



VILLAGE OF THOMASBORO

ZONING & PLANNING CODE

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SECTION I – GENERAL PROVISIONS

A. Severability

If any court of competent jurisdiction shall declare any part of this Code to be invalid, such ruling shall not affect any other provisions of this Code not specifically included in the ruling.

B. Definitions

Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning indicated. Any word or term not part of this list of definitions shall have its usual definition.

- (1) “Access” means egress and /or ingress.
- (2) “Accessory building” means a building on the same lot with the main or principal structure, or the main or principal use, either detached from or attached to the main or principal structure, and is subordinate to and used for purposes customarily incidental to the main or principal structure, or the main or principal use.
- (3) “Accessory structure” means a structure on the same lot with the main or principal structure, or the main or principal use, either detached from or attached to the main or principal structure, and is subordinate to and used for purposes customarily incidental to the main or principal structure or the main or principal use.
- (4) “Accessory use” means a use on the same lot customarily incidental and subordinate to the main or principal use or main or principal structure.
- (5) “Agriculture” means the growing, harvesting, and storing of crops including legumes, hay, grain, fruit, and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairy, poultry, swine, sheep, beef cattle, pony, and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of agriculture all types of agricultural operations, but to exclude industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.
- (6) “Alley” means a permanent service right-of-way which affords only a secondary means of access to property abutting such right-of- way and is not intended for general traffic circulation.

- (7) "Alteration" means any change in the bearing wall, columns, beams, roof, girders, or supporting member of a structure, any change or rearrangement, in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height.
- (8) "Building" means an enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter or enclosure of persons, animals, and chattels.
- (9) "Building, attached" means a building having two (2) walls in common with other buildings.
- (10) "Building, detached" means a building having no walls in common with other buildings.
- (11) "Building, semi-detached" means a building having one (1) wall in common with another building.
- (12) "Building, main or principal" means the building in which is conducted the main or principal use of the lot on which it is located.
- (13) "Collector street" means county highways and urban arterial streets.
- (14) "Construction" means the excavation of earth to provide for a foundation, basement or cellar; and/or, the addition to or removal from a lot or tract of land of earth or water so as to prepare said lot or tract of land for the construction of a structure: and/or, the act of placing or affixing a component of a structure upon the ground or upon another such component; and/or, the placing of construction materials in a permanent position and fastening in a permanent manner; and/or, the demolition, elimination, and/or removal of an existing structure in connection with such construction.
- (15) "Dwelling" means a building designated for residential living purposes and containing one (1) or more dwelling units and/or lodging units.
- (16) "Dwelling unit" means one (1) or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one (1) family and not more than two (2) roomers or boarders, and which contain a stove, sink, and other kitchen facilities.
- (17) "Dwelling, single family" means a dwelling containing one (1) dwelling unit.
- (18) "Dwelling, two family" means a dwelling containing two (2) dwelling units with one (1) dwelling unit arranged on the same story or in stories above the other dwelling unit.
- (19) "Dwelling, multi-family" means a dwelling containing three (3) or more dwelling units.
- (20) "Egress" means the way over which traffic moves to a street or alley from the property abutting such street or alley and the way over which traffic moves to a major street from a minor street or alley.
- (21) "Establishment" means a business, retail, office, or commercial use. When timed in the singular this term shall be construed to mean a single use, building, structure, or premises of one (1) of the types here noted.

- (22) "Family" means
- (a) An individual; or
 - (b) Two (2) or more persons related by blood, marriage, or adoption; or
 - (c) Three (3) persons not so related; or
 - (d) Two (2) or more persons related by blood, marriage, or adoption and not more than one other person not so related;
 - (e) Together with his, her, or their domestic servants and gratuitous guests maintaining common household in a dwelling unit or lodging unit.
- (23) "Frontage" means that portion of a lot abutting a street or alley.
- (24) "Habitable" means that a structure (including manufactured home) is reasonably suited for its intended use.
- (25) "Home occupation" means any occupation or profession for gain or support carried on by a member or members of the immediate family residing on the premises, including grain seed sales; in connection with which there is used no sign other than a name plate not more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a residential building; and in which not more than one person is employed other than the member of the immediate family residing on the premises; and no mechanical equipment is used that is objectionable to the neighborhood or creates a nuisance.
- (26) "Hotel" means a building containing separate accommodations for use by primarily transient persons. A hotel may contain restaurants, barber shops, and other accessory services for serving primarily its residents and only incidentally the public.
- (27) "Ingress" means the way over which traffic moves from a street or alley to the property abutting such street or alley and the way over which traffic moves from a major street to a minor street or alley.
- (28) "Junk yard" or "automobile salvage yard" means a lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.
- (29) "Kennel" means a lot or premises on which six (6) or more dogs or six (a) or more cats (or any combination thereof) at least six (6) months of age are kept, boarded, bred or retained, for compensation; or a lot or premises on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation.

- (30) "Lot," when used alone, means a zoning lot unless the context of this language clearly indicates otherwise.
- (31) "Lot, corner" means a lot located:
- (a) At the junction of and abutting two (2) or more intersection streets; or
 - (b) At the junction of and abutting a street and the nearest shoreline or high-water line of a storm or floodwater runoff channel or basin; or
 - (c) At and abutting the point of abrupt change of a single street where the interior angle is less than one hundred and thirty-five (135) degrees and the radius of the street is less than one hundred (100) feet.
- (32) "Lot, interior" means a lot other than a corner lot.
- (33) "Lot line, front" means the line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as a front line, provided that where the length of a shorter street line is less than eighty percent (80%) of the length of the longer street line, the shorter street line shall be considered as the front lot line.
- (34) "Lot line, rear" means the lot line opposite the front lot line. In the case of an irregular, triangular or gore-shaped lot, it shall mean a line within the lot, a minimum of ten (10) feet long and parallel to and at the maximum distance from the front lot line.
- (35) "Lot, width" means the width of a lot shall be considered the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the distance between the side of lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width.
- (36) "Major street" means federal or state highways.
- (37) "Manufactured home" means any structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The presence of a red metal label for the National Manufactured Home Construction and Safety Standards on the rear of each towable unit shall be prima facie evidence that the unit is a Manufactured Home, constructed in accordance with the standards established by the Department of Housing and Urban Development (HUD). All Manufactured Homes within the Village of Thomasboro must be installed on a permanent foundation.

- (38) “Manufactured home park” means a designated contiguous parcel of land planned and improved for the placement of five (5) or more manufactured homes.
- (39) “Manufactured home park service building” means a permanent structure housing laundry, recreation, office, sanitation, or other community facilities as is required in manufactured home parks for use by manufactured home park occupants.
- (40) “Manufactured home site” means a designated parcel of land in a manufactured home park intended for the placement of an individual manufactured home for the exclusive use of its occupants.
- (41) “Minor street” means township roads and other local roads.
- (42) “Modular home” means a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site for installation, or assembly and installation, on the building site, with a permanent foundation. The construction of a modular home is regulated by the Illinois Department of Public Health. The presence of a yellow seal on the electrical panel box of the home or on the inside of the kitchen sink cabinet shall be prima facie evidence that the unit is a modular home.
- (43) “Motel” means a building or a group of buildings, whether detached, semi-detached, or attached, containing accommodations for primarily transient automobile travelers. The term “motel” includes such buildings designated as tourist courts, tourist cabins, motor lodges and other similar terms.
- (44) “Non-conforming lot/structure/use” means a lot, structure, or use which does not conform to the regulations and standards of the district in which it is located.
- (45) “Owner” or “ownership” means an individual, firm, association, syndicate, partnership, corporation, company, organization, trust, or any other legal entity having a proprietary interest in a use, structure, premises, lot, or tract of land.
- (46) “Parking garage/lot” means a lot, court, yard, or portion thereof used for the parking of vehicles containing one or more parking spaces together with means of ingress and egress to a public way.
- (47) “Parking space” means a space accessory to a use or structure for the parking of one (1) vehicle, the size of which shall be nine feet by twenty feet (9' x 20').
- (48) “Person” includes a firm, association, organization, partnership, company or corporation as well as an individual. Present tense includes the future tense, the singular number includes the plural, the plural number includes the singular and the masculine includes the feminine. The

word “shall” is mandatory, and the word “may” is permissive. The words “used” or “occupied,” include the words “intended,” “designed,” or “arranged to be used,” or “occupied

- (49) “Plat” means a map plan or layout showing the subdivision of land and indicating the location and boundaries of individual lots.
- (50) “Property” means the general term denoting, either singularly or in combination, an area, lot, parcel, tract, plot, unit, or otherwise designated portion of land.
- (51) “Right-of-way” means the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (52) “School” means a building or group of buildings, and all associated structures, facilities, and grounds in and on which instruction is given.
- (53) “Screen planting” means a vegetative material of sufficient height and density to filter adequately from view, in adjoining districts, structures, and uses on the premises upon which the screen planting is located.
- (54) “Setback line” means the building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between a line of a structure located on the lot and the nearest street right-of-way line.
- (55) “Sidewalk” means that paved portion of the right-of-way designed and intended for the movement of and use of pedestrian traffic.
- (56) “Sign” means any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (57) “Special use” means a use which may be permitted in a. District pursuant to, and in compliance with, procedures specified herein. A planned unit development shall be considered a special use.
- (58) “Street” means a thoroughfare within the right-of-way which affords the principal means of access to abutting property. “Street” designates an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or other appropriate names. “Streets” are identified on the official zoning map according to type of use, and generally as follows:
- (59) “Structure” means anything erected with a fixed location on the surface of the ground or affixed to some tiling having a fixed located on the surface of the ground. Among other things, “structure” includes buildings, walls, fences, billboards, and signs.
- (60) “Subdivision” means any division, development, or re-subdivision of any part, lot, area, or tract of land by the owner or agent, either by lots or by metes and bounds, into lots two (2) or

more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant streets, alleys, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or owners within the tract subdivided. The division of land for agricultural purposes not involving any new street, alley, or other means of access, shall not be deemed a subdivision for the purpose of the regulations and standards of this Zoning and Planning Code.

- (61) "Theatre" means a building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.
- (62) "Trailer" means mobile homes, travel trailers, camping trailers, self-propelled camper trailers, and truck campers.
- (63) "Travel Trailer" means a vehicle designed for recreational use and which cannot be defined as a manufactured home under the terms of this Zoning and Planning Code.
- (64) "Use" means the specific purpose for which land, a structure or premises, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
- (65) "Variance" means a deviation from the regulations or standards adopted by this Zoning and Planning Code which the Board of Appeals is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure, or premises for which the variance is sought.
- (66) "Yard" means an open space, other than a court, of uniform width or depth on the same lot with a structure, lying between the structure and the nearest lot line and is unoccupied and unobstructed from the surface of the ground upward—except, as may be specifically provided by the regulations and standards herein.
- (67) "Yard, front" means a yard extending the full width of a lot and situated between the front lot line and the nearest line of a principal structure located on the lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line, both such yards shall be classified as front yards. (See Section 2.D.)
- (68) "Yard, rear" means a yard extending the full width of a lot and situated between the rear lot line and the nearest line of a principal structure located on said lot.
- (69) "Yard, side" means a yard situated between a side lot line and the nearest line of a principal structure located on said lot and extending from the rear line of the required front yard to the front line of the required rear yard. The street side of a corner lot shall have a minimum setback of fifteen (15) feet, in all districts including any accessory buildings.

SECTION II – GENERAL ZONING

A. Official Zoning Map

(1) Provisions for Official Zoning Map.

The Village is divided into districts as shown on the official zoning map, which together with all explanatory matter, is adopted by this reference and incorporated and made a part of this Zoning and Planning Code.

(2) Changes to Official Zoning Map.

If, in accordance with the provisions of this Zoning and Planning Code and Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14, changes are made in district boundaries or other matter portrayed on the official zoning map by disannexation or by amendment, such changes shall be made promptly after the amending ordinance authorizing such changes has been approved by the Village Board.

(3) Authority of the Official Zoning Map.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the Village Clerk shall be the final authority as to the current zoning status of land and water areas and structures in the Village.

B. Construct and Use

(1) No structure or land shall hereafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended, or moved unless in conformity with all the regulations and standards herein specified for the district in which it shall be located.

(2) No accessory use shall be established prior to the establishment of the main or principal use, and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment or construction of the main or principal structure except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principal structure.

(3) No structure shall be constructed or erected on a lot or tract of land, or moved to a lot or tract of land, which does not abut a public street, or permanent easement of access to a public street. Such easement shall have a minimum width of twenty (20) feet unless an easement of less width was on record prior to the effective date of this Zoning and Planning Code.

(4) The regulations, standards, rules, requirements, provisions, and restrictions set by this Zoning and Planning Code shall apply to all structures, uses, lots, and tracts of land created or

established after the effective date of this Zoning and Planning Code and shall not be deemed to require any change in the structures, uses, lots, and/or tracts of land lawfully existing on the effective date of this Zoning and Planning Code except as expressly specified hereinafter.

C. Setback Line

All buildings and all main or principal structures shall be positioned in conformance with the setback line regulations and standards specified for the district in which they are located.

(1) Yards

- (a) The following yard regulations and standards shall apply to all lots or tracts of land on which a structure is located:
- (b) Yards shall be kept unobstructed for their entire depth except as specified otherwise.
- (c) Private driveways, service drives, easements, sidewalks, flag poles, arbors, trellises, fences, light poles, hydrants, uncovered patios, and decorative, recreational, and utility-owned apparatus may be placed in any required yard.
- (d) Agriculture may be carried on in any yard except as otherwise provided.

(2) Interior Lot

Fences, shrubs, and/or hedges may be placed in any yard, or along the edge of any yard, provided that no such fence, shrub or hedge, except, in the case of a junk yard or automobile salvage yard, situated along the sides and/or front edge of an interior lot shall exceed the height of three (3) feet within ten (10) feet of the front lot line.

(3) Corner Lot

On a corner lot nothing shall be constructed, erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between the height of three (3) feet and ten (10) feet above the center-line grades of the intersecting streets in an area bounded by the street right-of-way lines of such corner lot and a straight line joining points along said street right-of-way lines fifty (50) feet from the nearest point of intersection beyond such fifty (50) foot limits.

D. Area, Open Space and Height

In each zone district, each structure erected or altered shall comply with the area and yard specified, except that in the area bounded by the Illinois Central Railroad on the West, Central Avenue on the South, Church Street on the East, and the Northernmost point of Lincoln Street extended, on the North, there shall be no lot area restriction. No open space or lot required for a structure shall, during its life, be occupied by or counted as open space required for another structure.

E. Exemptions from Regulations and Standards

- (1) The following structures and uses are exempted by this Code and permitted in any district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distribution equipment for telephone or other communications, electric power, gas, water and sewer lines; provided that that the installation shall conform where applicable, to the rules and regulations of the Illinois commerce commission, the civil aeronautics administration, and other public authorities having jurisdiction; and agriculture except buildings and structures used for agricultural purposes shall be required to conform to setback lines. In the event that land and structures cease to be used for agricultural purposes, then and only then shall the remaining provisions of the Zoning and Planning Code apply.
- (2) Private swimming pools shall be totally enclosed by a chain link or other type of fence providing similar protection from intrusion. Such fence shall not be less than four (4) feet in height and may enclose the pool area only, or, it may enclose up to and including the entire premises upon which the pool is situated.

SECTION III – PRINCIPAL USES/STANDARDS OF DISTRICTS

General Intent of Zoning Districts

(1) A, Agriculture

The A, agriculture district is intended to protect the areas of the Village where conditions are best adapted to the pursuit of agricultural uses.

(2) R-1, Single-Family Residences

The R-1, single family residences district is intended to provide areas for single family detached dwellings, set on building lots.

(3) R-2, Multi-Family and Modular Residences

The R-2, multi-family and modular residences district is intended to provide areas for single family and multiple family dwellings set in a modular home set in a medium density housing environment, as well as R-1 uses.

(4) R-3, Manufactured Homes

The R-3, manufactured homes district is intended to accommodate manufactured homes set in a medium density housing environment, as well as R-1 and R-2 uses.

(5) B-1, Neighborhood Businesses

The B-1, neighborhood businesses district is intended to accommodate a range of commercial uses, as well as R-1 and R-2 uses.

(6) B-2, General Commercial

The B-2, general commercial uses district is intended to accommodate a range of commercial uses, to include B-1, as well as R-1 and R-2 uses.

(7) I, General Industry

The I, general industry district is established to provide for manufacturing and industrial uses, including but not limited to research, storage, manufacturing and warehouse facilities.

(8) P, Public Use

The P, public use district is established to provide for parks, recreational areas, schools, hospitals, library, cemetery, fairgrounds, public offices and other non-industry public structures.

ZONING SCHEDULE				
DISTRICT	LOT AREA	FRONT YARD DEPTH	SIDE YARD WIDTH	REAR YARD DEPTH
R-1	10,800 sq. ft.	25 ft.	5 ft.	10 ft.
Single-Family Dwellings, Churches, Parks				
R-2	8,000 sq. ft.	25 ft.	5 ft.	10 ft.
Multi-Family Dwellings, Rest homes, Modular Homes, R-1 uses				
R-3	8,000 sq. ft.	25 ft.	5 ft.	10 ft.
Mobile Homes, Modular Homes, Duplexes, R-1 and R-2 uses				
B-1	8,000 sq. ft.	NONE	NONE	10 ft.
Neighborhood Business: Grocery store, supermarket, bank savings & loan, day care facility, tavern, beauty/barber shop, car wash, retail sale of appliances and propane gas, restaurant, bookkeeping and accounting services, custom lettering and graphics, heating/air conditioning and electrical sales, service, installation and repair, plumbing and heating, neon sign, professional dry cleaning and laundry, retail of portable buildings, carports and awnings, retail of crafts and sewing products and services, manufacture and wholesale and retail sale of furniture from wood products, convenient store to include retail sale of gasoline, retail sale and purchase of new and used firearms R-1, R-2 and R-3 uses				
B-2	8,000 sq. ft.	NONE	NONE	NONE
General Business Automobile Dealership R-1, R-2, R-3 and B-1 uses				
I	NONE	NONE	NONE	NONE
Industrial: Grain elevator, truck terminal, salvage yard, manufacturing, automobile supply and repair shop				
P	NONE	NONE	NONE	NONE
Public Uses				
A	NONE	NONE	NONE	NONE
Agricultural				

SECTION IV – MANUFACTURED HOMES/MANUFACTURED HOME PARKS

- A. Effective January 1, 2012, no manufactured home may be brought into the corporate limits of the Village of Thomasboro.
- B. No manufactured home parks are permitted within the corporate limits of the Village of Thomasboro.

SECTION V – ACCESSORY STRUCTURES / USES

Accessory structures and uses customarily incidental to the main or principal structures are permitted in all districts. In addition, the following standards for accessory structures and uses shall apply:

A. Home Occupations

Home occupations as defined in Section 1.B.(25), are permitted as an accessory use in any home.

B. Yards for Detached Accessory Buildings and Structures

- (1) Yards for detached accessory buildings and structures in the R-1, R-2, and R-3 districts shall be as follows:
 - (a) Front yard - The minimum front yard dimension shall be determined according to the setback line provisions specified in Section 2.C. and Section 4.
 - (b) Side yard - No detached accessory building shall be located less than five (5) feet from any side lot line.
 - (c) Rear yard - No detached accessory building shall be located less than five (5) feet from any rear lot line.
- (2) Yards for detached accessory buildings and structures in the B-1, B-2 districts shall be as follows:
 - (a) Front yard - The minimum front yard dimension shall be determined according to the setback line, Section 2.C. and Section 4.
 - (b) Side yard - No detached accessory building shall be located less than fifteen (15) feet away from any side lot line.

- (c) Rear line - No detached accessory building shall be located less than fifteen (15) feet away from any rear lot line.
- (3) Yards for detached accessory buildings and structures and structures in the I district shall be as follows:
 - (a) Front yard - The minimum front yard shall be determined according to the setback line.
 - (b) Side yard - No detached accessory building shall be located less than ten (10) feet from any side lot line.
 - (c) Rear yard - No detached accessory building shall be located less than fifteen (15) feet from any rear lot line.

C. Off-street Parking Spaces

All off-street parking spaces shall be located on the same lot or tract of land as the use served. The minimum size of off-street parking spaces shall be at least nine (9) feet wide by twenty (20) feet long and shall be provided as follows:

- (1) Single family dwellings: A minimum of one (1) off-street parking space per dwelling unit.
- (2) Two (2) family dwellings, multi-family dwellings, lodging houses:
 - (a) A minimum of one and one half (1 ½) off-street parking spaces per dwelling unit.
 - (b) A minimum of one (1) off-street parking space per bedroom in a lodging unit.
- (3) Dwelling unit or lodging unit in commercial building, where permitted: one (1) off-street parking space per dwelling unit.
- (4) Stores and other retail business establishments: a minimum of one parking space for each one thousand (1,000) square feet of total sales area.
- (5) Office buildings: a minimum of one (1) parking space for each fifty (50) square feet of office space.
- (6) Industrial, manufacturing or wholesale establishment: A minimum of one (1) parking space for each three (3) workers and adequate space for loading and unloading vehicles incidental to the operation thereof.

SECTION VI – NON-CONFORMITIES

Within the districts established by this Zoning and Planning Code or by amendments that may later be adopted, there exists lots, premises, structures, accessory structures, uses and accessory uses of land which were lawful before this Zoning and Planning Code was effective or amended, but which

would be prohibited, regulated, or restricted under the provisions of this Zoning and Planning Code or future amendments.

It is the intent of this Section 6 to permit these non-conformities to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such non-conformities are declared by this Section 6 to be incompatible with the permitted structures and uses of land and structures in the districts involved. It is further the intent of this Section 7 that such non-conforming uses of land, premises, or structures or accessory structures shall not be enlarged upon, expanded, or extended except as provided for herein, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of land, premises, structures or accessory structures shall not be enlarged, expanded, or extended after the date on which this Zoning and Planning Code becomes effective, or after the effective date of an ordinance amendment rendering such use non-conforming. Attachment to a structure, premises, or land, of any additional signs intended to be seen off the premises, or land, shall be prohibited. The addition of other uses which are prohibited in the district involved shall not be permitted.

A non-conforming use or a non-conforming structure which is non-conforming only because of failure to provide required off-street parking spaces shall have all the rights of a conforming use or structure provided that no further reduction of off-street parking takes place.

A. Non-conforming Uses of Land

Where, on the effective date of adoption or amendment of this Zoning and Planning Code, a lawful use of land exists that is no longer permissible under the regulations and standards of this Zoning and Planning Code as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- (1) No such non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Zoning and Planning Code.
- (2) No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this Zoning and Planning Code.

- (3) If any such non-conforming use of land ceases for any reason for a period of more than two (2) years, any subsequent use of such land shall conform to the resolutions and standards set by this Zoning and Planning Code for the district in which such land is located.
- (4) No such non-conforming use of land shall be changed to another non-conforming use of land.

B. Non-conforming Structures

Where, on the effective date of adoption or amendment of this Zoning and Planning Code, a lawful structure exists that could not be built under the regulations and standards of this Code as adopted or amended, by reasons of restrictions on lot area, lot coverage, height, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way which increases its non-conformity.
- (2) Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning and Planning Code.
- (3) Should any structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.

C. Non-conforming Uses of Structures

Where, on the effective date of adoption, or amendment, of this Zoning and Planning Code, a lawful use of a structure, or of a premises, exists that is no longer permissible under the regulations and standards of this Code as adapted, or amended, such use may be continued so long as it remains otherwise subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such structure to a use permitted in the district in which it is located;
- (2) Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption, or amendment, of this Zoning and Planning Code, but no such use shall be extended to occupy land outside of such structure;
- (3) If no structural alterations are made, any non-conforming use of a structure or of any premises,

may be changed to another non- conforming use provided that the Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change the Board may require appropriate conditions and safeguards in accord with the provisions of this Zoning and Planning Code;

- (4) Any structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such structure or premises is located, and the non-conforming use shall not be resumed;
- (5) When a non-conforming use of a building or structure or premises is discontinued or abandoned for two (2) years, the structure or the premises shall thereafter not be used except in compliance with the regulations and standards of the district in which it is located; and
- (6) Where non-conforming use status applies to a premises, removal or destruction of the structure shall eliminate the non-conforming use status of the land, except as it may qualify as a non-conforming lot of record.

D. Repairs and Maintenance

On any structure devoted in whole or in part to any non-conforming use, or which itself is non-conforming, work may be done in a period of three hundred and sixty-five (365) consecutive days on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not to exceed ten percent (10%) of the then current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of the adoption, or amendment of this Code shall not be increased. Nothing in this Code shall deemed to prevent, the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION VII – ADMINISTRATION/ENFORCEMENT/AMENDMENT/FEES

A. Administration and Enforcement

The administration and enforcement of this Zoning and Planning Code shall be vested in an office and a body of the government of the Village of Thomasboro as follows:

- (1) Zoning Officer
 - (a) Appointment - This Zoning and Planning Code shall be administered and enforced by the zoning officer appointed by the president of the Board of Trustees and confirmed by the

members of the Board of Trustees. The zoning officer may be provided with the assistance of such persons as the Board of Trustees may direct.

(b) Duties - The zoning officer shall have the authority and duty to administer and enforce this Zoning and Planning Code and shall:

- (i) Conduct such inspections of structures, uses and accessory uses as are necessary to determine compliance with this Code;
- (ii) Maintain permanent, records pertaining to variances, special conditions, and special uses, granted, modified, or denied by the Board;
- (iii) Maintain permanent records of all amendments to this Code;
- (iv) Make, or cause to be made, changes to the official zoning map in the manner specified herein;
- (v) When directed by the ZBA or plan commission, prepare factual reports pertaining to any variance, special condition or special use or to any amendment to this Code;
- (vi) When directed by the ZBA or Board of Trustees, attend meetings of the ZBA or Board of Trustees or public hearing in connection with any variance, special condition or special use or with any amendment to this Code; and
- (vii) In the event that any regulations and standards of this Code are being violated, notify immediately in writing upon his knowledge of such violation the perpetrator of such violation indicating the nature of the violation and the action necessary to correct it. The zoning officer shall order the discontinuance or illegal use of any structure or of any additional change, or alteration thereto, discontinuance of any illegal work being done, or shall take other action authorized by this Code to ensure compliance with or prevent violation of its regulations and standards.
- (viii) When necessary, the zoning officer may inform the state's attorney of the county, who shall in turn institute an appropriate action or proceeding in equity or law to restrain, correct or abate the violation. The notice provided in this section shall not be a prerequisite to any civil or criminal judicial proceeding.

(c) The zoning officer shall prepare a report of permits issued, which he or she shall present to the appropriate committee of the Board of Trustees at each regular meeting of the committee.

(2) Zoning Board of Appeals (ZBA)

(a) Appointment

- (i) The Board of Trustees shall provide for the appointment of the ZBA. The ZBA shall consist of seven (7) members to be appointed by the President, with the approval of the

Board of Trustees. Each member shall be appointed for a four (4) year term except for the first ZBA appointed, which shall have one (1) member appointed for one (1) year, two (2) members for two (2) years, two (2) in members for three (3) years, and two (2) members for four (4) years. Each appointment thereafter shall be for four (4) years.

- (ii) The Board of Trustees shall have the power to remove any member of the ZBA for cause, after public hearing, held after at least ten (10) days' notice to the member concerned, of the charges against him. Vacancies shall be filled by the Board of Trustees for the unexpired term of any member whose place has become vacant.

(b) Powers and Duties

The ZBA shall have the following powers and duties:

- (i) The ZBA shall hear and decide all matters referred to it or upon which it is required to pass under this Zoning and Planning Code.
- (ii) Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the zoning officer in the administration and enforcement of this Zoning and Planning Code.

(c) Proceedings of the ZBA

- (i) All meetings of the ZBA shall be held at the call of the chairman and at such times and places within the county as the ZBA may determine.
- (ii) All meetings of the ZBA shall be open to the public.
- (iii) The presence of a majority of members of the ZBA at a meeting of the ZBA shall constitute a quorum. No action shall be taken by the ZBA unless a quorum of four (4) members is present.
- (iv) The ZBA shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent, or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- (v) The ZBA shall formally make its recommendation to the Board of Trustees regarding every issue considered and voted upon by the ZBA,
- (vi) Every rule, regulation, every amendment or repeal thereof; every order, requirement, decision, or determination of the ZBA shall be filed in the office of the ZBA and shall be a public record.
- (vii) In the performance of its duties the ZBA may incur such expenditures as are authorized by the Board of Trustees.

(3) Appeals, Notice, Hearing

Appeals may be taken to the ZBA as follows:

- (a) By any person aggrieved or by an officer, department, ZBA, commission, or bureau of the county; or
- (b) By any person affected by any order, requirement, interpretation, decision, or determination made by the zoning officer.
- (c) The zoning officer shall transmit to the ZBA all the papers constituting the record upon which the action appealed from was taken.
- (d) An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning officer from whom the appeal is taken certifies to the ZBA after the notice of appeal has been filed with him that by reasons of facts stated in the certificate a stay could, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order which may be granted by the ZBA or by court of record on application, on notice to the zoning officer from whom the appeal is taken, and on due cause shown.
- (e) The ZBA shall fix a reasonable time for the hearing of the appeal and give notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent, or by attorney.

(4) Decisions of the ZBA

- (a) In exercising the above mentioned powers and duties, the ZBA may, so long as such action is in conformity with the terms of this Zoning and Planning Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the zoning officer from whom the appeal was taken and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning officer from whom the appeal was taken.
- (b) The concurring vote of five (5) members of a ZBA consisting of seven (7) members shall be necessary to reverse any order, requirement, decision, order or determination of the zoning officer, or to decide in favor of the applicant, on any matter upon which it is required to pass under this Code, to effect any variance in the application of this Code. Such action is not final until considered and voted upon by the Board of Trustees.

B. Variances

To authorize upon application in specific cases, such variance in the application of this Code shall be in harmony with its general purpose and intent in cases where there are practical difficulties or

particular hardship in carrying out the strict letter of any of the regulations and standards of this Code relating to the construction, or alteration of structure or where the proposed variance would not increase the degree of non-conformity of a legally existing non-conforming use or structure. A variance from the terms of this Code shall not be granted by the ZBA unless and until:

- (1) A written application for a variance is submitted demonstrating all of the following:
 - (a) That, special conditions and circumstances which are peculiar to the land or structure involved which are not applicable to other land or structures in the same district;
 - (b) That literal interpretation of this Zoning and Planning Code would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Code;
 - (c) That the special conditions, circumstances, or hardships do not result from the actions of the applicant; and
 - (d) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands or structures in the same vicinity.
 - (e) No non-conforming use of neighboring lands or structures in the same district, and no permitted use of lands or structures in other districts shall be considered grounds for the issuance of a variance.
 - (f) The fee for application for a variance is twenty-five (\$25.00) dollars plus costs of all legal publication. The applicant shall be responsible for providing written notice at least fifteen (15) days but not more than thirty (30) days prior to the hearing to each property owner within two hundred and fifty (250) feet of the subject property. Proof of such written notice shall be provided at the hearing.
- (2) At least fifteen (15) days but not more than thirty (30) days' notice of the time and place of the hearing of a proposed variance shall be published in an official paper or a paper of general circulation in the county. The notice of such hearing shall contain the address and location of the property for which the variance is sought as well as a brief description of the variance sought the cost of such publication shall be taken from the fee.
- (3) A public hearing shall be held any person may appear in person, or by agent or by attorney.
- (4) The ZBA shall make findings that the requirements of Section 7 have been met by the applicant for a variance.
 - (a) The ZBA shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land or structure.

- (b) The ZBA shall further make a finding that the granting of the variance will be in harmony with the general purpose and the intent of this Zoning and Planning Code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- (5) In recommending any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Zoning and Planning Code. Violation of conditions under which the variance is granted shall be deemed a violation of this Code and punishable as provided by this Code. Under no circumstances shall the ZBA recommend a variance to allow a use not permissible under the terms of this Code in the district involved, or any use expressly or by implication prohibited by the terms of this Code in the district.
- (6) The ZBA may, by majority vote, postpone or adjourn from time to time any public hearing. In the event of such postponement for adjournment, further publication of a proposed variance need not be made.
- (7) Variances from the regulations and standards of this Zoning and Planning Code shall be recommended by the ZBA only in accordance with the regulations and standards set forth in Section 8.A.(2).(d).iii. and may be granted in the following instances only and in no others:
- (a) To permit any yard, court, buffer strip, setback line, or spacing between buildings of less dimension than required by applicable regulation;
 - (b) To permit any structure to exceed the height limitations imposed by the applicable regulations;
 - (c) To permit greater coverage than required by the applicable regulations;
 - (d) To permit the use of a lot for use otherwise prohibited solely because of the insufficient area or width of the lot: the Board may permit a reduction by not more than ten percent (10%) of the required lot width or lot area provided that, however, in the case of lots having an area which is at least twenty-five (25%) percent greater than the application lot area as required in Section 4., lot width may be reduced by not more than fifteen percent (15%) of the lot width required in Section 4.;
 - (e) To permit a reduction in the minimum habitable floor area of a dwelling unit or a lodging unit;
 - (f) To permit a reduction in the minimum or an increase in the maximum lot coverage of a building as imposed by the applicable regulations;
 - (g) To permit a reduction in the number of off-street parking spaces required about or in connection with a use;
 - (h) To permit, the reconstruction of a non-conforming structure which has been destroyed or damaged to an extent in excess of fifty percent (50%) of its true value, as calculated from its assessed valuation, immediately prior to the occurrence, by

fire, or an act of god, or by public enemy, where the Board shall find some compelling necessity requiring a continuance of the non-conforming structure; and/or

- (i) To permit repair or replacement of a non-conforming sign with a sign of greater dimension than permitted by this Code and/or a sign in a location not permitted by this Code, when the variance would not increase the non-conformity of the legally existing non-conforming sign.
- (8) A copy of all applications for variance shall, upon submission to the zoning officer, be forwarded to the Champaign County Soil and Water Conservation District who may comment to the Board within thirty (30) days of receipt.
- (9) All actions by the ZBA shall constitute recommendations to the Board of Trustees. The Board of Trustees shall have the final approval authority.

C. Special Uses

Special uses shall not be issued pursuant to this Zoning and Planning Code.

D. Amendments

(1) Conditions

- (a) The regulations and standards, restrictions, and district boundaries set forth in this Zoning and Planning Code may from time to time be amended, supplemented, changed, or repealed.
- (b) No such action may be taken unless and until:
 - (i) A written application is submitted to the ZBA. Such application may be initiated by the Board of Trustees, the plan commission, the ZBA, the zoning officer, or the owners of more than fifty percent (50%) of the area involved;
 - (ii) The fee for application is twenty-five (\$25.00) dollars plus all costs for legal advertising;
 - (iii) Each such application except that initiated by the Board of Trustees, ZBA, zoning officer, or by the plan commission, shall be accompanied by a fee to be paid by the applicant as provided in Section 8.B.(1).(a).ii.; and
 - (iv) At least fifteen (15) days but not more than thirty (30) days' notice of the time and place of the hearing of such action shall be published in an official paper or a paper of general circulation in the Village. The notice of such hearing shall contain the information relating to such action.

- (c) The public hearing shall be held in the Village Hall. Any person may appear in person, or by agent or by attorney.
- (d) The ZBA may, by majority vote, postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment further publication of such action need not be made.
- (e) Within a reasonable time after the public hearing, the ZBA shall make a report to the Board of Trustees with its recommendation.

(2) Action of the Board of Trustees

In case of a written protest against any such action:

- (a) Signed and acknowledged by the owners of fifty percent (50%) of the frontage, the zoning classification of which is proposed to be altered; or
- (b) Signed and acknowledged by the owners of fifty percent (50%) of the frontage immediately adjoining or across an alley from the frontage, the zoning classification of which is proposed to be altered; or
- (c) Signed and acknowledged by the owners of fifty percent, (50%) of the frontage directly opposite from the frontage, the zoning classification of which is proposed to be altered; and filed with the Village Clerk, such action shall not be passed except by the favorable vote of two-thirds (2/3) of all the members of the Board of Trustees.

SECTION VIII – APPEALS FROM THE BOARD

- A. Any person or persons, or any board, department, bureau, or commission of the Village aggrieved by any final decision of the Village may seek judicial review of such decision pursuant to the Illinois Administrative Review Act, 735 ILCS 5/3-101 et seq.
- B. It is required by this Zoning and Planning Code that all questions of interpretation and enforcement shall be first presented to the zoning officer, and that such questions shall be presented to the ZBA only on appeal from the decision of the zoning office.
- C. In case a proposed principal use is not specifically included in the Village of Thomasboro Zoning and Planning Code, the zoning officer shall interpret in what district the use is permitted by comparing the proposed use to the most similar use listed in the Zoning and Planning Code and he or she may use the Standard Land Use Coding Manual, 1965

edition, as published by the U.S. Government Printing Office, to assist him in determining the similarity of the proposed use or uses specified in this Zoning and Planning Code. All such interpretations made by the zoning officer shall be presented to the Zoning Board of Appeals at its next regular meeting for their information and possible inclusion in future text amendments to the Zoning and Planning Code. Any person aggrieved by the zoning officer's decision under this Section 9.C. shall have the right of appeal as provided in this Code.

SECTION IX – VIOLATION/PENALTY

- A. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the zoning officer. The zoning officer shall record properly such complaining, immediately investigate, and take action thereon as provided by this Code.
- B. In case any structure is erected, constructed, reconstructed, altered, converted, or any structure or land is used in violation of this Code,
 - (1) The zoning officer, or any person the value of use of whose property is or may be affected by such violation, in addition to other remedies may institute an appropriate action or proceeding in equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violations, to prevent the occupancy of said structure or land, or to prevent any illegal act, conduct, business, or use in or about such structure or land.
 - (2) The zoning officer, or any owner or tenant of real property in the same contiguous zoning district as the structure or land in questions in addition to other remedies, may institute an appropriate action or proceeding in any court of competent jurisdiction:
 - (a) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use of a structure;
 - (b) To prevent the occupancy of the structure or land;
 - (c) To prevent any unlawful act, conduct, business, or use in or about such structure or land; and/or
 - (d) To restrain, correct, or abate the violation.

- (3) The owner of a structure of premises in or upon which a violation has been committed or shall be exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than five hundred (\$500.00) for each conviction.
- (4) Any person having been duly served with an order to remove any such violation and having failed to comply with such order within ten days after such notice, or continuing to violate any provision of the regulation in the respect shall be punished by a fine of not less than one hundred (\$100.00) or not more than five hundred (\$500.00) or by imprisonment for not more than thirty (30) days for each and every conviction thereof, or both, such fine and imprisonment to be at the discretion of the court. Each day such violation continues shall constitute a separate offense.
- (5) Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION X – SUBDIVISION RESTRICTIONS

Any land or structure subject to subdivision restrictions shall be subject to compliance with both the Zoning and Planning Code and the subdivision restrictions.

SECTION XI – NON-INTERFERENCE WITH RESTRICTIONS IMPOSED

It is not intended by this Zoning and Planning Code to interfere with, or abrogate or annul any easements, restrictions, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinance other than expressly repealed hereby. Rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Code, or which shall be adopted or provided, except that where this Code imposed a greater restriction upon the use of land or structures, or upon the height of structures, or requires larger or greater open spaces, yards, spacing between building, buffer strips, courts, lot area, lot area per dwelling unit or lodging unit, floor area, habitable floor area, coverage, or parking spaces, setback line, lot width, or lot depth, or any similar restrictions, than are required by or imposed by such ordinances, rules, regulations, or permits, the provisions of this Code shall control.