

## **Chapter 70**

### **ZONING\***

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\* **Cross References:** Any ordinance rezoning specific property or any amendment thereto saved from repeal, ' 1-16(a)(7); buildings and building regulations, ch. 18; streets, sidewalks and other public places, ch. 50; subdivisions, ch. 54.

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**ARTICLE I.**  
**IN GENERAL**

**Sec. 70-1. Purpose of chapter.**

In accordance with state law, this chapter regulates structures and land uses in order to preserve, protect, and promote the public health, safety, and welfare through implementation of this village's comprehensive plan. More specifically, this chapter is intended to assist in achieving the following objectives:

- (1) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;
- (2) To protect and enhance the character and stability of sound existing residential, commercial, agricultural, and industrial areas, and to gradually eliminate nonconforming uses and structures;
- (3) To conserve and increase the value of taxable property throughout this village;
- (4) To ensure the provision of adequate light, air, and privacy for the occupants of all buildings;
- (5) To protect property from damage caused by fire, flooding, poorly controlled stormwater runoff, and adverse soil and topographical conditions;
- (6) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce the vehicular congestion on the public streets and highways;
- (7) To guide the provision of water mains, sanitary sewers, stormwater sewers, and other utilities and services, and to reduce the initial costs and future maintenance expenses thereof;
- (8) To provide for the efficient administration and fair enforcement of all regulations set forth in this section; and
- (9) To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments, and the like.

(Ord. No. 95-4, ' 1-1, 4-12-1995)

**Sec. 70-2. Jurisdiction of chapter provisions.**

This chapter shall be applicable within the corporate limits of this municipality, and within contiguous territory not more than 1 1/2 miles beyond the corporate limits and not included within any municipality.

(Ord. No. 95-4, ' 1-2, 4-12-1995)

**State Law References:** Zoning authority, 65 ILCS 5/11-13-1.

**Sec. 70-3. Construction of terms.**

In construing the intended meaning of terminology used in this chapter, the following rules shall be observed:

- (1) Terms and phrases shall have the meanings respectively ascribed to them in section 70-4 unless the context clearly indicates otherwise; terms not defined in section 70-4 shall have their standard English dictionary meanings.
- (2) Terms denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- (3) Terms used in the present tense shall include the future tense.
- (4) Terms used in the singular number shall include the plural number, and the plural the singular.
- (5) The term "shall" is mandatory; the term "may" is discretionary.
- (6) The term "this municipality" shall mean the village.
- (7) The terms, "lot," "parcel," "tract," and "site" shall be synonymous. (See the definition of the term "plot.")
- (8) The terms "extended," "enlarge," and "expand" shall be synonymous (See the definition of the term "enlarge.")
- (9) The terms "abutting," "adjacent," and "continuous" shall be synonymous. (See the definition of the term "abutting.")
- (10) All distances shall be measured to the nearest integral foot; six inches or more shall be deemed one foot.
- (11) Reference to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- (12) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

(Ord. No. 95-4, ' 2-1, 4-12-1995)

#### **Sec. 70-4. Selected definitions.**

As used in this chapter, the following terms shall have the meanings indicated, unless such construction would be inconsistent with the manifest intent of the board of trustees:

*Abutting* means having a common lot line or district line.

*Accessway* means a curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking or loading area.

*Accessory use* means any structure or use that is:

- (1) Subordinate in size or purpose to the principal structure or use which it serves;
- (2) Necessary or contributing to the comfort and convenience of the occupants of the principal structure or use served; and
- (3) Located on the same lot as the principal structure or use served.

*Administrator* means the official appointed by the president of this municipality with the advice and consent of the village board to administer this chapter, or his representative.

*Agriculture* means any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture, or animal/poultry husbandry. The term "agriculture" encompasses accessory uses and structures customarily incidental to agricultural activities.

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

*Alley* means a public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

*Alter* means to change the size, shape, or use of a structure.

*Amendment* means a change in the provisions of this chapter properly affected in accordance with state law and the procedures set forth in this chapter.

*Anchor* means any approved device to which a mobile home is tied down to keep it firmly attached to the stand on which it is placed.

*Asphaltic concrete* means a mixture of petroleum byproducts and gravel used for paving to form a smooth, permanent surface. The term "asphaltic concrete" does not mean "oil and chip."

*Attached* means, as applied to buildings, having a common wall and/or a common roof.

*Bar* shall mean a room(s) or a counter accessory to the principal use of the building or tenant space in the building where alcoholic beverages are served for consumption on the premises.

*Basement* means that portion of a building which is partly or completely below grade. (See also *Story above grade*.)

*Bed and breakfast* means a residential building or portion thereof, other than a motel or hotel, containing

lodging rooms for accommodation of one to ten persons who are not members of the keeper's family, and where lodging or meals, or both, are provided.

*Block* means an area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way), or bounded by a combination of streets, public parks, cemeteries, railroad right-of-way, waterways, or corporate boundary lines.

*Board of appeals* means the board of zoning appeals of this municipality.

*Boardinghouse* means a residential building or portion thereof, other than a motel or hotel, containing lodging rooms for accommodation of three to ten persons who are not members of the keeper's family, and where lodging or meals, or both, are provided.

*Buffer strip* means an area of land, undeveloped except for landscaping, fences, etc., used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

*Building* means any covered structure permanently affixed to land and designed or used to shelter persons or chattel.

*Building Height* means the average height of a building measured from grade to peak. This measurement includes the full vertical height of the side wall plus ½ the vertical distance from the top of the side wall to the peak of the roof. Chimneys, towers, cooling towers, and similar projections (other than signs) shall not be included in calculation building height.

*Building line* means the line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way.

*Bulk* means any one or combination of the following structural or site design characteristics:

- (1) Size or height of structures;
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (3) Lot area;
- (4) Yards or setbacks.

*Centerline* means:

- (1) A centerline of any right-of-way having a uniform width;
- (2) The original centerline, where a right-of-way has been widened irregularly;
- (3) The new centerline, whenever a road has been relocated.

*Certificate of zoning compliance, initial*, means a permit issued by the administrator indicating that proposed construction work is in conformity with the requirements of this chapter and may, therefore, proceed.

*Certificate of zoning compliance, final*, means a permit issued by the administrator indicating that a newly complete structure complies with all pertinent requirements of this chapter and may, therefore, be occupied or used.

*Clinic* means an establishment wherein licensed practitioners provide physical, and/or mental, restoration services, but where overnight lodging for sick or injured persons is not provided.

*Club/lodge* means a nonprofit association of persons who are bonafide members organized for some purposes and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

*Commercial use/establishment* means any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

*Comprehensive plan* means the plan or any portion thereof adopted by this municipality to guide and coordinate the physical and economic development of the community. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

*Conforming* means in compliance with the applicable provisions of this chapter.

*Convenience shops* means any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multiple-family complex, mobile home park, or similar development.

*Corrective action order* means a legally binding order issued by the administrator in accordance with the procedures set forth in this chapter to effect compliance with this chapter.

*Day care center*. See *Nursery school*.

*Develop* means to erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

*Dimensions* means measurements of both lot depth and lot width.

*District, zoning*, means a portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this chapter.

*Drive-in restaurant* means an establishment principally used for the sale of fast order food. Fast order food includes food that is:

- (1) Primarily intended for immediate consumption;
- (2) Available after a short waiting time; and
- (3) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

*Driveway* means a minor way commonly providing vehicular access to a garage or off-street parking area.

*Dwelling, detached*, means a dwelling unit which is entirely surrounded by open space on the same lot and not connected in any manner to another dwelling unit.

*Dwelling, multiple-family*, means one building consisting of three or more dwelling units, each of which is attached to at least one other dwelling unit, by a common wall extending from floor to ceiling and from exterior wall to exterior wall, or by a horizontal structural floor assembly extending from an exterior wall to an exterior wall, except for a common stairwell exterior to the dwelling units.

*Dwelling, single-family attached*, means a dwelling unit which is attached to another dwelling unit by a common wall extending from the floor to the ceiling and from an exterior wall to an exterior wall.

*Dwelling, single-family detached*, means a detached dwelling unit designed for and intended for use by one family or one household.

*Dwelling, two-family attached*, means one building consisting of two dwelling units attached by a common wall extending from the floor to the ceiling and from an exterior wall to an exterior wall, or by a horizontal structure floor assembly extending from an exterior wall to an exterior wall, except for a common stairwell exterior to both dwelling units.

*Dwelling unit* means a room or group of rooms meeting minimum habitable room sizes as required by the village's building code which are arranged, designed, used or intended for use exclusively as living quarters for one family or one household, including sleeping, cooking, eating, and sanitation facilities. This definition includes manufactured and modular homes but not mobile homes.

*Easement* means a right to use another person's real property for a certain limited purpose.

*Enclosed* means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls, with openings only for windows and doors.

*Enlarge* means to increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

*Erect* means to build or construct.

*Establishment* means either of the following:

- (1) An institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or
- (2) An institutional, business, commercial, or industrial activity that occupies a portion of a building such that:
  - a. The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
  - b. The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

*Existing* means actually constructed or in operation on the effective date of Ordinance No. 95-4.

*Family* means one person or two or more persons related to each other by blood, marriage, adoption, or not more than three unrelated persons, maintaining a common household in a dwelling unit.

*Floor area, gross*, means the floor area within the perimeter of the exterior walls of the building under consideration, including hallways, stairs, closets, thickness of walls, columns or other features. Gross floor area includes all stores that are above grade, including mezzanines and habitable attic space. It does not include basements, unenclosed porches, or attics not used for human occupancy.

*Floor area, ground*, means the lot area covered by a principal building, measured at grade, from the exterior faces of the exterior walls, by excluding open porches or terraces, garages or carports, except the floor area of the ground floor height and the floor area above the garage is used or intended for use as a part of the principal use.

*Floor area ratio* means a bulk requirement to limit the proportion of a building's size to its lot as determined by dividing the gross area of all buildings (inclusive of garages and accessory buildings) on a lot by the area of that lot.

*Frontage* means the lineal extent of the front (streetside) of a lot.

*Grade plane* means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building.

*Greenhouse*. See *Nursery*.

*Group home (small)* means, a dwelling for six or less persons not related by blood, marriage or adoption who live together as a single housekeeping unit, and which contains common cooking facilities

and common living and eating areas. Group homes include, but are not limited to, convents, residences for disabled persons, orphanages and monasteries. Group homes do not include residences that serve as an alternative to incarceration for persons convicted of criminal offenses, or residences for persons whose primary reason for placement therein is the treatment of a communicable disease.

*Group home (large)* means, a dwelling for more than six persons not related by blood, marriage or adoption who live together as a single housekeeping unit, and which contains common cooking facilities and common living and eating areas. Group homes include, but are not limited to, convents, residences for disabled persons, orphanages and monasteries. Group homes do not include residences that serve as an alternative to incarceration for persons convicted of criminal offenses, or residences for persons whose primary reason for placement therein is the treatment of a communicable disease.

*Habitable space* means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

*Hereafter* means any time after the effective date of the ordinance from which this chapter is derived.

*Home occupation* means an occupation, profession, or other business activity that is clearly a customary, incidental, and secondary use of a residential dwelling unit which does not alter the exterior of the building or lot or affect the residential character of the neighborhood.

*Hospital* means an institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment, or care of members of the general public suffering from disease, injury, or other abnormal physical conditions. The term "hospital," as used in this chapter, includes sanitariums but excludes institutions operating solely for the treatment of insane persons, drug addicts, and alcoholics, and convalescent/nursing homes.

*Intensify* means to increase the level or degree of.

*Intersection* means the point at which two or more public rights-of-way (generally streets) meet.

*Junkyard* means a tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three or more inoperable vehicles are stored shall be deemed a junkyard. A junkyard includes an automobile wrecking yard.

*Kennel* means any structure or premises or portion thereof on which more than three dogs, cats, or other household domestic animals of a particular species, over four months of age, are kept.

*Loading space* means an off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

*Lot* means a tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. The term "lot" may or may not coincide with the term "lot of record."

*Lot area* means the area of a horizontal plane bounded by the front, side, and rear lines of a lot.

*Lot, corner*, means a lot having at least two adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

*Lot coverage* means the portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

*Lot depth* means the average horizontal distance between the front lot line and the rear lot line of a lot.

*Lot line, front*, means the lot boundary abutting the street.

*Lot line, rear*, means an interior lot line which is most distant from and most nearly parallel to the front lot line.

*Lot line, side*, means any boundary of a lot which is not a front lot line or rear lot line.

*Lot of record* means a lot which is part of a subdivision or a parcel of land whose boundaries have been established by some legal instrument, and is shown on a map or plat thereof, which has been legally recorded in the office of the county recorder of deeds. A lot of record may or may not coincide with a zoning lot.

*Lot pins*. See *Surveyor's pins*.

*Lot size requirements* means the lot area, width, and depth requirements of the applicable zone district.

*Lot, through*, means a lot having a pair of approximately parallel lot lines that abut two approximately parallel streets. Both such lot lines shall be deemed front lot lines.

*Lot width* means the horizontal width of a lot measured at the front building line.

*Lot, zoning*, means a single tract (or combination of tracts) of land located within a single block, which (by filing and recording an affidavit for the use of more than one lot at the time of application for a building permit) is designated by the owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

*Maintenance* means the routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep such structure in sound condition.

*Materially* means, as applied to the impact of one thing or another, significantly or substantially.

*Mobile home* means a manufactured structure designed to permit less transport on its own wheels, containing complete kitchen and sanitary facilities, and used as a longterm dwelling by one family.

*Nonconforming* means, as applied to a lot, structure, or use,lawfully existing on the effective date of the Ordinance No. 95-4 from which this chapter is derived, but not in compliance with the applicable provisions thereof.

*Nonconforming lot* means a lot of record existing at the effective date of Ordinance No. 95-4, or amendment thereto, (and not created for evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located or dimensional requirements of article III of this chapter.

*Nonconforming situation* means a situation that occurs when, on the effective date of Ordinance No. 95-4, or amendment thereto, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum size requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter, or because the land or building are used for purposes made unlawful by this chapter.

*Nonconforming use* means a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

*Nonconformity, dimensional,* means a nonconforming situation that occurs when the height of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the regulations applicable to the district in which the property is located.

*Nuisance* means any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

*Nursery* means a tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including a structure in which such activities are conducted.

*Nursery school* means an establishment for the part-time care and/or instruction at any time of day of four or more unrelated children of preelementary school age.

*Nursing home* means a building used as a medical care facility for persons who need longterm nursing care and medical service, but do not require intensive hospital care.

*Office* means any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

*Parking area/lot, off-street*, means land that is improved in accordance with this chapter and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An off-street parking area, depending on the circumstances of its use, may be either a principal use or an accessory use.

*Parking space, off-street*, means an area at least 20 feet long and nine feet wide within an off-street parking area or garage, used for the storage of one motor vehicle.

*Permitted use* means any use which is or may be lawfully established in a particular district, provided that it conforms with all the requirements applicable to such district.

*Person* means any individual, firm, association, organization, or corporate body.

*Planned development* means a tract of land which is planned as a whole for developments under a single ownership or control in accordance with the planned development section (Article X), and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits (especially open space) than would normally be had through the development of diverse smaller tracts under multiple ownership. A planned ~~unit~~ development may contain one type of use or a variety of uses.

*Planning (plan) commission* means the planning commission of this municipality.

*Plot* means a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

*Premises* means a lot and all the structures and uses thereon.

*Principal building/structure/use* means the main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

*Property line*. See *Lot line*.

*Reconstruct* means, as applied to nonconforming structures, to rebuild after partial or total destruction.

*Recreational vehicle* means encompassing any type of vehicle used primarily for pleasure such as travel trailers, motor homes, boats, snowmobiles, etc.

*Refuse* means garbage (food wastes) and trash, but not sewage or industrial wastes.

*Relocate* means to move to another portion of a lot or to a different lot.

*Repair* means to restore to sound condition, but not to reconstruct.

*Restrictive* means tending to keep within prescribed limits.

*Retail* means the sale of goods or services directly to the consumer rather than to another business.

*Right-of-way, public*, means a strip of land which the owner/subdivider has dedicated to this village or to another unit of government for streets and alleys.

*Roominghouse*. See *Boardinghouse*.

*Sanitarium*. See *Hospital*.

*Sanitary landfill* means a tract of open land used for the permanent disposal of refuse in accordance with the requirements of the state Environmental Protection Agency. At a sanitary landfill the refuse is regularly covered with topsoil.

*Screening* means trees, shrubs, walls, solid fences, etc. used as means of visual and noise control.

*Self-service storage facility* means a building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's nonhazardous personal property or goods.

*Service station* means a building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

*Service use/establishment* means any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

*Setback* means the minimum horizontal distance between a street line and the nearest wall of a building or side of a structure facing such street line, or the edge of the area of operation of a principal use involving no building or structure.

*Setback line*. See *Building line*.

*Skirting* means the covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

*Special use* means a use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

*Special use permit* means a permit issued in accordance with the provisions of this chapter to regulate development of a special use.

*Stop order* means a type of corrective action order used by the administrator to halt work in progress that is in violation of this chapter.

*Story above grade* means any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

- (1) More than six feet above the grade plane;
- (2) More than six feet above the finished ground level for more than 50 percent of the total building perimeter; or
- (3) More than 12 feet above the finished ground level at any point.

*Street* means a public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes any alley or a way for pedestrian use only.

*Street, private*, means any street providing access to abutting property that is not maintained by and dedicated to this municipality or other public entity.

*Stringent* means binding or exacting.

*Structure* means anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

*Structure, temporary*, means any structure that is not attached to a permanent foundation.

*Surveyor's pins* means pins placed by a licensed surveyor at each corner of a lot which identifies that lot according to the appropriate landmarks. Such pins are to be a minimum of 18 inches in length and one inch in diameter.

*Tavern* shall mean an establishment for the retail sale of beer, wine and other alcoholic beverages for consumption on the premises and providing a menu of food items prepared as specified by classification of village liquor license obtained. Pursuant to obtaining the additional proper classification of village liquor license, the incidental sale of packaged liquor may be provided. (See Chapter 6)

*Temporary use permit* means a permit issued in accordance with the provisions of this chapter and valid for not more than one year, which allows the occupation of a temporary structure or the operation of a temporary enterprise.

*Topography* means the relief features or surface configuration of an area.

*Travel trailer* means a mobile structure designed for temporary occupancy.

*Use* means the purpose or activity for which land or structure thereon is designed, arranged, intended, occupied or maintained.

*Use variance* means a type of amendment (not variance) that allows a use in a district where such use would not be allowed under existing provisions of this chapter.

*Utility substation* means a secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

*Variance* means a modification of the specific requirements of this chapter reviewed by the board of appeals and granted by the board of trustees under the terms of this chapter for the purpose of ensuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district. Such modifications do not include authorizing a use not among the uses specified by this chapter as permitted in the district in which such property is located.

*Vehicle sales* means sale of operable, self-propelled, passenger-carrying vehicles of GVWR of 10,000 pounds or less with a maximum of two axles and towable, noncommercial trailers of GVWR of 5,000 pounds or less with a maximum of two axles.

*Veterinary hospital/clinic* means a facility operated by a licensed doctor of veterinary medicine for the purpose of diagnosis, treatment, or care of animals. The facility may also be used for the boarding of animals.

*Wholesale* means the sale of goods or services by one business to another business.

*Yard* means open space that is unobstructed except as specifically permitted in this chapter and that is located on the same lot as the principal building.

*Yard, front,* means a yard which is bounded by the side lot lines, front lot lines, and the building line.

*Yard line* means a line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of such yard.

*Yard, rear,* means a yard which is bounded by the side lot lines, rear lot line, and the rear yard line.

*Yard, side,* means a yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

*Zoning map* means the maps and any amendments thereto designating zoning districts, and incorporated into this chapter by reference.

*Zoning officer. See Administrator.*

(Ord. No. 95-4, ' 2-2, 4-12-1995; Ord. No. 99-11, ' 1, 11-10-1999; Ord. No. 2000-06, ' 1, 5-24-2000)

**Cross References:** Definitions generally, ' 1-2.

#### **Sec. 70-5. General prohibitions.**

(a) No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated, or reconstructed except in conformity with the provisions of this chapter. Similarly, no lot or plat thereof shall be used, occupied, or developed except in conformity with the provisions of this chapter.

(b) In R-1, R-2, and R-3 residence districts every dwelling or multiple-family building erected or structurally altered under this chapter shall be located on a lot and there shall not be more than one principal building on a lot.

(Ord. No. 95-4, ' 3-16, 4-12-1995)

#### **Sec. 70-6. Access required.**

No building shall be erected on any lot unless such lot abuts, or has permanent easement or access to, a public street or private street.

(Ord. No. 95-4, ' 3-9, 4-12-1995)

#### **Sec. 70-7. Setback corner/through lots.**

(a) Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage. For lots which are less than 125 feet in depth in existence at the time of the passage of this chapter (April 12, 1995), the rear yard required shall be reduced to 20 percent of the total depth of such lot.

(b) The side yard regulations shall apply to both sides of the lot, except in the case of reversed frontage where the building faces the side street. In this case, there shall be a side yard on the street side of not less than the front yard required on the lots in the rear of such building. No accessory buildings on such corner lots shall project beyond the front yard line of the lots in the rear. This subsection shall not be interpreted so as to reduce the buildable width of a corner lot facing on an intersecting street to less than 28 feet.

(Ord. No. 95-4, ' 3-10, 4-12-1995)

#### **Sec. 70-8. Front setbacks in certain built-up areas.**

Except as specifically provided otherwise, in all residential zoning districts and in the C, commercial district, where lots have 50 percent or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than ten feet, the minimum required front setbacks on that block shall be the average of the existing front setbacks; provided, however, that in any built-up area, no front setback less than 15 feet shall be permitted, nor shall any front setback greater than 50 feet be required. Notwithstanding the foregoing, commercial-zoned lots located in

the "central business district;" defined as that are bounded on the north by the railroad, on the east by the alley between Third and Fourth Streets, on the south by Washington Street and on the west by Second Street, shall be allowed minimum front setbacks no less than the average front setback of all other buildings located within that block.

(Ord. No. 95-4, ' 3-11, 4-12-1995; Ord. No. 2005-03, ' 1, 6-8-2005)

**Sec. 70-9. Intrusions into yards.**

To the extent indicated in this section, the following feature of principal buildings may intrude into required yards without thereby violating minimum requirements:

Feature		Maximum Intrusion
a.	Cornices, chimneys, planters, basement window wells, or similar architectural features	Two feet
b.	Fire escapes	Zero feet
c.	Patios and decks at ground level	Zero feet
d.	Stoops under three feet above ground level (front only)	Four feet
e.	Balconies	Zero feet
f.	Roof overhangs	Two feet

(Ord. No. 95-4, ' 3-12, 4-12-1995)

**Sec. 70-10. Exceptions to height limits.**

(a) *Necessary appurtenances.* Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roofline shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of this municipality.

(b) *Intersections.* On corner lots, in the triangular portion of land bounded by the street lines of such corner lots and a line joining the two points each of which is on one street line and 30 feet from the point of intersection, no obstruction, whether natural or manmade, shall intrude into the air space that is between two and ten feet above the level of the adjacent street.

(Ord. No. 95-4, ' 3-13, 4-12-1995)

**Sec. 70-11. Vehicle sales.**

All vehicle sales, as permitted under this chapter, as amended, must also comply with applicable state law as contained in 625 ILCS 5/5-100 et seq. with dealers being licensed in accordance thereof.  
(Ord. No. 2000-06, ' 2, 5-24-2000)

**Sec. 70-12. Interpretation; conflict with other ordinances.**

Every provision of this chapter shall be construed liberally in favor of this village, and every requirement imposed in this chapter shall be deemed minimal. Whenever the requirements of this chapter differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

(Ord. No. 95-4, ' 1-3, 4-12-1995)

**Sec. 70-13. Disclaimer of liability.**

(a) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of this village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter.

(b) Any suit brought against any officer, board member, agent, or employee of this village, as a result of any act required or permitted in the discharge of his duties under this chapter, shall be defended by the village attorney until the final determination of the legal proceedings.

(Ord. No. 95-4, ' 1-4, 4-12-1995)

**Secs. 70-14--70-40. Reserved.**

**ARTICLE II.**

**ADMINISTRATION AND ENFORCEMENT\***

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\* **Cross References:** Administration, ch. 2.

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**DIVISION 1.**

**GENERALLY**

**Sec. 70-41. Zoning administrator.**

(a) *Generally.* The office of zoning administrator of this municipality is hereby established. The zoning administrator shall be the executive head of this office. With the consent of the village board, the administrator may appoint such other employees as he deems necessary to carry out the duties of this office.

(b) *Duties.* The zoning administrator is hereby authorized and directed to administer and enforce the provisions of this chapter. This broad responsibility encompasses, but is not limited to, the following specific duties to:

- (1) Review and pass upon applications for initial and final certificates of zoning compliance;
- (2) Inspect land, structures, and uses to determine compliance with this chapter, and where there are violations, to initiate appropriate corrective action;
- (3) Review and forward to the zoning board of appeals all applications for variances and appeals;
- (4) Review and forward to the planning commission all applications for special use permits and amendments;
- (5) Maintain up-to-date records of this chapter including, but not limited to, district maps, certificates of zoning compliance, special use permits, variances, interpretative decisions of the board of appeals, amendments, and all applications related to any of these matters;
- (6) Periodically review the provisions of this chapter to determine whether revisions are needed, and to make recommendations to these matters to the planning commission at least once each year;
- (7) Provide information to the general public on matters related to this chapter; and
- (8) Perform such other duties as the village board may from time to time prescribe.

(Ord. No. 95-4, ' 9-1, 9-1.1, 4-12-1995)

**Cross References:** Officers and employees, ' 2-71 et seq.

#### **Sec. 70-42. Emergency measures.**

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

(Ord. No. 95-4, ' 9-5, 4-12-1995)

#### **Sec. 70-43. Complaints.**

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

(Ord. No. 95-4, ' 9-6, 4-12-1995)

#### **Sec. 70-44. Penalties for violation of chapter.**

(a) Any person who is convicted of a violation of this chapter shall be subject to punishment as provided in section 1-10 of this Code. Each day that a violation continues shall be considered a separate offense.

(b) Nothing contained in this section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this chapter.

(Ord. No. 95-4, '9-7, 4-12-1995)

**Sec. 70-45. Payment of fees.**

At the time of filing, all applications shall be accompanied by a cash amount, check or money order, payable to the village, to defray the costs of examining and verifying the proposed plans, at such rates as shall be established by the village board of trustees.

(Ord. No. 95-4, '9-8, 4-12-1995)

**Secs. 70-46--70-70. Reserved.**

**DIVISION 2.**

**PLANNING COMMISSION\***

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\* **Cross References:** Administration, ch. 2.

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**Subdivision I.**

**In General**

**Sec. 70-71. Established.**

A planning (plan) commission for the village is hereby established in accordance with state law.  
(Ord. No. 95-4, '10-1, 4-12-1995)

**Sec. 70-72. Membership; appointment; compensation.**

The planning commission shall consist of seven members, all of whom shall reside within the village, or within a territory contiguous to the village and not more than 1 1/2 miles beyond the village limits and not included in any other municipality. Each member of the planning commission shall be appointed by the village president with the advice and consent of the village board of trustees. Each member of the planning commission shall receive for their services such compensation, if any, as is determined from time to time by the village board of trustees.

(Ord. No. 95-4, '10-1.1, 4-12-1995)

**Sec. 70-73. Term of office; vacancies.**

Each member of the planning commission shall hold office for five years from the date of appointment, and until a successor has been selected and qualified; provided, however, that the initial appointees to the planning commission shall serve respectively for the following terms: one for one year, one for two years, one for three years, two for four years, and two for five years. With the advice and consent of the village board of trustees, the village president may remove any member of the planning commission for cause, after public hearing. Vacancies on the planning commission shall be filled for the unexpired term of the member whose place has become vacant in the same manner as providing for the appointment of new members.  
(Ord. No. 95-4, ' 10-1.2, 4-12-1995)

**Sec. 70-74. Meetings; quorum.**

The planning commission shall meet monthly. The planning commission shall hold an organizational meeting each January for the purpose of electing officers, establishing dates, times and location of required monthly meetings. Special meetings, when required, shall be at the call of the chairperson or at the request of the village board. If, at the discretion of the chairperson, the monthly meeting is not necessary, the chairperson may cancel the meeting for that month. All planning commission meetings shall be open to the public. The planning commission may adopt their own rules of meeting procedures consistent with this chapter and the applicable state statutes. The planning commission shall select a chairperson and vice-chairperson and such other officers as they deem necessary. The chairperson, or in his absence the vice-chairperson, may administer oaths and compel a quorum. The affirmative vote of at least four members shall be necessary to authorize any planning commission action.  
(Ord. No. 95-4, ' 10-1.3, 4-12-1995)

**Sec. 70-75. Records.**

The planning commission shall keep minutes of its proceedings. These minutes shall indicate the absence of any member, the vote of abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the planning commission shall be filed immediately in the meeting place of the village board of trustees, and shall be a public record.  
(Ord. No. 95-4, ' 10-1.4, 4-12-1995)

**Sec. 70-76. Comprehensive plan.**

(a) The planning commission shall prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of that municipality. This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements specified in this chapter. The plan, as recommended by the planning commission and as thereafter adopted in any village in this state, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than 1 1/2 miles beyond the corporate limits and not included in any municipality. Such plan may be implemented by ordinances:

- (1) Establishing reasonable standards of design for subdivisions and for resubdivision of unimproved land and of areas subject to redevelopment in respect to public improvements;
- (2) Establishing reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways of public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment; and
- (3) May designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation.

(b) The planning commission shall recommend changes, from time to time, in the official comprehensive plan.

(c) The planning commission shall prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official comprehensive plan.

(d) The planning commission shall give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects, and generally, to promote the realization of the official comprehensive plan.

(Ord. No. 95-4, ' 10-2, 4-12-1995)

**Secs. 70-77--70-100. Reserved.**

## **Subdivision II.**

### **Special Use Permits**

**Sec. 70-101. Generally.**

This chapter divides this municipality into various districts and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such special uses require careful case-by-case review and may be allowed only by permission of the village board of trustees.

(Ord. No. 95-4, ' 10-3, 4-12-1995)

**Sec. 70-102. Application.**

Every applicant for a special use permit shall submit to the administrator, in narrative and/or graphic form, the items of information enumerated in this section. All applicable fees must be submitted to the village

before the application will be processed. The administrator shall prepare an advisory report on every request for a special use permit. He shall promptly transmit the completed application and his advisory report to the planning commission.

- (1) The name and address of the applicant;
- (2) The name and address of the owner or operator of the proposed structure or use, if different from subsection (1) of this section;
- (3) The nature of the proposed use, including the type of activity, the manner of operation, the number of occupants or employees, and similar matters;
- (4) The location of the proposed use or structure and its relationship to existing adjacent uses or structures;
- (5) The area and dimensions of the site for the proposed structure or uses;
- (6) The existing topography of the site (one-foot or two-foot contour), and proposed finished grade;
- (7) The existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (8) The height and setbacks of the proposed structure;
- (9) The number and size of the proposed dwelling units, if any;
- (10) The location and number of the proposed parking/loading spaces and accessways;
- (11) The identification and location of all existing or proposed utilities, whether public or private; and/or
- (12) Any other pertinent information that the administrator may require.

(Ord. No. 95-4, ' 10-3.1, 4-12-1995)

**Sec. 70-103. Public hearing notice.**

The planning commission shall hold a public hearing on every special permit application within a reasonable time after such application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. A notice indicating the time, date, and place of the hearing and the nature of the proposed special use shall be given not more than 30 days nor less than 15 days before the hearing:

(1) By first class mail to the applicant and to all parties whose property would be directly affected by the proposed special use; and

(2) By publication in a newspaper or general circulation within this municipality.

(Ord. No. 95-4, ' 10-3.2, 4-12-1995)

**Sec. 70-104. Advisory report; factors to be considered.**

Within a reasonable time after the public hearing, the planning commission shall submit their advisory report to the village board of trustees. In deciding what their advice should be, the planning commission shall consider the following factors:

(1) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare and the physical environment;

(2) Whether the proposed special use is consistent with this village's comprehensive plan;

(3) The effect the proposed special use would have on the value of neighboring property and on this village's overall tax base;

(4) The effect the proposed special use would have on public utilities and on traffic circulation on nearby streets; and

(5) Whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

(Ord. No. 95-4, ' 10-3.3, 4-12-1995)

**Sec. 70-105. Action by village board of trustees.**

The village board of trustees shall act on every request for a special use permit at their next regularly scheduled meeting following the submission of the planning commission's advisory report. Without further public hearing, the village board of trustees may grant a special use permit by an ordinance passed by a simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the village board of trustees shall state their findings of fact and indicate their reasons for approving (with or without conditions) or denying the request for the special use permit.

(Ord. No. 95-4, ' 10-3.4, 4-12-1995)

**Secs. 70-106--70-130. Reserved.**

**Subdivision III.**

**Amendments**

**Sec. 70-131. Generally.**

The village board of trustees may amend this chapter in accordance with state law (65 ILCS 5/11-13-14) and the provisions of this section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the village board of trustees, the administrator, the board of appeals, the planning commission, or any party of interest.

(Ord. No. 95-4, ' 10-4, 4-12-1995)

**Sec. 70-132. Filing.**

Every proposal to amend this chapter shall be filed with the administrator on a prescribed form. Every amendment proposal shall also be filed with the Soil and Water Conservation District as per state law (70 ILCS 405/22.20a). The administrator shall promptly transmit such proposal, together with any comments or recommendations he may wish to make, to the planning commission for a public hearing.

(Ord. No. 95-4, ' 10-4.1, 4-12-1995)

**Sec. 70-133. Public hearing notice.**

The planning commission shall hold a public hearing on every amendment proposal within a reasonable time after such proposal has been submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than 30 nor less than 15 days before the hearing:

(1) By first class mail to all parties whose property would be directly affected by the proposed amendment; and

(2) By publication in a newspaper of general circulation within this municipality.

(Ord. No. 95-4, ' 10-4.2, 4-12-1995)

**Sec. 70-134. Advisory report; findings of fact.**

Within a reasonable time after the public hearing the planning commission shall submit their advisory report to the village board of trustees. The report shall state the planning commission's recommendations regarding adoption of the proposed amendment and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the planning commission shall include in their advisory report findings of fact concerning the following matters:

(1) Existing uses and zoning of the property in question;

(2) Existing uses and zoning of other lots in the vicinity of the property in question;

- (3) Suitability of the property in question for uses already permitted under existing regulations;
- (4) Suitability of the property in question for a proposed use;
- (5) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned; and
- (6) The effect the proposed rezoning would have on implementation of this municipality's comprehensive plan.

(Ord. No. 95-4, ' 10-4.3, 4-12-1995)

**Sec. 70-135. Action by the village board of trustees; exception.**

The village board of trustees shall act on every proposed amendment at their next regularly scheduled meeting following submission of the planning commission's advisory report. Without further public hearing, the village board of trustees may pass any proposed amendment or may refer it back to the planning commission for further consideration by a simple majority vote of all the members then holding office. The favorable vote of at least two-thirds of all the members of the village board of trustees is required to pass an amendment to this chapter when the proposed amendment is opposed, in writing, by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered.

(Ord. No. 95-4, ' 10-4.4, 4-12-1995)

**Secs. 70-136--70-160. Reserved.**

**DIVISION 3.**

**BOARD OF APPEALS\***

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\* **Cross References:** Administration, ch. 2.

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**Subdivision I.**

**In General**

**Sec. 70-161. Established.**

The zoning board of appeals of this municipality is hereby established in accordance with state law.  
 (Ord. No. 95-4, ' 11-1, 4-12-1995)

**Sec. 70-162. Membership; appointment; compensation.**

The board of appeals shall consist of five members, all of whom shall reside within this municipality. Each board member shall be appointed by the village president, with the advice and consent of the village board of trustees. One of the members so appointed shall be named as chairperson at the time of his appointment. Each board member shall receive for his services, such compensation, if any, as is determined from time to time by the village board of trustees.

(Ord. No. 95-4, ' 11-1.1, 4-12-1995)

**Sec. 70-163. Term of office; vacancies.**

Each board member shall hold office for five years from the date of appointment and until a successor has been selected and qualified; provided, however, that the initial appointees to the board shall serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. With the advice and consent of the village board of trustees, the village president may remove any member of the board of appeals for cause after a public hearing. Vacancies on the board shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

(Ord. No. 95-4, ' 11-1.2, 4-12-1995)

**Sec. 70-164. Meetings; quorum.**

All meetings of the board of appeals shall be held at the call of the chairperson and at such times as the board may determine. All board meetings shall be open to the public. The board may adopt their own rules of meeting procedures consistent with this chapter and the applicable state statutes. The chairperson, or in his absence the acting chairperson, may administer oaths and compel a quorum. The affirmative vote of at least four members shall be necessary to authorize any board action.

(Ord. No. 95-4, ' 11-1.3, 4-12-1995)

**Sec. 70-165. Records.**

The board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the board shall be filed immediately with the village office and shall be a public record.

(Ord. No. 95-4, ' 11-1.4, 4-12-1995)

**Secs. 70-166--70-190. Reserved.**

**Subdivision II.**

**Appeals**

**Sec. 70-191. Generally.**

Any person aggrieved by any decision or order of the zoning administrator in any manner related to the interpretation or enforcement of any provision of this chapter may appeal to the zoning board of appeals. Every such appeal shall be made and treated in accordance with state law (65 ILCS 5/11-13-12) and the provisions of this section.

(Ord. No. 95-4, ' 11-2, 4-12-1995)

**Sec. 70-192. Filing; record transmittal.**

Every appeal shall be made within 45 days of the matter complained of by filing with the administrator and the board of appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the Soil and Water Conservation District as per state law (70 ILCS 405/22-20a). Not more than five working days after the notice of appeal has been filed, the administrator shall transmit to the board of appeals all records pertinent to the case.

(Ord. No. 95-4, ' 11-2.1, 4-12-1995)

**Sec. 70-193. Stay of further proceedings.**

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

(Ord. No. 95-4, ' 11-2.2, 4-12-1995)

**Sec. 70-194. Public hearing notice.**

The board of appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party may appear and testify, either in person or by a duly authorized agent or attorney. A notice indicating the time, date, and place of the hearing, briefly describing the issue to be decided, shall be given not more than 30 nor less than 15 days before the hearing:

(1) By first class mail to all parties directly affected by the appeal; and

(2) By publication in a newspaper of general circulation within this municipality.

(Ord. No. 95-4, ' 11-2.3, 4-12-1995)

**Sec. 70-195. Decision of board of appeals.**

The board of appeals shall render a decision on the appeal within a reasonable time after the hearing. The board may reverse or affirm, wholly, or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the board of appeals has all the powers of the administrator.

(Ord. No. 95-4, ' 11-2.4, 4-12-1995)

**Secs. 70-196--70-220. Reserved.**

### **Subdivision III.**

#### **Variances**

##### **Sec. 70-221. Generally.**

A variance is a relaxation of the requirements of this chapter that are applicable to a particular lot, structure, or use. A so-called use variance (which would allow a use that is neither permitted nor special in the district in question) is not a variance; it is an amendment.

(Ord. No. 95-4, ' 11-3, 4-12-1995)

##### **Sec. 70-222. Application.**

Every application for a variance shall be filed with the administrator on a prescribed form. All applicable fees must be submitted to the village before the application will be processed. Every variance application shall also be filed with the Soil and Water Conservation District as per state law (70 ILCS 405.22.20a). The administrator shall promptly transmit such application, together with any device he might wish to offer to the board of appeals. The application shall contain sufficient information to allow the board to make an informed decision and shall include, at a minimum, the following:

- (1) The name and address of the applicant;
- (2) The location of the structure/use for which the variance is sought;
- (3) The relationship of such structure/use to the existing structures/uses on adjacent lots;
- (4) The specific sections of this chapter containing the regulations which, if strictly applied, would cause a serious problem; and
- (5) Any other pertinent information that the administrator may require.

(Ord. No. 95-4, ' 11-3.1, 4-12-1995)

##### **Sec. 70-223. Public hearing notice.**

The board of appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. A notice indicating the time, date, and place of the hearing and the nature of the proposed variance shall be given not more than 30 nor less than 15 days before the hearing:

- (1) By first class mail to the applicant and to all parties whose property would be directly affected by the proposed variance; and

(2) By publication in a newspaper of general circulation within this municipality.  
(Ord. No. 95-4, ' 11-3.2, 4-12-1995)

**Sec. 70-224. Standards for variance.**

The board of appeals shall not recommend the granting of any variance unless, based upon the evidence presented to them they determine that:

- (1) The proposed variance is consistent with the general purpose of this chapter;
- (2) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant and prevent a reasonable return on the property;
- (3) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardships and allow a reasonable return on the property;
- (4) The plight of the applicant is due to peculiar circumstances not of his own making;
- (5) The peculiar circumstances engendering the variance request is not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (6) The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of this municipality's comprehensive plan.

(Ord. No. 95-4, ' 11-3.3, 4-12-1995)

**Sec. 70-225. Terms of relief; findings of fact.**

The board of appeals shall submit their advisory report to the village board of trustees on every variance request within a reasonable time after the public hearing, in accordance with state law (65ILCS 5/11-13-11). The findings of fact shall clearly indicate the board's reasons for its recommendation in accordance with such standards.

(Ord. No. 95-4, ' 11-3.4, 4-12-1995 <*citation needed*>)

**Secs. 70-226--70-250. Reserved.**

**DIVISION 4.**

**INITIAL CERTIFICATES OF ZONING COMPLIANCE**

**Sec. 70-251. Generally.**

Upon the effective date of the ordinance from which this chapter is derived, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an initial certificate of zoning compliance has been issued. The administrator shall not issue an initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary, he determines that the proposed work conforms to the applicable provisions of this chapter.  
(Ord. No. 95-4, ' 9-2, 4-12-1995)

**Sec. 70-252. Application.**

Every applicant for an initial certificate of zoning compliance shall submit to the administrator, in graphic and/or narrative form, all the items of information listed in this section that are applicable.

- (1) The name and address of the applicant;
- (2) The name and address of the owner or operator of the proposed structure or use, if different from subsection (1) of this section;
- (3) The nature of the proposed use, including the type of activity, manner of operation, number of occupants or employees, and similar matters;
- (4) The location of the proposed use or structure and its relationship to existing adjacent uses or structures;
- (5) The area and dimensions of the site for the proposed structure or use;
- (6) The height and setbacks of the proposed structures;
- (7) The number and size of proposed dwelling units, if any;
- (8) The location and number of proposed parking/loading spaces and accessways;
- (9) The identification and location of all existing or proposed utilities, whether public or private; and/or
- (10) Any other pertinent information that the administrator may require.

(Ord. No. 95-4, ' 9-2.1, 4-12-1995)

**Sec. 70-253. Duration.**

Initial certificates of zoning compliance shall be valid for one year, or until revoked for failure to abide by a corrective action order. The administrator may renew initial certificates of zoning compliance for successive one-year periods upon written request, provided that the applicant is making a good faith effort to

complete the authorized work.  
(Ord. No. 95-4, ' 9-2.2, 4-12-1995)

**Sec. 70-254. Relationship to building permits.**

Upon the effective date of the ordinance from which this chapter is derived, the zoning administrator shall not issue any building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure unless the applicant for such permit presents to the administrator a copy of the initial certificate of zoning compliance pertaining to such work.

(Ord. No. 95-4, ' 9-2.3, 4-12-1995)

**Secs. 70-255--70-280. Reserved.**

**DIVISION 5.**

**FINAL CERTIFICATES OF ZONING COMPLIANCE**

**Sec. 70-281. Generally.**

No lot or part thereof recorded or developed after the effective date of the ordinance from which this chapter is derived and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of the ordinance from which this chapter is derived shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. The administrator shall not issue a final certificate of zoning compliance until he has determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this chapter.

(Ord. No. 95-4, ' 9-3, 4-12-1995)

**Secs. 70-282--70-300. Reserved.**

**DIVISION 6.**

**CORRECTIVE ACTION ORDER**

**Sec. 70-301. Generally.**

Whenever the zoning administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this chapter, the administrator shall so notify the responsible party, and shall order appropriate corrective action.

(Ord. No. 95-4, ' 9-4, 4-12-1995)

**Sec. 70-302. Contents.**

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

- (1) A description of the premises sufficient for identification;
- (2) A statement indicating the nature of the violation;
- (3) A statement of the remedial action necessary to effect compliance;
- (4) The date by which the violation must be corrected;
- (5) A statement that the alleged violator is entitled to a conference with the administrator if the violator so desires;
- (6) The date by which an appeal of the corrective action order must be filed and a statement of the procedure for so filing; and
- (7) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

(Ord. No. 95-4, '9-4.1, 4-12-1995)

**Sec. 70-303. Service of order.**

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

- (1) Served upon him personally;
- (2) Sent by registered mail to his last known address; or
- (3) Posted in a conspicuous place on or about the affected premises.

(Ord. No. 95-4, '9-4.2, 4-12-1995)

**Sec. 70-304. Stop orders.**

Whenever any work is being done in violation of an initial certificate of zoning compliance, the administrator's corrective action order may state that the violation must cease immediately. See section 70-302(4). In such case, the corrective action order is equivalent to a stop order.

(Ord. No. 95-4, '9-4.3, 4-12-1995)

**Secs. 70-305--70-340. Reserved.**

**ARTICLE III.**

## DISTRICTS

### Sec. 70-341. Establishment.

In order to implement the regulatory scheme of this chapter so as to achieve the objectives enumerated in section 70-1, this entire municipality is hereby divided into the following zoning districts:

District	Designation
Single-family residential	R-1
Single-family residential	R-2
Two-family residential	R-3
Multi-family residential	R-4
Planned development	PD (See Article X)
Commercial	C
Light Industrial	I-1
Heavy Industrial	I-2

(Ord. No. 95-4, ' 3-1, 4-12-1995 < citation needed >)

### Sec. 70-342. Maps.

The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of this municipality. The official map, including all notations and other information thereon, is hereby made a part of this chapter, by reference. The official zoning maps shall be kept on file in the village office.

(Ord. No. 95-4, ' 3-2, 4-12-1995)

### Sec. 70-343. Boundaries.

In determining with precision what territory is actually included within any zoning district, the administrator shall apply the following rules:

- (1) The district boundaries are either streets or alleys unless otherwise shown and where the designation on the zoning maps indicates that the various districts are approximately bounded by the centerline of a street or alley, such street or alley centerline shall be construed to be the district boundary line.
- (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the zoning maps are approximately bounded by lot lines, such lot line shall be construed to be the boundary of the district.

- (3) In unsubdivided property, the district boundary lines shown on the zoning maps shall be determined by use of the scale shown on such maps.

(Ord. No. 95-4, ' 3-3, 4-12-1995)

**Sec. 70-344. Annexed territory.**

Any land which may be annexed to the village in the future shall be placed in the R-1 single-family residence district until changed in accordance with the provisions of this chapter.

(Ord. No. 95-4, ' 3-4, 4-12-1995)

**Sec. 70-345. Intent of districts.**

(a) *R-1 single-family residence.* The R-1 single-family district provides for single-family residences on larger lots with lower densities and more open space.

(b) *R-2 single-family residence.* The R-2 single-family district provides for single-family residences on small lots and was designated to reduce some of the development costs associated with subdivisions.

(c) *R-3 two-family residence.* The R-3 two-family district provides for the mix of one-family and two-family residences on larger lots.

(d) *R-4 multiple-family residence.* The R-4 multiple-family district provides for the location of apartment dwellings at locations adjacent to adequate utilities and transportation services.

(e) *C commercial.* The C commercial district provides for shopping areas to provide a full range of retail goods and services including business office operation and related uses.

(f) *I-1 light industrial.* This I-1 light industrial district is to provide space for modern landscaped industrial and commercial establishments which create limited or no hazards, noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences which would be offensive beyond the boundaries of the industrially zoned lot.

(g) *I-2 heavy industrial.* The I-2 heavy industrial district is to provide a location for industrial uses which generate truck traffic and uses which may create odors, gases, dust, noise, smoke, etc. Uses which have a potential for nuisance are required to obtain a special use.

(Ord. No. 95-4, ' 3-5, 4-12-1995)

**Sec. 70-346. District area; bulk regulations.**

It shall be unlawful to erect or alter any building within the municipality unless the following minimum lot areas and bulk regulations are complied with. Area requirements in the following table are in square feet, while all other requirements are in feet.

(1) *Lot requirements by district.* Lot requirements by district area are as follows:

Lot Sizes (Minimum)					Setback (Minimum)*			
District	Area	Width	Depth	Height Limitation (feet)	Front Yard	Side Yard	Rear Yard	Corner
R-1	9,000	75	100	35	30	6	30	30
R-2	6,600	66	100	35	25	6	25	25
R-3	9,000	75	100	35	30	6	30	30
R-4	**	75	100	35	25	6	25	25
C	None	None	None	35	30	None	None	30
1-1	10,000	75	100	None	30	15	30	30
1-2	20,000	100	100	None	30	15	30	30

\* See section 70-8 for setback exceptions

\*\* In the R-4 district, the minimum lot area is 9,000 square feet or 2,250 square feet per dwelling unit, whichever is greater.

(2) *Dwelling standards.* Dwelling standards are as follows:

- a. R-1 districts shall have a minimum floor area of 1,600 square feet.
- b. R-2 districts shall have a minimum floor area of 1,200 square feet.
- c. R-3 districts shall have a minimum floor area of 1,200 square feet for each detached, single-family dwelling and a minimum floor area of 900 square feet for each unit in any two-family detached dwelling.
- d. R-4 districts shall have not less than the following minimum floor area for each living unit:

Single-family detached dwelling: 1,200 square feet per unit.

Two-family detached dwellings: 900 square feet per unit.

Single-family attached dwelling (townhouses): 900 square feet per unit.

Multi-family dwellings:

Two bedrooms or over: 600 square feet per unit.

One bedroom: 500 square feet per unit.

Efficiency units: 400 square feet per unit.

(Ord. No. 95-4, ' 3-6, 4-12-1995; Ord. No. 2005-03, ' 2, 6-8-2005)

**Sec. 70-347. Existing lots within village limits.**

Upon passage of this chapter by the village board, existing lots within the village limits zoned residential according to previous ordinances, shall be classified as R-2, regardless of lot size.

(Ord. No. 95-4, ' 3-7, 4-12-1995)

**Sec. 70-348. Meeting minimum requirements.**

Except as specifically provided otherwise elsewhere in this chapter, every zoning lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot.

(Ord. No. 95-4, ' 3-8, 4-12-1995)

**Sec. 70-349. Unlisted uses.**

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the village board of trustees, following consultation with the zoning officer and the planning commission, finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use by amending this chapter in accordance with section 70-76. The village board's decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

(Ord. No. 95-4, ' 3-17, 4-12-1995)

**Sec. 70-350. Permitted uses by district.**

In the following list of uses an X means that the principal use, together with accessory uses incidental to and on the same zoning lot as the principal use, are permitted in the zoning district subject to the general provisions of this chapter. An \* means that the principal use, together with accessory uses incidental to and on the same zoning lot as the principal use, is subject to the special use provisions of this chapter. For any proposed Planned Development, see Article X. For uses not included in this list, application shall be made to the zoning board of appeals for interpretation.

Type Of Business Or Dwelling	R-1	R-2	R-3	R-4	C	I-1	I-2
Abrasive manufacture							*
Acetylene manufacture							*

Acid manufacture							*
Alkalies manufacture							*
Ammonia manufacture							*
Amusement establishments					X	X	
Apparel (fabric) manufacture						X	X
Appliance sales and repairs					X	X	
Asphalt, asbestos and nonmetallic mineral product							*
Automobile laundry					X	X	X
Automobile truck and trailer body repair						X	X
Automobile wrecking and salvage							*
Bank					X		
Bar					*		
Barbershop					X		
Battery manufacture							*
Beauty salon					X		
Bedding manufacture							X
Beverage bottling and manufacture							X
Boat sales and repair					X	X	
Bowling alley					X		

Building materials sales and storage						X	X
Business service establishment					X		
Candle manufacture						X	X
Canning and preserving food							X
Carpet manufacture							X
Catalogue order store					X	X	
Cemetery	*	*	*	*			
Charcoal manufacture							*
Chemicals manufacture							*
Church	*	*	*	*			
Clay products manufacture							X
Cleaning, pressing, dyeing					X	X	
Clothing store					X		
Commercial storage						X	X
Concrete products manufacture							*
Confections manufacture						X	X
Contractor's office					X	X	X
Contractor's storage yard						X	X
Cosmetics manufacture						X	X
Costume jewelry and miscellaneous notions						X	X

Dairy plant						X	X
Dental office					X		
Department store					X		
Disinfectant manufacture							X
Drive-in food service establishment							X
Drugstore					X		
Drugs manufacturing						X	X
Dry cleaning establishment					X		
Dry goods store					X		
Dye manufacture							X
Dyeing and finishing textiles							X
Electric generating plant							*
Electrical appliance manufacture						X	X
Enamels, paint and varnish manufacture							X
Equipment repair and storage						X	X
Excavating operations						X	X
Farm implement sales and service						X	X
Feed and seed stores					X	X	X
Feed mill						X	X
Fertilizer manufacture							*
Financial institution					X		

Flammable manufacture and storage							*
Flour and grain storage elevators							*
Freight terminals							X
Freight yards							X
Fruit and vegetable stand					X	X	
Fruit store					X	X	
Fuel storage							X
Funeral parlor					X		
Fur products manufacture							X
Furniture store					X		
Gas station					X	X	X
Gift store					X		
Glass manufacture							X
Golf course					X	X	X
Government office and buildings	X	X	X	X	X	X	X
Grain processing							*
Greenhouse, commercial					X	X	X
Grocery store					X		
Group Home (small)	X	X	X	X			
Group Home (large)			X	X			
Gum and wood chemicals manufacture							*

Hair products manufacture							*
Hardware store					X	X	
Home occupation	*	*	*	*			
Hospital					X		
Hotel					X	X	
Household and office furniture fixture manufacture							X
Insecticide manufacture							*
Insurance office					X		
Jewelry, silverware, plated ware manufacture							X
Jewelry store					X		
Junkyard and other scrap materials							*
Laboratory						X	X
Leather product manufacture							X
Leather tanning							*
Library	*	*	*	*	X		
Lime products manufacture							*
Linoleum manufacture							*
Loan institution					X		
Luggage store					X		
Lumber sales and storage						X	X

Machine manufacture							X
Magazine shop							X
Matches manufacture							*
Measuring and controlling instrument manufacture						X	X
Meat products manufacture							X
Metal fabrication						X	X
Mobile home sales						X	X
Motel					X	X	
Motor vehicle manufacture							X
Motorcycle, bicycle and parts manufacture							X
Music store					X		
Musical instrument and parts manufacture							X
Nursery school	*	*	*	*			
Office and artists supplies					X		
Ophthalmic goods manufacture						X	X
Optical instruments and equipment manufacture						X	X
Package liquor store					*		
Paint shop						X	X
Paper products manufacture, except pulp and paper mills							X
Park areas	*	*	*	*	X	X	X
Petroleum refining and related industry							*

Photog equipment manufacture						X	X
Photog film and chemical manufacture							X
Planned development unit	*	*	*	*	*	*	
Plastic products manufacture						X	X
Playgrounds	X	X	X	X	X		
Plumbing sales and services					X	X	
Poultry processing							*
Primary metal products manufacturing							*
Printing, publishing and allied industries						X	X
Professional laundry						X	X
Professional office					X	X	X
Public transportation terminal						X	X
Quick-freeze plant						X	X
Radio and television stations					X	X	X
Real estate office					X		
Repair garage						X	X
Research laboratories and agencies						X	X
Residential, multiple-family				X			
Residential, single-family	X	X	X	X			
Residential, two-family			X	X			
Restaurant / <u>Cafe</u>					X	X	X
Retail sales, bakery goods					X		
Rubber products manufacture							X
Schools	*	*	*	*			
Scientific and research instruments						X	X
Secondhand stores					X	X	

Seeds, processing						X	X
Self-service storage facility					X		
Sewage treatment plant						X	X
Shoe store					X		
Slaughterhouse							*
Soaps and detergents manufacture							*
Sporting goods store					X		
Stadium, auditoriums and arenas					X	X	
Store products manufacture							X
Surgical, medical and dental instruments manufacture						X	X
Swimming pool, private	X	X	X	X			
Swimming pool, public	*	*	*	*	X	X	X
Tavern					*		
Textile manufacture							X
Theater					X		
Tobacco products manufacture						X	X
Toiletries manufacture						X	X
Toys, amusement, sporting and athletic goods manufacture						X	X
Trucking terminal						X	X
Utility substations and uses	*	*	*	*	X	X	X
Variety store					X		
Vegetable processing							X
Vehicle sales					X		
Veterinary hospital/clinic, kennels					X		
Warehousing and truck terminals						X	X
Watch, clock, and parts						X	X

manufacturing							
Wholesale outlets					X	X	X
Wood products manufacture							X

(Ord. No. 95-4, ' 3-15, 4-12-1995; Ord. No. 99-11, ' 1, 11-10-1999 <*citation needed*>)

**Secs. 70-351--70-380. Reserved.**

**ARTICLE IV.**

**ACCESSORY USES**

**Sec. 70-381. Generally.**

The term "accessory use" means any structure or use which is:

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

If an accessory use is attached to the principal structure, it shall be considered part of the principal structure.  
(Ord. No. 95-4, ' 3-14, 4-12-1995)

**Sec. 70-382. Permitted accessory uses.**

Any accessory use shall be deemed permitted in a particular zoning district if such accessory use is:

- (1) Accessory to a principal structure or use that is allowed in that zoning district as of right (permitted uses) or by virtue of the fact that a special use permit has been granted; and
- (2) In compliance with the restrictions set forth in section 70-383.

(Ord. No. 95-4, ' 3-14.1, 4-12-1995)

**Sec. 70-383. Accessory use restriction.**

(a) *\*Building Height.* No accessory use shall be higher than:

- (1) Fifteen feet in any residential district; or

(2) Twenty-five feet in any other zoning district.

\* See “*Building Height*” definition

(b) *Yard coverage.* In any residential district, accessory uses shall not cover more than 30 percent of a rear yard.

(c) *Use as dwelling.* Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of this village.

(d) *Location.* An accessory building shall meet all setback restrictions of this chapter, shall not be nearer than ten feet to the main building and shall be at least six feet from the side lot line, the rear lot line, or the alley.

(Ord. No. 95-4, ' 3-14.2, 4-12-1995 <*citation needed*>)

#### **Sec. 70-384. Swimming pools.**

(a) No swimming pool, whether public or private, shall be located in any front yard. Above-ground swimming pools may not be located closer than ten feet to any side lot line or ten feet to the rear lot line. In-ground swimming pools may not be located closer than ten feet to any side lot line or 30 feet to the rear lot line. No swimming pool and/or accompanying structure (deck) may cover more than 30 percent of a rear yard.

(b) Every outdoor swimming pool that contains water more than 24 inches deep shall be enclosed by a barrier at least four feet in height. The passage through such a wall or fence shall be equipped with a self-latching and locking gate. Such fence shall not be less than five feet from the pool, and shall comply with all other provisions outlined in the adopted building codes of the Village of Malta.

(Ord. No. 95-4, ' 4-12, 4-12-1995; Ord. No. 2005-02, ' 1, 2-9-2005; Ord. No. 2005-03, ' 3, 6-8-2005)

#### **Secs. 70-385--70-420. Reserved.**

### **ARTICLE V.**

#### **FENCES AND WALLS**

#### **Sec. 70-421. Generally.**

(a) No barbed wire or electrically-charged fence shall be erected or maintained anywhere in this village except in the industrial districts.

(b) No fence, wall, or other obstruction shall be erected within any public right-of-way except by written permission of the zoning administrator in cooperation with the Street Department.

(c) No fence, wall, or other obstruction shall be erected in violation of the state drainage code.

(d) Every fence, wall, or other obstruction shall conform to the special height restrictions applicable in areas near intersections. (See section 70-10(b).)  
(Ord. No. 95-4, ' 4-2(a)--(d), 4-12-1995)

**Sec. 70-422. Types of fences.**

There will be two types of fences:

(1) *Type I.* Type I fence is a fence in which the openings in the materials of which the fence is constructed represent more than 70 percent of the area of the fence and which do not interfere with visibility through or the free passage of air through the fence.

(2) *Type II.* Type II fences are all fences other than type I fences.  
(Ord. No. 95-4, ' 4-2(e), 4-12-1995)

**Sec. 70-423. Regulations for all residential zoning districts.**

(a) Type I fences may be erected to a height not exceeding four feet in the front yard, six feet in the side or rear yard.

(b) Type II fences may be erected to a height not exceeding four feet in a front yard or in a required side yard adjacent to the side of a principal structure on an adjoining lot.

(c) Type II fences may be erected to a height not exceeding six feet to the rear of the principal structure on an adjoining lot.  
(Ord. No. 95-4, ' 4-2(e)(1), 4-12-1995)

**Sec. 70-424. Regulations for all zoning districts other than residential districts.**

(a) Type I fences may be erected to any height anywhere on a lot.

(b) Type II fences may be erected to a height not exceeding four feet in a required yard. Type II fences erected in a required yard adjacent to property in a residential zoning district shall comply with the requirements for type II fences in such residential district; provided, however, that the height of such fences may be increased with a special use permit. A type II fence which complies with the setback requirements for principal structures may be erected to the heights permitted for the principal structures.  
(Ord. No. 95-4, ' 4-2(e)(2), 4-12-1995)

**Sec. 70-425. Regulations for all zoning districts.**

No fence shall be hereafter erected along, parallel to, or substantially parallel to an adjoining property line unless the finished side of such fence faces the adjoining property. If a fence is erected with posts and

supports, it is presumed that the side in which the posts and supports are more visible is the unfinished side. (Ord. No. 95-4, ' 4-2(e)(3), 4-12-1995)

**Secs. 70-426--70-460. Reserved.**

## **ARTICLE VI.**

### **SUPPLEMENTARY REGULATIONS FOR CERTAIN SPECIAL USES**

#### **Sec. 70-461. Applicability of article provisions.**

This article establishes lot and structure requirements, design standards, and use limitations for special, potentially troublesome structures and uses. The regulations of this article apply in every zoning district where the specific structure or use is permitted or allowed by special use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

(Ord. No. 95-4, ' 4-1, 4-12-1995)

#### **Sec. 70-462. Greenhouses and nurseries.**

(a) No fertilizer, compost, manure, or other odor-producing or dust-producing substance shall be stored closer than 100 feet to any lot line.

(b) Greenhouse heating plants shall be situated in an enclosed structure, and shall not be closer than 50 feet to any lot line.

(Ord. No. 95-4, ' 4-3, 4-12-1995)

#### **Sec. 70-463. Home occupations.**

A home occupation means any business, profession, or occupation conducted for gain entirely within a dwelling or one residential premises in conformity with the provisions of this chapter. Within this village every home occupation shall be considered a special use. No home occupation shall be established or conducted except in conformity with the following regulations:

- (1) *Unrelated employees.* A home occupation shall employ not more than one individual who is unrelated to the family residing on the premises.
- (2) *Floor space.* The total area used for a home occupation shall not exceed 25 percent of the gross floor area of the dwelling, or 300 square feet, whichever is less.
- (3) *Dwelling alterations.* In any residential district, a principal residential building shall not be altered (to accommodate a home occupation) in such a way as to materially change the residential character of the building.

- (4) *Outdoor storage.* Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited.
- (5) *Nuisances.* A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.
- (6) *Parking.* For parking regulations, see article IX of this chapter.
- (7) *Signs.* For sign regulations, see article IX of this chapter.
- (8) *Unattached accessory structure.* A home occupation shall not be conducted in an unattached accessory structure.

(Ord. No. 95-4, ' 4-4, 4-12-1995)

**Cross References:** Businesses, ch. 22.

**Sec. 70-464. Hospitals and nursing homes.**

(a) The lot on which a hospital or sanitarium is situated shall have a minimum width and depth of 200 feet and a minimum area of five acres.

(b) The lot on which any nursing home is situated shall have a minimum width and depth of 200 feet and a minimum area of two acres.

(c) The principal building of any hospital, sanitarium, or nursing home shall be located at least 25 feet from all lot lines.

(Ord. No. 95-4, ' 4-5, 4-12-1995)

**Sec. 70-465. Junkyards.**

(a) No part of any junkyard, which includes any lot on which three or more inoperable vehicles are stored, shall be located closer than 500 feet to the boundary of any residential district.

(b) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a solid wall or solid fence at least ten feet high.

(Ord. No. 95-4, ' 4-6, 4-12-1995)

**Sec. 70-466. Kennels.**

(a) The lot on which any kennel is situated shall have a minimum area of three acres.

(b) Every kennel shall be located at least 200 feet from the nearest dwelling and at least 100 feet from any lot line.

(Ord. No. 95-4, ' 4-7, 4-12-1995)

**Sec. 70-467. Recreational vehicles.**

The regulations of this section do not apply to travel trailers or other recreational vehicles parked in a permitted travel trailer park. The requirements of subsections (1), (3), and (4) of this section do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicles sales lot.

- (1) Not more than two travel trailers or other recreational vehicles shall be parked on any lot.
- (2) No travel trailer or other recreational vehicle shall be used as a dwelling.
- (3) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.
- (4) No travel trailer or other recreational vehicle shall be parked on any front yard, except on a driveway.

(Ord. No. 95-4, ' 4-8, 4-12-1995)

**Cross References:** Traffic and vehicles, ch. 62.

**Sec. 70-468. Sanitary landfills.**

Any person who intends to establish or conduct a sanitary landfill within this village shall obtain a permit from the state Environmental Protection Agency indicating that the sanitary landfill fully complies with the "Solid Waste Rules and Regulations," promulgated by the state EPA pursuant to the authority granted by state law (415 ILCS 5/22).

(Ord. No. 95-4, ' 4-9, 4-12-1995)

**Sec. 70-469. Schools.**

- (a) The lot on which any school is situated shall have the minimum area indicated as follows:

Type of School	Minimum Lot Area
Nursery	20,000 square feet, plus at least 100 square feet of fenced outdoor play area per child
Other (elementary, junior high, senior high)	As required by state law (105 ILCS 5/35-8), generally four acres plus one additional acre for every 150 students in excess of 200

(b) The principal building of every school shall be located at least 25 feet from all lot lines.  
(Ord. No. 95-4, ' 4-10, 4-12-1995)

**Sec. 70-470. Service stations.**

(a) All gasoline pumps and other service facilities shall be located at least 25 feet from any street right-of-way line, side lot line, or rear lot line.

(b) Every accessway shall be located at least 200 feet from the principal building of any fire station, school, public library, church, park, or playground, and at least 30 feet from any intersection of public streets.

(c) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.

(d) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

(e) Whenever the use of a service station has been discontinued for 12 consecutive months, or for 18 months during a three-year period, the administrator shall order that all underground storage tanks be removed by the present owner pursuant to the regulations (state and/or federal) in effect at the time.

(f) Service stations must be in compliance with all state and federal Environmental Protection Agency regulations.  
(Ord. No. 95-4, ' 4-11, 4-12-1995)

**Sec. 70-471. Utility substations.**

Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

- (1) Every lot on which any such facility is situated shall meet the minimum area and dimensions requirements of the district in which it is located. Every part of any such facility shall be located at least 25 feet from all lot lines, or shall meet the district setback requirements, whichever is greater.
- (2) In any residential district, every such facility shall be designed, constructed, and operated so that it is compatible with the residential character of the area.
- (3) If the administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least eight feet in height be installed.

(Ord. No. 95-4, '4-13, 4-12-1995)

**Cross References:** Utilities, ch. 66.

**Sec. 70-472. Uses of required parking spaces.**

(a) *Nonresidential uses.* Required accessory off-street parking facilities provided for the uses listed in this chapter shall be solely for the parking of motor vehicles, in operating condition, used by patrons, occupants or employees of such uses and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes, or materials or for the parking of trucks used in conducting the business or use.

(b) *Residential uses.* Required off-street parking spaces serving residential uses and in a residential district including the driveway thereof, shall be used only for the parking of passenger automobiles and trucks with a weight rating not to exceed 16,000 lbs (Class F license plate) and recreational vehicles.

(c) *Truck parking permit.* A truck parking permit may be granted by the village board of trustees under the following conditions. Each case is to be considered separately:

- (1) *Application.* Every applicant for a truck parking permit shall submit to the zoning administrator, in narrative and/or graphic form, the items of information enumerated in this subsection (c)(1). The administrator shall prepare an advisory report to the village board. The required items of information are as follows:
  - a. The name and address of the applicant;
  - b. The name and address of the truck owner or operator if they are different than subsection (c)(1)a. of this section;
  - c. A description of the vehicle involved (height, width, length, axles, etc.);
  - d. The proposed location of parking and its relationship to adjacent structures and lot line;
  - e. The times of operation of the vehicle (warm-up, departure, return, etc.);
  - f. The name and address of all residential property owners of record within two blocks of the property on which the vehicle will be parked; and
  - g. Any other pertinent information the applicant desires to be considered or that the zoning administrator may require.
- (2) *Public hearing notice.* The village board shall hold public hearings on the original permit application within a reasonable time after such application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or

attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than 30 nor less than 15 days before the hearing:

- a. By first class mail to the applicant and to all parties whose property would be directly affected by the proposed special use; and
- b. By publication in a newspaper of general circulation within this municipality.

- (3) *Disposition.* If the application is approved by the village board of trustees, a permit card shall be issued by the village clerk and must be placed in the vehicle in a prominent location so as to be easily visible. The truck parking permit shall expire one year from the date of its issuance, renewable by a vote of the board of trustees and established by the village board.

(Ord. No. 95-4, ' 4-14, 4-12-1995; Ord. No. 2005-03, ' 4, 6-8-2005)

**Secs. 70-473--70-500. Reserved.**

## **ARTICLE VII.**

### **RESIDENTIAL USES IN CERTAIN COMMERCIAL AREAS**

**Sec. 70-501. Central business district.**

(a) *Defined.* The term "central business district" is defined as that area bounded on the north by the railroad, on the east by the alley between Third and Fourth Streets, on the south by Washington Street, and on the west by Second Street.

(b) *Objectives.* The objectives of zoning within this area are to:

- (1) Provide for the maintenance and orderly growth of retail, service, office, government, and residential uses in the central area of the village.

- (2) Promote the upgrading and full utilization of older structures existing in the central area.

(Ord. No. 95-4, ' 4-15.1, 4-12-1995; Ord. No. 97-3, ' 1, 3- -1997)

**Sec. 70-502. Residential use permitted.**

Structures within the central business district may be modified to have residential uses on the second floor pursuant to the requirements of the building code, provided that the first floor use remains as permitted by commercial zoning.

(Ord. No. 2005-03, ' 5, 6-8-2005)

**Secs. 70-503--70-530. Reserved.**

## ARTICLE VIII.

### OFF-STREET PARKING AND LOADING\*

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\* **Cross References:** Stopping, standing and parking, ' 62-41 et seq.

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#### DIVISION 1.

#### GENERALLY

##### **Sec. 70-531. Applicability of article provisions.**

Off-street parking and loading shall be provided in accordance with this article for all structures and uses erected or established after the effective date of the ordinance from which this chapter is derived.  
(Ord. No. 95-4, ' 5-1, 4-12-1995)

##### **Sec. 70-532. Existing parking/loading facilities.**

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

(b) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading facilities need not be provided.

(c) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional parking and loading facilities commensurate with such increases in use-intensity shall be provided as required in this article for such new use.  
(Ord. No. 95-4, ' 5-1.1, 4-12-1995)

##### **Sec. 70-533. Computation of required parking/loading spaces.**

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

- (1) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. The term "employee parking" means one parking space shall be required per 1.5 employees, unless otherwise stated.
- (2) In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.

- (3) Whenever it is necessary to translate gross parking lot area into the number of parking spaces, 350 square feet of gross area shall be deemed one parking space.
- (4) If computation of the number of parking or loading spaces required by this chapter results in a fractional space, any fraction of one-half or more shall be counted as one space.
- (5) No space or portion thereof needed to satisfy the minimum applicable requirement for the number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

(Ord. No. 95-4, ' 5-5, 4-12-1995)

**Sec. 70-534. Number of parking and loading spaces required.**

Off-street parking and loading spaces shall be provided as indicated in tabular form in this section. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The zoning administrator shall make the determination of similarity.

Use		Parking Spaces Required	Loading Spaces Required
<b>Dwellings/Lodgings</b>			
	Hotels, motels, lodges	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 square feet or more of floor area
	Multiple-family dwellings		
	1 bedroom or less	1.5 spaces per dwelling unit	Not applicable
	2 bedrooms or more	2 spaces per dwelling unit	Not applicable
	Single-family and two-family dwellings	2 spaces per dwelling unit	Not applicable
<b>Educational, Institutional, or Recreational</b>			
	Churches, auditoriums	1 space per 4 seats in largest seating area	Not applicable
	Hospitals	1 space per 2 beds, plus employee parking	50,000 square feet floor space = 1 space; 50,000--

			100,000 square feet floor space = 2 spaces; 100,000--200,000 square feet floor space = 3 spaces
	Libraries, museums	1 space per 500 square feet floor area	On review by administrator
	Nursing homes	1 space per 5 beds	See Hospitals
	<b>Schools</b>		
	Elementary, junior high	1 space for every student building designed to accommodate, plus employee parking	On review by administrator
	Senior high	1 space for every 4 students over 16 years of age building designed to accommodate, plus employee parking	On review by administrator
	Trade school	1 space for every 3 students building designed to accommodate, plus employee parking	On review by administrator
<b>Commercial, Office, Service</b>			
	All commercial and service uses, unless specifically indicated otherwise below	1 space per 300 square feet floor space	10,000 square feet floor area = 1 space; more than 10,000 square feet floor area = 1 space plus 1 additional space per 50,000 square feet floor area in excess of 10,000 square feet
	Banks, savings and loan (walk-in and drive-in)	1 space per 300 square feet floor area plus employee parking, 5 spaces	30,000 square feet floor area = none required; 30,001--100,000 square feet

		per teller window	floor area = 1 space; more than 100,000 square feet floor area = 1 space plus 1 additional space per 100,000 square feet floor area in excess of 100,000 square feet
	Beauty shops and barbershops	2 spaces per chair plus employee parking	Not applicable
	Bowling alleys	4 spaces per bowling lane plus additional spaces as required in this section for affiliated uses such as restaurants	Not applicable, except as required for affiliated uses
	Car washes	5 spaces per lane	Not applicable
	Furniture, appliance stores	1 space per 600 square feet floor area	25,000 square feet floor area = 2 spaces; more than 25,000 square feet floor area = 2 spaces plus 1 additional space per 25,000 square feet floor area in excess of 25,000 square feet
	Home occupations	1 space per 150 square feet floor area devoted to home occupation in addition to parking requirements for dwelling	Not applicable
	Office, general	1 space per 300 square feet floor area	See Banks
	Office, medical or dental	1 space per 200 square feet floor	Not applicable

		area or 3 spaces per professional, whichever is greater	
	Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces/room	1 space per 10,000 square feet or more floor area
	Restaurants, refreshment stands		
	Sit-down	1 space per 5 seats or 1 space per 50 square feet floor area, whichever is greater	1 space per structure having 10,000 square feet or more floor area
	Drive-in	1 space per 25 square feet floor area	1 space per structure having 10,000 square feet or more floor area
	Service station	2 spaces per service stall, plus employee parking	Not applicable
	Theaters, indoor	1 space per 4 seats in largest seating area	Not applicable
	Vehicle sales (auto, boats, trailers, etc.)	1 space per 600 square feet enclosed floor area plus 1 space up to 10,000 square feet open lot area devoted to sales/display of vehicles	See Furniture and Appliance Stores
<b>Industrial</b>			
	Any manufacturing, warehousing, or other industrial use	1.5 spaces per employee plus 1 space per company vehicle, plus 1 visitor space per 25 employees	20,000 square feet floor area = 1 space; 20,001--50,000 square feet = 2 spaces; 50,001--90,000 square feet = 3 spaces; over 90,001 square feet =

			3 spaces plus 1 additional space per 50,000 square feet floor area in excess of 90,000 square feet
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(Ord. No. 95-4, ' 5-6, 4-12-1995)

**Secs. 70-535--70-560. Reserved.**

**DIVISION 2.**

**PARKING AREA DESIGN STANDARDS**

**Sec. 70-561. Conformance to division provisions.**

All areas providing off-street parking shall conform to the standards indicated in the provisions of this division. Standards applicable in all parking areas are indicated by one asterisk (\*); standards applicable to all parking areas except those accessory to single-family or two-family dwellings are indicated by two asterisks (\*\*).

(Ord. No. 95-4, ' 5-2, 4-12-1995)

**Sec. 70-562. Spaces.**

(a) Each required parking space shall be at least ten feet wide and 20 feet long, and shall have at least seven feet of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.\*

(b) Markings shall be laid and restored as often as necessary to clearly delineate such parking space.\*\*

(c) Handicapped parking spaces must comply with Illinois Accessibility Code.\*

(Ord. No. 95-4, ' 5-2.1, 4-12-1995; Ord. No. 2005-03, ' 6, 6-8-2005)

**Sec. 70-563. Interior aisles.**

Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles and into and out of parking spaces. Aisles designed for two-way traffic shall be at least 22 feet wide. One-way aisles designed for such 60-degree parking shall be at least 18 feet wide.\*\*

(Ord. No. 95-4, ' 5-2.2, 4-12-1995)

**Sec. 70-564. Accessways.**

- (a) Parking areas shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.\*
- (b) No accessway / driveway to any parking area shall be located within 30 feet of any corner formed by the intersection of the rights-of-way of two or more streets. At intersections where traffic control devices are installed, the administrator may increase this requirement as necessary to prevent hazards.\*
- (c) Parking area accessways (including residential driveways) and public streets shall be aligned to form, as clearly as feasible, right angles.\*
- (d) The accessway to every parking lot located in any commercial district or in the industrial districts shall be at least 24 feet wide unless two one-way drives, each 12 feet wide, are provided.\*\*
- (e) The accessway / driveway to every parking area located in any residential district shall be at least ten feet wide; but if the parking area contains more than eight parking spaces or if the accessway is longer than 100 feet, access shall be provided either by one two-way drive at least 20 feet wide or by two one-way drives each at least ten feet wide.\*
- (f) No new shared accessways / driveways shall be constructed in the R-1 and R-2 zoning districts.

(Ord. No. 95-4, ' 5-2.3, 4-12-1995 <citation needed>)

**Sec. 70-565. Surfacing.**

All new proposed parking lots and accessways shall be graded and improved with a compacted stone at least ten inches thick and with at least three inches of asphaltic concrete or approved comparable material. Residential driveways in the R-1 and R-2 zoning districts shall be graded and improved with a compacted stone base at least six inches thick, surfaced with at least two inches of asphaltic concrete or approved comparable material.\*

(Ord. No. 95-4, ' 5-2.4, 4-12-1995 <citation needed>)

**Sec. 70-566. Lighting.**

Any lights used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking area boundary lines to the greatest extent practicable.\*

(Ord. No. 95-4, ' 5-2.5, 4-12-1995)

**Sec. 70-567. Bordering.**

In order to preserve the continuity of the streetscape and to minimize visual pollution, all parking lots containing more than eight parking spaces shall be bordered by a wall, fence, earth berm, or closely planted shrubbery at least three feet high on each side abutting any street of conforming residential property. Wheel

bumpers or curbs shall be designed and arranged to prevent damage to such screening. The screening shall be maintained by the owner or lessee of the parking lot in accordance with a maintenance agreement filed with the zoning administrator.\*\*

(Ord. No. 95-4, ' 5-2.6, 4-12-1995)

**Sec. 70-568. Landscaping.**

(a) In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains 20 or more parking spaces.\*\*

(b) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for an initial certificate of zoning compliance to develop any parking lot that will contain 20 or more spaces.

(c) The landscaping plan shall include the following information:

- (1) Proposed type, amount, size, and spacing of plantings, including trees, shrubbery, and ground cover;
- (2) Proposed size, construction materials, drainage, and scheduled maintenance of landscaped islands or planting beds; and
- (3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

(Ord. No. 95-4, ' 5-2.7, 4-12-1995)

**Secs. 70-569--70-590. Reserved.**

**DIVISION 3.**

**LOCATION OF PARKING**

**Sec. 70-591. Conformance to division provisions.**

All off-street parking shall be located in conformity with the requirements of this division.

(Ord. No. 95-4, ' 5-3, 4-12-1995)

**Sec. 70-592. Residential districts.**

(a) Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multifamily dwelling

shall be unobstructed so that no vehicle need to be moved in order to allow another vehicle to enter/exit the parking area.

(b) All parking spaces accessory to permitted nondwelling uses located in any residential district generally shall be located on the same lot as the use served. However, the administrator may allow such parking facilities to be located on another parcel within 200 feet of the use served if the same lot requirement is not feasible.

(Ord. No. 95-4, ' 5-3.1, 4-12-1995)

**Sec. 70-593. Commercial and industrial districts.**

(a) Parking spaces accessory to any dwelling located in any commercial district shall either be located on the same lot as the dwelling or on another parcel within 200 feet of the residential premises. Parking lots accessory to any commercial or industrial use located in any commercial district or in the industrial districts shall be located within 500 feet of the use served; provided, however, that no portion of any such parking lot shall extend into any residential district except by written permission of the zoning administrator.

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

(Ord. No. 95-4, ' 5-3.2, 4-12-1995)

**Secs. 70-594--70-610. Reserved.**

**DIVISION 4.**

**DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES**

**Sec. 70-611. Conformance with division provisions.**

All off-street loading facilities shall conform to the minimum standards indicated in this division.  
(Ord. No. 95-4, ' 5-4, 4-12-1995)

**Sec. 70-612. Size of space.**

Every required off-street loading space shall be at least 12 feet wide and 45 feet long, exclusive of aisle and maneuver space, and shall have a vertical clearance of at least 14 feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(Ord. No. 95-4, ' 5-4.1, 4-12-1995)

**Sec. 70-613. Accessway.**

Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such accessway shall be at least 12 feet wide.  
(Ord. No. 95-4, ' 5-4.2, 4-12-1995)

**Sec. 70-614. Surfacing.**

Every off-street loading area shall be improved with a compacted stone base at least seven inches thick, surfaced with at least two inches of asphaltic concrete.  
(Ord. No. 95-4, ' 5-4.3, 4-12-1995)

**Sec. 70-615. Buffer strips.**

No loading space or area for vehicles over two-ton cargo capacity shall be developed closer than 50 feet to the lot line of any lot located in any residential district unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least ten feet in height and of sufficient density to block the view from the residential property.  
(Ord. No. 95-4, ' 5-4.4, 4-12-1995)

**Sec. 70-616. Location.**

Every off-street loading space that is required or provided shall be located on the same parcel of land as the use served, and not closer than 50 feet to the intersection of the rights-of-way of two or more streets and not on required front yards.  
(Ord. No. 95-4, ' 5-4.5, 4-12-1995)

**Secs. 70-617--70-650. Reserved.**

**ARTICLE IX.**

**SIGNS\***

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\* **Cross References:** Signs on streets, ' 50-69.

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**Sec. 70-651. Compliance with article provisions.**

All signs hereafter constructed, erected or painted, or otherwise established, moved, altered or changed, within the village's jurisdiction shall comply with the regulations of this article, except that repair and/or maintenance of lawful, nonconforming signs shall be in accordance with the regulations set forth in article XI of this chapter.  
(Ord. No. 95-4, ' 6-1(intro &), 4-12-1995)

**Sec. 70-652. Applicability of article provisions.**

Sign regulations of this article shall not apply to governmental signs including traffic signs which are erected and intended for public information, direction, safety or control purposes; and no sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic. (Ord. No. 95-4, ' 6-1(a), 4-12-1995)

**Sec. 70-653. Freestanding signs.**

No freestanding sign shall exceed 35 feet in height from the ground level or 35 feet in height above the grade level of the traveled way to which the sign is oriented. In determining the height of any sign above the grade level, it shall be measured on the shortest line perpendicular with the sign and the traveled way. (Ord. No. 95-4, ' 6-1(b), 4-12-1995)

**Sec. 70-654. Nonilluminated subdivision signs; erection requirements.**

In any subdivision for which a plat has been filed for approval by the village, nonilluminated subdivision signs may be erected subject to the following requirements:

- (1) Not more than two such signs shall be permitted for any subdivision held in single or common ownership.
- (2) The total area of any such sign shall not exceed 200 square feet. Such subdivision sign or signs may be displayed for a period of time not to exceed two years from the date of issuance of the permit for the first building in the subdivision or for the duration of the project, whichever is less, unless an extension for a specific additional period of time is granted by the zoning board of appeals.

(Ord. No. 95-4, ' 6-1(c), 4-12-1995)

**Sec. 70-655. Additional regulations for C districts.**

In the C commercial district, the following additional sign regulations shall apply:

- (1) The total surface area of all signs shall be limited to three square feet of sign (or total signs) for each linear foot of front width of the business building or business unit, or 1 1/2 square feet of sign for each linear foot of lot frontage, whichever is greater, provided that the total surface area of any one sign shall not exceed 200 square feet. On any business building facing more than one street, each street frontage shall be considered separately to determine the maximum sign area (or total sign area) permitted for each street frontage. Any sign nearer than 75 feet of any residential zoning district shall not be illuminated unless approved by the zoning board of appeals.
- (2) On the buildings which include more than one business, the front width of each individual business unit shall be used to determine the maximum sign area for that business.

- (3) Projecting signs shall not project more than eight feet from the principal building.
- (4) No sign shall project more than 15 feet above the highest point of the roof structure of the building to which it is attached.
- (5) Freestanding signs shall not project more than eight feet into any required yard.
- (6) Signs may project up to eight feet into any public right-of-way, street or alley; however, in no case shall any sign project into that part of any public right-of-way intended or designed for traffic circulation or parking. Any such projection shall only be permitted above a height of ten feet. If widening necessitates the removal of any sign, such removal and/or replacement shall be the responsibility of the property owner.

(Ord. No. 95-4, ' 6-1(d), 4-12-1995)

**Sec. 70-656. Additional regulations for I-1 and I-2 districts.**

In the I-1 light industrial district and I-2 heavy industrial district, the following additional regulations shall apply:

- (1) The surface area of all projecting, freestanding, wall, combination or roof signs shall not be greater than three square feet from each linear foot of front width of business building or business unit, or 1.5 square feet for each linear foot of lot frontage, whichever is greater, provided that the maximum total surface area for any one sign shall not exceed 400 square feet. However, the maximum permitted surface area for any one of such signs may be increased two square feet for each linear foot that signs are set back from the required setback line. Only the setback from one street and/or setback line shall be permitted for increase. On any business building facing more than one street, each street frontage shall be considered separately to determine the maximum sign area (or total sign area) permitted for each street frontage. Any sign nearer than 75 feet of any residential zoning district shall not be illuminated unless approved by the zoning board of appeals.
- (2) No point of any sign shall project more than 15 feet above the highest point of the roof structure of the building to which it is attached.
- (3) Freestanding sign supports shall not be set nearer than 25 feet to any property line; however, the sign shall project not more than eight feet into any required yard.
- (4) Projecting signs and marquees shall not project more than eight feet from the principal building.

(Ord. No. 95-4, ' 6-1(e), 4-12-1995)

**Sec. 70-657. Temporary signs.**

Temporary signs shall not remain in place for a period of more than 60 days except that the zoning

administrator may extend the time period for an additional 30 days. Any further time extension shall thereafter be applied for through the zoning board of appeals, and the board may grant such time extensions as seem reasonable and necessary.

(Ord. No. 95-4, ' 6-1(f), 4-12-1995)

**Secs. 70-658--70-690. Reserved.**

## **ARTICLE X.**

### **PLANNED DEVELOPMENT**

#### **Sec. 70-691 Purpose and intent**

The planned development district regulations set forth herein are intended to: provide an opportunity for unique, well-planned development on property in the village of Malta, Illinois in accordance with the recommendations of the village of Malta comprehensive plan and considered desirable by the village board of trustees; provide a means of achieving greater flexibility in new development of land in a manner not generally possible in the other zoning districts; encourage a more imaginative and innovative design of projects; promote a more desirable community environment; retain maximum control over both the structure and future operation of the development. The planned development regulations are intended to encourage imaginative site planning that integrates the development proposal with existing topography and other natural environmental assets of the land while conserving the character of the village. Clustering of units is encouraged to provide common open space. Under this procedure, well-planned residential, industrial, commercial and other types of land use, individually or in combination, may be developed in accordance with the standards contained herein. The village board, upon recommendation by the planning commission, may, by ordinance adopted in the same manner as other zoning map amendments are approved, authorize a planned development. However, it should be noted that the regulations for planned developments are not intended to allow excessive densities, or the development of incompatible land uses, either within the development or as the development relates to the general neighborhood, nor are they intended to accommodate the expansion of pre-existing uses that are not in accordance with the recommendations of the village comprehensive plan. The applicant must strictly adhere to the standards contained in the following provisions. The board may, upon proper application, approve a planned development to facilitate the use of flexible techniques of land development and site design in order to obtain one or more of the following objectives:

1. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
2. Diversification in the uses permitted and variations in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
3. Functional and beneficial uses of open space areas.
4. Preservation of natural features of a development site.
5. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.

6. Rational and economic development in relation to public services.
7. Efficient and effective traffic circulation, both within and adjacent to the development site.

**Sec. 70-692 Planned development zoning district:**

1. A planned development shall constitute a separate zoning district, and the designation of a planned development district shall be subject to the review and approval process for a zoning amendment, as set forth in Article 2, Division 2, Subdivision III of this ordinance, and subject to the standards and procedures set forth in this article.

2. The ordinance approving the preliminary development plan for the planned development shall establish regulations governing uses, densities, minimum lot area, bulk regulations, parking and signs, and exceptions to the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such are consistent with the standards and criteria contained in this section. No minimum lot size is required within a planned development, and appropriate lot size shall be evaluated based upon the relationship to adjacent development, amount of common open space, proposed provision of sewage disposal, and other appropriate factors. Uses in planned developments may include residential (single-family detached, attached, and multi-family dwellings), business, manufacturing, public/institutional, recreational, conservation, open space or any combination of these uses, provided, however, that planned development - residential projects must consist of at least 55 percent of the developed land area devoted to residential uses; planned development - commercial projects must consist of at least 55 percent of the developed land area devoted to commercial uses; and planned development - industrial projects must consist of at least 55 percent of the developed land area devoted to manufacturing uses. Mixed-use development projects may consist of any mixture of uses.

3. Planned developments shall not be approved that result in:

- a. Development of uses in an area that would be incompatible with the purpose and intent of this section or the goals and objectives of the village comprehensive plan.
- b. Inconvenient or unsafe access to the planned development.
- c. Traffic congestion in the streets that adjoin the planned development.
- d. An undue or disproportionate burden on public parks, recreational areas, fire and police protection, schools, and other public facilities which serve or are proposed to serve the planned development.
- e. Alteration, destruction, or diminution of natural landscape features such as floodplains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes, unless compensation for such is an element of the project; and
- f. Alteration, destruction of archeological and historic features.

**Sec. 70-693 Types of planned developments:**

a. Two types of planned developments may be approved by the village board:

1. Minor planned developments, generally consisting of one primary land use on one lot. Minor planned developments shall be subject to the application requirements set forth for special use permits in Article 2, Division 2, Subdivision II of this ordinance, provided, however, that the application shall include a

final development plan, and further provided that the zoning administrator may require as part of the application for a minor planned development any or all of the items and information required for preliminary development plans and improvements plans if deemed necessary for a thorough review of the proposal, and shall be subject to the review and approval procedure for amendments as set forth in Article 2, Division 2, Subdivision III of this ordinance;

2. Major planned developments, consisting of more than one primary land use on a single lot, or the creation of two or more lots. Major planned developments shall be in compliance with the requirements of the Village Subdivision Ordinance; the Village Specifications for Improvements; and shall be subject to the procedures set forth below.

b. It shall be the authority of the zoning administrator to determine whether a proposed planned development is a minor or major planned development, provided, however, that the applicant for a planned development may appeal to the planning commission for such a determination.

### **Sec. 70-694 Procedures for major planned development approval:**

1. Pre-application conference: Prior to filing any application for major planned development approval the prospective applicant shall request a pre-application conference with the zoning administrator. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed planned development; a concept plan showing general lot configuration, land use(s), road/street configuration, total acreage and acreage by land use; and a list of any professional consultants advising the prospective applicant with respect to the proposed planned development. Upon receipt of such request the zoning administrator shall promptly schedule such a conference.

The purpose of the pre-application conference is to provide information to help a prospective applicant appraise the feasibility of a proposed planned development in relationship to the village comprehensive plan and the applicable zoning regulations. The pre-application conference encourages the discussion of basic problems and questions related to the development proposal prior to the expenditure of funds for detailed plans.

#### 2. Concept plan:

a. An applicant shall submit a concept plan in accordance with the provisions of this section to the village for tentative review and approval prior to incurring the expenses associated with formal site plan submission in order to discover whether the village will accept, or under what circumstances the village will accept, a major planned development of the type proposed at the site. The following items shall be required:

1. Maps which are part of the concept plan may be in general form but shall be at a scale not to exceed 1" = 100', and shall contain the proposed land uses, general lot configuration, natural features of the site, the character and approximate density of buildings, and the approximate location of proposed thoroughfares and water, sewage and drainage systems, total acreage and acreage of each proposed use.

2. The written statement shall contain a general explanation of the size and character of the planned development, including a statement of the present ownership of all the land within the planned development, proposed uses, and expected schedule of construction.

3. At the time of concept plan review, the applicant for approval of a major planned development

may request the project be subject to the minor planned development review and approval process and requirements as set forth in Section 70-693 a. 1. above, in lieu of the requirements of this subsection. A decision on the request shall be subject to a recommendation by the zoning administrator and a decision by the village board of trustees.

b. The zoning administrator shall review the concept plan within 30 days after receipt of such plan, and shall prepare a written report containing its recommendations to the planning and zoning committee and the applicant. The zoning administrator may, at his discretion, retain outside consulting services for the review of plans, all cost for said outside services shall be borne by the developer.

c. The planning commission shall review the comments and recommendation of the zoning administrator within a reasonable amount of time, and issue a non-binding vote by motion on the concept plan proposal. Approval of the concept plan by the committee does not imply nor guarantee approval of the preliminary development plan.

3. Preliminary development plan: A preliminary development plan shall be submitted for a proposed planned development, containing the following information:

a. Site and landscape plan: One or a series of maps shall be submitted indicating:

1. A boundary survey plat and legal description of the property;
2. Aerial photo showing site and surrounding area and demarcation of all taxing bodies;
3. The location, size and height of all existing and proposed structures on the site;
4. The location and general design (dimensions and materials) of all driveways, curb cuts and sidewalks including connections to building entrances;
5. The location, area and number of proposed parking spaces;
6. Existing and proposed grades at an interval of two feet or less, extended beyond the project site to include adjacent properties and structures;
7. The location and general type of all existing trees over six-inch caliper and, in addition, an indication of those to be retained;
8. The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscaped areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.);
9. Soils information. The zoning administrator may require specific soil information based on on-site investigation, to include soil borings at a 200-foot grid or slit trench analyses;
10. Drain tile information;
11. The location and approximate size of all proposed plant material by type, such as hardwood/deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included;
12. The location and details of all retaining walls, fences (including privacy fences, etc.) and earth berms;

13. The description and location of all refuse collection facilities including screening to be provided;
14. Provisions for both on- and off-site storm water drainage and detention related to the proposed development; and
15. The location and approximate size of all existing and proposed utilities where applicable.
16. Proposed top of foundation for all proposed buildings.

The scale of the drawing or drawings indicating the above shall be reasonably related to the site size and the complexity of the proposed development, and the scale shall in no event be smaller than 1" = 100'. All drawings shall likewise indicate a project name, the names of adjoining streets, the applicant's name, a scale, a north arrow, and the date drawn.

The applicant may be required to provide, at the applicant's expense, additional clarification or further detail of the site plan, as deemed necessary by the zoning administrator.

b. Site and building sections: Schematic or illustrative sections shall be drawn to a scale of 1" = 50' or larger, indicating both edge conditions and internal grade changes in relation to principal variations of internal building levels and site line relations to adjacent structures.

c. Typical elevations: Typical elevations of proposed buildings shall be provided at a reasonable scale.

d. Project data on the site plan:

1. Site area (square feet and acres);
2. Area, in square feet and acres, of all wetlands, detention areas, woodlands, and areas with slope greater than 15 percent;
3. Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreation area, landscaped areas and others;
4. Total dwelling units and floor area distributed by general type (one-bedroom, two-bedroom, etc.); and total floor area ratio and residential density distribution;
5. Floor area in non-residential use by category and total floor area ratio;
6. Calculations of parking spaces and area in relation to dwelling units and commercial floor area.

e. Project report: A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and contractual interest in the subject site, and anticipated development schedule. At the discretion of the zoning administrator, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, storm water and erosion control, etc., of the proposed development.

f. Phased development: If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule shall be submitted indicating:

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

2. The order in which the phases of the project will be built;
3. The minimum area and the approximate location of common open space and public improvements that will be required at each stage;
4. Placement of all temporary structures utilized during construction, i.e., construction offices, siltation control devices, etc.

g. Natural resources report: An application for preliminary development plan approval must include a natural resources report from the county soil and water conservation district for any land to be changed from an agricultural use to a nonagricultural use. All data generated by the natural resources report and the land evaluation and site assessment review will become part of the public record, and selected portions may be forwarded to the zoning administrator and the village board as a part of the planning commission's land use review.

h. Traffic Impact Study

i. Completed Preliminary Plat Checklist

#### **Sec. 70-695 Review procedure for preliminary development plan:**

a. The application for preliminary development plan approval shall be considered at a public hearing, but not sooner than 30 days after acceptance of the completed application. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the village not less than 15 days before such hearing. A copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within 1 1/2 miles of land proposed to be reclassified. Supplemental or additional notices may be published or distributed as the village may, by rule, prescribe from time to time. Additionally, copies of such notice shall be sent to owners of record of all adjacent properties of the lot(s) included in this application.

b. Staff review: The zoning administrator shall coordinate a review of the application by appropriate village departments. The zoning administrator may, at his discretion, retain outside consulting services for the review of plans, all cost for said outside services shall be borne by the developer. A written report documenting the review and staff recommendations shall be prepared by the zoning administrator and submitted to the plan commission at the meeting at which the application is first considered.

c. After consideration of the application and staff report, the planning commission shall make a report containing findings and a recommendation. The report of the planning commission shall be transmitted to the village board of trustees. The planning commission may recommend approval, approval with amendments, conditions or restrictions with respect to the preliminary development plan, or denial of the plan. In deliberating on the proposed planned development, the planning commission shall consider the following:

1. The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the village comprehensive plan.
2. The proposed development can be substantially completed within the period for time specified in the schedule of development submitted by the applicant.
3. The entire lot to be occupied by the proposed development is held in a single ownership, or if there are two or more owners, the application for such proposed development is filed jointly by all such owners.

4. The development plan contains such proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the village. Such covenants, easements and other provisions, when part of the approved final development, may be modified, removed or released only with the consent of the village board after a public hearing before, and recommendation by the planning commission as provided in this section.
5. Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond design capacity.
6. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or access ways, is landscaped or otherwise improved.
7. The project area is adaptable to unified development and has within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness;
8. The uses permitted in the development are necessary or desirable and the need for such uses is clearly demonstrated by the applicant;
9. The dominant land use of the proposed planned development is consistent with the recommendations of the village comprehensive plan for the area containing the project;
10. Any modifications of the standards and specifications of this ordinance or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the public general welfare.
11. Exceptional landscaping features such as larger caliper, varied species and reduce spacing of trees and additional sod is provided.
12. All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned development. Entrance points or locations of streets and driveways upon previously existing public roadways are approved by the village engineer and, if necessary, the DeKalb county engineer and/or the state department of transportation. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, the village board may require, as a condition of approval of a proposed planned development, such devices to be provided at the developer's cost.
13. Off-street parking is conveniently accessible to all dwelling units and other uses in the planned development. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are screened through ample use of trees, shrubs, hedges, land forms and walls.
14. A pedestrian circulation network is provided.
15. The planned development provides for underground installation of utilities (including electricity and telecommunications) in public ways and private extensions thereof. Provisions are made for acceptable design and construction of storm sewer facilities including grading, gutter, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Utilities and maintenance of facilities

are in accordance with the requirements and regulations of the village as set forth in this ordinance.

16. The proposed planned development satisfies the applicable objectives as provided in this section.

17. Existing ponds, creeks, rivers, lakes, wetlands or fens on or adjacent the planned development are enhanced and protected from development.

d. The planning commission may recommend to the village board approval, approval with amendments, conditions or restrictions with respect to the preliminary development plan, or denial of the plan.

e. The village board shall approve, approve with conditions, or deny the preliminary development plan within 90 days after it receives the findings and recommendations of the planning commission.

f. If the preliminary development plan is approved by the board, it shall adopt an ordinance approving said preliminary development plan with conditions as specified therein and authorizing the preparation of the final development plan.

### **Sec. 70-696 Final development plan:**

1. Within one year following approval of the preliminary development plan, but at least 30 days before the next regularly scheduled meeting of the planning commission, the petitioner shall submit a final development plan to the planning commission for its review and consideration to determine if said final development plan is in conformance with the approved preliminary development plan and with the imposed conditions of approval. The final development plan shall reflect the entire planned development if it is to be completed in one phase, or a phase of the planned development if it consists of more than one phase.

2. Failure of the applicant to submit a final development plan within nine months after approval of the preliminary development plan, and failure to submit subsequent final development plans for a phased planned development in accordance with the approved schedule of phases, shall result in the termination of the planned development approval, unless an extension of said one year period or alteration to the approved phasing schedule is granted by the planning commission following a request for said extension by the applicant.

3. The final development plan, in addition to the matters shown on the preliminary development plan, shall include the following:

a. The landscape plan with the specific location of all plant material, specifying size, species and location (both as to the buffer area around the perimeter as well as that in the parking lot);

b. Nature of use, including special uses permitted;

c. All present and future structures except single-family residences, specifying location, size, and architectural elevation, none of which may deviate substantially from the approved preliminary development plan. For single-family residences, building pad locations with top of foundations indicated, design guidelines, and representative facade elevations shall be required;

d. Sidewalks;

e. Parking spaces, including underground parking and traffic aisles;

f. Ingress and egress facilities

g. Parking facilities for visitors;

- h. Plan for the provision of water and sanitary and storm water drainage facilities;
- i. All easements and dedications;
- j. Street lighting plan
- k. Any signs, location and size;
- l. Details of lighting of parking lots and outside of buildings, including location, type and intensity;
- m. Improvement Plans. Improvement plans shall be prepared at a minimum scale of 1"=50' on an exhibit not to exceed 24 inches by 36 inches and shall contain the following information:
  1. Title page, which shall include key map showing the relationship of the site to the surrounding area. In addition, the name, address, and telephone number of the developer and engineering firm, as well as a registered professional engineer's seal, should be indicated.
  2. North arrow and graphic scale shall be indicated on each plan sheet.
  3. One or more benchmarks, in or near the development, to which the development is referenced. The identity and elevation shall be based on U.S.G.S. datum.
  4. List of the standards and specifications followed, citing volume, section, page, or other references;
  5. Typical cross sections of any proposed roads.
  6. Grading and paving details conforming to village specifications and requirements.
  7. Summary of quantities and estimate of cost of all items necessary to construct all streets (roads) and all public improvements shown on the plan.
  8. Details of streets including location and width of all proposed public or private rights-of-way and private roadway easements, existing and proposed drainage channels, scales, storm sewers, including adequate natural discharge points, detention facilities, silt control measures and, where applicable, sanitary sewer and water distribution systems.
  9. Plans and profiles of streets, sewers and water mains, scale not less than 1" = 50' horizontal and 1" = 5' vertical.
  10. Proposed top of foundation for all proposed buildings.
  11. Topographical and profile studies must have on their face the signed statement of a registered professional engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of the proposed planned development, or, that if such surface water drainage will be changed, reasonable provision will be made for collection and diversion of such surface waters into public areas, or drains which the developer has the right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjacent property because of the construction of the planned development.

Approval of the improvement plans by the respective agencies described above shall be valid for a period of two years from the date of approval, or for such longer period as the zoning administrator

may determine to be advisable if after review by the zoning administrator such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If the construction of the improvements shall not have been completed within the two-year period or such longer period as the zoning administrator may permit, a re-submission of the improvement plans to the appropriate agencies may be required by the zoning administrator.

After applicable sanitary sewers, storm sewers, sidewalks, and pavement have been constructed and installed, but before the inspecting agencies recommend final approval or acceptance, the developer shall submit the required number of as-built drawings of the above improvements;

m. All other information that the zoning administrator or committee may require.

### **Sec. 70-697 Final Plan and Completion of Improvements**

Guarantee for completion of improvements:

a. In lieu of constructing the improvements prior to approval of the zoning administrator, a construction guarantee in the amount of 120 percent of the cost of the improvements is required. The cost for each improvement shall be itemized in a list prepared, signed and sealed by the design engineer on his letterhead stationary and approved by the village board of trustees. Such guarantee is to:

1. Assure the satisfactory installation of said improvements in accordance with the approved plans and specifications and according to good engineering and construction practices;
2. Assure the satisfactory completion of said improvements within the prescribed time limit.

b. Such guarantee shall be in one of the following formats and the form, amount and conditions, subject to approval by the village board of trustees:

1. A certificate of deposit with or an escrow account at a federally insured bank or savings and loan association;
2. An undertaking by the developer guaranteeing completion of the land improvements remaining to be completed, as secured by an irrevocable letter of credit certifying that adequate funds are and will be available at a sound and reputable banking or financial institution authorized to do business in the state. Such irrevocable letter of credit shall be in effect for a period of 2 1/2 years from the date of recording of the final plat, shall run in favor of the village and shall indicate that there are sufficient funds available for 120 percent of the estimated cost of all the land improvements remaining to be completed, and that such funds are held for such purpose only and for no other purposes. Such undertaking and irrevocable letter of credit shall be in a form to allow the village to procure the funds to complete the land improvements if construction of said improvements is not completed in accordance with the provisions hereof, and shall otherwise be in a form acceptable to the village;
3. Other good and sufficient security in accordance with the requirements of 65 ILCS 5/11-39-3 and as approved by the appropriate legal authority of the village to guarantee the proper installation of land improvements.

c. A construction guarantee shall be reduced only by authorization of the village board of trustees upon:

1. Application for payout by the developer in amounts such that funds remaining will always equal 120 percent of the value of the uncompleted work, as determined by the village board of trustees after consultation with the village engineer and other staff. No more than 90 percent of the construction guarantee shall be released prior to one year after the satisfactory completion of the required improvements; or
  2. When it is determined that there has occurred unsatisfactory installation of the required improvements. Where the required improvements have not been installed in accordance with the approved improvement plans, the village may then declare the construction guarantee to be in default and may draw from the guarantee amount for use in matters related to insuring the satisfactory construction of said improvement, including attorney's fees and court costs encumbered in the enforcement of the provisions of this section.
- d. The village board of trustees shall not release a construction guarantee prior to the satisfactory installation of all required improvements, except as outlined in the village subdivision ordinance.
- e. After the acceptance of the improvements, the applicant shall be responsible for the maintenance of all improvements until the release of all applicable guarantees. Where a development has been improved in phases, the applicant shall be responsible for the proper functioning of drainage improvements for the entire development site. The applicant shall be responsible for the plowing of snow on roads and maintenance of all public improvements including but not limited to; signage, street lights, medians and common areas, etc., until the final acceptance of the completed road improvements.

**Sec. 70-698 Review procedure for final development plan:**

1. An application with a complete final development plan, meeting all requirements of the ordinance and in conformance with the preliminary plan as determined by the zoning administrator, shall be considered at the first regularly scheduled planning commission meeting, but no sooner than 30 days from the filing of the completed application.
2. Staff review: During the time between the filing of the complete final development plan and the next regularly scheduled meeting of the planning commission, the zoning administrator, or his representative, shall review the final development plan for compliance with the approved preliminary development plan and conditions contained in the ordinance rezoning the site and shall report to the planning commission the findings of his review. The zoning administrator may, at his discretion, retain outside consulting services for the review of plans, all cost for said outside services shall be borne by the developer.
3. After consideration of the application and staff report, the planning commission shall recommend approval, or disapproval, of the final development plan. The final development plan shall conform to the preliminary development plan and applicable ordinances. If the final development plan does not conform to the preliminary development plan, or if the conditions of the preliminary development plan approval are not adequately met, the final development plan shall not be approved.
4. Upon recommendation for approval of the final development plan by the planning commission, the final development plan shall be submitted to the village president for his/her signature.
5. Period of validity and amendments to approved final development plan:
  - a. No approval of a final development plan shall be valid for a period longer than 12 months from the

date of approval unless within such period required permits are obtained and construction is commenced.

b. The board may grant extensions not exceeding six months each upon written request of the original applicant if the application submitted is substantially the same as the initially approved application. However, the board has the power in such cases to attach new conditions to approval. At such time as the period of validity of an approved final development plan lapses, the final development plan and all uses, terms, and conditions thereof shall be considered null and void. No further development of the site shall be permitted except by application in accordance with the requirements of subparagraph 4. above.

6. Amendments to approved final development plan:

a. Permitted minor amendments: Minor changes in the location, siting and height of buildings and structures, or minor lot line and roadway adjustments, depicted on the approved final development plan may be authorized by the village board of trustees without additional public hearing if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this paragraph may cause any of the following:

1. A change in the use or character of the development;
2. An increase by more than five percent in the lot coverage of structures;
3. An increase in the density or intensity of use;
4. A reduction of more than one percent in approved open space area;
5. A reduction in the number of off-street parking and loading spaces.

b. Major amendments: Changes to the final development plan that exceed the limitations in subparagraph 6.a. above shall result in the entire planned development, or phase of the development in which the changes are proposed, to be resubmitted as a new planned development subject to all the procedures contained in Article X above.

## **ARTICLE XI.**

### **NONCONFORMING LOTS, STRUCTURES AND USES\***

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\* **Cross References:** Buildings and building regulations, ch. 18.

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#### **Sec. 70-721. Purpose of article.**

The requirements imposed by this chapter are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the emission of noxious fumes or excessive noise, and/or the lowering of property values. The regulations of this article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

(Ord. No. 95-4, ' 8-1, 4-12-1995)

**Sec. 70-722. Nonconforming lot.**

Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may be used in the manner indicated in sections 70-723 and 70-724 if such vacant lot:

- (1) Is of record on the date of the adoption of amendment of this chapter; and
- (2) Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by any applicable zoning or other ordinances; and
- (3) Is at least 30 feet wide.

(Ord. No. 95-4, ' 8-2, 4-12-1995)

**Sec. 70-723. Residential districts.**

In any residential district one single-family dwelling and related accessory structures, but no other use, may be erected on any vacant nonconforming lot of the type described in section 70-722, provided that all the bulk regulations of the particular district are observed.

(Ord. No. 95-4, ' 8-2.1, 4-12-1995)

**Sec. 70-724. Commercial and industrial districts.**

In any industrial district and in the commercial district any structure permitted in the particular district may be erected on any vacant nonconforming lot of the type described in section 70-722 if the bulk requirements of that district are met.

(Ord. No. 95-4, ' 8-2.2, 4-12-1995)

**Sec. 70-725. Two or more lots in common ownership.**

If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of the ordinance from which this chapter is derived, and if one or more of those lots does not meet the minimum lot width, depth, and requirements of the district in which it is located, the land involved shall be considered an individual parcel. No portion of any such parcel shall be developed except in compliance with this chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this chapter.

(Ord. No. 95-4, ' 8-2.3, 4-12-1995)

## **Sec. 70-726. Nonconforming structures.**

Any lawful structure which exists on the effective date of the ordinance from which this chapter is derived but which could not be erected under terms of this chapter because of restrictions on lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions:

- (1) *Enlargement; alterations.* No such structure shall be enlarged or altered in any way which increases its nonconformity.
- (2) *Relocation.* No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.
- (3) *Reconstruction.* No such structure which is destroyed or damaged by any means shall be reconstructed if the administrator determines that the cost of such reconstruction exceeds 50 percent of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. If the administrator determines the estimated cost of reconstruction is less than 50 percent of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided that such work starts within six months from the date the damage occurred and is diligently prosecuted to completion. The administrator may require that the reconstruction costs estimate be made by a bonafide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the administrator.
- (4) *Exemption.*
  - (a) Single-family dwellings shall be exempt from the provisions of this section, provided that the area-bulk regulations of the applicable zone district are complied with.
  - (b) Non-conforming residential buildings located in the R-2 District which existed prior to 1995, where such nonconformity was caused by government actions and not action or actions of the property owner, which is damaged to any extent by wind, rain, snow, fire or other natural disaster may be rebuilt, provided the area-bulk regulation of the applicable zone district are complied with and an application for a building permit is submitted within 180 days from the damage date.

(Ord. No. 95-4, ' 8-3, 4-12-1995 Ord. No. 06-3, 5-24-2006)

## **Sec. 70-727. Nonconforming uses occupying a structure.**

If any lawful use occupying a structure exists on the effective date of the ordinance from which this article is derived but would not be allowed under the terms of this chapter, such use may lawfully continue, subject to the following provisions:

- (1) *Maintenance.* Any structure housing a nonconforming use may be maintained through ordinary repairs.
- (2) *Enlargement, alteration, reconstruction, relocations.* No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed, or relocated unless the use of the structure is changes to a permitted use.
- (3) *Extension of use.* No nonconforming use may be extended to any parts of the structure not intended or designed for such use, not shall the nonconforming use be extended to occupy any land outside such structure.
- (4) *Change of use.* A nonconforming use occupying a structure shall not be changes except to a use permitted under the applicable district regulations.
- (5) *Discontinuance of use.* When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued for 12 consecutive months or for a nonconsecutive total of 18 months during any three-year period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of a discontinuance.
- (6) *Single-family dwellings.* Single-family dwellings shall be exempt from the provisions of this section, provided that the area-bulk regulations of the applicable zoning district are complied with.

(Ord. No. 95-4, ' 8-4, 4-12-1995; Ord. No. 2005-03, ' 7, 6-8-2005)

**Sec. 70-728. Nonconforming uses of land.**

Any lawful use of land existing on the effective date of the ordinance from which this article is derived that would not be permitted under the terms of this chapter may lawfully continue, subject to the following provisions:

- (1) *Intensification or extension of use.* A nonconforming use of land shall not be intensified or extended to occupy a greater area of land than was occupied by such use on the effective date of the ordinance from which this article is derived.
- (2) *Relocation.* No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.
- (3) *Change of use.* A nonconforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.

- (4) *Discontinuance.* When a nonconforming use of land is discontinued for a period of 12 consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

(Ord. No. 95-4, ' 8-5, 4-12-1995)