

TITLE 10
ZONING REGULATIONS

Subject	Chapter
Title; Purpose; Interpretation	1
Rules And Definitions	2
Administration And Enforcement	3
Board Of Zoning Appeals	3A
Zoning Districts And Map	4
General Zoning Regulations For All Districts	5
Residential Districts	6
CD Conservancy District	7
B-1 Business District	8
Industrial Districts	9
Traffic, Parking, Loading And Access	10
Signs	11
Nonconforming Structures, Uses And Land	12
Conditional Uses	13
Performance Standards	14

C

C

C

C

C

CHAPTER 1**TITLE; PURPOSE; INTERPRETATION****SECTION:**

- 10-1-1: Short Title
- 10-1-2: Purpose
- 10-1-3: Intent
- 10-1-4: Interpretation And Application
- 10-1-5: Jurisdiction

10-1-1: **SHORT TITLE:** This title shall be known, cited and referred to as the *ASHKUM ZONING ORDINANCE*. (Amended Ord. 1972-3, 6-27-1972)

10-1-2: **PURPOSE:** This title is adopted for the following purposes:

- A. To promote and protect the public health, safety, morals, comforts and general welfare of the people. (Amended Ord. 1972-3, 6-27-1972)
- B. To divide the village into zones of districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for residential, business, industrial and other specified uses.
- C. To protect the character and the stability of the residential, business, and industrial areas within the village, and to promote the orderly and beneficial development of such areas. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)
- D. To provide adequate light, air, privacy and convenience of access to property.
- E. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide

adequate light and air, and to protect the public health. (Amended Ord. 1972-3, 6-27-1972)

- F. To establish building lines and the location of buildings designed for residential, business, industrial, or other uses within such areas. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)
- G. To fix reasonable standards to which buildings or structures shall conform.
- H. To prohibit uses, buildings or structures incompatible with the character or development or intended uses within specified zoning districts. (Amended Ord. 1972-3, 6-27-1972)
- I. To prevent additions or alterations or remodeling of existing buildings or structures in such a way as to accomplish the following: (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)
 - 1. To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off street parking of motor vehicles and the loading of commercial vehicles;
 - 2. To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare;
 - 3. To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
 - 4. To conserve the taxable value of land and buildings throughout the village;
 - 5. To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district; and
 - 6. To define and limit the powers and duties of the administrative officers and bodies as provided herein. (Amended Ord. 1972-3, 6-27-1972)

10-1-3: INTENT: It is the intent of this title:

- A. To divide the village into districts for the purpose of classifying, regulating and restricting the location of trades, industries, and commercial enterprises, and the location of buildings arranged, intended and designed for specified uses;
- B. To regulate and limit the height and bulk of buildings hereafter erected;
- C. To classify, regulate, and determine the area of front, rear and side yards, courts, and other open spaces about buildings;
- D. To regulate and limit the intensity of the use of land and lot areas within the village;
- E. To create a board of zoning appeals;
- F. To define certain terms used in this title;
- G. To provide penalties for violation of provisions of this title; and
- H. To designate the time when this title shall take effect. (Amended Ord. 1972-3, 6-27-1972)

10-1-4: INTERPRETATION AND APPLICATION:**A. Abrogation And Greater Restrictions:**

1. Where the conditions imposed by any provision of this title upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this title, or any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

2. This title is not intended to abrogate any easement, covenant or any other private agreement; provided, that where the regulations of this title are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this title shall govern.

- B. Minimum Requirements: In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- C. Severability: If any section, clause, provision or portion of this title is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this title shall not be affected thereby. (Amended Ord. 1972-3, 6-27-1972)

10-1-5: **JURISDICTION:** The jurisdiction of this title shall include all lands and waters within the corporate limits of the village and contiguous territory not more than one and one-half ($1\frac{1}{2}$) miles beyond the corporate limits of the village and not included in any other municipality. All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alterations or relocation of existing buildings occurring hereafter shall be subject to all regulations of this title which are applicable to the zoning districts in which such buildings, uses or land shall be located. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

CHAPTER 2

RULES AND DEFINITIONS

SECTION:

10-2-1: Rules Of Word Construction

10-2-2: Definitions

10-2-1: **RULES OF WORD CONSTRUCTION:**

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular, where the context requires.
- B. The word "shall" is mandatory and not discretionary; the word "may" is permissive.
- C. The word "lot" shall include the words "piece", "parcel", and "tracts"; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- D. All measured distances shall be to the actual measurement.
- E. Any words not defined in section 10-2-2 of this chapter shall be construed in their general accepted meanings, as defined in the most recent publication of Webster's Dictionary. (Amended Ord. 1972-3, 6-27-1972)

10-2-2: **DEFINITIONS:** The words and terms set forth in this section, wherever they occur in this title, shall be interpreted as herein defined.

**BOARDING HOUSE
(ROOMING OR
LODGING HOUSE):**

A residential building or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms for accommodation of three (3) or more persons who are not members

of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods at a definite prearranged price.

- BUILDING:** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
- BUILDING HEIGHT:** The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, hip, and pitch roofs; or to the deck line of mansard roofs.
- COMPREHENSIVE PLAN:** The extensively developed and evolving plan, also called a "master plan", adopted by the planning commission.
- CONSERVATION:** Preservation of land, water, flora, fauna, and cultural artifacts in their original state.
- CONSUMER SERVICE:** Sale of any service to individual customers for their own personal benefit, enjoyment or convenience. For example, "consumer services" include the provision of personal services such as beauticians and barbering services; the provision of lodging, entertainment, specialized instruction, financial services, transportation, laundry and dry cleaning services; and all other similar services.
- DWELLING:** A building or portion thereof designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, tents, cabins, or mobile homes.
- ESSENTIAL SERVICES:** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary

sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, etc., but not including buildings.

FAMILY:

Two (2) or more persons related to each other by blood, marriage or legal adoption, living together as a single housekeeping unit; or a group of not more than three (3) persons, who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants.

FLOOR AREA:

The sum of the gross floor area for each of the several stories under a roof measured from the exterior limits or faces of a building or structure. Areas below grade and attached accessory structures are not included.

GARAGE, PRIVATE:

An accessory building, or an accessory portion of a principal building enclosed on at least three (3) sides, which is intended for and used to store a private passenger motor vehicle and no more than one three-fourths ($\frac{3}{4}$) ton or lesser sized truck.

GRADE:

The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**HOME OCCUPATION,
PROFESSIONAL:**

Any business or profession carried on by a member of the immediate family residing on the premises, in connection with which:

A. There are no signs, other than a permitted nameplate when attached to a principal building, and no activity that will indicate from the exterior that the building is being used in whole

or in part for any purpose other than that of a dwelling;

B. There are no commodities sold or services rendered that require receipt and delivery of merchandise, goods, or equipment by other than a passenger motor vehicle, or by first class mail;

C. There is no more than one person, other than one additional member of the immediate family residing on the premises, so employed or otherwise so engaged; and

D. There are no accessory buildings used in whole or in part.

HOTEL:

An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy services, furnishing of and laundry of linens used in the lodging rooms, and central desk with telephone.

JUNKYARD:

Any land or structure used for a salvaging operation including, among other things, the storage and sale of wastepaper, rags, scrap metal, and discarded materials; and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

LOADING AREA:

A completely off street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

LODGING ROOM:

A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room providing sleeping accommodations shall be counted as one "lodging room".

LOT:

A single parcel of land which may be legally described as such or two (2) or more adjacent

numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by, one principal building or principal use, together with accessory buildings and uses, yards and other open spaces required by this title.

- LOT, CORNER:** A lot abutting on two (2) streets at their juncture, when the interior angle formed is less than one hundred thirty five degrees (135°).
- LOT, INTERIOR:** A lot other than a corner lot.
- LOT LINES AND AREA:** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- LOT, RECORDED:** A lot designated on a subdivision plat or deed duly recorded pursuant to statute in the county recorder's office. A recorded lot may not coincide with a zoning lot.
- LOT WIDTH:** The width of a parcel of land at the rear of the specified street yard.
- LOT, ZONING:** A parcel of land composed of one or more recorded lots occupied or to be occupied by a principal building or buildings, or principal use or uses along with permitted accessory buildings or uses, meeting all the requirements for area, buildable area, frontage, width, yards, setback, and any other requirements set forth in this title.
- MOBILE HOME:** A movable or portable unit, designed and constructed to be towed or driven on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for occupancy and to provide complete independent living facilities including provisions for cooking, sleeping and sanitation. The term includes units containing parts that may be folded, collapsed or telescoped when being towed and then being expanded to provide additional cubic capacity, and units composed of two (2) or more

separately towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing. Removal of wheels, towing devices or any other alterations does not qualify a "mobile home" as a conventional single-family dwelling.

MOTEL:

An establishment consisting of a group of lodging rooms, each with individual bathroom, and designed for use by transient guests. A "motel" furnishes customary hotel services such as maid service and laundering of linens used in the lodging rooms, telephone and secretarial or desk service, and the use and upkeep of furniture.

**NONCONFORMING
STRUCTURE:**

A building or structure or portion thereof lawfully existing at the effective date hereof, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

**NONCONFORMING
USE:**

A use which lawfully occupied a building or land at the effective date hereof, and which does not conform with the use regulations of the district in which it is located.

**NONRETAIL
COMMERCIAL:**

Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, "nonretail commercial" includes wholesale activities, warehousing, trucking terminals, and similar commercial enterprises.

**NURSING HOME OR
REST HOME:**

A home for the aged, chronically ill or incurable persons into which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

OPEN SALES LOT:	Land used or occupied for the purpose of buying or selling merchandise stored or displayed out of doors prior to sale. Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, monuments and trailers.
PARKING SPACE:	A graded, all weather surface area of not less than two hundred (200) square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
PERFORMANCE STANDARDS:	Criteria established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.
Closed Cup Flashpoint:	A lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The tag closed cup tester shall be authoritative for liquids having a flashpoint below one hundred seventy five degrees Fahrenheit (175°F). The Pensky-Martens tester shall be authoritative for liquids having flashpoints between one hundred seventy five degrees Fahrenheit (175°F) and three hundred degrees Fahrenheit (300°F).
Decibel:	A unit of measurement of the intensity or loudness of sound. Sound level meters employed to measure the intensity of sound are calibrated in "decibels". A "decibel" is technically defined as twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure in microbars to a reference pressure of 0.0002 microbar.
Displacement (Earth):	The amplitude or intensity of an earthborn vibration measured in inches. The "displacement" or amplitude is one-half ($\frac{1}{2}$) the total earth movement.

Earthborn Vibrations:	A cyclic movement of the earth due to the propagation of mechanical energy.
Equivalent Opacity:	The shade on the Ringelmann Chart that most closely corresponds to the density of smoke, other than black or gray.
Free Burning:	A rate of combustion described by material which burns actively and easily supports combustion. Examples: coal, charcoal.
Impulse:	Discrete vibration pulsations occurring no more often than one per second.
Incombustible:	A material which will not ignite nor actively support combustion during an exposure for five (5) minutes to a temperature of one thousand two hundred degrees Fahrenheit (1,200°F).
Intense Burning:	A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly. Examples: sawdust, magnesium (powder, flaked, or strips), rocket fuels.
Moderate Burning:	A rate of combustion described by a material which supports combustion and is consumed slowly as it burns. Examples: wood, timber and logs.
Octave Band:	A prescribed interval of sound frequencies which classifies sound according to its pitch.
Octave Band Filter:	An electronic frequency analyzer designed according to standards of the American Standards Association, and used in conjunction with a sound level meter to take measurements of sound pressure level in specific octave bands.
Odor Threshold:	The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. "Odor thresholds" shall be determined in accordance with ASTM method D1391-57, "Standards Method For Measure-

	ment Of Odor In Atmospheres (Dilution Method)".
Odorous Matter:	Any material that produces an olfactory response among human beings.
Particulate Matter:	Material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form, as a liquid or solid, at outdoor ambient conditions.
Preferred Frequencies:	A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA standard S1.6-1960, "Preferred Frequencies For Acoustical Measurements".
Pre-1960 Octave Bands:	The frequency intervals prescribed by the American Standards Association in ASA standard 224.10-1953, "Octave Band Filter Set".
Ringelmann Chart:	A chart described by the U.S. bureau of mines in their information circular 6888, upon which are illustrated graduated shades of gray for use in estimating the light obscuration capacity of smoke.
Ringelmann Number:	The number of the area on the Ringelmann chart that coincides most nearly with the visual density or equivalent opacity of the emission of smoke observed.
Slow Burning:	A rate of combustion which describes materials that do not in themselves constitute an active fuel for the spread of combustion. Examples: wood, materials with fire retardant treatments.
Smoke:	Small gas born particles, other than water, that form a visible plume in the air.
Sound Level Meter:	An instrument for the measurement of sound pressure levels constructed in accordance with the standards of the American Standards Association and calibrated in decibels.

Sound Pressure Level:	The intensity of sound or noise in decibels.
Three Component Measuring System:	An instrument or complement of instruments which records earthborn vibration simultaneously in three (3) mutually perpendicular directions.
Toxic Matter:	Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.
Vibration:	The periodic displacement of the ground measured in inches.
PLANNED DEVELOPMENT:	A parcel or tract or land initially under single ownership or control, which contains two (2) or more principal buildings and one or more principal uses, planned and constructed as a unified development.
RETAIL SALES:	Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.
SANITARY LANDFILL:	A method of disposing of refuse by spreading and covering such refuse with earth to a depth of two feet (2') or more on the top surface and one foot (1') or more on the sides of the bank.
SERVICE STATION, FILLING STATION, GAS STATION:	Any building or premises whose principal use is the dispensing, sale, or offering for sale at retail of any motor vehicle fuel or oils. Open storage shall be limited to no more than four (4) vehicles stored for minor repair bearing current license plates. Such storage shall not exceed seventy two (72) hours' duration, and the storage of wrecked vehicles shall not be permitted.
SETBACK, BUILDING:	The minimum horizontal distance between the front line of a building or structure and the front lot line.

SIGNS:	Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product, and which is visible from any public street, highway or pedestrianway.
STRUCTURAL ALTERATIONS:	Any change, other than incidental repairs, which would prolong the life of the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.
STRUCTURE:	Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device, detached or projecting, shall be construed to be a "structure".
THOROUGHFARE:	A street with a high degree of continuity which serves as an intrastate, an intracounty or interstate highway, or as an arterial trafficway between various major points of origin/destination. A "thoroughfare" affords a primary means of access to abutting properties except from "thoroughfares" classified as freeways or other limited access routes not containing frontage roads.
USE:	The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
USE, ACCESSORY:	A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking areas,

gardening, servants' quarters, private swimming pools and private emergency shelters.

USE, CONDITIONAL: A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.

USE, PRINCIPAL: The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or conditional use.

UTILITIES: Public and private facilities such as water wells, water and sewage transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

VILLAGE BOARD: The governing board of trustees of the village, and not to be confused with board of zoning appeals.

YARD: An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this title.

YARD, CORNER SIDE: A side yard which adjoins a street or thoroughfare.

YARD, FRONT (SETBACK): A yard which is bounded by the side lot lines, front lot line, and the front yard line.

YARD, INTERIOR SIDE: A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

YARD, REAR (SETBACK): A yard which is bounded by side lot lines, rear lot line, and the rear yard line.

**YARD, SIDE
(SETBACK):**

A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line. (Amended Ord. 1972-3, 6-27-1972; amd. by Ord., 6-1994)

C

C

C

C

C

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 10-3-1: Building Code/Zoning Officer
- 10-3-2: Zoning Permit And Certificate Of Occupancy
- 10-3-3: Changes And Amendments
- 10-3-4: Violation; Penalty

10-3-1: **BUILDING CODE/ZONING OFFICER:** The village board shall designate a building code/zoning officer or inspectors by ordinance. The building code/zoning officer shall have the initial responsibility and authority for the literal interpretation and enforcement of this title and all other applicable ordinances, regulations, and codes, and he may enter upon and inspect any premises in the performance of these duties. The building code/zoning officer shall refer certain matters calling for original interpretations to the board of zoning appeals, as directed by various provisions of this title. (Amended Ord. 1972-3, 6-27-1972)

10-3-2: **ZONING PERMIT AND CERTIFICATE OF OCCUPANCY:**

A. Zoning Permit:

1. Permit Required: It shall be unlawful to commence construction or alteration of any structure until the building code/zoning officer has issued a zoning permit authorizing such work.

2. Application For Permit: The applicant shall submit application to the building code/zoning officer including a plan, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered, and all existing structures, the use of all structures, yard depths, and any other information necessary for determining conformance with this title. Applications for industrial zoning permits shall include certification by an engineer or architect registered in Illinois that the applicable performance standards will be met.

3. Permit Fee: The village board may establish a schedule of reasonable fees to be charged for the issuance of zoning permits.

4. Issuance Or Denial Of Permit: If the proposed construction or alteration conforms with all applicable provisions of this title and all other applicable ordinances, regulations, and codes, the building code/zoning officer shall issue a zoning permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the building code/zoning officer shall refuse to issue a zoning permit, and shall deliver written notice to the applicant stating the reasons for the refusal. The building code/zoning officer shall act upon applications for zoning permits within one week from the date of their submission.

5. Waiver/Authority: The issuance of a zoning permit by the building code/zoning officer shall not waive any provision of this title.

6. Expiration Of Permit: A zoning permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein.

7. Renewal Of Permit: A zoning permit may be renewed before it becomes void without fee upon review by the building code/zoning officer.

8. Records Kept: The building code/zoning officer shall keep a permanent file of all applications with accompanying plans and all permits issued.

B. Certificate Of Occupancy:

1. Certificate Required: It shall be unlawful to use any newly constructed or altered structure or to change or expand the use of any premises, even though no structure was constructed or altered, until the building code/zoning officer has issued a certificate of occupancy authorizing such use. The village board may authorize the building code/zoning officer to require that nonconforming uses or all previously existing uses shall maintain valid certificates of occupancy identifying them as nonconforming or permitted uses, as applicable.

2. Application For Certificate: The applicant shall notify the building code/zoning officer in writing of the date on which the use of any

new or altered structure, or the new use of any premises, will be ready to commence.

3. Fee For Certificate: The village board may establish a schedule of reasonable fees to be charged for the issuance of certificates of occupancy.

4. Issuance Or Denial Of Certificate: If the newly constructed or altered structure and the new use of premises conform with all applicable provisions of this title and all other applicable ordinances, regulations, and codes, the building code/zoning officer shall issue a certificate of occupancy authorizing the use thereof. If the structure or use fails to conform, the building code/zoning officer shall refuse to issue a certificate of occupancy and shall deliver written notice to the applicant stating the reasons for the refusal. The building code/zoning officer shall inspect a new structure, or the premises for which a new use is proposed, and shall issue or refuse a certificate of occupancy within five (5) days after the date on which the new use is ready to commence.

5. Waiver/Authority: The issuance of a certificate of occupancy by the building code/zoning officer shall not waive any provision of this title.

6. Records Kept: The building code/zoning officer shall keep a permanent file of all applications and all certificates issued.

C. Exemptions From Permit And Certificate: No zoning permit or certificate of occupancy shall be required in the following cases:

1. Recurring maintenance of structures.

2. Installation of required improvements according to an approved subdivision or planned development plat. (Amended Ord. 1972-3, 6-27-1972)

10-3-3: **CHANGES AND AMENDMENTS:**

A. Authority: Whenever the public necessity, convenience, general welfare or the evolving comprehensive plan requires, the village board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this title or amendments hereto, or approve a planned development project.

Said change or amendment shall be subject to prior review by the village planning commission.

- B. Initiation: A change or amendment may be initiated by the village board, planning commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- C. Petition For Change Or Amendment:
 - 1. Petitions for any change to the district boundaries or amendments to the regulations, other than planned development projects, shall be filed with the village clerk, shall describe the premises to be rezoned or the regulations to be amended, shall list the reasons justifying the petition, shall specify the proposed use, and have attached the following:
 - a. Plot plan drawn to a scale of one inch equals one hundred feet (1" = 100') showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two hundred feet (200') of the area proposed to be rezoned.
 - b. Owners' names and addresses of all properties lying within two hundred feet (200') of the area proposed to be rezoned. (Amended Ord. 1972-3, 6-27-1972)
 - c. Fee receipt from the village treasurer in the amount of two hundred fifty dollars (\$250.00). (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)
 - d. Additional information required by the planning commission.
 - 2. Petition for a planned development project shall be filed as a preliminary plat, as required by the planned development procedure.
- D. Public Hearing: The planning commission shall hold a public hearing upon each request listing the time, place, and changes or amendments proposed, and published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in one or more newspapers of general circulation in the village.
- E. Planning Commission Recommendation: The planning commission shall review all proposed changes and amendments within the corporate limits, and shall make its recommendation after holding a

public hearing as prescribed in subsection D of this section. (Amended Ord. 1972-3, 6-27-1972)

- F. Board Of Trustees Action: After careful consideration of the planning commission's recommendations, the village board shall vote on the passage of the proposed change or amendment. The planning commission's recommendations may only be overruled by two-thirds ($\frac{2}{3}$) of the full village board membership.
- G. Protests: In the event of a protest against such district change or amendment to the regulations of this title, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent, extending one hundred feet (100') therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto, extending one hundred feet (100') from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of the full village board membership. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

10-3-4: VIOLATION; PENALTY:

- A. Violation: It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this title. In case of any violation, the village board, building code/zoning officer, planning commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this title. (Amended Ord. 1972-3, 6-27-1972)
- B. Penalty: Any person, firm or corporation who fails to comply with the provisions of this title shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than the amount set out in section 1-4-1 of this code for each offense. Each day a violation exists or continues shall constitute a separate offense. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

1

2

3

4

5

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

ARTICLE A. BOARD OF ZONING APPEALS

SECTION:

- 10-3A-1: Board Established; Purpose
- 10-3A-2: Membership; Term; Vacancies In Office
- 10-3A-3: Officers
- 10-3A-4: Organization
- 10-3A-5: Powers
- 10-3A-6: Appeals And Applications
- 10-3A-7: Hearings
- 10-3A-8: Variations

10-3A-1: **BOARD ESTABLISHED; PURPOSE:** There is hereby established a board of zoning appeals for the village for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this title. (Amended Ord. 1972-3, 6-27-1972)

10-3A-2: **MEMBERSHIP; TERM; VACANCIES IN OFFICE:** The board of zoning appeals shall consist of seven (7) members appointed by the village board. Terms shall be for staggered five (5) year periods. Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

10-3A-3: **OFFICERS:**

- A. Chair: The chair shall be selected by the members of the board of zoning appeals from its members.
- B. Secretary: The secretary shall be selected by the members and shall be a member of the board. (Amended Ord. 1972-3, 6-27-1972)

10-3A-4: ORGANIZATION:

- A. Rules Of Procedure: The board of zoning appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this title.
- B. Meetings: Meetings shall be held at the call of the chair and shall be open to the public. The building code/zoning officer shall attend all meetings for the purpose of providing technical assistance when requested by the board.
- C. Minutes And Records: Minutes of the proceedings and a record of all actions shall be kept by the secretary showing the vote of each member upon each question, the reasons for the board's determination, and its findings of fact. These records shall be immediately filed in the office of the building code/zoning officer and shall be a public record. (Amended Ord. 1972-3, 6-27-1972)
- D. Voting: The concurring vote of four (4) members of the board shall be necessary to correct any error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

10-3A-5: POWERS: The board of zoning appeals shall have the following powers:

- A. Errors: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building code/zoning officer.
- B. Variances: To hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this title will result in practical difficulty or unnecessary hardship so that the spirit and purposes of this title shall be observed, and the public safety, welfare, and justice secured. Use variances shall not be granted.
- C. Interpretations: To hear and decide applications for interpretations of this title and the boundaries of the zoning districts.
- D. Substitutions: To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the

board permits such a substitution, the use may not thereafter be changed without application.

- E. **Unclassified Uses:** To hear and grant applications for unclassified and unspecified uses; provided, that such uses are similar in character to the principal uses permitted in the district.
- F. **Temporary Uses:** To hear and grant applications for temporary uses in any district; provided, that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, and subject to any conditions required by the board of zoning appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this title shall be required.
- G. **Appeals; Permits:** The board may reverse, affirm wholly or partly, or modify the requirements appealed from, and may issue or direct the issuance of a permit.
- H. **Assistance:** The board may request assistance from other village officers, departments, commissions and boards.
- I. **Oaths:** The chair may administer oaths and compel the attendance of witnesses. (Amended Ord. 1972-3, 6-27-1972)

10-3A-6: APPEALS AND APPLICATIONS:

- A. **Right To Appeal:** Appeals from the decision of the building code/zoning officer concerning the literal enforcement of this title may be made by any person aggrieved, or by any officer, department, board, or bureau of the village. (Amended Ord. 1972-3, 6-27-1972)
- B. **Time For Filing Appeals And Applications; Contents:** Appeals shall be filed with the secretary within forty five (45) days after the date of written notice of the decision or order of the building code/zoning officer. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time, and shall be filed with the secretary. Such appeals and applications shall include the following: (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)
 - 1. Name and address of the appellant or applicant, and all abutting and opposite property owners of record.

2. Plat of survey prepared by a registered land surveyor showing all of the information under subsection 10-3-2A of this title for a zoning permit. (Amended Ord. 1972-3, 6-27-1972)

3. Fee receipt from the village treasurer in the amount of two hundred fifty dollars (\$250.00). (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

4. Additional information required by the board of zoning appeals. (Amended Ord. 1972-3, 6-27-1972)

10-3A-7: **HEARINGS:** The board of zoning appeals shall fix a reasonable time and place for the hearing, give public notice thereof, not less than fifteen (15) nor more than thirty (30) days prior, and shall give due notice to the parties in interest and the building code/zoning officer. The planning commission shall give notice to all adjoining property owners within one hundred fifty feet (150') by certified mail at least ten (10) days prior to hearing. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

10-3A-8: **VARIATIONS:**

A. A variation shall be permitted only if the evidence, in the judgment of the board of zoning appeals, sustains each of the following:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district; and

2. That the plight of the owner was not created by the owner, and is due to unique circumstances; and

3. That the variation, if granted, will not alter the essential character of the locality.

B. For the purpose of implementing the above standards, the board of zoning appeals, in making its decision whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence that:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were strictly enforced;
 2. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
 3. The alleged difficulty or hardship has not been created by any person presently having an interest in the property, or any person through whom the applicant claims title;
 4. The granting of the variation will not be substantially detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located; or
 5. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- C. The board of zoning appeals may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this title. (Amended Ord. 1972-3, 6-27-1972)

1

2

3

4

5

CHAPTER 4

ZONING DISTRICTS AND MAP

SECTION:

- 10-4-1: Districts Established
- 10-4-2: Interpretation Of District Boundaries
- 10-4-3: Zoning Map
- 10-4-4: Zoning Of Vacated And Annexed Land

10-4-1: **DISTRICTS ESTABLISHED:** In order to classify, regulate, and restrict the locations of trades and industries, and the location of buildings designated for specified uses; to regulate and limit the height and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the village is hereby divided into six (6) classes or districts. The use, height and area regulations are uniform in each district, and said districts shall be known as:

- R-1 Single-family residential district
- R-2 Single-family residential district
- CD Conservancy district
- B-1 Business district
- M-1 Industrial district
- M-2 Industrial district

(Amended Ord. 1972-3, 6-27-1972)

10-4-2: **INTERPRETATION OF DISTRICT BOUNDARIES:**
Boundaries of the districts are hereby established as shown on the map entitled "Zoning Map, Ashkum, Illinois", dated June 27, 1972, and is a part of this title. Such boundaries shall be construed to follow: corporate limits; U.S. public land survey lines; lot or property lines; centerline of streets, highways, alleys, easements, and railroad rights of way, or such lines extended; and soil mapping unit lines, unless otherwise noted on the zoning map. (Amended Ord. 1972-3, 6-27-1972)

10-4-3: **ZONING MAP:** A certified copy of the zoning map shall be adopted and approved with the text as part of this title, and shall bear upon its face the attestation of the village president and village clerk, and shall be available to the public in the office of the village clerk. (Amended Ord. 1972-3, 6-27-1972)

10-4-4: **ZONING OF VACATED AND ANNEXED LAND:**

- A. Vacated Land: Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts. (Amended Ord. 1972-3, 6-27-1972)
- B. Annexed Land: Annexations to or consolidations with the village subsequent to the effective date hereof shall be placed in the most restrictive zoning district (R-1 residential district) unless the annexation ordinance places the land in another district. (Ord., 7-1994)

CHAPTER 5

GENERAL ZONING REGULATIONS FOR ALL DISTRICTS

SECTION:

- 10-5-1: Use Restrictions
10-5-2: Site Restrictions
10-5-3: Modifications And Exceptions

10-5-1: **USE RESTRICTIONS:**

- A. Principal Uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- B. Accessory Uses And Structures: Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
- C. Conditional Uses: Conditional uses and their accessory uses are permitted in districts as specified, but only according to the conditional use procedure in section 10-13-2 of this title. Also, any development within five hundred feet (500') of the existing or proposed rights of way of freeways, expressways, interstate and controlled access trafficways, and within one thousand five hundred feet (1,500') of their existing or proposed interchange or turning lane rights of way shall be deemed to be conditional uses. Such development shall be specifically reviewed by the village planning commission, as provided in section 10-13-2 of this title.
- D. Unclassified Or Unspecified Uses: In case of uncertainty where the building code/zoning officer is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the board of zoning appeals for an original interpretation.
- E. Temporary Uses: Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the

construction of a permanent structure are permitted while sales or construction are in progress.

- F. Performance Standards: Performance standards listed in chapter 14 of this title shall apply to all uses in all districts. (Amended Ord. 1972-3, 6-27-1972)

10-5-2: **SITE RESTRICTIONS:**

- A. Land Suitability; Soil Conditions: No land shall be used or structure erected where the land is held unsuitable for such use or structure by the planning commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the village. The planning commission, in applying the provisions of this subsection, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability, if he so desires. Thereafter, the planning commission may affirm, modify, or withdraw its determination of unsuitability.
- B. Street Frontage And Dedication:
1. All lots shall abut upon a public thoroughfare with at least thirty feet (30') of frontage unless a variance is approved.
 2. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width, and located on that side thereof from which the required dedication has not been secured.
- C. One Principal Structure Per Lot: Only one principal structure shall be located, erected or moved onto any lot or parcel of land. (Amended Ord. 1972-3, 6-27-1972)
- D. Private Sewer And Water:
1. In a district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on site sewerage disposal system designed in accordance with the local or state board of health standards.

2. In any district where a public water or public sewerage service is not available, for single-family lots, the lot width shall be no less than one hundred feet (100'), and the lot area shall be:

a. No less than twenty thousand (20,000) square feet if a septic tank or Imhoff tank followed by a subsurface seepage field is used; or

b. No less than fifteen thousand (15,000) square feet if an aerobic treatment plant complying with the requirements of the National Sanitation Foundation (NSF), standard number 40, individual aerobic wastewater treatment, is used with an approved discharge method.

3. Multi-family lots shall meet the minimum requirements for single-family lots and shall have additional land area based upon an additional _____ square feet for each living unit in excess of one. (Ord., 7-1994)

E. Reduction Of Requirements; Joint Use:

1. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this title.

2. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

F. Substandard Lots¹: Any lot in a single ownership, which ownership was of record at the effective date hereof, that does not meet the requirements of this title for yards, courts, or other area of open space may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth, or open space are within seventy five percent (75%) of that required by the terms of this title. The purpose of this subsection is to permit utilization of recorded lots which lack adequate width or depth, as long as reasonable living standards can be provided.

G. Grade Line: The grade line of all buildings shall be substantially not more nor less than one-half inch ($\frac{1}{2}$ ") above the established sidewalk grade opposite said premises (or if no sidewalk exists,

1. See also section 10-12-5 of this title.

above the top of the street curb) for each foot of setback of said buildings from the lot line. (Amended Ord. 1972-3, 6-27-1972)

H. Trailers, Mobile Homes And Modular Homes:

1. Except as provided in the following, no person shall be permitted to park or occupy any trailer, mobile home or modular home within the corporate limits of the village in any district outside an approved trailer, mobile home or modular home park. Emergency or temporary stopping of a trailer shall be allowed on any street, alley or highway for not longer than two (2) hours subject to any prohibitions, regulations or limitations imposed by the traffic regulations or laws regarding such street, alley or highway. Nowhere in the village, except in an approved trailer, mobile home or modular home park, shall the wheels of any trailer be permitted to be removed except for repair, nor shall any trailer be permitted to be otherwise permanently affixed to the ground in any manner that would prevent its removal. (Ord., 6-1994; amd. by 2007 Code)

2. At the effective date hereof, there does not exist an area zoned for an approved trailer park. The village board, however, has the authority, upon proper application, to set aside a portion of the village for the establishment of such an approved trailer park area. (Ord., 6-1994)

10-5-3: **MODIFICATIONS AND EXCEPTIONS:**

A. Building Height: The district height limitations stipulated elsewhere in this title may be exceeded, but such modification shall be in accord with the following:

Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this title.

Communications structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.

Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this title.

Public or semipublic facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, government offices and stations may be erected to a height of sixty feet (60'), provided all required yards are increased not less than one foot (1') for each foot the structure exceeds the district's maximum height requirement.

Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this title.

- B. Yards: The yard requirements stipulated elsewhere in this title may be modified as follows:

Accessory uses and detached accessory structures are permitted in the rear and side yards only; they shall not be closer than ten feet (10') to the principal structure, shall not exceed fifteen feet (15') in height, shall not occupy more than thirty percent (30%) of the rear and side yard areas, and shall not be closer than five feet (5') to any lot line.

Architectural projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard, but such projection shall not exceed three feet (3').

Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this title.

Residential fences are permitted on the property lines in residential districts and shall not be closer than two feet (2') to any public right of way.

Security fences are permitted on the property lines in all districts, but shall not exceed ten feet (10') in height and shall be of an open type similar to woven wire or wrought iron fencing.

Uncovered stairs, landings, and fire escapes may project into any yard, but not to exceed six feet (6'), and not closer than three feet (3') to any lot line.

- C. Additions: Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.
- D. Average Front Yards: The required front yards may be decreased in any residential or business district to the average of the existing front yards of the abutting structures on each side, but in no case less than fifteen feet (15') in any residential district and five feet (5') in any business district.
- E. Noise: Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this title.
- F. Agricultural Uses: Agriculture, excluding the raising of animals, is permitted in all districts until replaced by permitted uses, but shall not be carried on closer than twenty feet (20') from any lot line for adjacent property then being used as a residence. (Amended Ord. 1972-3, 6-27-1972)

CHAPTER 6
RESIDENTIAL DISTRICTS

SECTION:

- 10-6-1: Permitted Uses
- 10-6-2: Conditional Uses
- 10-6-3: Dimensions; Bulk Regulations
- 10-6-4: Special Regulations

- 10-6-1: **PERMITTED USES:** The following uses are permitted in the R-1 and R-2 residential districts:

Accessory uses.

Home occupations.

Single-family dwellings. (Amended Ord. 1972-3, 6-27-1972)

- 10-6-2: **CONDITIONAL USES:** The following conditional uses are permitted in the R-1 and R-2 residential districts: (See also chapter 13 of this title)

Multiple-family dwellings.

Public or private community facilities, such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. (Amended Ord. 1972-3, 6-27-1972)

- 10-6-3: **DIMENSIONS; BULK REGULATIONS:**

A. R-1 District:

1. Lot:

a. Minimum area: Twenty thousand (20,000) square feet.
(Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

b. Minimum width at building line: Sixty feet (60').

2. Minimum Yards:

a. Front: Twenty five feet (25').

b. Rear: Thirty feet (30').

c. Side: Ten percent (10%) of lot width.

3. Building:

a. Maximum ground coverage: Thirty percent (30%) of lot area.

b. Minimum total floor area: One thousand two hundred (1,200) square feet.

c. Maximum height: Thirty five feet (35'). (Amended Ord. 1972-3, 6-27-1972)

B. R-2 District:

1. Lot:

a. Minimum area: Twenty thousand (20,000) square feet. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

b. Minimum width at building line: Fifty feet (50').

2. Minimum Yards:

a. Front: Twenty five feet (25').

b. Rear: Thirty feet (30').

c. Side: Ten percent (10%) of lot width.

3. Building:

a. Maximum ground coverage: Thirty percent (30%) of lot area.

b. Minimum total floor area: Nine hundred (900) square feet.

c. Maximum height: Thirty five feet (35'). (Amended Ord. 1972-3, 6-27-1972)

10-6-4: SPECIAL REGULATIONS:

- A. Parking: All parking stalls required by chapter 10 of this title shall be located in the side or rear yard at least five feet (5') from all lot lines or attached to the home and conforming with required yards. Each parking stall shall be twelve feet (12') wide.
- B. Garages: Garages shall cover not more than thirty percent (30%) of the total area of side and rear yards combined.
- C. Swimming Pools¹: Swimming pools must conform to state board of health regulations, and are required to be enclosed by a security fence, and are permitted only on lots with a minimum area of ten thousand (10,000) square feet. (Amended Ord. 1972-3, 6-27-1972)

1. See also title 9, chapter 3 of this code.

C

C

C

C

C

CHAPTER 7

CD CONSERVANCY DISTRICT

SECTION:

- 10-7-1: Permitted Uses
- 10-7-2: Conditional Uses
- 10-7-3: Special Regulations

- 10-7-1: **PERMITTED USES:** The following are uses permitted in the CD conservancy district:

Agriculture and similar uses.

Conservation.

Sale of agricultural products and produce on the premises.
(Amended Ord. 1972-3, 6-27-1972)

- 10-7-2: **CONDITIONAL USES:** The following conditional uses are permitted in the CD conservancy district:

Accessory uses for adjacent districts.

Landfilling.

Public or private recreational facilities and parks.

Relocation of any watercourse.

Removal of topsoil. (Amended Ord. 1972-3, 6-27-1972)

- 10-7-3: **SPECIAL REGULATIONS:**

- A. No principal buildings for any use may be built in the conservancy district.

- B. Land under single ownership in the conservancy district may be included in computation of residential lots, yards, or other open spaces in adjacent districts. (Amended Ord. 1972-3, 6-27-1972)

CHAPTER 8

B-1 BUSINESS DISTRICT

SECTION:

- 10-8-1: Permitted Uses
- 10-8-2: Conditional Uses
- 10-8-3: Junkyards Prohibited

- 10-8-1: **PERMITTED USES:** The following are uses permitted in the B-1 business district:

Community facilities such as churches, libraries, art galleries, parks, hospitals, institutions, and government buildings.

Consumer services. Processing is permitted only if all such processing is performed as a consumer service for the customer served on the premises.

Professional, business, and government offices.

Retail sales. Processing of products is permitted only if all products are sold at retail on the premises. (Amended Ord. 1972-3, 6-27-1972)

- 10-8-2: **CONDITIONAL USES:** See chapter 13 of this title. (Amended Ord. 1972-3, 6-27-1972)

- 10-8-3: **JUNKYARDS PROHIBITED:** Junkyards are not permitted. (Amended Ord. 1972-3, 6-27-1972)

1

2

3

4

5

CHAPTER 9
INDUSTRIAL DISTRICTS

SECTION:

- 10-9-1: M-1 Industrial District
10-9-2: M-2 Industrial District
10-9-3: Special Regulations In All Industrial Districts

10-9-1: M-1 INDUSTRIAL DISTRICT:

- A. Permitted Uses: The following are uses permitted in the M-1 industrial district:

Industry.

Laboratories.

Nonretail commercial.

Offices.

- B. Conditional Uses: The following conditional uses are permitted in the M-1 industrial district:

Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. See also chapter 13 of this title.

- C. Minimum Yards:

1. Front: Fifty feet (50') from right of way of any thoroughfare.

2. All Others: Twenty feet (20') from all lot lines. (Amended Ord. 1972-3, 6-27-1972)

D. Special Regulations:

1. All processing and storage shall take place within completely enclosed buildings.
2. Storage of materials, products and goods is permitted within completely enclosed buildings, or outdoors if screened completely from public view.
3. See chapter 14 of this title for applicable performance standards. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

10-9-2: **M-2 INDUSTRIAL DISTRICT:**

- A. Permitted Uses: Same as M-1 district (subsection 10-9-1A of this chapter).
- B. Conditional Uses: Same as M-1 district (subsection 10-9-1B of this chapter). (Amended Ord. 1972-3, 6-27-1972)
- C. Minimum Yards: Same as M-1 district (subsection 10-9-1C of this chapter). (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)
- D. Special Regulations:
 1. Processing and storage may take place within buildings or outdoors if screened properly from public view. However, junkyards are not permitted.
 2. Outdoor storage of uncontained bulk materials is prohibited within twenty feet (20') of property lines.
 3. See chapter 14 of this title for applicable performance standards. (Amended Ord. 1972-3, 6-27-1972)

10-9-3: **SPECIAL REGULATIONS IN ALL INDUSTRIAL DISTRICTS:**

- A. Prohibited Uses: The following uses are prohibited in all industrial districts whether or not they meet the performance standards:

Crematories, fireworks or explosive manufacture or storage.

Dumping, reduction or other processing of garbage, dead animals, offal or refuse, except as customarily incidental to a permitted principal use.

Junk shops.

Junkyards or automobile wrecking yards.

Stockyard or slaughter of animals or fowl.

Tanning, curing, or storage of rawhides or skins. (Amended Ord. 1972-3, 6-27-1972)

- B. Restricted Uses: No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted. Such materials shall be stored, utilized, and manufactured in accordance with the applicable rules and regulations of the village and the state. Such materials shall include, but shall not be confined to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracens; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.
- C. Performance Standards: Any use established in an industrial district shall be operated in such a manner as to comply with the applicable performance standards as set forth in chapter 14 of this chapter governing noise, vibrations, smoke, toxic matter, odors, and fire and explosive hazards. No use already established on the effective date hereof shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district in which such use is located. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

1

2

3

4

5

CHAPTER 10

TRAFFIC, PARKING, LOADING AND ACCESS**SECTION:**

- 10-10-1: Traffic Visibility
- 10-10-2: Parking And Loading
 - 10-10-2-1: General Parking And Loading Regulations
 - 10-10-2-2: Additional Parking Regulations
 - 10-10-2-3: Additional Loading Regulations
 - 10-10-2-4: Schedule Of Parking, Loading And Unloading Requirements
- 10-10-3: Parking Junk Vehicles And Contractors' Equipment In Residential Districts
- 10-10-4: Driveways
- 10-10-5: Highway Access

10-10-1: TRAFFIC VISIBILITY:

- A. No obstruction such as structures, parking, or vegetation shall be permitted in any district between the heights of two and one-half feet ($2\frac{1}{2}'$) and ten feet (10') above the plane through the mean curb grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley right of way lines and a line joining points on such lines located a minimum of twenty feet (20') from their intersection.
- B. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distance establishing the triangular vision clearance space shall be increased to fifty feet (50'). (Amended Ord. 1972-3, 6-27-1972)

10-10-2: PARKING AND LOADING:

- 10-10-2-1: **GENERAL PARKING AND LOADING REGULATIONS:** The off street parking and loading provisions of this title shall apply as follows:

- A. When the intensity of use of any building, structure, or premises shall be increased through additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increases in intensity of use.
- B. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date hereof, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this title.
- C. Accessory off street parking or loading facilities which were in existence on the effective date hereof, or were provided voluntarily after such effective date, shall not hereafter be reduced below, or if already less than, shall not further be reduced below the requirements of this title for a similar new building or use.
- D. Nothing in this title shall be deemed to prevent the voluntary establishment of contiguous off street parking or loading facilities to serve any existing use of land or buildings; provided, that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.
- E. Where required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be, and shall remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off site parking facilities shall be authorized, and no zoning permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the board of zoning appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and site of the parking facilities are reasonably certain to continue, and that the off site parking facilities will be maintained at all times during the life of the proposed use or building. (Amended Ord. 1972-3, 6-27-1972)

10-10-2-2: ADDITIONAL PARKING REGULATIONS:

- A. **Passenger Automobiles Only:** Except as otherwise indicated, required accessory off street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger automobiles of patrons, occupants (or their guests), or employees of such uses.
- B. **Separate Uses, Collective Spaces:** Off street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use, and provided, that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the board of zoning appeals.
- C. **Size Of Parking Space:** Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress.
- D. **Access:** Each required off street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property or requiring a curb shall exceed a width of twenty five feet (25'). Driveways shall be at least ten feet (10') wide for one- and two-family dwellings.
- E. **Design And Maintenance:**
 - 1. **Surfacing And Bumper Guards:** All open off street parking areas, except parking spaces accessory to a single-family dwelling, shall be improved with an asphaltic concrete surface, concrete, or some comparable all weather, dustless material, and shall have appropriate bumper guards where needed.
 - 2. **Lighting:** Any lighting used to illuminate off street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
- F. **Mixed Uses:** When two (2) or more uses are located on the same zoning lot or within the same building, parking spaces equal in

number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the board of zoning appeals.

G. Uses Not Listed: For uses not listed in the schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the board of zoning appeals.

H. Location: The location of off street parking spaces in relation to the use served shall be at the following walking distances:

1. Single-family: On the same zoning lot within three hundred feet (300').

2. Multi-family: Within five hundred feet (500'). (Amended Ord. 1972-3, 6-27-1972)

3. Business and industrial districts: Within one thousand feet (1,000'). (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

10-10-2-3: **ADDITIONAL LOADING REGULATIONS:**

A. Location: All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons' capacity shall be closer than fifty feet (50') to any property in a residential district unless completely enclosed by a building wall or uniformly painted solid fence or wall, or any combination thereof, not less than six feet (6') in height.

B. Loading Area: See section 10-2-2 of this title, definition of "loading area".

C. Access: Each required off street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements and subject to approval of the building code/zoning officer.

D. Surfacing: All open off street loading berths shall be improved with a compacted macadam base, not less than seven inches (7") thick, surfaced with not less than two inches (2") of asphaltic concrete, or some comparable all weather, dustless material.

- E. Loading Requirements Separate From Parking Requirements: Space allocated to any off street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off street parking facilities or portions thereof.
- F. Space For Conditional Uses: For conditional uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use, as determined by the board of zoning appeals, shall be provided. (Amended Ord. 1972-3, 6-27-1972)

10-10-2-4: **SCHEDULE OF PARKING, LOADING AND UNLOADING REQUIREMENTS:** Off street parking and off street loading and unloading facilities shall be provided in accordance with the following schedule:

Use	Number Of Parking Spaces	Number Of Loading And Unloading Spaces
Single-family	2 per dwelling unit	None required
Multi-family	1½ per dwelling unit	None required
Motels, hotels, lodging houses	1 per lodging unit, plus 1 for each 100 square feet of retail sales or dining area	1 for each structure of 20,000 square feet of gross floor area
Commercial (except as specifically provided below)	1 per 200 square feet of gross floor area	1 for each shop over 10,000 square feet of gross floor area, plus 1 for each additional 100,000 square feet of gross floor area
Furniture, appliance stores motor vehicle sales, machinery sales, wholesale	1 per 400 square feet of gross floor area	1, plus 1 additional for each 25,000 square feet of gross floor area
Offices, banks or public administration	1 per 400 square feet of gross floor area	1 for each structure over 40,000 square feet of gross floor area, plus 1 for each additional 100,000 square feet of gross floor area
Manufacturing, warehousing	1 for each employee on the maximum working shift, plus 1 for each vehicle used in the conduct of the enterprise	1 for each structure, plus 1 for each 60,000 square feet of gross floor area over 40,000 square feet

Use	Number Of Parking Spaces	Number Of Loading And Unloading Spaces
Churches, theaters, auditoriums, and other places of assembly	1 per 5 seating spaces	1 for each structure over 100,000 square feet of gross floor area
Hospitals, rest homes, nursing homes, etc.	1 per 3 employees, plus 1 per 3 beds	1 for each 100,000 square feet of gross floor area

(Amended Ord. 1972-3, 6-27-1972)

10-10-3: PARKING JUNK VEHICLES AND CONTRACTORS' EQUIPMENT IN RESIDENTIAL DISTRICTS: All contractor's equipment or tools or junk motor vehicles shall be parked or stored in a completely enclosed structure on any residential premises except when making a delivery or rendering a service at such premises. (Amended Ord. 1972-3, 6-27-1972)

10-10-4: DRIVEWAYS: All driveways installed, altered, changed, replaced or extended after the effective date hereof shall meet the following requirements:

- A. Width: Openings for vehicular ingress and egress shall not exceed twenty four feet (24') at the street line and thirty feet (30') at the roadway.
- B. Materials For Construction: Acceptable building materials on the land owned by the taxpayers will be gravel, bitumen, or concrete. The building material used to join the existing street should be of matching or lesser types, i.e.:

Road Surface	Public Easement Area	Driveway
Improved	Gravel, bitumen, or concrete	Gravel, bitumen, or concrete
Chip or bitumen	Gravel or bitumen	Gravel, bitumen, or concrete
Gravel	Gravel	Gravel, bitumen, or concrete

- C. Location: Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing, and repair stations; garages; or public parking lots shall not be less than two hundred feet (200') from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly. (Amended Ord. 1972-3, 6-27-1972)

10-10-5: **HIGHWAY ACCESS:**

- A. Direct Private Access Prohibited: No direct private access shall be permitted to the existing or proposed rights of way of expressways nor to any controlled access arterial street without permission of the highway agency that has control jurisdiction and of the planning commission and the village board.
- B. Direct Public Or Private Access Prohibited: No direct public or private access shall be permitted to the existing or proposed rights of way of the following:
1. Freeways, interstate highways, and their interchanges or turning lanes, nor to intersecting or interchange streets within one thousand five hundred feet (1,500') of the most remote end of the taper of the turning lanes.
 2. Arterial streets intersecting another arterial street within one hundred feet (100') of the intersection of the right of way lines.
 3. Streets intersecting an arterial street within fifty feet (50') of the intersection of the right of way lines.
- C. Access Barriers: Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- D. Temporary Access: Temporary access to the above rights of way may be granted by the planning commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any condition required and shall be issued for a period not to exceed twelve (12) months. (Amended Ord. 1972-3, 6-27-1972)

C

C

C

C

C

CHAPTER 11

SIGNS

SECTION:

- 10-11-1: Intent
- 10-11-2: Permit Requirements
- 10-11-3: Signs In Residential Districts
- 10-11-4: Signs In Business Districts
- 10-11-5: Signs In Industrial Districts
- 10-11-6: Billboards

10-11-1: **INTENT:** It is the general intent of this title to prohibit signs of a commercial nature from districts in which commercial activities are barred; to limit subject matter on signs in neighborhood business districts to products, accommodations, services or activities on the premises, and to control the number, type, and area of all signs in business areas and certain other districts. Signs required or erected by governmental agencies shall be exempt from the requirements of this chapter. (Amended Ord. 1972-3, 6-27-1972)

10-11-2: **PERMIT REQUIREMENTS:**

- A. Permit Required; Exceptions: A separate permit shall be required for the erection of signs regulated in this title; except, that no permit shall be required for those signs addressed in subsections 10-11-3A and D of this chapter.
- B. Application For Permit: Each application for sign permit shall be accompanied by a drawing showing the design proposed; the size, character and color of letters, lines and symbols; method of illumination; the exact location of the sign in relation to the building and property; and the details and specifications for construction.
- C. Permit Fee; Issuance Of Permit: A fee of three dollars (\$3.00) shall accompany each application for a sign permit which will be issued by the building code/zoning officer. (Amended Ord. 1972-3, 6-27-1972)

10-11-3: **SIGNS IN RESIDENTIAL DISTRICTS:** Signs shall be permitted in the residential districts only as follows:

- A. One nonilluminated nameplate not exceeding one square foot in area for each dwelling unit indicating only name, address and occupation.
- B. One nonilluminated identification sign for multi-family dwellings and offices not exceeding five (5) square feet in area indicating only name, address, management name, and management address.
- C. One nonilluminated identification sign at each entrance to subdivisions not exceeding five (5) square feet.
- D. One nonilluminated "For Sale" or "For Rent" sign per lot not exceeding twelve (12) square feet in area not closer than ten feet (10') to adjacent zoning lots.
- E. One nonilluminated sign designating each entrance to or exit from a parking area not exceeding five (5) square feet in area, and indicating conditions of use.
- F. One nonflashing church bulletin board sign not exceeding sixteen (16) square feet in area.

Provided, that signs do not project into the public right of way, and the sign shall not be higher than eight feet (8') above curb level, and that, on a corner, two (2) signs, one facing each street, shall be permitted for subsections B, D and F of this section. (Amended Ord. 1972-3, 6-27-1972)

10-11-4: **SIGNS IN BUSINESS DISTRICTS:** Signs visible from the public way shall be permitted only when subject to the following conditions:

- A. B-1 Business District: The gross area in square feet of all signs of a business shall not exceed two (2) times the lot frontage in linear feet nor exceed thirty percent (30%) of the area of the front wall of the building. Such signs shall restrict subject matter to products, accommodations, services, or activities on the premises. The top of the signs shall not be higher than twenty feet (20') above curb level, and such signs shall be nonflashing. No business shall have more than two (2) signs.
- B. B-2 Business District: The gross area in square feet of all signs on a business shall not exceed ten (10) times the lot frontage in linear

feet. Such signs shall be nonflashing, and no business shall have more than three (3) signs. (Amended Ord. 1972-3, 6-27-1972)

10-11-5: **SIGNS IN INDUSTRIAL DISTRICTS:** Signs visible from the public way shall be permitted only when subject to the following conditions:

- A. M-1 Industrial District: The gross area in square feet of all signs on a lot shall not exceed two (2) times the lot frontage in linear feet. No firm shall have more than two (2) signs.
- B. M-2 Industrial District: The gross area in square feet of all signs on a lot shall not exceed ten (10) times the lot frontage in linear feet. No firm shall have more than two (2) signs.

Provided, that all flashing signs and illuminated signs shall be shielded from park areas and residential districts, and provided that no sign shall be within fifty feet (50') of a park or residential district. (Amended Ord. 1972-3, 6-27-1972)

10-11-6: **BILLBOARDS:** Billboards may be permitted only where allowed as a permitted use in the zoning district in which it is located. (Amended Ord. 1972-3, 6-27-1972)

1

2

3

4

5

CHAPTER 12

NONCONFORMING STRUCTURES, USES AND LAND

SECTION:

- 10-12-1: Nonconforming Structures
- 10-12-2: Nonconforming Uses
- 10-12-3: Variances
- 10-12-4: Nonconforming Signs
- 10-12-5: Substandard Lot
- 10-12-6: Zoning Permit; Certificate Of Occupancy

10-12-1: **NONCONFORMING STRUCTURES:**

- A. Maintenance: A nonconforming structure lawfully existing upon the effective date hereof may be maintained, except as otherwise provided in this chapter.
- B. Repairs: A nonconforming structure may be repaired or altered, provided no structural change shall be made.
- C. Additions, Enlargements Or Moving:
 - 1. A structure nonconforming as to use, height, yard requirements or lot area shall not be added to or enlarged in any manner unless such structure, including such addition or enlargement, is made to conform to the use, height, yard, and area requirements of the district in which it is located.
 - 2. No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the district in which it is located.
- D. Damaged Building: No building damaged by fire or other causes to the extent that its restoration will cost more than sixty percent (60%) of its fair cash value shall be repaired or rebuilt except to conform to the provisions of this title. (Amended Ord. 1972-3, 6-27-1972)

10-12-2: NONCONFORMING USES:**A. Continuation And Change Of Use:** Except as otherwise provided in this title:

1. A nonconforming use lawfully existing upon the effective date hereof may be continued.

2. A nonconforming use may be changed only to a use of the same or more restricted classification.

B. Expansion:

1. A nonconforming use in a structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.

2. A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

C. Discontinuance Of Use: Whenever a nonconforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be reestablished, and use thereafter shall conform to the provisions of this title. (Amended Ord. 1972-3, 6-27-1972)

10-12-3: VARIANCES: The board of zoning appeals may authorize, upon appeals in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done; provided, however, that no action shall be taken or decision made except after public hearing. (Amended Ord. 1972-3, 6-27-1972)

10-12-4: NONCONFORMING SIGNS: Any nonconforming billboard or advertising structure not attached to a building lawfully existing upon the effective date hereof shall be discontinued on or before ten (10) years after the effective date hereof. (Amended Ord. 1972-3, 6-27-1972)

10-12-5: **SUBSTANDARD LOT¹:** In any residential district, a one-family detached dwelling and its accessory structure may be erected on any legal lot or parcel of record which was recorded in the office of the county recorder of deeds before the effective date or amendment hereof. Such lot or parcel must have been in separate ownership from abutting lands on the effective date or amendment hereof. If abutting lands and the substandard lot are owned on that date by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this title. If in separate ownership, all the district requirements shall be complied with insofar as practical. The board of zoning appeals shall interpret the requirements to be followed in such cases upon request of the building code/zoning officer. (Amended Ord. 1972-3, 6-27-1972)

10-12-6: **ZONING PERMIT; CERTIFICATE OF OCCUPANCY:** A zoning permit shall be required for all lawful nonconforming uses of land and buildings created by adoption of this title, or a certificate of occupancy may be authorized by the village board for the building code/zoning officer to require that nonconforming uses maintain valid certificates of occupancy identifying them as nonconforming uses, as applicable. (Amended Ord. 1972-3, 6-27-1972)

1. See also subsection 10-5-2F of this title.

C

C

C

C

C

CHAPTER 13
CONDITIONAL USES

SECTION:

- 10-13-1: Definition; Categories
- 10-13-2: Conditional Uses Generally
- 10-13-3: Planned Developments

10-13-1: **DEFINITION; CATEGORIES:** "Conditional uses", as defined in section 10-2-2 of this title, are those which cannot be adequately controlled by simple preregulations through rigid dimensional and use standards. "Conditional uses" are those which require individual review by the planning commission and village board to ensure conformance with the intent of all comprehensive plan elements. Conditional uses include two (2) basic categories:

- A. Conditional Uses: Single uses or single aspects of permitted uses specifically identified in this title as requiring individual review under the conditional use procedure.
- B. Planned Development Projects: Complex projects designed to take maximum advantage of unique site characteristics and potential along with original design and use concepts and submitted for review under the planned development procedure. A trailer park or mobile home park shall be a planned development within the meaning of this chapter. (Amended Ord. 1972-3, 6-27-1972)

10-13-2: **CONDITIONAL USES GENERALLY:**

- A. Procedure: In applying for conditional use approval, the applicant shall follow all procedures set forth in section 10-3-2 of this title regarding zoning permits. The building code/zoning officer shall refer the application to the planning commission, and the planning commission shall hold a public hearing on the application. The planning commission may approve, modify, or disapprove the

application. In the case of approval or approval with modification, the planning commission shall issue written authorization to the building code/zoning officer to issue a zoning permit in full conformance with said section 10-3-2. This authorization shall remain on permanent file with the application. The planning commission may attach special conditions to ensure conformance with the intent of all comprehensive plan elements. The village board may establish a schedule of reasonable fees to be charged for conditional use approval. (Amended Ord. 1972-3, 6-27-1972)

- B. Conditional Uses In All Districts: The following are designated as conditional uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, television, and microwave relay towers, water reservoirs or pumping stations, sanitary landfills, government buildings, transportation facilities, and similar uses. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)
- C. Specified Conditional Uses In Districts: Other conditional uses may be approved in only those zoning districts where they are designated as conditional uses under the zoning district regulations. (Amended Ord. 1972-3, 6-27-1972)
- D. Multi-Family Dwellings: Notwithstanding anything else in this title to the contrary, a conditional use may not be granted in any district for a multi-family dwelling use, unless the following have been complied with:
 - 1. Plans for a private sewage system for a multi-family dwelling shall meet the more restrictive requirements of the local health boards or the Illinois department of public health's private sewage disposal licensing act and code booklet.
 - 2. Land shall be set aside on the lot to install a complete new sewage system in the event of the original system failure. The set aside land can be next to or behind the original sewage system.
 - a. The second system cannot be placed in between the principle building and original system or over the original system.
 - b. No driveway, parking area, permanent or temporary structure shall be allowed upon the original system or set aside land.

3. Plans for the set aside land shall be indicated on the plot plan submitted to the zoning officer.

4. The set aside land shall not later be sold or title transferred separate from that upon which the main building reposes. (Ord. 1997-98-4, 2-2-1998)

10-13-3: PLANNED DEVELOPMENTS:

A. Intent: The planned development procedure is intended to provide a single uniform procedure for total review of a proposed development, both design and use. The procedure combines the design/review procedure of subdivision approval and the use/review procedure of zoning amendment, and enables the planning commission and village board to review all aspects of a proposed development simultaneously to permit greater flexibility and originality in concept according to the intent of comprehensive plan elements, and still to exercise greater final control over the approved development than is possible through preregulated zoning districts.

B. Standards:

1. Design Standards: Because the design standards for use, dimensions, density, and qualitative attributes are subject to evolution through continuous plan review, they are not included as an integral part of the unchanging planned development procedure. This title refers to the officially adopted policies, detailed area plans, and all other elements of the evolving comprehensive plan for the standards to guide the approval of planned development projects. A planned development project may depart from conformance with the dimension, area, and use regulations for the standard zoning districts, and from conformance with the design standards in the subdivision regulation ordinance. However, a planned development project shall conform with all applicable elements of an officially adopted comprehensive plan.

2. Required Improvements: Planned development projects shall be subject to the regulations governing required improvements found in such subdivision regulation ordinance as may be in effect from time to time¹.

1. See title 11, chapter 6 and section 11-8-1 of this code.

3. Traffic, Parking, Loading And Access: Planned development projects shall be subject to the regulations for traffic, parking, loading, and access of this title (chapter 10 of this title).

4. Special Conditions: The planning commission and village board may attach special conditions to approval of the final plats to ensure conformance with the intent of all official plan elements.

C. Procedure:

1. Generally: A planned development project may be permitted only by amendment to the zoning map according to the amendment procedure found in section 10-3-3 of this title. For procedural purposes, a planned development project shall be treated as a subdivision.

2. Preliminary Plat: A preliminary plat of the planned development project shall be submitted. It is recommended that this submission be preceded by preapplication conferences to determine whether the developer's intent agrees with the intent expressed by all comprehensive plan elements. Additional supporting material for the preliminary plat shall include:

a. Explanation of the character of the planned development and the manner in which it has been planned to take advantage of the flexibility of these regulations.

b. Statement of present and proposed ownership of all land within the project.

c. Development schedule indicating stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.

d. Approximate dates for beginning and completion of each stage.

e. Agreements, provisions or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.

3. Amendment To Zoning Regulations: The amendment procedure established in section 10-3-3 of this title shall be initiated after

conditional approval of the preliminary plat by the planning commission. Under this procedure, the zoning map may be amended to designate the location proposed in the preliminary plat as a planned development district superseding the original zoning district. The amendment shall be in conformance with all comprehensive plan elements. The planned development district shall be valid only for that preliminary plat and supporting material upon which the amendment was based. All supporting material shall remain on file with the preliminary plat.

4. Final Plats: If the amendment is approved, final plats shall be prepared for each stage according to the development schedule. The final plat and supporting material shall show in detail the design and use of all the buildings and overall land development plans, as well as such other information the planning commission may require for the complete consideration of the project. The final plats shall conform to the preliminary plat and supporting material; except, that the planning commission and the village board may approve minor changes without public hearing at this time which do not change the content or intent of the development. Major changes, i.e., density, height of buildings, reduction of proposed open space, changes in the financing, development schedule, or final governing agreements, provision, or covenants, or resubdivision, may be approved only by submission of a new preliminary plat or applicable supporting material followed by the amendment procedure.

5. Continuing Control: The planned development project shall be developed only according to the approved and recorded final plat and all supporting material. The recorded final plat and supporting material, together with all recorded amendments, shall be binding on the applicants, their successors, and assigns and shall limit and control the uses of premises and locations of structures in the planned development project. Minor changes in the final plat during or after construction shall be accompanied by submission of a new preliminary plat followed by the amendment procedure. The village board shall consider the planned development amendment subject to revocation if construction falls more than one year behind schedule.

6. Fees And Permits:

a. The village board may establish a schedule of reasonable fees to be charged for plat review.

b. Zoning permits shall be required for each structure according to section 10-3-2 of this title. The building code/zoning officer shall

base issuance upon conformance with the final plat and supporting material. (Amended Ord. 1972-3, 6-27-1972)

CHAPTER 14
PERFORMANCE STANDARDS

SECTION:

- 10-14-1: Noise
- 10-14-2: Earthborn Vibration
- 10-14-3: Smoke And Particulate Matter
- 10-14-4: Toxic Matter
- 10-14-5: Odorous Matter
- 10-14-6: Fire And Explosion Hazards
- 10-14-7: Enforcement

10-14-1: NOISE¹:

- A. General Requirements: In industrial districts, any use established after the effective date hereof shall meet the performance standards for noise, described as follows:
1. For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed.
 2. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short durations, as from forge hammers, punch presses, and metal shears which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer.
 3. Octave band analyzers calibrated in the preferred frequencies (American Standards Association S1.6-1960. Preferred Frequencies For Acoustical Measurements) shall be used with tables marked "Preferred Frequencies". Octave band analyzers calibrated with

1. See also subsection 7-1-8C of this code.

pre-1960 octave bands (American Standards Association Z24, 10-1953, Octave Band Filter Set) shall use tables marked "Pre-1960 Octave Bands".

4. The following uses and activities shall be exempt from the noise level regulations:

a. Noises not directly under the control of the property user.
(Amended Ord. 1972-3, 6-27-1972)

b. Noises emanating from construction and maintenance activities between seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

c. The noises of safety signals, warning devices, and emergency pressure relief valves.

d. Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.

- B. M-1 Industrial District: At no point beyond a lot line of any lot in the M-1 industrial district shall the sound pressure level resulting from any use on that lot exceed the maximum permitted decibel levels for the designated octave bands as set forth in tables I and II below.

TABLE I - PREFERRED FREQUENCIES

<u>Center Frequency, Cycles Per Second</u>	<u>Maximum Permitted Sound Pressure Level, Decibels</u>
31.5	76
63	71
125	65
250	57
500	50
1,000	45
2,000	39
4,000	34
8,000	32

(Amended Ord. 1972-3, 6-27-1972)

TABLE II - PRE-1960 OCTAVE BANDS

<u>Octave Band, Cycles Per Second</u>	<u>Maximum Permitted Sound Pressure Level, Decibels</u>
20 - 75	72
76 - 150	67
151 - 300	59
301 - 600	52
601 - 1,200	46
1,201 - 2,400	40
2,401 - 4,800	34
4,801 - 10 KC	32

(Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

Impact noises, as measured on the impact noise analyzer, shall not exceed eighty (80) decibels at any point beyond a lot line of any lot in the M-1 district.

Between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., the decibel values tabulated above shall be reduced by six (6) decibels when measured in a residence district.

- C. M-2 Industrial District: At no point beyond a lot line of any lot in the M-2 industrial district shall the sound pressure level resulting from any use on that lot exceed the maximum permitted decibel levels for the designated octave bands, as set forth in tables I and II below.

TABLE I, PREFERRED FREQUENCIES

<u>Center Frequency, Cycles Per Second</u>	<u>Maximum Permitted Sound Pressure Level, Decibels</u>
31.5	83
63	78
125	72
250	64
500	57
1,000	51
2,000	46
4,000	41
8,000	38

(Amended Ord. 1972-3, 6-27-1972)

TABLE II, PRE-1960 OCTAVE BANDS

<u>Octave Band, Cycles Per Second</u>	<u>Maximum Permitted Sound Pressure Level, Decibels</u>
20 - 75	79
76 - 150	74
151 - 300	66
301 - 600	59
601 - 1,200	53
1,201 - 2,400	47
2,401 - 4,800	41
4,801 - 10 KC	39

(Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

Impact noises, as measured on the impact noise analyzer, shall not exceed eighty six (86) decibels at any point beyond a lot line of any lot in the M-2 district.

Between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., the decibel values tabulated above shall be reduced by twelve (12) decibels when measured in a residence district.
(Amended Ord. 1972-3, 6-27-1972)

10-14-2: **EARTHBORN VIBRATION:**

- A. In any industrial district, no use shall cause or create earthborn vibrations in excess of the displacement values given in subsection D of this section.
- B. Measurements shall be made at or beyond the adjacent line or the nearest residence district boundary line, as described below. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneous measuring in three (3) mutually perpendicular directions.
- C. The maximum permitted displacements shall be determined in each district by the following formula:

$$D = \frac{K}{f}$$

where D = displacement in inches.

K = a constant to be determined by reference to the tables below.

f = the frequency of the vibration transmitted through the ground, cycles per second.

- D. The maximum earth displacement permitted at the points described below shall be determined by use of the formula in subsection C of this section and the appropriate K constant shown in table I. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

TABLE I
VALUES OF K TO BE USED IN VIBRATION FORMULA

Location		K
On or beyond any adjacent lot line	Continuous	0.008
	Impulsive	0.015
	Less than 8 pulses per 24 hour period	0.037
On or beyond any residence district boundary line	Continuous	0.003
	Impulsive	0.006
	Less than 8 pulses per 24 hour period	0.015

(Amended Ord. 1972-3, 6-27-1972)

10-14-3: SMOKE AND PARTICULATE MATTER:

A. General Requirements:

1. The emission of smoke or particulate matter in such manner or quantity as to endanger or be detrimental to the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall not be permitted in any industrial district.

2. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann chart described in the U.S. bureau of mines information circular 6888 shall be employed. The emission of smoke

or particulate matter of a density or equivalent opacity greater than no. 1 on the Ringelmann chart is prohibited at all times except as otherwise provided hereinafter.

3. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and the like, within the lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, wetting or other acceptable means.

4. The open burning of refuse, paint, oil, debris and any other combustible material is prohibited in all industrial districts.

5. No operations shall result in the emission into the open air from any process or control equipment, or in the measurement at any convenient measuring point, of gases that exceeds 0.60 pounds per thousand pounds of gases during any one hour.

6. Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate. (Amended Ord. 1972-3, 6-27-1972)

B. M-1 Industrial District: The following shall apply in the M-1 industrial district: (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

1. The emission of smoke having a density or equivalent opacity in excess of Ringelmann no. 1 is prohibited. However, for two (2) minutes in any four (4) hour period, smoke up to and including Ringelmann no. 2 shall be permitted.

2. The rate of emission of particulate matter from all vents and stacks within the boundaries of any lot shall not exceed 0.2 pounds per acre of lot area during any one hour. (Amended Ord. 1972-3, 6-27-1972)

C. M-2 Industrial District: The following shall apply in the M-2 industrial district: (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

1. The emission of smoke having a density or equivalent opacity in excess of Ringelmann no. 2 is prohibited. However, for two (2) minutes in any four (4) hour period, smoke up to and including Ringelmann no. 3 shall be permitted.

2. The rate of emission of particulate matter from all stacks and vents within the boundaries of any lot shall not exceed one pound

per acre of lot area during any one hour. (Amended Ord. 1972-3, 6-27-1972)

10-14-4: **TOXIC MATTER:** The following shall apply in the M-1 and M-2 industrial districts:

- A. The release of airborne toxic matter (including radioactive matter) shall not exceed one-thirtieth ($\frac{1}{30}$) of the maximum permissible concentration allowed an industrial worker when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous twenty four (24) hour period.
- B. If a toxic substance is not contained in the most recent listing of threshold limit values published by the American Conference of Governmental Industrial Hygienists, the applicant shall satisfy the local county health department that the proposed levels will be safe to the general population. (Amended Ord. 1972-3, 6-27-1972)

10-14-5: **ODOROUS MATTER:**

- A. General Requirements: The release of materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, shall meet the standards of the district in which the odor is created.
- B. M-1 Industrial District: When odorous matter is released from any operation, activity, or use in the M-1 industrial district, the concentration of such odorous materials shall not exceed the odor threshold when measured beyond the lot line, either at ground level or habitable elevation. (Amended Ord. 1972-3, 6-27-1972)

10-14-6: **FIRE AND EXPLOSION HAZARDS:**

- A. General Requirements: In all industrial districts, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided either of the following conditions is met:

1. Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected with an automatic fire extinguishing system.

2. Said material, if stored outdoors, will be no less than fifty feet (50') to the nearest lot line. (Amended Ord. 1972-3, 6-27-1972)

- B. M-1 Industrial District: The storage, utilization, or manufacture of flammable liquids in the M-1 industrial district shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Flammable liquid and gas storage tanks shall not be less than fifty feet (50') from all lot lines. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED
(In Gallons)

	Aboveground	Underground
Materials having a closed cup flash point over 187°F., but less than 300°F.	20,000	100,000
From and including 105°F. to and including 187°F.	10,000	100,000
Materials having a closed cup flash point of less than 105°F.	3,000	100,000

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed thirty (30) times the quantities listed above. (Amended Ord. 1972-3, 6-27-1972)

- C. M-2 Industrial District: The storage, utilization, or manufacture of flammable liquids in the M-2 industrial district shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Flammable liquid and gas storage tanks shall not be less than fifty feet (50') from all lot lines. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED
(In Gallons)

	Aboveground	Underground
Materials having a closed cup flash point over 187°F., but less than 300°F.	200,000	Unrestricted
From and including 105°F. to and including 187°F.	100,000	Unrestricted
Materials having a closed cup flash point of less than 105°F.	50,000	Unrestricted

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed thirty (30) times the quantities listed above.

SOURCE: Polytechnic Inc., Chicago, Illinois
(Amended Ord. 1972-3, 6-27-1972)

10-14-7: ENFORCEMENT:

A. Compliance With Provisions:

1. Any use established in an industrial district shall be operated in such a manner as to comply with the applicable performance standards as set forth governing noise, vibration, smoke, toxic matter, odors, and fire and explosive hazards. (Amended Ord. 1972-3, 6-27-1972; amd. by 2007 Code)

2. No use already established on the effective date hereof shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district in which such use is located.

B. Zoning Permit:

1. The application for a zoning permit for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products; and specifications for the

mechanisms and techniques to be used in meeting the performance requirements.

2. The village board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant. Established uses found to be in noncompliance will be liable for inspection fees and costs. In the event no due cause is found, the challenger will be liable for the fees and costs. (Amended Ord. 1972-3, 6-27-1972)