinance after a public hearing. A concurring vote of a majority of members of the zoning board of appeals then in office shall be necessary on any matter upon which it is authorized to decide or to recommend by this ordinance.
- E. All decisions and findings of the zoning board of appeals on appeal or application for a variation after a hearing shall, in all instances, be reported to the village board of trustees for final decision. (Ord., 11-25-1996)

9-4-3-2: **JURISDICTION AND AUTHORITY:** The zoning board of appeals is hereby vested with the following jurisdiction and authority:

- A. To hear, decide and review appeals from any order, requirement, decision or determination made by the zoning administrator or other authorized officials of the village having jurisdiction under this ordinance.
- B. To hear and pass upon applications for variations from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.
- C. To hear and to decide all matters referred to it or upon which it is required to pass under this ordinance or as prescribed by statute. (Ord., 11-25-1996)

9-4-3-3: **APPEALS:**

- A. Authority: The zoning board of appeals shall hear and decide appeals from an administrative order, requirement, decision or determination made by the administrator or other authorized official of the village having

jurisdiction under this ordinance.

B. Initiation:

1. An appeal may be taken to the zoning board of appeals by any person, firm or corporation, or by any officer, department, board, bureau or commission aggrieved by an administrative order, requirement, decision or determination under this ordinance by the administrator or other authorized official of the village having jurisdiction under this ordinance. (Ord., 11-25-1996)

2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals, after the notice of appeal has been filed, that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In this event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals and on due cause shown. (Ord., 11-25-1996; amd. 2009 Code)

C. Processing:

1. An appeal shall be filed with the mayor. The mayor shall forward the appeal to the zoning board of appeals for processing in accordance with applicable Illinois Compiled Statutes. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the appeal is taken.

2. The board of appeals shall fix a reasonable time for the hearing of the appeal and shall give due notice thereof to parties and shall decide the appeal within a reasonable time. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement or decision or determination to be made on the premises and, to that end, has all the powers of the official from whom the appeal is taken. (Ord., 11-25-1996)

9-4-3-4: **VARIATIONS:**

- A. Authority: The mayor and village board, by ordinance, upon report of the zoning board of appeals and only after a public hearing before the zoning board of appeals, shall decide variations of the provisions of this ordinance in harmony with its general purpose and intent. The board shall vary this ordinance only in the specific instances hereinafter set forth where the zoning board of appeals shall have made findings of fact based upon the standards hereinafter prescribed stating that there are practical difficulties or particular hardships which hinder the carrying out

of the strict letter of the regulations of this ordinance.

- B. Initiation: An application for a variation shall be filed in writing with the administrator and may be made by any government office, department, board, bureau or commission, or by any person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, or any exclusive possessory interest applicable to the land or land and improvements described in the application for a variation.
- C. Processing: An application for a variation shall be filed with the administrator who shall forward such application to the zoning board of appeals for processing in accordance with applicable statutes of the state of Illinois. No variation shall be made by the village board except after a public hearing before the zoning board of appeals held on such notice as required by Illinois Compiled Statutes.
- D. Standards:
 - 1. The zoning board of appeals shall not recommend a variation unless it shall make findings based upon evidence presented to it in the following cases:
 - a. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.
 - b. That the plight of the owner is due to unique circumstances.
 - c. That the variation, if granted, will not alter the essential character of the locality.
 - 2. For the purpose of supplementing the above standards, whenever there are practical difficulties or particular hardships, the zoning board of appeals shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence.
 - a. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.
 - b. That the conditions upon which the petition for variation are based would not be applicable generally to other property within the same

district.

c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

3. The zoning board of appeals may recommend and the village board may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

E. Types Of Variations: The zoning board of appeals shall hear and recommend and the village board shall decide only such variations to the regulations of this ordinance as follows:

1. To permit a yard or other required open areas to have less width or depth than herein required by applicable zoning district regulations.

2. To permit the use of a lot of record on the effective date of this ordinance for a use otherwise prohibited solely because of the insufficient area or width of the lot.

3. To allow any permitted use to exceed the floor area ratio or building height regulations of the district where such use is to be located.

4. To permit the same off street parking spaces to qualify as required spaces for two (2) or more uses; provided, that the maximum use of such facility by each user does not take place during the same time.

5. To vary the off street parking regulations.

6. To permit the reconstruction of a nonconforming building, a structure which has been destroyed or damaged by fire, act of God, or the public enemy to an extent of more than fifty percent (50%) of the total cost of reconstructing the entire building or structure, where the zoning board shall find a compelling necessity requiring a continuance of the nonconforming use.

7. To vary sign regulations.

8. To permit any variation other than those allowable above, where such variation would better carry out the intention of the zoning ordinance and where no harm would be caused by the granting of said variation. (Ord.,

11-25-1996)

9-4-4: **PLAN COMMISSION:**

9-4-4-1: **CREATION:** The plan commission of the village, which has been duly established with functions as prescribed by Illinois statutes, is the plan commission referred to in this ordinance. The members of the zoning board of appeals shall serve as members of and constitute the plan commission. (Ord., 11-25-1996)

9-4-4-2: **JURISDICTION:** The plan commission shall have the following duties under this ordinance:

- A. To receive from the zoning administrator copies of applications for proposed amendments and special uses and thereafter shall review the applications and shall submit reports and recommendations thereon to the village board.
- B. To initiate, direct and review, from time to time, studies of the provisions of this ordinance, and to make reports of its recommendations relative to proposed amendments to the board of trustees.
- C. To initiate review and make recommendations to the village board regarding amendments to the comprehensive plan and the official map.
- D. To review and make recommendations to the village board regarding proposed plats of subdivisions within the territorial jurisdiction of the village.
- E. To act on all other matters which are referred to the commission as required by the provisions of this ordinance.
- F. Whenever in this ordinance a finding or recommendation of the plan commission shall be required, such recommendation shall be made only after a hearing. Such recommendation is purely advisory, and an unfavorable vote by the plan commission or the failure to make a favorable finding shall not prevent the village board from granting the relief, zoning amendment, special use or other request. (Ord., 11-25-1996)

9-4-4-3: **AMENDMENTS:** The village board may amend this ordinance in accordance with state law and the provisions of this section. Proposed alterations of district boundaries or proposed changes in the status of uses shall be deemed proposed amendments. Amendments may be proposed by the village board, the administrator, the zoning board of appeals, the plan

commission or any party in interest.

- A. Filing: Every proposal to amend this ordinance shall be filed with the administrator. The administrator shall transmit said proposal, together with comments or recommendations, to the plan commission for a public hearing.
- B. Public Hearing And Notice: The plan commission shall hold a public hearing on every amendment proposal after said proposal has been submitted. At the hearing, any interested party may appear and testify either in person or by authorized agent. Notice indicating the location of property, the time, date and place of the hearing and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:
 - 1. For Map Amendments: The petitioner shall send the notice by certified mail, return receipt requested, to all property owners within two hundred fifty feet (250') of the property. A certified mailing sent to all persons at the addresses appearing on a roll prepared by the county clerk of DeKalb County, listing to whom the tax bills are sent concerning parcel(s) of property which are within two hundred fifty feet (250') of the subject property will satisfy this requirement.
 - 2. For Map And Text Amendments: By publication in a newspaper of general circulation with in this municipality.
- C. Advisory Report, Findings Of Fact: Within sixty (60) days after the public hearing, the plan commission shall submit their advisory report to the village board. The report shall state the plan commission's recommendations regarding adoption of the proposed amendment and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the plan commission shall include in their advisory report findings of fact concerning each of the following matters:
 - 1. Existing use(s) and zoning of the property in question.
 - 2. Existing use(s) and zoning of other lots in the vicinity of the property in question.
 - 3. Suitability of the property in question for uses already permitted under existing regulations.
 - 4. Suitability of the property in question for the proposed use.

5. The trend of development in the vicinity of the property in question, including changes which may have occurred since the property was initially zoned or last zoned.

6. The effect the proposed rezoning would have on implementation of the comprehensive plan.

7. Impact on surrounding properties.

8. Impact on health, safety and welfare of the community. (Ord., 11-25-1996)

9-4-4-4: SPECIAL USE PERMITS:

A. **Types Of Special Uses:** The formulation and enactment of this ordinance is based upon the division of the village into districts in each of which are permitted specified uses that are mutually compatible. In addition to such permitted, compatible uses, it is recognized that there are other uses which may be necessary or desirable to allow in a given district but which, due to their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this ordinance as "special uses" and fall into two (2) categories as follows:

1. Uses either municipally operated or operated by publicly regulated utilities or uses traditionally affected by public interest.

2. Uses entirely private in character which, due to their particular location needs, may or may not be compatible with adjacent uses. The purpose of the special use is to ensure that all granted special uses comply with the purpose and intent of this ordinance.

B. **Application For Special Use:** An application for special use shall be filed with the administrator.

C. **Manner Of Authorization:** Special uses shall be authorized by a special use permit granted by the village board after a public hearing by the plan commission and a filing of recommendations with findings of fact.

D. **Requirements For Authorization:** No special use shall be granted by the village board unless the proposed special use:

1. Is necessary for the public convenience at that location, or in the case of existing nonconforming uses, a special use permit will make the use

more compatible with its surroundings;

2. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

3. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;

4. Is designated by this ordinance as a listed special use in the zoning district in which the property in question is located.

- E. Conditions: Following the recommendations of the plan commission, the village board may provide such conditions or restrictions upon the construction, location and operations of a special use including, but not limited to, provisions for the protection of adjacent property, the expiration of such special use after a specific period of time, signage, the number of off street parking and loading spaces as may be deemed necessary to secure the general objectives of this ordinance and to reduce injury to the value of the property in the neighborhood.
- F. Expiration: In the event the village board establishes no time limitation, then the permit shall expire in one year if a building permit or occupancy permit has not been issued. Nothing shall preclude an applicant from reapplying for the same special use permit upon expiration. An extension may be granted with approval of the village board.
- G. Public Hearing And Notice: The plan commission shall hold a public hearing on every special use application after the application is submitted to them. At the hearing, any interested party may appear and testify either in person or by authorized agent. Notice indicating the location of property, the time, date and place of the hearing and the nature of the proposed special use shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:
1. By certified mail, return receipt requested, to all property owners within two hundred fifty feet (250') of the property.
 2. By publication in a newspaper of general circulation within this municipality.
- H. Recommendation By Plan Commission: The plan commission shall render a decision on a request for a special use permit within sixty (60) days after the hearing. The commission may recommend such conditions or restrictions upon the special use permit as may be deemed necessary to secure the general objectives of this ordinance and notify the village

board of their recommendations. (Ord., 11-25-1996)

9-4-5: **VILLAGE BOARD:** The village board shall approve all amendments and special use permits by ordinance.

A. Procedure Of Approval:

1. After a public hearing has been conducted before the plan commission, the village board shall review all recommendations and decisions made regarding this ordinance. (Ord., 11-25-1996)

2. A public hearing shall be held by the mayor and board of trustees before adoption of any proposed amendment, supplement, or change, public notice of which shall have been placed in a newspaper of general circulation within the community not more than thirty (30) nor less than fifteen (15) days before the hearing. In case of a written protest against any proposed amendment or decision of the regulations or districts signed and acknowledged 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 is filed with the clerk of this municipality, the amendment shall not be passed except by a favorable vote of two-thirds ($\frac{2}{3}$) of the village board of this municipality then holding office. In such cases, a copy of the written protest shall be served by the protester or protesters upon the applicant for the proposed amendment and a copy upon the applicant's agent, if any, by certified mail at the address of such applicant and agent shown in the application for the proposed amendment. In order to partially defray the expenses of a zoning change public hearing, each person petitioning for a zoning change shall deposit with the village treasurer the sum of seventy five dollars (\$75.00) and, in addition, the fees for filing and publishing preannexation agreements, notices and all other matters requiring a publication, and fees for professional services. (Ord., 11-25-1996; amd. Ord. 2004-12-14B, 12-14-2004; 2009 Code)

B. Action By Village Board: The village board shall act on every proposed amendment and special use following submission of the plan commission's advisory report. Without further public hearing, the village board may pass or reject, in whole or in part, any proposed amendment or special use permit or may refer it back to the plan commission for further consideration, by simple majority vote of all the members then holding office, stating the reasons for referral. (Ord., 11-25-1996)

- C. Payment Required: In order to defray the expenses of a zoning change public hearing, each person petitioning for a zoning change shall pay the village treasurer an administrative fee of the sum of seventy five dollars (\$75.00) and, in addition, the anticipated fees for filing and publishing preannexation agreements, notices and all other matters requiring publication, and fees for professional services. The administrative fee shall be paid at the time the application is submitted to the village. All other fees shall be paid prior to the commencement of the public hearing. In the event a failure to pay the required fees, the person petitioning agrees that they will, in addition, pay any costs or expenses (including reasonable attorney's fees) incurred by the village in collecting the required fees from them. (Ord. 2004-12-14B, 12-14-2004)

CHAPTER 5

ZONING DISTRICTS GENERALLY

SECTION:

9-5-1:	Establishment
9-5-2:	Official Zoning Map
9-5-3:	District Boundaries
9-5-4:	Zoning of Streets, Alleys, Public Ways, Waterways, Rights of Way
9-5-5:	Zoning Of Annexed Land
9-5-6:	General Prohibition
9-5-7:	Unlisted Uses Prohibited
9-5-8:	Temporary Uses
9-5-9:	Meeting Minimum Zoning Requirements
9-5-10:	Access Required
9-5-11:	Front Setbacks; Corner/Through Lots
9-5-12:	Intrusions Into Yards
9-5-13:	Exceptions To Height Limits
9-5-14:	Sewers, Septic Tanks And Wells
9-5-15:	Accessory Uses
9-5-16:	Permitted Accessory Uses
9-5-17:	Private Garages
9-5-18:	Lot Coverage
9-5-19:	Rezoning Of Public And Semipublic Areas
9-5-20:	Existing Special Uses
9-5-21:	Primary Thoroughfare Setbacks

9-5-1: **ESTABLISHMENT:** For the purpose of this ordinance, the village is hereby organized into the following six (6) districts:

- A. A agricultural district.
- B. R-1 single-family residence district.
- C. R-2 multiple-family residence district.

- D. C-1 central business district. All property zoned central business district must be contiguous to other property zoned central business district. (Ord., 11-25-1996)
- E. C-2 general commercial district. (Ord., 11-25-1996; amd. 2009 Code)
- F. I industrial district. (Ord., 11-25-1996)

9-5-2: **OFFICIAL ZONING MAP:** The boundaries of the zoning districts, as designated, are hereby established as shown on the map entitled "official zoning map of the village of Shabbona, Illinois", and as a part of this ordinance, shall have the same force and effect as the official zoning map, together with all notations, references and other information shown thereon, as if fully set forth and described herein. (Ord., 11-25-1996)

9-5-3: **DISTRICT BOUNDARIES:** When uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning map, the following rules shall apply:

- A. District boundary lines are either the centerlines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended, unless otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strip shall be in accordance with the dimensions shown on the official zoning map measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the section, quarter section or division lines, or the map centerlines of streets, highways or railroad rights of way unless otherwise indicated. (Ord., 11-25-1996)

9-5-4: **ZONING OF STREETS, ALLEYS, PUBLIC WAYS, WATERWAYS AND RIGHTS OF WAY:** All streets, alleys, public ways, waterways and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways, waterways and railroad rights of way which serve as a district boundary. The zoning of such

areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline. (Ord., 11-25-1996)

9-5-5: **ZONING OF ANNEXED LAND:** All territory which may hereafter be annexed to the village shall be zoned in either of the following ways:

- A. The village board, at time of annexation, may zone the property A agricultural district until otherwise changed by an amendment to this ordinance and adopted by board.
- B. If a particular zoning is requested other than A agricultural district as a condition of annexation, then a public hearing on the zoning requested must be held before the plan commission, and an amendment to the zoning map must be adopted by the village board. (Ord., 11-25-1996)

9-5-6: **GENERAL PROHIBITION:** No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this ordinance. Similarly, no lot or part thereof shall be used, occupied or developed except in conformity with the provisions of this ordinance. (Ord., 11-25-1996)

9-5-7: **UNLISTED USES PROHIBITED:** Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the plan commission finds that the unlisted use is similar to and compatible with the listed uses, the plan commission may allow such use. If the petitioner does not agree with the decision of the plan commission, an appeal of that decision may be made to the village board. (Ord., 11-25-1996)

9-5-8: **TEMPORARY USES:** Except as specifically provided otherwise in this ordinance, no temporary structure shall be used or occupied for any purpose and no land shall be used for any temporary enterprise, whether for profit or not for profit, unless a temporary use permit has been obtained. The village board may allow a temporary permit for a period not to exceed fourteen (14) days, except Christmas tree lots, which shall not exceed thirty (30) days for a use not otherwise allowed in the zoning district; provided, that the applicant provides evidence substantiating the following:

- A. There is no reasonable alternative to the temporary use;
- B. The permit will be necessary for a limited time or will be an occasional use;
- C. The temporary use does not involve the erection of a substantial structure or require any other permanent commitment of land;
- D. The temporary use will not have a detrimental effect on adjacent properties and will be in general harmony with surrounding uses;
- E. That the requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant; and
- F. Site plan must be approved by the village board.
- G. The following temporary uses may be permitted within the stated limitations:

Arts and crafts shows, outdoor. Display of painting, sculpture, hand crafts and similar objects not to exceed a maximum period of seventy two (72) hours.

Circuses and carnivals. Provision of games, eating, drinking, live entertainment or similar activities in a tent or other structure for a maximum of seven (7) days. This classification excludes events conducted in a permanent entertainment facility.

Live entertainment events, temporary. Concerts and other cultural events lasting fewer than five (5) days.

Sidewalk sales. Sidewalk sales shall be approved by the village board.

Signage. Any signage for a temporary use shall be approved by the village board.

Street fairs, including block parties. Provision of games, eating, drinking facilities, live entertainment or similar activities not requiring the use of roofed structures. This classification includes

block parties for a maximum period of twenty four (24) hours.

Temporary religious assembly. Religious services conducted on a site that is not permanently occupied by a religious assembly use for a period not to exceed thirty (30) days. (Ord., 11-25-1996)

9-5-9: **MEETING MINIMUM ZONING REQUIREMENTS:** Except as specifically provided elsewhere in this ordinance, every lot must meet the minimum dimensions and minimum setback requirements of the district in which the lot is located independent of counting any portion of an abutting lot. (Ord., 11-25-1996)

9-5-10: **ACCESS REQUIRED:** No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street that conforms to the standards set forth in the land subdivision control ordinance of this municipality. (Ord., 11-25-1996)

9-5-11: **FRONT SETBACKS; CORNER/THROUGH LOTS:** Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage. (Ord., 11-25-1996)

9-5-12: **INTRUSIONS INTO YARDS:** To the extent indicated in this section, the following features of principal buildings may intrude into required yards without violating the minimum setback requirements:

		Number Of Feet Allowed Into <u>Required Yard</u>
A.	Cornices, chimneys, planters or similar architectural features	2
B.	Fire escapes	4
C.	Patios (at ground level)	No limit

	Number Of Feet Allowed Into <u>Required Yard</u>
D. Porches and decks, if unenclosed (rear yard only)	4
E. Balconies (rear yard only)	4
F. Canopies, roof overhangs	4
G. Awnings, canopies or marquees in downtown may extend over the public sidewalk.	
H. The American flag, a state flag, a municipal flag or a corporate flag are exempt from this restriction. One flag of each type shall be allowed on each zoning lot. Flags shall hang no greater than one-third ($\frac{1}{3}$) the length of the pole that the flag is on. Flagpoles shall be no higher than thirty feet (30'). (Ord., 11-25-1996)	

9-5-13: **EXCEPTIONS TO HEIGHT LIMITS:** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas or other necessary appurtenances commonly constructed above the roofline shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of this municipality. (Ord., 11-25-1996)

9-5-14: **SEWERS, SEPTIC TANKS AND WELLS:** In all districts, property owners of all buildings and places where people live, work or assemble shall provide for the sanitary disposal of all sewage and main or cap wells in accordance with village requirements¹. The administrator shall not issue any certificate of zoning compliance unless, following consultation with the municipal engineer, he is satisfied that this requirement is met. New construction shall not be connected to septic tanks or wells without approval of the village board. (Ord., 11-25-1996)

9-5-15: **ACCESSORY USES:** "Accessory use" means any structure or use which is:

1. See title 7 of this code.

- A. Subordinate in size or purpose to the principal structure or use which it serves.
- B. Necessary or contributing to the comfort and convenience of the occupants (whether individuals or a commercial enterprise) of the principal structure or use served.
- C. Located on the same lot as the principal structure or use served.

If an accessory use is attached to the principal structure, it shall be considered part of such principal structure. (Ord., 11-25-1996)

9-5-16: **PERMITTED ACCESSORY USES:** Any accessory use shall be deemed permitted in a particular zoning district if such accessory use is:

- A. Accessory to a principal structure or use that is allowed in that zoning district as of right (permitted uses) or by virtue of the fact that a special use permit has been granted; and
- B. In compliance with the restrictions set forth in this ordinance. (Ord., 11-25-1996)

9-5-17: **PRIVATE GARAGES:** Private garages or carports are not to exceed fifteen feet six inches (15'6") in height, nor to exceed the following capacities or size:

- A. For single-family residence: Three (3) car garage maximum, with eight hundred (800) square feet in area for a detached or freestanding garage, and either the width or length is limited to thirty two (32) linear feet.
- B. For multiple-family residence: Two (2) car garage per dwelling unit, maximum five hundred fifty (550) square feet.
- C. Hold no more than three (3) cars. (Ord., 11-25-1996)

9-5-18: **LOT COVERAGE:**

- A. General Requirements And Restrictions: The maintenance of yards, courts and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or the property on which it is located as long as the building is in existence. Furthermore, no legally required yards, courts or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, open space or minimum lot area requirements for any other building.
- B. Division Of Zoning Lots: No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each such division conform with all the applicable bulk regulations of the zoning district in which the property is located.
- C. Location Of Required Open Space: All yards, courts and other open spaces allocated to a building or dwelling shall be located on the same zoning lot as such building or dwelling group.
- D. Required Yards For Existing Buildings: No yards now or hereafter provided for a building existing on the effective date of this ordinance shall subsequently be reduced below or further reduced below if already less than the minimum yard requirements of this ordinance for equivalent new construction without a variance. (Ord., 11-25-1996)

9-5-19: **REZONING OF PUBLIC AND SEMIPUBLIC AREAS:** An area indicated as a public park, recreational area, public school site, cemetery or other similar open space may not be used for any other purpose than that designated. When the use of the area is discontinued, it shall automatically be zoned the most restricted adjoining district until appropriate zoning is authorized by the village board. (Ord., 11-25-1996)

9-5-20: **EXISTING SPECIAL USES:** Where an existing use is classified as a special use at the effective date of this ordinance, it shall be considered a legal special use without further action of the village board, the administrator and the plan commission. (Ord., 11-25-1996)

9-5-21: **PRIMARY THOROUGHFARE SETBACKS:** In all zoning districts, every building hereafter erected or enlarged shall

maintain a setback from any primary thoroughfare designated by a state of Illinois or federal highway number of seventy five feet (75') from the front property line. (Ord., 11-25-1996; amd. 2009 Code)

CHAPTER 6

SUPPLEMENTARY USE AND BULK REGULATIONS

SECTION:

- 9-6-1: Fences, Walls and Hedges
- 9-6-2: Home Occupations
- 9-6-3: Lighting Controls
- 9-6-4: Swimming Pools
- 9-6-5: Car Lots
- 9-6-6: Kennels
- 9-6-7: Travel Trailers and Recreational Vehicles
- 9-6-8: Auto Service Stations and Auto Repair
- 9-6-9: Use of Commercial Truck Trailers and Railroad Cars for Storage
- 9-6-10: Refuse Containers in Multi-Family Units

9-6-1: **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 three feet (3') 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". This triangular area shall consist of a portion of land extended from the corner of the lot twenty five feet (25') in either direction¹.
- B. No barbed wire or other sharp pointed fence and no electrically charged fence shall be erected or maintained except in the industrial district. In the industrial district, barbed wire cannot be lower than six feet (6') from ground level. This requirement does not apply to agriculturally zoned property.
- C. No permanent fence or retaining wall shall be constructed or erected

1. See also appendix B, subsection 10-3-6F of this code.

within any public street or alley right of way unless authorized by the village board. Fences erected on public easements or across ditches shall be so constructed that drainage shall not be obstructed, and in the 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.

- D. Fences, walls and hedges in all residential districts shall not exceed a height of six feet (6') and may be located up to lot lines.
- E. Fences, walls and hedges in the industrial district shall not exceed a height of eight feet (8') and may be located up to lot lines.
- F. Fences, walls and hedges shall not exceed four feet (4') in height when located in the front yard, with the exception of corner lots (see subsection A of this section). Chain-link fencing is prohibited in the front yard.
- G. On a through lot, both street lines shall be deemed front lot lines, but in the case of two (2) or more contiguous through lots, there shall be a common front.
- H. All of the framing on any fence shall be on the interior side of the fence. (Ord., 11-25-1996)

9-6-2: HOME OCCUPATIONS:

- A. A "home occupation" is an accessory use by the occupant(s) of a dwelling unit in which goods are produced or traded or services are rendered as an economic enterprise. Such use shall be clearly incidental or subordinate to the residential use of a dwelling. Beauty shops, barbershops and massage services are not considered home occupations.
- B. Home occupations do not include garage or yard sales.
- C. Home occupations are permitted as an accessory use to a residence only when all of the following criteria are met:
 - 1. Area Of Use: Home occupations shall be entirely contained within the interior of a residence or located in garages or accessory structures on the site. No visible evidence of the business shall be apparent from the street or surrounding area. A home occupation shall use no more than

twenty percent (20%) of the total dwelling unit floor area. Those home occupations which require occasional meetings using more than twenty percent (20%) of the floor space may be permitted, provided such meetings do not occur more frequently than once a month.

2. Employees: The home occupation shall be conducted by family members residing on the premises with no assistance from other individuals or groups.

3. Sales, Repairs And Leasing:

a. Sales: The commercial exchange of tangible goods or other items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation. Members of the general public shall not include persons in the home by prior individualized invitation.

b. Repairs: The repair of items may occur only when the delivery and pick up of the item is conducted by the proprietor of the home occupation.

c. Leasing: The exchange of items in a lease agreement between the proprietor of the home occupation or an assistant and a customer shall not occur on the premises of a home occupation.

4. Traffic And Parking: No parking in the public right of way shall occur as a result of the home occupation except for occasional meetings. If parking for a home occupation occurs in a manner of frequency causing disturbance to the normal traffic flow for the neighborhood, the occupation shall be considered a business best handled in a commercial district rather than as a home occupation.

5. Changes To Exterior: The appearance of a dwelling as a residence shall not be altered to the extent that attention is drawn to the structure as a commercial or business operation. Alterations of building material, size or color, lighting fixtures or intensity, parking area or any other exterior change should not cause the structure to lose its residential character nor should it detract from the residential character of the neighborhood.

6. Nuisance Controls: A home occupation shall not create excessive noise, dust or dirt, heat, smoke, odors, vibration and glare or bright lighting which would be over and above that created by a single-family

residential dwelling. The production, dumping or storage of combustible or toxic substances shall not be permitted on site. Additionally, a home occupation shall not create interference or fluctuations of radio or television reception.

7. Visitation: A home occupation may attract patrons, students or any business related individuals only between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) P.M. At any time during the day or evening, the parking standards in this subsection shall apply to the activity generated by the home occupation, excluding family daycare homes. A home occupation shall not generate more than six (6) arrivals and six (6) departures per day by vehicles. Family daycare operations shall not generate more than twelve (12) arrivals and twelve (12) departures per day by vehicles. These standards shall not be construed so as to prohibit occasional group gatherings, recitals or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified in this subsection C7.

8. Signage: Signage or other forms of advertising pertaining to the home occupation may be placed or painted onto the exterior of the residence or in the yard of a residence. These signs may not exceed two (2) square feet in area. (Ord., 11-25-1996)

9-6-3: **LIGHTING CONTROLS:** Any light used for the illumination of signs, parking areas, swimming pools or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists. (See section 9-13-2-4 of this ordinance.) (Ord., 11-25-1996)

9-6-4: **SWIMMING POOLS:**

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this section. However, these regulations shall not be applicable to any such pool less than twenty four inches (24") deep or having a surface area less than two hundred fifty (250) square feet except when such pools are permanently equipped with a water recirculating system.
- B. A wall of a private swimming pool shall not be located less than ten feet (10') from any rear or side property line, or ten feet (10') from a side lot line abutting a street, or ten feet (10') from any principal structure. A swimming pool shall not be located in any front yard.

- C. An eighteen foot (18') electrical wire clearance must be maintained from the nearest point of the pool to the power line. All wiring around pools must conform and be maintained to meet all present electrical codes of this municipality. (Ord., 11-25-1996)

9-6-5: **CAR LOTS:** Before a certificate of zoning compliance shall be granted for a car lot in any district, the following requirements must be met:

- A. The applicant shall demonstrate that the proposed use is economically compatible with existing uses.
- B. The applicant shall demonstrate that the proposed use will not injure surrounding property values.
- C. The applicant shall demonstrate that the proposed use will direct lighting sources away from surrounding properties.
- D. The applicant shall demonstrate that the proposed display area will have paved surface.

In the event that a car lot is proposed to be established on a previously improved zoning lot where no certificate of zoning compliance would be required, the requirements of this section must be met prior to the issuance of any occupancy permit for such car lot. (Ord., 11-25-1996)

9-6-6: **KENNELS:**

- A. The lot on which any kennel is situated shall have a minimum area of three (3) acres.
- B. Every kennel shall be located at least two hundred feet (200') from the nearest dwelling and at least one hundred feet (100') from any lot line. (Ord., 11-25-1996)

9-6-7: **TRAVEL TRAILERS AND RECREATIONAL VEHICLES:** The requirements of subsections A, C and D of this section do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sales lot.

- A. Not more than one travel trailer or other recreational vehicle shall be parked on any one lot.
- B. No travel trailer or other recreational vehicle shall be used as a dwelling.
- C. No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose except for approved construction offices.
- D. The parking of a travel trailer, utility trailer, or other recreational vehicle is allowed; however, the parking area must be paved with either cement, asphalt, or solidly packed gravel. (Ord. 2019-12-16(D), 12-16-2019)
- E. The parking of travel trailer, utility trailer, recreational vehicle, etc., shall comply with the yard requirements for accessory buildings of the district in which it is located.
- F. All travel trailers and recreational vehicles shall conform to and not exceed regulations for height and weight restrictions when used within village boundaries. No vehicle shall be parked or stored in a manner which inhibits or impedes travel on village throughways.
- G. Storage or parking of travel trailers and recreational vehicles must not violate any existing village fire codes.
- H. In rear yards and side yards, parking of only the following types of vehicles shall be permitted in addition to private passenger vehicles:
 - 1. Camper trailer (pop up) shall be stored in a collapsed position.
 - 2. Pop up camper, twenty four feet (24') or less in length and not to exceed five feet six inches (5'6") in height.
 - 3. Watercraft, thirty five feet (35') or less in length, but not to exceed twelve feet (12') in height, either mounted on a boat trailer or unmounted; also boat trailer without boat mounted.
 - 4. Trailers used as sales offices and/or construction offices or construction storage may remain on a construction site during the period

in which the building and/or subdivision is under construction. Upon issuance of the final occupancy permit for a single building project or the occupancy permit for the final building in a subdivision; all construction trailers must be removed. (Ord., 11-25-1996; amd. Ord. 2019-12-16(D), 12-16-2019)

9-6-8: AUTO SERVICE STATIONS AND AUTO REPAIR:

A. Auto Service Stations:

1. All gasoline pumps and other service facilities shall be located at least twenty five feet (25') from any street right of way line, side lot line or rear lot line.
2. Every accessway shall be located at least two hundred feet (200') from the principal building of any fire station, school, public library and church and at least thirty feet (30') from the corner of the lot when the lot is at the intersection of public streets.
3. All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.
4. Whenever the use of a service station has been discontinued for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the administrator shall order that all underground storage tanks be removed or filled with material approved by the appropriate village official. (Ord., 11-25-1996; amd. 2009 Code)

B. Auto Repair Stations:

1. All body shop repairs to motor vehicles shall be conducted wholly within an enclosed building whose doors shall be kept shut tightly during all body repair or painting work. Such enclosed building shall be located at least forty feet (40') from the nearest property line, with doors not facing toward any residentially zoned or occupied lot.
2. There shall be no outside parking of motor vehicles except on a temporary basis not to exceed fourteen (14) days. Junk parts and junk vehicles shall not be kept outside the building unless in an enclosed privacy fence. This fence must meet all village fence requirements.
3. Parking shall be provided on the site at a ratio of one parking space for

each three thousand (3,000) square feet of site area. (Ord., 11-25-1996)

9-6-9: **USE OF COMMERCIAL TRUCK TRAILERS AND RAILROAD CARS FOR STORAGE:** Under no circumstances may commercial truck trailers and/or railroad cars be placed on any lot for the purpose of serving as a place for storage. (Ord., 11-25-1996)

9-6-10: **REFUSE CONTAINERS IN MULTI-FAMILY UNITS:** Multi-family residential dwellings with four (4) or more dwelling units shall place all refuse containers in visually screened areas. All multi-family units which have refuse containers which are one or more cubic yards in volume shall be in visually screened areas. (Ord., 11-25-1996)

CHAPTER 7

NONCONFORMITIES

SECTION:

- 9-7-1: Purpose Of Chapter
- 9-7-2: Nonconforming Lots
- 9-7-3: Residential Districts
- 9-7-4: Commercial And Industrial Districts
- 9-7-5: Two Or More Lots In Common Ownership
- 9-7-6: Nonconforming Structures
- 9-7-7: Nonconforming Uses Occupying A Structure
- 9-7-8: Nonconforming Uses Of Land

9-7-1: **PURPOSE OF CHAPTER:** The requirements imposed by this ordinance are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. The regulations of this chapter are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities. (Ord., 11-25-1996)

9-7-2: **NONCONFORMING LOTS:** Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may be used in the manner indicated in this ordinance if such vacant lot:

- A. Is a lot of record on the date of the adoption or amendment of this ordinance; and
- B. Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by any applicable zoning or other ordinance; and
- C. Is at least fifty feet (50') wide. (Ord., 11-25-1996)

9-7-3: **RESIDENTIAL DISTRICTS:** In any residential district, one principal building and related accessory structures, but no other use, may be erected on any vacant nonconforming lot of the type described in section 9-7-2 of this chapter, provided all other bulk and yard regulations of the particular district are observed. (Ord., 11-25-1996)

9-7-4: **COMMERCIAL AND INDUSTRIAL DISTRICTS:** In the industrial district and in any commercial district, any structure permitted in the particular district may be erected on any vacant nonconforming lot of the type described in section 9-7-2 of this chapter if all other bulk and yard requirements of that district are met. (Ord., 11-25-1996)

9-7-5: **TWO OR MORE LOTS IN COMMON OWNERSHIP:** If two (2) or more lots or combinations of lots and portions of lots with continuous frontage were in common ownership on the effective date of this ordinance, and if one or more of those lots does not meet the minimum lot width, depth and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this ordinance, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this ordinance. (Ord., 11-25-1996)

9-7-6: **NONCONFORMING STRUCTURES:** Any lawful structure which exists on the effective date of this ordinance but which could not be erected under the terms of this ordinance because of restrictions on lot size, height, setbacks or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions:

- A. Relocation: No such structure shall be relocated unless it will conform to all the regulations of the district in which it is relocated.
- B. Reconstruction: No such structure which is destroyed or damaged by any means shall be reconstructed if the administrator determines that the cost of such reconstruction exceeds fifty percent (50%) of the structure's market value at the time of loss, unless, after reconstruction, the structure will conform to all applicable regulations of the district in which it is located. In the event the administrator determines the estimated cost of reconstruction is less than fifty percent (50%) of the structure's market

value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within six (6) months from the date the damage occurred and is diligently prosecuted to completion.

The administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the administrator. (Ord., 11-25-1996)

9-7-7: NONCONFORMING USES OCCUPYING A STRUCTURE: If any lawful use occupying a structure exists on the effective date of this ordinance but would not be allowed under the terms of this ordinance, such use may lawfully continue, subject to the following provisions:

- A. Maintenance: Any structure housing a nonconforming use may be maintained through ordinary repairs.
- B. Enlargement, Alteration, Reconstruction, Relocation: No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.
- C. Extension Of Use: No nonconforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.
- D. Yard And Bulk: A building which is nonconforming with respect to yards, floor area ratio or any other element of bulk regulated by this ordinance shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.
- E. Change Of Use: A nonconforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.
- F. Discontinuance Of Use: When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued for twelve (12) consecutive months or for eighteen (18) months during any three (3) year

period, the nonconforming use shall not thereafter be resumed. (Ord., 11-25-1996)

9-7-8: **NONCONFORMING USES OF LAND:** Any lawful use of land existing on the effective date of this ordinance that would not be permitted under the terms of this ordinance may lawfully continue, subject to the following provisions:

- A. Intensification Or Extension Of Use: A nonconforming use of land shall not be intensified or extended to occupy a greater area of land than was occupied by such use on the effective date of this ordinance.
- B. Relocation: No nonconforming use of land shall be moved in whole or in part unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.
- C. Change Of Use: A nonconforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.
- D. Discontinuance: When a nonconforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not thereafter be resumed. Any subsequent use of such land shall conform to the applicable district regulations. (Ord., 11-25-1996)

CHAPTER 8

A AGRICULTURAL DISTRICT

SECTION:

- 9-8-0: District Established; Purpose
- 9-8-1: Permitted Uses
- 9-8-2: Special Uses
- 9-8-3: Building Setbacks And Yards

9-8-0: **DISTRICT ESTABLISHED; PURPOSE:** There shall be established a zoning district to be known as the A agricultural district. This district is established to protect land best suited for the production of crops, to prevent the mixture of urban and rural uses which would contribute to the premature termination of agricultural pursuits and to conform this ordinance and the regulations hereunder to such land uses as permitted in this chapter. (Ord., 11-25-1996)

9-8-1: **PERMITTED USES:** Agriculture. An area which is used specifically for the purpose of producing crops. Structures including single-family detached dwellings and land uses for the pursuit of agriculture are not subject to the regulations of this ordinance, except farm structures and uses established after the effective date of this ordinance shall conform with the applicable regulations as herein established; no livestock. (Ord., 11-25-1996)

9-8-2: **SPECIAL USES:**

Animal feed, storage, preparation, grinding and mixing, wholesale and retail.

Animal hospitals, kennels or pounds, provided no building or pen housing any animals shall be located nearer than five hundred feet (500') from any residence district, or from a dwelling other than the principal dwelling on the site.

Cemeteries, including crematories and mausoleums, provided no building shall be located less than one hundred feet (100') from side and rear property lines.

Churches, temples or synagogues, including rectories, parsonages, parish houses and other accessory uses required for operation.

Commercial, agricultural implement and machinery sales, service and repairs.

Forestry. An area which is used specifically for the purpose of producing trees, Christmas trees and other wood and wood derived products.

Golf courses and commercially operated driving ranges or miniature golf courses.

Greenhouses, wholesale and retail, including nursery.

Ponds or other impoundments for the purpose of the production of fish, provided no such impoundment shall be located less than three hundred feet (300') from property lines.

Roadside stands for the sale of only produce and poultry which has been grown on the same property on which the roadside stand is located are a special use. Each roadside stand shall have facilities approved by the zoning administrator for vehicular ingress and egress, and adequate off street parking.

Servicing and repair of farm machinery when accessory to the use of premises for agriculture, as defined in this ordinance.

Wildlife, fisheries and natural resource conservation. An area which is developed and managed specifically for the natural propagation and growth of native species of terrestrial and aquatic vertebrate life (fish, amphibians, reptiles, birds, mammals) in order to enhance the natural resources of the community. (Ord., 11-25-1996)

9-8-3: **BUILDING SETBACKS AND YARDS:** Every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:

- A. Building Setback: Fifty feet (50') from the property line or eighty feet (80') from the centerline of the right of way, whichever is greater.
- B. Side Yards: Each building hereafter erected or remodeled shall have a side yard on each side of each building of not less than forty feet (40').

C. Rear Yards: Same as side yards. (Ord., 11-25-1996)

CHAPTER 9

RESIDENTIAL DISTRICTS

SECTION:

9-9-1:	R-1 Single-Family Residence District
9-9-1-1:	Use Restrictions
9-9-1-2:	Lot And Building Requirements
9-9-1-3:	Permitted Uses
9-9-1-4:	Special Uses
9-9-2:	R-2 Multiple-Family Residence District
9-9-2-1:	Use Restrictions
9-9-2-2:	Lot And Building Requirements
9-9-2-3:	Permitted Uses
9-9-2-4:	Special Uses
9-9-2-5:	Standards for Anti-Monotony

9-9-1: **R-1 SINGLE-FAMILY RESIDENCE DISTRICT:** It is the purpose of the R-1 single-family residence district to establish regulations for an area of single-family residential lots and those public and semipublic uses normally considered an integral part of a residential neighborhood. (Ord., 11-25-1996)

9-9-1-1: **USE RESTRICTIONS:**

- A. Building Allowance: In the R-1 single-family residence district, only one principal building shall be erected on any one lot.
- B. Accessory Buildings:
 - 1. Height: No accessory building shall exceed fifteen feet six inches (15'6") in height.
 - 2. Location: No part of an accessory building shall be located within the required side yard or front yard. No part of an accessory building shall be located closer than five feet (5') to the rear lot line. No detached accessory building shall be closer than ten feet (10') to the principal building.

3. Time Of Construction: No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

4. Use Of Accessory Building: Use of any accessory structure as a dwelling is strictly prohibited.

5. Yard Coverage: Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

6. Satellite Receiving Dishes: Satellite receiving dishes are allowable as an accessory use, provided they comply with all accessory building requirements. (Ord., 11-25-1996)

9-9-1-2: LOT AND BUILDING REQUIREMENTS:

- A. Minimum Lot Area: Fifteen thousand (15,000) square feet with public sewer and water; forty thousand (40,000) square feet without public sewer and water.
- B. Minimum Lot Width: One hundred feet (100') at the building line.
- C. Minimum Setbacks:
 - 1. Front yard: Thirty feet (30').
 - 2. Corner side yard: Thirty feet (30').
 - 3. Side yards: Ten percent (10%) of lot width at the building line.
 - 4. Rear yard: Thirty feet (30').
- D. Maximum Structure Height: Thirty feet (30').
- E. Maximum Lot Coverage: Thirty percent (30%). Accessory buildings are included in this thirty percent (30%). (Ord., 11-25-1996)

9-9-1-3: PERMITTED USES:

Home agricultural uses as an accessory use including gardens but not to include livestock or sale of products on premises.

Home occupations.

Parks and recreational areas when owned by the village.

Public schools, elementary, high, junior college or university, including playgrounds and athletic fields auxiliary thereto.

Single-family detached dwellings. (Ord., 11-25-1996)

9-9-1-4: SPECIAL USES:

Bed and breakfast establishments (Ord. 2020-01-27(C), 01-27-2020)

Cemeteries.

Churches, chapels, temples, synagogues.

Conversion of a single-family dwelling into a two-family dwelling which meets the following requirements:

- A. When divided, each dwelling unit will have a minimum of six hundred (600) square feet in floor area measured from the outside, including utility rooms but excluding all other areas not used for living or sleeping purposes.
- B. Must have or agree to provide on-site a paved parking area, not in a required yard, providing two (2) parking spaces for each dwelling unit, with the exception of one car per driveway.
- C. Must meet all other building and yard requirements for the R-1 district.

Funeral establishments.

Golf courses, including accessory uses such as driving ranges, bars, restaurants, and meeting and banquet rooms. This does not include miniature golf courses, pitch and putt and non-golf course golf driving range.

Government buildings and structures.

Hospitals, nursing homes and medical clinics.

Offices for professionals, such as physicians, dentists, attorneys at law, architects, engineers, musicians, artists, teachers, accountants, photographers, real estate agents, insurance agents, public stenographers, brokers, business consultants and other professional offices, but not beauty shops and barbershops, as determined by the plan commission if they meet the following criteria:

- A. Must provide paved parking area which is approved by the village board; and
- B. There shall be no parking in the required front yard; and
- C. Signage must be approved by the village board.

Public library/museum.

Public utilities and utility substations.

Small community residences, provided:

- A. They are located not less than one thousand three hundred feet (1,300') from another small community residence.
- B. Prior to occupancy, a certificate of zoning compliance is applied for and received.

Two-family residence dwellings which are new construction and which meet the following requirements:

- A. Lot must be fifteen thousand (15,000) square feet in area and if on well and/or septic system, forty thousand (40,000) square feet in area.
- B. Must provide paved parking areas which provide two (2) parking spaces for each unit (garage or carport can be included in required spaces).
- C. Must meet all other building and yard requirements for the district. (Ord., 11-25-1996)

9-9-2: **R-2 MULTIPLE-FAMILY RESIDENCE DISTRICT:** It is the purpose of the R-2 multiple-family residence district to encourage the creation and maintenance of a stable and enduring multiple residence environment. To do this, limitations are imposed on the use, character and density or development of land so as to take advantage of, or to avoid conflict with, natural topography, existing development, arrangement and location of existing or planned community facilities and the social needs of the village. (Ord., 11-25-1996)

9-9-2-1: **USE RESTRICTIONS:**

- A. Building Allowance: Only one principal building shall be built on one zoning lot.
- B. Accessory Uses:
 - 1. Height: No accessory use shall be higher than fifteen feet six inches (15'6").
 - 2. Setbacks: No accessory use shall be located within the front yard area. No part of an accessory building shall be located in any part of the side yard.
 - 3. Yard Coverage: Accessory uses shall not cover more than thirty percent (30%) of the rear yard.
 - 4. Use As Dwelling: Use of any accessory structure as a dwelling is strictly prohibited.
 - 5. Satellite Receiving Dishes: Satellite receiving dishes are allowable as an accessory use, provided they comply with all accessory building requirements. (Ord., 11-25-1996)

9-9-2-2: **LOT AND BUILDING REQUIREMENTS:**

- A. Lot Size: Every detached dwelling hereafter erected shall be located on a lot having the following minimum area requirements:
 - 1. Single-family dwelling: Fifteen thousand (15,000) square feet with public sewer and water; forty thousand (40,000) square feet without public sewer and water.

2. Two-family dwelling: Fifteen thousand (15,000) square feet; dwelling must be connected to public sewer and water.
 3. Multi-family dwelling: Five thousand (5,000) square feet (per dwelling unit); dwelling must be connected to public sewer and water.
- B. Yard Areas: No building shall be erected or enlarged unless the following yards are provided and maintained:
1. Front Yard: On every zoning lot, a front yard shall be provided of not less than twenty five feet (25') in depth. For buildings exceeding twenty five feet (25') in height, the minimum front yard shall be increased by one foot (1') for each two feet (2') or fraction thereof by which the building height exceeds twenty five feet (25').
 2. Interior Side Yard:
 - a. For single-family, two-family and multiple-family dwelling units, the side yard on each side of the main building shall be a minimum of ten feet (10') in width, plus an additional two feet (2') in width for each additional story above two (2) stories in height. On corner lots, there shall be maintained a side yard of not less than fifteen feet (15') on the side adjacent to the street.
 - b. On a lot improved with a nonresidential building, there shall be a side yard of not less than twelve feet (12') on each side of the main building and a combined total of side yards of not less than thirty feet (30').
 3. Rear Yard: On every zoning lot, a rear yard shall be provided of not less than thirty feet (30') in depth.
 4. Corner Side Yard: Same as the front yard.
- C. Lot Coverage: Not more than sixty percent (60%) of the area of a lot may be covered by the building and structure including accessory buildings.
- D. Height Limitations: Maximum height of seventy five feet (75').
- E. Minimum Lot Width: Minimum lot width is seventy five feet (75'). (Ord., 11-25-1996)

9-9-2-3: PERMITTED USES:

Any use permitted in the R-1 district (section 9-9-1-3 of this chapter).

Apartments.

Condominiums.

Multiple-family dwellings.

Parks and recreational areas when publicly owned and operated.

Two-family dwellings. (Ord., 11-25-1996)

9-9-2-4: SPECIAL USES:

Any special use in the R-1 district (section 9-9-1-4 of this chapter).

Barbershops.

Beauty shops.

Bed and breakfast establishments. (Ord. 2020-01-27(C), 01-27-2020)

Clinics, hospitals, nursing homes, and medical centers which are licensed and/or registered.

Gift and craft shops, if along a state route.

Hotels and motels, if along a state route.

Large community residences, subject to the following conditions:

- A. No such residence shall be located less than six hundred feet (600') from a small or large community residence; provided, however, that this spacing requirement may be waived by the village board if they find that the cumulative effect of such use would not alter the residential character of the neighborhood setting and, by its operation, would not create an adverse effect on surrounding properties.
- B. Prior to admitting residents, the operator of such residence shall demonstrate that the dwelling will comply with all applicable licensing and code standards.

- C. Applicant shall submit a statement of the exact nature of the residence, the qualifications of the agency that will operate the residence, the number and type of personnel who will be employed, and the number and nature of the residents who will live in the residence.
- D. The residence shall, as close as possible, conform to the type and outward appearances of the residences in the area in which it is located.
- E. Prior to occupancy, a certificate of zoning compliance is applied for and received.

Mobile home park with permanent accommodations for mobile homes; provided, that an application for special use permit shall be made in writing to the village clerk and shall contain the name of the applicant, the location of the proposed park and the number of mobile homes to be accommodated.

- A. Attendant: Each mobile home park shall be in the charge of a responsible attendant or caretaker at all times.
- B. Location In Park; Storage: No mobile home or house trailer will be parked or situated in the village except in an approved mobile home park; provided, that a trailer or mobile home may be temporarily placed on a lot with a single-family dwelling for a period not to exceed thirty (30) days in duration. Every mobile home park shall have direct access to a principal county, township, village or state highway or arterial street or road.
- C. Size: Mobile home parks shall comply with the following requirements:
 - 1. No permit shall be issued for the establishment of a new mobile home park unless such contains at least three (3) acres and no more than fifty (50) acres of area.
 - 2. The mobile home lot shall be at least fifty feet (50') in width. "Effective width" shall mean the distance between side lot lines, measured at the rear line of the required front yard.
 - 3. The mobile home lot size shall not be less than five thousand (5,000) square feet in area.
- D. Yards And Setbacks: The following minimum setback regulations shall apply:

1. No building, structure or mobile home shall be located closer than fifty feet (50') to any property line of the mobile home park, nor closer than seventy five feet (75') to any principal county, township, village or state highway or arterial street or roadway right of way.
 2. Mobile homes shall be set back at least fifteen feet (15') from the pavement of streets or roadways within the park.
 3. The owner of the mobile home park shall be responsible for maintaining all streets and shall cover all streets with an approved blacktop in order to prevent dust and mud from arising therefrom or being created thereon. The owner shall also be responsible for the removal of snow in order to allow the easy movement of vehicles upon the streets of the mobile home park.
 4. No part of any mobile home or any addition or appurtenance thereto shall be placed within twenty feet (20') of any other mobile home, addition or appurtenance thereto, nor within fifty feet (50') of any accessory or service building or structure.
 5. Each individual mobile home site shall abut or face on a driveway which shall have unobstructed access to a public highway or alley.
 6. There shall be an open space of at least eight feet (8') between the sides of every mobile home and at least ten feet (10') between the ends of every mobile home.
- E. Height: No building, structure or mobile home located in a mobile home park shall exceed one story or fourteen feet (14') in height, except the office/utility building, which may consist of two (2) stories or twenty eight feet (28') in height.
- F. Parking: There shall be at least two (2) off street parking spaces available to each individual mobile home lot and located within one hundred feet (100') of such lot. All parking areas must be paved.

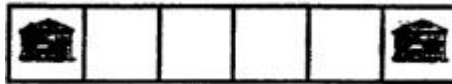
- G. Water Supply: An adequate supply of pure water for drinking and domestic purposes from the municipal water system shall be supplied to meet the requirements of the mobile home park. Each home shall have its own water line. One water meter and vault shall be installed for each mobile home as required by the village.
- H. Sanitary Facilities: Each mobile home shall have its own sanitary sewer service connected to mobile home toilets, baths or showers which shall comply with the provisions of the ordinance relating thereto. Each mobile home shall be provided with sewage facilities connecting to a village sewage treatment plant.
- I. Garbage: It shall be the duty of the owner, his agent or caretaker to provide for the collection and removal of garbage or other waste material and to otherwise maintain the park in a clean and sanitary condition.
- J. Lights: The park shall be kept properly and adequately lighted at all times so that the grounds shall be safe for occupants and visitors.
- K. Permanent Use: It shall be unlawful for any person to maintain any mobile home used for human habitation upon any plot of ground in this municipality except in a licensed mobile home park. It shall be unlawful for any person to remove the wheels or other transporting device from any mobile home or otherwise to affix said mobile home permanently to the ground so as to prevent its ready removal unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be construed as converting the mobile home into a building and subject to the requirements of this ordinance and the building ordinances. It shall be unlawful to occupy for sleeping or other residence purposes any mobile home which has been rendered immobile by the removal of wheels, placing the same on a foundation or on the ground, unless such mobile home, in construction and location, complies with the ordinances relating to the construction, wiring, plumbing, sewer facilities and regulations applicable to single-family dwellings.
- L. Exceptions: Nothing in this ordinance shall be construed to prohibit the storage of any mobile home for any length of time when said mobile home is not used for living or sleeping purposes.
- M. Improvements: Mobile home parks shall meet all public improvement requirements which are listed in the village subdivision ordinance.

Restaurants, if along a state route. (Ord., 11-25-1996; amd. 2009 Code)

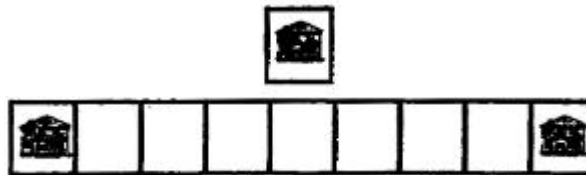
9-9-2-5: STANDARDS FOR ANTI-MONOTONY:

- A. Purpose: The purpose of this section is to preserve the aesthetically pleasing character of the village's residential districts by promoting such character, protecting and enhancing property values, and to promote the easy identification of houses, while encouraging the construction of new buildings of distinctive design and discouraging excessive similarity among adjacent buildings.
- B. Anti-Monotony Standards: The developer of single-family homes shall offer a reasonable variety of models and building elevations for each housing type so as to provide individuality to the development and prevent architectural monotony by following these guidelines:

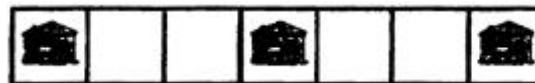
1. No home with the same model or floor plan and same elevation may be on the same side of the street unless separated by four lots.



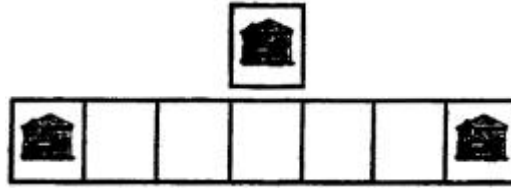
2. No home with the same model or floor plan and same elevation may be directly across the street or diagonally unless separated by three lots.



3. No home with the same model or floor plan may be on the same side of the street unless separated by two lots.



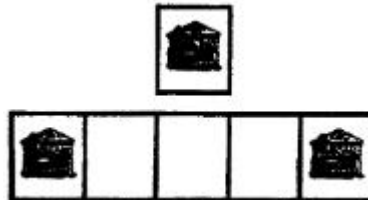
4. No home with the same model or floor plan may be directly across the street or diagonally unless separated by two lots.



5. No home with the same dominant color feature can be adjacent to another home with the same dominant color (i.e., same color siding). Homes with the same dominant color must be separated by two lots.



6. No home with the same dominant color feature can be directly across the street or diagonal from a home with the same dominant color.



7. On a cul-de-sac turnaround, no home with the same model or floor plan and/or dominant color feature may be duplicated on the turnaround. (Ord., 09-22-2014)

CHAPTER 10

COMMERCIAL DISTRICTS

SECTION:

9-10-1:	C-1 Central Business District
9-10-1-1:	Use Restrictions
9-10-1-2:	Lot And Building Requirements
9-10-1-3:	Permitted Uses
9-10-1-4:	Special Uses
9-10-2:	C-2 Service Retail District
9-10-2-1:	Use Restrictions
9-10-2-2:	Lot And Building Requirements
9-10-2-3:	Permitted Uses
9-10-2-4:	Special Uses

9-10-1: **C-1 CENTRAL BUSINESS DISTRICT:** The purpose of the C-1 central business district is to provide a wide range of retail and service facilities which are fully compatible in a pedestrian oriented area which is geographically the central core of the village. (Ord., 11-25-1996)

9-10-1-1: **USE RESTRICTIONS:**

- A. Retail/Office Only: All establishments located in the C-1 district shall deal directly with patrons.
- B. Enclosed Activities: All activities must be located in an enclosed building (except as indicated in subsection C of this section).
- C. Processing Incidental: Any processing or treatment of goods on any premises must be clearly incidental to the retail business conducted on such premises.
- D. Drive-In Uses: In the C-1 district, a special use permit is required to establish any business that will offer goods or services directly to customers waiting in parked motor vehicles.

- E. Parking: See chapter 13 of this ordinance.
- F. Signs: See chapter 12 of this ordinance.
- G. Location Of Dwelling Units And Lodging Rooms: Dwelling units and lodging rooms are not permitted below the second floor except with a special use permit. This does not apply to hotels and motels.
- H. Number Of Buildings Per Lot: Only one principal building may be erected on any one lot.
- I. Accessory Buildings: Accessory buildings are permitted only in the rear yard. (Ord., 11-25-1996)

9-10-1-2: **LOT AND BUILDING REQUIREMENTS:** Every building erected in the C-1 central business district shall conform to the requirements indicated below:

- A. Minimum Lot Area: None.
- B. Minimum Lot Width: Twenty feet (20') at the established building line.
- C. Minimum Lot Depth: None.
- D. Minimum Setback: Generally none required except as necessary to achieve compliance with applicable off street parking and loading requirements.
- E. Maximum Floor Area Ratio: None.
- F. Maximum Percentage Of Lot Building Coverage: None.
- G. Height Requirements: Maximum height of three (3) stories or thirty six feet (36'). (Ord., 11-25-1996)

9-10-1-3: **PERMITTED USES:** Provided all the use restrictions of the C-1 district are observed, the following uses are permitted:

Auditoriums, meeting rooms and other places of assembly

Business and professional offices: medical and dental offices and clinics, law offices, insurance and real estate offices, banks, and finance and utility companies.

Clubs and lodges.

Food, drug and beverage: grocery stores, supermarkets, meat markets, drugstores and bakeries in conjunction with retail sales, restaurants, tearooms, including light food processing, frozen food lockers and dairies.

Funeral establishments.

Libraries and museums.

Major retail outlets: furniture, department, clothing, shoe and variety stores; hardware, appliance, paint and wallpaper stores.

Residential units on any floor above the first floor of a mixed use building.

Schools, music studios, dance studios.

Service and recreation: laundromat, dry cleaning and laundry pick up stations; barbershops and beauty shops; shoe repair and tailor shops; mortuaries; printing shops; and taverns.

Specialty shops: gift shops; magazine, book and stationery outlets; florist shops; camera and photography shops; and sporting goods. (Ord., 11-25-1996; amd. Ord. 2006-1-23, 1-23-2006)

9-10-1-4: **SPECIAL USES:** Provided all the use restrictions of the C-1 district are observed, the following uses may be allowed by special use permit:

Any use such as drive-in restaurants, drive-in banks, and automobile service stations that offer goods or services directly to customers waiting in parked vehicles or that sell food or beverages for consumption in parked motor vehicles on the premises.

Any use that involves outside retail or service activity.

Auto repair station.

Auto service station.

Automotive and related uses: new and used automobile sales (service and repair as an accessory use), motorcycle and bicycle shops, cab and bus stands and depots, and leasing of motor vehicles.

Dwelling units, if located below the second story, except in hotels and motels.

Public facilities.

Recreational facilities (public and private).

Utility stations. (Ord., 11-25-1996)

9-10-2: **C-2 SERVICE RETAIL DISTRICT:** The C-2 service retail district is intended to accommodate and regulate commercial development outside of the central business district (C-1). These activities typically require direct access to major streets and large lots for off street parking and loading. (Ord., 11-25-1996)

9-10-2-1: **USE RESTRICTIONS:**

- A. Uses: The uses shall deal directly with consumers.
- B. Unenclosed Activities: In the C-2 district, outside display of inventory is permitted in an area not to exceed twenty five percent (25%) of the indoor floor space under the following conditions:
 - 1. It is on private property.
 - 2. The area is not designated as parking or required open space. Any outside activity in excess of twenty five percent (25%) of the total enclosed area requires a special use permit.
- C. Refuse Containers: All refuse generated by facilities located within the C-2 district shall be stored in covered containers placed in visually screened areas. This applies only to businesses established after adoption of this ordinance.
- D. Screening: Along the side and rear lot lines of any lot abutting any

residential district, screening (a wall, solid fence or closely planted shrubbery) at least six feet (6') high and of sufficient density to completely block the view from the adjacent residential property shall be installed.

- E. Accessory Buildings: Accessory buildings must meet yard setback requirements.
- F. Number Of Buildings Per Lot: There shall be only one building per zoning lot. (Ord., 11-25-1996)

9-10-2-2: **LOT AND BUILDING REQUIREMENTS:** Every principal building erected in the C-2 district shall conform to the requirements indicated below:

- A. Minimum Lot Size: Ten thousand (10,000) square feet with public sewer and water; forty thousand (40,000) square feet without public sewer and water.
- B. Minimum Lot Width: Seventy five feet (75') at the established building line.
- C. Minimum Setbacks:
 - 1. Front yard: Fifty feet (50').
 - 2. Corner side yard: Fifty feet (50').
 - 3. Side yards: Twenty five feet (25').
 - 4. Rear yard: Twenty five feet (25').
- D. Maximum Floor Area Ratio: One square foot of floor space for each one square foot of lot area.
- E. Maximum Percentage Of Lot Coverage: Fifty percent (50%).
- F. General Building Setbacks: In addition to any other building setback or yard requirement contained herein, every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirement: Primary thoroughfare designated by a state of Illinois or federal highway number: Seventy five feet (75') from the property line. (Ord., 11-25-1996)

9-10-2-3: **PERMITTED USES:** Provided all the use restrictions of the C-2 district are observed, the following uses are permitted:

Any use permitted in the C-1 district (section 9-10-1-3 of this chapter).

Auto sales, new, used and rental (including accessory service and repair).

Banks, savings and loans.

Blueprinting and photostating.

Bowling alleys.

Churches.

Drive-in facilities.

Hotels and motels.

Mass transit facilities.

Offices.

Printing and publishing (under 5,000 square feet in area).

Restaurants/saloons.

Retail establishments.

Service establishments.

Single-family detached residences.

Theaters (indoors).

Wholesale, when used in connection with retail. (Ord., 11-25-1996; amd. Ord. 2006-1-23, 1-23-2006; amd. 2009 Code)

9-10-2-4: SPECIAL USES:

Any use that is conducted in a building may also engage in a similar outside activity if the outside area devoted to the activity does not exceed in area a space not greater than twenty five percent (25%) of the area of the enclosed building.

Automobile repair and service.

Automobile service station.

Bed and breakfast establishments. (Ord. 2020-01-27(C), 01-27-2020)

Car wash.

Dwelling units, if located below the second story of a mixed use building, are prohibited without a special use permit, except in hotels and motels.

Heating, air conditioning, electrical, plumbing, general contracting, retail and wholesale.

Printing and publishing (over 5,000 square feet in area).

Public facilities.

Radio and television broadcasting.

Recreational facilities (public and private).

Utility stations. (Ord., 11-25-1996; amd. Ord. 2006-1-23, 1-23-2006; 2009 Code)

CHAPTER 11

MIXED USE DISTRICT

SECTION:

- 9-11-1: Purpose; Intent
- 9-11-1-1: Planned Unit Development
- 9-11-1-2: Use Restrictions
- 9-11-1-3: Lot and Building Requirements
- 9-11-1-4: Permitted Uses

9-11-1: **PURPOSE; INTENT:** The purpose of this zoning classification is to accommodate compatible residential and commercial uses on larger tracts of land and to maximize opportunities for orderly economic development. Typical Mixed Use designs include a core of community facilities (schools, day care centers, post offices, churches) and small retail establishments (corner markets, dry cleaners) adjacent to, or surrounded by, a variety of housing types including single-family detached homes, townhouses, apartment buildings and duplexes. Public or open space to promote public gathering is encouraged. The Mixed Use Districts are intended to facilitate the development and redevelopment of areas suited to a combination of these compatible commercial and residential uses.

9-11-1-1: **PLANNED DEVELOPMENT:** All mixed use developments shall be planned unit developments and shall comply with the general provisions for planned unit developments set forth in Chapter 12 of this Code.

9-11-1-2: **USE RESTRICTIONS:**

- A. Maximum Commercial Use: Commercial uses shall not be greater in area than forty (40) percent of the planned mixed use development.
- B. Minimum Requirements to Comply with Code: All other minimum requirements pertaining to commercial and residential uses established in the mixed use development shall be subject to the requirements for each individual classification as established elsewhere in this Code.
- C. The locations within the village where mixed use developments may be considered is on either side of Comanche Avenue from the eastern most boundary of the village to the western most part boundary of the village only.

9-11-1-3: **LOT AND BUILDING REQUIREMENTS:**

- A. Minimum Lot Area: All Mixed-Use developments shall be two (2) acres or more in area.
- B. Maximum Structure Height: No building shall be erected or enlarged to exceed a height of two and one-half stories, nor shall it exceed thirty-five (35) feet.

9-11-1-4: PERMITTED USES:**A. Commercial:**

1. Antique Shops
2. Bakery Shops
3. Beauty Shops
4. Bed and Breakfast Homes
5. Candy Stores
6. Custom Dressmaking or Millinery Shops
7. Drug Stores
8. Dry Cleaners
9. Florist Shops
10. Gift Shops
11. Ice Cream Shops
12. Laundries, Automatic
13. Offices, Professional, including medical clinics
14. Convenience Store, with or without gas pumps
15. Tailor Shops
16. Car Washes

B. Residential:

1. Single Family detached homes
2. Two-Family dwellings
3. Single-Family attached homes
4. Two-Family Dwellings
5. Multiple-Family Dwellings and Apartments (Ord., 09-22-2014)

CHAPTER 12

PLANNED UNIT DEVELOPMENTS

SECTION:

- 9-12-1: Purpose; Intent
- 9-12-1-1: Regulations Governing Planned Developments
- 9-12-1-2: General Standards and Criteria
- 9-12-1-3: Application Procedures

9-12-1: **PURPOSE; INTENT:** The purpose of the planned unit development provisions which follow is to promote efficient land patterns which provide site amenities, secure large parcels of permanent open space, characteristic of village's existing semi-rural environment, and to preserve, to the greatest extent possible, the historic resources and natural landscape features and amenities of a development site and to utilize such features in a harmonious fashion in the development. The planned unit development provisions are intended to encourage and accommodate for more creative and imaginative design for land development than would otherwise be possible under the strict application of the village's conventional Zoning Ordinance.

Implementation of this article will result in efficient land patterns and, therefore, more economical land development, that:

- A. Fosters high quality development by allowing flexibility in land use and design standards, thereby encouraging innovative site planning;
- B. Promotes more efficient land patterns, which not only preserve open space and natural resources, but also provide for more economical networks of utilities, streets, and other facilities;
- C. Promotes diverse, high quality, residential environments, which include a mixture of dwelling unit types;

- D. Promotes a land use pattern with a mixture of residential and non-residential uses that will mutually support each other;
- E. Provides for the permanent preservation of open space for the continued use and enjoyment of residents of the village;
- F. Provides usable and suitably located public and private recreational facilities;
- G. Encourages developers to provide amenities that enhance the quality of life, both within the planned unit development, as well as within the community as a whole;
- H. Encourages a land use pattern which promotes the public health, safety, comfort, morals, and welfare;
- I. Allows more than one building per zoning lot, when determined to be of benefit to the residents of a proposed subdivision; and
- J. Allows the creation of a mixed use residential and commercial planned unit development, pursuant to criteria set forth in this article.

9-12-1-1: REGULATIONS GOVERNING PLANNED DEVELOPMENTS:

- A. Except as modified by and approved in the ordinance approving a final development plan, a planned development shall be governed by the regulations of the district or districts in which the said planned development is located.
- B. The ordinance approving the final development plan for the planned development may provide for such exceptions from the district regulations governing use, density, area, bulk, parking and signs, and the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this chapter. No modifications of district requirements may be allowed when such proposed modification would result in:
 - 1. Inconvenient or unsafe access to the planned development;

2. Traffic congestion in the streets which adjoin the planned development;
 3. An undue or disproportionate burden on public parks, recreational areas, fire and police protection, schools, and other public facilities which serve or are proposed to serve the planned development;
 4. A development which will be incompatible with the purpose of this title and the goals and objectives of the village comprehensive plan;
 5. Alteration, destruction, or diminution of natural landscape features such as floodplains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes; and
 6. Alteration or destruction of archeological and historic features.
- C. The planning commission may recommend to the village board and the village board may grant a planned unit development which modifies the applicable district zoning regulations and subdivision regulations upon a written finding by the planning commission that the planned development meets the applicable objectives and standards and criteria contained in this chapter. Such written finding shall set out the reasons supporting each finding and shall support each of the following standards and the applicable provisions of this chapter.

9-12-1-2: **GENERAL STANDARDS AND CRITERIA:** No planned development shall be authorized by the village board unless the planning commission shall find evidence establishing that:

- A. The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the Shabbona comprehensive plan.
- B. The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant.
- C. The entire tract or parcel of land to be occupied by the proposed development shall be held in a single ownership, or if there are two (2) or more owners, the application for such proposed

development shall be filed jointly by all such owners.

- D. The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the village. Such covenants, easements and other provisions, when part of the approved final development, may be modified, removed or released only with the consent of the village board after a public hearing before, and recommendation by, the planning commission as provided in this chapter.
- E. Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond design capacity.
- F. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or access ways is landscaped or otherwise improved.
- G. The project area is adaptable to unified development and shall have within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness. There is no minimum project area for planned development.
- H. The uses permitted in the development are necessary or desirable, and the need for such uses is clearly demonstrated by the applicant.
- I. The dominant land use of the proposed planned development is consistent with the recommendations of the village comprehensive plan for the area containing the project.
- J. Any modifications of the standards and specifications of this chapter or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the public general welfare.

- K. All proposed streets and driveways are adequate to serve the residents, occupants, visitors, or other anticipated traffic of the planned development. Entrance points or locations of streets and driveways upon previously existing public roadways shall be subject to the approval of the village and, if applicable, Shabbona Township, the DeKalb County Highway Department, and the Illinois Department of Transportation. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, the village board may require, as a condition of approval of a proposed planned development, such devices to be provided at the developer's cost.
- L. Off street parking is conveniently accessible to all dwelling units and other uses in the planned development. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are to be screened through ample use of trees, shrubs, hedges, land forms, and walls.
- M. A pedestrian circulation network is provided.
- N. The planned development provides for underground installation of all utilities (including electricity and telecommunications) in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping, and treatment of turf to handle storm water, prevent erosion, and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the village as set forth in this title.
- O. The proposed planned development satisfies the applicable objectives as provided in this chapter.
- P. Existing ponds, creeks, rivers, lakes, wetlands, or fens on or adjacent to the planned development are enhanced or protected from development.
- Q. The planned development provides for the connection of all local streets, alleys (where applicable), bike paths, and walking trails with existing or planned streets, alleys, bike paths, and walking trails.

9-12-1-3: APPLICATION PROCEDURES:

- A. General Requirements: All planned developments shall be processed and reviewed in four (4) steps, subject to subsection F of this section, leading to approval for recording and construction: pre-application conference, concept development plan, preliminary development plan, and final development plan. Prior to beginning the planned development review process, the applicant is encouraged to obtain from the village a copy of this title, building regulations contained in Titles 8 and 9 of this Code, and application forms. Applications shall be made on forms supplied by the village and shall be made in accordance with the provisions of Chapter 4 of this Code, except as specifically provided herein to the contrary.
- B. Pre-application Conference: Before submitting an application for planned development, the applicant shall confer with the village administrator to informally discuss the proposed planned development to obtain information and guidance before entering into binding commitments or incurring substantial expense.
- C. Concept Plan:
 - 1. Submission; Information Required: An applicant shall submit a concept plan in accordance with the provisions of this title to the village for tentative review and approval prior to incurring the expenses associated with formal site plan submission in order to discover whether the village will accept, or under what circumstances the village will accept, a planned development of the type proposed at the site. The following items shall be required:
 - a. Maps which are part of the concept plan may be in general form and shall contain the proposed land uses, the natural features of the site, the character and approximate density of dwellings, and the approximate location of proposed thoroughfares and water, sewage, and drainage systems.
 - b. The written statement shall contain a general explanation of the size and character of the planned development, including a statement of the present ownership of all the land within the planned development and expected schedule of construction.
 - 2. Planning Commission Review: The planning commission shall review the concept plan within sixty (60) days after receipt of such plan, and

shall prepare a written report containing its recommendations to the village board and the applicant. Approval of the concept plan does not guarantee approval of the preliminary development plan.

3. Board of Trustees Action: The village board shall accept or reject the planning commission recommendation within thirty (30) days following the date of action by the planning commission.

D. Preliminary Development Plan:

1. Required Information: The preliminary development plan shall contain:

a. A plot plan for each building site and planned open area, showing the approximate location of all buildings, structures, and improvements and indicating the open space around the buildings and structures.

b. A preliminary drawing indicating the architectural character of all proposed structures and improvements. The drawings need not be the result of final architectural decisions and need not be in detail.

c. A development schedule indicating:

1) The approximate date when construction of the project can be expected to begin;

2) The stages in which the project will be built and the date when construction of each stage can be expected to begin;

3) The date when the development of each of the stages will be completed;

4) The area and locations of planned open space that will be provided at each stage;

5) Proposed agreements, bylaws, provisions or covenants which govern the use, maintenance, and continued protection of the planned development and any of its planned open space or other facilities;

6) A list of all departures from the district regulations and

the subdivision design standards that will be necessary for the proposed planned development;

7) A statement by the applicant demonstrating how the planned development conforms with the purpose and the standards and criteria of this chapter; and

8) If the planning commission finds that the planned development requires further in depth review, the following information may be required:

A. A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the development to and from existing village thoroughfares.

B. A comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.

2. Planning Commission Review: The planning commission shall review the preliminary development plan and shall recommend whether it is in substantial compliance with the concept plan and whether it complies with all other standards in this title which were not considered when the concept was approved.

3. Hearing: Upon completion of the staff review, the planning commission shall, within ninety (90) days of receiving a preliminary development plan, complete in all respects, hold a public hearing after due public notice and recommend to the village board the approval or denial of the proposed planned development. If the recommendation is to disapprove, the report shall set forth the findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:

a. In what respects the proposed plan is or is not consistent with the stated purpose of the planned development regulations.

b. The extent to which the proposed planned development departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, use and the reasons why such departures

are or are not in the public interest.

c. The extent to which the proposed planned development meets the requirements and standards set forth in this chapter.

d. The physical design of the proposed planned development and the manner in which said design does or does not provide for adequate control over vehicular traffic, provide for and protect designated planned open space and schools, and further the amenities of light and air, recreation, and visual enjoyment.

e. The planned development's conformity with the recommendations of the Shabbona comprehensive plan, particularly the community design principles.

4. Board of Trustees Action: Within ninety (90) days of the planning commission recommendation, the village board shall approve with modifications or disapprove the preliminary development plan.

5. Limitations on Approval: No plats shall be recorded and no building permits issued until a final development plan has been approved by the village board.

E. Final Development Plan:

1. Time for Filing; Required Information: Within one year following the approval of the preliminary development plan, the applicant shall file with the village a final development plan for the first phase of development, containing in final form the information required in the preliminary plan. The final development plan shall also include:

a. A final land use plan, suitable for recording with the DeKalb County recorder of deeds. The purpose of the final development plan is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open area and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.

b. If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a subdivision plat.

- c. An accurate legal description of each separate unsubdivided use area, including planned open space.
- d. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designated.
- e. Final agreements, bylaws, provisions or covenants which govern the use, maintenance, and continued protection of the planned development and any of its planned open space or other facilities conveyed to a homeowners' association or similar organization.
- f. Final development and construction schedule.
- g. Final architectural elevations for all structures and amenities, such as fences and walls, street furniture, and the like.

2. Approval Procedure: The final development plan shall be approved as follows:

- a. The planning commission shall, within ninety (90) days of receiving a final development plan application, recommend approval if it is in substantial compliance with the preliminary development plan. The planning commission shall certify to the village board that the final development plan is in substantial conformity with the previously filed preliminary development plan and meets all the requirements for a final development plan.
- b. If the planning commission finds that the final development plan does not substantially conform to the preliminary development plan or that it does not meet the requirements for a final development plan, it shall so notify the applicant and the village board in writing within ninety (90) days of receipt of a completed final development plan.
- c. The village board shall approve the final development plan if it is in substantial conformance with the preliminary development plan and meets all the requirements for a final development plan. It shall pass an appropriate ordinance granting the PUD classification.

F. Combined Preliminary And Final Development Plan: The village may

consider a combined application for preliminary and final development plan approval. In such instance, the final development plan shall include all of the information required of a preliminary development plan and a final development plan. (Ord., 09-22-2014)

CHAPTER 13

I INDUSTRIAL DISTRICT

SECTION:

- 9-13-1: Purpose; Intent
- 9-13-1-1: Use Restrictions
- 9-13-1-2: Lot And Building Requirements
- 9-13-1-3: Permitted Uses
- 9-13-1-4: Special Uses

9-13-1: **PURPOSE; INTENT:** The I industrial district is to provide areas within the community for manufacturing facilities, research facilities, research park, warehouses and wholesale manufacturing. It is intended that this particular district will generally provide for manufacturing of an assembly nature from finished goods, warehousing and wholesale activities. Supportive services for manufacturing are generally of warehousing and wholesale activities. Supportive services for manufacturing are generally of a nonretail or personal service character and should be encouraged to locate in this district. (Ord., 11-25-1996)

- 9-13-1-1: **USE RESTRICTIONS:** All permitted uses are subject to the following conditions:
- A. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in the village code.
 - B. All business, production, servicing and processing shall take place within completely enclosed buildings. Storage may be outdoors if the storage area is completely enclosed by a solid wall or solid fence (including doors and gates) at least six feet (6') high and not exceeding eight feet (8') high. Storage shall not exceed the height of the fence. All outside storage must be on a concrete or asphalt surface.
 - C. Accessory buildings should not be located in any required yard.
 - D. Only one principal building may be erected on any one lot. (Ord., 11-25-1996)

9-13-1-2: LOT AND BUILDING REQUIREMENTS:**A. Yard Requirements:** Every building hereafter erected or enlarged shall provide and maintain the following yard setbacks:

1. Primary Thoroughfare Designated By A State Of Illinois Or Federal Highway Number: Seventy five feet (75') from the property line.

2. Front Yard: Not less than forty feet (40') in depth along every front lot line except if fronting on a state route.

3. Interior Side Yard: Not less than twenty feet (20') in depth along each interior side lot line.

4. Corner Side Yard: Not less than forty feet (40') in depth.

5. Rear Yard: Not less than twenty feet (20') in depth along each rear lot line.

6. Transitional Yards:

a. Where a side or rear lot line in an I industrial district coincides with a side or rear lot line in an adjacent residence district, a yard shall be provided along such side or rear lot line not less than one hundred feet (100') in depth and shall contain landscaping and plantings suitable to provide a year round effective twenty five percent (25%) screen.

b. Where a side or rear lot line in an I district coincides with a side or rear lot line in an adjacent business district, a yard shall be provided along such side or rear lot line not less than sixty feet (60') in depth and shall contain landscaping and planting suitable to provide a year round twenty five percent (25%) screen.

c. Where lots front on a street that constitutes the boundary line between industrial and residence districts or between industrial and business districts, all such industrial lots shall provide a front yard of not less than sixty feet (60') in depth.

B. Floor Area Ratio:

1. Not to exceed 0.6 for one-story buildings.

2. Not to exceed 1.0 for two-story buildings. A mezzanine is not considered a story. (Ord., 11-25-1996)

9-13-1-3: **PERMITTED USES:** Provided all the use restrictions of the I district are observed, the following uses are permitted:

Animal hospitals (with outside kennels).

Assembly, production, processing, wholesaling or warehousing or manufacturing of any commodity from semi-finished (other than raw) materials, provided explosives, flammable materials, nuclear materials or livestock are not involved.

Auto repair and service.

Building materials sales with outside storage.

Equipment sales and service.

Greenhouses with outside storage.

Local cartage and express facilities, provided explosives, flammable materials, nuclear materials or livestock are not involved.

Printing and publishing.

Public transportation facilities including shelters, terminals, parking areas and service buildings.

Public utility.

Railroad right of way.

Research and development facilities or parks, provided explosives, flammable materials, nuclear materials or livestock are not involved. (Ord., 11-25-1996)

9-13-1-4: **SPECIAL USES:** Provided all the restrictions of the I district are observed, the following special uses are permitted:

Adult-Use Cannabis Establishment. (Ord. 2020-01-27(A), 01-27-2020)

Adult Entertainment Establishment. (Ord. 2019-01-28(A), 01-28-2019)

Agricultural uses and businesses.

Asphalt and concrete plants.

Bulk fuel sales and storage.

Contractor's office with outside storage.

Dwelling units for watchmen's quarters. (Ord., 11-25-1996; amd. Ord., 2019-01-28(A))

CHAPTER 14

SIGNS

SECTION:

- 9-14-1: Purpose
- 9-14-2: General Sign Regulations
 - 9-14-2-1: Calculation Of Sign Area
 - 9-14-2-2: Sign Area Allowance
 - 9-14-2-3: Special Situations
 - 9-14-2-4: Movement Prohibited
 - 9-14-2-5: Illumination
 - 9-14-2-6: Signs Not To Be Hazardous
 - 9-14-2-7: Structural And Maintenance Requirements
- 9-14-3: Regulations Based On Type Or Location Of Signs
 - 9-14-3-1: Strictly Prohibited Signs
 - 9-14-3-2: Special Promotions
 - 9-14-3-3: Electrically Operated Signs
 - 9-14-3-4: Flush Mounted Signs
 - 9-14-3-5: Projecting Signs
 - 9-14-3-6: Signs On Awnings, Canopies Or Marquees
 - 9-14-3-7: Shopping Center Identification Signs
 - 9-14-3-8: Freestanding Signs
 - 9-14-3-9: Monument Signs
 - 9-14-3-10: Billboards
 - 9-14-3-11: Signs With Movable Letters
- 9-14-4: Administration And Enforcement
 - 9-14-4-1: Enforcement Officer, Duties
 - 9-14-4-2: Sign Permits
 - 9-14-4-3: Application

9-14-1: **PURPOSE:** This chapter establishes regulations for the control of signs and other street graphics in commercial and industrial zoning districts in order to preserve, protect and promote the public health, safety and general welfare. More specifically, this chapter is intended to assist in achieving the following objectives:

- A. To foster high quality commercial and industrial development and to enhance the economic vitality of existing businesses/industries by promoting the reasonable, orderly and effective display of street graphics.

- B. To encourage sound street graphics display practice and to mitigate the objectionable effects of competition in respect to the size and placement of street graphics.
- C. To protect pedestrians and motorists from any damage or injury that might result from the improper construction, placement or use of street graphics.
- D. To protect the public investment in streets and highways by reducing the obstructions and distractions which might cause traffic accidents.
- E. To preserve the value of private property by assuring the compatibility of street graphics with nearby land uses. (Ord., 11-25-1996)

9-14-2: GENERAL SIGN REGULATIONS:

9-14-2-1: CALCULATION OF SIGN AREA: The area of every sign shall be calculated as follows:

- A. If a sign is enclosed by a box or outline, the total area (including the background) within that outline shall be deemed the sign area.
- B. If a sign consists of individual letters, parts or symbols, the area of the one imaginary square or rectangle which would completely enclose all the letters, parts or symbols shall be deemed the sign area.
- C. In calculating sign area, only one side of any double faced sign shall be counted. (Ord., 11-25-1996)

9-14-2-2: SIGN AREA ALLOWANCE: Within the limitations and restrictions as further provided in this chapter, the total area of all signs which a particular establishment is permitted to display shall be computed according to the following formula:

One and one-half (1.5) square feet of sign per one foot (1') of linear street frontage for the first one hundred feet (100') of such frontage, plus one square foot of sign area per one foot (1') of frontage in excess of one hundred feet (100') of such frontage.

Provided, that no establishment in any zoning district shall display more than three hundred (300) square feet of signs. (Ord., 11-25-1996)

9-14-2-3: SPECIAL SITUATIONS:

- A. If any establishment has frontage on two (2) or more streets, each side

having frontage shall be considered separately for purposes of determining compliance with the provisions of this chapter. However, the sign area allowances shall not be aggregated so as to allow any such establishment to display on any one frontage a greater area of signs than this chapter would otherwise permit. No establishment shall have more than three hundred (300) square feet of signs.

- B. The side of an establishment adjacent to an off street parking area shall not be deemed frontage unless the establishment has no other frontage. (Ord., 11-25-1996)

9-14-2-4: **MOVEMENT PROHIBITED:** No sign or other street graphic shall revolve, rotate or mechanically move in any manner. (Ord., 11-25-1996)

9-14-2-5: **ILLUMINATION:** Illumination of signs and other street graphics is permitted, subject to the following requirements:

- A. Only white light is permitted in residential zoning districts.
- B. No red, yellow, green or other colored light shall be used at any location in such a manner as to confuse or interfere with vehicular traffic.
- C. No sign shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color; provided, that this subsection shall not apply to any message on any electronically operated changeable copy sign. Beacon lights and illumination by flame are prohibited.
- D. The light from any illuminated sign or other street graphic shall be shaded, shielded or directed so as to avoid the creation or continuation of any nuisance or traffic hazard. (Ord., 11-25-1996)

9-14-2-6: **SIGNS NOT TO BE HAZARDOUS:**

- A. No sign or other street graphic shall be erected, relocated or maintained so as to prevent free access or egress from any door, fire escape or driveway.
- B. No sign or other street graphic shall be erected or maintained in such a manner that it interferes with, obstructs the view of or is likely to be confused with any authorized traffic sign, signal or device. Accordingly, no street graphic shall contain the words "stop", "go", "caution", "danger", "warning" or similar words. (Ord., 11-25-1996)

9-14-2-7: STRUCTURAL AND MAINTENANCE REQUIREMENTS:

- A. Every sign or other street graphic shall be designed and constructed in conformity with the applicable provisions of the building code and shall be free of any exposed extra bracing, angle iron, guywire, cables, etc.
- B. The electrical component of any illuminated sign or other street graphic shall conform to the applicable requirements of the electrical code.
- C. Every sign or other street graphic shall be maintained in a neat and attractive condition by its owner. The street graphic supports shall be kept painted/treated to prevent rust or deterioration. (Ord., 11-25-1996)

9-14-3: REGULATIONS BASED ON TYPE OR LOCATION OF SIGNS:**9-14-3-1: STRICTLY PROHIBITED SIGNS:** The following signs are strictly prohibited everywhere in this municipality:

- A. Mobile/portable marquees. If an establishment does not have an existing sign, it may use a mobile/portable marquee for a period not to exceed thirty (30) days.
- B. Pennants, streamers, ribbons, strings of light bulbs, spinners and similar signs. (This subsection shall not apply to special promotions or holiday decorations.)
- C. Signs attached to trees, fences or public utility poles, other than warning signs issued by public utilities.
- D. Defunct signs, including the posts or other supports therefrom, that advertise or identify an activity, business, product or service no longer conducted on the premises where such sign is located.
- E. Roof mounted signs.
- F. Billboards. (Ord., 11-25-1996)

9-14-3-2: SPECIAL PROMOTIONS: Any business enterprise consisting of retail sales and/or rendering of services directly to the public shall be able to use signs and banners for promotional activities. These promotional activities may occur not more than four (4) times in any one calendar year. Each promotional activity period shall not exceed fourteen (14) days in length. Signs and banners used in accordance with this regulation shall be confined to private property and placed in locations approved by the administrator. (Ord.,

11-25-1996)

9-14-3-3: **ELECTRICALLY OPERATED SIGNS:** Electrically operated signs with changeable copy/message, such as time and temperature, are permitted if they meet the other regulations pertaining to signs. (Ord., 11-25-1996)

9-14-3-4: **FLUSH MOUNTED SIGNS:**

- A. Flush mounted signs shall not project more than eighteen inches (18") from the wall or surface to which they are attached (if such wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign); and (Ord., 11-25-1996; amd. 2009 Code)
- B. Flush mounted signs shall not extend above the roofline of the building to which it is attached. (Ord., 11-25-1996)

9-14-3-5: **PROJECTING SIGNS:** New projecting signs are prohibited. If more than fifty percent (50%) of the replacement value of an existing projecting sign is destroyed, it must be removed. (Ord., 11-25-1996)

9-14-3-6: **SIGNS ON AWNINGS, CANOPIES OR MARQUEES:** Signs mounted flush against any awning, canopy or marquee shall be considered flush mounted signs and shall comply with the regulations of this chapter. Signs suspended beneath any awning, canopy or marquee shall be considered projecting signs and shall comply with these regulations. (Ord., 11-25-1996)

9-14-3-7: **SHOPPING CENTER IDENTIFICATION SIGNS:** A shopping center, as an entity, may erect an identification sign in accordance with the provisions of this chapter if the total gross floor area of all the establishments located in the center exceeds fifty thousand (50,000) square feet. A shopping center identification sign shall not exceed one hundred (100) square feet in area. Tenant identification signs may be included as a part of this sign. (Ord., 11-25-1996)

9-14-3-8: **FREESTANDING SIGNS:** Not more than one freestanding sign shall be displayed on any zoning lot. All freestanding signs shall comply with the following regulations:

- A. No part of any freestanding sign shall intrude into or project over any public right of way.
- B. No freestanding sign shall exceed fifty (50) square feet in area or ten feet (10') in any dimension; provided, that this subsection shall not apply to shopping center identification signs.

- C. When attached to a post or other supports, the top edge of a freestanding sign shall not extend more than eighteen feet (18') above the ground or pavement. (Ord., 11-25-1996)

9-14-3-9: **MONUMENT SIGNS:** A monument sign may be erected instead of a freestanding sign. Not more than one monument sign shall be displayed on any zoning lot. All monument signs shall comply with the following regulations:

- A. No part of any monument sign shall intrude into any public right of way.
- B. No monument sign shall be erected closer than twenty five feet (25') to any side, corner side or rear lot line.
- C. No monument sign shall exceed eighty four (84) square feet in area.
- D. No monument sign shall exceed seven feet (7') in height. (Ord., 11-25-1996)

9-14-3-10: **BILLBOARDS:** Billboards (including all off premises advertising signs) are strictly prohibited. (Ord., 11-25-1996)

9-14-3-11: **SIGNS WITH MOVABLE LETTERS:** Signs with movable letters are permitted. (Ord., 11-25-1996)

9-14-4: **ADMINISTRATION AND ENFORCEMENT:**

9-14-4-1: **ENFORCEMENT OFFICER, DUTIES:** The zoning administrator, referred to herein as the "administrator", is hereby authorized and directed to administer and enforce the provisions of this chapter. This responsibility encompasses, but is not limited to, the following specific duties:

- A. To review and pass upon applications for street graphic permits;
- B. To inspect existing and newly constructed street graphics to determine compliance with this chapter; and where there are violations, to initiate appropriate corrective action;
- C. To review and forward to the zoning board of appeals all applications for special street graphic permits, variances and appeals;
- D. To maintain up to date records of said applications and of any official actions taken pursuant thereto;

- E. To periodically review the provisions of this chapter to determine whether revisions are needed, and to make recommendations on these matters to the plan commission;
- F. To provide information to the general public on matters related to this chapter; and (Ord., 11-25-1996)
- G. To perform such other duties as the village board may from time to time prescribe. (Ord., 11-25-1996; amd. 2009 Code)

9-14-4-2: **SIGN PERMITS:** Upon the effective date of this ordinance, no sign, billboard or other street graphic shall be erected, expanded, altered, relocated or reconstructed without a sign permit issued by the administrator.

If an establishment does not have an existing sign, a temporary sign may be used for a period of thirty (30) days.

Temporary commercial signs must also be approved by the administrator. Any extension of a temporary permit over thirty (30) days may be approved by the zoning administrator. (Ord., 11-25-1996)

9-14-4-3: **APPLICATION:** Every applicant for a sign permit shall submit to the administrator in narrative and/or graphic form all of the items of information listed below:

- A. Name, address and telephone number of the applicant.
- B. Name and address of the owner of the premises on which the sign is to be erected, if different from subsection A of this section.
- C. Location of the building, structure and lot where the proposed sign is located. Dimensions, area, overall height, illumination and method of support and/or attachment.
- D. Description of the proposed sign indicating proposed location, dimensions, area, overall height, illumination and method of support/attachment.
- E. Relationship of the proposed sign to nearby traffic control devices.
- F. Amount of street frontage that the establishment which proposes to display the sign has and the total area of all existing signs on said premises.

- G. Such other information as the administrator shall reasonably require to determine full compliance with this chapter. (Ord., 11-25-1996)

CHAPTER 15

OFF STREET PARKING AND LOADING

SECTION:

- 9-15-1: Purpose
- 9-15-1-1: Applicability of Chapter
- 9-15-1-2: Existing Parking/Loading Facilities
- 9-15-1-3: Submission of Plot Plan
- 9-15-2: Use of Parking Facilities
- 9-15-2-1: Parking Area Design Standards
- 9-15-2-2: Access ways
- 9-15-2-3: Surfacing
- 9-15-2-4: Lighting
- 9-15-2-5: Bordering
- 9-15-2-6: Landscaping
- 9-15-2-7: Location of Parking
- 9-15-3: Design and Location of Off Street Loading Facilities
- 9-15-4: Computation of Required Parking/Loading Spaces
- 9-15-5: Number of Parking and Loading Spaces in C2 Districts Required

9-15-1: **PURPOSE:** The purpose of this chapter is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off street parking, loading and unloading of motor vehicles in accordance with the use to which property is put. (Ord., 11-25-1996)

9-15-1-1: **APPLICABILITY OF CHAPTER:** Off street parking and loading shall be provided in accordance with this chapter for all structures and uses erected or established after the effective date of this ordinance. (Ord., 11-25-1996)

9-15-1-2: **EXISTING PARKING/LOADING FACILITIES:**

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

structures or uses.

- B. When the existing use of a structure is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading facilities need not be provided.
- C. Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional parking and loading facilities commensurate with such increase in use and intensity shall be provided in accordance with this ordinance.
- D. Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use. (Ord., 11-25-1996)

9-15-1-3: **SUBMISSION OF PLOT PLAN:** Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with this ordinance. (Ord., 11-25-1996)

9-15-2: **USE OF PARKING FACILITIES:** Off street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this chapter shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of such occupants. (Ord., 11-25-1996)

9-15-2-1: **PARKING AREA DESIGN STANDARDS:** All areas providing off street parking shall conform to the following standards:

A. Minimum Aisle And Space Dimensions:

Angle Of Parking	Minimum Width Of Space Parallel To Aisle	Minimum Length Of Space Perpendicular To Aisle	Minimum Width Of Aisle
45°	12'9"	19'9"	12'
60°	10'5"	20'0"	17'

Angle Of Parking	Minimum Width Of Space Parallel To Aisle	Minimum Length Of Space Perpendicular To Aisle	Minimum Width Of Aisle
90°	9'0"	10'0"	22'

- B. Markings: Markings shall be laid and restored as often as necessary to clearly delineate each parking space, but are not required in single-family residential districts. (Ord., 11-25-1996)

9-15-2-2: ACCESSWAYS:

- A. Parking area shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right of way, except in single-family residence districts.
- B. No accessway to any parking area shall be located within thirty feet (30') of any corner formed by the intersection of the rights of way of two (2) or more streets. At intersections where traffic control devices are installed, the administrator may increase this requirement as necessary to prevent hazards.
- C. Parking area accessways (including residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles. (Ord., 11-25-1996)
- D. The accessway to every parking lot located in any business district or in the industrial district shall be at least twenty four feet (24') wide unless two (2) one-way drives, each twelve feet (12') wide, are provided. (Ord., 11-25-1996; amd. 2009 Code)

9-15-2-3: SURFACING: All open off street parking areas in commercial and industrial zoning districts shall be surfaced with asphalt or concrete material. All parking lots shall be built with four inches (4") of gravel covered by two inches (2") of asphalt or of materials approved by the zoning administrator. (Ord., 11-25-1996)

9-15-2-4: LIGHTING:

- A. All lighting used to illuminate off street parking areas shall be shielded

or otherwise optically controlled so as to provide glareless illumination in such a manner as not to create a nuisance on adjacent property.

- B. All off street parking areas with lighting shall limit spillage onto adjacent property. Maximum horizontal foot-candles as given off by the neighboring property as measured in the following districts shall not exceed: (Ord., 11-25-1996)

	<u>Foot-Candles</u>	<u>Lux</u>
Single-family residential districts	0.1	1.0
Multiple-family residential districts	0.2	2.0
Commercial districts	2.0	21.5
Industrial districts	5.0	53.8
Park, school and institutional districts	5.0	53.8
(Ord., 11-25-1996; amd. 2009 Code)		

- C. All lighting fixtures erected twenty feet (20') to forty feet (40') above ground level:
1. Shall be flat bottom optically controlled sharp cutoffs, as approved by village engineer;
 2. Shall not be installed with diffusing refractors; and
 3. Shall maintain a ratio of three to one (3:1) or less of lighting fixture spacing to lighting fixture mounting heights.
- D. All lighting fixtures erected zero feet (0') to twenty feet (20') above ground level:
1. Shall be of translucent materials and not transparent materials, as approved by the village engineer; and
 2. Shall not be installed with diffusing refractors.
- E. Lighting fixtures shall not be erected higher than forty feet (40') above ground level.
- F. All present nonconforming off street parking areas shall be equipped with the lighting required by this section upon the obsolescence or replacement of the existing lighting. (Ord., 11-25-1996)

9-15-2-5: **BORDERING:** In order to preserve the continuity of the streetscape and to minimize visual pollution, all parking lots containing more than eight (8) parking spaces shall be bordered by a wall, fence, earth berm or closely planted shrubbery at least three feet (3') high on each side abutting any street or adjacent residential property. Wheel bumpers or curbs shall be designed and arranged to prevent damage to such screening. The screening shall be maintained by the owner or lessee of the parking lot in accordance with landscaping requirements as filed with the zoning administrator. (Ord., 11-25-1996)

9-15-2-6: **LANDSCAPING:** In order to reduce heat and glare, to minimize blowing of dust and trash and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained with every parking lot that contains eight (8) or more parking spaces.

- A. A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for a certificate of zoning compliance to develop any parking lot that will contain eight (8) or more spaces.
- B. The landscaping plan shall include the following information:
 - 1. Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;
 - 2. Proposed size, construction materials, drainage and scheduled maintenance of landscaped islands or planting beds; and
 - 3. Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation and pedestrian movement.
(Ord., 11-25-1996)

9-15-2-7: **LOCATION OF PARKING:** All off street parking shall be located in conformity with the following requirements:

- A. Residential Districts: Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard or side yard, with the exception of a paved area not to exceed twenty two

feet (22') in width. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area. If a building has a three (3) car garage, the paved area within the required front yard may be increased by an additional eleven feet (11') in width. Parking area constructed after the adoption of this ordinance shall be constructed of asphalt or concrete.

B. Nonresidential Uses: All parking spaces accessory to permitted non-dwelling uses located in any residential district generally shall be located on the same lot as the use served. However, the administrator may allow such parking facilities to be located on another parcel within two hundred feet (200') of the use served if the "same lot" requirement is not feasible.

C. Commercial And Industrial Districts:

1. Parking spaces accessory to any building or use located in any commercial district shall either be located on the same lot as the dwelling or on another parcel within two hundred feet (200') of the premises. Parking lots accessory to any commercial or industrial use located in any commercial district or in an industrial district shall be located within five hundred feet (500') of the use served; provided, that no portion of any such parking lot shall extend into any residential district except by special use permit.

2. In any commercial district or in the industrial district, off street parking facilities for different buildings or uses may be provided collectively, but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use and if all regulations governing location or parking spaces in relation to the uses served are observed.

3. All parking areas constructed after the adoption of this ordinance shall be constructed of asphalt or concrete. (Ord., 11-25-1996)

9-15-3: **DESIGN AND LOCATION OF OFF STREET LOADING FACILITIES:** All off street loading facilities shall conform to the minimum standards indicated below:

A. Size Of Space: Every required off street loading space shall be at least twelve feet (12') wide and fifty feet (50') long, exclusive of aisle and maneuver space, and shall have vertical clearance of at least fifteen

feet (15'). In no case shall a vehicle being loaded or unloaded overhang into the public right of way.

- B. Accessway: Every off street loading space shall have a safe means of vehicular access to a street or alley. Such accessway shall be at least twelve feet (12') wide.
- C. Surfacing: Every off street loading area shall be improved with a compacted stone base at least seven inches (7") thick and surfaced with at least two inches (2") of asphaltic concrete.
- D. Buffer Strips: No loading space or area for vehicles over two (2) tons' cargo capacity shall be developed closer than fifty feet (50') to the lot line of any residential district unless such space/area is completely enclosed by walls, a solid fence or closely planted shrubbery of sufficient density to block the view from the residential property and in conformity with landscape regulations.
- E. Location: Every off street loading space that is required or provided shall be located on the same parcel of land as the use served and not closer than fifty feet (50') to the intersection of the rights of way of two (2) or more streets or in required front yards. (Ord., 11-25-1996)

9-15-4: **COMPUTATION OF REQUIRED PARKING/LOADING**

SPACES: In computing the number of parking spaces required by this ordinance, the zoning administrator shall apply the following rules:

- A. In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means "one parking space shall be required per one and one-half (1.5) employees", unless otherwise stated.
- B. In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.
- C. Whenever it is necessary to translate gross parking lot area into number of parking spaces, three hundred fifty (350) square feet of gross area shall be deemed one parking space.
- D. If computation of the number of parking or loading spaces required by

this ordinance results in a fractional space, any fraction of one-half ($\frac{1}{2}$) or more shall be counted as one space.

- E. No space or portion thereof needed to satisfy the minimum applicable requirement for number of off street parking or loading spaces shall be counted as part of the off street parking or loading spaces required for another structure or use. (Ord., 11-25-1996)

9-15-5: **NUMBER OF PARKING AND LOADING SPACES REQUIRED IN C-2 DISTRICTS:** Off street parking and loading spaces in C-2 Districts shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The zoning administrator shall make the determination of similarity.

Use	Parking Spaces Required	Loading Spaces Required (If Any)
Banks, saving and loans, walk-in	1 space per 300 square feet of floor area plus employee parking	Not applicable
Beauty and barber shops	2 spaces per chair plus employee parking	Not applicable
Bowling alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not applicable except as required for affiliated uses
Car wash	3 spaces per wash lane	Not applicable

Use	Parking Spaces Required	Loading Spaces Required (If Any)
College, business, professional and trade schools	1 space for every 3 students that the building is designed to accommodate plus employee parking	On review by the administrator
Commercial, office, service	4 spaces per 1,000 square feet of floor area	Not applicable to 10,000 square feet of floor area; 1 space if more than 10,000 square feet; 1 space plus 1 additional space per 50,000 square feet of floor area in excess of 10,000 square feet
Drive-in or automated teller	5 spaces per teller window	
Educational, institutional, recreational, churches, auditoriums	1 space per 4 seats in the largest seating area	Not applicable
Furniture and appliance stores	1 space per 600 square feet of floor area	To 25,000 square feet of floor area, none required; More than 25,000 square feet of floor area, 2 spaces plus 1 additional space per 25,000 square feet of floor area in excess of 25,000 square feet
Hospitals	1 space per 2 beds plus employee parking	To 50,000 square feet of floor area, 1 space;

		50,001 to 100,000 square feet, 2 spaces; 100,001 to 200,000 square feet, 3 spaces
Hotels, motels, boarding houses	1 space per unit, plus employee parking and additional spaces as required herein for affiliated uses such as restaurants and taverns	Not applicable
Laundromats	1 space per washer plus 1 space per employee	
Libraries, museums	1 space per 500 square feet of floor area	On review by the administrator
Manufacturing. Any manufacturing, warehousing or other industrial use	1 space for each 1,000 square feet of space up to 100,000 square feet 1 space for each 2,000 square feet in excess of 100,000 square feet	To 20,000 square feet of floor area, 1 space; 20,001 to 50,000 square feet, 2 spaces; 50,001 to 90,000 square feet, 3 spaces plus 2 additional spaces per 50,000 square feet of area in excess of 90,000 square feet
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 square feet or more of floor area
Multiple-family dwellings	2 spaces per dwelling unit	Not applicable
Municipal or privately owned recreation buildings or community	1 space for each 2 employees plus spaces adequate in number as	Not applicable

centers	determined by the zoning administrator, to the visiting public	
Nursing homes	1 space per 5 beds plus employee parking area	To 50,000 square feet of floor area, 1 space; 50,001 to 100,000 square feet, 2 spaces; 100,001 to 200,000 square feet, 3 spaces
Offices generally	4 spaces per 1,000 square feet of floor area	To 30,000 square feet of floor area, none required; 30,001 to 100,000 square feet, 1 space plus 1 additional space per 100,000 square feet of floor area in excess of 100,000 square feet
Restaurants, refreshment stands (both sit down and drive-in):		1 space per structure having 10,000 square feet or more of floor area
Drive-in	1 space per 25 square feet of floor area	
Drive-through	5 stacking spaces per service window	
Sit down	1 space per 4 seats or 1 space per 50 square feet of floor area, whichever is greater	
Service stations	2 spaces per service stall, plus employee parking	Not applicable
Single-family and two-family dwellings	2 spaces per dwelling unit	Not applicable
Taverns	1 space per 4 seats or 1	1 space per structure

	space per 50 square feet of floor area, whichever is greater	having 10,000 square feet or more of floor area
Theaters:		Not applicable
Indoor	1 space per 4 seats	
Drive-in	On review by the administrator	
Vehicle sales (autos, boats, trailers, etc.)	1 space per 300 square feet of enclosed floor area and up to 10,000 square feet of open lot area	As determined by the zoning administrator

(Ord., 11-25-1996; amd. 2009 Code)

CHAPTER 16

SOLAR ENERGY FACILITY

SECTION:

- 9-16-1: Purpose and Intent
- 9-16-2: Applicability
- 9-16-3: Definitions
- 9-16-4: Special Use Only
- 9-16-5: Special Use Permit and Building Permit Applications – Fees
- 9-16-6: Penalty - Remedies

9-16-1: **PURPOSE AND INTENT:** The purpose and intent of this chapter is to preserve and protect the public health, safety, comfort, and general welfare without significantly increasing the cost or decreasing the efficiency of a solar energy facility and to allow for the orderly development of land and protect the property values and esthetic conditions within the village. (Ord. 2019-01-28(B))

9-16-2: **APPLICABILITY:** This chapter applies to all property and lands within the corporate limits of the village. (Ord. 2019-01-28(B))

9-16-3: **DEFINITIONS:** For the purposes of this chapter, the following terms or words used herein shall be interpreted as follows:

ABANDONMENT: To give up, discontinue, and withdraw from any solar energy facility that ceases to produce energy on a continuous basis for three hundred sixty-five (365) calendar days.

FENCE: A continuous barrier extending from the surface of the ground to a uniform height of not less than six feet (6') from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

GATE: A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was

intended, and which, when closed, forms a continuous barrier as part of the fence to which it is attached:

IMPROVED AREA:	The area containing any one or more of the following: solar collectors, solar storage mechanisms, solar panels, electrical inverters, storage buildings, or access roadways.
RESIDENCE:	A building used as a dwelling for one or more families or persons.
ROADWAY:	Any street, roadway, highway, alleyway, or thoroughfare which is located within the village.
SOLAR COLLECTOR:	<p>A. An assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct or indirect solar energy, specially designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid, or liquid or to use that energy directly; or</p> <p>B. A mechanism that absorbs solar energy and converts it into electricity; or</p> <p>C. A mechanism or process used for gathering solar energy through wind or thermal gradients; or</p> <p>D. A component used to transfer thermal energy to a gas, solid, or liquid, or to convert it into electricity.</p>
SOLAR ENERGY:	A radiant energy received from the sun at wave lengths suitable for heat transfer, photosynthetic use, or photovoltaic use. public right of way which affords a secondary means of vehicular access to abutting premises that fronts on a nearby street.
SOLAR ENERGY FACILITY:	Includes a solar farm, solar collector, solar storage mechanism, or solar energy system; a facility, area of land, or structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems, provided, however, a "solar energy facility" shall only include those solar energy facilities that sell electricity to be used off site from where it is

collected and converted.

**SOLAR ENERGY
SYSTEM:**

A. A complete assembly, structure, or design of a solar collector or solar storage mechanism, which uses solar energy for generating electricity or for heating or cooling gases, solids, liquids, or other materials;

B. The design, materials, or elements of a system and its maintenance, operation, and labor components, and the necessary components, if any, of supplemental conventional energy systems designed or constructed to interface with a solar energy system; and

C. Any legal financial, or institutional orders, certificates, or mechanisms, including easements, leases, and agreements, required to ensure continued access to solar energy, its source, or its use in a solar energy system, and including monitoring and educational elements of a demonstration project.

SOLAR FARM:

A solar energy facility.

**SOLAR STORAGE
MECHANISM:**

Equipment or elements (such as piping and transfer mechanisms, containers, heat exchangers, or controls thereof, and gases, solids, liquids, or combinations thereof) that are utilized for storing solar energy, gathered by solar collector, for subsequent use. (Ord. 2019-01-28(B))

9-16-4: SPECIAL USE ONLY:

- A. A solar energy facility may only be located and permitted in an Agricultural or Industrial District, but only when authorized and approved as a special use by the Board of Trustees after public hearing and recommendation by the Zoning Board of Appeals.
- B. Such special uses as may be permitted in such zoning districts shall be subject to the following requirements, restrictions, and conditions:
 - 1. Lot Area and Lot Width: Each such special use shall provide a minimum lot area of five (5) acres.
 - 2.

3. Yards: All structures to be constructed, altered, or moved in the Agricultural and Industrial Districts shall provide yards of the following minimum depths:
 - a. Front Yard: fifty feet (50').
 - b. Side Yards: fifteen feet (15') except where a side yard abuts a residential district, in which case a side yard of fifty feet (50') shall be provided.
 - c. Rear Yard: thirty feet (30').
 - d. Corner Lots: corner lots shall provide the minimum front yard requirements on each street side of the lot.
4. Building Height: No building or structure shall exceed fifty feet (50') in height.
5. Off-Street Parking and Loading: There shall be adequate off-street parking and loading in accordance with the schedules in chapter 15 of this Zoning Ordinance.
6. Improved Areas: Improved areas shall be at least one hundred feet (100') from any residence or church, measured from the nearest point of any such residence or church.
7. Fencing: solar energy facilities shall be completely fenced with a gate as defined above and the perimeter fence shall be designed to restrict unauthorized access.
8. Signs: an information sign shall be posted and maintained at the entrances and at all four (4) sides of the fencing and each such information sign shall list the name and phone number of the operator.
9. Power Lines: on site power lines between solar panels and inverters shall be placed underground.
10. Identification and Warning Sign: the manufacturer's or installer's identification and appropriate warning sign shall be posted on or near the solar panels in a clearly visible manner.
11. Batteries: if the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state, and federal requirements regulating outdoor battery storage have been met.

12. Interference: the operation of a solar energy facility shall not prevent, eliminate, or mitigate any interference with cellular, radio, or television signals, and the owner of a solar energy facility shall take such reasonable steps as are necessary to prevent, eliminate, or mitigate any interference with cellular, radio, or television signals caused by the solar energy facility.

13. Inspection: The Zoning Administrator and/or his delegate shall be allowed to enter and may enter any property or solar energy facility from time to time for which a special use or building permit has been issued to conduct an inspection to determine whether the terms, requirements, restrictions, and conditions stated in the special use or building permit or in this chapter have been met.

14. Compliance: Each solar energy facility shall comply with all applicable local, state, and federal laws, statutes, ordinances, rules, regulations, and requirements.

15. Requirements, Restrictions, and Conditions: Any and all other requirements, restrictions, or conditions as the Board of Trustees believes necessary or appropriate and directs to further the purposes of such zoning districts and to address any one or more or all of the factors set forth in section 5 of this chapter.

16. Change of Special Use: No special use shall be changed except by authorization of the Board of Trustees after a public hearing and recommendation by the Zoning Board of Appeals.

17. Termination of Special Use:

- a. A special use as described herein shall terminate if not used for a period of twelve (12) months;
- b. The solar energy facility is not installed and functioning within seven hundred thirty (730) calendar days from the date the special use permit is issued; or
- c. The solar energy facility is out of service or otherwise unused or is abandoned for a continuous three hundred sixty-five (365) calendar day period.

18. Ownership: A special use as described herein shall be limited solely to the existing sole owner(s) of said property granted such special use under this chapter.

19. **Property Ownership:** A special use as described herein shall terminate, without further action, immediately upon the leasing of the special use property to anyone other than the existing owners of the property granted such special use or immediately upon any future transfer of ownership of the property granted such special use to anyone other than to one of the existing owners of property granted such special use or to their respective heirs or testamentary devisees.

20. **Termination:** A special use as described herein shall, without further action, immediately terminate: (a) upon the exercise of any other use of any kind, nature, or extent whatsoever on the property granted such special use under; or (b) upon the exercise of any other use not permitted in such zoning district where the solar energy facility is located; or (c) upon the majority affirmative vote of the Board of Trustees, exercised in its sole discretion, upon any violation of any one or more of the terms, restrictions, provisions, or conditions of a special use, as described herein.

21. **Restoration Requirements:** The owner of a solar energy facility shall provide the Zoning Administrator with a written notice of termination of operations or abandonment of the solar energy facility. Within one hundred twenty (120) consecutive calendar days immediately following the village's receipt of such written notice or within one hundred twenty (120) consecutive calendar days immediately following the termination of such special use as stated in this section, whichever event first occurs, the owner of each solar energy facility shall:

- a. Remove all structures, buildings, solar panels, above ground improvements, outdoor storage, fencing, equipment, and roadways;
- b. Completely remove all foundations, pads, and underground electrical wires;
- c. Remove all hazardous material from the property and dispose of the hazardous material in accordance with all federal, state, and local laws, statutes, ordinances, rules, and regulations; and
- d. Restoration of all soil and vegetation.

22. **Decommissioning Plan:** Prior to the issuance of any special use or building permit for a solar energy facility, a decommission plan document that details the planned shut down or removal of a solar energy facility from operation or usage shall be submitted by the applicant to ensure that the solar energy facilities are properly removed after their useful life or abandonment or after termination the special use. The decommission plan

shall include provisions for the aforesaid restoration requirements and a plan ensuring financial resources will be available to fully decommission and restore the site as required in this chapter.

The owner of a solar energy facility shall submit an update to this decommissioning plan every three (3) years following issuance of the special use.

The village reserves the right to require additional information or components to the decommissioning plan as the village deems necessary to ensure that an adequate proposal is in place to decommission the solar energy facility in its entirety and that adequate funds are available for such work.

23. Bonds: Prior to the issuance of a special use permit, the owner of a solar energy facility shall provide the village with a performance and payment bond with adequate security or surety bond in an amount determined adequate by the Board of Trustees to guarantee the performance of the aforesaid restoration requirements and decommissioning plan. (Ord. 2019-01-28(B))

9-16-5: SPECIAL USE PERMIT AND BUILDING PERMIT APPLICATIONS - FEES:

- A. Special use permit applications shall be submitted to the Zoning Administrator. The application must be on a form approved by the Zoning Administrator and must be accompanied by one complete set of completed construction plans prepared, signed, and sealed by a structural engineer and by an architectural engineer both with a current Illinois license to practice in Illinois and twenty (20) copies of a scaled drawing, other descriptive information sufficient to enable the Zoning Board of Appeals and Board of Trustees to determine whether the requirements of this chapter will be satisfied, and such other information as may be specified on the application form. The Zoning Administrator will review the application materials for completeness and may request that the applicant provide additional information. When the Zoning Administrator determines that the application is complete, the Zoning Administrator will forward a copy of the application to the Board of Trustees and Zoning Board of Appeals. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall also be provided by the applicant.
- B. The Board of Trustees will conduct a public hearing on the application within sixty (60) days after the application is determined by the Zoning Administrator to have been satisfactorily completed and submitted and

following the statutory minimum fifteen (15) day public notice publication in the local newspaper of general circulation within the village.

- C. The Board of Trustees may grant a special use permit if it determines that the requirements of this chapter are met and that granting the permit will not unreasonably interfere with the orderly land use and development plans of the village. The Board of Trustees and the Zoning Board of Appeals may consider all relevant factors when it decides to impose additional requirements, restrictions, or conditions in addition to those set forth in section 4 of this chapter, including but not limited to the following:
1. Proposed ingress and egress
 2. Proximity to transmission lines to link the system to the electric power grid
 3. Number of solar panels and their location
 4. Nature of land use on adjacent and nearby properties
 5. Location of other energy systems in the surrounding area
 6. Surrounding topography
 7. Proximity to residential structures, residential zoning district, or areas identified for future residential use
 8. Design characteristics that may reduce or eliminate visual obtrusiveness
 9. Possible adverse effects on animals and wildlife
 10. Possible adverse effects of stray voltage, interference with broadcast signals, and noise
 11. Impact on the orderly development, property values, and esthetic conditions within the County
 12. Map of surface drainage patterns
 13. Drainage tile map
 14. Compliance with Illinois drainage laws
 15. Recommendations of any aggrieved parties that may be affected by the solar energy facility

16. Consideration of any potential damage to any existing field tile with installation of panels or fencing
 17. Whether there is a weed control plan for inside and outside of the fenced in property
 18. Reasonable evidence of financial ability to construct the solar energy facility as determined by the Board of Trustees is a condition precedent to the issuance of any special use or building permit under this chapter.
 19. Any and all other factors relevant to the proposed solar energy facility.
- D. A special use permit approved by the Board of Trustees is required for each solar energy facility. The application for a special use permit must be accompanied by the application fee required for each solar energy facility. The application fee is One Thousand Dollars (\$1,000.00) for each solar energy facility.
- E. A building permit is required for the installation of each solar energy facility or solar farm. The application for a building permit must be accompanied by the fee required for each solar energy facility or solar farm. The building permit fee for each solar energy facility or solar farm is One Hundred Fifty Dollars (\$150.00) for up to and including the first ten (10) kilowatt capacity and Two Hundred Dollars (\$200.00) for every ten (10) kilowatt capacity or part thereof that exceeds the first ten (10) kilowatt capacity.
- F. Building permit applications shall be submitted to the Zoning Administrator. The application shall be on a form approved by the Zoning Administrator from time to time and shall be accompanied by two (2) copies of a drawing that shows the proposed location and distance of the solar energy facility with reference to the property lines of the parcel on which it is located, the location of any residence, business, or public building on an adjacent parcel, the right-of-way of any public road that is within five hundred feet (500'), and such other information as may be specified on the application form. The application shall also be accompanied by completed construction plans for each solar energy facility that is prepared, signed, and sealed by a structural engineer and by an architectural engineer both with a current license to practice in Illinois. Special inspections by approved inspection agencies may also be required. The Zoning Administrator will issue a building permit for a solar energy facility if the application materials show that the proposed location meets the requirements of this chapter, the special use permit issued by the village, and all other applicable provisions of this Code. If the application is

approved, the Zoning Administrator will return one copy of the drawing with the building permit and retain the other copy with the application. If the application is rejected, the Zoning Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The building permit must be conspicuously posted on the premises so as to be visible to the public at all times until construction or installation of the solar energy facility is complete.

- G. Within thirty (30) consecutive calendar days immediately following the completion of construction of the solar energy facility or solar farm, but in any event prior to the issuance of a Certificate of Occupancy by the Zoning Administrator, the owner and developer thereof shall provide to the Zoning Administrator a complete paper copy set and a complete digital set on a flash drive of "as built" plans and specifications for the solar energy facility or solar farm. (Ord. 2019-01-28(B))

9-16-6: **PENALTY - REMEDIES:**

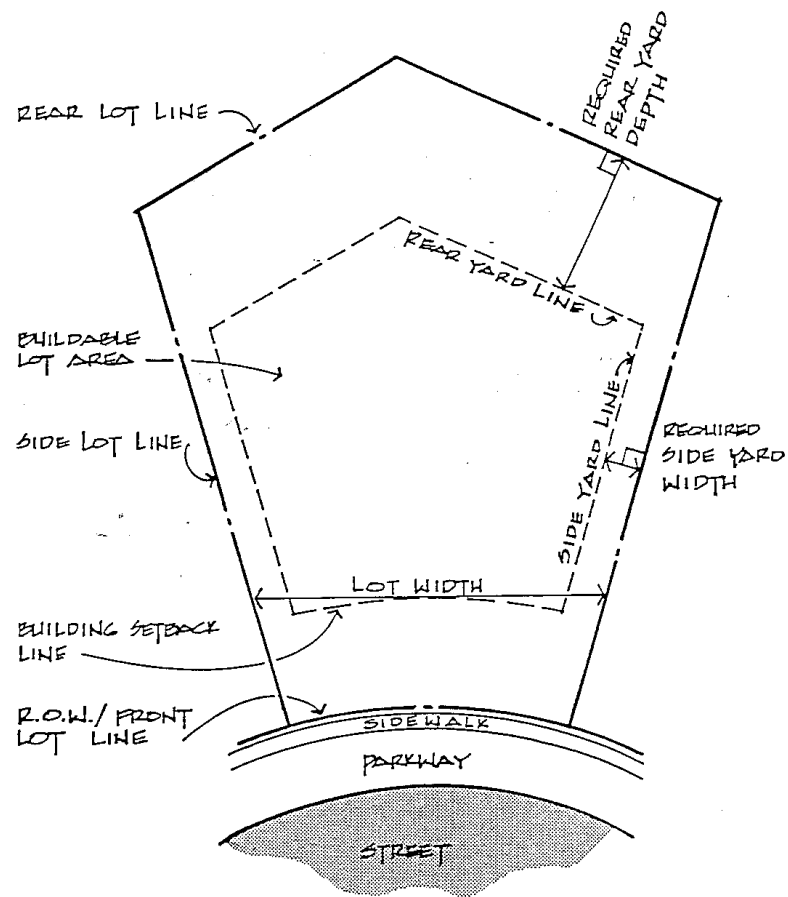
- A. It is unlawful for any person to construct, install, maintain, modify, or operate a solar energy system that is not in compliance with any one or more of the terms, provisions, requirements, restrictions, or conditions as stated in this chapter or with any one or more of the terms, provisions, requirements, restrictions, or conditions contained in a special use or building permit issued pursuant to this chapter.
- B. The village may revoke the special use and/or building permit if the permittee, owner or operator of the solar energy facility violates any one or more of the terms, provisions, requirements, restrictions, or conditions as stated in this chapter or with any one or more of the terms, provisions, requirements, restrictions, or conditions contained in a special use or building permit issued pursuant to this chapter.
- C. In addition to, and not in lieu of, any other right or remedy of the village, each owner of the property that is subject to such special use shall be assessed a fine or penalty in an amount not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00) for each violation of any one or more terms, provisions, requirements, restrictions or conditions of such special use or for failure to comply with any provision of this chapter. Each day upon which a violation occurs or continues shall be deemed to be a separate offense. A violation hereof may be established by a preponderance of the evidence. (Ord. 2019-01-28(B))

CHAPTER 17

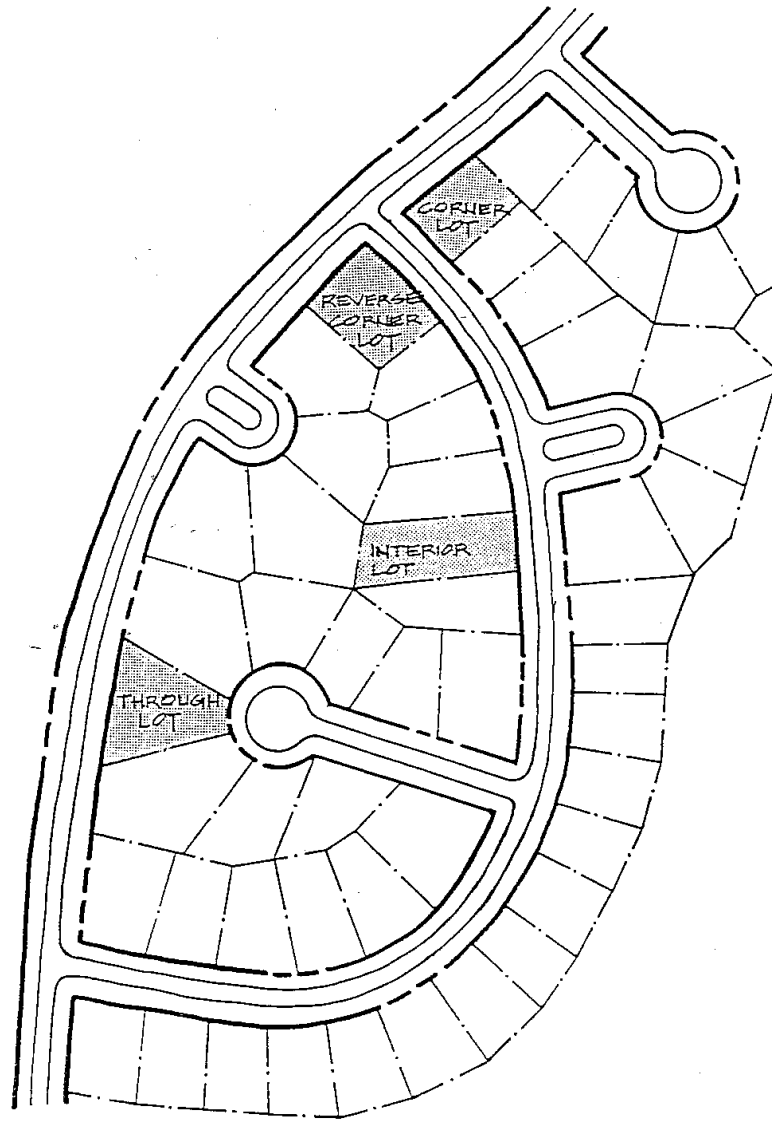
DIAGRAMS

SECTION:

9-17-1: Diagrams

9-17-1: **DIAGRAMS:**

INTERIOR LOT WIDTH,
YARD LINES & BUILDABLE AREA

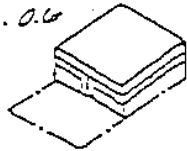
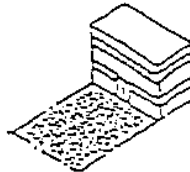
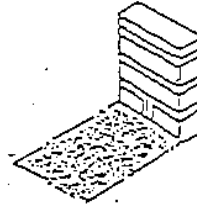


LOT TYPES

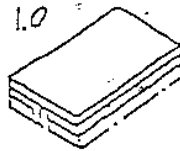
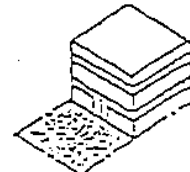
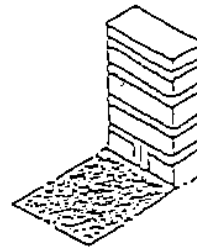
FLOOR AREA RATIO ILLUSTRATED

(NOTE: NOT EVERY ALLOWABLE F.A.R. IS SHOWN)

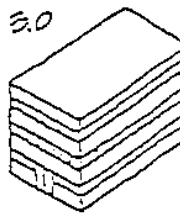
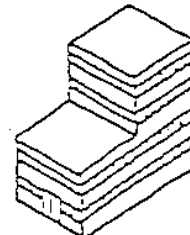
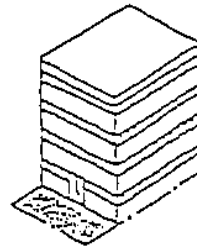
F.A.R. 0.6

60% LOT AREA
1 STORY30% LOT AREA
1 STORIES15% LOT AREA
3 STORIES

F.A.R. 1.0

ENTIRE LOT AREA
1 STORY50% LOT AREA
2 STORIES25% LOT AREA
4 STORIES

F.A.R. 3.0

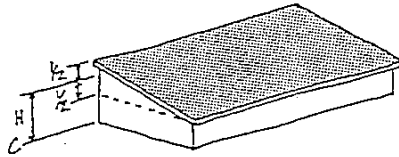
ENTIRE LOT AREA
3 STORIES50% LOT AREA
2 STORIES,
50% LOT AREA
4 STORIES75% LOT AREA
4 STORIES

FORMULA TO DETERMINE MAXIMUM ALLOWABLE TOTAL FLOOR AREA
ON A LOT: $F.A.R. \times LOT\ AREA = TOTAL\ FLOOR\ AREA$

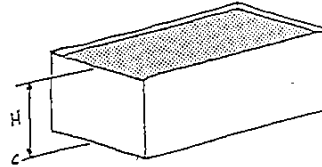
NOTE: THESE ILLUSTRATIONS DO NOT TAKE INTO ACCOUNT BUILDING
SETBACK LINES, MAX. BLDG HEIGHTS AND/OR MAX. LOT COVERAGE
REFER TO APPROPRIATE SECTIONS OF ORDINANCE FOR APPLICABLE
REQUIREMENTS.

BUILDING HEIGHT MEASUREMENT

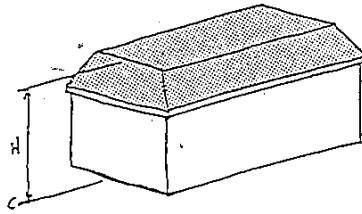
SHED ROOF



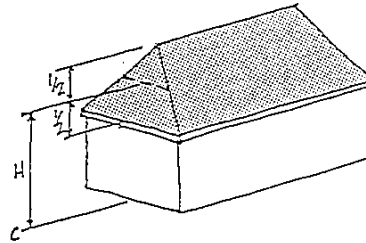
FLAT ROOF



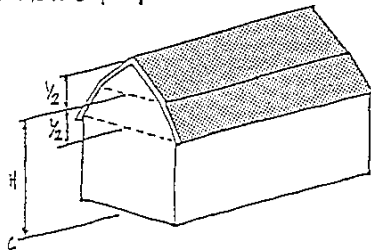
MANSARD ROOF



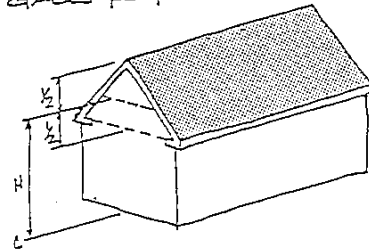
HIP ROOF



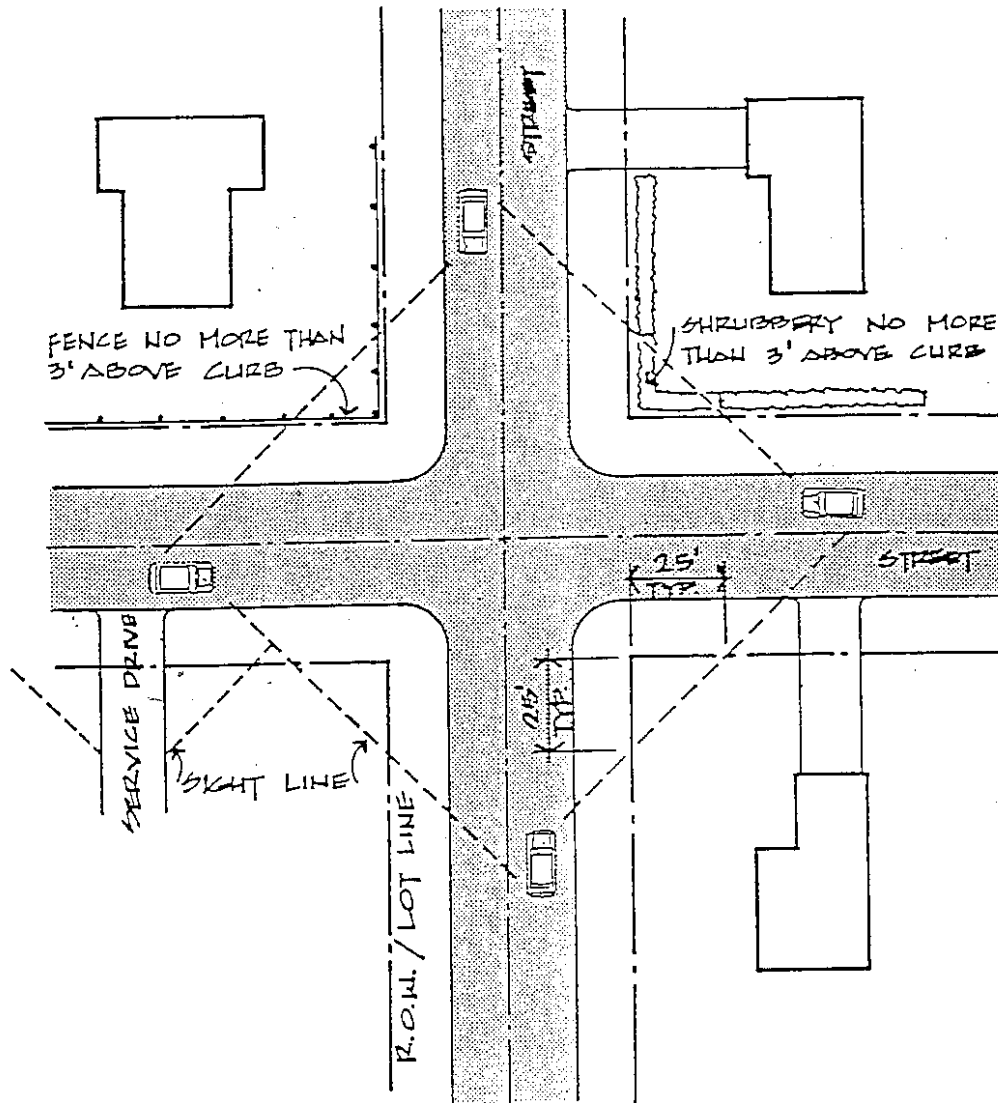
CAMBERED ROOF



GABLE ROOF

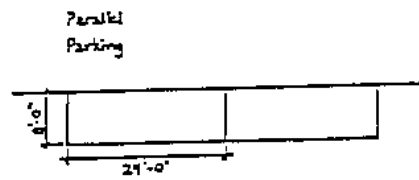
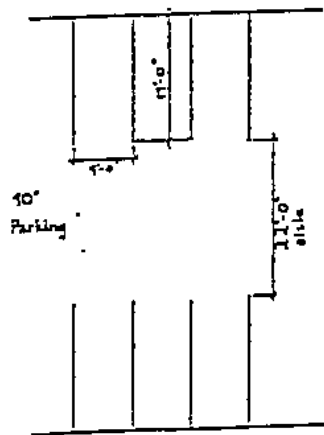
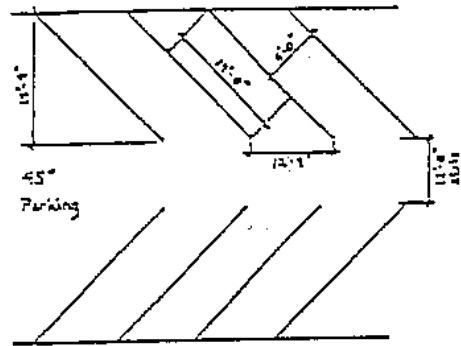
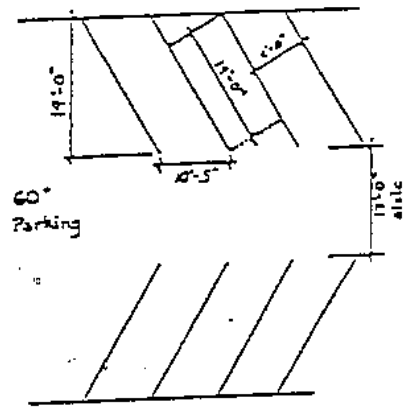


H = HEIGHT OF BUILDING
C = CURB LEVEL OR TENTATIVE CURB LEVEL GRADE



SIGHT DISTANCE TRIANGLE

Parking Space Standards



(Ord., 11-25-1996)