

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A COMPREHENSIVE AMENDMENT TO THE
ZONING ORDINANCE OF THE VILLAGE OF ST. JOSEPH
(TITLE 10 OF THE ST. JOSEPH CODE),
AS SUPPLEMENTED AND AMENDED

VILLAGE OF ST. JOSEPH
CHAMPAIGN COUNTY, ILLINOIS

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 22nd day of June, 2021, by authority of the President and Board of Trustees of the Village of St. Joseph, Champaign County, Illinois.

Village Clerk

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WHEREAS, the Village of St. Joseph, Champaign County, Illinois (the “Village”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code; and

WHEREAS, the Corporate Authorities of the Village adopted Ordinance No. _____, AN ORDINANCE ADOPTING A COMPREHENSIVE PLAN, which such ordinance adopted an “Official Comprehensive Plan” including the official map and the related goals and policies for the Village (the “Comprehensive Plan”); and

WHEREAS, the Corporate Authorities of the Village, on September 13, 2005, adopted Ordinance No. 2005-12A, AN ORDINANCE ADOPTING THE VILLAGE CODE OF THE VILLAGE OF ST. JOSEPH consisting of the updated and amended St. Joseph Code as of that date, including the Zoning Ordinance codified as Title 10 of the St. Joseph Code, with such Code subsequently supplemented and amended from time to time; and

WHEREAS, the Illinois Municipal Code (65 ILCS 5/Art. 11 Div. 13) allows that zoning regulations imposed and zoning districts created under the authority of Division 13 may be amended; and

WHEREAS, the Corporate Authorities have engaged the Champaign County Regional Planning Commission and MSA Professional Services, Inc. to review the Zoning Ordinance, as supplemented and amended, and to undertake the preparation of various supplements and amendments, including other related changes, necessary or desirable to update the text of such Zoning Ordinance, which such supplements and amendments and other related changes have been codified into the text of a comprehensive amendment which completely revises and replaces such Zoning Ordinance (the “Comprehensive Amendment”); and

WHEREAS, the Planning and Zoning Commission held public hearings on June 17, 2021 and June 22, 2021, with notice of such public hearing having been published in accordance with Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14) in The News Gazette on _____, 2021; and

WHEREAS, the Planning and Zoning Commission on May 20, 2021, by an affirmative vote of x-y, made and forwarded its recommendation to the Corporate Authorities that the Comprehensive Amendment be adopted; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the Village have determined that the Comprehensive Amendment conforms to the goals, policies and objectives of the Comprehensive Plan; and

WHEREAS, the Corporate Authorities of the Village now deem it in the best interests of

the Village to enact and adopt the Comprehensive Amendment to the Zoning Ordinance as the new and revised Zoning Ordinance of the Village, including as the same is or will be codified as Title 10 of the St. Joseph Code, as supplemented and amended.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ST. JOSEPH, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Adoption. The Zoning Ordinance, including as codified in Title 10 of the St. Joseph Code, as supplemented and amended, be and the same is hereby further supplemented and amended by completely revising and replacing such Zoning Ordinance, including Title 10 of the St. Joseph Code), with the Comprehensive Amendment. Such revised and replaced Zoning Ordinance shall provide as set forth in the title, headings and text thereof as set forth in the Comprehensive Amendment attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law.

Section 3. Conflict. All ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, provided, however, that such repeal shall not abrogate or effect any act committed or done, any penalty or forfeiture incurred or any pending litigation or prosecution under any such repealed ordinance.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This Ordinance is hereby **passed**, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

APPROVED this 22nd day of June, 2021.

Village President

ATTEST:

Village Clerk

Roll Call Vote:
AYES:
NAYS:
ABSENT:

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Chapter 1 TITLE, PURPOSE, AND APPLICABILITY

- 10-1-1 TITLE
- 10-1-2 PURPOSE
- 10-1-3 APPLICABILITY
- 10-1-4 TRANSITION RULES
- 10-1-5 SEVERABILITY

10-1-1 TITLE

This Title is a recodification of the St. Joseph Zoning Ordinance as adopted by Ordinance No. 2005-12A on September 13, 2005. This Title as so recodified shall be known and may be cited as the “St. Joseph Zoning Ordinance,” or “Zoning Ordinance” or “Ordinance.”

10-1-2 PURPOSE

The intent of this Zoning Ordinance is to establish land use regulations to serve the village. The purposes of this Zoning Ordinance are:

- (A) To promote and protect the public health, safety, and welfare.
- (B) To secure adequate light, air, privacy, and convenience of access to property.
- (C) To promote the orderly development of St. Joseph in accordance with the comprehensive plan.
- (D) To protect the character and maintain the stability of St. Joseph’s established land use areas.
- (E) To divide the village into zoning districts according to use of land and structures, height and bulk of structures, intensity of the use of lot area, area of open spaces, or other classification, as deemed best suited to carry out the purposes of this Ordinance.
- (F) To establish reasonable standards to which structures must conform.
- (G) To prevent the overcrowding of land and the undue concentration of structures by regulating and limiting the use and bulk of structures in relation to the surrounding land.
- (H) To regulate the intensity of the use of land.
- (I) To provide for safe and efficient traffic circulation.
- (J) To prohibit uses or structures incompatible with the character of development or intended uses within specified zoning districts.

- (K) To protect against fire, explosions, noxious fumes, and other dangers.
- (L) To otherwise avoid or decrease the hazards to persons or damage to property resulting from the accumulation or runoff of storm water and floodwater.
- (M) To provide for the gradual elimination of nonconformities.
- (N) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Ordinance.

10-1-3 APPLICABILITY

- (A) Territorial Application
This Ordinance applies to all land use, and structures within the corporate limits of the Village.
- (B) General Application
The regulations established by this Ordinance are the minimum regulations for the promotion and protection of the public health, safety, and welfare.
- (C) Compliance with Regulations
 1. Any portion or whole of a structure must be erected, constructed, reconstructed, moved, and enlarged in conformance with the requirements of this Ordinance.
 2. Any structure or land must be used and occupied in conformance with the requirements of this Ordinance.
- (D) Relation to Private Agreements
This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls.
- (E) Relation to Other Laws and Regulations
Unless otherwise specifically provided, this Ordinance controls over less restrictive Village statutes, ordinances, or regulations, and more restrictive Village statutes, ordinances, or regulations control over the provisions of this Ordinance.
- (F) Rules of Construction
To the extent that there is any inconsistency between the text of the Ordinance and any illustrations or graphics, the text controls.

10-1-4 TRANSITION RULES

(A) Existing Illegal Structures and Uses

A structure or use that is illegal at the time of the adoption of, but is made legal by the provisions of this Ordinance, is deemed lawful as of the effective date of this Ordinance. However, if that structure or use does not conform to every requirement of this Ordinance, then that structure or use remains illegal.

(B) Existing Uses

1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance, that use is deemed a lawful special use. Any subsequent addition, enlargement or expansion of that use must conform to the procedural and substantive requirements of this Ordinance for special uses.
2. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Ordinance requirements for such permitted use and is no longer subject to the conditional use ordinance under which it was originally approved.
3. If a structure or land is used in a manner that was classified as permitted or special use prior to the effective date of this Ordinance, but this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Chapter 12 (Nonconformities).

(C) Structures Rendered Nonconforming

If a structure lawfully existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Chapter 12 (Nonconformities).

(D) Lots Rendered Nonconforming

If a lot of record lawfully existing on the effective date of this Ordinance was a conforming lot before the effective date of this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot of record and is controlled by the provisions of Chapter 12 (Nonconformities).

- (E) **Previously Issued Zoning Permits**
If a zoning permit for a structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of that permit and diligently pursued to completion, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended.
- (F) **Previously Granted Special Uses and Variations**
All special uses and variations granted prior to the effective date of this Ordinance, except as deemed permitted or legal by this Ordinance, remain in full force and effect. The recipient of the special use or variation may proceed to develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the special use or variation before the approval expires, including any periods of extension granted, the provisions of this Ordinance will govern.
- (G) **Previous Adopted Zoning Ordinances**
Existing structures and uses that were in compliance with previous Zoning Ordinances or previously permitted, and not in compliance with current Zoning Ordinance, shall be grandfathered in under new Zoning Ordinances, until such time that property owner requests or proposes changes to property dimensions, zoning district, structure, land use, setbacks, or variances. At such time of request, proposed modifications shall follow current Ordinance version. Existing structures or uses that were not previously in compliance with past Zoning Ordinances or previously permitted, except for paragraph A above, shall remain out of compliance with new Zoning Ordinances.
- (H) **Pending Applications**
An application that has been deemed complete and scheduled for a public hearing or meeting, as applicable, is subject to the Ordinance requirements in effect on the date the application was deemed complete.

10-1-5 SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which judgment or decree was rendered.

Chapter 2 DEFINITIONS

10-2-1 RULES OF INTERPRETATION

10-2-2 DEFINITIONS

10-2-1 RULES OF INTERPRETATION

- (A) Any term not defined in this ordinance shall have the meaning of common or standard use.
- (B) When it is consistent with the context, the following use of words applies for purposes of this ordinance:
 - 1. The present tense shall refer also to the future.
 - 2. The singular shall also refer to the plural, and vice versa.
 - 3. The masculine gender includes the feminine.
 - 4. The word "shall" is used to indicate a mandatory requirement, and not a suggestion.
 - 5. Requirements that apply to a "person" and are defined as such also apply to a firm, association, organization, partnership, trust, company, corporation or governmental body.
 - 6. The words "Village" and "Municipality" will mean the Village of St. Joseph, Illinois.
 - 7. The acronym "PZC" will mean the Village of St. Joseph Planning and Zoning Commission authorized to exercise the statutory powers granted to plan commissions, zoning boards of appeal, and other zoning functions under the Illinois Municipal Code or as assigned by the Board of Trustees.
 - 8. The words "Administrator"; "Zoning Administrator"; "Zoning Official" or "Zoning Officer" shall refer to the official appointed by the Village President with the advice and consent of the Village Board of Trustees to administer this ordinance, or his representative.
 - 9. The words "Village Board" shall mean the President and Board of Trustees of the Village.
 - 10. All distances shall be measured to the nearest integral foot; six inches or more shall be considered one foot.
 - 11. The body text of the ordinance shall govern over any title, subtitle, or heading.

10-2-2 DEFINITIONS

ACCESSORY STRUCTURE, ACCESSORY BUILDING, OR ACCESSORY USE: A structure, building, or use on the same lot with a principal structure, building, or use, but of a customarily subordinate or incidental nature.

ADULT USE: A business that sells or disseminates explicit sexual material, and at which access to the public display of explicit sexual material is restricted to persons 18 years of age or older. An adult bookstore, adult cabaret, or adult motion picture theater are considered adult uses and are defined as follows:

ADULT RETAIL: A business that offers for sale or rent 15 percent or more of materials consisting of any of the following: publications, books, magazines, periodicals, photographs, films, motion pictures, video cassettes, DVD, or other video reproductions, or other visual representations that depict or describe specified sexual activities or specified anatomical areas, or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

ADULT ARCADE: A business where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines are used to show files, motion pictures, video cassettes, DVD, slides, computer generated graphics, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT CABARET: A business that features dancers, go-go dancers, exotic dancers or similar entertainers, or live entertainment, in which persons regularly appear in a state of nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities. Adult cabaret establishments specifically exclude minors, or minor are specifically prohibited by statute or ordinance, regardless of whether any such business is licensed to sell alcoholic beverages.

ADULT MOTION PICTURE THEATER: A business used for presenting motion pictures that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT HOTEL/MOTEL: A hotel or motel or similar business establishment that rents, leases, or lets any room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.

The following definitions describe the sexually-oriented activities contained within the general definitions for the above adult uses:

SEXUALLY ORIENTED DEVICES: Any artificial or simulated specified anatomical

area or other device or paraphernalia that is designed in whole or part for specified sexual activities.

SEXUALLY ANATOMICAL AREA: Less than completely and opaquely covered genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, or human male genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Any activity that includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; or fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts, even if completely and opaquely covered.

ALLEY: An unnamed public right-of-way that is primarily designed to serve as a secondary means of vehicular access to the rear or side of abutting premises that front on a nearby street.

ALTERATION: Any change in the bearing walls, columns, beams, girders, or supporting members of a structure, any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, or any movement of a structure from one location or position to another.

ASSISTED/INDEPENDENT LIVING FACILITY: A facility that contains a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of residents aged 55 and over who need help with activities of daily living. Facilities have separate bedrooms or living quarters. The emphasis of the facility remains residential, with nursing care not provided 24 hours a day. The facility may include communal kitchen, dining, and recreational facilities. Those providing services to the residents may or may not reside on the premises. An Assisted/Independent Living Facility may not house a "service dependent population" as defined in this Chapter.

BASEMENT: A portion of a building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

BED AND BREAKFAST INN: An operator-occupied residence providing accommodations for a charge to the public with up to five rooms for rent, with breakfast or refreshments provided as an option to guests of the establishment.

BOARDING HOUSE: A dwelling unit, or part thereof in which, for compensation, lodging and meals are provided for up to five guests only by means of a single common kitchen.

BLOCK, FRONT: All property on one side of a street between two intersecting streets or between an intersecting street and the dead end of a street, measured along the line of street.

BUILDING: An enclosed structure having a roof supported by walls, columns, or other devices, and used for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind.

BUILDING PRINCIPAL: A non-accessory building in which the principal use of the premises is conducted.

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

CELLAR: A portion of the building located partly or wholly underground and having one-half or more of its floor to ceiling height below the average grade of the adjoining ground.

CLINIC: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or kept overnight on the premises.

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

COMMUNITY LIVING FACILITY: A dwelling operated under state license or certification, or contract to provide supervision, food, lodging, or other services to a service dependent population, living and cooking together in a single cooperative housekeeping unit, consisting of: a basic group of members of a service dependent population and additional staff persons providing supervision of service to the basic group, as specified in aforesaid licensing, certification or contract regulations.

CATEGORY I COMMUNITY LIVING FACILITY: A community living facility intended for permanent placements, and not for crisis or short term, transient placements, with a basic group limited to not more than five service dependent individuals plus a maximum of two live in staff at any given time, subject to a higher number of staff if required to meet state or federal regulations.

CATEGORY II COMMUNITY LIVING FACILITY: A community living facility intended for permanent placements, and not for crisis or short term, transient placements, with a basic group limited to not more than eight service dependent individuals plus a maximum of two live in staff at any given time, subject to a higher number of staff if required to meet state or federal regulations.

CATEGORY III COMMUNITY LIVING FACILITY: A community living facility that may be used for temporary placement of service dependent individuals, with a basic group limited to not more than 15 service dependent individuals plus a maximum of four live in staff at any time, subject to a higher number if required to meet state or federal regulations.

CROP PRODUCTION: The growing, harvesting, and storing of crops, including legumes, hay, grain, fruit, truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, and forestry; accessory farm dwellings; and accessory farm buildings used for growing, harvesting,

or preparing crop products for market or for use on the farm.

DAYCARE CENTER, ADULT: A building or portion thereof, used to receive adults, for short term hours of care, not providing for overnight occupancy, and used to provide essential personal care, protection, supervision, training, or programs to meet the needs of the adults served, but which shall not include day/night care home.

DAYCARE CENTER/NURSERY SCHOOL: A building or portion thereof, used to receive infants, preschool, school age children, or combinations thereof, for short term hours of care, not providing for overnight occupancy, and used to provide essential personal care, protection, supervision, training, or programs to meet the needs of the children served, but which shall not include school or day/night care home.

DAY/NIGHT CARE HOME: A dwelling unit actually occupied by a family, which is used or designed to be used for care of not more than eight children under the age of 16 years who are not part of the family occupying the dwelling unit; provided that the maximum of eight children includes all children under the age of 16 years who are part of the family occupying the dwelling unit, and provided further that any children who are not part of the family are received for care for less than 24 consecutive hours.

DWELLING: Any building, or portion thereof, designed and used primarily as living quarters for one or more families, but not including hotels, motels, and other accommodations for the transient public.

DWELLING, MULTI-FAMILY: A dwelling containing three or more dwelling units, but not including a row house or townhouse building.

DWELLING, SINGLE-FAMILY: A dwelling containing one dwelling unit.

DWELLING, TWO-FAMILY: A dwelling containing two dwelling units.

DWELLING UNIT: A building or portion thereof designed for occupancy by one family for residential purposes and having a kitchen and bathroom.

ELDERLY HOUSING, RETIREMENT HOUSING: A multiple-family structure, controlled by either a public body, institutional body, or nonprofit corporation, 80 percent of whose occupants shall be 65 years of age or over, and where the rental agreement includes a requirement that all members of each household consume at least one meal per day in a congregate dining facility contained with the multiple-family structure.

FAMILY: A family is defined as:

- i. a person living alone, or
- ii. two or more persons related by blood, marriage, or adoption and maintaining a common household; or
- iii. up to four persons unrelated to each other by blood, marriage, or legal adoption and maintaining a common household; or

- iv. members of a service dependent population residing in a community living facility as defined in this chapter, together with his, her, or their domestic servants and gratuitous guests.

FLOOR AREA: The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings, but not including cellar or basement space not used for retailing and not including accessory off street parking or loading space.

FRONTAGE: The portion of a lot abutting a street.

GARAGE: A structure designed and primarily used for the storage of motor vehicles.

GOVERNMENT BUILDINGS: A structure or portion thereof used for the operations of any unit of government, and not leased or operated as a private enterprise.

HEIGHT, AS APPLIED TO A STORY: The vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.

HEIGHT, AS APPLIED TO A BUILDING: The vertical measurement from grade to a point midway between the highest and lowest points of the roof.

HEIGHT, AS APPLIED TO A STRUCTURE, UNENCLOSED OR DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such structure to the uppermost portion of such structure.

HEIGHT, AS APPLIED TO A STRUCTURE, ENCLOSED OR ATTACHED: Where such structure is attached to another structure and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such structure to the uppermost portion of such structure shall be the height. Where such structure is attached to another structure and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such structure to the uppermost portion shall be the height.

HELIPORT-RESTRICTED LAND AREAS: Any area described or defined as a restricted landing area - heliport under the Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14) and that is further regulated under the rules for restricted landing areas by the Illinois Department of Transportation, Division of Aeronautics.

HOME OCCUPATION: Any occupation for gain or support carried on as an accessory use in a dwelling unit or accessory structure to that dwelling unit by a resident of that dwelling unit, and meeting the limitations specified in Chapter 4 of this Ordinance.

HOSPITAL: A building or portion thereof used for the treatment of sick, injured, or infirm persons and licensed as a hospital by the State.

HOTEL: A building in which lodging or lodging and meals are regularly provided or offered to the public for compensation and that is customarily open to transient guests.

INDUSTRIAL – LIGHT/LIGHT ASSEMBLY: The manufacturing of finished products or parts from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales, and distribution of such products, provided that all industrial activities and any noise, odor, smoke, heat, glare, or vibration resulting from the industrial activities are contained entirely within a building. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

INDUSTRIAL – GENERAL: The manufacturing of products from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, packaging, storage, sales, and/or distributions of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious. General industrial uses may also include ancillary outdoor storage areas.

INDUSTRIAL – HEAVY: The manufacturing or compounding of raw materials, which may include the storage of large volumes of highly flammable, toxic, or explosive matter. This manufacturing may involve outdoor operations as part of their manufacturing process. Heavy manufacturing processes have greater than average impacts on the environment, and may have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

INSTITUTIONAL USE: Any public, quasi-public, or non-profit use including, but not limited to, a library, park, public or private school, hospital, or any other structure or land used exclusively for any such public, quasi-public, or nonprofit purpose.

KENNEL: Any structure within which or premises on which six or more dogs or six or more cats (or any combination thereof) at least six months of age are kept, boarded, or retained, for compensation. This definition excludes commercial breeding as part of a kennel operation.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance in accordance with the provisions of this Ordinance, and having its principal frontage upon a street.

CORNER LOT: A lot located at the intersection of two or more streets, where the corner interior angle formed by the intersection is 135 degrees or less; or a lot abutting upon a curved street or streets if tangents to the curve at the two points where the lot lines meet the curve form an interior angle of less than 135 degrees.

INTERIOR LOT: A lot other than a corner lot.

THROUGH LOT: A lot having a frontage on two non-intersecting streets.

LOT AREA: The horizontal projection of a parcel of land or a body of water or combination of both, exclusive of any portion of the right-of-way of any street.

LOT COVERAGE: The portion of a lot that is occupied by buildings or structures including accessory buildings or structures.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line of a lot.

LOT LINES: The lines bounding a lot.

LOT OF RECORD: A lot or parcel of land, the plat, map, or deed to which has been recorded in the office of the Champaign County Recorder prior to the adoption of this Ordinance.

LOT WIDTH: The lot area divided by the lot depth or, alternatively, the diameter of the largest circle that will fit entirely within the lot lines.

MANUFACTURED HOME OR MOBILE HOME: A structure, transportable in one or more sections, that while in the traveling mode is eight feet or more in width or 40 feet or more in length, or, when erected on site, is 320 square feet or more, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. This definition excludes: motor vehicles, boat trailers; single or dual axle utility trailers; specified construction trailers, campers, trailers, or recreational vehicles.

MANUFACTURED HOME PARK: A contiguous parcel of land planned and approved for the placement of mobile homes or manufactured homes.

MEDICAL MARIJUANA CULTIVATION CENTER: A facility operated by an organization or business that is registered with and/or licensed by the Illinois Department of Agriculture to perform necessary activities to provide usable medical cannabis to only medical cannabis dispensaries registered with and/or licensed by the Illinois Department of Financial and Professional Regulation.

MEDICAL MARIUANA DISPENSARY: A facility operated by an organization or business that is registered with and/or licensed by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from only medical cannabis cultivation centers registered with and/or licensed by the Illinois Department of Agriculture, for dispensing cannabis, paraphernalia, or related supplies and educational materials to qualifying patients.

MODULAR HOME: A dwelling that is manufactured in a production facility and assembled on location. The assembly process typically uses a traditional, permanent stick-built home foundation. Unlike a mobile home or a manufactured home, a modular home cannot be moved once built.

MOTEL: A building in which lodging or lodging and meals are regularly provided or offered to the public for compensation and that is customarily open to transient guests, and that is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for each lodging unit.

NONCONFORMING LOT, NONCONFORMING STRUCTURE, OR NONCONFORMING USE: A lot, sign, structure, or use that lawfully existed on the effective date of the adoption or amendment of this Ordinance that does not conform to the regulations and standards of the zoning district in which it is located.

OPERATIONS: The processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.

OWNER, OWNERSHIP: An individual, firm, association, syndicate, partnership, corporation, company, organization, trust, or any other legal entity having a proprietary interest in a use, structure, premises, lot or tract of land.

PARCEL: A designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.

PARKING SPACE: A space accessory to a use or structure and meeting the requirements of this Ordinance that is intended for the parking of one vehicle.

PLAT, LOT: A drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for enforcement of this title.

POOL: An artificially created container or tank capable of containing water for any period of time.

PREMISES: A lot, together with all buildings and structures thereon.

RECOVERY HOME: A dwelling unit operated for the purpose of promoting the joint rehabilitation of its occupants from alcohol or drug addiction. A recovery home shall be registered with an appropriate local authority and shall be limited to not more than eight individuals recovering from alcohol or drug addiction and up to two live-in staff members. The occupants of a recovery home shall not include persons for whom such course of rehabilitation is a requirement of a sentence upon conviction of a criminal offense, nor shall it include those for whom the need for such rehabilitation occurs during or immediately following a sentence of incarceration for a criminal offense. Occupants of said home shall also not include any individual who has been convicted of either the manufacture or delivery of a controlled substance as prohibited by the Illinois Controlled Substances Act, 720 ILCS 570/401 et seq., or as prohibited by any other similar law from another jurisdiction.

RECREATIONAL VEHICLE: Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle, including, but not limited to, the following: boat/watercraft, camper trailer, conversion vans, motor home,

motorized trailer, off-the-road vehicle, racing car or cycle, travel trailer, truck camper, and utility or haul trailer.

RESIDENTIAL CARE FACILITY: Housing for three or more individuals unrelated by blood, marriage, adoption, or guardianship which receive some form of nursing care, supervision, or assistance from employees at the facility. Nursing care and support staff are available 24 hours a day. Included are nursing homes, sheltered care facilities, intermediate care facility, and other similar uses.

RESTRICTED LANDING AREA: Any area described or defined as a Restricted Landing Area under the Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14) and as further regulated by the Illinois Department of Transportation, Division of Aeronautics.

RIGHT-OF-WAY: The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

ROW HOUSE BUILDING: A building that contains a row of two or more single-family attached dwelling units, each unit being separated from the adjoining units in each story by walls without openings, and each unit having independent access to the exterior of the building in the ground story and each unit being located on a separate lot.

ROW HOUSE DWELLING: A dwelling unit that is part of a row house building.

SCREEN: A structure, fence, wall, or planting of sufficient opaqueness or density and maintained such that it completely or partially obscures from view throughout its height the premises upon which it is located in accordance with regulations in Chapter 5 of this Ordinance.

SERVICE DEPENDENT POPULATION: Those persons, who by reason of mental or physical disability require supervision in a quasi-parental relationship, but do not require medical or nursing care on-site. A service dependent population shall not include persons for whom such services are a requirement of a sentence upon conviction of a criminal offense or whose need for such services arises during or immediately following a sentence of incarceration for a criminal offense.

SETBACK, FRONT YARD: The measurement extending across the front yard of a lot and being the minimum horizontal distance between the front lot line and the main building or main structure or any projections thereof, other than the projections of uncovered steps, balconies, terraces, porches, decks, or entryways or roof overhangs of no more than two feet.

SETBACK, REAR YARD: The measurement extending across the rear yard of the lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or main structure or any projection thereof, other than uncovered steps, balconies, terraces, porches, decks or entryways or roof overhangs of no more than two feet.

SETBACK, SIDE YARD: The measurement extending across the side yard of the lot between the front yard and the rear yard and being the maximum horizontal distance between the main

building or main structure or any projection thereof other than uncovered steps, balconies, terraces, porches, decks or entryways or roof overhangs of no more than two feet and the side line of the lot.

SIGHT VISIBILITY TRIANGLE: A three-dimensional area that is intended to be kept clear of unauthorized structures, plants, or trees in order to maintain visibility for safety purposes. The sight visibility triangle is described as the area between two and one-half feet and six feet above the centerline grades of intersecting streets in an area bounded by the street right-of-way lines of corner lots and a straight line joining points along said street right-of-way lines 30 feet from the nearest point of intersection.

SIGN: Any name, identification, description, display, illustration, or device that is affixed to or represented directly or indirectly on a building, structure, or land in view of the general public, and that directs attention to a product, place, person, institution, or business. Further sign definitions are specified in Chapter 8 of this Ordinance.

SPECIAL CONDITIONS: A condition for the establishment of a special use.

SPECIAL USE: A use that may be permitted in a zoning district pursuant to, and in compliance with, procedures specified herein.

STREET: Any public or private way set aside as a permanent right of way for street purposes.

STRUCTURE: Anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.

STRUCTURE, PRINCIPAL: The structure in or on which is conducted the principal use of the lot on which it is located.

TEMPORARY USE: A use that is transitory by nature and may be permitted in a zoning district pursuant to, and in compliance with, procedures specified in Chapters 10 and 11 of this Ordinance.

ULTRALIGHT AIRCRAFT: Any aircraft that is described or defined as an ultralight vehicle under Part 103 of the Federal Aviation Regulations.

ULTRALIGHT LANDING AREA: An area specifically designed, maintained and used only for the take-off and landing of an ultralight aircraft.

USE: The specific purpose for which land, a structure, or premises, is designed, arranged, intended, or for which it is or may be occupied or maintained.

UTILITY, PUBLICLY REGULATED: A business or entity providing water, sanitary sewer, power and light, television cable, or similar services to the public of such a nature that it enjoys an exclusive franchise, in a specific geographic area, and is regulated by a federal, state, or local governmental regulatory agency.

VARIANCE: Permission or approval granted in accordance with Chapter 11 of this Zoning Ordinance, constituting a modification of or deviation from the exact provisions of this Ordinance as applied to a specific lot or structure.

VEHICLE REPAIR – MINOR: A business that provides services in minor repairs to motor vehicles, motorcycles, bicycles, all-terrain vehicles not exceeding 1-1/2 tons capacity, including repair or replacement of cooling, electrical, fuel, and exhaust systems, brake adjustments, replacement tires, realigning and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like.

VEHICLE REPAIR – MAJOR: A business that provides services in engine rebuilding, major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles, recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, and painting of motor vehicles, and may include minor auto repair services.

WAREHOUSE: A building within which raw materials, goods, or equipment including vehicles, are kept and wherein no manufacturing, assembly, construction, repair, sales or other activity is performed except for the packaging of goods and materials for shipment.

WAREHOUSE, SELF-STORAGE: A building or buildings containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.

YARD: An open space, other than a court, of uniform width or depth on the same lot with a structure, lying between the structure and the nearest lot line and that is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

YARD, FRONT: A yard extending across the front of a lot and being the area between the front lot line and the main building or any projections therefrom. The front yard shall run the full width of the lot. On corner lots the yards fronting both streets shall be considered front yards, and the front yards shall run the full width of the lot on both street frontages.

YARD, REAR: A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a principal structure located on the lot.

YARD, SIDE: A yard situated between a side lot line and the nearest line of a principal structure located on the lot and extending from the rear line of the required front yard to the front line of the required rear yard.

Chapter 3 DISTRICTS, ZONING MAP, AND DISTRICT STANDARDS

- 10-3-1 DISTRICTS
- 10-3-2 ZONING MAP
- 10-3-3 ANNEXATION OF NEW TERRITORY
- 10-3-4 EXEMPTIONS FOR RIGHTS OF WAY
- 10-3-5 RESIDENTIAL DISTRICTS
- 10-3-6 COMMERCIAL GENERAL & COMMERCIAL DOWNTOWN DISTRICTS
- 10-3-7 INDUSTRIAL DISTRICT
- 10-3-8 AGRICULTURAL DISTRICT

10-3-1 DISTRICTS

The zoning districts into which the village is divided by the Zoning Ordinance shall be designated as indicated in Table 10-3A:

Table 10-3A Zoning Districts

A	Agricultural
R-1	R-1 Residential
R-2	R-2 Residential
R-2a	R-2a Residential
R-3	R-3 Residential
R-4	R-4 Residential
C	Commercial General
CD	Commercial Downtown
I	Industrial

10-3-2 ZONING MAP

(A) Location of Districts

1. The Zoning Ordinance includes a zoning district map describing certain districts. The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended.
2. The Official Zoning Map is incorporated into, and made an integral part of, this Ordinance.
3. The original of the Official Zoning Map, signed by the Village Clerk, shall be kept in the Village Office.

4. The Official Zoning Map shall be corrected and brought up to date in January of each year.

(B) Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of alleys, streets or highways, said alley, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lines shall be construed to be said boundaries.
3. Where a district boundary line does not coincide with any of the lines described in Items 1 or 2 of this section, the district boundary line involved shall be dimensioned on the zoning map.
4. Whenever any street, alley or other public way is legally vacated, the districts adjoining each side of such vacated public way shall automatically extend to the center of such way and all area included in the vacation shall be subject to all appropriate regulations of the extended districts.

10-3-3 ANNEXATION OF NEW TERRITORY

Unless a valid pre-annexation agreement in effect at the time of annexation provides otherwise, or unless, after a public hearing before the Planning and Zoning Commission, specific action by the Village Board provides otherwise, all territory which may be annexed to the village shall, upon annexation, be classified as a Village zoning district consistent with the Village of St. Joseph Comprehensive Plan as indicated in Table 10-3B.

Table 10-3B. Zoning District Classification upon Annexation

Village of St. Joseph Comprehensive Plan Future Land Use Map Designation	Village of St. Joseph Zoning District
Residential	R-1 Residential
Mixed Residential	R-3 Residential
Natural Recreation	R-1 Residential
Neighborhood Recreation	R-1 Residential
Downtown Business, Commercial	CD Commercial Downtown
Regional Business	C Commercial General
Institutional	C Commercial General
Agricultural	A Agricultural
Industrial	I Industrial

10-3-4 EXEMPTIONS FOR RIGHTS-OF-WAY

The provisions of this Ordinance do not apply to land located within rights-of-way.

10-3-5 RESIDENTIAL DISTRICTS

(A) Purpose Statements

1. R-1 Residential District. The R-1 Residential District is intended for a low to moderate density environment of detached single-family dwellings sited on lots that are serviced by community sewer and water. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be permitted.
2. R-2 Residential District. The R-2 Residential District is intended for a moderate density environment of detached single-family dwellings sited on lots that are serviced by community sewer and water. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be permitted.
3. R-2a Residential District. The R-2a Residential District is intended for a moderate density environment of detached single-family dwellings or attached two-family dwellings.
4. R-3 Residential District. The R-3 Residential District is intended to accommodate a variety of residential buildings, such as detached single-family dwellings, two-family dwellings, townhouses, and other multi-family housing. The R-3

Residential District is intended only for areas where adequate public utilities and other infrastructure exists that can serve moderate to higher density development, as well as where such development will not negatively impact lower density residential neighborhoods. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be permitted.

5. R-4 Residential District. The R-4 Residential District accommodates a variety of residential structures, such as detached single-family dwellings, two-family dwellings, townhouses, and other multi-family housing. The R-4 Residential District is intended only for areas where adequate public utilities and other infrastructure exists that can serve higher density development, as well as where such development will not negatively impact lower density residential neighborhoods. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be permitted.

(B) Lot and Building Requirements

1. Except as provided elsewhere in this code, a principal building erected in the R-1, R-2, R-2a, R-3, or R-4 Residential District must conform to the lot area, height, and placement standards indicated in Table 10-3C.

Table 10-3C. Schedule of Lot Area, Height, and Placement Standards for Residential Districts

District	Minimum Lot Area Per Dwelling Unit ^a (square feet)			Minimum Average Lot Width ^b (feet)	Maximum Building Height (feet)	Maximum Number of Stories	Minimum Required Yard Setbacks (feet)		
	Single Family Dwelling	Two-Family Dwelling per Dwelling Unit	Multi-Family Dwelling per Dwelling Unit				Front	Each Side	Rear
R-1	9,600	n/a	n/a	80	35	2-1/2	30	10	35
R-2	7,500	n/a	n/a	65	35	2-1/2	30	7-1/2	35
R-2a	7,500	7,500	n/a	65	35	2-1/2	30	7-1/2	35
R-3	9,600	5,000	5,000	65	35	2-1/2	30	7-1/2	35
R-4	8,000	4,000	3,000	65	<u>50</u>	n/a	30	7-1/2	35

Table 10-3C Notes:

- a. The provisions of this Section notwithstanding, all lots shall comply with the provisions of Title 7, Health and Sanitation.
- b. The minimum average lot width requirement applies to the area between the

farthest front point of the main building and the farthest back point of the main building on a lot.

- c. "n/a" means "not applicable".

2. Flag Shaped Lots

- a. If a lot in a residential district has a narrow access drive (e.g., "flag shaped lot"), the narrow access area shall be included in calculating the average lot width. Any such narrow access drive shall be excluded in calculating the setback requirement if the Zoning Administrator determines that to do so is consistent with the intent of this Ordinance.
- b. In no event shall any lot in a residential district have a frontage along a road of less than 40 feet or a setback from any boundary line of less than that required for the side yard setback in its zoning district.

3. Institutional uses, when permitted in a residential district, may be erected to exceed height limits specified for the district, provided that all required yard setbacks are increased by one foot for each foot of building height above the specified height limit.

4. Detached accessory buildings and accessory structures erected in the R-1, R-2, R-2a, R-3, or R-4 Residential District must comply with the following provisions in addition to other applicable provisions of this Ordinance:

- a. Detached accessory buildings and accessory structures must not be located within a front yard.
- b. On a corner lot, an accessory building must not be located within the front yard on either street.
- c. A detached accessory building or structure must be located a distance of not less than three feet from any side lot line.
- d. A detached accessory building or structure must be located a distance of not less than five feet from any rear lot line.
- e. A detached accessory building must be located so that the majority of its footprint is situated within the rear yard.
- f. One or more detached accessory buildings must not occupy more than a total of 30 percent of a rear yard.
- g. Accessory buildings may include:
 - (1) A noncommercial greenhouse that does not exceed in floor area 25 percent of the ground floor area of the main building.

- (2) A private residential garage used only for the housing of passenger vehicles and with a floor area not to exceed 550 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which such lot exceeds 6,000 square feet provided that no garage shall exceed 1,000 square feet nor house more than five such vehicles.

(C) Exceptions to Lot and Building Requirements in Residential Districts

The lot and building requirements specified in Paragraph (B) above shall be modified as indicated below:

1. Any lawful lot of record at the time of passage of this Ordinance having less area or width than herein required may be used for a dwelling unit appropriate to the district in which the property is located provided that all provisions of Title 7, Health and Sanitation are met.
2. The ordinary projection of sills, belt courses, cornices and ornamental features shall be permitted not to exceed 18 inches in any required yard setback.
3. The front yard setback requirement shall be reduced to the greater of the existing setback of two immediately adjacent existing houses.
4. The required side yard setback shall be maintained on each side of the dwelling, but such side yard setback may be reduced to 10 percent of the lot width on lots of less than 75 feet in width; provided, however, that no side yard setback shall be less than five feet.
5. The required side yard setback on the street side of a corner lot shall be the same as the required front yard setback on such street, except that the buildable width shall not be reduced to less than 32 feet.
6. For the purpose of side yard setback regulations, a two-family dwelling shall be considered as one building occupying one lot.
7. The required rear yard setback may be reduced to 20 percent of the depth of the lot on any lot not exceeding 125 feet in depth.
8. Chimneys and antennas may be no higher than five feet above the highest point of the roof.

10-3-6 COMMERCIAL GENERAL DISTRICT & COMMERCIAL DOWNTOWN DISTRICT

(A) Purpose Statements

1. **Commercial Downtown District.** The Commercial Downtown District is intended to preserve and enhance the historical village center by providing for a mix of commercial and residential uses, including, but not limited to, retail sales and service, office, and multi-family housing, that serves the residents of the Village and surrounding areas. Future mixed-use development is encouraged, and residential dwelling units are permitted above the ground-floor. Uses, building materials, appearance, setbacks, historic feel, heights, access, windows, signage and site plans shall relate to a Downtown environment.
2. **Commercial General District.** The Commercial General District is intended for areas with a variety of high intensity highway-accessed commercial uses or regional commercial uses.

The previous district “Commercial’ (C) is the same as the current district ‘Commercial General’ (C).

(B) Lot and Building Requirements

1. Except as provided elsewhere in this code, a principal building erected in the Commercial Downtown District or Commercial General District must conform to the lot area, height, and placement standards indicated in Table 10-3D.

Table 10-3D. Schedule of Lot Area, Height, and Placement Standards for Commercial Downtown and Commercial General Districts

District	Minimum Lot Area ^a (square feet)		Minimum Average Lot Width (feet)	Maximum Building Height (feet)	Maximum Number of Stories	Minimum Required Yard Setbacks (feet)		
	Principal Building or Principal Structure	Multi-Family Dwelling per Dwelling Unit				Front	Each Side	Rear
Commercial Downtown	None	5,000	n/a	35	2-1/2	0	b	b
Commercial General	None	5,000	n/a	35	2-1/2	25	b	b

Table 10-3D Notes:

- a. The provisions of this Section notwithstanding, all lots shall comply with the provisions of Title 7, Health and Sanitation.
- b. None unless adjacent to a residential district in which case a minimum side yard of 10 feet is required, and/or a minimum rear yard of 25 feet is required.

- c. "n/a" means "not applicable".
 2. Institutional uses, when permitted in the Commercial Downtown District or Commercial General District, may be erected to exceed height limits specified for the district, provided that all required yard setbacks are increased by one foot for each foot of building height above the specified height limit.
 3. Where a lot in the Commercial Downtown District or Commercial General District is used for commercial or industrial purposes, more than one main building may be located on the lot or tract but only provided that emergency access is available to all buildings and provided such buildings:
 - i. conform to all lot area, height, and placement standards for the district in which the lot is located; and
 - ii. conform to all provisions of Title 7, Health and Sanitation.
 4. Detached accessory buildings and accessory structures erected in the Commercial Downtown District or Commercial General District must comply with the following provisions in addition to other applicable provisions of this Ordinance:
 - a. Detached accessory buildings and accessory structures must not be located within a front yard.
 - b. If on a corner lot, detached accessory buildings and accessory structures must not be located within the front yard on either street.
 5. Accessory buildings and accessory uses in the Commercial General Districts (C) shall not exceed 40 percent of the floor area of a building for incidental storage or light industrial activity.

Accessory buildings and accessory uses in the Commercial Downtown District (CD) shall not exceed 10 percent of the floor area of a building for incidental storage.
- (C) Exceptions to Lot and Building Requirements in the Commercial Downtown District and Commercial General District.

The height and area regulations specified in Paragraph (B) above shall be modified as indicated below:

1. The front yard setback may be reduced to the same distance as an immediately adjacent, existing building in the same block.
2. The required side yard setback as indicated in Table 10-3D shall be maintained on each side of a dwelling, but such side yard setback may be reduced to 10 percent of the lot width on lots of less than 75 feet in width; provided, however, that no side yard setback of a dwelling shall be less than 7-1/2 feet.

3. The required rear yard may be reduced to 20 percent of the depth of the lot on any lot not exceeding 125 feet in depth.
4. The ordinary project of sills, belt courses, cornices and ornamental features shall be permitted not to exceed 18 inches in any required yard setback.
5. Filling station pumps and pump islands, where permitted, may occupy required yard setbacks, provided that they are not less than 15 feet from property lines.
6. Chimneys and antennas may be no higher than 10 feet above the highest point of the building.

10-3-7 INDUSTRIAL DISTRICT

(A) Purpose Statement

The Industrial District is intended to provide areas to accommodate light to moderate intensity industrial uses with necessary services and facilities while minimizing obstruction on or by adjoining uses and districts.

(B) Lot and Building Requirements

1. Except as provided elsewhere in this code, a principal building erected in the Industrial District must conform to the area, height, and placement standards indicated in Table 10-3E.

Table 10-3E. Schedule of Lot Area, Height, and Placement Standards for the Industrial District

District	Minimum Lot Area Per Principal Building ^a (square feet)	Minimum Average Lot Width (feet)	Maximum Building Height (feet)	Maximum Number of Stories	Minimum Required Yard Setbacks (feet)		
					Front	Each Side	Rear
Industrial	None	n/a	50	n/a	25	b	b

Table 10-3E Notes:

- a. The provisions of this Section notwithstanding, all lots shall comply with the provisions of Title 7, Health and Sanitation.
- b. None unless adjacent to a residential district in which case a minimum side yard of 10 feet is required, and/or a minimum rear yard of 25 feet is required.

- c. "n/a" means "not applicable".
2. Where a lot in the Industrial District is used for commercial or industrial purposes, more than one main building may be located on the lot or tract but only provided that emergency access is available to all buildings and provided such buildings:
 - i. conform to all lot area, height, and placement standards for the Industrial District; and
 - ii. conform to all provisions of Title 7, Health and Sanitation.
3. Institutional uses or community facilities, when permitted in the Industrial District, may be erected to exceed height limits specified for the district, provided that all required yard setbacks are increased by one foot for each foot of building height above the specified height limit.
4. Detached accessory buildings and accessory structures erected in the Industrial District must comply with the following provisions in addition to other applicable provisions of this Ordinance:
 - a. Detached accessory buildings and accessory structures must not be located within a front yard.
 - b. If on a corner lot, detached accessory buildings and accessory structures must not be located within the front yard on either street.

(C) Exceptions to Lot and Building Requirements in the Industrial District

The lot and building requirements specified in Paragraph (B) above shall be modified as indicated below:

1. The minimum required side yard setback as indicated in Table 3E shall be maintained on each side of a dwelling, but such side yard setback may be reduced to 10 percent of the lot width on lots of less than 75 feet in width; provided, however, that no side yard setback of a dwelling shall be less than 7-1/2 feet.
2. The required rear yard setback may be reduced to 20 percent of the depth of the lot on any lot not exceeding 125 feet in depth.
3. The ordinary project of sills, belt courses, cornices and ornamental features shall be permitted not to exceed 18 inches in any required yard setback.
4. Filling station pumps and pump islands, where permitted, may occupy required yard setbacks, provided that they are not less than 15 feet from property lines.
5. Chimneys and antennas may be no higher than 10 feet above the highest point of the building.

10-3-8 AGRICULTURAL DISTRICT

(A) Purpose Statement

The Agricultural District is intended to prevent scattered, indiscriminate urban development within areas which are predominately used for farming, and to prevent a mixture of incompatible urban and rural uses.

(B) Lot and Building Requirements

1. Except as provided elsewhere in this code, a principal building erected in the Agricultural District must conform to the lot area, height, and placement standards indicated in Table 10-3F.

Table 10-3F. Schedule of Lot Area, Height, and Placement Standards for Agricultural District

District	Minimum Lot Area ^a (square feet)	Minimum Average Lot Width ^b (feet)	Maximum Building Height (feet)	Maximum Number of Stories	Minimum Required Yard Setbacks (feet)		
					Front	Each Side	Rear
Agricultural	30,000	80	35	2-1/2	30	25	50

Table 10-3F Notes:

- a. The provisions of this Section notwithstanding, all lots shall comply with the provisions of Title 7, Health and Sanitation.
 - b. The minimum average lot width requirement applies to the area between the farthest front point of the main building and the farthest back point of the main building on a lot.
2. Flag Shaped Lots
 - a. If a lot in the Agricultural District has a narrow access drive (e.g., "flag shaped lot"), the narrow access area shall be included in calculating the average lot width. Any such narrow access drive shall be excluded in

calculating the setback requirement if the Zoning Administrator determines that to do so is consistent with the intent of this Ordinance.

- b. In no event shall any lot in the Agricultural District have a frontage along a road of less than 40 feet, or a setback from any boundary line of less than that required for the side yard setback.
3. Where a lot in the Agricultural District is used for commercial or industrial purposes, more than one main building may be located on the lot or tract but only provided that emergency access is available to all buildings and provided such buildings:
 - i. conform to all lot area, height, and placement standards for the Industrial District; and
 - ii. conform to all provisions of Title 7, Health and Sanitation.
 4. Institutional uses, when permitted in the Agricultural District, may be erected to exceed height limits specified for the district, provided that all required yard setbacks are increased by one foot for each foot of building height above the specified height limit.
 5. Detached accessory buildings and accessory structures erected in the Agricultural District must comply with the following provisions in addition to other applicable provisions of this Ordinance:
 - a. Detached accessory buildings and accessory structures must not be located within a front yard.
 - b. If on a corner lot, detached accessory buildings and accessory structures must not be located within the front yard on either street.
 - c. A detached accessory building or structure must be located a distance of not less than three feet from any side lot line.
 - d. A detached accessory building or structure must be located a distance of not less than five feet from any rear lot line.
 - e. A detached accessory building must be located so that the majority of its footprint is situated within the rear yard.
 - f. One or more detached accessory buildings must not occupy more than a total of 30 percent of a required rear yard.
 - g. Accessory buildings may include:
 - (1) A noncommercial greenhouse that does not exceed in floor area 25 percent of the ground floor area of the main building.

- (2) A private residential garage used only for the housing of passenger vehicles and with a floor area not to exceed 550 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which such lot exceeds 6,000 square feet provided that no garage shall exceed 1,000 square feet nor house more than five such vehicles.

(C) Exceptions to Lot and Building Requirements in the Agricultural District

The lot and building requirements specified in Paragraph (B) above shall be modified as indicated below:

1. Any lawful lot of record having less lot area or lot width than required as indicated in Table 10-3F may be used for a dwelling unit appropriate to the Agricultural District provided that all provisions of Title 7, Health and Sanitation are met.
2. The minimum required side yard setback as indicated in Table 10-3F shall be maintained on each side of the dwelling, but such side yard setback may be reduced to ten percent of the lot width on lots of less than 75 feet in width; provided, however, that no side yard setback shall be less than five feet.
3. The minimum required side yard setback on the street side of a corner lot shall be the same as the required front yard setback on such street, as indicated in Table 3F, except that the buildable width shall not be reduced to less than 32 feet.
4. The minimum required rear yard setback as indicated in Table 3F may be reduced to 20 percent of the depth of the lot on any lot not exceeding 125 feet in depth.
5. The ordinary project of sills, belt courses, cornices and ornamental features shall be permitted not to exceed 18 inches in any required yard setback.
6. Chimneys and antennas may be no higher than five feet above the highest point of the roof.

Chapter 4 SITE DEVELOPMENT STANDARDS

10-4-1	GENERAL REQUIREMENTS
10-4-2	ACCESSORY STRUCTURES AND USES
10-4-3	SHIPPING CONTAINER STORAGE UNITS
10-4-4	AMATEUR (HAM) RADIO EQUIPMENT
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10-4-17	DUMPSTERS

10-4-1 GENERAL REQUIREMENTS

(A) Number of Structures on a Lot

In the R-1, R-2, R-3 and R-4 Residential Districts there must be no more than one principal building per lot. In all other districts, more than one principal building is permitted on a lot, provided that each complies with all lot area, height, and placement requirements of a district as though it were a principal building on an individual lot.

(B) All Activities within an Enclosed Structure

Within all districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following activities and uses:

1. Parking lots.
2. Businesses with a permitted outdoor component, including, but not limited to, outdoor recreation, outdoor storage yards, contractor storage yards, outdoor dining, car washes, kennels, animal care facilities, and similar businesses. However, these businesses may be limited or the outdoor components prohibited as a condition of a special use, when special use approval is applicable.
3. Permitted outdoor storage, outdoor sales, and display areas.
4. Permitted outdoor temporary uses.

(C) Frontage on a Public or Private Street

All lots must front on a public or private street or approved private easement. Frontage on an alley or limited access highway (e.g., interstate highway) does not satisfy this requirement.

(D) Required Setbacks

No lot may be reduced in area so that the setbacks are less than required by this Ordinance. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless permitted by this Ordinance.

(E) Applicability of Lot Area, Height, and Placement Standards

All structures lawfully erected after the effective date of this Ordinance must meet the lot and building requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure is located.

(F) Sight Visibility Triangle

Except for the exempt structures indicated in Items i and ii of this provision, nothing shall be constructed, erected, placed, planted, or allowed to grow in such a manner as to materially impede vision within a sight visibility triangle.

- i. Lawfully existing buildings as of the date of adoption of this Ordinance provision shall be exempt.
- ii. Authorized public traffic control signs, signals, or devices shall be exempt.

10-4-2 ACCESSORY STRUCTURES AND USES

All accessory structures and uses are subject to the requirements of this section and to all applicable standards of this Ordinance.

(A) General Regulations for Accessory Structures

1. No accessory structure may be constructed on a zoning lot prior to construction of the principal building to which it is accessory, and no accessory building shall be used unless the main building on the lot is also being used. This does not preclude the use of a temporary construction shed for the storage of tools, material, and equipment by a contractor during building construction.
2. Accessory buildings may not be used as dwelling units or for sleeping purposes.

3. As indicated in Section 10-10-1 of this Ordinance, a zoning permit is required for the construction of an accessory structure, unless specifically exempted by this Ordinance.
4. On a through lot, no detached accessory structure, with the exception of a fence or wall constructed in accordance with this section, is permitted within the required rear yard. In the case where through lots are all facing the same way along a block face, encroachment into the rear setback is permitted, so long as it does not exceed two-thirds of the rear setback depth.

10-4-3 SHIPPING CONTAINER STORAGE UNITS

(A) General Regulations for Shipping Container Storage Units

1. Shipping Containers may be used for permanent or temporary storage purposes only, however Special Use Permit (permanent) or Temporary Use Permit (temporary) must be requested by Owner and first granted by the Village.
2. Accessory buildings may not be used as dwelling units or for sleeping purposes.
3. As indicated in Section 10-10-1 of this Ordinance, a zoning permit is required for the installation of a shipping container.
4. Shipping containers shall be single unit height with no stacking allowed.
5. Shipping Containers shall not store materials that could be injurious or harmful to people, property or the Village.
6. Insurance for Shipping Container Storage Units shall be obtained by Property Owner.

(B) Permanent Use

1. Shipping Containers may be used for permanent use, only within General Commercial (C) or Industrial (I) Districts.
2. Special Use Permit shall be requested for by Owner and approved by Village for Permanent uses.
3. Limit of 2 storage units per lot.
4. Must be located on paved or aggregate surface location. Not intended for yard or non accessible locations.

(C) Temporary Use

1. Shipping Containers may be used for temporary use, on any of the Commercial, Residential, or Industrial Districts.
2. Temporary Use Permit shall be requested for by Owner and approved by Zoning Administrator for Temporary uses.
3. Limit of 1 temporary storage unit per lot.
4. Must be located on paved or aggregate surface location. Not intended for yard or non accessible locations. Can only be placed on Village right-of-way, streets or parking spots with prior approval from Zoning Administrator. Temporary shipping container location must not interfere with traffic, parking, pedestrian or ADA access.
5. Permit applicant must specify use of temporary storage unit in request.
6. Temporary Use shall be limited to and permitted for up to 30 days.
7. Temporary Use Permit must be displayed on a visible side of the shipping container, through the duration of the temporary use.

10-4-4 AMATEUR HAM RADIO EQUIPMENT

- (A) Towers that solely support amateur HAM radio equipment and conform to all applicable performance criteria as set forth in Section 10-4-15 Environmental Performance Standards are permitted only in the rear yard, and must be located a minimum of 10 feet from any lot line. Towers are limited to the maximum building height of the applicable district plus an additional 10 feet.
- (B) Antennas may be ground- or building-mounted and are limited to the maximum building height of the applicable district plus an additional 10 feet.
- (C) An antenna or tower that is proposed to exceed the height limitation requires a special use approval. The operator must provide evidence that a taller tower and/or antenna is necessary to engage successfully in amateur radio communications.
- (D) Radio antennas and/or towers owned and operated by the Village are exempt from these requirements and other requirements of this Ordinance.

10-4-5 DONATION BOXES/DROP BOXES

- (A) Donation boxes/drop boxes are permitted for nonresidential uses only.

- (B) Only one donation box/drop box is permitted per lot.
- (C) The donation box/drop box must be accessory to and owned by the principal use on the site. However, donation boxes/drop boxes that are not accessory to the principal use on the site shall be allowed on Village owned property with the permission of the Village.
- (D) Donation boxes/drop boxes may only be located within a side yard setback or within a rear yard setback and a minimum of 10 feet from any lot line. No donation box/drop box may be located within a parking space. No donation box/drop box may interfere with vehicle circulation on the site.
- (E) The area surrounding the donation box/drop box must be kept clean and free of any junk, debris or other material.
- (F) Donation boxes/drop boxes must be maintained in good condition with no structural damage, holes, or visible rust, and free of graffiti.
- (G) Donation boxes/drop boxes must be locked or otherwise secured.
- (H) Donation boxes/drop boxes must provide the following contact information on the front of each donation box: name, address, email, and phone number of the operator.
- (I) Donation boxes/drop boxes are limited to six feet in height and 60 cubic feet in size.

10-4-6 FENCE

10-4-6.1 GENERAL PROVISIONS (FENCE CONT.)

- (A) Before installing a fence, a permit must be applied for and received from the Village Zoning Administrator. The permit fee shall be \$50.00.
- (B) Fences may be erected along property lines but shall not encroach within six inches of existing public sidewalks or public rights of way.
- (C) Fences built on or within a public easement may be removed by the village or at the direction of the village at the owner's expense in the event repairs, maintenance, replacements or improvements are deemed necessary by the village in such easements.
- (D) The property owner shall be responsible for calling JULIE to locate utilities in accordance with JULIE requirements.
- (E) Fences shall not obstruct any watercourse.
- (F) Fence or wall height shall be measured from the ground at a point directly beneath the fence or wall. Where the ground at a point directly beneath the fence or wall has been

increased in elevation from its original elevation at the time of subdivision development through berming, retaining walls, fill or other measures and where such increased ground elevation has resulted in an increase in ground elevation above an adjoining lot, the height of the fence shall be measured from the original ground elevation before installation of berming, retaining walls, fill or other measures as determined by the Board of Trustees. The Zoning Administrator shall consult U.S. geological survey contour maps, village base map contours, recorded subdivision plat information and other available information in making such a determination.

10-4-6.2 HEIGHT AND CONSTRUCTION (FENCE CONT.)

(A) Rear and Side Yard (Noncorner Lots): Except as provided in section 10-4-6.3 of this chapter, no person shall place, install, construct or maintain any fence on a lot or area to a height greater than six feet (6') of solid construction and two (2') additional feet of open construction, above the original grade, between the rear lot line and the front of the main building or any projections thereof other than projections of uncovered steps, uncovered balconies, terraces or uncovered porches. The term "open construction" as used herein shall mean that the fence is less than fifty percent (50%) solid construction when viewed at right angle to the fence.

(B) Front Yard (Noncorner Lots):

1. Chainlink fencing shall not be allowed in front yards.
2. Fences of not more than four feet (4') and not more than fifty percent (50%) solid construction, may be erected between the front of the building line and the front property line.
3. Fences in the front yard shall maintain a fifteen foot (15') visibility triangle of which two (2) legs shall be measured as follows: along both sides of the driveway inward from the front property line a distance of fifteen feet (15') from the intersection of the front property line and the driveway; and along the right of way measured in the direction away from the driveway a distance of fifteen feet (15'). The third leg of such triangle shall be the connection of such two (2) previously described lines. This area as defined shall be free from any fence creating a visual obstruction for traffic on street or sidewalk. This visibility triangle shall be maintained on properties adjacent to the lot line on which the driveway is located for that part of the adjacent property on which the visibility triangle applies.

(C) Corner Lots:

1. For corner lots, fences in the front yard and side yard adjacent to the side street, shall be as provided in subsection (B) of this section.
2. Fences in the rear yard and side yard which are not adjacent to a street, shall be as provided in subsection (A) of this section.

3. A thirty foot (30') visibility triangle shall be maintained at street intersections. This "visibility triangle" is defined as an isosceles triangle of which two (2) legs shall be measured as follows: along the street curb/edge in both directions from the intersection a distance of thirty feet (30'). The third leg of such triangle shall be the connection of such two (2) previously described lines. No fence shall be installed or maintained in this defined area.

10-4-6.3 CONSTRUCTION WITH SHARP MATERIAL (FENCE CONT.)

- (A) Barbed Wire: It shall be unlawful for any person to erect or maintain a fence equipped with barbed wire, razor wire or any similar or other sharp or sharp pointed material. However, this section shall not prohibit the use of such material when:
 1. Located in Commercial or industrial zoning districts, or for government use:
 2. Used to provide security for a bona fide business operation: and
 3. Approved by the Board of Trustees, after review of the documentation indicating the need for security and bona fide operation of a business;
 4. Provide no more than two feet (2') of such barbed wire or other similar device is securely affixed to the top of and above a soundly constructed fence or structural barrier which is at least eight feet (8') in height.
- (B) Electric Fence: No person shall erect or maintain anywhere in the Village an electrically charged fence.

10-4-6.4 VARIANCES (FENCE CONT.)

- (A) The Board of Trustees upon application made by the property owner or representative thereof, may grant approval for the construction of a fence which does not conform to the requirements set forth in this chapter if the Trustees find that the deviation from those requirements is necessary to address unusual lot configuration or location or safety concerns.

10-4-6.5 ENFORCEMENT (FENCE CONT.)

- (A) Notice to Remove Violation: The Village President shall notify in writing by certified mail the person who owns or controls any property, whereon a violation of this chapter is occurring, of his/her determination that a violation is occurring, and require in writing that the violation be eliminated, at the expense of such person, within thirty (30) calendar days of the date such notice was sent. The Village official, employee or committee member to act in his/her place.
- (B) Appeal: The person who owns or controls any property, after being notified by the Village President that a violation exists on his/her property, may appeal that

determination in the manner set forth herein. Appeal of such determination shall be taken by filing a written appeal not more than fifteen (15) days following the date of mailing of the notice of the violation provided for in subsection (A) of this section. The appeal shall be addressed to the Board of Trustees, through the office of the Village Clerk. The Board of Trustees shall schedule a hearing date for not less than ten (10) days and not more than thirty (30) days after receiving such notice of appeal, and shall notify the person appealing of the date and time of their consideration of the appeal and such person may appear and be heard by the Board of Trustees.

If determination of the Village president is not reversed as provided for herein, then the Village President shall require in writing by certified mail that the violation be removed within fifteen (15) calendar days from such date of notice.

- (C) Removal of Violation by Village: If the violation is not removed within thirty (30) days, as provided in subsection (A) of this section, or in event of appeal, within fifteen (15) days following notice from the Village President that the Board of Trustees failed to reverse the determination, the Village President may cause the removal of the violation and the cost of such removal shall be charged against the property on which the obstruction occurred. The owner or person in charge of the property shall pay said cost of removal within thirty (30) days of receipt of a statement of said cost. The failure of the person notified to eliminate the violation as required by a notice to do so from the Village president or to pay the said cost of removal within the time allowed therein shall constitute a violation of this chapter.
- (D) Noncompliance: Any fence lawfully existing on August 26, 1998, which is not in compliance with this chapter, may continue to lawfully exist, and normal repairs to such fences are permissible where such repairs do not constitute a total fence replacement.

10-4-7 HOME OCCUPATION

- (A) The home occupation must be conducted by a member or members of the family or individuals permanently residing on the premises.
- (B) No more than one person shall be employed in the home occupation, other than an occupant or occupants of the premises.
- (C) Signs, displays, or activities that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are prohibited. However, one non-illuminated identification sign on the wall of the structure not exceeding two square feet in area shall be permitted.
- (D) The home occupation and all related activity, including storage, must be conducted completely within the dwelling unit or permitted accessory structure.
- (E) No commodities shall be sold or services rendered that require receipt or delivery of

merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.

- (G) Alterations to the residence or permitted accessory structures that would alter the residential character of the dwelling shall be prohibited.
- (H) The home occupation and any related activity must not create any traffic hazards or nuisances in public rights-of-way. All vehicle parking generated by such operations must be located on the lot of the home occupation.
- (I) The home occupation shall not exceed the limitations imposed by the provisions of all applicable building, fire, health, safety, and housing codes and shall conform with all applicable requirements for business and occupational licensing.
- (J) There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
- (K) Repair and service of vehicles or industrial machinery shall be prohibited as a home occupation.
- (L) Home occupation shall not include commercial breeding, boarding or training of animals, or other business where animals are on the premises, other than a dog or cat grooming business.

10-4-8 LARGE SATELLITE DISH ANTENNAS

(A) Definitions

LARGE SATELLITE DISH: That part of a satellite signal-receiving antenna characteristically shaped like a saucer or dish that is over 3.28 meters or six feet in diameter.

DISH TYPE SATELLITE SIGNAL RECEIVING ANTENNAS, EARTH STATIONS, OR GROUND STATIONS: One or a combination of the following:

1. A signal receiving device (antenna, dish antenna or dish type antenna), the purpose of which is to receive communication or other signals from satellites in Earth orbit.
2. A low noise amplifier that is situated at the focal point of the receiving component, the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
3. A coaxial cable to carry or transmit said signals to a receiver.

GROUNDING ROD: A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

RECEIVER: A television set or radio receiver.

(B) Location of Earth Station

1. Ground-Mounted:

- a. No earth station shall be constructed in any front or side yard, but, shall be constructed to the rear of the residence or principal structure.
- b. No earth station, including its concrete base slab or other structure, shall be constructed less than five feet from any property line or easement.
- c. No earth station shall be linked, physically or electronically, to a receiver that is not located on the same lot, premises or parcel of land as is the earth station.
- d. An earth station shall not exceed a grade height of 15 feet.
- e. No ground-mounted earth station shall be constructed upon the rooftop of any garage, residential dwelling, church, school, apartment building, hospital or any other commercial building or structure.

2. Roof-Mounted:

- a. Roof-mounted earth stations shall be mounted directly upon the roof, where permitted hereby, of a primary or accessory building and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles or spires, except by variance.
- b. A roof-mounted earth station shall not exceed a height of more than six feet in diameter.
- c. A roof-mounted earth station dish shall not exceed six feet in diameter.

10-4-9 OUTDOOR SALES AND DISPLAY

- (A) Retail goods establishments are permitted on-premises accessory outdoor sales and display of merchandise. However, outdoor storage of goods not offered for sale by the establishment is prohibited.

- (B) No sales and display area is permitted in any public right-of-way or in any required front yard setback, rear yard setback, or side yard setback unless as may be specifically allowed with a zoning permit or special use permit that allows for an accessory sidewalk café or similar accessory outdoor use. The outdoor sales or display area must be located within 15 feet of the principal building. Minimum pedestrian and vehicular access requirements must be maintained.
- (C) A special use permit shall be required to allow that a portion of the parking area may be used for outdoor sales and display on a temporary basis for a maximum of 45 days no more than two times in a calendar year, in terms of both display structure and goods displayed or sold. Permanent display structures are prohibited in parking areas. No more than 10 percent of the required parking area for the existing use may be used for the temporary outdoor sales and display.

10-4-10 REFUSE AND RECYCLING CONTAINERS

- (A) Refuse and recycling containers regulations apply only to multi-family dwellings and non-residential uses.
- (B) All refuse and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall of the principal building a minimum of six feet and a maximum of eight feet in height. The enclosure must be gated. Such gate must be solid and shall remain closed when not in use. When the extension of a principal building is used as a screening wall, the wall must be of the same building materials as the principal building. Such wall must not be the gated enclosure.

10-4-11 SOLAR ENERGY SYSTEM

- (A) Applicability
 1. The provisions of this section shall apply to solar energy systems erected and operated within the corporate limits of the Village.
 2. Pre-existing solar energy systems shall be exempt from the provisions of this section with the exception of maintenance and removal of abandoned systems.
- (B) Purpose and Intent

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the siting, installation and operation of solar energy systems within the Village. These regulations are intended to protect the public health, safety and welfare of the community without unduly restricting the use of solar energy systems.
- (C) Definitions

LARGE SOLAR ENERGY SYSTEM: A solar energy conversion system consisting of multiple solar collector panels, support structures, and associated controls or conversion electronics that are mounted on the ground as a principal use and with a nameplate capacity of 100 kilowatts or more.

SELF-CONTAINED SOLAR ENERGY SYSTEM: A professionally manufactured system that utilizes solar collectors to produce small amounts of power that are generated exclusively for a single device. A self-contained solar energy system is typically located in areas that are not in close proximity to a utility power source.

SMALL SOLAR ENERGY SYSTEM: A solar energy conversion system consisting of one or more solar collector panels, support structure(s) and associated controls or conversion electronics that are mounted on a principal building, garage, shed, or on the ground as an accessory structure(s) and with a nameplate capacity of less than 100 kilowatts.

SMALL SOLAR ENERGY SYSTEM, BUILDING MOUNTED: A type of small solar energy system that is mounted on the roof of a principal building, garage, or shed. Types of building-mounted small solar energy systems include:

1. **Integrated:** A building mounted solar energy system that is an integral part of a building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Integrated systems include, but are not limited to, photovoltaic or thermal systems that are contained within roofing materials, skylights, shading devices and similar architectural components.
2. **Flush Roof Mounted:** A building mounted solar energy system that is mounted to a finished roof surface where the solar collector panels, once installed, project no farther than six inches in height beyond the roof surface and is parallel to the roof surface.
3. **Nonflush Roof Mounted:** A building mounted solar energy system that is mounted to a finished roof surface where the solar collector panels, once installed, project more than six inches in height beyond the roof surface.

SMALL SOLAR ENERGY SYSTEM, GROUND MOUNTED: A type of small solar energy system that is mounted to the ground.

SOLAR ENERGY SYSTEM: Equipment, whether permanent or temporary, that converts and stores or transfers energy collected from the sun into usable forms of energy such as thermal, electrical, and mechanical, and includes any solar collector panel, support structure, pole, base or foundation, control, wire, battery, energy storage device, inverter, transformer, generator, heat pump, heat exchanger, or other component used in the system.

TOTAL HEIGHT: The vertical distance from grade to the highest point of the solar energy system.

- (D) **Large Solar Energy System:** Large solar energy systems shall be prohibited within all zoning districts of the village.
- (E) **Small Solar Energy Systems**

General Provisions: Small solar energy systems shall be a permitted use in all zoning districts subject to the following provisions:

1. All small solar energy systems require an approved zoning permit.
 - a. In order to receive a zoning permit, small solar energy systems must be approved by a small solar certification program recognized by the Solar Rating Certification Corporation or other recognized industry association and be installed by an experienced installer.
 - b. Prior to permit issuance, the owner shall sign an acknowledgement that said owner will be responsible for any and all enforcement costs and remediation costs resulting from any violations of this section. These costs could include, but are not limited to, removal of system, property restoration necessary upon removal of the system, village legal expenses and hearing costs associated with violations of this section.
2. Any owner or operator of a small solar energy system shall maintain said system in compliance with the standards contained in the current and applicable state or local building codes and any applicable standards for solar energy systems that are published by the international building code and national electrical code as amended from time to time.
3. If, upon inspection, the zoning administrator, or his designee, concludes that a solar energy system fails to comply with such codes and standards or constitutes a danger to persons or property, the zoning administrator or his designee, shall require immediate repair or removal of the system at the owner's expense.
4. All support structures for small solar energy systems shall be a monochromatic, neutral, and nonreflective color and shall match the color of the material it is being mounted to or the color of structures located on the lot. Multiple solar collector panels shall match each other.
5. When more than one solar collector panel is located on a lot, the multiple solar collector panels shall be uniform in style.
6. All electrical wires associated with a small solar energy system, other than wires necessary to connect the solar collector panels to the pole wiring, the pole wiring

to the disconnect junction box, and the grounding wires, must be hidden or enclosed.

7. A small solar energy system shall not be artificially illuminated.
8. Concentrated sunlight or glare from solar collector panel surfaces shall be oriented away from neighboring windows.
9. One small solar energy system is permitted per lot, but the system may include one or more solar collector panels. A ground mounted system and a building mounted system shall not both be installed on a single lot.
10. The utility company shall be informed of the customer's intent to install an interconnected customer owned generator. No small solar energy system shall be installed until proof of acceptance from the utility company has been provided to the village. Off grid systems (independent systems or systems not connected to the utility electrical system) shall be exempt from this requirement.
11. All batteries and energy storage systems shall be installed within buildings and not outside.

(F) Small Solar Energy Systems Ground Mounted Standards

1. Ground mounted small solar energy systems shall only be permitted as an accessory structure to an existing principal building/principal use, must be mounted on the ground and must have a nameplate capacity of less than 100 kilowatts.
2.
 - a. A ground mounted small solar energy system with monopole support structure must be set back:
 - (1) At least 1.1 times its total height from any property line of the lot on which it is located.
 - (2) At least 1.1 times its total height from any public road right of way.
 - (3) At least 1.1 times its total height and no less than ten feet from any overhead utility lines.
 - b. A ground mounted small solar energy system with no monopole support structure shall be set back at least five feet from the property line.
 - c. No ground mounted small solar energy system shall be located in an easement.

3. No ground mounted small solar energy components shall be located in the front yard of any lot.
4. Ground mounted small solar energy systems shall be limited to a maximum of 15 feet in total height.
5. Soil Conditions: A soil analysis may be required as part of the zoning permit application and inspection process to confirm that the soils meet the minimum bearing capacity assumed by the structural design of the pole(s), support structure, and foundation.

(G) Small Solar Energy Systems Building Mounted Standards

1. Building mounted small solar energy systems shall only be permitted as accessory structures, must be mounted to the roof of a principal building, a garage, or a shed and must have a nameplate capacity of less than 100 kilowatts.
2. Integrated and flush roof mounted systems are allowed on sloped or flat roofs. Nonflush roof mounted systems are allowed only on flat roofs if the solar collector panels are completely screened from view to an observer's eye six feet above the ground at any point along an abutting property line.
3. Building mounted small solar energy systems must meet all building setback requirements, or accessory building setback requirements in the case of garages and sheds, and are not allowed to encroach into required yards. Additionally, they must be set back a minimum of one foot from all edges of the individual roof plane on which they are mounted.
4. Nonflush roof mounted systems shall not extend above the highest point of the roof plane on which they are mounted.
5. The solar collector panel surface area shall not exceed sixty percent of the roof plane upon which the solar collector panels are mounted. If more than one roof area is to contain solar collector panels, the fire district shall review and comment on the installation of the solar collector panels to verify that adequate roof access is provided to emergency personnel in the event of an emergency.
6. Nonflush roof mounted systems are prohibited on roof planes adjacent to front yards. Integrated and flush roof mounted systems are permitted on any roof plane, however if installed on roof planes adjacent to front yards they may only be installed on one plane with that plane being the highest plane.
7. Building mounted small energy systems shall meet all weight and wind resistance requirements of applicable building codes.

(H) Self-Contained Solar Energy System Standards:

1. Self-contained solar energy systems are a permitted use. Any low voltage self-contained solar energy systems shall be an allowed use.
2. A self-contained solar energy system shall be set back at least five feet from the property line.
3. No self-contained solar energy system components shall be located in the front yards of any zoning lot, except for parking lot light poles.
4. Self-contained solar energy systems shall be limited to a maximum aggregate solar collector panel surface area of six square feet.

(I) Abandonment

All abandoned or unused solar energy systems shall be deemed a nuisance after two months of the cessation of operations unless an extension is approved by the village board. The village may act to abate such nuisance and require removal at the property owner's expense. After the solar energy system is removed, the owner of the property shall restore the site to its original condition, or to an approved improved condition within 30 days of removal.

10-4-12 SWIMMING POOLS AND HOT TUBS

- (A) Private swimming pools and hot tubs are permitted as an accessory to a residential use. Before installing a swimming pool or hot tub, a permit must be applied for and received from the Village Zoning Administrator. The permit fee shall be \$50.00. Private swimming pools or hot tubs, in-ground or aboveground, of a design water depth of less than three feet are exempt only from the requirement that a zoning permit be obtained prior to installation and/or construction. If a pool and fence are being installed at the same time and both can be inspected by the Village inspector in the same visit, then the fee for the pool permit and the fence permit shall be a total of \$50.00.
- (B) Private swimming pools and hot tubs must be operated for the exclusive use of residents of the lot and their invited guests. No private swimming pool or hot tub may be operated as a business or private club.
- (C) No private swimming pool or hot tub, or portion thereof, including but not limited to aprons, walks, and mechanical equipment integral to the pool, may be located within a front yard or side yard.
- (D) Private swimming pools and hot tubs must be located at least 10 feet from a rear lot line unless approved in a side yard by variance, and cannot encroach into any easement.
- (E) No swimming pool shall be installed beneath, or have any edge of the pool:
 - i. within 10 feet measured horizontally from an overhead or underground electrical

- ii. wire, telephone wire, cable TV wire, or any other type of wire; or within 25 feet measured horizontally from high voltage electrical feeder wires.
- iii. The property owners shall be responsible for calling JULIE to locate utilities in accordance with JULIE requirements.

All diving boards, diving platforms, and diving towers must maintain a 17-foot distance, measured horizontally, from all wires. No pool shall be constructed within five feet of any type of buried wire.

- (F) All swimming pools or hot tubs may not be installed within a utility easement.
- (G) The installation of a swimming pool, equipment, and paving must not change the existing water drainage characteristics of the site so as to cause water to drain onto an adjacent property.
- (H) Enclosure Requirements
 1. Swimming pools, in ground or aboveground, of a design water depth of three or more feet must be enclosed by a separate fence of at least four feet high or another barrier, constructed with minimal horizontal rungs in order to discourage climbing by children.
 2. The maximum width of openings in the fence shall be four inches. The maximum spacing between the bottom of the fence and the ground shall be two inches.
 3. A permanent in-ground swimming pool or fixed above-ground pool of a design water depth of three feet or more, with or without raised decking, must have a separate security fence at least four feet high above ground and gated around the pool or perimeter of the yard. The minimum height of this security fence shall be four feet.
 4. The sidewalls of an above-ground pool shall not be considered as a fence for purposes of satisfying the requirements of this section.
- (I) Enclosure Gate Requirements
 1. Gates in fences shall be self-closing, and shall be self-latching with the latch located on the pool-side of the gate.
 2. Gates must be at least four feet in height. The maximum width of gate openings (spacing/gaps) shall be four inches. The maximum spacing between the bottom of the gate and the ground shall be two inches.
 3. Gates must be constructed with minimal horizontal rungs in order to discourage climbing.

4. Where a minimum fence height of six feet is required, a minimum gate height of six feet shall also required.
- (J) Swimming pool filter equipment must not be installed in a location where a child could climb on the equipment to gain access to the swimming pool.
 - (K) The swimming pool must not be filled with water until after the fence and gates have been installed.
 - (L) Enforcement:
 1. Notice To Remove Violation: The Village President shall notify in writing by certified mail the person who owns or controls any property, whereon a violation of this chapter is occurring, of his/her determination that a violation, and require in writing that the violation be eliminated, at the expense of such person, within thirty (30) calendar days of the date such notice is sent. The Village President may, for purposes of this section, appoint a Village official, employee or committee member to act in his/her place.
 2. Appeal: The person who owns or controls any property, after being notified by the Village President that a violation exists on his/her property, may appeal that determination in the manner set forth herein. Appeal of such determination shall be taken by filing a written appeal not more than fifteen (15) days following the date of mailing of the notice of the violation provided for above in this section. The appeal shall be addressed to the Board of trustees, through the office of the Village Clerk. The Board of Trustees shall schedule a hearing date for not less than ten (10) days and not more than thirty (30) days after receiving such notice of appeal, and shall notify the person appealing of the date and time of their consideration of the appeal and such person may appear and be heard by the Board of Trustees.

If the determination of the Village President is not reversed as provided for herein, then the Village President shall require in writing by certified mail that the violation be removed within fifteen (15) calendar days from such date of notice.

3. Removal Of Violation: If the violation is not removed within thirty (30) days, as provided above, or in the event of appeal, within fifteen (15) days following notice from the Village President that the Board of Trustees failed to reverse the determination, the Village president may: cause an ordinance violation case to be filed in court and seek fines and an injunction requiring removal of the violation; or may cause the removal of the violation by the Village and the cost of such removal shall be charged against the owner and the property on which the obstruction occurred. The owner or person in charge of the property shall pay said cost of removal within thirty (30) days of the receipt of a statement of said cost. The failure of the person notified to eliminate the violation as required by a

notice to do so from the Village president or to pay the said cost of removal within the time allowed therein shall constitute a violation of this chapter.

4. In the event that a pool or appurtenances thereto was installed over a utility easement, and an urgent repair is needed to be made to the utility below the pool, the Village is authorized to remove any portion of the pool and/or appurtenances at the owner's expense and the Village shall not be responsible for any damages to the pool or appurtenances.

10-4-13 VEHICLE CHARGING STATION

Electric vehicle charging stations are permitted as an accessory use within any parking lot or parking structure.

10-4-14 WATER FEATURES

- (A) Water features for single-family and two-family dwellings are limited to a maximum depth of 24 inches and a maximum surface area of 250 square feet, and are exempt only from the requirement that a zoning permit be obtained prior to installation and/or construction.
- (B) Water features included in other developments require a Zoning Permit but are not subject to the limitations indicated in Item A above.

10-4-15 WIND ENERGY SYSTEM

- (A) Applicability
 1. The provisions of this Section shall apply to wind energy systems erected and operated within the corporate limits of the Village.
 2. Pre-existing wind energy systems shall be exempt from the provisions of this Section with the exception of maintenance and removal of abandoned systems.
- (B) Purpose and Intent

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the siting, installation and operation of wind energy systems within the Village. These regulations are intended to protect the public health, safety and welfare of the community without unduly restricting the use of wind energy systems.
- (C) Definitions

AMBIENT SOUND: The all-encompassing sound at a given location, usually a composite of sounds from many sources, near and far. For the purpose of this

Section, the ‘ambient sound level’ shall mean the quiescent background level, that is, the quietest of 10-second average sound levels measured when there are no nearby or distinctly audible sound sources. Daytime ambient measurements should be made during mid-morning, weekday hours and nighttime measurements should be made after midnight.

PRIVATE WAIVER: A written statement asserting that a landowner has agreed to waive a specific small wind energy system (SWES) separation distance requirement or rotor diameter size limit, and has knowingly agreed to accept the consequences of the waiver. The landowner must sign a private waiver.

ROTOR: The rotating part of a wind turbine, including the blades and blade assembly or the rotating portion of the generator.

ROTOR DIAMETER: The diameter of the circle swept by the rotor, specifically, the distance from the outer-most tip of the blade to the center of the turbine rotor multiplied by two.

SHADOW FLICKER: A repetitive oscillation of light and shadow cast when light passes through and is interrupted by moving wind turbine blades.

SOUND LEVEL: The A-weighted sound pressure level in decibels (dB) (or the C-weighted level if specified) as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to the American National Standards Institute (ANSI) S1.4. The “average” sound level is time-averaged over a suitable period using an integrating sound level meter that meets the requirements of ANSI S12.43.

TEST WIND TOWER: A temporary wind speed indicator constructed to analyze the potential for utilizing a wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

TOTAL EXTENDED HEIGHT: The height of a wind energy system turbine as measured from natural grade to the tip of the rotor blade at its highest point of travel, or blade-tip height.

WIND ENERGY SYSTEM: All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, tower, electrical components, foundation, transformer, and electrical cabling.

ON-SITE WIND ENERGY SYSTEM (OWES): A wind energy system having a total rated capacity of between 101 and 250 kilowatts and that is incidental and

subordinate to and which generates power for the principal use of the zoning lot on which it is situated, even though excess electricity may be used by the utility company in exchange for a reduction in cost of electrical power supplied by that company.

SMALL WIND ENERGY SYSTEM (SWES): A wind energy system having a total rated capacity of not more than 100 kilowatts and that is incidental and subordinate to and which generates power for the principal use of the zoning lot on which it is situated, even though excess electricity may be used by the utility company in exchange for a reduction in cost of electrical power supplied by that company.

WIND ENERGY SYSTEM, BUILDING-MOUNTED (BMWES): A wind energy system located on a building.

(D) Test Wind Tower

A Test Wind Tower shall be permitted in all zoning districts as a temporary use for no more than 18 months. An extension of this time period, not to exceed an additional 18 months, may be granted at the discretion of the Village Board upon submittal and review of sufficient evidence to support the requested extension.

(E) Table 10-4A contains wind energy system height, size, and placement restrictions. Table 10-4B describes the type of authorization required for wind energy systems as an accessory use.

Table 10-4A. Wind Energy System Height, Size, and Placement Restrictions

Use Type	Zoning Districts ¹	Maximum Height ²	Maximum Rotor Diameter	Minimum Setback
BMWES: Building-Mounted Wind Energy System	All	Up to 10 feet, as measured from the highest point of the roof, for all uses in a residential district; Up to 15 feet, as measured from the highest point of the roof, for all uses in non-residential zoning districts non-residential zoning districts	10 feet	Same as the required minimum yard (front, rear, side) for the zoning district in which it is located
SWES: Small Wind Energy System	All	Up to 125 feet in a residential district; Up to 155 feet in a non-residential district	15 – 75 feet, depending on lot size ²	A distance equal to the <i>total extended height</i> from lot boundary lines, public rights-of-way, railroad rights-of-way, and overhead utility lines.

OWES: On-Site Wind Energy System	Agricultural Industrial	Up to 175 feet	15 – 75 feet, depending on lot size ³	A distance equal to the <i>total extended height</i> from lot boundary lines, public rights-of-way, railroad rights-of-way, and overhead utility lines.
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Table 10-4A Notes:

1. Table 10-4B contains specific limitations with regard to permitting requirements for a wind energy system as an accessory use in each zoning district.
2. Except for a BMWES, the ‘maximum height’ refers to total extended height of each wind energy system.
3. The maximum rotor diameter shall be limited based on the separation distance requirements of this section.

Table 10-4B. Authorization Required for Wind Energy Systems as an Accessory Use¹

P	By right with a Zoning Permit required
S	Special Use Permit required
	Not Permitted

Accessory Use	A	District								
		R-1	R-2	R-2a	R-3	R-4	CD	C	I	
Building-mounted wind energy system	P	P	P	P	P	P	P	P	P	P
Small wind energy system										
Total extended height:										
≤ 45 feet	P	P	P	P	P	P	P	P	P	P
> 45 feet and ≤ 50 feet	P	S	S	S	S	P	P	P	P	P
≥ 50 feet and ≤ 125 feet	S	S	S	S	S	S	S	S	S	S
≥ 125 feet and ≤ 155 feet	S						S	S	S	
On-site wind energy system										
Total extended height:										
≤ 100 feet	P									P

> 100 feet and ≤ 175 feet	S								S
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Table 10-4B Note:

1. All structures must conform, as applicable, to the regulations and standards of the Federal Aviation Administration, Federal Communications Commission, and Illinois Department of Transportation, Division of Aeronautics.

(F) Building-Mounted Wind Energy System (BMWES)

1. A BMWES shall be considered an accessory use in all zoning districts.
2. A BMWES shall be subject to the following requirements:
 - a. A BMWES shall meet the design standards set forth in Paragraph I of this Section.
 - b. The maximum height of a BMWES shall be 10 feet as measured from the highest point of the roof for all uses in a residential zoning district and 15 feet as measured from the highest point of the roof for all uses in non-residential zoning districts.
 - c. The rotor diameter of a BMWES shall not exceed 10 feet.
 - d. The minimum setback for a BMWES shall be equal to the required minimum yard (front, rear, and side) for the zoning district in which it is located. The setback shall be measured horizontally from the farthest outward extension of all moving parts to the nearest lot line.
 - e. If more than one BMWES is installed, a minimum distance equal to the height of the highest BMWES must be maintained between the base(s) of each BMWES.
 - f. The maximum number of BMWES on a property shall be based on setback and separation requirements as set forth in the above Items d and e.
 - g. The building upon which the BMWES is to be mounted shall be able to safely support operation of the BMWES.

(G) Small Wind Energy System (SWES)

1. A SWES shall be considered an accessory use within all zoning districts.
2. A SWES shall be subject to the following requirements:
 - a. A SWES shall meet the design standards set forth in Paragraph I of this Section.

- b. The total extended height of a SWES shall not exceed:
 - i. 125 feet in a residential zoning district; and
 - ii. 155 feet in non-residential zoning districts.
- c. The maximum allowable rotor diameter of a SWES shall be:
 - i. 15 feet on a lot with less than one acre of lot area; and
 - ii. 24 feet on a lot with one acre or more of lot area.

A rotor diameter greater than 24 feet may be authorized provided both of the following conditions are met:

- (1) The separation distance from the SWES to the nearest dwelling under other ownership is a minimum of 8.3 times the rotor diameter, up to a maximum diameter of 75 feet.
- (2) The lot area is three acres or larger.

- d. The minimum setback for a SWES shall be the distance equal to the total extended height of the SWES from all lot lines, public right-of-way, railroad right-of-way, and overhead utility lines. The setback shall be measured from the center of the SWEC tower's base.
- e. The requirements of Items c) and d) above may be lessened if a variance is granted by the Village Board, and provided that prior to the decision regarding such a variance request, that each landowner with property that falls within the required setback distance as indicated in Item c) and Item d) above:
 - i. submits for review a signed private waiver that establishes a specific agreement for a lesser requirement with regard to either Item c) or Item d), or both Item c) and Item d) above, which includes the landowner's acknowledgement and acceptance of the consequences of the waiver; and
 - ii. the signed private waiver is recorded as part of the chain of title in the deed to any relevant tract of land prior to the authorization of any permit.
- f. No SWES guy wire anchors may extend closer than 10 feet to the lot line, or the distance of the required setback in the respective zoning district, whichever results in a greater setback.
- g. No part of a SWES shall be located on any public easement.
- h. In residential districts, the C General Commercial District, or TC Town Center District, a SWES shall be located entirely behind the principal building.

(H) On-Site Wind Energy System (OWES)

1. On-site wind energy systems (OWES) are permitted only in the Agricultural District or Industrial District.
2. An OWES shall be subject to the following requirements:
 - a. An OWES shall meet the design standards set forth in Paragraph I of this Section.
 - b. The total extended height of an OWES shall not exceed 175 feet, except that the total extended height shall not exceed 155 feet if located within 500 feet of an existing off-site dwelling, the boundary of a residentially zoned lot.
 - c. The maximum allowable rotor diameter of an OWES shall be:
 - i. 15 feet on a lot with less than one acre of lot area; and
 - ii. 24 feet on a lot with one acre or more of lot area.

A rotor diameter greater than 24 feet may be authorized provided both of the following conditions are met:

- (1) The separation distance from the OWES to the nearest dwelling under other ownership is a minimum of 8.3 times the rotor diameter, up to a maximum diameter of 75 feet.
 - (2) The lot area is three acres or larger.
- d. The minimum setback for an OWES shall be the distance equal to the total extended height of the OWES from all lot lines, public rights-of-way, railroad rights-of-way, and overhead utility lines. The setback shall be measured from the center of the OWES tower's base.
 - e. No OWES guy wire anchors may extend closer than 10 feet to the lot line, or the distance of the required setback in the respective zoning district, whichever results in a greater setback.
 - f. No part of an OWES shall be located on any public easement.

(I) Design Standards

In addition to all other applicable requirements of this section, wind energy systems shall be constructed in conformance with the following design standards:

1. Visual Appearance Standards

- a. SWES shall be required to have a monopole type tower.
 - b. A wind energy system shall be the color supplied by the manufacturer or a non-reflective, non-obtrusive color such as off white, light gray or other neutral color. The required coloration and finish shall be maintained throughout the life of the system.
 - c. No illumination of a wind energy system shall be allowed unless required by the Federal Aviation Administration. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding land uses.
 - d. Signs, commercial markings, messages, or banners on the wind energy system shall be prohibited, except for one warning sign no more than four square feet in area.
 - e. All on-site electrical transmission lines connecting a wind energy system to a building or public utility electricity distribution system or substation shall be located underground. As-built plans shall be submitted showing the location of underground conduit and cable located within the public right-of-way.
2. Safety Standards
- a. All wind energy systems shall be equipped with an automatic over-speed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
 - b. On a tower-mounted wind energy system with a vertically mounted rotor, a minimum clearance of 10 feet between the ground and the lowest arc of the rotor blades is required. On a tower-mounted wind energy system with a horizontally mounted rotor, a minimum clearance of 20 feet between the ground and the lowest arc of the rotor blades is required.
 - c. Wind energy system towers shall be designed to discourage unauthorized climbing by removal of climbing rungs to a height of 12 feet, or by using a six-foot height fence with locking portals or other applicable anti-climbing measures.
 - d. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - e. At a minimum, a wind energy system must be engineered to withstand a wind velocity of 110 miles per hour.

- f. All wind energy systems shall be designed and sited so that they shall not cause any significant electromagnetic interference with any radio, television, microwave communication, or satellite navigation on other properties.
 - (1) All wind energy systems shall comply with the Federal Communication Commission (FCC) requirements for electromagnetic interference including FCC Part 15.
 - (2) All wind energy system turbines shall utilize nonmetallic rotor blades.

- g. A wind energy system shall not produce vibrations detectible by persons without the aid of scientific instruments on any adjacent property.

- h. All wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).

- i. Wind energy systems shall be designed and located to minimize shadow flicker.
 - (1) Shadow flicker expected to fall on a dwelling shall be acceptable provided that the shadow flicker will not fall on the location of concern for more than 30 hours per year, based on the assumption that cloud cover will not obscure sunlight during the entire course of the year.
 - (2) Wind energy systems with a total extended height over 155 feet shall be sited in a manner that does not result in significant shadow flicker impacts on adjacent properties. Significant shadow flicker impacts are defined as surpassing the threshold as described in Item (1) above.

A special use permit application for a wind energy system having a total extended height over 155 feet shall include a shadow flicker study. The applicant has the burden of providing evidence that the shadow flicker will not have significant adverse impact. Using available software, the applicant shall show calculated locations of shadow flicker caused by the wind energy system and the expected duration in total number of hours per year of the flicker cast upon adjacent dwellings and within the boundary of adjacent residentially zoned lots. Potential shadow flicker must be addressed either through siting or through other approved mitigation measures.

- j. Sound Level Limitations

No wind energy system or combination of wind energy systems on a single lot shall create noise that exceeds the regulatory standards set by the Illinois EPA Pollution Control Board at any property line where the wind energy system is located. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods. Any wind energy system exceeding this level shall immediately cease operation upon notification by the Village Board and may not resume operation until the noise levels have been reduced in compliance with the required standards and verified by an independent third-party inspector, approved by the Village, at the property owner's expense. Only upon Village Board review and acceptance of the third-party noise level report, may the wind energy system resume operation.

(J) Additional Permit Application Requirements

In addition to the requirements established in Chapter 10 for a zoning permit application and in Chapter 11 for a special use permit application, an application for a zoning permit or a special use permit for a wind energy system shall include:

1. A copy of the manufacturer's standard drawings of the wind turbine structure and stamped engineering drawings of the tower, base, footings, and/or foundations as provided by the manufacturer sufficient to prove that the wind energy system is safe for the use intended. Wet stamps shall not be required.
2. A copy of the wind turbine manufacturer's certification of compliance with FCC requirements with the zoning permit application.
3. Certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
4. Evidence must be given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
5. Such evidence and documentation as required verifying that the wind energy system meets all other zoning ordinance requirements.

(K) Maintenance

All wind energy systems shall be maintained in good condition and in safe working order throughout the life of the system. If the system is not maintained in operational condition and/or poses a potential safety hazard, the owner shall immediately correct the situation at the expense of the owner. Any wind energy system found to be unsafe by the Village Board or appointed designee, must stop operation immediately upon notification. If the owner fails to correct the unsafe condition, the Village Board may remove or cause to be

removed, altered or repaired, at cost to the owner, an unsafe wind energy system immediately and without notice, if, in his/her opinion, the condition of the system is such as to present an immediate threat to the safety of the public.

(L) Removal of an Inoperable Wind Energy System

The Wind Energy Conversion System or individual turbine is hereby declared to be a public nuisance if it has been inoperable or has not been operated to generate any electricity for 180 or more consecutive days. If a wind energy system is derelict for 180 or more consecutive days, the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month period, then the owner shall be required, at the expense of the owner, to remove the wind energy system. Removal of a wind energy system that constitutes a public nuisance shall include removal of the turbines, tower, and any above ground improvements, including fencing. If the owner fails to remove the wind energy system within one month, the Village Board or appointed designee shall send a notice that the wind energy system is in violation of the Zoning Ordinance and subject to a daily fine as provided for in this Ordinance.

(M) Violation. Should a wind energy system or any part thereof violate the requirements of this Section, the owner shall cease operations immediately. Upon receipt of a complaint or the notice of a complaint from the owner, the Village Board shall make a determination as to whether there is a violation requiring the immediate cessation of operation. The system may resume operation once the violation(s) have been remedied.

(N) Pre-Existing Wind Energy Systems

1. Pre-existing wind energy systems shall be allowed to continue. Routine maintenance shall be permitted on such pre-existing systems.
2. A zoning permit and any other necessary zoning and development approvals shall be obtained to alter, enlarge, extend, replace or relocate a pre-existing wind energy system.
3. If a pre-existing wind energy system is nonconforming with this Section, it shall not be altered, enlarged, extended or relocated such that the nonconformity of the system is increased.
4. Pre-existing wind energy systems that are substantially damaged or destroyed must be rebuilt to conform to this section.

10-4-16 ENVIRONMENTAL PERFORMANCE STANDARDS

All uses must comply with the performance standards established in this section unless any federal, state, county or local law, ordinance or regulation establishes a more restrictive standard, in which case, the more restrictive standard shall apply.

(A) Noise

All activities and uses must comply with the Illinois State Code, Administrative Code Subtitle H (Noise), Chapter 1: Pollution Control Board, Part 901, as amended from time to time.

(B) Glare and Heat

Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

(C) Vibration

No earthborn vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

(D) Dust and Air Pollution

Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

(E) Discharge and Disposal of Radioactive and Hazardous Waste

The discharge of fluid and the disposal of solid radioactive and hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or waste. No operation that produces radioactive or hazardous waste material may commence without prior notice to the Village. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

(F) Electromagnetic Interference

Electromagnetic interference from any operation of any use that does not comply with the rules and regulations of the Federal Communications Commission must not adversely affect the operation of any equipment located off the lot on which such interference originates.

(G) Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes

unreasonably with the comfort of the public, must be removed, stopped or modified so as to remove the odor.

(H) Fire and Explosion Hazards

Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

10-4-17 DUMPSTERS

(A) Definition

Dumpsters shall be defined as temporary disposal units, for use in commercial or residential waste uses. Dumpsters are owned by licensed disposal companies, leased or rented to commercial or residential users. The temporary and larger scale use of a dumpster is separate from normal, regularly scheduled waste disposal services.

(B) Permit

No Village permit is required for use of a dumpster, however user must follow all rules of licensed disposal company.

(C) Duration

Use of a dumpster shall be limited to 2 weeks.

(D) Location

Temporary location for dumpsters shall be limited to private property of user. Location shall not interfere with traffic, parking, pedestrian or ADA access. Dumpsters shall not be located on Village right-of-way, streets or parking without prior approval from Zoning Administrator.

Chapter 5 USES

10-5-1	GENERAL USE PERMISSION
10-5-2	AUTHORIZED USE TABLE
10-5-3	INTERPRETATION OF MATERIALLY SIMILAR USES
10-5-4	USES PREEMPTED BY STATE STATUTE
10-5-5	PRINCIPAL USE STANDARDS
10-5-6	TEMPORARY USE STANDARDS

10-5-1 GENERAL USE PERMISSION

No structure or land may be used or occupied except in conformity with the regulations for the zoning district in which it is located.

10-5-2 AUTHORIZED USE TABLE

- (A) Table 10-5A identifies the principal and temporary uses allowed within each zoning district.
- (B) Based on Table 10-5A specifications:
1. If a use or activity is listed as ‘allowable’ for said district, a zoning permit is still required. Property owner must make permit request to the Village prior to change in use or activity. The proposed use or activity will then be reviewed by Zoning Administrator for conformance with said Ordinances. A Zoning Permit may then be issued in accordance with Chapter 11 of this Ordinance.
 2. If a use or activity is listed as requiring a special use permit, a special use permit may be authorized by the Planning and Zoning Committee. Property owner must first make special use permit request to the Village. The proposed special use or activity will then be reviewed by the Planning and Zoning Committee for conformance with said ordinances. A special use permit may then be issued in accordance with Chapter 11 of this Ordinance.
 3. If a use or activity is listed as requiring temporary use permit for said district, a temporary use permit may be authorized by the Zoning Administrator. Property owner must make temporary use permit request to the Village prior to temporary use or activity. The proposed temporary use or activity will then be reviewed by Zoning Administrator for conformance with said Ordinances. A Temporary Use Permit may then be issued in accordance with Chapter 11 of this Ordinance.
- (C) If Table 10-5A contains a cell that is blank, then that use or activity is not allowed in the district.

10-5-3 INTERPRETATION OF MATERIALLY SIMILAR USES

- (A) It is the intent of Table 10-5A to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a special use permit.
- (B) All questions regarding a use not included in Table 10-5A shall be presented to the Zoning Administrator. The Zoning Administrator shall interpret whether a use not included in Table 10-5A can reasonably be interpreted to fit into a use category where similar uses are described, and shall record his/her decision in writing.

10-5-4 USES PREEMPTED BY STATE STATUTE

Notwithstanding any provision of this section to the contrary, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in Table 10-5A.

Table 10-5A. Authorized Principal Uses

Table 10-5A Key

R-1	R-1 Residential District	
R-2	R-2 Residential District	
R-2a	R-2a Residential District	
R-3	R-3 Residential District	
R-4	R-4 Residential District	
C	Commercial General District	
CD	Commercial Downtown District	
I	Industrial District	
A	Agricultural District	
A	Allowable, Zoning Permit required	
S	Special Use Permit required	
	Not Permitted	

Principal Use/Activity	R-1	R-2	R-2a	R-3	R-4	C	CD	I	A
Residential buildings									
Single-family dwelling	A	A	A	A	A			S	A
Two-family dwelling			A	A	A				
Multi-family dwelling				A	A	S	S		
Manufactured home park				S	S				S
Residential use of a building constructed prior to June 4, 1963 for a residential use and since converted to a commercial use						S	S	S	
Row house or Townhouse building				S	S	S	S		
Row house or Townhouse dwelling				S	S	S	S		
Community living facility, Category I	A	A		A	A				
Community living facility, Category II				A	A				
Community living facility, Category III				S	S				S
Assisted/Independent Living Facility	S	S	A	S	S	S	S		S
Elderly Housing/Retirement Housing	S	S	A	S	S	S	S		S
Residential Care Facility					S	S	S		S
Recovery Home				S	S	S	S		S
Hotels, motels, or other accommodation services									
Bed-and-breakfast inn	S	S		S	S	S	S		
Boarding house	S	S		S	S	S	S		
Hotel						A	A		
Motel						S	S		
Commercial buildings									
Adult use						S		S	
Bars, taverns, and nightclubs						A	A		

Table 10-5A Key

R-1	R-1 Residential District		
R-2	R-2 Residential District		
R-2a	R-2a Residential District		
R-3	R-3 Residential District	A	Allowable, Zoning Permit required
R-4	R-4 Residential District	S	Special Use Permit required
C	Commercial General District		Not Permitted
CD	Commercial Downtown District		
I	Industrial District		
A	Agricultural District		

Principal Use/Activity	R-1	R-2	R-2a	R-3	R-4	C	CD	I	A
Beer, wine, and liquor store (Sale of alcohol)						A	A		
Brewery (Micro) or Winery (On site consumption, sales and minor production). Class MB/W-1 License						A	A		
Brewery or Winery (Larger scale production, distribution). Class MB/W-2 License						A		A	

Table 10-5A. Authorized Principal Uses (continued)

Table 10-5A Key

R-1	R-1 Residential District	
R-2	R-2 Residential District	
R-2a	R-2a Residential District	
R-3	R-3 Residential District	A
R-4	R-4 Residential District	S
C	Commercial General District	
CD	Commercial Downtown District	
I	Industrial District	
A	Agricultural District	
		Allowable, Zoning Permit required
		Special Use Permit required
		Not Permitted

Principal Use/Activity	R-1	R-2	R-2a	R-3	R-4	C	CD	I	A
Commercial buildings (continued)									
Car wash/car care center						A		A	
Commercial use of a building constructed prior to June 4, 1963 for a commercial use and since converted to residential use	S	S		S	S	S	S	S	
Convenience stores or centers						A	A	A	
Gas station						S		S	
Lumberyard and building materials						S		A	
Medical marijuana dispensary						S	S	S	
Office or bank building, stand-alone (without drive-through facility)						A	A	A	
Office or store building with residence on top						A	A	A	
Office building over storefronts						A	A	A	
Parts, accessories, or tires						A	A	A	
Pawnshops						A	A		
Pharmacies						A	A	S	
Research-and-development services (scientific, medical, and technology)						A	A	A	
Restaurant, with incidental consumption of alcoholic beverages						A	A		
Restaurant, with no consumption of alcoholic beverages permitted						A	A		
Retail sales at garden center, greenhouse, or nursery						A	A	A	S
Services to buildings and dwellings						A	A	A	
Shop or store building with drive-through facility						S	S	S	
Shop or store building with no drive-through facility						A	A	A	
Shopping center						A	A	A	
Tattoo parlors						A	A		

Table 10-5A. Authorized Principal Uses (continued)

Table 10-5A Key

R-1	R-1 Residential District	
R-2	R-2 Residential District	
R-2a	R-2a Residential District	
R-3	R-3 Residential District	
R-4	R-4 Residential District	
C	Commercial General District	
CD	Commercial Downtown District	
I	Industrial District	
A	Agricultural District	
A	Allowable, Zoning Permit required	
S	Special Use Permit required	
	Not Permitted	

Principal Use/Activity	R-1	R-2	R-2a	R-3	R-4	C	CD	I	A
Commercial buildings (continued)									
Vehicle dealership - fully enclosed						A	A		
Vehicle dealership - with outdoor storage and display						S		S	
Vehicle repair/service – minor						A	S	A	
Vehicle repair/service – major						S		S	
Warehouse discount store/superstore						S	S		
Industrial buildings and structures									
Assembly and construction-type plants								S	
Contractor storage yard						S		A	
Demolition business								S	
Laboratory or specialized industrial facility						S		A	
Landscape business						S		A	S
Landscape waste processing facility								A	S
Light assembly plant						S		A	
Light industrial structures and facilities						S		A	
Loft building						S		A	
Manufacturing plant								A	
Medical marijuana cultivation center								S	
Mill-type factory structures								A	
Recycling business								S	
Refrigerated warehouse or cold storage								S	
Self-storage warehouse						S		S	
Storage yard (outdoors)						S		A	

Table 10-5A. Authorized Principal Uses (continued)

Table 10-5A Key

R-1	R-1 Residential District	
R-2	R-2 Residential District	
R-2a	R-2a Residential District	
R-3	R-3 Residential District	
R-4	R-4 Residential District	
C	Commercial General District	
CD	Commercial Downtown District	
I	Industrial District	
A	Agricultural District	
A	Allowable, Zoning Permit required	
S	Special Use Permit required	
	Not Permitted	

Principal Use/Activity	R-1	R-2	R-2a	R-3	R-4	C	CD	I	A
Industrial buildings and structures (continued)									
Warehouse						S		S	
Welding shops						S		A	
Wholesale trade – durable goods						S		S	
Wholesale trade – nondurable goods						S		S	
Institutional or community facilities									
Animal clinic or animal hospital with no outdoor kennel or outdoor storage				S	S	A	A	S	S
Animal clinic or animal hospital with outdoor kennel or outdoor storage				S	S	S	S	S	S
Assisted Living, adult			S			A	S	S	S
Cemetery or mausoleum									S
Churches, temples, synagogues, mosques, and other religious facilities	S	S		S	S	S	S	S	S
Clubs or lodges	S	S		S	S	A	A		S
College or university facility						A	S		
Community food services						A	A		
Cremation facilities								S	
Daycare center, adult			S	S	S	A	A	S	
Daycare center/nursery school				S	S	A	A	S	
Exhibitions and art galleries						A	A		
Exhibition, convention, or conference structure						A	S		
Funeral home	S	S		S	S	S	S	S	S
Hospital building				S	S	S	S	S	S
Kennel						S	S	S	S
Medical clinic building				S	S	A	A	S	S

Table 10-5A. Authorized Principal Uses (continued)

Table 10-5A Key

R-1	R-1 Residential District	<table border="1"> <tr> <td>A</td> <td>Allowable, Zoning Permit required</td> </tr> <tr> <td>S</td> <td>Special Use Permit required</td> </tr> <tr> <td></td> <td>Not Permitted</td> </tr> </table>	A	Allowable, Zoning Permit required	S	Special Use Permit required		Not Permitted
A	Allowable, Zoning Permit required							
S	Special Use Permit required							
	Not Permitted							
R-2	R-2 Residential District							
R-2a	R-2a Residential District							
R-3	R-3 Residential District							
R-4	R-4 Residential District							
C	Commercial General District							
CD	Commercial Downtown District							
I	Industrial District							
A	Agricultural District							

Principal Use/Activity	R-1	R-2	R-2a	R-3	R-4	C	CD	I	A
Institutional or community facilities (continued)									
Municipal or other government building	S	S		S	S	A	A	A	A
Museum or similar facility						A	A		
Public parks, playgrounds, conservation or recreational areas	A	A		A	A	A	A	A	A
Social assistance, welfare, and charitable services				S	S	A	A		
Trade or specialty school facility						A	S	S	S
Public assembly structures									
Active open space, athletic field, or golf course with no stadium lighting or sports lighting	A	A		A	A	A	S		A
Amusement, sports, or recreation establishment (other)						A	A		S
Athletic field or golf course with stadium lighting or sports lighting	S	S		S	S	S	S		S
Arcade						A	A		
Assembly hall						A	S		
Bowling, billiards, pool, etc.						A	A		
Covered or partially covered atriums						A	A		
Drive-in theater									S
Fitness, recreational sports, gym, or athletic club				S	S	A	A		
Library building	S	S		S	S	A	A		
Miniature golf establishment						A	S		
Movie theater						A	A		
Performance theater						A	A		
School	S	S		S	S	A	S	S	S

Table 10-5A. Authorized Principal Uses (continued)

Table 10-5A Key

R-1	R-1 Residential District	
R-2	R-2 Residential District	
R-2a	R-2a Residential District	
R-3	R-3 Residential District	
R-4	R-4 Residential District	
C	Commercial General District	
CD	Commercial Downtown District	
I	Industrial District	
A	Agricultural District	
A	Allowable, Zoning Permit required	
S	Special Use Permit required	
	Not Permitted	

Principal Use/Activity	R-1	R-2	R-2a	R-3	R-4	C	CD	I	A
Transportation-related facilities									
Bus terminal						S			
Heliport or Helipad						S	S	S	
Local transit facility and systems, including rail trails	A	A		A	A	A	A	A	A
Off-site parking facilities	S	S		S	S	A	A	A	
Restricted landing area									S
Taxi and limousine service						S	S	S	
Towing and other road services						S		S	
Ultralight landing area								S	S
Agricultural - business uses									
Commercial grain elevator or bins								S	S
Crop production								A	A
Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer						S		S	A
Farm equipment sales and service						S		S	A
Feed and grain sales only								S	A
Roadside stand for produce sales						S	S		S
Utility and other nonbuilding structures									
Artificial lake of one or more acres	S	S	S	S	S	S		S	S
Electrical substation	S	S		S	S	S	S	S	S
Fountain, sculpture, or other aesthetic structure	S	S	S	S	S	S	S		S
Kiosks						S	S		
Off-premises billboard or sign						S	S	S	S

-Table 10-5A. Authorized Principal Uses (continued)

Table 10-5A Key

R-1	R-1 Residential District	
R-2	R-2 Residential District	
R-2a	R-2a Residential District	
R-3	R-3 Residential District	
R-4	R-4 Residential District	
C	Commercial General District	
CD	Commercial Downtown District	
I	Industrial District	
A	Agricultural District	
A	Allowable, Zoning Permit required	
S	Special Use Permit required	
	Not Permitted	

Principal Use/Activity	R-1	R-2	R-2a	R-3	R-4	C	CD	I	A
Utility and other non-building structures (continued)									
Outdoor stage, bandstand, or similar structure						S	S		S
Radio tower, broadcasting station, or telecommunications tower				S	S	S	S	S	S
Rest stops and welcome centers						S	S		
Sewage treatment plant						S		S	S
Utility structures on right-of-way	A	A	A	A	A	A	A	A	A
Water supply pump station or community well	S	S	S	S	S	S	S	S	S
Water tank	S	S	S	S	S	S	S	S	S
Mining and extraction establishments									
Topsoil removal								S	S
Quarrying and stone cutting								S	S
Temporary uses									
Farmers' market	S	S		S	S	S	S		S
Real estate sales office/model unit	A	A		A	A	S	A		A
Temporary contractor's office	A	A		A	A	A	A	A	A
Temporary mobile sales	S	S		S	S	S	S	S	S
Temporary outdoor entertainment/promotional event	S	S		S	S	S	S	S	S
Temporary outdoor sales	S	S		S	S	A	A	S	S

10-5-5 PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

(A) Adult Use

1. No adult use may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than the lot or parcel on which the licensed premises is located.
2. No portion of the exterior of an adult use may install or contain any flashing lights, searchlights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically set forth for in the sign ordinance for adult-oriented businesses.
3. No adult use may be operated within 1,000 feet of an existing:
 - (a) Place of worship
 - (b) Educational facility
 - (c) Park/playground/public multi-use trail
 - (d) Residential district or residential dwelling (all types)
 - (e) Designated historical or cultural district
 - (f) Cemetery
 - (g) Day care center
 - (h) Forest preserve
 - (i) Retail sales of alcohol
 - (j) Indoor or outdoor recreation facility that holds youth activities

(B) Brewery or Winery

1. Brewery (Micro) or Winery, as listed in the Authorized Principal Use Charts, with a designation as (*On site consumption, sales and minor production*) shall be interpreted as having a primary intent to serve beer or wine products produced in lower volumes, on-site. Minor sales of packaged beer or wine products, produced

on-site, may be allowed. As defined and licensed as Class MB/W-1 by the Village under Title 3, Section 3-3-5(B)8 of the Liquor Control ordinance.

2. Brewery or Winery, as listed in the Authorized Principal Use Charts, with a designation as (*Larger scale production, distribution*) shall be interpreted as having a primary intent to produce, distribute and sell larger volumes of beer or wine products on-site. As defined and licensed as Class MB/W-2 by the Village under Title 3, Section 3-3-5(B)8 of the Liquor Control ordinance.

(C) Community Living Facility

1. Community living facilities must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. A copy of state license must be visible at all times.

(D) Contractor Storage Yard and Storage Yard (Outdoor)

1. A contractor storage yard and any outdoor storage associated with light or general industrial uses must be completely enclosed along all lot lines by a solid fence or wall a minimum of eight feet in height, including ingress and egress. Fences or walls along a front yard lot line must be set back a minimum of 10 feet, and comply with:
 - ii. the sight visibility triangle clearance requirements of Section 10-4-1 (F); and
 - iii. the driveway visibility area clearance requirements of Section (10-4-5).
2. If the contractor storage yard or outdoor storage yard is located within the General Commercial district, or if adjacent to a residential district or Downtown Commercial District:
 - (a) Plants that include evergreens, with additional shrubs, trees, ornamental grasses, or perennials must be installed and maintained within the required 10-foot setback along the street side frontage of the fence or wall.
 - (b) The plants must be installed at intervals or within groupings along the street side frontage of the fence or wall in order to ultimately provide visual relief from the monotony of the required fence or wall.
 - (c) The plantings must be of a sufficient type, size, and height to provide for year-round coverage of approximately half the total street side façade of the fence or wall within a two-year period.

3. Where any principal building screens an outdoor storage area, the fence and the associated setback is not required.
4. Storage of any kind is prohibited outside the fence or wall. No items stored within the fence may exceed the height of the fence or wall.
5. The storage area should be located to the rear of the lot where possible. Any structures must be located towards the front of the lot, in compliance with the front yard of the underlying zoning district.
6. Outdoor storage areas must be surfaced with an all-weather dust-free material and graded to drain all surface water.

(E) Day Care Center

1. Day care centers must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. Open space and/or recreational areas must be provided as required by the State of Illinois licensing requirements. The outdoor recreational areas must be separated from parking areas and enclosed by a semi-open or closed fence a minimum of six feet in height.
3. A pickup/drop off area must be provided. When a day care center is part of a multi-tenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.

(F) Helipad or Heliport

1. The helipad or heliport must meet all applicable standards of the U.S. Department of Transportation, Federal Aviation Administration, and the Illinois Department of Transportation, Division of Aeronautics, and must be designed and constructed in accordance with all state and federal regulations.
2. All structures must meet the setback requirements of the district where it is located.

(G) Manufactured Home or Mobile Home

1. All inhabited manufactured homes or mobile homes shall be located in a manufactured home park that has received a special use permit.
2. No manufactured home or mobile home shall be located and used for living, sleeping, business, commercial, or storage purposes outside of an approved manufactured home park.

(H) Manufactured Home Park

The following additional requirements shall be required for manufactured home parks as may be deemed necessary for their proper development and the protection of the surrounding areas:

1. Compliance with all applicable state and county regulations regarding sanitation and other requirements.
2. At least 5,500 square feet of lot area per manufactured home or mobile home shall be provided.
3. No manufactured home or mobile home shall be located closer to a street, highway or right of way than the required front yard setback or closer than 25 feet to any property line.
4. A clearance of not less than 20 feet shall be maintained between mobile homes or trailers on all sides.
5. Each manufactured home or mobile home shall abut upon a hard surface driveway or access of not less than 25 feet in width and each space shall have an unobstructed access to a public highway, street or alley.
6. The mobile home park shall occupy an area of not less than 10 acres and shall be surrounded by a landscaped strip of open space 50 feet wide along the street frontage and 25 feet wide along all other lot lines.
7. Any office, service, recreation or other structural facilities shall be located at least 25 feet from the side and rear lot lines and shall be accessible to all manufactured homes or mobile home by means of the access drives or hard surface walkways.

(I) Medical Marijuana Cultivation Center

In accordance with Illinois state law, a medical marijuana cultivation center may not be located within 2,500 feet of:

- i. a pre-existing educational facility, primary or secondary;
- ii. a day care center; or
- iii. any residential zoned property.

Any subsequent amendment to Illinois state law that is more restrictive than this standard will control.

(J) Medical Marijuana Dispensary

In accordance with Illinois state law, a medical marijuana dispensary may not be located:

- i. within 1,000 feet of a pre-existing educational facility, primary or secondary or a day care center.

- ii. in a residential dwelling or within a residential district.

Any subsequent amendment to Illinois state law that is more restrictive than this standard will control.

(K) Outdoor Market

1. Temporary stalls or tables are permitted. All tents must meet applicable fire code requirements.
2. Sales may involve new and/or used items. The sale of vehicles, heavy equipment, boats, watercraft, agricultural machinery, and similar goods is prohibited.
3. Any sales of food products must meet all rules and regulations, and require approval of the Champaign County Health Department.
4. Individual sellers at the outdoor market need not be the same each time the market is in operation.

(L) Row House Building

Special regulations regarding row house buildings shall be as follows:

1. In districts where row house buildings are permitted and row house dwellings are to be constructed (or converted from apartments) for sale, each on its own separate lot, to individual owners, such row house buildings shall not be subject to the minimum lot area requirements of Chapter 3 of this Ordinance, but instead shall be subject to the minimum requirements specified in this section.
2. Minimum lot area for a row house dwelling lot shall be not less than 4,000 square feet.
3. Minimum frontage of a row house dwelling lot on a public street shall be not less than 30 feet on a standard lot and not less than 50 feet on a corner lot.
4. No side yard shall be required along any side lot line that is common to two attached row house dwellings, whether they be on interior or exterior row house dwelling lots. One side yard of an exterior row house dwelling lot where such lot is not common to that of any other attached row house dwelling shall conform to the least width as required by Section 10-3-5 provisions for the R-3 or R-4 Residential Districts or by Section 10-3-6 provisions for the Town Center or General Commercial Districts.
5. A row house building must meet the front yard and rear yard requirements as established in Chapter 3 of this Ordinance.
6. A minimum lot width of 40 feet shall be provided for all interior and exterior row

house dwelling lots.

7. Row house buildings shall be developed on subdivided lots with no more than three dwelling units per building; nor shall such building exceed 120 feet in length.
8. The maximum lot coverage by a row house dwelling on a row house lot shall be 40 percent and not less than 1,800 square feet of open space shall be provided on each row house lot.
9. Exterior treatment of attached row houses shall be integrated. Exterior of buildings shall be maintained in their original color and treatment unless otherwise agreed to in writing by all affected lot owners.
10. An unobstructed easement shall be provided across the side and rear eight feet of each exterior row house dwelling lot, when adjacent to an interior row house dwelling lot, and across the rear eight feet of each interior row house dwelling lot, when adjacent to another interior row house dwelling lot, for ingress and egress of adjacent interior row house dwelling lot owners for access and maintenance purposes. Said access easement shall be unobstructed and physically passable at all times. This easement shall be incorporated into each deed transferring title to the property and any replat of the lots involved.
11. A party wall agreement shall be included in the subdivision covenants for each row house dwelling lot setting forth provisions for repair of common walls, repair of common utility service connections, reconstruction of the common building in the event of damage or destruction of one or all of the dwelling units and common maintenance and repair of joint facilities.

(M) Ultralight Landing Area

1. The helipad or heliport must meet all applicable standards of the U.S. Department of Transportation, Federal Aviation Administration, and the Illinois Department of Transportation, Division of Aeronautics, and must be designed and constructed in accordance with all state and federal regulations.
2. All structures must meet the setback requirements of the district where it is located.

(N) Vehicle Repair/Service, Minor and Major

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than seven days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
2. All repair and service operations must be performed within a fully enclosed

building with closed garage doors. All equipment and parts stored indoors.

3. Vehicle repair/service establishments must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of five feet.
4. No partially dismantled, wrecked, or unlicensed vehicle may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
5. The sale of used or new automobiles is prohibited.
6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

10-5-6 TEMPORARY USE STANDARDS

Temporary uses are required to comply with the use standards of this section, in addition to all other regulations of this Ordinance. Applicants for a temporary use must apply for a zoning permit and/or special use permit as indicated in Table 5A of this Chapter. The following standards shall apply to temporary uses located on private property.

(A) Farmers' Market

1. The timeframe of a farmers' market, including number of days per week and overall duration of the event, will be determined and approved as part of the special use permit.
2. A management plan is required as part of the special use permit application that demonstrates the following:
 - (a) An established set of operating rules addressing the governance structure of the market, hours of operation, maintenance, and security requirements when open to the public.
 - (b) General layout of vendor stalls, visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.
 - (c) Provision for recycling and waste removal.
 - (d) The days and hours of internal operation, including vendor set-up and take-down times.

(B) Real Estate Sales Office/Model Unit

1. A real estate sales office/model unit(s) is allowed in any approved residential subdivision or within a multi-family dwelling. Multiple model units are allowed.

2. The zoning permit shall be valid for no more than one year, but may be renewed. However, zoning permits for multi-family rental models have no expiration.
3. The real estate sales office/model unit(s) must be removed and closed within 30 days after the sale of the last unit of the development.
4. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

(C) Temporary Contractor's Office

1. A temporary contractor's office is allowed incidental and accessory to a construction project.
2. The zoning permit shall be valid for a six-month period and is renewable for six successive periods at the same location.
3. The temporary contractor's office must be removed within 30 days of completion of the construction project.

(D) Temporary Mobile Sales

1. The timeframe of a temporary mobile sales use shall be determined and approved as part of the special use permit.
2. The special use permit shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
3. All mobile food establishments must be properly licensed by the Champaign County Health Department.
4. If the mobile sales establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the Special Use Permit application.
5. Sale of alcohol is prohibited.
6. During mobile food sales business hours, the permit holder must provide a trash receptacle for customer use and must keep the area clear of litter and debris at all times.
7. Outdoor seating may be provided for temporary mobile food sales on the site, but no seating may be permanently installed. No seating will be allowed that reduces the amount of parking required for the site to below the Ordinance requirement.

8. A permanent water or wastewater connection is prohibited.
9. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
10. Drive-through service is prohibited.
11. A mobile sales establishment is limited to signs attached to the exterior of the truck or trailer that must be mounted flat against the truck or trailer with a maximum projection of six inches and one A-frame sign.

(E) Temporary Outdoor Entertainment/Promotional Event

1. A management plan is required as part of the special use permit application that demonstrates the following:
 - (a) General layout of performance areas, visitor facilities, such as seating areas and restrooms, parking areas, and all ingress and egress points to the site.
 - (b) Provision for recycling and waste removal.
 - (c) The days and hours of operation, including set-up and takedown times.
 - (d) A description of crowd control and security measures.
2. Any temporary structures must be removed within three days of conclusion of the event.
3. Events are limited to four events per calendar year and a maximum duration of four days per event, with a minimum of 30 days between events, with the following exceptions:
 - (a) A special use permit for a carnival or circus is valid for a period of two events per calendar year no more than 15 days, with a minimum of 30 days between events.

(F) Temporary Outdoor Sales

1. A management plan is required as part of the special use permit application that demonstrates the following:
 - (a) An established set of operating rules addressing the governance structure of the sales event, hours of operation, maintenance, and security requirements.

- (b) General layout of vendor stalls, visitor facilities, such as seating areas and restrooms, parking areas, and all ingress and egress points to the site.
 - (c) Provision for recycling and waste removal.
 - (d) The days and hours of operation, including vendor set-up and take-down times.
2. Any temporary structures must be removed within three days of conclusion of the event.
 3. Temporary outdoor sales events are limited to four events per calendar year and a maximum duration of seven days per event, with the following exceptions:
 - (a) A special use permit for a seasonal sale, such as Christmas tree lots or pumpkin patches, are limited to four events per calendar year and a maximum duration of 45 days. There is no minimum time between events.
 4. Temporary outdoor sales of vehicles must conform to the following additional standards:
 - (a) The special use permit shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
 - (b) A site plan is required as part of the special use permit application that describes all ingress and egress routes for all vehicles, all structures, and the general display area of vehicles. Dead-end parking aisles shall be prohibited. All exits and entrances must be clearly marked.
 - (c) Repair and service of vehicles is prohibited.
 - (d) All vehicles on display must be operable.
 5. No sales and display area is permitted in any public right-of-way or in any required setback.
 6. A portion or a parking area may be used for temporary outdoor sales on a temporary basis, in terms of both display structure and goods displayed or sold. Permanent display structures are prohibited in parking areas. No more than 10 percent of the required parking area for the existing use may be used for the temporary outdoor sales and display.

Chapter 7 OFF STREET PARKING AND LOADING

- 10-7-1 MINIMUM REQUIREMENTS
- 10-7-2 RULES FOR COMPUTING PARKING SPACES
- 10-7-3 LOCATION OF REQUIRED PARKING SPACES
- 10-7-4 OFF-STREET LOADING BERTHS
- 10-7-5 MINIMUM IMPROVEMENT AND MAINTENANCE STANDARDS

10-7-1 MINIMUM REQUIREMENTS

No building shall be erected, enlarged to the extent of increasing the floor area by 20 percent or more, or changed in use unless there is provided on the lot or tract of land used, space for the parking of automobiles or other vehicles in accordance with the minimum requirements indicated in Table 10-7A, Schedule of Required Off-Street Parking Spaces.

Table 10-7A Schedule of Required Off-Street Parking Spaces

Auditorium, theater, and other place of public assembly	1 parking space for each 5 seats.
Church or temple	1 parking space for each 5 seats in the main auditorium
Community center, library, museum, or similar public or semipublic building	1 parking space for each 300 square feet of floor area in the building
Daycare facility	3 parking spaces for each 2 employees
Funeral home	1 parking space for each 100 square feet of parlor area, plus 1 space for each vehicle maintained on the premises
Gasoline and service station	1 parking space for each 250 square feet of floor area devoted to retail sales. The area designated for cars using the pump islands may not be counted as parking spaces
Hotel and motel	3 parking spaces, plus 1 space for each sleeping room or suite
Manufacturing or industrial establishment	2 parking spaces for every 3 employees on the maximum shift or 1 space for each 1,000 square feet of floor area, whichever is greater, plus space to accommodate all trucks and other vehicles used in connection with the establishment
Medical/dental clinic or bank building	1 parking space for each 250 square feet of the gross area used for this purpose
Multi-family dwellings	2 spaces for each dwelling unit, provided that for any unit with more than 300 square feet of bedroom area, 1 additional parking space shall be provided for each additional 100 square feet, or part thereof, in excess of said 300 square feet of bedroom area
Nursing home/residential care facility/elderly housing	1 parking space for every 2 beds
Private club or lodge floor area	1 parking space for each 400 square feet of floor area
Restaurant, café, fast food	1 parking space for each 150 square feet
Retail	1 parking space for each 250 square feet of floor area
Schools – elementary	2 parking spaces per classroom
Schools – high schools, colleges, and universities	10 spaces per classroom
Single-family and two-family dwellings	2 spaces for each dwelling unit
Wholesale, warehouse, or similar establishment	1 space for each 2,000 square feet of floor area
All nonresidential buildings, except those specified above	1 space for each 300 feet of floor area

10-7-2 RULES FOR COMPUTING PARKING SPACES

In computing the number of required off street parking spaces, the following rules shall apply:

- (A) Floor area shall mean the gross floor area of the specified use, excluding any floor or portion thereof used for parking, as herein defined.
- (B) Where fractional spaces result, the parking spaces required shall be the nearest whole number.
- (C) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (D) Whenever a building or use constructed or established after 2005 is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to 2005, is reconstructed or is enlarged to the extent of 20 percent or more in floor area, said building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than 20 percent of the gross floor area shall be provided with additional parking based on the enlargement or change.

10-7-3 LOCATION OF REQUIRED PARKING SPACES

All parking spaces required herein shall be located as follows:

- (A) Parking in Front Yards: Parking in required front yards is permitted in accordance with the following regulations. All parking shall be upon an approved surface as defined in section 10-7-5 of this chapter.
 1. In any residential district or agricultural district, parking in the front yard is required to be located directly in front of the garage door(s), when present, to minimize paving of the front yard. Provided that such area devoted to parking and access thereto shall not exceed 45 percent of total lot width.

Parking spaces provided in this manner shall not be enclosed, covered, or otherwise obstructed. Any truck of over $\frac{3}{4}$ ton capacity shall not be parked in such spaces.
 2. In the Downtown Commercial District, General Commercial, or Industrial Districts, parking spaces may be situated in a required front yard provided that the parking lot meets the design standards for parking lots in this chapter and provided that for such properties located on Warren Street or Main Street, no

parking space shall be permitted where the existing vehicle must be backed into or out of said public streets.

- (B) **Parking in Side or Rear Yards:** Parking in required side or rear yards is permitted on an approved surface as defined in Section 10-7-5 of this Chapter.
- (C) **Recreational Vehicles, Watercraft, And Commercial Vehicles:** In residential districts, the following shall regulate the parking of recreational vehicles, watercraft, and off the road vehicles:
 - 1. No person shall park any truck in excess of 8,000 pounds, semitrailer or pole trailer on any lot in a residential zoning district.
 - 2. Recreational vehicles and watercraft, either of which are greater than 20 feet in length, and off the road vehicles shall be stored in the following manner:
 - (a) Inside a carport or garage, or
 - (b) Outside behind the face of the principal building, or
 - (c) Outside in the front yard at least five feet from the front lot line provided:
 - i. Said parking is for loading and unloading operations completed within a 24-hour period; and
 - ii. Space is not available in the side yard, or there is no reasonable access to either the side yard or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and access can be had without substantial damage to existing large trees or landscaping. A corner lot shall be deemed to have reasonable access to the rear yard.
 - 3. The length of the watercraft for the purpose of this Subsection (C) shall not include any portion of any trailer used for transporting the watercraft that extends beyond the watercraft itself.
 - 4. No more than two commercial vehicles shall be parked on the lot at any one time. Commercial vehicles stored outside must be parked on an approved driveway or parking space. Such commercial vehicles shall not exceed $\frac{3}{4}$ ton capacity and shall be used by an occupant of the dwelling for personal or business transportation. Commercial vehicles engaged in a lawful construction or service operation on the site are exempt from this requirement.
- (D) **Parking Facilities Off Site; Permitted Locations**
 - 1. Required off street parking facilities for residential uses must be provided on the

same lot where the residential use is located, except as provided under special use provisions for R-3 and R-4 Districts.

2. Any off street parking facilities that are not provided on the same lot as the principal use, other than single-family or two-family residential uses in a residential zoning district, can be located by right in the same zoning district as the principal use except that off street parking facilities for nonresidential uses in residential zoning districts shall only be allowed by special use permit. These lots may be located immediately adjacent to the use or within 300 feet of the principal use.
3. If the principal use is or becomes a nonconforming use, expansion of the off street parking facilities which are not located on the site of the principal use is not permitted.
4. The distance specified herein and the distances specified in the district use regulations shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

(E) Required Covenants for Off Site Parking

When off street parking facilities are provided on a lot other than the lot upon which the building or use requiring such facilities is located, the owner of the lot upon which the principal use is located and the owner of the lot upon which parking is provided, shall execute a written covenant containing at least the following terms:

1. In consideration of the issuance of a zoning permit for the principal use, the lot or portion of the lot on which the parking facility is located will be used and maintained solely for off street parking purposes for such principal use, describing the premises for which said parking is provided.
2. Such covenant shall be in effect so long as the structures comprising such principal use continue to exist without sufficient parking elsewhere or upon the lot with the principal use.
3. The parking lot or portion of the parking lot shall contain appropriate signage to indicate that certain parking spaces are reserved for the use herein described.
4. The owners shall notify the Village Board if the right to use such facilities lapses for any reason within 28 days of the cessation of the right to use.
5. The covenant shall not be released except with the written approval of the Village Board.
6. The instrument shall be in a form acceptable to the village attorney, and recorded

with the Champaign County recorder.

(F) Dimensions for Parking Modules

Off street parking lots and parking spaces shall meet the standards of Table 10-7B and Table 10-7C regarding minimum stall depth, aisle, and space and module widths.

Table 10-7B Parking Space Size

Type	Width	Length
Standard	8 feet 9 inches	18 feet 6 inches
Parallel	8 feet 6 inches	22 feet
Accessible	16 feet	18 feet 6 inches

Table 10-7C Parking Module Dimension

Angle (in degrees)	Space Width	Stall Depth	Aisle Width	Module Width (Two Rows of Parking)
45	8 feet 9 inches	17 feet 6 inches	14 feet	49 feet
60	8 feet 9 inches	19 feet	16 feet	54 feet
75	8 feet 9 inches	19 feet 6 inches	18 feet 6 inches	57 feet 6 inches
90	8 feet 9 inches	18 feet 6 inches	23 feet	60 feet
Parallel	8 feet 9 inches	22 feet	13 feet	30 feet

Table 10-7C Notes:

1. Aisle widths noted are for one-way aisles except for 90 degree parking which must provide a two-way aisle.
2. Motor vehicle display lots are not required to park display vehicles in accordance with these standards. Such display lots are required to meet all other applicable standards for parking lots.

(G) Additional Provisions For Accessible Spaces: All off street parking lots shall provide accessible parking spaces in conformance with the state of Illinois Vehicle Code, the Americans with Disabilities Act and Illinois Environmental Barriers Act.

10-7-4 OFF-STREET LOADING BERTHS

(A) General Provisions

1. All loading berths shall have vertical clearance of at least 14 feet.
2. All loading berths shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
3. No vehicle repair or service work shall be performed on any loading berth.
4. Location
 - (a) A loading berth shall be located a minimum of 10 feet from any front lot line.
 - (b) A loading berth shall be located a minimum of five feet from any side or rear lot line.

(B) Off-street loading berths for residential uses shall be provided as follows.

1. One loading berth shall be provided for one dwelling unit or lodging unit on the same lot or tract of land as the dwelling served. An off-street parking space may serve as an off-street loading berth. The parking space designated as the loading berth must be at least 12 feet wide by 40 feet deep, except as noted in Table 10-7D.

Table 10-7D Loading Berth Requirements for Residential Uses

Number of Dwelling Units and Lodging Units	Minimum Required Number and Size of Loading Berths
4 to 10	1 (12 x 40 square feet)
11 to 20	2 (10 x 40 square feet)
21 to 30	2 (10 x 70 square feet)
31 to 40 ¹	3 (10 x 70 square feet)

Table 10-7D Note:

1. For each additional 10 dwelling units or lodging units and/or portion thereof, one loading berth with the minimum dimensions of 10 feet x 70 feet shall be provided.

(C) Off-street loading berths for commercial establishments shall be provided as follows.

1. All loading berths shall be located on the same lot or tract of land as the establishment served except when serving adjacent establishments when the loading berth requirement is sufficient to serve both establishments.
2. Screening Requirements for Loading Berths
 - (a) A loading berth must be screened from public view by a landscape berm, an opaque fence or wall, or screen planting with a minimum height of six feet as measured from the highest adjacent grade if the loading berth is located
 - i. within any yard abutting a residential district or Town Center district; or
 - ii. less than 100 feet from the building restriction line of any lot in a residential district or any lot containing a dwelling conforming as to use.
 - (b) If a loading berth is located adjacent to an elevated loading dock, the loading berth must be screened from public view by a landscaped berm, an opaque fence or wall or a screen planting with a minimum height of eight feet, as measured from the highest adjacent grade.
3. No loading berth shall be located within 50 feet of the nearest point of intersection of two streets.
4. All loading berths shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
5. The number and size of loading berths that shall be provided for each commercial establishment is indicated in Table 10-7E.

Table 10-7E Loading Berth Requirements for Commercial and Industrial Uses

Floor Area of Establishment (in thousands of square feet)	Minimum Required Number and Size of Loading Berths
1 – 9.9	1 (12 x 40 square feet)
10 – 24.9	2 (10 x 40 square feet)
25 – 39.9	2 (10 x 70 square feet)
40 – 99.9	3 (10 x 70 square feet)
100 – 249.9 ¹	4 (10 x 70 square feet)

Table 10-7E Note

1. For each additional 200,000 square feet of floor area, or portion thereof, one additional loading berth with the minimum dimensions of 10 feet x 70 feet shall be provided.

- (D) Off-street loading berths for industrial uses shall be provided as follows.
1. All loading berths must be located on the same lot or tract of land as the industrial use served.
 2. A loading berth must be screened from public view by a landscape berm, an opaque fence or wall, or screen planting with a minimum height of eight feet as measured from the highest adjacent grade if the loading berth is located:
 - i. within any yard abutting a residential district; or
 - ii. less than 100 feet from the building restriction line of any lot in a residential district or any lot containing a dwelling conforming as to use.
 3. No loading berth shall be located less than 50 feet from the nearest point of intersection of two streets.
 4. All loading berths shall be improved with a compacted base at least seven inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
 5. The number and size of loading berths that shall be provided for each industrial use is indicated in Table 10-7E.

10-7-5 MINIMUM IMPROVEMENT AND MAINTENANCE STANDARDS

(A) All Zoning Districts

All open parking areas provided in compliance with this chapter shall be surfaced with a durable, dustproof surface consisting of concrete, bituminous concrete, or compacted gravel or crushed stone properly sealed and surface treated as approved by designated engineering personnel of the village. The parking areas shall be maintained in a usable, dustproof condition and graded and drained to dispose of all surface water. Whenever lighting is provided, it shall be so hooded or shielded as to reflect the light downward and away from abutting or neighboring property, including public rights of way.

(B) Multiple Dwelling, Nonresidential, Commercial and Industrial Uses

The location of each parking space and the direction of movement along the access driveways shall be indicated by painting upon the surface of the lot. A structurally sound abutment shall be installed and so placed around each side of the parking lot to ensure that no part of an automobile either extends over or is capable of accidentally rolling across the property line of the parking lot.

Chapter 8 SIGNS

10-8-1	SHORT TITLE
10-8-2	PURPOSE AND INTENT
10-8-3	DEFINITIONS
10-8-4	GENERAL REGULATIONS
10-8-5	ON-SITE SIGNS IN RESIDENTIAL DISTRICTS
10-8-6	ON-SITE SIGNS IN TOWN CENTER AND COMMERCIAL DISTRICTS
10-8-7	[reserved]
10-8-8	ON-SITE SIGNS IN INDUSTRIAL DISTRICT
10-8-9	ON-SITE SIGNS IN AGRICULTURAL DISTRICT
10-8-10	REVOCATION OF PERMITS
10-8-11	MAINTENANCE AND ABANDONMENT
10-8-12	HANDBILLS, ADVERTISING MATTER

10-8-1 SHORT TITLE

This chapter shall be known and cited as the Sign Code.

10-8-2 PURPOSE AND INTENT

The purpose of this section is to harmonize the identification and informational needs of all land uses with the health, safety and welfare of the public. While the legitimate interests of business and industry are recognized, it is also recognized that unrestricted signs do not benefit private enterprise or the community at large. This chapter is specifically intended to prevent unnecessary competition and clutter of advertising signs in their demand for public attention.

10-8-3 DEFINITIONS

As used in this chapter, the following definitions shall apply unless the context otherwise indicates:

ANIMATED SIGN: Any sign which uses a movement or change of lighting to depict continuous action or to create a continuous special effect or scene.

AWNING: A retractable or fixed shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

AWNING SIGN: A sign painted on, printed on or attached flat against the surface of an awning.

BILLBOARD: A sign that advertises goods, products or services not necessarily sold on the premises on which the sign is located and is a freestanding structure or wall-mounted structure on which lettered, figured, painted or pictorial matter is displayed for advertising purposes.

CONSTRUCTION SIGN: A temporary sign identifying an architect, contractor, subcontractor, owner, project or material supplier associated with construction on the property on which the sign is located.

DIRECTIONAL/INFORMATIONAL SIGN: An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

DOUBLE-FACED SIGN: A sign with two parallel faces that can be read only from opposite directions. A double-faced sign shall count as two signs.

ELECTRONIC MESSAGE CENTER SIGN: A sign on which the copy changes automatically on a lamp bank or through mechanical means (e.g., electrical or electronic time and temperature units).

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

FAÇADE: The entire building wall, including the parapet.

FLASHING SIGN: A sign that contains an intermittent or sequential flashing light source used primarily to attract attention. The term does not include electric or electronic message center signs, animated signs, or signs that, through reflection or other means, create an illusion of flashing intermittent light.

FREESTANDING SIGN: Any sign supported by uprights, braces or a solid base placed and anchored into the ground and not attached to any building. It shall not include portable signs.

GOVERNMENT SIGN: Any temporary or permanent sign erected and maintained by the village, county, state, federal, or other government entity for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.

HEIGHT (OF A SIGN): The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

ILLUMINATED SIGN: Any sign that has characters, letters, figures, designs or an outline illuminated by electric lights or luminous tubes as a part of the sign proper. See Limited illumination.

INCIDENTAL SIGN: A small sign, emblem or decal informing the public of goods, facilities or services available on the premises (e.g., a credit card sign or a sign indicating the hours of business).

LIMITED ILLUMINATION: Lighting of a sign to identify certain evening activities for a period commencing not earlier than two hours before the scheduled activity, and ending at the conclusion of the activity.

MAINTENANCE: The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

MARQUEE, CANOPY AND AWNING: A permanent roof-like shelter extending from part or all of a building facade, usually above a building entrance, and constructed of durable materials.

MARQUEE, CANOPY OR AWNING SIGN: A sign attached to or on a marquee, canopy or awning.

NAMEPLATE: A nonelectric on-site identification sign giving only the name, address and occupation of an occupant or group of occupants.

ON-SITE SIGN: Any sign identifying or advertising a business, person, activity, goods or products or services located on the premises where the sign is installed and maintained.

PARAPET: The extension of a false front or wall above a roofline.

POLITICAL SIGN: A temporary sign used in connection with a local, state or national election or referendum.

PORTABLE SIGN: A sign, designed to be moved from place to place, not permanently anchored to the ground or to a structure or building, and which obtains some or all of its structural integrity with respect to wind or other normally applied forces by means of its geometry or character.

PROJECTING SIGN: A sign which is attached directly to the building wall, and which extends more than 15 inches from the face of the wall.

REAL ESTATE SIGN: Any structure or portion thereof used only to advertise with pertinent information the sale, rental or leasing of the premises upon which it is located.

SIGN: Every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning, canopy and street clock, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when such announcement, declaration, demonstration, display, illustration or insignia is placed in view for the general public.

SIZE: The size of the sign shall be its surface area.

SURFACE AREA: The entire area within a regular geometric form or combination of regular

geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. Double-faced signs, where one face is superimposed on the other, shall be calculated on the basis of one side only.

TEMPORARY SIGN: Includes any sign banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames.

UNDER-CANOPY SIGN, UNDER-MARQUEE SIGN AND UNDER-AWNING SIGN: A sign suspended beneath a canopy, marquee or awning.

WALL SIGN: A sign which is painted on or attached directly to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than 15 inches from the face of the fence or wall.

10-8-4 GENERAL REGULATIONS

- (A) A zoning permit is required for the erection, construction, relocation or alteration of any sign, except as noted in Paragraph D of this section.
- (B) No sign shall be erected at any location where, because of its position, size, shape, color, animation or illumination, it may interfere with or obstruct the view of traffic, nor shall any sign be permitted which may be confused with any authorized traffic sign, signal, or device. No other sign may be placed within the sight visibility triangle.
- (C) No person shall erect, display or maintain any sign which obstructs any fire escape, building entrance or public passage or which is at a horizontal distance less than 10 feet from any fire hydrant, traffic light or fire call box.
- (D) Signs Permitted Without Permit

The following signs are permitted in all districts and do not require a zoning permit:

- i. One nameplate of not more than two square feet in surface area per business, residence, or building;
- ii. Two directional/informational signs of not more than two square feet in surface area each per business parcel, parking lot, or industrial parcel;
- iii. Government signs;
- iv. Incidental signs except in a residential district;
- v. Political signs of not more than six square feet in area which pertain to an

election; such signs are exempt for a period of 45 days prior to and five days subsequent to the election;

- vi. "For sale" signs of less than two square feet in area and attached to vehicles, personal possessions and articles of a noncommercial nature;
 - vii. "Garage sale," "yard sale" and other temporary sale signs when less than two square feet in area and displayed on the owner's property or on other property with the owner's permission;
 - viii. One temporary non-illuminated real estate sign not to exceed six square feet in surface area per parcel or 12 square feet in surface area if the parcel is zoned other than residential; or
 - ix. Trespassing, safety or caution signs not exceeding two square feet in area.
- (E) Signs that were lawfully erected prior to [date of adoption of ordinance update], but would now be subject to a variance requirement, or signs that were erected pursuant to a variance granted, as provided for herein, and are in compliance with the provisions of this chapter, may be replaced with a sign that is substantially the same as the original sign in location and dimensions upon approval by the Village Board, without a public hearing or a hearing before the PZC.
- (F) Signs Allowed in All Districts with a Zoning Permit

The following signs are allowable in all districts, with Zoning Administrator review and approved Zoning Permit, if in compliance with all provisions of this Ordinance:

- i. Temporary signs, except as elsewhere exempted;
- ii. One on-site sign identifying a recorded subdivision, provided such sign does not exceed 24 square feet in surface area;
- iii. One construction sign per right-of-way frontage per parcel, subject to all of the following requirements:
 - (a) Total surface area per sign shall not exceed 32 square feet.
 - (b) Sign height shall not exceed eight feet.
 - (c) Placement shall be no closer to the property line than one-half the required setback for the district.
- iv. The sign shall not be erected prior to the issuance of a zoning permit for the proposed construction, and shall be removed upon substantial completion of construction.

(G) Signs Prohibited in All Districts

The following signs are prohibited in all districts:

- i. Animated or flashing signs; and
- ii. Signs that emit audible sound, odor or visible matter.

10-8-5 ON-SITE SIGNS IN RESIDENTIAL DISTRICTS:

- (A) Except as provided in Paragraph (B) of this section, no sign containing more than 10 square feet may be erected in any residentially zoned area unless the party seeking to erect said sign first applies for and receives a variance as provided in Chapter 11.
- (B) In subdivisions where four or more undeveloped lots are owned by the subdivision developer, a sign announcing the names of the developer, architects, engineers, contractors, or other individuals or firms, involved with the subdivision of property (but not including any advertisement of anything not related to the subdivision) or announcing the layout or character of the subdivision or the purpose for which it is intended shall be allowed subject to the following restrictions:
 1. These signs shall be confined to the site of the subdivision, and shall be permitted for one year from the date of erection of the first of such signs. If development of the subdivision is not completed within one year after erection of the signs, the sign shall be permitted to exist an additional period, not to exceed one year unless approved by the Village Board.
 2. Subdivision signs shall:
 - i. not exceed 64 square feet in surface area;
 - ii. not exceed a height of 10 feet;
 - iii. be set back from the property line a minimum of 10 feet;
 - iv. be in lieu of signs on individual lots; and
 - v. not contain any pictures or drawings other than a layout of the subdivision or lots and company logos.

10-8-6 ON-SITE SIGNS IN THE AGRICULTURAL DISTRICT

No sign containing more than 32 square feet may be erected in the Agricultural District unless

the party seeking to erect said sign first applies for and receives a variance as provided in Chapter 11 of this Ordinance.

10-8-7 ON-SITE SIGNS IN THE DOWNTOWN COMMERCIAL DISTRICT OR
GENERAL COMMERCIAL DISTRICTS

No sign containing more than 150 square feet may be erected in any area zoned Downtown Commercial District or General Commercial unless the party seeking to erect said sign first applies for and receives a variance as provided in Chapter 11 of this Ordinance.

10-8-8 ON-SITE SIGNS IN THE INDUSTRIAL DISTRICT:

No sign containing more than 150 square feet may be erected in any area zoned Industrial unless the party seeking to erect said sign first applies for and receives a variance as provided in Chapter 11 of this Ordinance.

10-8-9 [Reserved]

10-8-10 REVOCATION OF PERMITS

The Village Board may revoke any permit issued by it upon failure of the holder thereof to comply with any provision of this chapter, but only after a hearing before the PZC is held no less than 15 days after notice is given to the permit holder.

10-8-11 MAINTENANCE AND ABANDONMENT

- (A) Maintenance of any sign erected in the Village shall be the duty of both the owner and occupier of the premises upon which the sign is erected. The appearance of any sign shall not be allowed to become unsightly and in the event that repair, cleaning, or painting of any said sign is deemed to be necessary by the Village Board, then within 60 days of notification of such necessity by the Village Board, the said owner or occupier of said premises shall complete said repair, cleaning or painting. In the event that such repair, cleaning or painting is not accomplished within said time, then said failure shall constitute a violation of the provisions of this code.

- (B) All signs erected in the Village that no longer serve their purpose shall be removed by the owner or occupier of the premises in question. When any such sign is removed, such removal shall be completed with due care and with concern for the appearance of the premises as well as safety on said premises and nearby properties. Any supporting structures, such as sign standards or frames shall be removed and any holes or excavations shall be filled. In the event that such removal does not comply with this

section, then notice of said failure shall be given to the owner or occupier of the premises. If said work is not completed in compliance with said notice within 30 days of the mailing of said notice, then said owner or occupier shall be deemed to be in violation of the provisions of this code.

10-8-12 HANDBILLS, ADVERTISING MATTER

- (A) To post, paste, print, nail, or otherwise attach any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone or any other portion or part of any sidewalk, or upon any tree, lamppost, post, pole, hydrant or other public property, or upon any private wall, door or gate (without the consent in writing of the owner of such wall, door or gate) shall be prohibited.
- (B) Provided, however, that provisions of this section shall not apply to the posting of legal notices by or on behalf of the Village in the manner and places prescribed by law.
- (C) The Village may remove and destroy any such prohibited signs or other prohibited materials on public property.

Chapter 10 ZONING PERMITS AND CERTIFICATES OF COMPLIANCE

10-10-1	ZONING PERMIT REQUIRED
10-10-2	ZONING PERMIT APPLICATION
10-10-3	ISSUANCE OF ZONING PERMIT
10-10-4	EXPIRATION OF ZONING PERMIT
10-10-5	CERTIFICATE OF COMPLIANCE REQUIRED
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10-10-8	CORRECTIVE ACTION ORDER
10-10-9	CONTENTS OF ORDER
10-10-10	SERVICE OF ORDER
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10-10-12	EMERGENCY MEASURES
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10-10-1 ZONING PERMIT REQUIRED

- (A) 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 zoning permit has been issued.
- (B) Unless specifically exempted by this Ordinance, a zoning permit shall be obtained by the owner or lessee, agent of either, or the architect, engineer, or builder employed in connection with the proposed work from the Zoning Administrator before starting:
 - i. to establish, occupy or change the use of a structure, accessory structure or land either by itself or in addition to another use;
 - ii. to construct or erect a new structure or accessory structure or part thereof;
 - iii. to extend or move any structure, accessory structure or part thereof; or
 - iv. to extend, expand and change or re-establish any non-conforming use.
- (C) The Zoning Administrator shall not issue a zoning permit unless he or she determines that the proposed activity conforms to the applicable provisions of this Ordinance, Titles 7 and 11 of the Village Municipal Code, or upon written order of the Village Board, and payment of all applicable fees.
- (D) No building construction shall begin until a zoning permit has been issued and posted on the premises. No zoning permit shall be issued for construction in a subdivision unless the final plat has been approved and storm sewers, sanitary sewers and streets have been completed as to the lot for which a permit is requested or otherwise in compliance with Title 11 of the Village Municipal Code.
- (E) No zoning permit is required for ordinary maintenance.

10-10-2 ZONING PERMIT APPLICATION

- (A) There shall be submitted with all applications for zoning permits:
- i. the location including township and tract comprising the legal description of property;
 - ii. name and address of the applicant;
 - iii. name and address of the owner or operator of the proposed lot, structure or use, if different from Item ii. above;
 - iv. description of the uses to be established or expanded, including the nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;
 - v. two copies of a layout of plot plan drawn to scale showing the actual dimensions of the lot to be built upon,
 - vi. the exact size, shape, and location on the lot of the proposed structure(s) and any proposed accessory structure or use to be established or constructed at the same time as the proposed principal structure or principal use to be established on the same lot or tract of land; and,
 - vii. the size, shape and location of all existing structures, accessory use structures and uses on the lot;
 - viii. any change in elevation or drainage on any portion of said lot;
 - ix. information about proposed water supply and sewage disposal facilities, including a true and correct copy of any permit required by the village of environmental protection approving such facilities;
 - x. height, setbacks, and lot coverage of the proposed structures;
 - xi. number and size of proposed dwelling units, if any;
 - xii. location and number of proposed parking spaces or loading spaces and access ways; and
 - xiii. other information requested by the Zoning Administrator that may be necessary to provide for the proper administration and enforcement of this Ordinance.
 - iv. and the applicable zoning permit fee.
- (C) Zoning permit fees shall be paid based on the Village permit application fee schedule approved by the Village Board.
- (D) The Zoning Administrator shall inspect the building site at the time the structure or building is staked out, upon completion of the foundation and upon final completion of all improvements, to ensure compliance with the provisions of this Ordinance and of Title 7 of the Village Code.

10-10-3 ISSUANCE OF ZONING PERMIT

- (A) The Zoning Administrator shall retain the original copy of a zoning permit and shall mark such permit whether approved or disapproved.

- (B) One copy shall be returned to the applicant, duly signed and marked as indicated in Paragraph (A) above.
- (C) The applicant's copy shall be posted in plain sight on the premises for which it is issued until the certificate of compliance shall have been issued by the Zoning Administrator.

10-10-4 EXPIRATION OF ZONING PERMIT

- (A) The zoning permit may be cancelled by the Zoning Administrator during construction or upon completion of construction if the Zoning Administrator determines that the improvements have not been built in accordance with the approved plans or otherwise not in compliance with the requirements of this Ordinance, Title 7, or Title 11 of the Village Code. Written notice thereof shall be given to the applicant together with notice that further work as described on the cancelled permit shall not proceed until a new permit shall have been issued.
- (B) Zoning permits shall expire one year from the date of issuance unless application for an extension is submitted to and approved by the Village Board.
- (C) A zoning permit issued for the establishment of a use of land where no structures are involved or on which land a structure accessory to the principal use not involving any structure shall not expire.
- (D) Upon cancellation or expiration, zoning permit renewal fees and other requirements shall be the same as if a new application were being submitted.

10-10-5 CERTIFICATE OF COMPLIANCE REQUIRED

- (A) It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure or part thereof hereafter created, constructed, erected, changed, moved, or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued by the Zoning Administrator, stating that the building or proposed use thereof complies with the provisions of this Ordinance.
- (B) No nonconforming use of land and no nonconforming use of a structure shall be renewed, changed, altered, or extended without a certificate of compliance having first been issued by the Zoning Administrator. The zoning compliance certificate shall state specifically wherein such non-conforming use differs from the regulations and standards of this Ordinance.

10-10-6 CERTIFICATE OF COMPLIANCE APPLICATION

- (A) All certificates of compliance shall be applied for coincident with the application for a zoning permit; or in the event of a proposed change of use without structural additions or changes, then the certificate of compliance shall be applied for prior to the change of use.
- (B) No zoning permit for the erection or extension, alteration of or repairs to any building shall be issued until an application has been made for a certificate of compliance.

10-10-7 ISSUANCE OF CERTIFICATE OF COMPLIANCE

- (A) The Zoning Administrator shall not issue a certificate of compliance until it has been determined, by inspection, that the work authorized by the zoning permit has been completed in accordance with approved plans. No zoning permit shall be issued until an application has been made for a certificate of compliance.
- (B) When all work as described on the zoning permit is complete, the applicant shall notify the Zoning Administrator. After examination of the premises to ascertain that all work described on the zoning permit has been conducted in compliance with the regulations and standards of this Ordinance, the Zoning Administrator shall issue the certificate of compliance.
- (C) The Zoning Administrator shall retain the original copy of the certificate of compliance.
- (D) One copy shall be returned to the applicant, duly signed.
- (E) There may be instances for which a zoning permit is issued with no expiration date. Examples of such instances include:
 - a zoning permit issued for a use that does not involve a structure; or
 - a zoning permit issued for a structure that is accessory to a principal use—with the principal use not involving any structure.In such instances, on each successive date of inspection of land for which the zoning permit does not expire, the Zoning Administrator shall issue a certificate of compliance if such use has been conducted in conformance with the regulations and standards of this Ordinance and shall be effective only until the next required date of inspection.
- (F) A temporary certificate of compliance may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a structure pending its completion, provided that such temporary certificates may require such conditions and safeguards as will protect the safety of the occupants and the public.
- (G) Only in the case of issuance of a certificate of compliance for the registration of a non-conforming use, shall a fee be charged for such certificate. Such fee shall be as established by the Village Board, and shall not be refundable.

10-10-8 CORRECTIVE ACTION ORDER

Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this ordinance, he shall so notify the responsible party, and shall institute appropriate measures to secure compliance.

10-10-9 CONTENTS OF ORDER

The order to take corrective action shall be in writing and shall include:

- i. a description of the premises sufficient for identification;
- ii. a statement indicating the nature of the violation;
- iii. a statement of the remedial action necessary to effect compliance;
- iv. the date by which the violation must be corrected;
- v. a statement that the alleged violator is entitled to a conference with the Zoning Administrator if he so desires;
- vi. the date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and
- vii. a statement that failure to obey a corrective action order shall result in revocation of the zoning permit and may result in the imposition of fines.

10-10-10 SERVICE OF ORDER

A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- i. served upon him personally;
- ii. sent by certified mail to his last known address; or
- iii. posted in a conspicuous place on or about the affected premises.

10-10-11 STOP ORDER

Whenever any work is being done in violation of a zoning permit, the Zoning Administrator's corrective action order may state that the violation be stopped immediately. In such case, the corrective action order is equivalent to a stop order.

10-10-12 EMERGENCY MEASURES

Notwithstanding any other provisions of this Ordinance, whenever the Zoning Administrator determines that any violation of this ordinance poses an imminent peril to life or property, he or she may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

10-10-13 COMPLAINTS

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

10-10-14 FEES

- (A) The Village Board shall establish a schedule of fees for the various permits and procedures listed in this Ordinance. The fees are intended to defray administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device.
- (B) Each such application, except that initiated by the Village Board, or Zoning Administrator, shall be accompanied by a fee to be paid by the applicant in accordance with the schedule of fees established by the Village Board.

10-10-15 VIOLATION

Any person who begins construction or work on any building or improvement requiring a zoning permit from the Village without first obtaining a zoning permit shall be fined for such offense an amount not to exceed 10 times the cost of the zoning permit.

Chapter 11 ZONING PROCEDURES

- 10-11-1 PLANNING AND ZONING COMMISSION (PZC) MEETINGS
- 10-11-2 PZC QUORUM
- 10-11-3 PZC RECORDS AND VILLAGE BOARD ZONING DECISIONS
- 10-11-4 APPEALS
- 10-11-5 VARIANCES
- 10-11-6 SPECIAL USE PERMITS
- 10-11-7 AMENDMENTS

10-11-1 PLANNING AND ZONING COMMISSION (PZC) MEETINGS

- (A) All meetings of the PZC shall be held at the call of the PZC Chair or the Village President and at such times as the PZC may determine. All PZC meetings shall be open to the public.
- (B) The PZC may adopt their own rules of meeting procedures consistent with this Ordinance and the applicable Illinois statutes. The chair, or in his or her absence, the acting chair, may administer oaths and compel the attendance of witnesses.
- (C) Four members of the PZC shall constitute a quorum, and the affirmative vote of at least four members shall be necessary to authorize any PZC action.

10-11-2 PZC QUORUM

The concurring vote of four members of the PZC shall be necessary to make a recommendation to the Village Board regarding a Finding of Fact and specific zoning request.

10-11-3 PZC RECORDS AND VILLAGE BOARD ZONING DECISIONS

- (A) The Village Clerk shall attend all meetings and public hearings held at the PZC and shall serve as secretary to the PZC, keeping a full record and providing written minutes of the PZC's proceedings and actions. The written PZC minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken, including findings of fact for variance or a special use requests considered. The Village Clerk shall submit written minutes of PZC minutes to the PZC chairperson for his approval and correction, and shall make available the corrected PZC minutes to the Village Board prior to the next Village Board meeting.
- (B) A copy of every recommendation of the PZC, once forwarded to the Village Board and on file with the Village, shall be a public record.

(C) Village Board Decisions and Period of Validity

No decision by the Village Board in granting a variance or a special use permit shall be valid for a period longer than 12 months from the date of such decision unless:

- i. an application for a zoning permit or special use permit is obtained within such period and construction, moving, remodeling, or reconstruction is started, or
- ii. a certificate of compliance is issued and a use is commenced.

However, the Village Board may grant additional extensions of time not exceeding 180 days, each upon written application made within the initial 12-month period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

(D) Finality of Decisions of the Village Board

All decisions of the Village Board, shall in all instances be the final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois statutes. No applicant shall apply for the same or identical request for a period of one year unless the facts and/or request have substantially changed.

10-11-4 APPEALS

(A) Nature of an Appeal

Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Ordinance may appeal to the PZC. An appeal may consist of a request for a determination with regard to the exact location of any district boundary if there is uncertainty with respect thereto.

(B) Application, Filing, Record Transmittal

1. An appeal may be taken to the PZC by any person, group or organization, public or private, affected by a decision by the Zoning Administrator,
2. An appeal shall be made on a prescribed form available from the Village Office within 45 days of the matter complained of by filing with the Zoning Administrator and the PZC Chair a written notice specifying the grounds for appeal. The appeal application shall describe the order, requirement, decision or determination appealed from and shall specify the grounds for the appeal.
3. A fee for an appeal application as approved by the Village Board and listed in the Village Schedule of Permits and Fees shall accompany each application for an appeal.

(C) Stay of Further Proceedings

An appeal stays all further action on the matter being appealed unless the Zoning Administrator certifies to the PZC after the notice of appeal has been filed with him or her that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the PZC or the Circuit Court grants a restraining order for due cause and so notifies the Zoning Administrator.

(D) Appeal Procedure and Public Hearing

1. Upon receipt of the notice of an appeal application, the Zoning Administrator shall transmit to the Village Office all the documents and files constituting the record upon which the action appealed from was taken.
2. The PZC Chair shall fix a reasonable time for the hearing on the appeal and inform the Village Office and Village Board of the time and place that the hearing will be held. The Village Board designee shall arrange that due notice of the hearing be provided, in writing, to the appellant, to the Zoning Administrator, to PZC members, and to any other person directly interested in the outcome of the appeal. The appellant may appear before the PZC on the appeal and may be represented by counsel. It shall not be necessary to publish any notice of a hearing on an appeal.

(E) PZC Recommendation to Village Board

1. The PZC may recommend that the Village Board reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate.
2. Following the hearing on the appeal at the PZC, the Village Clerk provide the PZC recommendation on the appeal to the Village Board.

(F) Village Board Decision

The Village Board shall make its decision with regard to the appeal within 30 days following receipt of the PZC recommendation.

10-11-5 VARIANCES

- (A) A variance is a relaxation of the requirements of this Ordinance that are applicable to a particular lot or structure.
- (B) A so-called “use variance” that would allow a use that is neither a permitted nor a special use in the district in question is not a variance, but it is an amendment. Amendment requests shall be addressed only as provided for in Section 10-11-7 of this Chapter.

(C) Application

Every application for a variance shall be filed with the Village Office on a prescribed form. A fee for a variance application as approved by the Village Board and listed in the Village Schedule of Permits and Fees shall accompany each variance application.

Village Office staff shall promptly transmit said application to the PZC. The application shall contain sufficient information to allow the PZC to make an informed Findings of Fact and its recommendation to the Village Board. The application shall include, at a minimum, the following:

- i. name and address of the applicant and of the property owner, if other than the applicant;
- ii. location of the structure/use for which the variance is sought;
- iii. brief description of adjacent lots, structures, and/or uses;
- iv. brief description of the problems/circumstances engendering the variance request;
- v. brief, but specific, explanation of the desired variance;
- vi. specific section(s) of this Ordinance containing the regulations which, if strictly applied, would cause a serious problem; and
- vii. other pertinent information.

(D) Public Hearing, Notice

The PZC Chair shall fix a reasonable time for the public hearing on each variance request upon submittal of a completed variance application. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney.

The Village Board shall arrange for notice of the public hearing, indicating the time, date, and place of the hearing, and the nature of the requested variance, to be provided not more than 30 days or less than 15 days before the hearing:

- i. by first class mail to the applicant and to the record owner of the subject property;
- ii. by publication in a newspaper of general circulation within the village; and
- iii. by first-class mail to record owners of property located within 250 feet of the subject property.

(E) Standards for Variances

1. The PZC shall not recommend any variance unless they find that the proposed variance is consistent with the general purposes of this Ordinance, and that the strict application of the district requirements would result in great practical difficulties or hardship to the applicant. More specifically, the PZC shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:
 - i. the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;
 - ii. the plight of the owner is due to peculiar circumstances; and
 - iii. the variance, if granted, will not alter the essential character of the locality.

2. The PZC may recommend a variance of the application of the regulations imposed by this Ordinance to permit:
 - i. the reduction of the depth or width of a required yard specified in the Chapter 3 district standards, or if not specified in Chapter 3, the reduction of the depth or width of a required yard by not more than 25 percent of the depth or width required by this Ordinance; and
 - ii. in the General Commercial District, to permit a reduction in the number of off-street parking spaces required about or in connection with a use, and for the same district to permit greater coverage than required by the applicable regulations and to permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot.

(F) PZC Recommendation to Village Board

1. The PZC findings of fact shall clearly indicate the PZC's reasons for recommending that a requested variance be granted or denied.
2. Following a public hearing at the PZC, the Village Clerk shall provide the PZC recommendation to the Village Board on the variance request along with the written statement of the PZC Findings of Fact on which the recommendation is based.

(G) Village Board Decision

The Village Board shall decide on every variance request within a reasonable period following the final public hearing thereon. A copy of the Village Board decision shall be transmitted to the applicant or appellant. The Village Board shall specify the terms of relief recommended (if any).

10-11-6 SPECIAL USE PERMITS

(A) Intent

This Ordinance divides the Village into districts, and allows in each district as a matter of right subject to issuance of a zoning permit only those uses that are clearly compatible with one another. Certain other principal uses, designated as a 'Special Use' and listed in Table 10-5A of this Ordinance because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors.

(B) Application

1. Every applicant for a special use permit shall submit to the village office in narrative and/or graphic form, the items of information below:

- i. name and address of the applicant;
 - ii. name and address of the owner or operator of the proposed structure or use, if different from that noted in item i above;
 - iii. nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
 - iv. location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
 - v. area and dimensions of the site for the proposed structure or use;
 - vi. existing topography of the site and proposed finished grade;
 - vii. existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
 - viii. height and setbacks of the proposed structure;
 - ix. number and size of the proposed dwelling units, if any;
 - x. number and location of proposed parking/loading spaces and access ways;
 - xi. identification and location of all existing or proposed utilities, whether public or private;
 - xii. location of any signs; and
 - xiii. other pertinent information.
2. A fee for a special use permit application as approved by the Village Board and listed in the Village Schedule of Permits and Fees must accompany each special use permit application.

(C) Public Hearing, Notice

The PZC Chair shall fix a reasonable time for the public hearing on each special use permit request upon the submittal of a completed special use permit application. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

The Village Board shall arrange for notice of the public hearing, indicating the time, date, and place of the hearing, and the nature of the requested special use permit to be provided not more than 30 days or less than 15 days before the hearing:

- i. by first class mail to the applicant and to the record owner of the subject property;
- ii. by publication in a newspaper of general circulation within the village; and
- iii. by first class mail to the record owners of property located within 250 feet of the subject property.

(D) Special Use Permit Standards

Following public input received at the public hearing, the PZC shall make Findings of Fact with regard to each special use permit request considered. The PZC may recommend and the Village Board, in turn, may impose such conditions as will, in the judgement of each respective body, with regard to and to ensure that:

1. The proposed special use permit is necessary for the public convenience at that

location.

2. The proposed design, location, and manner of operation of the special use permit requested will adequately protect the public health, safety, and welfare, and the physical environment.
3. The intensity of the proposed development does not impose any adverse effects on surrounding property, public utilities and on the traffic circulation on nearby streets.
4. The proposed special use permit is compatible with surrounding land use.
5. The proposed special use permit requested conforms to the intent, regulations, and standards of and preserves the essential character of the district in which it is proposed to be located.

(E) PZC Findings of Fact and Recommendation to Village Board

1. The PZC findings of fact shall clearly indicate the PZC's reasons for recommending that a requested special use permit be granted or denied.
2. Following a public hearing at the PZC, the Village Clerk shall provide the PZC recommendation to the Village Board on the special use permit request along with the written statement of the PZC Findings of Fact on which the recommendation is based.
3. The PZC may recommend and the Village Board may prescribe special conditions for a special use to preserve the general public health, safety and welfare, and these terms and conditions of the special use (if any) shall be specified in one statement.

(F) Village Board Decision

1. The Village Board, upon receiving a the PZC Findings of Fact and recommendation, shall act upon said recommendation within a reasonable period of time and shall either accept or reverse the recommendation in whole or in part or return the request to the PZC for further study.
2. It shall require two-thirds vote of all Village Board members to reverse a recommendation of denial received from the PZC.
3. A copy of the Village Board decision shall be transmitted to the applicant or appellant.

10-11-7 AMENDMENTS

(A) Amendments

The Village Board may amend this Ordinance in accordance with the provisions of this Section based on Illinois Statutes (65 ILCS 5/11-13-14). Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special use, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Village President, PZC, Zoning Administrator, or an interested party.

(B) Filing

1. Every proposal to amend this Ordinance shall be filed with the Village Office on a prescribed form.
2. A fee for a text amendment or map amendment application as approved by the Village Board and listed in the Village Schedule of Permits and Fees must accompany each amendment application.

(C) Public Hearing - Notice

1. The PZC Chair shall fix a reasonable time for the public hearing on every amendment proposal requested upon submittal of a completed text or map amendment application.
2. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.
3. (a) The Village Board shall arrange for notice of the public hearing to indicate the time, date, and place of the hearing, the nature of the proposed amendment, and, if the boundaries of a district are proposed to be changed, the notice shall contain a description of the area for which the change is proposed. Any notice required by this section need not include a metes and bounds legal description, provided that the notice includes:
 - i. the common street address or addresses and
 - ii. the property index number ("PIN") or numbers of all the parcels of real property contained in the affected area.
- (b) Such notice shall be given not more than 30 or less than 15 days before the hearing:
 - i. by first class mail to the applicant, and, if with regard to a map amendment proposal, by certified mail to the record owner(s) of the subject property;
 - ii. by publication in a newspaper of general circulation within the village;
 - iii. if with regard to a map amendment proposal, by first class mail to

the record owner(s) of property located within 250 feet of the subject property.

(D) PZC Recommendation to the Village Board

1. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the PZC recommendation to the Village Board may include their consideration of each of the following factors:
 - i. existing use and zoning of the property in question;
 - ii. existing uses and zoning of other lots in the vicinity of the property in question;
 - iii. suitability of the property in question for uses already permitted under existing regulations;
 - iv. compatibility and suitability of the proposed use and the property in question for the proposed use;
 - v. the trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned.
2. Following the public hearing at the PZC for an amendment request, the Village Clerk shall provide the PZC recommendation regarding a decision for an amendment request to the Village Board. The recommendation shall include PZC reasons for their recommendation regarding adoption or denial of the proposed amendment.

(E) Action by Village Board

1. Following receipt of the PZC recommendation regarding a decision for an amendment request, the Village Board shall act on every proposed amendment within a reasonable time at a regularly scheduled Village Board meeting.
2. Without further public hearing, the Village Board may approve or disapprove any proposed amendment or may refer it back to the PZC for further consideration by simple majority vote of all the members then holding office.

(F) When a Two-Thirds Majority Vote is Required

The favorable vote of at least two-thirds of the members of the Village Board is required to pass an amendment to this Ordinance in each of the following instances:

- i. when passage would be contrary to the recommendation of the PZC; or
- ii. when the amendment is opposed, in writing, by the owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across an alley there from, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered.

(G) Notice to Applicant of Written Protest

In cases of written opposition to an amendment of this Ordinance as prescribed in Paragraph (F) above, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

Chapter 12 NONCONFORMITIES

- 10-12-1 GENERAL APPLICABILITY
- 10-12-2 NONCONFORMING USE
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10-12-1 GENERAL APPLICABILITY

(A) Authority to Continue

Any structure, lot, or use that lawfully existed as a nonconformity as of the effective date of this Ordinance, and any lawfully existing structure, lot, or use that has been made nonconforming as of the effective date of this Ordinance and any subsequent amendments, may continue subject to the provisions of this Chapter so long as it remains otherwise legal. A structure, lot, or use that is illegal as of the effective date of this Ordinance, remains illegal if it does not conform to every requirement of this Ordinance.

(B) Burden on Property Owner

The burden of establishing the legality of nonconformity under the provisions of this Ordinance is the responsibility of the property owner of the nonconforming structure or lot, or the operator of the use.

(C) Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare including, but not limited to, all building, fire and health codes apply to nonconformities.

10-12-2 NONCONFORMING USE

(A) Maintenance

Normal maintenance and incidental repair may be performed on a structure that is devoted in whole or in part to a nonconforming use, provided it does not create any new nonconformity or increase the intensity of the nonconformity.

(B) Structural Alterations

No structural alterations are permitted on any structure devoted to a nonconforming use, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure

to a safe condition upon the order of any official charged with protecting public safety,

2. When the alteration is for the purpose of bringing about a conforming use, or
3. When the alteration will not create any new nonconformity or increase the intensity of any existing nonconformity.

(C) Expansion

A nonconforming use of a structure of land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use.

(D) Relocation

A nonconforming use of a structure or land cannot be relocated, in whole or in part, to any other location on the same lot or parcel. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.

(E) Change of Use

A nonconforming use cannot be changed to any use other than one allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance is deemed an abandonment of the previously existing nonconforming use.

(F) Discontinuation or Abandonment

If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of 180 days, the nonconforming use is deemed abandoned and cannot be reestablished or resumed regardless of intent. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of God or other events without any contributing fault by the user are not included in calculating the length of discontinuance for this section.

(G) Damage or Destruction

1. In the event that any structure that is devoted in whole or in part to a

nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased.

2. If the structure containing the nonconforming use is a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with the provisions of Section 10-12-3 (Nonconforming Structure).

10-12-3 NONCONFORMING STRUCTURE

(A) Maintenance

Normal maintenance and incidental repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

(B) Structural Alterations

No structural alterations are permitted on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety,
2. When the alteration will eliminate the nonconformity, or
3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity. For example, if a structure is nonconforming in terms of the required front setback (i.e., does not meet the required minimum), the structure may add a rear addition if it meets all other bulk and setback requirements of the district.

(C) Relocation

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot if the structure conforms to all regulations of the zoning district where it is relocated.

(D) Damage or Destruction

1. In the event that a nonconforming structure is structurally damaged or destroyed by the fault of the property owner or tenant, the structure, as restored or repaired,

must comply with all requirements of this Ordinance.

2. Damage to Nonconforming Structure Exceeding 60 Percent of Replacement Value through No Fault of Property Owner or Tenant

In the event that any nonconforming structure is damaged or destroyed, through no fault of the property owner or tenant, to the extent of 60 percent or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including the foundation, conforms to all regulations of the zoning district in which it is located; provided however that a legally nonconforming residential dwelling may be rebuilt and used as a residential dwelling if restoration is completed and occupancy taken within two years from the date of damage. In such an event, a zoning permit must be obtained to rebuild, restore, repair, or reconstruct the legally nonconforming residential dwelling.

3. Damage to Nonconforming Structure of Less than 60 Percent of Replacement Value through No Fault of Property Owner or Tenant

When a nonconforming structure is damaged or destroyed, through no fault of the property owner or tenant, to the extent of less than 60 percent of the replacement value at the time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A zoning permit must be obtained for such rebuilding, restoration, repair, for reconstruction within one year of the date of damage or destruction. In the event that the zoning permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.

4. The replacement value of the structure is based on:

- (a) the sale of that structure within the previous year or, if that is not applicable;
- (b) an appraisal within the last two years or, if that is not available;
- (c) the amount for which the structure was insured prior to the date of the damage or destruction; or,
- (d) an alternative method determined acceptable by the Village Board.

(E) Removal and Replacement Exception

A legally nonconforming residential dwelling may be removed and replaced with a new comparable nonconforming residential dwelling upon granting of a variance by the Village Board after a public hearing before the PZC, if the following conditions are determined by the Village Board to exist:

1. That due to old age, dilapidated, or dangerous condition of the existing structure, said structure has an adverse effect on the neighborhood and owner, and repairs and restoration would be difficult, impractical and/or not cost effective; and
2. The Village Board determines that to allow such removal and replacement would not significantly impact the growth and development plans of the Village as established in the Village comprehensive plan; and
3. Failure to receive a variance to remove and replace the said structure would cause an undue hardship on the owner.

The removal and replacement of said structure shall be completed within one year of the date of the granting of the variance or the variance shall be void.

10-12-4 NONCONFORMING LOT OF RECORD

(A) Definition

A nonconforming lot of record is a lot of record that lawfully conformed to the lot dimension requirements of the zoning district in which it is located, but because of subsequent amendments to the Ordinance no longer conforms to the applicable lot dimensions.

(B) Use

Notwithstanding limitations imposed by other provisions of this Ordinance, a nonconforming lot of record may be used for a permitted or special use within the zoning district.

(C) Development

Development of a nonconforming lot of record must meet all applicable public health and safety provisions of Title 7, and dimensional or bulk regulations of the district in which it is located with the exception of the lot dimension requirement that renders it nonconforming.

(D) Common Ownership Limitation

If two or more lots of record have contiguous frontage in common ownership as of the effective date of this Ordinance and one or more of the lots does not meet the requirements for lot dimensions as established by this Ordinance, the lots involved are considered to be a single lot for the purposes of this Ordinance. No division of the lot is permitted that creates a nonconforming lot and/or renders the remaining lot(s) nonconforming. No zoning permit will be issued for the use of any lot or portion of a lot,

transferred or conveyed in violation of this Chapter.

10-12-5 NONCONFORMING SIGNS

- (A) Any sign lawfully existing or under construction on the effective date of this Ordinance that does not conform to one or more of the provisions of this Ordinance may be continued in operation and maintained indefinitely as a nonconforming sign subject to compliance with this Ordinance.
- (B) Routine maintenance of nonconforming signs is allowed, including changing of copy, necessary non-structural repairs, and incidental alterations that do not expand, extend or enlarge the nonconforming features of the sign. However, no structural alteration, enlargement, or expansion may be made to a nonconforming sign unless the alteration, enlargement, or expansion will result in the elimination of the nonconforming features of the sign.
- (C) Removal or Modification of Nonconforming Sign
1. A nonconforming sign and its associated sign structure must be removed or modified to comply with these regulations if:
 - i. the structure to which it is accessory is demolished or destroyed to an extent exceeding 50 percent of the structure's assessed value;
 - ii. the sign and sign structure is demolished or destroyed to an extent exceeding 50 percent of its replacement cost; or
 - iii. if the business or use on the property ceases to operate for a continuous period of three months or more.
 2. Such nonconforming sign and sign structure subject to removal under this paragraph must be removed by the owner of the sign or the owner or lessee of the property. If the owner or lessee fails to remove the sign, the Zoning Administrator must give the owner/lessee written notice of the requirements of this paragraph and the sign must be removed within 30 days of such notice.
 3. If such sign is not removed or modified after the 30-day period, the Village Board may take action to authorize the removal of the sign and sign structure at the expense of the owner, agent, or person having beneficial interest in the building or premises on which the sign is located. In addition, the Village is authorized to institute and pursue all other available remedies and penalties under the law.

Chapter 13 ENFORCEMENT

10-13-1 ENFORCEMENT DUTIES

10-13-2 ZONING PERMIT OR CERTIFICATE OF COMPLIANCE ENFORCEMENT

10-13-3 ENFORCEMENT GENERALLY

10-13-1 ENFORCEMENT DUTIES

- (A) Generally, it shall be the duty of the Village President to enforce the provisions of this Ordinance.
- (B) It shall be the duty of the Zoning Administrator to enforce the provisions related to issuance of a zoning permit or a certificate of compliance.

10-13-2 ZONING PERMIT OR CERTIFICATE OF COMPLIANCE ENFORCEMENT

- (A) No zoning permit or certificate of compliance shall be granted by the Zoning Administrator for any purpose except in compliance with the provisions of this Ordinance.
- (B) Any person who begins construction or work on any building or improvement requiring a zoning permit from the Village without first obtaining a zoning permit shall be fined for such offense an amount not to exceed 10 times the cost of the zoning permit.

10-13-3 ENFORCEMENT GENERALLY

Unless otherwise specified in the provisions of this Ordinance, whoever violates any of the provisions of this Ordinance shall be fined in accordance with Section 1-4-1 of the Village Code.