

CHAPTER 40

ZONING CODE

ARTICLE I – STATUTORY AUTHORITY

40-1-1 **AUTHORITY AND PURPOSE.** In accordance with State law (**65 ILCS Sec. 11/13/1 et seq.**) this Code regulates lots, structures and uses in order to preserve, protect and promote the public health, safety and welfare and to implement the Village Comprehensive Plan adopted in January 2000, as amended. More specifically, this Code is intended to assist in achieving the following objectives:

(A) To ensure the provision of adequate light, air, and privacy for the occupants of all buildings;

(B) 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;

(C) To protect and enhance the character and stability of sound existing residential, commercial, and industrial areas, and to gradually eliminate nonconforming uses and structures;

(D) To protect the public from property damage caused by fire, flooding, poorly controlled storm water runoff, mine subsidence and adverse soil and topographical conditions;

(E) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;

(F) To ensure the proper regulation of mobile home parks to protect the health and safety of residents;

(G) To authorize and regulate the design of planned developments;

and
(H) To provide for the efficient administration and fair enforcement of all the regulations in this Code.

40-1-2 **APPLICABILITY.** This Code shall be applicable to all lands within the corporate limits of the Village. Outside of the Corporate Limits, the unincorporated territory within **one and one-half (1 ½) miles** of the Village is subject to the Madison County Zoning Code (enacted pursuant to Illinois Statutes). Consequently, if proper application is made to Madison County for an interpretation of the Zoning Administrator or for a variance, special use permit, text amendment or rezoning, similar proceedings need not be initiated with the Village. However, in such cases the Village is entitled to notice from Madison County.

40-1-3 INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.

In interpreting and applying the provisions of this Code, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Code to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Code, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Code, nor is it intended by this Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Code imposes a greater restriction, this Code shall control.

40-1-4 REPEAL OF CONFLICTING PROVISIONS. Any regulations previously adopted are hereby repealed if in conflict with this Code or any amendment thereto.

40-1-5 SEVERABILITY. The phrases, clauses, sentences, paragraphs, and sections of this Code are severable and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional or otherwise unlawful by the valid judgment, decree, or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code. In the event that, contrary to the policies, interests, and values of the Village, a court of competent jurisdiction issues a judgment, decree, or injunction order that this Code, or any part thereof, is unconstitutional or otherwise unlawful because of any omission or prohibition in this Code, then all provisions of this Code not specifically declared to be unconstitutional or otherwise unlawful shall remain in full force and effect. In the event that a judgment, decree, or injunction order declaring all or a portion of this Code to be unconstitutional or otherwise unlawful is reversed or vacated by a court of competent jurisdiction, the provisions contained in this Code shall remain in full force and effect.

40-1-6 EFFECTIVE DATE. These regulations shall take effect **ten (10) days** after their final passage, approval, and publication as provided by law.

(Ord. No. 2009-06; 08-03-09)

ARTICLE II – LANGUAGE AND DEFINITIONS

This Article provides the general rules for interpreting language and the definition of terms within the Zoning Code.

40-2-1 **RULES FOR INTERPRETING LANGUAGE.** For the purpose of this Zoning Code, certain terms or words used herein shall be interpreted as follows:

- (A) The word “shall” is mandatory, the word “may” is permissive.
- (B) The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual;
- (C) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular unless the context clearly indicates otherwise;
- (D) The words “used” or “occupied” include the words “intended”, “designed”, or “arranged to be used or occupied” as well as “constructed”, “altered”, “converted”, “rented”, “leased”, or “intended to be used”; and
- (E) The word “lot” includes the words “plot”, “parcel”, “tract”, “site”, and “space”.

40-2-2 **DEFINITION OF TERMS.** For the purpose of the administration and enforcement of this Code, and unless otherwise stated in this Code, the following words shall have a meaning as indicated herein. All words not specifically defined herein shall have a meaning as found in *Webster’s Seventh New Collegiate Dictionary*.

Abutting. Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

Accessory Use or Structure. A use or structure which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, and extent to the principal use served; and is located on the same lot as the principal use, or on an adjoining lot in the same ownership as that of the principal use.

Adjoining Lot. A lot that shares all or part of a common point or line with another lot.

Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses, provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Alteration. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, or girders, any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Antenna, Accessory. An antenna and supporting structure attached to a building or located on the same lot as a building, designed and used for an amateur

radio or citizen band radio (including such antenna used for transmitting and receiving), a similar communication device that only receives a radio frequency (RF) signal or any receive-only home television antenna.

Antenna, Communication. Any device that transmits and/or receives radio waves for voice, data or video communications purposes including, but not limited to VHF and UHF television; FM or AM radio; two-way radio, cellular telephone, personal communications services (PCS) or other wireless telephone, fixed point microwave, low power television, or other similar wireless communications and common carriers. This definition does not include small satellite dish antenna that only receive a signal, any other receive-only antenna including a satellite earth station, any receive-only home television antenna, or any accessory antenna as herein defined which does not exceed **fifty (50) feet** in length.

Antenna, Concealed Communication. A communication antenna as herein defined which is completely contained within a church steeple, a cupola, or other structure and not visible from outside such structure.

Antenna, Panel. An antenna or an array of antennae designed to concentrate a radio signal in a particular area. Panel antennae are basically flat, rectangular devices and are commonly referred to as directional antennae.

Antenna, Whip. An antenna that is cylindrical in shape, less than **six (6) inches** in diameter, up to **eighteen (18) feet** in height, and transmits signals in a **three hundred sixty (360) degree** direction. Also commonly referred to as omnidirectional, stick or pipe antennae.

Assisted Living Facilities. Establishments primarily engaged in providing residential and personal care services without on-site nursing care for the elderly or other persons who are unable to fully care for themselves. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping services.

Bed and Breakfast Inn. An operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. No meals shall be provided to guests except for breakfast. Bed and breakfast inns do not include motels, hotels, boarding houses, or food service establishments.

Buildable Area. The area of a lot remaining after the minimum yard, dedicated lands and open space requirements of the Zoning Code have been met.

Building. Any enclosed structure designed, constructed or used for residential, commercial, institutional, industrial or agricultural purpose or accessory thereto.

Building Height. The vertical distance from the lowest grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Child Care Center. A facility which regularly provides day care for less than **twenty-four (24) hours** per day for **four (4)** or more children not related to the operator. A child care center shall include the terms "day care center", "part day child care facility", and "day care home" as defined by **Chapter 225, Act 10, Section 2 of the Illinois Compiled Statutes.**

Church or Place of Worship. A building or set of buildings used for the purpose of worship and customarily related activities.

Commercial Vehicle. Any motor vehicle which is designed or used principally for business, governmental or nonprofit organizational purposes or for carrying passengers for hire, and has a platform, cabinet, box, rack, compartment, or other facility for transportation of materials, equipment, and items other than the personal effects of private passengers.

Communication Tower. A tower used as a base for any communications antenna, including, but not necessarily limited to, antennas for the following: VHF and UHF television; FM or AM radio; two-way radio, cellular telephone, PCS or other wireless telephones, fixed point microwave, low power television, or other wireless communications and common carriers. A communication tower shall not be considered a utility substation for purposes of this Code.

Community-Integrated Living Arrangements. A living arrangement certified by a community mental health or developmental services agency where **eight (8)** or fewer recipients with mental illness or recipients with a developmental disability reside under the supervision of the agency.

Community Living Facilities. A transitional residential setting which provides guidance, supervision, training and other assistance to ambulatory or mobile adults with a mild or moderate developmental disability with the goal of eventually moving these persons to more independent living arrangements. Residents are required to participate in day activities, such as vocational training, sheltered workshops or regular employment. A Community Living Facility shall not be a nursing or medical facility and shall house no more than **twenty (20) residents**, excluding staff.

Corner Lot. See *Lot, Corner*.

District. Any section or area of the Village for which the zoning regulations governing the use, placement of structures, yard and setback requirements, and size and dimension criteria are uniform throughout the Village.

Domestic Animals. Dogs, cats, rabbits, small rodents and similar size animals commonly kept as household pets.

Duplex. A residential building divided into **two (2) dwelling units**.

Dwelling, Attached. A one-family dwelling attached to **one (1)** or more other one-family dwellings by common vertical walls.

Dwelling, Detached. A freestanding dwelling unit which is not attached to any other dwelling unit by any structural means.

Dwelling, Single-Family. A building designed for or occupied exclusively by **one (1) family** as a single housekeeping unit. A single-family dwelling does not include a mobile home.

Dwelling, Multiple-Family. A residential building containing **three (3)** or more dwelling units.

Dwelling Unit. **One (1)** or more rooms in a residential building or portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility for no more than **one (1) family**, and which includes

permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit must have direct access to the outside or to a public hallway.

Easement. A grant by a property owner of the right of use of his land by another party for a specific purpose.

Family. Any number of individuals related by blood, marriage or adoption living together as a single housekeeping unit or up to **three (3)** unrelated individuals.

Farm or Farmland. A parcel of land of not less than **five (5) acres**, in one ownership, that is used primarily for the commercial, soil-dependent cultivation of agricultural crop production and/or for the raising of livestock, but not including a feedlot.

Fence. An outdoor freestanding structure of any material or combination of materials erected for confinement, screening or partition purposes.

Floor Area. Floor area shall be determined by measuring the outside dimensions of all enclosed floor area under roof, excluding garages, open and screened porches, carports, terraces, and patios.

Floor Area Ratio. The gross floor area of all principal buildings on a lot divided by the area of the lot.

Frontage. All of the property abutting and measured along the street right-of-way line.

Gasoline Service Station. Any structure or land used for retail sales and dispensing of motor vehicle fuel or oils, whether self-service or not. A service station may furnish supplies, equipment and minor repair services, including tires, to vehicles incidental to selling and dispensing of motor vehicle fuels and oils.

Home Occupation. Any occupation or activity carried on within a residential property where the activity is conducted only by members of the family living within the residence, where products are not offered for sale from the premises, where no evidence of the occupation is visible or audible from the exterior of the residential property, where traffic is not generated in excess of that customary at residences, and where no commercial vehicles are kept on the premises or parked overnight on the premises **(See Section 40-3-3)**.

Junk Vehicle. Any vehicle that has had its engine, wheels or other parts removed, damaged, altered, or otherwise so treated that the vehicle has been incapable of being driven under its own motor power for a period of at least **seven (7) days**, or a vehicle which is not currently registered or licensed by the Illinois Secretary of State or similar licensing authority of another state.

Life Care Facility. A place or places in which a provider undertakes to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services for a term in excess of **one (1) year** or for life pursuant to a life care contract. The term also means a place or places in which a provider undertakes to provide such services to a non-resident.

Livestock. Animals which have historically been bred, reared and utilized for the production of meat, wool, leather, milk, eggs and similar products, including, but not limited to, cows, hogs, sheep, goats, catfish and fowl which are raised on a commercial basis.

Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot, Corner. A lot situated at the intersection of **two (2)** or more streets with frontage on **two (2)** or more adjacent sides.

Lot Depth. The mean distance measured from the front lot line to the rear lot line.

Lot Line. A line of record bounding a lot thereby dividing such lot from another lot or from a right-of-way.

Lot of Record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder or a parcel of land, the deed of which was recorded in the office of the County Recorder prior to the adoption of this Code.

Lot Width. For lots with parallel side lot lines, the shortest distance between the side lot lines. For lots where the side lot lines are not parallel, the width of the lot shall be the length of a straight line measured at right angles to the axis of the lot at the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines.

Mobile Home. A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term mobile home shall include manufactured homes constructed after **June 30, 1976**, in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974".

Mobile Home Park. A tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **five (5)** or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. A motorized recreational vehicle shall not be construed as being a part of a mobile home park.

Nonconforming Building or Structure. A building or structure whose size, dimensions or location was lawful prior to the adoption, revision or amendment of this Code, but which would be prohibited or further restricted under the terms of this Code.

Nonconforming Lot. A lot whose area, dimensions or location was lawful prior to the adoption, revision or amendment of this Code, but which would be prohibited or further restricted under the terms of this Code.

Nonconforming Use. A use or activity which was lawful prior to the adoption, revision or amendment of this Code, but which would be prohibited or further restricted under the terms of this Code.

Nonconformity, Site Related. A characteristic of the site, such as off-street parking or loading, landscaping, drainage or similar matters which are incidental to the principal use of the property but which do not satisfy current Village standards, as established in these zoning regulations.

Nursing Home. A place, whether operated for profit or not, or a county home for the infirm and chronically ill which provides, through its ownership or management, personal care, sheltered care or nursing for **three (3)** or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act.

Outdoor Restaurant. An eating or drinking establishment which has an unroofed area or a covered area which is not enclosed by walls where patrons may be served food and/or beverages.

Outdoor Storage. The keeping, in an unroofed area of any goods, material, or merchandise in the same place for more than **twenty-four (24) hours** unless such goods, material, or merchandise have been authorized through the issuance of a permit for a temporary outdoor display or temporary seasonal display and sales. The parking of motor vehicles, in operating condition, which are used in the operation of a commercial establishment shall not be considered outside storage.

Permitted Use. A use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Pets. Dogs, cats, rabbits, small rodents and similar sizes domestic animals or fowl kept on a noncommercial basis by occupants of dwellings.

Premises. Any land together with any structures occupying it.

Principal Use. The primary use of a lot or premises occupying the major portion of all buildings and structures.

Recreational Vehicle. A vehicle which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel use, or for other recreational transportation including but not limited to truck campers, camping trailers, and self-propelled motor homes.

Satellite Dish Antenna. A device or structure used to transmit and/or receive radio, television or electromagnetic waves or signals between terrestrially and/or orbitally based uses through a reflective surface that is solid, open mesh or bar configured and generally in the shape of a shallow dish, cone, horn, or cornucopia. This definition includes, but is not limited to, satellite earth stations, television-reception-only (TVROs), and satellite microwave antennae.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Seasonal Sales. The outdoor display of merchandise of interest to consumers on a seasonal basis including, but not limited to, Christmas trees, pumpkins, and lawn and garden supplies.

Self-Service Storage Facility. A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized,

and controlled access stalls or lockers for the dead storage of the customer's goods or wares.

Setback. The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building including porches, carports, and accessory uses subject to yard encroachment provisions (**See Section 40-3-2**). For lots fronting on curvilinear streets the front setback shall be measured from a line perpendicular to the chord line to the nearest point of a structure.

Setback, Required. The minimum horizontal distance between the lot line and the buildable area of a lot necessary to meet the yard requirements of the applicable zoning district. The required setback line shall be parallel to the lot line.

Special Use. A use that would not be appropriate generally throughout a zoning district because of potential danger, smoke, noise or odor, but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, morals or general welfare.

Street. A public or private right-of-way which affords the principal means of access to abutting property.

Structure. Anything constructed, erected or located on the ground, or attached to something having or requiring a fixed location on the ground including a building, sign, billboard, fence, tennis court, parking lot, driveway or similar feature, but not including a regulation mail box.

Subdivision. The division and recording in accordance with law of a parcel of land into **two (2)** or more lots for the purpose of transfer of ownership for development, sale or lease.

Temporary Use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Used Car Sales. A lot or premises where **two (2)** or more used vehicles are offered for sale concurrently or where **four (4)** or more vehicles are offered for sale over a period of **one (1) year**.

Variance. A relaxation by the Zoning Board of Appeals of the dimensional regulations of the Zoning Code where such action will not be contrary to the public interest and where, owing to the conditions extraordinary to the property and not the result of actions or the situation of the applicant, a literal enforcement of the Code would result in practical difficulties or undue hardship.

Vehicle. Any self-powered device moving on wheels or runners used as a means of transport or an unself-powered device moving on wheels that is towed by a self-powered vehicle.

Yard. An open space at grade between a building and the adjoining lot line unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in **Section 40-3-2**.

Yard, Front. A yard extending across the full width of a lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. On corner lots, all yards which abut a street are considered front yards.

Yard, Rear. A yard extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Required. The minimum setback distance for each yard established by the minimum yard dimensions in the zoning district requirements.

Yard, Side. A yard extending from the front yard to the rear lot line between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building or a yard which is not a front or rear yard.

40-2-3 DIAGRAM SHOWING YARD LOCATIONS AND YARD SETBACK LINES ON A TYPICAL LOT. As a supplement to the definitions contained in this Article and to facilitate a better understanding thereof, and of yards, required yards and yard setback lines in general, a diagram entitle, "Diagrammatic Display of Yard Locations and Yard Set Back Lines of a Typical Lot" is annexed to this Code hereby made a part hereof with the same force and effect as though fully set forth herein. Should there be any conflict between the text of this Code and the information displayed in the diagram, the text of the Code shall prevail.

[This Section provides supplementary regulations to be used in administering and interpreting the intent of the Zoning Code.]

(Ord. No. 2009-06; 08-03-09)

ARTICLE III – GENERAL PROVISIONS

40-3-1 **HEIGHT EXCEPTIONS AND LIMITATIONS.** The building height limitations stipulated in the applicable districts shall not apply to the following provided that no such structure exceeds the height limits for airport approach areas, as established in this Code.

- (A) Air conditioning units;
- (B) Antennas;
- (C) Chimneys;
- (D) Church steeples;
- (E) Communication towers;
- (F) Elevator towers;
- (G) Flag poles;
- (H) Parapet walls;
- (I) Silos;
- (J) Utility transmission towers;
- (K) Windmills; and
- (L) Similar structures.

No structure shall be erected to a height that would encroach into or through any established public or private airport approach plan, prepared in accordance with the criteria established by the Federal Aviation Administration.

40-3-2 **YARD ENCROACHMENTS.** Every part of a required yard shall be open and unobstructed from the ground to the sky, except as herein provided or as otherwise permitted in this Code.

(A) **Sills and Belt Courses.** Sills, belt courses and similar ornamental features may extend **six (6) inches** into any required yard.

(B) **Air Conditioners and Similar Mechanical Equipment.** Air conditioning equipment, sprinkler system controls and similar mechanical (including utility's pad mounted equipment) may project into any required yard provided that the equipment is mounted in a manner contiguous to the building.

(C) **Fire Escapes, Outside Stairways, Balconies, Chimneys, Etc.** Open or enclosed fire escapes, outside stairways, balconies, and chimneys and flues may project up to **four (4) feet** into any required yard, provided such projections shall not unduly obstruct light and ventilation.

(D) **Swimming Pools and Related Structures.** Swimming pools may be located in a required rear yard provided they are no closer than **ten (10) feet** to any rear property line, or **five (5) feet** to any easement, whichever distance is greater. Decks or patios constructed in conjunction with any swimming pool may be located within a required rear yard provided that they are not located within an easement or closer than **five (5) feet** to any property line.

(E) **Trellises, Play Equipment, Lights, Outdoor Furniture, Etc.** Trellises and trelliswork, play equipment, wires, lights, outdoor furniture, mailboxes,

ornamental entry columns and gates, and outdoor equipment are allowed within required yards.

(F) **Unenclosed Porches, Steps and Paved Terraces.** An unenclosed porch, steps or paved terrace area may project into the front yard for a distance not to exceed **ten (10) feet**.

(G) **Gasoline Pumps and Islands.** Gasoline pumps and pump islands, associated with either a service station or as an accessory facility, may be located within a front yard, provided they are located no closer than **fifteen (15) feet** to any public right-of-way.

(H) **Fences and Walls.** Fences and walls are allowed within required yards, subject to the provisions of **Section 40-3-7**.

(I) **Accessory Buildings.** Accessory buildings or sheds may be located within a required side or rear yard, provided a minimum of **five (5) feet** is maintained from the side or rear property line and the structure is clear of any easements.

(J) **Parking Areas and Driveways.** Off-street parking areas may encroach into the required front yard setbacks providing that the encroachment does not extend into a required landscape buffer along the street frontage. Parking areas and driveways may encroach into required side yards in all zoning districts.

(K) **Sidewalks.** Sidewalks may be located within any required yard.

(L) **Satellite Dish Antennas.** Satellite dish antennas less than **one (1) meter** in diameter may encroach into any required yard. Satellite dish antennas less than **two (2) meters** in diameter may encroach into required yards in nonresidential districts (districts that do not begin with an R).

40-3-3 HOME OCCUPATIONS.

(A) **Applicability.** In residential zoning districts, home occupations shall be limited to those uses listed as permitted home occupations or which receive approval as a conditional home occupation.

(B) **Permitted Home Occupations.** Home occupations are permitted in any dwelling unit subject to the following provisions. Authorized home occupations subject to the requirements of this Article and the respective zoning district regulations shall include the following:

- (1) Artists and sculptors;
- (2) Authors and composers;
- (3) Child care for not more than **three (3) children** not related to the occupant of the home;
- (4) Data entry and similar computer work;
- (5) Dressmakers, seamstresses and tailors;
- (6) Home crafts, such as model making, rug weaving, lapidary work, and ceramics;
- (7) Office facility of a minister, priest or other similar person associated with a religious organization;
- (8) Office facility of salesman, sales representative, or manufacturers representative, provided no retail or wholesale transactions are made on the premises;

- (9) Telephone sales and similar telephone-related uses;
- (10) The renting of not more than **one (1) room** for rooming or boarding persons who are not transients; and
- (11) Similar uses which do not involve retail or wholesale sales transactions on the premises, employment of persons other than occupants of the dwelling, any greater assembly, processing, or fabrication operations.

(C) **Home Occupation Standards.** Any proposed home occupation must meet the following criteria:

- (1) The home occupation shall be conducted within the dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use;
- (2) No stock in trade shall be displayed or sold on the premises;
- (3) No alterations to the exterior appearance of the principal residential building or premises shall be made which changes the character thereof as a residence;
- (4) No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted;
- (5) No persons other than a member of the immediate household occupying such dwelling shall be employed on the premises;
- (6) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof;
- (7) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street;
- (8) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- (9) No welding, repair, or maintenance of vehicles or other property belonging to individuals who are not residents of the premises where the home occupation is conducted shall occur.
- (10) No signs accessory to such home occupation shall be displayed except as permitted or authorized by applicable Village sign regulations; and
- (11) A home occupation shall be subject to all applicable Village occupational licenses and permits.

40-3-4 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL AREAS. No commercial vehicle which is used for hauling explosives, gasoline, liquefied petroleum products, or any other hazardous material shall be permitted to be parked in a residential area except for short periods of time (less than **one (1) hour**). No commercial vehicles shall be parked on any residentially used lot, in the street abutting such lot, or on residentially-zoned land, except:

(A) Commercial vehicles not exceeding **one (1) ton** rated capacity used by the resident of the premises, limited to **one (1)** per premises and parked off-street in a garage, carport or driveway.

(B) Commercial vehicles temporarily parked on a lot for the purpose of providing construction, transportation, or other services specifically for the location where such vehicles are parked.

40-3-5 PARKING OR STORAGE OF VEHICLES. No junk vehicle shall be parked, and no motor vehicle frame, vehicle body, or vehicle body part shall be stored on residentially-zoned property except when parked or stored in a completely enclosed garage or building.

A maximum of **three (3) vehicles** may be parked in an unenclosed area on a single-family zoned lot. Except, however, that if there are more than **three (3)** licensed drivers permanently residing on the premises, there may be **one (1) vehicle** for each licensed driver. This Section does not preclude the parking of automobiles by persons visiting a single-family home. No automobile may be parked or stored in any required yard area except as provided in **Section 40-3-2(J)**.

40-3-6 ACCESSORY USES AND STRUCTURES. (See also **Section 40-7-2** of this Zoning Code)

(A) **Authorization.** Accessory uses are permitted in all zoning districts as provided herein.

(B) **Use Limitations.**

- (1) No accessory structure shall be built prior to the construction of the principal use.
- (2) No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- (3) All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.
- (4) No accessory structure shall be used as a dwelling.
- (5) All accessory uses and structures shall comply with the following height regulations except as provided in **Section 40-3-1**.
 - (a) No accessory building shall exceed **fifteen (15) feet** in height in any residential district.
 - (b) No accessory building shall exceed **twenty-five (25) feet** in height in any commercial or industrial district.

- (C) **Location.**
- (1) If an accessory-type building shares a structural wall with a principal building, it shall be deemed to be part of the principal building and shall comply in all respects with the requirements of this Code applicable to a principal building.
 - (2) If an accessory building is detached from the principal building, it shall be located at least **ten (10) feet** from the principal building.
 - (3) No accessory structure or use shall be located in any required corner visibility triangle as established in **Section 40-3-10**.
 - (4) No accessory structure, except those exempted by **Section 40-3-2**, shall be located within a front yard.
- (D) **Accessory Antennae and Communication Antennae.**
- (1) Accessory antennae shall be allowed as an accessory use in any residential district provided that such antennae do not exceed **fifty (50) feet** in height as measured from the ground.
 - (2) Satellite dish antennae shall be allowed as an accessory use in any residential district provided that such antennae are **one (1) meter** or less in diameter and not erected higher than **thirty-five (35) feet** above the ground.
 - (3) Satellite dish antennae are allowed as an accessory use in nonresidential districts provided that any such antenna exceeding **two (2) meters** in diameter is roof-mounted or ground-mounted.
 - (4) Concealed communication antennae may be installed in nonresidential buildings.
 - (5) Roof-mounted communication antennae may be installed on buildings in nonresidential zoning districts.

40-3-7 FENCES AND WALLS.

- (A) **Easements and Rights-of-Way.** Fences and walls shall not be constructed on or over any dedicated public right-of-way. Fences may be constructed over drainage, utility or other easements only at the owner's risk.
- (B) **Front Yard.** Fences may be erected in the front yard of any lot provided that such fence does not exceed **forty-two (42) inches** in height.
- (C) **Side Yard.** Fences may be erected in the side yard of any lot provided that such fence does not exceed **six (6) feet** in height and provided that the fence does not extend in to the front yard.
- (D) **Rear Yard.** Fences may be erected in the rear yard of any lot provided that such fence does not exceed **six (6) feet** in height.
- (E) **Prohibited Materials.** No solid metal, barbed wire, electrical elements, or other hazardous materials shall be maintained as a fence or part of a fence or wall in a residential district except that barbed wire fences may be installed around any Village or publicly-owned utility facilities in any district.

(F) **Invisible Fences.** Invisible fences designed to contain dogs or other pets may be installed underground in any part of a required yard, when such fences are not a hazard to humans.

40-3-8 NONCONFORMITIES.

(A) **Purpose and Intent.** It is the purpose and intent of this Section to permit the continuation of those lots, structures, uses, characteristics of use or combinations thereof which were lawful before the passage of this Code, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendments. It is the further purpose and intent of this Section to allow nonconforming lots, structures, uses, and characteristics of uses and combinations thereof to continue subject to specific conditions or limitations.

(B) **Continuation of Nonconformities.** Nonconformities may be continued so long as they remain otherwise lawful, subject to the remaining provisions of this Section.

(C) **Expansion or Change of Nonconformities.**

- (1) No nonconformity shall be enlarged or changed to a different nonconformity, except upon a determination by the Zoning Administrator that the change results in a lessening of the degree of nonconformity.
- (2) Additions to nonconforming structures containing conforming uses, shall be permitted if the additions comply with setback and other applicable site-related regulations.
- (3) Additions to structures on a nonconforming lot, which are below the threshold of a major site plan, may be permitted provided that such addition is in conformance with all applicable laws and ordinances of the Village and does not create a nonconforming use or structure or increases the existing site related nonconformity. Any addition exceeding the threshold for minor site plans shall require all site related nonconformities to be terminated and brought in compliance with all applicable ordinances of the Village.

(D) **Repair or Alteration of Nonconformities.** Repairs, maintenance and improvements of nonconformities may be carried out, provided that such work does not increase the cubic content of the building or the floor or ground area devoted to the nonconforming use or in any way increases or creates a site-related nonconformity. The preceding requirement does not prevent compliance with applicable laws or requirements relative to the safety and sanitation of a building occupied by a nonconforming use.

(E) **Reconstruction of Nonconformities After Catastrophe.** Any nonconforming structure or use or establishment containing a site related nonconformity which is damaged by fire, flood, explosion, collapse, wind or other catastrophe to such an extent that the cost of repair or reconstruction will exceed **fifty percent (50%)** of the building's value as shown on the tax assessment roll at the time of the damage shall be deemed to be terminated. No repair or reconstruction may occur except when such repair or reconstruction results in the conversion of the previous nonconformity to a conforming

structure and/or use or site. In the event that damage to a nonconformity may be repaired by an investment of less than **fifty percent (50%)** of the appraised value of the nonconformity as shown on the tax assessment roll at the time of the damage, such repair shall be permitted and the nonconformity may continue.

(F) **Cessation of Nonconformities.** Any nonconforming use of land, structure, or an establishment having a site related nonconformity which ceases operation for a continuous period of **ninety (90) days** or more, or if a nonconforming structure is removed for a continuous period of **ninety (90) days** or more, all nonconformities shall be considered terminated and shall not thereafter be reestablished.

40-3-9 MOBILE HOME REGULATIONS.

(A) **Certain Mobile Homes Declared Nonconforming.** On the effective date of this Code, all mobile homes within the Village located on individual lots outside of a mobile home park are declared nonconforming uses. A mobile home within a mobile home park lawfully created prior to the effective date of this Code (**April, 2000**) shall not be considered a nonconforming use.

(B) **Location Limitations.** The installation of any new or additional mobile home within the Village shall be limited to mobile home parks that have been lawfully created.

(C) **Compliance with State and Federal Regulations.** All mobile homes moved into the Village after the effective date of this Code shall be constructed in compliance with specifications set forth by the National Fire Protection Association under the Association's Code of Specifications for Mobile Homes and Travel Trailers and all applicable State and Federal Regulations.

(D) **Dangerous Mobile Homes Prohibited.** No mobile home constructed prior to **June 30, 1976**, nor any mobile home not constructed in compliance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974", nor any mobile home which is deemed by the Zoning Administrator to be a hazard to the public health or safety shall be moved into, erected or installed in the Village.

(E) **Permits and Fees Required.** After the effective date of this Code, every mobile home park in the Village shall be subject to an annual license fee of **Fifty Dollars (\$50.00)**. No mobile home shall be placed within the Village until a permit for such placement has been issued by the Zoning Administrator.

40-3-10 REQUIRED CORNER VISIBILITY. On every corner lot, the triangle formed by the street lines of such lot and a line drawn between points on such street lines which are **twenty-five (25) feet** from the intersection thereof shall be clear of any structure or planting of such nature and dimension as to obstruct lateral vision; provided that this requirement shall generally not apply to the trunk of a tree (but not branches or foliage) or a post, column or similar structure which is no greater than **one (1) foot** in cross section or diameter. Lateral vision shall be maintained between a height of **thirty (30) inches** and **ten (10) feet** above the average elevation of the existing surface of both streets measured along the center lines adjacent to the visibility triangle.

40-3-11 TRASH ENCLOSURES. All refuse generated by any establishment or residence located within any district shall be stored in tightly covered containers. Trash containers or dumpsters for multi-family, mobile home parks, and nonresidential uses shall be located within a building or within an enclosed structure surrounded by **six (6) foot** high walls. Such trash enclosures shall not be located in the front yard of any lot and shall be located next to a parking lot rather than within a parking lot.

40-3-12 SWIMMING POOLS.

(A) No swimming pool, whether public or private shall be located in a front yard or closer than **ten (10) feet** to any rear lot line or **five (5) feet** to any side lot line.

(B) Every swimming pool, including above ground pools that are more than **two (2) feet** deep, shall be enclosed by a wall or fence at least **four (4) feet** in height. The passage through such wall or fence shall be equipped with a self-closing lockable gate.

(C) Swimming pool installation shall comply with the Bethalto Building Code.

(D) A permit issued by the Village is required prior to installation of any swimming pool.

40-3-13 PET REGULATIONS. In residential zoning districts, up to **three (3) dogs** over the age of **four (4) months**, or up to **three (3) cats** over the age of **four (4) months**, or up to **three (3) rabbits** over the age of **four (4) months**, or up to **three (3)** other domestic animals over the age of **four (4) months**, or a combination of not more than **three (3)** dogs, cats, rabbits or other domestic animals over the age of **four (4) months** may be kept as pets by the occupant(s) of a dwelling. These animals may not be used or kept for commercial or retail purposes, or as to cause a public nuisance. **(See Chapter 3 in Village Code)**

40-3-14 COMPLIANCE WITH INTERNATIONAL CODE COUNCIL PROPERTY MAINTENANCE CODE. All buildings and sites shall be maintained to comply with the International Code Council Property Maintenance Code as adopted by the Board of Trustees.

40-3-15 GARAGE/YARD SALES. Garage and/or yard sales may be permitted on any single-family residential premises containing a residence after receiving a permit therefore from the Zoning Administrator. Such sales shall be limited to not more than twice per calendar year for a duration not exceeding **two (2) days** for each occurrence. All signs displayed for such sales shall be removed within **twelve (12) hours** of the close of the sale.

40-3-16 **TEMPORARY HOLIDAY DISPLAYS IN RESIDENTIAL (R) DISTRICTS.** Holiday displays shall be allowed in residential (R) districts on a temporary basis and such displays shall be permitted to encroach into required yards, provided that such displays do not create a safety hazard. Holiday displays shall be limited to the period of **November 15** through **January 15**, and limited to **ten (10) day** periods around other generally-recognized religious or national holidays.

40-3-17 **MINED AREAS.**
(A) **Residential Development.** Residential developments proposed over mined areas should acquire insurance for mine subsidence.
(B) **Commercial and Industrial Development.** Commercial and industrial developments should avoid lands located over mined areas. Such developments shall provide information on the possibility of mine subsidence to all tenants prior to leasing space in commercial or industrial buildings.

40-3-18 **CONNECTION TO PUBLIC SEWERS.**
(A) Whenever public sanitary sewerage is available within **two hundred (200) feet** of a structure to be used for human occupancy, employment, recreation or other purposes, such structure shall be connected to the public sanitary sewerage system.
(B) Private sanitary sewerage systems shall not be installed on any lot unless such lot is more than **two hundred (200) feet** from the public sanitary sewerage system and such lot is at least **two (2) acres** in size. **(See Chapter 38 in Village Code)**

40-3-19 **CONNECTION TO PUBLIC WATER SYSTEM.** All structures to be used for human occupancy, employment, recreation or other purposes constructed after the effective date of this Code shall be connected to a public water system.

(Ord. No. 2009-06; 08-03-09)

ARTICLE IV – ESTABLISHMENT OF ZONING DISTRICTS

40-4-1 **ESTABLISHMENT OF DISTRICTS.** In order to classify, regulate and restrict the use of land, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; and to regulate the intensity of land use, the incorporated area of Bethalto is divided into districts as follows: **(Sec. 4.1)**

Agricultural Districts

AG	Agricultural
GS	Green Space

Residential (R) Districts

RS-20	Single-Family Residential
RS-8	Single-Family Residential
RS-5	Single-Family Residential
RT	Two-Family Residential
RM	Multiple-Family Residential
RMH	Mobile Home Residential

Institutional Districts

PS	Public/Semi-Public
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Commercial Districts

PO	Professional Office
NC	Neighborhood Commercial
DC	Downtown Commercial
GC	General Commercial
IC	Intensive Commercial

Industrial Districts

LI	Light Industrial
AP	Airport

(Sec. 4.1)

40-4-2 OFFICIAL ZONING MAP. (Sec. 4.2)

(A) **Boundaries.** The boundaries of the various zoning districts are hereby fixed and established as shown in the accompanying zoning map. This zoning map is on file in the office of the Village Clerk. This map is hereby adopted and made a part of this Code as if the matters and information set forth by said maps were fully described herein. **(Sec. 4.2.1)**

(B) **Measurement of Boundaries.** The boundaries of the various districts as shown on the zoning map shall be determined by the boundaries as shown and outlined thereon and when not clearly so determined, by use of the scale shown on said maps unless actual dimensions are noted. Scale and field measurements and map dimensions shall be figured from the center line of streets, highways, alleys and railroad rights-of-way as appropriate. Where uncertainty exists as to the exact location of said boundaries, the following rules shall apply:

- (1) **Center Line as Boundary.** Where district boundaries lie on or within streets, highways, road rights-of-way or railroad rights-of-way, the district boundaries shall be the center line of the same.
- (2) **District Boundaries Which Bisect Blocks.** Where district boundary lines approximately bisect blocks, the boundaries shall be the median lines of such blocks between the center line of boundary streets.
- (3) **District Boundaries Dividing Parcels of Land.** In subdivided property or where a district boundary divides a subdivided lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of a scale appearing on the district map. Where a district boundary divides a platted lot, the zone classification of the greater portion shall prevail throughout the lot.
- (4) **Action in Case of Uncertainty.** In case any further uncertainty exists, the Zoning Board of Appeals shall interpret the intent of the zoning map as to the location of such boundaries.
- (5) **Street and Rights-of-Way Abandonments.** Where a public road, street, alley or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply.
- (6) **Excluded Areas.** Unless areas are classified on or by the Official Zoning Map of the Village, or the appropriate classification can be established by the rules above, such areas shall be considered to be classified as AG, Agricultural District, until such time as the land is rezoned by the Village Board of Trustees.
- (7) **Amendment to the Official Zoning Map.** No changes or amendments to the Official Zoning Map shall be initiated, except in compliance and conformity with all procedures and requirements of this Code. It shall be unlawful for any person to make any unauthorized change in the Official Zoning Map.

(Sec. 4.2.2)

(C) **Annual Publication.** In accordance with State law, if any changes are made in the zoning districts or regulations during a calendar year, the Village Clerk shall publish the Official Zoning Map of the Village not later than **March 31st** of the following year. **(Sec. 4.2.3)**

(D) **Zoning of Annexed Areas.** Any territory hereafter annexed to the Village shall be assigned to a zoning district comparable to the County zoning district in which it was located, except that:

- (1) The Village Board, with the recommendation of the Plan Commission, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation are recorded.
- (2) Any existing agricultural area within Madison County of **five (5) acres** or more may be annexed to the Village as AG, Agricultural District, without a public hearing. **(Sec. 4.2.4)**

40-4-3 REGULATION OF USES. It is the intent of this Code to permit certain uses, not otherwise illegal, to locate in specified zoning districts, either as a permitted use or a special use. **(Sec. 4.3)**

(A) **Permitted Uses.** No structure shall be erected, constructed, reconstructed or structurally altered, nor shall any structure or land or combination thereof, be used unless the use to which the structure and/or land is to be put is listed in the Permitted Use section of the applicable zoning district and the use fully complies with all of the applicable district regulations, except for nonconformities, accessory uses, and special uses. **(Sec. 4.3.1)**

(B) **Special Uses.** No special use, as designated within this Code, shall hereafter be established unless such use has been approved pursuant to the provisions of **Article X**. Any existing use which was a permitted use prior to the adoption of this Code and which is designated as a special use by this Code may continue as if it were approved as a special use. **(Sec. 4.3.2)**

(C) **Uses Not Specifically Listed.** In the event a particular use is not listed anywhere in this Code, is not within the same North American Industry Classification System (NAICS) Code as any permitted or special use, and such use is not an accessory use, it shall be considered to be not allowed within the Village. Questions concerning such uses may be referred to the Zoning Board of Appeals. **(Sec. 4.3.3)**

40-4-4 ESTABLISHMENT OF SIZE, DIMENSION AND ACCESS CRITERIA. In order to carry out the purpose and intent and provisions of this Code, size and dimension criteria for particular zoning districts are hereby established. Such size and dimension criteria shall be applied in accordance with this Section and other applicable provisions of this Code. **(Sec. 4.4)**

(A) **Lot Size Requirements.**

- (1) **Reduction of Lot Size or Yards.** No lot or yard existing on the effective date of this Code shall thereafter be reduced in size,

dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, or purchase. Lots or yards created after the effective date of this Code shall meet the minimum requirements established herein.

- (2) **Applicability to All Uses.** Unless otherwise specified in this Code, all permitted uses and all special uses shall be subject to the lot size requirements specified for a given district, unless other minimum requirements are specified for such uses elsewhere in this Code.
- (3) **Structure Built On Two Lots.** A building constructed on a site consisting of **two (2) lots** must be located either within the required setback from the common or center lot line, or the building must be constructed on both lots.
- (4) **Lots of Record Less Than Minimum Size.** Any lot of record at the time of the adoption of this Code which contains less lot area or width than required in the district in which it is located may be used for a use in such district provided that the lot has a minimum width of **thirty (30) feet**. This provision shall not be construed to permit more than **one (1) dwelling unit** on a lot with less lot area per family than required for the district in which such lot is located.
- (5) **Use of Lots in Single-Family (RS) Districts.** In single-family (RS) districts, every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than the principal building and the customary accessory buildings on **one (1) lot** or parcel of land.

(Sec. 4.4.1)

(B)

Minimum Yard Requirements.

- (1) **Generally.** Minimum yard requirements shall be as specified for a given zoning district. The yard requirements shall apply to all buildings and structures, as they relate to the respective lot lines, except as otherwise specifically provided in this Code or as exempted in **Section 40-4-4(B)** below.
- (2) **Exemptions.** The following structures shall be exempt from the minimum yard requirements set forth in this Code: underground utility equipment, clothes lines, flag poles, regulation mail boxes, traffic signals, fire hydrants, light poles, or any similar structure or device (**See Section 40-3-2**).

(Sec. 4.4.2)

(C)

Maximum Building Height. Maximum building height shall apply to all structures located in the zoning district except those structures and appurtenances excluded in **Section 40-3-1** or special uses which have a maximum height specified in this Code. (**Sec. 4.4.3**)

(D)

Access Required. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public or private street. (**Sec. 4.4.4**)

ARTICLE V – ZONE DISTRICT REGULATIONS

DIVISION I – “AG” AGRICULTURAL DISTRICT

40-5-1 **PURPOSE.** The purpose of the **AG, Agricultural District**, is to provide areas for farms and closely-related agricultural uses as well as uses requiring large amounts of land. It is further intended to provide for residential uses on relatively large tracts of land which may accommodate farm-related accessory uses such as the breeding, raising and keeping of **one (1)** or more varieties of animals. The **AG District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Very Low-Density Residential on the Village’s land use plan map. The **AG District** may also be established in areas of the Village designated as Low-Density Residential on the land use plan map if the property is currently devoted to agricultural use. **(Sec. 5.1.1)**

40-5-2 **PERMITTED USES.** The **AG District** is designed to allow considerable latitude in the range of agricultural uses allowed provided that the uses are legal and that certain agricultural activities maintain a reasonable setback from adjacent residentially-zoned property. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **AG District**. Buildings or structures may be erected, altered or used and land may be used for **one (1)** or more of the following:

- (A) Animal Production including only the following:
 - (1) Beef Cattle Ranching and Farming
 - (2) Dairy Cattle and Milk Production
 - (3) Poultry and Egg Production
 - (4) Sheep and Goat Farming
 - (5) Animal Aquaculture
 - (6) Equestrian Farming
 - (7) Pig Farming
- (B) Arts, Entertainment and Recreation including only the following:
 - (1) Museums, Historical Sites and Similar Institutions
 - (2) Golf Courses and Country Clubs
 - (3) Parks and Playgrounds
- (C) Cemeteries
- (D) Crop Production
- (E) Fishing Lakes, including fee fishing or clubs, provided that no building, parking lot, or other intense use is located nearer than **five hundred (500) feet** to any dwelling on an adjacent lot or nearby lot.
- (F) Forestry and Logging
- (G) Public Administration including only the following:

- (1) Executive, Legislative and Other General Government Support
- (2) Police Protection
- (3) Fire Protection
- (4) Other Justice, Public Order and Safety Activities
- (H) Public Elementary and Secondary Schools
- (I) Church, Chapel, Temple Synagogue or Place of Worship
- (J) Residential Care Facilities including only the following:
 - (1) Community-Integrated Living Arrangements
- (K) Residential Uses including only the following:
 - (1) Single-Family Dwellings
- (L) Support Activities for Agriculture and Forestry
- (M) United States Postal Service
- (N) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

(Sec. 5.1.2)

- (O) Pet Supply Store
 - (1) Veterinary Services
 - (2) Feed Stores
 - (3) Pet Groomers Services
- (P) Playgrounds and Public Parks

40-5-3 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **AG District.**
(Sec. 5.1.3)

40-5-4 **SPECIAL USES.** The following uses may be allowed within the **AG District** subject to the criteria established in **Article X** and the performance standards in **Article VII.**

- (A) Communication Towers
- (B) Correctional Institutions
- (C) Mining Activities
- (D) Major Public and Private Utilities, including water treatment plants, wastewater treatment plants, power generating facilities, transmission towers, and similar uses (NAICS Code 221)
- (E) Solid Waste Landfill
- (F) Spectator Sports

(Sec. 5.1.4)

40-5-5 REGULATION OF AGRICULTURAL ACTIVITIES.

(A) **Livestock.** No accessory building used or intended to be used to shelter livestock shall be erected closer than **three hundred (300) feet** to a dwelling existing on an adjoining lot or nearby lot nor shall it be erected closer than **two hundred (200) feet** to any residentially-zoned property. Fences shall be erected or other means shall be taken to prevent livestock from approaching any spot closer than **three hundred (300) feet** to any dwelling on an adjoining lot or nearby lot or within **two hundred (200) feet** of any residentially-zoned property.

(B) **Feeding.** No pens for feeding swine, nor any feeding lot shall be located within **five hundred (500) feet** of a non-agricultural zoning district.

(C) **Farm Equipment and Commodities.** Agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides and herbicides) shall not be stored outdoors closer than **two hundred (200) feet** from any residentially-zoned property. Except, however, that such material may be stored in a building located not less than **one hundred (100) feet** from any residentially-zoned property.

(Sec. 5.1.5)

40-5-6 DIMENSIONAL REGULATIONS.

(A) **Minimum Lot Size.** Three (3) acres, a minimum of five (5) acres shall be required for livestock or any use allowed by **Section 40-5-2(A)** of this Division.

(B) **Minimum Lot Width.** 250 feet

(C) **Minimum Lot Depth.** 250 feet

(D) **Minimum Front Yard.** 50 feet

(E) **Minimum Side Yard.** 10 feet

(F) **Minimum Rear Yard.** 50 feet

(G) **Maximum Building Height.** 35 feet

(H) **Minimum Dwelling Unit Size.** 980 square feet

(I) **Minimum District Size.** 5 acres

(Sec. 5.1.6)

40-5-7 RESERVED.

DIVISION II – “GS” GREEN SPACE DISTRICT

40-5-8 **PURPOSE.** The purpose of the “**GS**”, **Green Space District**, is to provide areas for parks, open space, recreation areas, and to protect floodways and other environmentally sensitive land from urban development. The **GS District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Green Space on the Village’s land use plan map. The **GS District** may also be established in areas of the Village if the property needs protection from inappropriate urban development. **(Sec. 5.2.1)**

40-5-9 **PERMITTED USES.** The **GS District** is designed to allow narrow latitude in the range of uses allowed. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **GS District**. Buildings or structures may be erected, altered or used and land may be used for **one (1)** or more of the following:

- (A) Animal Production including only the following:
 - (1) Beef Cattle Ranching and Farming
 - (2) Dairy Cattle and Milk Production
- (B) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
- (C) Cemeteries
- (D) Crop Production
- (E) Fishing Lakes, including fee fishing or clubs, provided that no building, parking lot, or other intense use is located nearer than **five hundred (500) feet** to any dwelling on an adjacent lot or nearby lot.
- (F) Forestry and Logging
- (G) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (H) Support Activities for Agriculture and Forestry
- (I) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

(Sec. 5.2.2)

40-5-10 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **GS District**. **(Sec. 5.2.3)**

40-5-11 **SPECIAL USES.** The following uses may be allowed within the **GS District** subject to the criteria established in **Article X** and the performance standards in **Article VII.**

(A) Communication Towers
(Sec. 5.2.4)

40-5-12 **REGULATION OF AGRICULTURAL ACTIVITIES.**

(A) **Livestock.** No accessory building used or intended to be used to shelter livestock shall be erected closer than **three hundred (300) feet** to a dwelling existing on an adjoining lot or nearby lot nor shall it be erected closer than **two hundred (200) feet** to any residentially-zoned property. Fences shall be erected or other means shall be taken to prevent livestock from approaching any spot closer than **three hundred (300) feet** to any dwelling on an adjoining lot or nearby lot or within **two hundred (200) feet** of any residentially-zoned property.

(B) **Feeding.** No feeding lot shall be located within **five hundred (500) feet** of a non-agricultural zoning district.

(C) **Farm Equipment and Commodities.** Agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides and herbicides) shall not be stored outdoors closer than **two hundred (200) feet** from any residentially-zoned property. Except, however, that such material may be stored in a building located not less than **one hundred (100) feet** from any residentially-zoned property.

(Sec. 5.2.5)

40-5-13 **DIMENSIONAL REGULATIONS.**

(A) **Minimum Lot Size.** Three (3) acres, a minimum of forty (40) acres shall be required for livestock or any use allowed by **Section 40-5-9(A)** of this Division.

(B) **Minimum Lot Width.** 250 feet

(C) **Minimum Lot Depth.** 250 feet

(D) **Minimum Front Yard.** 50 feet

(E) **Minimum Side Yard.** 50 feet

(F) **Minimum Rear Yard.** 50 feet

(G) **Maximum Building Height.** 35 feet

(H) **Minimum District Size.** 5 acres

(Sec. 5.2.6)

40-5-14 - 40-5-17 **RESERVED.**

DIVISION III – “RS-20” SINGLE-FAMILY RESIDENTIAL DISTRICT

40-5-18 **PURPOSE.** The purpose of the “RS-20”, **Single-Family Residential District**, is to provide areas for single-family residential uses of a suburban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences. The **RS-20 District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Very Low-Density Residential or Low-Density Residential on the Village’s land use plan map. **(Sec. 5.3.1)**

40-5-19 **PERMITTED USES.** If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **RS-20 District**. Buildings or structures may be erected, altered or used for the following:

- (A) Residential Uses including only the following:
 - (1) Single-Family Dwellings
- (B) Elementary and Secondary Schools without residential facilities
- (C) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (D) Church, Chapel, Temple, Synagogue or Place of Worship
- (E) Residential Care Facilities including only the following:
 - (1) Community-Integrated Living Arrangements
- (F) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
- (G) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

(Sec. 5.3.2)

40-5-20 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **RS-20 District**. **(Sec. 5.3.3)**

40-5-21 **SPECIAL USES.** The following uses may be allowed within the **RS-20 District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

- (A) Planned Developments based on the procedures in **Section 40-6-**
3.
(Sec. 5.3.4)

40-5-22 **DIMENSIONAL REGULATIONS.**

- | | | |
|-----|---|--------------------------------------|
| (A) | <u>Minimum Lot Size.</u> | 20,000 square feet |
| (B) | <u>Minimum Lot Width.</u> | 100 feet |
| (C) | <u>Minimum Lot Depth.</u> | 150 feet |
| (D) | <u>Minimum Front Yard.</u> | 30 feet |
| (E) | <u>Minimum Side Yard.</u> | 15 feet |
| (F) | <u>Minimum Rear Yard.</u> | 25 feet |
| (G) | <u>Maximum Building Height.</u> | 35 feet |
| (H) | <u>Minimum Dwelling Unit Size.</u> | 1,000 square feet |
| (I) | <u>Maximum Density.</u> | Two dwelling units per gross
acre |
| (J) | <u>Minimum District Size.</u> | 10 acres |

(Sec. 5.3.5)

40-5-23 **RESERVED.**

DIVISION IV – “RS-8” SINGLE-FAMILY RESIDENTIAL DISTRICT

40-5-24 **PURPOSE.** The purpose of the “RS-8”, **Single-Family Residential District**, is to provide areas for single-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences. The **RS-8 District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Low-Density Residential or Medium-Density Residential on the Village’s land use plan map. **(Sec. 5.4.1)**

40-5-25 **PERMITTED USES.** If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **RS-8 District**. Buildings or structures may be erected, altered or used for the following:

- (A) Residential Uses including only the following:
 - (1) Single-Family Dwellings
- (B) Elementary and Secondary Schools without residential facilities
- (C) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (D) Church, Chapel, Temple, Synagogue or Place of Worship
- (E) Residential Care Facilities including only the following:
 - (1) Community-Integrated Living Arrangements
- (F) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
- (G) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

(Sec. 5.4.2)

40-5-26 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **RS-8 District**. **(Sec. 5.4.3)**

40-5-27 **SPECIAL USES.** The following uses may be allowed within the **RS-8 District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

3. (A) Planned Developments based on the procedures in **Section 40-6-**
(Sec. 5.4.4)

40-5-28 **DIMENSIONAL REGULATIONS.**

- | | | |
|-----|---|---------------------------------------|
| (A) | <u>Minimum Lot Size.</u> | 8,000 square feet |
| (B) | <u>Minimum Lot Width.</u> | 80 feet |
| (C) | <u>Minimum Lot Depth.</u> | 100 feet |
| (D) | <u>Minimum Front Yard.</u> | 25 feet |
| (E) | <u>Minimum Side Yard.</u> | 5 feet (amended
01/02/01) |
| (F) | <u>Minimum Rear Yard.</u> | 25 feet |
| (G) | <u>Maximum Building Height.</u> | 35 feet |
| (H) | <u>Minimum Dwelling Unit Size.</u> | 1,000 square feet |
| (I) | <u>Maximum Density.</u> | Four dwelling units per gross
acre |
| (J) | <u>Minimum District Size.</u> | 5 acres |

(Sec. 5.4.5)

40-5-29 **RESERVED.**

DIVISION V – “RS-5” SINGLE-FAMILY RESIDENTIAL DISTRICT

40-5-30 **PURPOSE.** The purpose of the “RS-5”, **Single-Family Residential District**, is to provide areas for single-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences. The **RS-5 District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Medium-Density Residential on the Village’s land use plan map. **(Sec. 5.5.1)**

40-5-31 **PERMITTED USES.** If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **RS-5 District**. Buildings or structures may be erected, altered or used for the following:

- (A) Residential Uses including only the following:
 - (1) Single-Family Dwellings
- (B) Elementary and Secondary Schools without residential facilities
- (C) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (D) Church, Chapel, Temple, Synagogue, or Place of Worship
- (E) Residential Care Facilities including only the following:
 - (1) Community-Integrated Living Arrangements
- (F) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
- (G) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

(Sec. 5.5.2)

40-5-32 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **RS-5 District**. **(Sec. 5.5.3)**

40-5-33 **SPECIAL USES.** The following uses may be allowed within the **RS-5 District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

3. (A) Planned Developments based on the procedures in **Section 40-6-**
(Sec. 5.5.4)

40-5-34 DIMENSIONAL REGULATIONS.

- (A) **Minimum Lot Size.** 5,000 square feet
- (B) **Minimum Lot Width.** 50 feet
- (C) **Minimum Lot Depth.** 100 feet
- (D) **Minimum Front Yard.** 20 feet
- (E) **Minimum Side Yard.** 5 feet
- (F) **Minimum Rear Yard.** 10 feet
- (G) **Maximum Building Height.** 35 feet
- (H) **Minimum Dwelling Unit Size.** 750 square feet
- (I) **Maximum Density.** Six dwelling units per gross acre
- (J) **Minimum District Size.** 5 acres

(Sec. 5.5.5)

40-5-35 RESERVED.

DIVISION VI – “RT” TWO-FAMILY RESIDENTIAL DISTRICT

40-5-36 **PURPOSE.** The purpose of the “RT”, Two-Family Residential District, is to provide areas for single-family and two-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to two-family residences. The RT District is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Medium-Density Residential on the Village’s land use plan map. **(Sec. 5.6.1)**

40-5-37 **PERMITTED USES.** If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the RT District. Buildings or structures may be erected, altered or used for the following:

- (A) Residential Uses including only the following:
 - (1) Single-Family Dwellings
 - (2) Duplexes
- (B) Elementary and Secondary Schools without residential facilities
(uses within NAICS Code 6111)
- (C) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (D) Church, Chapel, Temple, Synagogue, or Place of Worship
- (E) Residential Care Facilities including only the following:
 - (1) Community-Integrated Living Arrangements
- (F) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
- (G) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

(Sec. 5.6.2)

40-5-38 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the RT District. **(Sec. 5.6.3)**

DIVISION VII – “RM” MULTIPLE-FAMILY RESIDENTIAL DISTRICT

40-5-42 **PURPOSE.** The purpose of the “RM”, **Multiple-Family Residential District**, is to provide areas for multiple-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to multiple-family residences. The **RM District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Medium-Density Residential on the Village’s land use plan map. **(Sec. 5.7.1)**

40-5-43 **PERMITTED USES.** If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **RM District**. Buildings or structures may be erected, altered or used for the following:

- (A) Residential Uses including only the following:
 - (1) Single-Family Dwellings
 - (2) Duplexes
 - (3) Multiple-Family Dwellings
- (B) Child Care Centers
- (C) Elementary and Secondary Schools
- (D) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (E) Church, Chapel, Temple, Synagogue, or Place of Worship
- (F) Residential Care Facilities including only the following:
 - (1) Assisted Living Facilities
 - (2) Community-Integrated Living Arrangements
 - (3) Community Living Facilities
- (G) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
- (H) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

(Sec. 5.7.2)

40-5-44 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **RM District**. **(Sec. 5.7.3)**

40-5-45 SPECIAL USES. The following uses may be allowed within the **RM District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

- (A) Life Care Facilities
- (B) Planned Developments based on the procedures in **Section 40-6-**

3.
(Sec. 5.7.4)

40-5-46 DIMENSIONAL REGULATIONS.

- (A) **Minimum Lot Size.** 10,000 square feet for single-family dwellings, duplexes and nonresidential uses
12,000 square feet for triplexes
14,000 square feet for fourplexes
Buildings for more than four dwellings shall not exceed the maximum density per gross acre listed in this Section
- (B) **Minimum Lot Width.** 100 feet
- (C) **Minimum Lot Depth.** 100 feet
- (D) **Minimum Front Yard.** 25 feet
- (E) **Minimum Side Yard.** 10 feet
- (F) **Minimum Rear Yard.** 10 feet
- (G) **Maximum Building Height.** 35 feet
- (H) **Minimum Dwelling Unit Size.** 750 square feet for single-family residences
620 square feet for each dwelling unit of a duplex, and
500 square feet for each dwelling unit of a multiple-family building
- (I) **Maximum Density.** Twelve dwelling units per gross acre
- (J) **Minimum District Size.** 2 acres

(Sec. 5.7.5)

40-5-47 RESERVED.

DIVISION VIII – “RMH” MOBILE HOME RESIDENTIAL DISTRICT

40-5-48 **PURPOSE.** The purpose of the “RMH”, **Mobile Home Residential District**, is to provide areas for mobile home residential development in appropriate areas of the Village. It is further intended to provide for other uses which are customarily found with and are not detrimental to mobile homes. The **RMH District** may be considered consistent with provisions of the comprehensive plan for land designated as Medium-Density Residential on the Village’s land use plan map. **(Sec. 5.8.1)**

40-5-49 **PERMITTED USES.** In the **RMH District**, the following uses shall be permitted:

- (A) Residential Uses
 - (1) Mobile Homes
- (B) Arts, Entertainment and Recreation including only the following:
 - (1) Parks and Playgrounds
- (C) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

(Sec. 5.8.2)

40-5-50 **SPECIAL USES.** The following uses may be allowed within the **RMH District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

- (A) Child Care Centers

(Sec. 5.8.3)

40-5-51 **ADDITIONAL REGULATIONS.**

(A) The provisions of **Section 40-3-9, Mobile Home Regulations**, supplement the regulations contained in this Division.

(B) **Buffer Yards.** Mobile home parks located adjacent to single-family (RS) zoning districts shall provide a **fifty (50) foot** buffer yard adjacent to such single-family (RS) districts which is heavily landscaped and which shall contain no structures.

(Sec. 5.8.4)

40-5-52 **INSTALLATION CRITERIA.**

(A) Each mobile home space shall have a stand to provide adequate support for the placement and tie-down of the mobile home. The stand shall extend

the length of the supports of the mobile home, and shall consist of either **six (6) inch** thick reinforced concrete runners or a **four (4) inch** thick reinforced concrete slab. Concrete piers may be permitted only after review and consultation of the building official.

(B) Each mobile home shall be anchored in a manner to meet or exceed the standards prescribed by the Federal Department of Housing and Urban Development.

(C) No mobile home shall be immobilized, but anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of each stand or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.

(D) The minimum first floor elevation shall be at least **eighteen (18) inches** above the crown of the nearest street or road.

(E) The frame, axles, wheels, crawl space storage area and utility connection of all mobile homes shall be concealed from view through the use of durable all-weather materials manufactured specifically for the purpose of covering the undercarriage area. Such skirting shall be fastened in accordance with manufacturers instructions and shall provide for adequate ventilation.

(F) All mobile home spaces shall abut upon an all-weather surface driveway of not less than **twenty-two (22) feet** in width, which shall have unobstructed access to a Village street.

(G) Mobile homes may only be placed in designated and approved mobile home subdivisions. Mobile homes may not be placed in any zoning district other than this **RMH District**.

(H) To inhibit the spread of fire, no mobile home shall be erected or placed within **twenty (20) feet** of another mobile home.

(Sec. 5.8.5)

40-5-53	<u>DIMENSIONAL REGULATIONS.</u>	
(A)	<u>Minimum Lot or Space Size.</u>	4,000 square feet
(B)	<u>Minimum Lot or Space Width.</u>	40 feet
(C)	<u>Minimum Front Yard.</u>	10 feet
(D)	<u>Minimum Side Yard.</u>	10 feet
(E)	<u>Minimum Rear Yard.</u>	10 feet
(F)	<u>Minimum Setback From Park Property Line.</u>	25 feet
(G)	<u>Maximum Lot or Space Coverage.</u>	40 percent
(H)	<u>Maximum Building Height.</u>	20 feet
(I)	<u>Minimum District Size.</u>	10 acres

(Sec. 5.8.6)

40-5-54 RESERVED.

DIVISION IX – “PS” PUBLIC/SEMI PUBLIC DISTRICT

40-5-55 **PURPOSE.** The purpose of the “PS”, **Public/Semi-Public District**, is to provide areas for institutional, governmental, and other semi-public uses, including such uses, including such uses requiring large amounts of land. The **PS District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Public/Semi-Public on the Village’s land use plan map. **(Sec. 5.9.1)**

40-5-56 **PERMITTED USES.** In the **PS District** is designed to allow considerable latitude in the range of institutional and public uses allowed provided that the uses are legal. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **PS District**. Buildings or structures may be erected, altered or used and land may be used for **one (1)** or more of the following:

- (A) Arts, Entertainment and Recreation including only the following:
 - (1) Museums, Historical Sites and Similar Institutions
 - (2) Golf Courses and Country Clubs
 - (3) Parks and Playgrounds
- (B) Cemeteries
- (C) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (D) Public Elementary and Secondary Schools
- (E) Church, Chapel, Temple, Synagogue, or Place of Worship
- (F) United States Postal Service (NAICS Code 491)
- (G) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

(Sec. 5.9.2)

40-5-57 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **PS District**. **(Sec. 5.9.3)**

40-5-58 **SPECIAL USES.** The following uses may be allowed within the **PS District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

- (A) Communication Towers
 - (B) Correctional Institutions
 - (C) Major Public and Private Utilities, including water treatment plants, wastewater treatment plants, power generating facilities, transmission towers, and similar uses
 - (D) Solid Waste Landfill
- (Sec. 5.9.4)**

40-5-59 DIMENSIONAL REGULATIONS.

- (A) **Minimum Lot Size.** 10,000 square feet
 - (B) **Minimum Lot Width.** 100 feet
 - (C) **Minimum Lot Depth.** 100 feet
 - (D) **Minimum Front Yard.** 30 feet
 - (E) **Minimum Side Yard.** 10 feet
 - (F) **Minimum Rear Yard.** 30 feet
 - (G) **Maximum Building Height.** 45 feet
 - (H) **Minimum District Size.** 2 acres
- (Sec. 5.9.5)**

40-5-60 RESERVED.

DIVISION X – “PO” PROFESSIONAL OFFICE DISTRICT

40-5-61 PURPOSE. The purpose of the “PO”, **Professional Office District**, is to protect the character of neighborhoods along major thoroughfares in selected areas of the Village by permitting selected office and service activities and regulating the bulk standards accordingly. The **PO District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Professional Office on the Village’s land use plan map. The PO District shall be divided into sub-categories PO 1 District and PO 2 District for purposes of unique DIMENSIONAL REGULATIONS. **(Sec. 5.10.1) (Ord. No. 2007-15; 12-03-07)**

40-5-62 PERMITTED USES. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **PO District**. Buildings or structures may be erected, altered or used for the following:

- (A) Administrative and Support Services including only the following:
 - (1) Office Administrative Services
 - (2) Employment Services
 - (3) Business Support Services
 - (4) Travel Agencies
 - (5) Convention and Visitors Bureaus
- (B) Arts, Entertainment and Recreation including only the following:
 - (1) Museums, Historical Sites and Similar Institutions
 - (2) Parks and Playgrounds
- (C) Broadcasting and Telecommunications including only the following:
 - (1) Radio and Television Broadcasting
 - (2) Cable Networks and Program Distribution
- (D) Automated Teller Machines
 - (1) Structures comply with the requirements of **Section 40-3-10** for corner visibility **(Ord. No. 2006-15; 12-04-06)**
- (E) Educational Services including only the following:
 - (1) Business Schools and Computer and Management Training
 - (2) Cosmetology and Barber Schools
- (F) Health Care and Social Assistance including only the following:
 - (1) Office of Physicians
 - (2) Offices of Dentists
 - (3) Offices of Other Health Practitioners
 - (4) Residential Care Facilities including only the following:
 - (a) Assisted Living Facilities
 - (b) Community Living Facilities
 - (c) Life Care Facilities
 - (d) Nursing Homes

- (5) Individual and Family Services
- (6) Vocational Rehabilitation Services
- (7) Child Care Centers
- (G) Information Services and Data Processing Services
- (H) Insurance Carriers and Related Activities
- (I) Local Messengers and Local Delivery
- (J) Management of Companies and Enterprises
- (K) Professional, Scientific and Technical Services including only the following:
 - (1) Legal Services
 - (2) Accounting, Tax Preparation, Bookkeeping and Payroll Services
 - (3) Architectural, Engineering and Related Services
 - (4) Specialized Design Services
 - (5) Computer Systems Design and Related Services
 - (6) Management, Scientific and Technical Consulting Services
 - (7) Advertising and Related Services
 - (8) Marketing Research and Public Opinion Polling (NAICS Code 54191)
 - (9) Photographic Services
- (L) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
- (M) Real Estate including only the following:
 - (1) Lessors of Residential Buildings and Dwellings
 - (2) Lessors of Nonresidential Buildings
 - (3) Offices of Real Estate Agents and Brokers
 - (4) Activities Related to Real Estate
- (N) Church, Chapel, Temple, Synagogue, or Place of Worship
- (O) Grantmaking, Civic, Professional and Similar Organizations
- (P) Securities, Commodity Contracts, and Other Financial Investments and Related Activities
 - (P) United States Postal Service
 - (Q) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.
 - (R) Personal Services including only the following:
 - (1) Barber Shops
 - (2) Beauty Salons
 - (3) Nail Salons
 - (4) Diet and Weight Reducing Centers
 - (5) Ear Piercing Services

- (6) Electrolysis Salons
- (7) Hair Replacement
- (8) Massage Therapy
- (9) Tanning Salons
- (S) Residential uses including only the following:
 - (1) Single Family Residential Dwellings in the PO 1 area only along Prairie Street, as outlined further under **Section 40-5-64** below. **(Ord. No. 2007-15; 12-03-07)**

(Ord. No. 2003-04; 02-03-03) (Sec. 5.10.2)

40-5-63 ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory to a permitted use may be allowed within the **PO District.** **(Sec. 5.10.3)**

40-5-64 DIMENSIONAL REGULATIONS.

PO 1 - All PO designated area along and adjacent to Prairie Street in the Village

- (A) **Minimum Lot Size.** 5,000 square feet
- (B) **Minimum Lot Width.** 50 feet
- (C) **Minimum Lot Depth.** 100 feet
- (D) **Minimum Front Yard.** 20 feet
- (E) **Minimum Side Yard.** 5 feet
- (F) **Minimum Rear Yard.** 10 feet
- (G) **Screening Required.** For any permitted use other than single family residential, a tract of land adjacent to a residential (R) zoning district shall provide screening along the lot line that abuts the adjacent residentially-zoned lot. The screening shall be in either of the two following formats: (1) Evergreen plant material with a minimum height of **four (4) feet** which shall be contained within a minimum **ten (10) foot** wide strip of land to be used for screening purposes only; or (2) A **six (6) foot** high vinyl or wood privacy fence adjacent to the property line for screening purposes only. Any variation from the above stated screening requirements shall be reviewed for approval by the Zoning Administrator.
- (H) **Maximum Building Height.** 2 stories or 35 feet
- (I) **Minimum District Size.** 5 acres
- (J) **Minimum Dwelling Unit Size (Residential only)** 750 square feet
- (K) **Maximum Density (Residential only)** 6 dwelling units per gross acre

(Ord. No. 2007-15; 12-03-07)

PO 2 - All PO designated area along and adjacent to Moreland Road in the Village

- (A) **Minimum Lot Size.** 20,000 square feet
- (B) **Minimum Lot Width.** 100 feet
- (C) **Minimum Lot Depth.** 150 feet
- (D) **Minimum Front Yard.** 25 feet
- (E) **Minimum Side Yard.** 10 feet
- (F) **Minimum Rear Yard.** 25 feet
- (G) **Screening Required.** Any tract of land adjacent to a residential

(R) zoning district shall provide screening along the lot line that abuts the adjacent residentially-zoned lot. The screening shall be in either of the two following formats:

(1) Evergreen plant material with a minimum height of **four (4) feet** which shall be contained within a minimum **ten (10) foot** wide strip of land to be used for screening purposes; or (2) A **six (6) foot** high vinyl or wood privacy fence adjacent to the property line for screening purposes only. Any variation from the above stated screening requirements shall be reviewed for approval by the Zoning Administrator.

- (H) **Maximum Building Height.** 2 stories or 35 feet
- (I) **Minimum District Size.** 5 acres

(Ord. No. 2007-15; 12-03-07) (Sec. 5.10.4)

40-5-65 - 40-5-70 RESERVED.

DIVISION XI – “NC” NEIGHBORHOOD COMMERCIAL DISTRICT

40-5-71 PURPOSE. The purpose of the “NC”, **Neighborhood Commercial District**, is to provide areas for the development of retail sales and selected service activities at accessible locations. The **NC District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land located outside of the downtown area which is designated as Commercial on the Village’s land use plan map. **(Sec. 5.11.1)**

40-5-72 PERMITTED USES. The **NC District** is designed to allow a narrow range of retail and personal service uses provided that the uses are legal and no outdoor storage is conducted except as otherwise provided herein. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **NC District**. Buildings or structures may be erected, altered or used for the following:

- (A) Administrative and Support Services including only the following:
 - (1) Office Administrative Services
 - (2) Employment Services
 - (3) Business Support Services
 - (4) Travel Arrangement and Reservation Services
- (B) Arts, Entertainment and Recreation including only the following:
 - (1) Performing Arts Companies
 - (2) Promoters of Performing Arts, Sports and Similar Events
 - (3) Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures
 - (4) Independent Artists, Writers and Performers
 - (5) Museums, Historical Sites and Similar Institutions
- (C) Clothing and Clothing Accessories Stores
- (D) Educational Services except flight training and truck driving schools
- (E) Electronics and Appliance Stores
- (F) Food and Beverage Stores
- (G) Food Services and Drinking Places including only the following:
 - (1) Full-Service Restaurants
 - (2) Limited-Service Eating Places
 - (3) Food Service Contractors
 - (4) Caterers
 - (5) Drinking Places (Alcoholic Beverages)
- (H) Health and Personal Care Stores
- (I) Health Care and Social Assistance including only the following:
 - (1) Office of Physicians
 - (2) Offices of Dentists
 - (3) Offices of Health Practitioners

- (4) Individual and Family Services
 - (4) Child Care Centers
 - (J) Information Services and Data Processing Services
 - (K) Insurance Carriers and Related Activities
 - (L) Miscellaneous Store Retailers including only the following:
 - (1) Florists
 - (2) Office Supplies, Stationery and Gift Stores
 - (M) Personal and Laundry Services including only the following:
 - (1) Barber Shops
 - (2) Beauty Salons
 - (3) Nail Salons
 - (4) Tanning Salons
 - (5) Dry Cleaning and Laundry Services
 - (N) Professional, Scientific and Technical Services including only the following:
 - (1) Legal Services
 - (2) Accounting, Tax Preparation, Bookkeeping and Payroll Services
 - (3) Architectural, Engineering and Related Services
 - (4) Specialized Design Services
 - (5) Computer Systems Design and Related Services
 - (6) Advertising and Related Services
 - (O) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Courts
 - (3) Police Protection
 - (4) Legal Counsel and Prosecution
 - (5) Fire Protection
 - (6) Other Justice, Public Order and Safety Activities
 - (P) Real Estate Offices
 - (Q) Religious
 - (R) Grantmaking, Civic, Professional Organizations
 - (R) Securities, Commodity Contracts, and Other Financial Investments and Related Activities
 - (S) Sporting Goods, Hobby, Book and Music Stores
 - (T) United States Postal Service
 - (U) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.
 - (W) Bakeries
- (Sec. 5.11.2)**

40-5-73 ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory to a permitted use may be allowed within the **NC District.** **(Sec. 5.11.3)**

40-5-74 TEMPORARY USES.

(A) **Temporary Outdoor Displays.** Temporary outdoor displays of merchandise may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(A).**

(B) **Temporary Seasonal Displays.** Temporary seasonal displays may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(B).**

(C) **Festivals.** Festivals may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(C).** **(Sec. 5.11.4)**

40-5-75 DIMENSIONAL REGULATIONS.

(A) **Minimum Lot Size.** 10,000 square feet

(B) **Minimum Lot Width.** 100 feet

(C) **Minimum Lot Depth.** 100 feet

(D) **Minimum Front Yard.** 25 feet

(E) **Minimum Side Yard.** None, unless the side of the lot abuts land zoned residential in which case there shall be a side yard of at least 10 feet. If a side yard is not required but is provided, it shall be at least 5 feet in width. If no side yard is required or provided a two-hour fire wall shall be provided along the side lot line.

(F) **Minimum Rear Yard.** 10 feet

(G) **Maximum Building Height.** 2 stories or 35 feet

(H) **Maximum Building Coverage.** 40 percent

(I) **Minimum District Size.** 2 acres

(Sec. 5.11.5)

40-5-76 RESERVED.

DIVISION XII – “DC” DOWNTOWN COMMERCIAL DISTRICT

40-5-77 **PURPOSE.** The purpose of the “DC”, **Downtown Commercial District**, is to protect the character of downtown by permitting selected retail sales and service activities in the downtown area and regulating the bulk standards accordingly. The **DC District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land in the downtown area which is designated as Downtown on the Village’s land use plan map. **(Sec. 5.12.1)**

40-5-78 **PERMITTED USES.** If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **DC District**. Buildings or structures may be erected, altered or used for the following:

- (A) Administrative and Support Services including only the following:
 - (1) Office Administrative Services
 - (2) Employment Services
 - (3) Business Support Services
 - (4) Travel Agencies
 - (5) Convention and Visitors Bureaus
- (B) Arts, Entertainment and Recreation including only the following:
 - (1) Museums, Historical Sites and Similar Institutions
 - (2) Parks and Playgrounds
- (C) Broadcasting and Telecommunications including only the following:
 - (1) Radio and Television Broadcasting
 - (2) Cable Networks and Program Distribution
- (D) Building Material and Garden Equipment and Supplies Dealers including only the following:
 - (1) Paint and Wallpaper Stores
 - (2) Hardware Stores
 - (3) Building Material Dealers
 - (4) Plumbing, Heating and Air Conditioning Retail Stores, excepting any and all on site duct fabrication work. **(Ord. No. 2004-06; 04-05-04)**
- (E) Clothing and Clothing Accessories Stores
- (F) Automated Teller Machines (must comply with **Section 40-3-10** requirements)
- (G) Educational Services including only the following:
 - (1) Business Schools and Computer and Management Training
 - (2) Cosmetology and Barber Schools
 - (3) Other Technical and Trade Schools except truck driving schools
 - (4) Schools and Instruction
- (H) Electronics and Appliance Stores

- (I) Food and Beverage Stores
- (J) Food Services and Drinking Places including only the following:
 - (1) Full-Service Restaurants
 - (2) Limited-Service Eating Places
 - (3) Drinking Places (Alcoholic Beverages)
- (K) Furniture and Home Furnishings Stores
- (L) General Merchandise Stores including only the following:
 - (1) Department Stores
 - (2) General Merchandise Stores
- (M) Health and Personal Care Stores
- (N) Health Care and Social Assistance including only the following:
 - (1) Office of Physicians
 - (2) Offices of Dentists
 - (3) Offices of Health Practitioners
 - (4) Residential Care Facilities including only the following:
 - (a) Assisted Living Facilities
 - (b) Community Living Facilities
 - (c) Life Care Facilities
 - (d) Nursing Homes
 - (5) Individual and Family Services
 - (6) Vocational Rehabilitation Services
 - (7) Child Care Centers
- (O) Information Services and Data Processing Services
- (P) Insurance Carriers and Related Activities
- (Q) Local Messengers and Local Delivery
- (R) Management of Companies and Enterprises
- (S) Miscellaneous Store Retailers including only the following:
 - (1) Florists
 - (2) Office Supplies, Stationery and Gift Stores
 - (3) Art Dealers
- (T) Motion Picture Theaters (except Drive-Ins)
- (U) Personal and Laundry Services including only the following:
 - (1) Barber Shops
 - (2) Beauty Salons
 - (3) Nail Salons
 - (4) Diet and Weight Reducing Centers
 - (5) Ear Piercing Services
 - (6) Electrolysis Salons
 - (7) Hair Replacement
 - (8) Massage Therapy
 - (9) Tanning Salons
 - (10) Coin-Operated Laundries and Dry Cleaners
 - (11) Dry Cleaning and Laundry Services (except Coin-Operated)
 - (12) Photofinishing

(13) Parking Lots and Garages

(Ord. No. 2004-12; 05-03-04)

(V) Professional, Scientific and Technical Services including only the following:

- (1) Legal Services
- (2) Accounting, Tax Preparation, Bookkeeping and Payroll Services
- (3) Architectural, Engineering and Related Services
- (4) Specialized Design Services
- (5) Computer Systems Design and Related Services
- (6) Management, Scientific and Technical Consulting Services
- (7) Advertising and Related Services
- (8) Marketing Research and Public Opinion Polling
- (9) Photographic Services

(W) Public Administration including only the following:

- (1) Executive, Legislative and Other General Government Support
- (2) Courts
- (3) Police Protection
- (4) Legal Counsel and Prosecution
- (5) Fire Protection
- (6) Other Justice, Public Order and Safety Activities

(X) Real Estate including only the following:

- (1) Lessors of Residential Buildings and Dwellings
- (2) Lessors of Nonresidential Buildings (except Miniwarehouses)
- (3) Offices of Real Estate Agents and Brokers
- (4) Activities Related to Real Estate

(Y) Church, Chapel, Temple, Synagogue, or Place of Worship

(Z) Grantmaking, Civic, Professional and Similar Organizations

(AA) Rental and Leasing Services including only the following:

- (1) Passenger Car Rental and Leasing
- (2) Formal Wear and Costume Rental
- (3) Video Tape and Disc Rental
- (4) Office Machinery and Equipment Rental and Leasing

(BB) Repair and Maintenance including only the following:

- (1) Electronic and Precision Equipment Repair and Maintenance
- (2) Personal and Household Goods Repair and Maintenance

(CC) Securities, Commodity Contracts, and Other Financial Investments and Related Activities

(DD) Sporting Goods, Hobby, Book and Music Stores

(EE) Traveler Accommodation including only the following:

- (1) Hotels (except Casino Hotels) and Motels
- (2) Bed and Breakfast Inns

(FF) Urban Transit Systems

- (GG) United States Postal Service
- (HH) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.
- (II) Residential Uses including only the following:
 - (1) Multiple-Family Dwellings
 - (2) Single Family Dwellings (**Ord. No. 2006-16; 12-04-06**)

(Sec. 5.12.2)

40-5-79 ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory to a permitted use may be allowed within the **DC District**. Residential uses are allowed as an accessory use provided that they are located on the second floor of the building or at the rear of the building. (**Sec. 5.12.3**)

40-5-80 SPECIAL USES. The following uses may be allowed within the **DC District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

- (A) Funeral Homes and Funeral Services

(Sec. 5.12.4)

40-5-81 TEMPORARY USES.

(A) **Temporary Outdoor Displays.** Temporary outdoor displays of merchandise may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(A)**.

(B) **Temporary Seasonal Displays.** Temporary seasonal displays may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(B)**.

(C) **Festivals.** Festivals may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(C)**.

(Sec. 5.12.5)

40-5-82 DIMENSIONAL REGULATIONS.

- (A) **Minimum Lot Size.** 5,000 square feet
- (B) **Minimum Lot Width.** 50 feet
- (C) **Minimum Lot Depth.** 100 feet
- (D) **Minimum Front Yard.** None
- (E) **Minimum Side Yard.** None, unless the side of the lot abuts land zoned residential or a residential use in which case there shall be a

Zoning Code 40-3-16

side yard of at least 10 feet. If a side yard is not required but is provided, it shall be at least 5 feet in width. If no side yard is required or provided a two-hour fire wall shall be provided along the side lot line.

- (F) **Minimum Rear Yard.** 10 feet
 - (G) **Maximum Building Height.** 3 stories or 45 feet
 - (H) **Maximum Building Coverage.** 80 percent
 - (I) **Minimum District Size.** 5 acres
- (Sec. 5.12.6)**

40-5-83 RESERVED.

DIVISION XIII – “GC” GENERAL COMMERCIAL DISTRICT

40-5-84 **PURPOSE.** The purpose of the “GC”, **General Commercial District**, is to provide areas for the development of general retail sales and selected service activities at accessible locations. The **GC District** is considered consistent with and designed to implement the provisions of the comprehensive plan for much of the land located outside of the downtown area which is designated as Commercial on the Village’s land use plan map. **(Sec. 5.13.1)**

40-5-85 **PERMITTED USES.** The **GC District** is designed to allow a range of uses provided that the uses are legal and no outdoor storage is conducted except as otherwise provided herein. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **GC District**. Buildings or structures may be erected, altered or used for the following:

- (A) Administrative and Support Services including only the following:
 - (1) Office Administrative Services
 - (2) Employment Services
 - (3) Business Support Services
 - (4) Travel Arrangement and Reservation Services
 - (5) Investigation and Security Services
 - (6) Services to Buildings and Dwellings
 - (7) Other Support Services
- (B) Arts, Entertainment and Recreation including only the following:
 - (1) Performing Arts Companies
 - (2) Promoters of Performing Arts, Sports and Similar Events
 - (3) Agents and Managers for Artists, Athletes, Entertainers and Public Figures
 - (4) Independent Artists, Writers and Performers
 - (5) Museums, Historical Sites and Similar Institutions
 - (6) Amusement Arcades
 - (7) Golf Courses and Country Clubs
 - (8) Fitness and Recreational Sports Centers
 - (9) Bowling Centers
 - (10) Amusement and Recreation Industries
- (C) Broadcasting and Telecommunications including only the following:
 - (1) Radio and Television Broadcasting
 - (2) Cable Networks and Program Distribution
- (D) Building Material and Garden Equipment and Supplies Dealers
- (E) Clothing and Clothing Accessories Stores
- (F) Couriers and Messengers
- (G) Credit Intermediation and Related Activities including only the following:

- (1) Depository Credit Intermediation including freestanding automated teller machines provided such structure complies with the requirements of **Section 40-3-10** for corner visibility (**Ord. No. 2006-15; 12-04-06**)
- (2) Nondepository Credit Intermediation except pawn shops
- (H) Educational Services except flight training and truck driving schools
- (I) Electronics and Appliance Stores
- (J) Food and Beverage Stores
- (K) Food Services and Drinking Places including only the following:
 - (1) Full-Service Restaurants
 - (2) Limited-Service Eating Places
 - (3) Food Service Contractors
 - (4) Caterers
 - (5) Drinking Places (Alcoholic Beverages)
- (L) Furniture and Home Furnishings Stores
- (M) Gasoline Stations except truck stops
- (N) General Merchandise Stores
- (O) Health and Personal Care Stores
- (P) Health Care and Social Assistance including only the following:
 - (1) Office of Physicians
 - (2) Offices of Dentists
 - (3) Offices of Health Practitioners
 - (4) Residential Care Facilities including only the following:
 - (a) Assisted Living Facilities
 - (b) Community Living Facilities
 - (c) Life Care Facilities
 - (d) Nursing Homes
 - (5) Individual and Family Services
 - (6) Vocational Rehabilitation Services
 - (7) Child Care Centers
- (Q) Hotels (except Casino Hotels) and Motels
- (R) Information Services and Data Processing Services
- (S) Insurance Carriers and Related Activities
- (T) Management of Companies and Enterprises
- (U) Miscellaneous Store Retailers including only the following:
 - (1) Florists
 - (2) Office Supplies, Stationery and Gift Stores
 - (3) Used Merchandise Stores
 - (4) Pet and Pet Supplies Stores
 - (A) Grooming Services
 - (5) Art Dealers
- (V) Motion Picture and Sound Recording Industries
- (W) Motor Vehicle and Parts Dealers including only the following:
 - (1) New Car Dealers

- (2) Recreational Vehicle Dealers
- (3) Motorcycle, Boat and Motor Vehicle Dealers
- (4) Automotive Parts, Accessories and Tire Stores
- (X) Personal and Laundry Services including only the following:
 - (1) Barber Shops
 - (2) Beauty Salons
 - (3) Nail Salons
 - (4) Diet and Weight Reducing Centers
 - (5) Ear Piercing Services
 - (6) Electrolysis Salons
 - (7) Hair Replacement
 - (8) Massage Therapy
 - (9) Tanning Salons
 - (10) Death Care Services
 - (11) Dry Cleaning and Laundry Services

(Ord. No. 2004-12; 05-03-04)

(Y) Professional, Scientific and Technical Services including only the following:

- (1) Legal Services
- (2) Accounting, Tax Preparation, Bookkeeping and Payroll Services
- (3) Architectural, Engineering and Related Services
- (4) Specialized Design Services
- (5) Computer Systems Design and Related Services
- (6) Management, Scientific and Technical Consulting Services
- (7) Advertising and Related Services
- (8) All Other Professional, Scientific and Technical Services
- (Z) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Courts
 - (3) Police Protection
 - (4) Legal Counsel and Prosecution
 - (5) Fire Protection
 - (6) Other Justice, Public Order and Safety Activities
 - (7) Administration of Human Resource Programs
 - (8) Administration of Environmental Quality Programs
 - (9) Administration of Housing Programs, Urban Planning and Community Development
 - (10) Administration of Economic Programs
 - (11) National Security and International Affairs
- (AA) Publishing Industries
- (BB) Real Estate except lessors of miniwarehouses and self-storage units

- (CC) Grantmaking, Civic, Professional Organizations
 - (DD) Rental and Leasing Services including only the following:
 - (1) Passenger Car Rental and Leasing
 - (2) Consumer Goods Rental
 - (3) General Rental Center
 - (4) Office Machinery and Equipment Rental and Leasing
 - (EE) Repair and Maintenance including only the following:
 - (1) Automotive Mechanical and Electrical Repair and Maintenance
 - (2) Automotive Oil Change and Lubrication Shops
 - (3) Car Washes
 - (4) Electronic and Precision Equipment Repair and Maintenance
 - (5) Personal and Household Goods Repair and Maintenance
 - (FF) Securities, Commodity Contracts, and Other Financial Investments and Related Activities
 - (GG) Sporting Goods, Hobby, Book and Music Stores
 - (HH) Urban Transit Systems
 - (II) United States Postal Service
 - (JJ) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.
 - (KK) Church, Chapel, Temple, Synagogue, or Place of Worship
- (Sec. 5.13.2)**

40-5-86 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **GC District.**
(Sec. 5.13.3)

40-5-87 **SPECIAL USES.** The following uses may be allowed within the **GC District** subject to the criteria established in **Article X** and the performance standards in **Article VII.**

(A) Automotive Body, Paint, Interior and Glass Repair, All Other Automotive Repair and Maintenance, and Motor Vehicle Towing based on the performance standards in **Section 40-7-3.**

(B) Communication Towers based on the performance standards in **Section 40-7-3.**

(C) Lessors of Miniwarehouses and Self-Storage Units based on the performance standards in **Section 40-7-3.**

(D) Spectator Sports

(E) Used Car Dealers based on the performance standards in **Section 40-7-3.**

(Sec. 5.13.4)

40-5-88 TEMPORARY USES.

(A) **Temporary Outdoor Displays.** Temporary outdoor displays of merchandise may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(A).**

(B) **Temporary Seasonal Displays.** Temporary seasonal displays may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(B).**

(C) **Festivals.** Festivals may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(C).**

(Sec. 5.13.5)

40-5-89 DIMENSIONAL REGULATIONS.

(A) **Minimum Lot Size.** 10,000 square feet

(B) **Minimum Lot Width.** 100 feet

(C) **Minimum Lot Depth.** 100 feet

(D) **Minimum Front Yard.** 50 feet

(E) **Minimum Side Yard.** None, unless the side of the lot abuts land zoned residential in which case there shall be a side yard of at least 10 feet. If a side yard is not required but is provided, it shall be at least 5 feet in width. If no side yard is required or provided a two-hour fire wall shall be provided along the side lot line.

(F) **Minimum Rear Yard.** 10 feet

(G) **Gasoline Station Pumps.** Gasoline pumps must be setback 15 feet from any street line; 25 feet from any side or rear lot line; and 50 feet from any residentially-zoned land.

(H) **Maximum Building Height.** 3 stories or 45 feet

(I) **Maximum Building Coverage.** 40 percent

(J) **Minimum District Size.** 5 acres

(Sec. 5.13.6)

40-5-90 RESERVED.

DIVISION XIV – “IC” INTENSIVE COMMERCIAL DISTRICT

40-5-91 **PURPOSE.** The purpose of the “IC”, **Intensive Commercial District**, is to encourage the development and redevelopment of selected areas near the airport or away from major thoroughfares which are designated as Commercial on the Village’s land use plan map. **(Sec. 5.14.1)**

40-5-92 **PERMITTED USES.** The **IC District** is designed to allow a narrow range of storage, warehouse, and office uses. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **IC District**. Buildings or structures may be erected, altered or used for the following:

- (A) Administrative and Support Services including only the following:
 - (1) Business Support Services
 - (2) Investigation and Security Services
 - (3) Services to Buildings and Dwellings
 - (4) Other Support Services
- (B) Construction
- (C) Couriers and Messengers (NAICS Code 492)
- (D) Lessors of Miniwarehouses and Self-Storage Units
- (E) Printing and Related Support Activities
- (F) Professional, Scientific and Technical Services including only the following:
 - (1) Architectural, Engineering and Related Services
 - (2) Specialized Design Services
 - (3) Computer Systems Design and Related Services
 - (4) Management, Scientific and Technical Consulting Services
 - (5) Scientific Research and Development Services
 - (6) All Other Professional, Scientific and Technical Services
- (H) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
- (I) Publishing Industries
- (J) Support Activities for Transportation including only the following:
 - (1) Support Activities for Road Transportation
 - (2) Packing and Crating
- (K) Technical and Trade Schools
- (L) United States Postal Service
- (M) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

(N) Warehousing and Storage
(Sec. 5.14.2)

40-5-93 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **IC District.** (Sec. 5.14.3)

40-5-94 **SPECIAL USES.** The following uses may be allowed within the **IC District** subject to the criteria established in **Article X.**

(A) Any storage facility which by nature of the product stored could emit odors, dust, smoke, gas fumes, noise or vibrations, or from which there is danger of fire or explosion.

(B) Communication Towers based on the performance standards in **Article VII.**
(Sec. 5.14.4)

40-5-95 **DIMENSIONAL REGULATIONS.**

(A) **Minimum Lot Size.** 10,000 square feet

(B) **Minimum Lot Width.** 100 feet

(C) **Minimum Lot Depth.** 100 feet

(D) **Minimum Front Yard.** 30 feet

(E) **Minimum Side Yard.** 5 feet, unless the side of the lot abuts land zoned residential in which case there shall be a side yard of at least 25 feet.

(F) **Minimum Rear Yard.** 10 feet, unless the rear of the lot abuts land zoned residential in which case there shall be a rear yard of at least 25 feet.

(G) **Screening Required.** Any tract of land adjacent to a residential (R) zoning district shall provide screening along the lot line that abuts the adjacent residentially-zoned lot. The screening shall be in the form of evergreen plant material and/or a decorative wall with a minimum height of 4 feet. Such screening shall

be reviewed and approved by the Plan Commission who may require the screen to be up to 6 feet high adjacent to any residentially-zoned lot.

(H)
(I)
(J)
(Sec. 5.14.5)

- Maximum Building Height.**
- Maximum Building Coverage.**
- Minimum District Size.**

3 stories or 45 feet
50 percent
5 acres

40-5-96 RESERVED.

DIVISION XV – “LI” LIGHT INDUSTRIAL DISTRICT

40-5-97 **PURPOSE.** The purpose of the “LI”, **Light Industrial District**, is to encourage the development and redevelopment of those areas which are designated as Industrial on the Village’s land use plan map. **(Sec. 5.15.1)**

40-5-98 **PERMITTED USES.** The **LI District** is designed to allow a wide range of light manufacturing, wholesale and retail uses. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **LI District**. Buildings or structures may be erected, altered or used for the following:

- (A) Administrative and Support Services including only the following:
 - (1) Business Support Services
 - (2) Investigation and Security Services
 - (3) Services to Buildings and Dwellings
 - (4) Other Support Services
- (B) Apparel Manufacturing
- (C) Beverage and Tobacco Product Manufacturing
- (D) Building Material and Garden Equipment and Supplies Dealers
- (E) Computer and Electronic Product Manufacturing
- (F) Construction
- (G) Converted Paper Product Manufacturing
- (H) Couriers and Messengers
- (I) Dry Cleaning and Laundry Services
- (J) Electrical Equipment, Appliance and Component Manufacturing
- (K) Fabricated Metal Product Manufacturing
- (L) Food Manufacturing including only the following:
 - (1) Animal Food Manufacturing
 - (2) Grain and Oilseed Milling
 - (3) Sugar and Confectionery Product Manufacturing
 - (4) Fruit and Vegetable Preserving and Specialty Food Manufacturing
 - (5) Dairy Product Manufacturing
 - (6) Bakeries and Tortilla Manufacturing
 - (7) Food Manufacturing
- (M) Furniture and Home Furnishings Stores
- (N) Furniture and Related Product Manufacturing
- (O) Gasoline Stations
- (P) Leather and Allied Product Manufacturing
- (Q) Lessors of Miniwarehouses and Self-Storage Units
- (R) Machinery Manufacturing
- (S) Medical and Diagnostic Laboratories

- (T) Miscellaneous Manufacturing
- (U) Miscellaneous Store Retailers including only the following:
 - (1) Office Supplies and Stationery Stores
 - (2) Manufactured (Mobile) Home Dealers
 - (3) All Other Miscellaneous Store Retailers
- (V) Motion Picture and Sound Recording Industries including only the following:
 - (1) Motion Picture and Video Production
 - (2) Motion Picture and Video Distribution
 - (3) Postproduction Services and Other Motion Picture and Video Industries
 - (4) Sound Recording Industries
- (W) Nonmetallic Mineral Product Manufacturing including only the following:
 - (1) Clay Product and Refractory Manufacturing
 - (2) Glass and Glass Product Manufacturing
- (X) Plastics and Rubber Products Manufacturing
- (Y) Printing and Related Support Activities
- (Z) Professional, Scientific and Technical Services including only the following:
 - (1) Architectural, Engineering and Related Services
 - (2) Specialized Design Services
 - (3) Computer Systems Design and Related Services
 - (4) Management, Scientific and Technical Consulting Services
 - (5) Scientific Research and Development Services
 - (6) All Other Professional, Scientific and Technical Services
- (AA) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
- (BB) Publishing Industries
- (CC) Repair and Maintenance including only the following:
 - (1) Automotive Repair and Maintenance
 - (2) Electronic and Precision Equipment Repair and Maintenance
 - (3) Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance
- (DD) Rental and Leasing Services including only the following:
 - (1) General Rental Center
 - (2) Commercial and Industrial Machinery and Equipment Rental and Leasing
- (EE) Support Activities for Transportation including only the following:
 - (1) Support Activities for Road Transportation
 - (2) Packing and Crating

- (FF) Technical and Trade Schools
- (GG) Textile Product Mills
- (HH) Transit and Ground Passenger Transportation
- (II) Truck Transportation
- (JJ) United States Postal Service
- (KK) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.
- (LL) Warehousing and Storage
- (MM) Wholesale Trade
- (NN) Wood Product Manufacturing

(Sec. 5.15.2)

40-5-99 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **LI District.** **(Sec. 5.15.3)**

40-5-100 **SPECIAL USES.** The following uses may be allowed within the **LI District** subject to the criteria established in **Article X.**

(A) Any manufacturing, milling, processing or storage plant which by nature of the product or process emits odors, dust, smoke, gas fumes, noise or vibrations, or from which there is danger of fire or explosion.

(B) Automobile Wrecking, and Other Salvage, Yards based on the following criteria:

- (1) Shall be located on a site of at least **ten thousand (10,000) square feet.**
- (2) All wreckage shall be stored inside a building or within an area screened from the view of the street and surrounding properties by landscaping, fencing or a combination of materials that provides an opaque screen at least **six (6) feet** in height.
- (3) Additional criteria necessary to protect the public health, safety and welfare as determined by the Village Board of Trustees.

(C) Communication Towers based on the performance standards in **Article VII.**

(D) Major Public and Private Utilities, including water treatment plants, wastewater treatment plants, power generating facilities, transmission towers, and similar uses

(Sec. 5.15.4)

feet from any residentially-zoned land.

- (H) **Maximum Building Height.** 3 stories or 60 feet
 - (I) **Maximum Building Coverage.** 50 percent
 - (J) **Minimum District Size.** 5 acres
- (Sec. 5.15.5)**

40-5-102 - 40-5-103 RESERVED.

DIVISION XVI – “AP” AIRPORT DISTRICT

40-5-104 PURPOSE. The purpose of the “AP”, **Airport District**, is to protect and encourage the development of those areas which are designated as Airport on the Village’s land use plan map. **(Sec. 5.16.1)**

40-5-105 PERMITTED USES. The **AP District** is designed to allow a number of commercial, institutional, light manufacturing, and wholesale uses. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **AP District**. Buildings or structures may be erected, altered or used for the following:

- (A) Administrative and Support Services including only the following:
 - (1) Business Support Services
 - (2) Investigation and Security Services
 - (3) Services to Buildings and Dwellings
- (B) Aerospace Products, Parts Manufacturing and Education
 - (1) Avionics Manufacturing and Maintenance
 - (2) Aircraft Sales, leasing and Repair
 - (3) Flight Training Schools
- (C) Arts, Entertainment and Recreation including only the following:
 - (1) Performing Arts Companies
 - (2) Promoters of Performing Arts, Sports and Similar Events
 - (3) Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures
 - (4) Independent Artists, Writers and Performers
 - (5) Museums, Historical Sites and Similar Institutions
 - (6) Amusement Arcades
 - (7) Golf Courses and Country Clubs
 - (8) Fitness and Recreational Sports Centers
 - (9) Bowling Centers
- (D) Broadcasting and Telecommunications including only the following:
 - (1) Radio and Television Broadcasting
 - (2) Cable Networks and Program Distribution
- (E) Building Material and Garden Equipment and Supplies Dealers
- (F) Computer and Electronic Product Manufacturing
- (G) Construction Offices and Storage
- (H) Converted Paper Product Manufacturing
- (I) Couriers and Messengers
- (J) Dry Cleaning and Laundry Services
- (K) Electrical Equipment, Appliance and Component Manufacturing
- (L) Fabricated Metal Product Manufacturing
- (M) Food and Beverage Stores

- (N) Food Services and Drinking Places including only the following:
 - (1) Full-Service Restaurants
 - (2) Limited-Service Eating Places
 - (3) Food Service Contractors
 - (4) Caterers
 - (5) Drinking Places (Alcoholic Beverages)
- (O) Furniture and Related Product Manufacturing
- (P) Gasoline Stations
- (Q) Leather and Allied Product Manufacturing
- (R) Lessors of Miniwarehouses and Self-Storage Units
- (S) Machinery Manufacturing
- (T) Printing and Related Support Activities
- (U) Professional, Scientific and Technical Services including only the following:
 - (1) Architectural, Engineering and Related Services
 - (2) Specialized Design Services
 - (3) Computer Systems Design and Related Services
 - (4) Management, Scientific and Technical Consulting Services
 - (5) Scientific Research and Development Services
- (V) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
- (W) Publishing Industries
- (X) Repair and Maintenance including only the following:
 - (1) Automotive Repair and Maintenance
 - (2) Electronic and Precision Equipment Repair and Maintenance
 - (3) Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance
- (Y) Rental and Leasing Services including only the following:
 - (1) Automobile Rental
 - (2) Commercial and Industrial Machinery and Equipment Rental and Leasing
- (Z) Support Activities for Transportation including only the following:
 - (1) Support Activities for Road Transportation
 - (2) Packing and Crating
- (AA) Technical and Trade Schools
- (BB) Transit and Ground Passenger Transportation
- (CC) Truck Transportation
- (DD) United States Postal Service
- (EE) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

- (FF) Warehousing and Storage
- (GG) Wholesale Trade
- (HH) Wood Product Manufacturing
- (II) Hotel/Motel (except Casinos)

(Sec. 5.16.2)

40-5-106 ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory to a permitted use may be allowed within the **AP District.**
(Sec. 5.16.3)

40-5-107 SPECIAL USES. The following uses may be allowed within the **AP District** subject to the criteria established in **Article X.**

(A) Any manufacturing, milling, processing or storage plant which by nature of the product or process emits odors, dust, smoke, gas fumes, noise or vibrations, or from which there is danger of fire or explosion.

(B) Communication Towers based on the performance standards in **Article VII.**

(D) Major Public and Private Utilities, including water treatment plants, wastewater treatment plants, power generating facilities, transmission towers, and similar uses

(Sec. 5.16.4)

40-5-108 DIMENSIONAL REGULATIONS.

- (A) **Minimum Lot Size.** 10,000 square feet
- (B) **Minimum Lot Width.** 100 feet
- (C) **Minimum Lot Depth.** 100 feet
- (D) **Minimum Front Yard.** 30 feet
- (E) **Minimum Side Yard.** 5 feet, unless the side of the lot abuts land zoned residential in which case there shall be a side yard of at least 25 feet.
- (F) **Minimum Rear Yard.** 10 feet, unless the rear of the lot abuts land zoned residential in which case there shall be a rear yard of at least 25 feet.
- (G) **Screening Required.** Any tract of land adjacent to a residential (R) zoning district or adjacent to a street shall provide screening along the

lot line that abuts the adjacent residentially-zoned lot or street. The screening shall be in the form of evergreen plant material and/or a decorative wall with a minimum height of 4 feet. Such screening shall be reviewed and approved by the Plan Commission who may require the screen to be up to 6 feet high between any airport-zoned lot and an adjacent residentially-zoned lot.

(H) **Gasoline Station Pumps.**

Gasoline pumps must be setback 15 feet from any street line; 25 feet from any side or rear lot line; and 50 feet from any residentially-zoned land.

(H) **Maximum Building Height.**

3 stories or 60 feet

(I) **Maximum Building Coverage.**

50 percent

(J) **Minimum District Size.**

200 acres

(Sec. 5.16.5)

[This Article Ord. No. 2009-06; 08-03-09]

ARTICLE VI – OVERLAY DISTRICTS AND SPECIAL PROVISIONS

DIVISION I - PURPOSE

40-6-1 **PURPOSE OF OVERLAY ZONES.** Overlay zones are designed to provide additional regulations for certain areas of the Village which require special protection during development, or which receive consideration for a modification in the strict interpretation of district regulations. These areas include the Airport Overlay District, whose boundaries are depicted on the Village zoning map, and areas which have or will be designated as planned developments based on the procedures in **Division III**. Once established, an overlay zone will appear on the Official Zoning Map of the Village.

40-6-2 - 40-6-25 **RESERVED.**

DIVISION II – AIRPORT OVERLAY DISTRICT – RESERVED

DIVISION III – PLANNED DEVELOPMENT PROCEDURE (PDP)

40-6-26 **PURPOSE AND INTENT.** The Planned Development Procedure, or PDP, is intended to provide for development incorporating a single type or a variety of related uses which are planned and developed as a unit. A planned development may consist of conventionally subdivided lots or provide for nontraditional techniques of development which are consistent with the intent of the Village’s comprehensive plan and meet the spirit and intent of the Zoning Code. The further purpose of the PDP is to permit the following:

- (A) A maximum choice in the type of environment available to the public by allowing a development that would not be possible under the strict application of the provisions of this Code.
- (B) Permanent preservation of common open space and recreation areas and facilities.
- (C) A pattern of development to preserve natural vegetation, topographic and geologic features.
- (D) A creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities.
- (E) An efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds and buildings, and other facilities.
- (F) A land use which promotes the public health, safety, comfort, morals, and welfare.

(G) Innovations in residential, commercial, and recreational development so that growing demands of population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings.

40-6-27 PDP SIZE AND DENSITY CONTROLS.

(A) The minimum size of any PDP shall be **five (5) acres**.

(B) The maximum residential density of any PDP shall be controlled by the underlying zoning district(s) and the maximum floor area ratios listed in **Section 40-6-31(H)**.

40-6-28 APPLICATION PROCEDURE AND AREA PLAN.

(A) The amendment of an area plan or the designation of a portion of the Village as a planned development must be initiated by an application with the proposed area plan, accompanied by the required fee and filed with the Zoning Administrator. The application must be verified by the owner or owners of record or the contract purchasers. The application must be filed at least **twenty (20) days** prior to the Plan Commission meeting at which it is to be first considered.

(B) **Applications.** The application must include the following information. The Village may require that this information be included on or filed with designated forms:

- (1) The name of the proposed PDP development.
- (2) Names, addresses and phone numbers of the owner(s) of record, and engineer, surveyor or designer responsible for the planning, engineering, survey and design.
- (3) Acreage in the entire planned development.
- (4) Legal description of the entire planned development.
- (5) **Five (5) copies** of proposed deed restrictions, protective covenants, and homeowner's association Articles of Incorporation and By-Laws.
- (6) Signature(s) of applicant(s) and owner(s) certifying the accuracy of the requested information.
- (7) Payment of the required application fee.
- (8) A recent certificate of title to the property showing ownership.
- (9) A list containing the names and addresses of all owners of property located within **two hundred fifty (250) feet** of the property to be designated a planned development.
- (10) Any additional information deemed necessary by the Zoning Administrator.

(C) **Area Plans.** The application must be accompanied by **sixteen (16) copies** of the proposed area plan. The scale for all plans shall be no smaller than **one (1) inch** equals **fifty (50) feet**, and the plans shall including the following:

- (1) The name of the proposed PDP development.
- (2) A scale, north arrow and the date drawn.

- (3) The proposed use and development of the planned development.
- (4) The boundaries, dimensions and area of the planned development.
- (5) The location of the planned development in relation to the surrounding uses, buildings and zoning.
- (6) The location of the planned development in relation to major thoroughfares, and any roadways or drives connecting the planned development to those major thoroughfares.
- (7) The names of adjacent subdivisions, layout of streets (with names and rights-of-way widths), connections with adjoining platted streets, location and widths and of adjoining alleys, easements and public sidewalks, and location and dimensions of all existing sanitary sewer, storm sewer, and supply facilities within **two hundred fifty (250) feet** of the planned development.
- (8) The existing conditions in the planned development area showing all easements, streets, drives or alleys, bridges, and existing structures.
- (9) The existing topography (at least **five (5) foot** contour intervals). All topographic data shall directly relate to USGS data.
- (10) The boundary lines of school districts, fire districts, and municipal limits must be identified on plan where applicable.
- (11) The general plan layout of the entire planned development showing proposed land uses, streets, parking areas, open space areas, sidewalks and highways or other major improvements planned by public authorities for future construction, with significant dimensions indicated where appropriate to clarify the plan.
- (12) All planned use areas must be clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the planned development shall be indicated on the plan dedication or reservation.
- (13) The proposed stages of development.
- (14) Subsurface conditions on the tract, if required by the Director of Public Works, including the location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of **five (5) feet**; location and results of soil percolation tests if individual sewage disposal systems are proposed.
- (15) Site plan data must be indicated on the area plan and must include the items below:
 - (a) The total gross area of the planned development area plan in acres.

- (b) The breakdown of total gross area by land use type, such as townhouses, single family, retail shops, open space, church, school, etc.
 - (c) Residential data:
 - (i) The estimated total residential units.
 - (ii) The average square feet of residential land per each type of residential unit.
 - (iii) The breakdown of non-residential land by type of use.
 - (iv) The total parking by land use type and parking ratio per dwelling unit.
 - (d) Commercial and industrial data:
 - (i) The estimated total building square footage by land use type.
 - (ii) The percentage of building coverage by land use type for business.
 - (iii) The total parking by land use type and parking ratio per floor area.
- (16) Any additional information deemed necessary by the Zoning Administrator to adequately illustrate the planned development.
- (D) The area plan and final development plan required in this Section shall replace (for a planned development only) any other site plan required by the Village.
- (Sec. 6.3.3)**

40-6-29 REVIEW OF APPLICATION AND AREA PLAN.

- (A) The proposed plan shall be referred to the Plan Commission for study, a public hearing thereon, and recommendation and report to the Village Board of Trustees.
- (B) The Plan Commission shall not act on any proposed plan before holding a public hearing thereon, and prior to holding a public hearing on any proposed plan, at least **fifteen (15) days** written notice thereof shall be given to all property owners within **two hundred fifty (250) feet** of the boundary of the premises under consideration and at least **fifteen (15) days** written notice thereof shall be given in a newspaper of general circulation.
- (C) After holding a public hearing on any proposed plan, the Plan Commission shall submit its report of such action to the Village Board of Trustees for the Board's consideration and action. Said report shall include all documents comprising the proposed plan referred to the Plan Commission, the recommendation of the Plan Commission with respect to such proposed plan, and the reasons for approval or disapproval of such proposed plan.
- (D) If no report is transmitted by the Plan Commission within **sixty-five (65) days** from the date that the application is first reviewed by the Plan Commission at a regular meeting, the Village Board of Trustees may take action on such proposed plan even though the

Plan Commission has not submitted its report to the Board. If the Plan Commission fails to hold the public hearing required by **Section 40-6-29(B)**, the Village Board of Trustees may assume that responsibility and hold such a hearing after providing the requisite notice.

(E) Upon receipt of the Plan Commission's report, the Village Board of Trustees shall either approve the application by adopting an ordinance amending the Official Zoning Map and authorizing the PDP development in accordance with the area plan, or deny the application. If the application is approved, the matter shall be returned to the Plan Commission for consideration of a final development plan.

(F) Minor, technical and mechanical changes to the area plan may be approved by the Village Public Works Director without review by the Plan Commission or the Village Board of Trustees so long as the changes do not materially affect the PDP development as approved by the Village Board of Trustees. Within **seven (7) days** of such approval, the Village Public Works Director will advise the Chairman of the Plan Commission of any such change.

(Sec. 6.3.4)

40-6-30

FINAL DEVELOPMENT PLAN AND SECTION PLANS.

(A) Requirements for final development plans and section plans shall be as follows:

- (1) Final development plans must include, in addition to specific information required by the Code authorizing the PDP development, the following general information:
 - (a) an outboundary plat and legal description of the property.
 - (b) the location of all roadways adjacent to the property and general location, size, and pavement widths of all interior roadways.
 - (c) the general design of the PDP development including unit types (i.e., single-family detached, single-family attached, apartment), number of each unit type proposed, location of units, minimum and maximum size of single-family lots, approximate size of multiple-family structures, and location and size of common areas and recreation facilities.
 - (d) the location and size of any commercial uses, types of uses proposed, and general parking layout.
 - (e) any floodplain boundaries.
 - (f) the density calculations.
 - (g) concept landscape plan.
- (2) The Plan Commission must determine if the final development plan complies with the conditions of the Code authorizing the PDP development. The Plan Commission's recommendation of the final development plan shall also be based upon whether the

plan is consistent with good general planning practice, consistent with good site planning, can be constructed and operated in a manner that is not detrimental to the permitted uses in the district, would be visually compatible with the uses in the surrounding area, and is deemed desirable to promote the general welfare of the Village. The Plan Commission must also consider architectural, landscape, and other relationships which may exist between the proposed PDP development and the character of the surrounding neighborhood and must prescribe or require such physical treatment or other limitations as will, in its opinion, enhance the neighborhood character.

- (3) A section plan for each plat or phase of the area plan must be submitted to the Plan Commission for review and approval. The section plan must contain such information as is required by the Code establishing the planned development, in addition to such other information required on a preliminary plat by the Land Subdivision Regulations.
- (4) The Plan Commission shall submit its recommendation on each final development plan and section plan to the Village Board of Trustees. If the Plan Commission does not approve or disapprove a final development plan or a section plan within **thirty-five (35) days** from the date that the plan is first reviewed by the Plan Commission at a regular meeting, the Village Board of Trustees may approve or disapprove such plan even though the Plan Commission has taken no action.
- (5) All plans shall be retained on file by the Village Clerk. An approved final development plan will constitute an approved preliminary plat for purposes of the Land Subdivision Regulations. No building permits or authorization for improvement or development for any use authorized under provisions of the Code governing the tract shall be issued prior to approval of such plans.
- (6) Where elements within the designated planned development boundary are necessary to the support of a given section, but not included within the section boundary, these elements shall be included on a site plan accompanying, or a part of, the section plan.
- (7) If a final development plan includes all the information required for section plans, the section plan requirements may be waived.

(Sec. 6.3.5)

40-6-31 SITE DESIGN REQUIREMENTS.

(A) All paved and landscaped areas shall, at all times, be kept in good repair and in excellent condition, in accordance with this and other Codes. The continuous maintenance of said areas is to be the responsibility of the owners and lessees of the property.

(B) All landscaping plant materials shall be kept alive and in excellent condition.

(C) All lighting shall be served with underground cable. All parking areas and walkways shall be illuminated so as to produce a uniform illumination of **two (2)** footcandles within said areas. All exterior lighting shall be shielded and/or otherwise designed to direct light downward and within the confines of the site area so as to prevent or minimize glare or spillover to other areas.

(D) Access Requirements. All developed parcels, except those developed for single-family, shall be provided interior drives with a minimum width of pavement of **twenty-four (24) feet**. Driveway openings shall be limited to not more than **thirty-six (36) feet** in width and shall be limited to one drive per **one hundred (100) feet** of lot width. All roads and drives shall be paved with concrete or asphaltic concrete material as specified by the Village Public Works Director. Concrete curbs shall be provided along all drives that do not abut parking spaces. All parking areas shall be edged with concrete curbs. Surface or underground storm drainage facilities shall be provided for all roads, drives, and parking areas as approved by the Village Public Works Director. All storm drainage will be directed into established surface or underground storm drainage facilities.

(E) Underground Utilities. Telephone, electric power, cable television, and all other utilities, except surface stormwater facilities, shall be located underground. Except, however, that the following shall be excluded from this requirement:

- (1) Poles used exclusively for street lighting.
- (2) Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services.
- (3) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.
- (4) Temporary poles, overhead wires and associated overhead structures used for a period not to exceed **six (6) months** which are necessary to provide utility service until the permanent service is completed.
- (5) Poles, wires and controller cabinets necessary for the operation of traffic signals.
- (6) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of **34,500 volts**.

(F) Ownership and Size. The site of the planned development must be under single ownership and/or unified control and be not less than **ten (10) acres** in size.

(G) Setback Requirements. Building setback requirements within a planned development may deviate from the minimums required in the underlying zoning district.

(H) **Floor Area Ratios.** Floor area ratios shall be observed as maximum density controls for the following uses:

Single-Family Attached Dwellings	0.4
Duplexes	0.4
Multiple-Family Buildings	0.6

(Sec. 6.3.6)

40-6-32 CRITERIA FOR REVIEWING APPLICATIONS. In considering whether or not such application for a planned development should be granted, it shall be the duty of the Plan Commission and the Village Board of Trustees to give consideration to the effect of the requested use on the health, safety, morals and general welfare of the residents of the area in the vicinity of the property in question and the residents of the Village generally. In considering the planned use or uses, the Plan Commission and the Village Board of Trustees should consider the following:

(A) The appropriateness of the proposed use or uses for the site in terms of land patterns in the entire Village and the community's comprehensive plan.

(B) The compatibility with surrounding uses and the surrounding neighborhood.

(C) The comparative size, floor area, mass, and general appearance of the proposed structures in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.

(D) The amount of traffic generated by the proposed use or uses and the relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood in terms of the street's capacity to absorb the additional traffic and any significant increase in hourly or daily traffic levels.

(Sec. 6.3.7)

40-6-33 PERFORMANCE AND MAINTENANCE GUARANTEES.

(A) All public facilities and improvements made necessary as a result of the planned development shall be either constructed in advance of the approval of the final plan or, at the discretion of the Village, escrow deposits, irrevocable letters of credit in a form approved by the Village Attorney, or performance bonds shall be delivered to guarantee construction of the required improvements. Any such guarantee shall be **one hundred ten percent (110%)** of the estimate approved by the Village Public Works Director of the cost to construct said improvements.

(B) In addition to the deposit provided for in **Section 40-6-33(A)** above, a deposit shall be made to the Village in cash, irrevocable letters of credit in a form approved by the Village Attorney, or maintenance bond equal to **fifteen percent (15%)** of the estimated cost of public facility installations. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the planned development and shall be held by the Village for a period of **eighteen (18) months** after acceptance of such facilities by the Village. After such

eighteen (18) months, the deposit shall be refunded if no defects have developed. If any defects have developed, then the balance of such deposit shall be refunded after reimbursements for amounts expended in correcting defective facilities. The deposit under this paragraph shall be made immediately upon completion and approval of the construction of said public facilities, and the performance guarantee for the public facilities shall thereupon be released.

(Sec. 6.3.8)

ARTICLE VII – STANDARDS FOR PERMITTED, ACCESSORY AND SPECIAL USES

DIVISION I – PERFORMANCE STANDARDS FOR ALL USES

40-7-1 **GENERAL.** Every use, activity, process or operation located or occurring within the Village shall comply with the performance standards prescribed in this Section, and no such existing use, activity, process or operation shall be hereafter be altered or modified so as to conflict with, or further conflict with, these performance standards. If, as of the date of adoption of this Code, the operations of any lawful existing use violates these performance standards, such operations shall not be varied or changed in any way as to increase the degree of such violation. The operations of any existing conforming use in violation of these performance standards shall not in itself make such use subject to the nonconforming use provisions of this Code. **(Sec. 7.1.1)**

40-7-2 **TOXIC MATTER.** No use shall discharge or store beyond its lot or site boundaries any toxic matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business. **(Sec. 7.1.2)**

40-7-3 **GLARE.** Any operation producing glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard beyond the boundaries of the lot on which such building is located. **(Sec. 7.1.3)**

40-7-4 **NOISE.** Sound levels and impulsive type noises shall comply with Madison County Noise standards as established and enforced by the Madison County Department of Health. **(Sec. 7.1.4)**

40-7-5 **SMOKE AND HAZARDOUS MATERIAL.**
(A) The release of radioactive gases and particulate matter shall not exceed the maximum allowable concentration permitted the general population of applicable federal, state, and local laws and regulations when measured at or beyond the lot line at ground level or habitable elevation.
(B) No activity involving radiation hazards shall be permitted which causes exposure to persons at or beyond the lot lines in excess of the maximum allowable permitted the general population in applicable federal, state and local laws and regulations. **(Sec. 7.1.5)**

40-7-6 FIRE AND EXPLOSION HAZARDS.

(A) The storage or utilization of solid materials ranging from incombustible to moderate burning is permitted.

(B) The storage or utilization of solid materials ranging from free or active burning to intense burning is permitted provided the following conditions are met:

- (1) The material shall be stored or utilized within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the fire department and the National Fire Protection Association.
- (2) All such buildings shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the fire department and the National Fire Protection Association.
- (3) Such materials, if stored outdoors, shall be no closer than **one hundred fifty (150) feet** to the nearest lot line or in conformance with the standards and regulations of the fire department and National Fire Protection Association.

(C) The storage or utilization of flammable liquids or materials which produce flammable or explosive vapors shall be permitted in accordance with the following limitations, exclusive of storage in underground tanks, and storage of finished products in original sealed containers.

- (1) Such materials or products shall be stored or utilized within completely enclosed buildings having incombustible exterior walls and handled in accordance with the standards and regulations of the fire department and the National Fire Protection Association or its successors, and, in addition, all such buildings shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors.
- (2) The above ground storage of flammable liquids is prohibited, except as allowed by regulations of the fire department and the National Fire Protection Association.
- (3) The total of all flammable liquids permitted on any tract shall not exceed **five thousand (5,000) gallons** unless approved by the fire department and the Zoning Administrator.

(Sec. 7.1.6)

40-7-7 RESERVED.

DIVISION II – PERFORMANCE STANDARDS FOR ACCESSORY USES

40-7-8 SIZE OF ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS. In residential (R) zoning districts, accessory buildings may not exceed **sixty percent (60%)** of the square footage of the principal building on any lot or parcel. **(Sec. 7.2.1)**

40-7-9 DESIGN AND CONSTRUCTION OF ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS. In all residential districts, the design and construction of any garage, carport, storage building or other accessory uses or structures shall be similar to or compatible with the design and construction of the main structure. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction. **(Ord. No. 2004-06; 04-05-04)**

(See also Section 40-3-6 of this Zoning Code)

40-7-10 RESERVED.

DIVISION III – PERFORMANCE STANDARDS FOR SPECIAL USES

40-7-11 TELECOMMUNICATIONS FACILITIES.

(A) Communication towers may be allowed as a Special Use in the AG, GS, PS, PO, GC, IC, LI and AP zoning districts based on the meeting the following performance standards:

- (1) The height of the tower shall not exceed **one hundred (100) feet.**
- (2) The tower shall be set back from property lines a minimum of **one (1) foot** for every foot of tower height.
- (3) Owners and operators of every communication tower approved after the effective date of this Code may be required to provide for the collocation of other communications providers on their tower for reasonable compensation.
- (4) Prior to approval of a communication tower by the Village Board of Trustees, the applicant shall document their efforts to locate their antenna on an existing communication tower within the Village or in close proximity to the Village. Such documentation shall also indicate why collocation on any existing tower is not feasible.
- (5) Additional reasonable requirements designed to protect the safety and general welfare of adjoining landowners and other residents of the Village.

(Sec. 7.3.1)

40-7-12 AUTOMOTIVE USES.

(A) Automotive Body, Paint, Interior and Glass Repair (NAICS Code 81112), All Other Automotive Repair and Maintenance (NAICS Code 81198), and Motor Vehicle Towing (NAICS Code 48841) may be allowed as a Special Use in the GC zoning district based on meeting the following performance standards:

- (1) Shall be located on a site of at least **ten thousand (10,000) square feet.**
- (2) All vehicles shall be stored inside a building or within an area screened from the view of the street and surrounding properties by landscaping, fencing or a combination of materials that provides an opaque screen at least **six (6) feet** in height.
- (3) Additional criteria necessary to protect the public health, safety and welfare as determined by the Village Board of Trustees.

(B) Used Car Dealers (NAICS Code 44112) may be allowed as a Special Use in the GC district based on meeting the following performance standards:

- (1) Shall be located on a site of at least **one (1) acre.**

- (2) All vehicles shall be in proper running order.
 - (3) Additional criteria necessary to protect the public health, safety and welfare as determined by the Board of Trustees.
- (C) Automobile Wrecking, and Other Salvage Yards may be allowed as a Special Use in the LI district based on meeting the following performance standards:
- (1) Shall be located on a site of at least **ten thousand (10,000) square feet**.
 - (2) All wreckage shall be stored inside a building or within an area screened from the view of the street and surrounding properties by landscaping, fencing or a combination of materials that provides an opaque screen at least **six (6) feet** in height.
 - (3) Additional criteria necessary to protect the public health, safety and welfare as determined by the Board of Trustees.

(Sec. 7.3.2)

40-7-13 FUNERAL HOMES AND FUNERAL SERVICES (NAICS CODE 81221).

- (A) Funeral Homes and Funeral Services (NAICS Code 53113) may be allowed as a Special Use in the DC district based on meeting the following performance standards:
- (1) Shall be located on a site of at least **one (1) acre**.
 - (2) Adequate space shall be provided for parking and traffic circulation on the site.
 - (3) Additional reasonable requirements designed to protect the safety and general welfare of adjoining landowners and other residents of the Village.

(Sec. 7.3.3)

40-7-14 LESSORS OF MINIWAREHOUSES AND SELF-STORAGE UNITS (NAICS CODE 53113).

- (A) Lessors of Miniwarehouses and Self-Storage Units (NAICS Code 53113) may be allowed as a Special Use in the GC district based on meeting the following performance standards:
- (1) There shall be a minimum of **one (1) parking space** for each employee.
 - (2) No gasolines, flammables, explosives or other dangerous materials and no motor vehicles may be stored inside a storage building.
 - (3) Such facility may contain a surfaced lot for the outside storage of motor vehicles, trailers and watercraft as an accessory use. Motor vehicles, trailers and watercraft include boats, boat

trailers, camping trailers, materials trailers and recreational vehicles, and automobiles and light trucks of less than **ten thousand (10,000) pounds** gross weight. All such vehicles shall be registered and in operating condition, and shall be screened from the view of adjoining properties. No derelict vehicles shall be allowed. No repair, maintenance and/or upgrading of motor vehicles, trailers or watercraft shall be permitted on site.

- (4) All storage facilities shall be separated by walls and ceilings.
- (5) There shall be a minimum of **twenty-four (24) feet** between buildings for purposes of ingress and egress to storage facilities.
- (6) Each individual storage facility shall not exceed a width of **twelve (12) feet**, a length of **thirty (30) feet** and a height of **nine (9) feet**.
- (7) The storage facilities shall be screened from streets and surrounding residentially-zoned properties.
- (8) Additional reasonable requirements including, but not limited to, access ways, billing locations, hours of operation, and on-site resident manager may be imposed for the protection of adjoining landowners.

(Sec. 7.3.4)

ARTICLE VIII – RESOURCE PROTECTION STANDARDS

40-8-1 **STORMWATER MANAGEMENT AND EROSION CONTROL.** All new development and all redevelopment projects shall comply with the Village’s stormwater management and erosion control ordinance(s) in effect at the time of application for any development approval. **(Sec. 8.1)**

40-8-2 **FLOODPLAIN PROTECTION.**

(A) **Development Prohibited Within Floodway.** No buildings shall be constructed within the designated floodway portion of any 100-year floodplain.

(B) **Development in Flood Fringe.** Areas located in a 100-year floodplain and designated as part of the flood fringe may be developed provided that buildings are constructed at least **one (1) foot** above the minimum flood elevation. All development shall be constructed in conformance with the Village’s floodplain code. **(Sec. 8.2)**

ARTICLE IX – DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

DIVISION I – OFF-STREET PARKING AND LOADING

40-9-1 **PURPOSE AND INTENT.** The purpose of this Section is to ensure that an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces are provided on every site. Such roads, pedestrian walks and off-street parking and loading facilities shall be designed as an integral part of an overall site design and shall be properly related to existing and proposed buildings and appropriate landscaping. Parking facilities shall be landscaped and screened to the extent necessary to eliminate unsightliness and monotony of large concentrations of parked cars. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access and shall be developed as an integral part of an overall site design. Any above ground loading facility shall be screened from public view to the extent necessary to eliminate unsightliness.

Off-street parking spaces shall be required for all uses in all zoning districts. Off-street loading facilities shall be provided as required by **Section 40-9-8**. Within this Article, references to parking facilities including parking lots and parking garages. **(Sec. 9.1.1)**

40-9-2 **INCREASED OR DECREASED PARKING DEMAND.**

(A) **Increased Parking Demand.** Whenever a building or use constructed or established after the effective date of this Code is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Code is reconstructed or is enlarged to the extent of **twenty percent (20%)** or more of floor area, said building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than **twenty percent (20%)** of the gross floor area shall be provided with parking based on the enlargement or change. Whenever a building or use undergoes a change in use and the parking for the changed use is clearly inadequate to meet the requirements of the premises on a daily basis, the Village may require that the owner or operator of the building or use provide additional parking and/or modify the use of the building to maintain public safety.

(B) **Decreased Parking Demand.** When a building, structure or site undergoes a decrease in the number of dwelling units, floor area, seating capacity or other unit of measurement specified hereinafter as a means for determining required off-street parking and loading facilities, or when the application of the standards herein would result in a requirement for fewer total off-street parking and/or loading spaces than are provided on the subject site, the available off-street parking and/or loading facilities may be so reduced accordingly; provided that existing off-street parking and loading remaining would equal or exceed the off-street parking and loading requirements resulting from application of the provisions of these standards to the entire building, structure or site as modified.

(Sec. 9.1.2)

40-9-3 GENERAL PROVISIONS.

(A) **Prohibition of Repair, Service or Sales Use of Parking Facilities.** No required off-street parking or loading facilities shall be utilized for motor vehicle repair work, service, display or sales of any kind, except as expressly permitted elsewhere in this Code.

(B) **Prohibition of Use of Required Parking as Commercial or Public Lot.** No area designated as a required parking area in connection with any designated building, structure, site or use shall be operated as a commercial or public parking facilities providing parking spaces for the general public.

(C) **Entries and Exits.** The number of entrances and exits shall be limited to **one (1)** entrance and **one (1)** exit or **one (1)** combined entrance and exit per **three hundred (300) linear feet** of street frontage unless additional entrances and/or exits are deemed necessary by the Plan Commission. Except for single-family residential dwellings and duplexes, all parking access shall be designed to prevent the need to back directly onto a public road or right-of-way.

(D) **Location of Parking or Loading Space.** All required off-street parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant; provided, however, that where there are, in the judgment of the Plan Commission, practical difficulties in satisfying the requirement for parking space and/or if the public safety or convenience would be better served by another location, the Plan Commission may authorize an alternative location for any portion of the required parking for a non-residential use which will adequately serve the public interest, subject to the following conditions:

- (1) Required accessory off-street parking facilities may be provided elsewhere than on the lot on which the principal use served is located and shall not exceed **twenty percent (20%)** of the total parking required, provided that the property occupied as parking is in the same possession, either by deed, by easement, or by long-term lease which has a term equal to or exceeding the projected life of the facility occupied by the principal use, and further provided that the owner shall be bound by covenants filed on record in the Office of the County Recorder of Deeds, requiring the owner and his or her heirs and assigns, as well as subsequent owners, heirs or assigns, to maintain the required number of off-street parking spaces during the existence of such principal use.
- (2) Accessory off-street parking shall be available within a walking distance of not more than **five hundred (500) feet** measured from the nearest property line of the premises to the nearest part of the accessory parking area.
- (3) Such separated parking space shall be usable without causing unreasonable traffic congestion, detriment to any residential neighborhood or hazard to pedestrians or vehicular traffic.

(E) **Zoning of Accessory Parking Areas.** All accessory off-site parking facilities, whether provided in fulfillment of or in excess of the requirements of this Article, and whether located on the same or on a different lot from the principal use as provided in the preceding paragraph, shall be located on non-residentially-zoned property.

(F) **Joint Parking Facilities.** Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided and used collectively or jointly in any zoning district in which separate off-street parking facilities for each constituent use would be permitted, subject to the following provisions.

- (1) The total number of spaces so located together is not less than the sum of the separate requirements for each use except as provided by **Section 40-9-3(F)(3), 40-9-3(F)(4), and 40-9-23(B).**
- (2) A legally sufficient written agreement assuring the perpetual joint usage of said common parking for the combination of uses or buildings is properly drawn and executed by the parties concerned, approved as to form and execution by the Village Attorney, and filed with and made part of the application for a Building Permit.
- (3) Up to **fifty percent (50%)** of the parking spaces required for a theater (unless the theater's required parking spaces are based on the provisions of **Section 40-9-23(B)**) or other place of evening entertainment, for a church, or for multiple-family residences may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during evening hours if specifically approved by the Plan Commission; and provided, however, that written agreement assuring the retention for such purpose shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Village Attorney, and shall be filed and made part of the application for a Building Permit. Such approval may, with **fifteen (15) days** prior written notice, be rescinded by the Village Board of Trustees and additional parking shall be obtained by the owners in the event that the Village Board of Trustees determines that such joint use is resulting in a public nuisance or is otherwise adversely affecting the public health, safety or welfare.
- (4) Land uses which do not meet the criteria if paragraph (3) above but which can clearly demonstrate the ability to successfully provide joint parking facilities to the satisfaction of the Plan Commission may be permitted to share up to **fifty percent (50%)** of their required parking spaces provided that written agreement assuring the retention for such purpose shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Village Attorney, and shall be filed and made

part of the application for a building permit. Such approval may, within **fifteen (15) days** prior written notice, be rescinded by the Village Board of Trustees and additional parking shall be obtained by the owners in the event that the Village Board of Trustees determines that such joint use is resulting in a public nuisance or is otherwise adversely affects the public health, safety or welfare.

(Sec. 9.1.3)

40-9-4 DESIGN AND MAINTENANCE STANDARDS.

(A) **Size of Parking Spaces.** Typical parking spaces in parking lots shall be a minimum of **nine (9) feet** wide by **nineteen (19) feet** long. Parallel parking spaces shall have minimum dimensions of **eight (8) feet** wide by **twenty-three (23) feet** long. Each parking space shall provide **seven (7) feet** of vertical clearance. Drive aisles providing access to parking spaces shall be **twenty-four (24) feet** wide for two-way traffic and at least **fourteen (14) feet** wide for one-way traffic.

(B) **Reduction in Space Size.** The Plan Commission may approve the use of continuous concrete curbs as wheel stops and thus measure the size of parking spaces to be **two (2) feet** less in length than otherwise required. In such instances the parking layout should allow for the vehicle to overhang the curb by **two (2) feet** and such overhand area must be clear of all obstructions (signs, trees, etc.) and may not be regarded as required landscape area.

(C) **Parking Surface and Drainage.** All open off-street parking areas, except those accessory to one- or two-family dwellings, shall be improved with a compacted select rock base surfaced with an all-weather, dustless material suitably designed for the intended use to a standard approved by the Village. Such material shall not include oil and chip. Parking and loading facilities shall be provided with adequate storm water drainage facilities to prevent damage or inconvenience to abutting property and/or public streets and alleys.

(D) **Pavement Marking.** All parking spaces shall be marked by durable painted lines at least **four (4) inches** wide and extending the length of the space or by curbs or other means to indicate individual spaces. Handicapped parking spaces shall be identified through the use of light blue painted lines (**See Section 40-9-7**). Signs or markers located on the surface within a parking facility shall be used as necessary to ensure efficient and safe traffic operation of the facility.

(E) **Lighting.** Any off-street parking or loading area used between **6:00 P.M.** and **6:00 A.M.** shall contain a system of lighting to provide an adequate standard of at least **one (1) footcandle** of illumination over the area of the parking area to be used. All lighting shall be arranged to deflect, shade and focus lights away from adjacent properties, shall be designed so as not to create more than **one (1) footcandle** of illumination at any property boundary abutting a residential zoning district and shall comply with all provisions of **Division II**. Any land use which utilizes an off-street parking or loading area between **6:00 P.M.** and **6:00 A.M.** an average of less than **four (4) days** per month may be exempted from this requirement by the Plan Commission.

(F) **Screening and Landscaping.** All parking and loading areas shall be landscaped and provide screening subject to approval by the Plan Commission.

(G) **Maintenance.** All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise any walls, landscaping including trees and shrubbery, as well as surfacing and curbing of the parking facility, shall be maintained in good condition throughout its use for parking purposes.

(H) **Recreational Vehicles.** With the exception of travel trailer parks and commercial establishments engaged in the sale of recreational vehicles, recreational vehicles and trailers used to haul boats, motorcycles, snowmobiles and other recreational vehicles, shall comply with the following regulations:

- (1) Not more than **one (1)** recreational vehicle and **one (1)** travel trailer shall be parked on any lot.
- (2) No recreational vehicle or trailer shall be used as a dwelling.
- (3) No recreational vehicle or trailer shall be used as an office or for any other commercial purposes.
- (4) No recreational vehicle or trailer shall be parked on a regular basis in front of any existing residences in the front yard or driveway on any lot in the RS-20, RS-8 or RS-5 zoning districts. Such vehicles may be parked in the side and rear yards or within enclosed garages or other buildings.

(I) **Paving of Residential Parking Spaces.** The required off-street parking spaces for any residential use shall be paved with concrete, asphaltic concrete or brick. Any parking space constructed or designated after the effective date of this Code and the driveways between such spaces and the street right-of-way line shall be similarly paved.

(Sec. 9.1.4)

40-9-5 REQUIRED OFF-STREET PARKING SPACES.

(A) **Rules for Computing Parking Spaces.** In computing the number of required off-street parking spaces, the following rules shall apply:

- (1) Floor area shall mean the gross area of the entire building of the specific use, excluding any floor or portion thereof used for parking.
- (2) Where fractional spaces result, the parking spaces required shall be the next greater whole number.
- (3) In the case of mixed uses, the parking spaces required shall be computed separately for each use except as provided in **Sections 40-9-3(F)(3), 40-9-3(F)(4) and 40-9-5.**
- (4) All required parking shall be available at all times for the use for which the parking is required except as specifically provided by this Article.

- (5) In the case of bench seating, such as pews in a place of worship, **eighteen (18) lineal inches** of bench seating shall equate to **one (1) seat**.
- (6) For residential uses, off-street parking requirements can be met through the use of a garage and/or paved parking spaces located outside of any right-of-way.
- (7) If a specific land use is not included in the list of uses for which parking space requirements are specifically listed, then the required parking for that use shall be determined by using the required parking for the most similar use in its **North American Industry Classification System (NAICS) Code**.

(B) **General Parking Requirements.**

- (1) Shopping centers designed for retail uses and personal service establishments shall provide **five (5) parking spaces** per **one thousand (1,000) square feet** of floor area unless the proposed mix of land uses in the shopping center require a higher number in which case the higher number shall be required.
- (2) **Residential Uses.** For single-family dwellings, duplexes and multiple-family dwellings, **two (2) parking spaces** per dwelling unit. For mobile home dwellings, **one and one-half (1 ½) parking spaces** per dwelling unit.
- (3) Churches, other places of worship, public buildings, auditoriums, and other places of public assembly: **one (1) parking space** for each **four (4) seats**.
- (4) General offices including professional, governmental or institutional except as specifically enumerated in this Article: For buildings less than **fifteen thousand (15,000) square feet**, **one (1) parking space** per **two hundred fifty (250) square feet** of floor area. For buildings greater than **fifteen thousand (15,000) square feet**, **one (1) parking space** per **three hundred (300) square feet**.

(Sec. 9.1.5)

40-9-6 REQUIRED OFF-STREET PARKING; ACCOMMODATION AND FOOD SERVICE (NAICS CODE 72).

(A) **Bed and Breakfast Inns (NAICS Code 721191).** **Two (2) parking spaces**, plus **one (1) parking space** for each room offered for overnight accommodations.

(B) **Hotels, Motels and Similar Lodging Facilities (NAICS Code 72111).** **One and one-tenth (1 1/10) parking spaces** per rentable room, plus

one (1) parking space for each **three (3) seats** in the restaurant and lounge, plus **one (1) parking space** per **five hundred (500) square feet** of conference rooms.

(C) **Restaurants and Bars (NAICS Code 722).** One (1) parking space per one hundred (100) square feet of floor area, plus one (1) parking space per each eight (8) seats in an outdoor seating area.
(Sec. 9.1.5.1)

40-9-7 REQUIRED OFF-STREET PARKING; AGRICULTURE, FORESTRY AND FISHING (NAICS CODE 11). One (1) parking space per five hundred (500) square feet of floor area, plus two (2) parking spaces per acre of land area. (Sec. 9.1.5.2)

40-9-8 REQUIRED OFF-STREET PARKING; ARTS, ENTERTAINMENT AND RECREATION (NAICS CODE 71).

(A) **Amusement Game Parlors, Pool Halls, and Other Similar Recreational Buildings.** One (1) parking space per two hundred (200) square feet of floor area.

(B) **Bowling Centers (NAICS Code 71395).** Five (5) parking spaces per lane.

(C) **Dance Studios, Schools and Halls (Including Martial Arts and Similar Schools) (NAICS Code 71399).** One (1) parking space per two hundred (200) square feet of floor area.

(D) **Golf Courses (NAICS Code 71391).** Four (4) parking space per hole.

(E) **Museums, Art Galleries, Botanical and Zoological Gardens (NAICS Code 712).** One (1) parking space per three hundred (300) square feet of floor area, plus one (1) parking space per two thousand five hundred (2,500) square feet of outdoor display area.

(F) **Public or Private Commercially Operated Recreational Complexes and Associated Structures.** Five (5) parking space per gross acre, plus one (1) parking space per one hundred (100) square feet of floor area for associated support buildings.
(Sec. 9.1.5.3)

40-9-9 REQUIRED OFF-STREET PARKING; BROADCASTING AND TELECOMMUNICATIONS (NAICS CODE 513).

(A) **Cable Networks and Program Distribution (NAICS Code 5132).** One (1) parking space for every three hundred (300) square feet of floor area.

(B) **Radio and Television Broadcasting (NAICS Code 5131).** One (1) parking space for every three hundred (300) square feet of floor area.

(C) **Telecommunications (NAICS Code 5133).** One (1) parking space for every four hundred (400) square feet of floor area.

(Sec. 9.1.5.4)

40-9-10 REQUIRED OFF-STREET PARKING; BUSINESS SERVICES (NAICS CODE 54).

(A) **Legal Services (NAICS Code 5411).** One (1) parking space per **two hundred fifty (250) square feet** of floor area.

(B) **Veterinary Services (NAICS Code 541940).** One (1) parking space per **two hundred fifty (250) square feet** of floor area.

(C) **All Other Business Services.** One (1) parking space per **three hundred (300) square feet** of floor area.

(Sec. 9.1.5.5)

40-9-11 REQUIRED OFF-STREET PARKING; CONSTRUCTION (NAICS CODE 23). One (1) parking space per **five hundred (500) square feet** of floor area, plus **one (1) parking space** per **three thousand (3,000) square feet** of outdoor storage area. **(Sec. 9.1.5.6)**

40-9-12 REQUIRED OFF-STREET PARKING; EDUCATIONAL SERVICES (NAICS CODE 611).

(A) **Elementary and Secondary Schools (NAICS Code 6111).**

(1) **High Schools.** One (1) parking space for every **four (4) students** based on the maximum design capacity of the school, plus **one (1) parking space** for every employee.

(2) **Junior High and Elementary Schools.** Two (2) parking spaces per classroom.

(B) **Colleges, Universities, Business Schools and Technical/Vocational Schools (NAICS Codes 6112 - 6115).** One (1) parking space for every **two (2) students** based on the maximum design capacity of the school, plus **one (1) parking space** for every employee.

(C) **Other Educational Services.** One (1) parking space per **three hundred (300) square feet** of floor area.

(Sec. 9.1.5.7)

40-9-13 REQUIRED OFF-STREET PARKING; FINANCE, INSURANCE AND REAL ESTATE (NAICS CODES 52 - 53).

(A) **Banks and Savings and Loans (NAICS Codes 521 - 522).**

(1) **For Buildings Up to Five Thousand (5,000) Square Feet in Size.** One (1) parking space per **one hundred sixty-five (165) square feet** of floor area.

- (2) **For Buildings Greater Than Five Thousand (5,000) Square Feet, But Not More than Ten Thousand (10,000) Square Feet in Size.** Thirty (30) parking spaces, plus one (1) parking space per two hundred (200) square feet of floor area over five thousand (5,000) square feet.
 - (3) **For Buildings Greater Than Ten Thousand (10,000) Square Feet in Size.** Fifty (50) parking spaces, plus one (1) parking space per two hundred fifty (250) square feet of space over ten thousand (10,000) square feet.
- (B) **All Other Finance (Credit Agencies, Securities and Commodities Services), Insurance and Real Estate Offices.** One (1) parking space per two hundred fifty (250) square feet of floor area.
(Sec. 9.1.5.8)

40-9-14 REQUIRED OFF-STREET PARKING; HEALTH CARE AND SOCIAL ASSISTANCE (NAICS CODE 62).

- (A) **Child Care Centers (NAICS Code 6244).** One and one-half (1 ½) parking spaces per staff person required for the licensed capacity of the facility. In addition, day care facilities shall provide safe drop-off areas near the main entrance to the facility.
- (B) **Hospitals (NAICS Code 622).** One and three-tenths (1 3/10) parking spaces per patient bed.
- (C) **Medical and Dental Offices and Out-Patient Care Centers (NAICS Codes 6211 – 6214).**
- (1) **Buildings Under Ten Thousand (10,000) Square Feet.** One (1) parking space per one hundred fifty (150) square feet of floor area.
 - (2) **Buildings Greater Than Ten Thousand (10,000) Square Feet.** Sixty-seven (67) parking spaces, plus one (1) parking space per two hundred (200) square feet of floor area over ten thousand (10,000) square feet.
- (D) **Nursing and Personal Care Facilities (NAICS Code 623).** One (1) parking space per two (2) patient beds.
- (E) **All Other Health Services.** One (1) parking space per two hundred fifty (250) square feet of floor area.
- (F) **All Other Social Service Uses.** One (1) parking space per three hundred (300) square feet of floor area.
(Sec. 9.1.5.9)

40-9-15 REQUIRED OFF-STREET PARKING; MANUFACTURING (NAICS CODES 31 - 33).

(A) **Research and Development Facility.** One (1) parking space per **four hundred (400) square feet** of floor area.

(B) **All Other Manufacturing.** One (1) parking space for every **five hundred (500) square feet** of floor area.
(Sec. 9.1.5.10)

40-9-16 REQUIRED OFF-STREET PARKING; MEMBERSHIP ORGANIZATIONS (NAICS CODES 8132 – 8134, 8139). One (1) parking space

per **two hundred (200) square feet** of floor area.
(Sec. 9.1.5.11)

40-9-17 REQUIRED OFF-STREET PARKING; MOTION PICTURES (NAICS CODE 5121).

(A) **Single Motion Picture Theaters.** One (1) parking space per **three (3) seats.**

(B) **Multi-Plex Motion Picture Theaters.** One (1) parking space per **four (4) seats.** Except, however, that such theaters may have their parking modified by the provisions of **Section 40-9-3(F)(3)** or multi-plex theaters located with shopping centers containing over **twenty-five thousand (25,000) square feet** of floor area which provide at least **six (6) parking spaces** per **one thousand (1,000) square feet** of floor area or multi-plex theaters located with shopping centers over **fifty thousand (50,000) square feet** of floor area which provide at least **five (5) parking spaces** per **one thousand (1,000) square feet** of floor area may provide parking according to the following standards:

<i>Gross Retail Area</i>	<i>Parking Standard</i>
25,000-49,999	1 space per 5 seats
50,000-79,999	1 space per 6 seats
80,000-99,999	1 space per 7 seats
100,000 sq. ft. & larger	1 space per 8 seats

(C) **Video Tape Rental (NAICS Code 53223).** One (1) parking space per **two hundred (200) square feet** of floor area.

(D) **All Other Motion Picture Uses.** One (1) parking space per **three hundred (300) square feet** of floor area.
(Sec. 9.1.5.12)

40-9-18 REQUIRED OFF-STREET PARKING; PERSONAL SERVICES (NAICS CODE 812).

(A) **Barber Shops, Beauty Shops, Nail Salons and Tanning Salons (NAICS Code 8121).** Two (2) parking spaces per barber, beautician and/or manicurist station or one (1) parking space per one hundred (100) square feet of floor area, whichever is greater.

(B) **Funeral Homes, Mortuaries and Similar Facilities (NAICS Code 81221).** One (1) parking space per one hundred (100) square feet of floor space devoted to parlors, individual funeral service rooms and similar areas, plus one (1) parking space for each funeral vehicle kept on the premises, plus one (1) parking space per employee.

(C) **Laundry, Cleaning and Garment Services (NAICS Code 8123).**

(1) **Dry Cleaning Pick-Up Establishments.** One (1) parking space per one hundred fifty (150) square feet of floor area for the pick-up area, plus one (1) parking space per three hundred (300) square feet of floor area for clothing storage and other areas.

(2) **All Other Uses.** One (1) parking space per three hundred (300) square feet of floor area.

(D) **All Other Personal Service Establishments.** One (1) parking space per two hundred (200) square feet of floor area.

(Sec. 9.1.5.13)

40-9-19 REQUIRED OFF-STREET PARKING; REPAIR AND MAINTENANCE (NAICS CODE 811).

(A) **Automobile Repair and Services (NAICS Code 8111).** One (1) parking space per three hundred (300) square feet of floor area, plus one (1) space per service bay.

(B) **Miscellaneous Repair Services (NAICS Codes 8112 - 8114).** One (1) parking space per three hundred (300) square feet of floor area.

(Sec. 9.1.5.14)

40-9-20 REQUIRED OFF-STREET PARKING; TRANSPORTATION AND WAREHOUSING (NAICS CODES 48 - 49).

(A) **Transportation (NAICS Codes 48, 491 - 492).** One (1) parking space for every four hundred (400) square feet of floor area.

(B) **Warehousing and Storage Businesses (NAICS Code 493)** shall have their parking requirements based on the following:

Building Size

Parking Spaces

Less than 5,000 sq. ft.	1 space per 1,000 sq. ft.
5,000 to 15,000 sq. ft.	1 space per 1,500 sq. ft.
15,001 to 40,000 sq. ft.	1 space per 2,000 sq. ft.
Greater than 40,001 sq. ft.	1 space per 2,500 sq. ft.

OR one (1) space per employee on the largest shift, whichever is greater.

(Sec. 9.1.5.15)

40-9-21 REQUIRED OFF-STREET PARKING; UTILITY USES (NAICS CODE 221). One (1) parking space for every **five hundred (500) square feet** of floor area. (Sec. 9.1.5.16)

40-9-22 REQUIRED OFF-STREET PARKING; WHOLESALE AND RETAIL TRADE (NAICS CODES 42, 44 - 45).

(A) **Automotive (NAICS Codes 441, 447) [Not Including Automobile Repair (NAICS Code 8111)].**

(1) **Automobile, Boat or Other Motor Vehicle Dealers (NAICS Codes 4411, 4412).** One (1) parking space per **two hundred fifty (250) square feet** of showroom floor area, plus **two (2) parking spaces** per service bay. Parking spaces typically occupied by new or used automobiles for sale shall not be counted towards the required off-street parking requirements. Such parking spaces occupied by automobiles for sale do not have to meet the minimum parking space requirements specified in this Code.

(2) **Auto Parts Stores (NAICS Code 4413).** One (1) parking space per **three hundred (300) square feet** of floor area.

(3) **Gasoline Service Stations (NAICS Code 447).** One (1) parking space per **two hundred (200) square feet** of floor area, plus **three (3) parking spaces** for every service bay.

(4) **All Other Automotive Uses.** One (1) parking space per **three hundred (300) square feet** of floor area.

(B) **Building Materials and Garden Supplies (NAICS Codes 444).** One (1) parking space per **three hundred (300) square feet** of floor area, plus **one (1) parking space** per **one thousand (1,000) square feet** of outdoor display area.

(C) **Furniture and Home Furnishings Stores (Including Carpeting and Major Appliances) (NAICS Code 442).** One (1) parking space per **three hundred (300) square feet** of floor area.

(D) **General Retail Establishments (Food, Health and Personal Care, Apparel and Accessories, General Merchandise, and Miscellaneous Retail Stores) (NAICS Codes 445 – 446, 448, 451 – 453).** Five (5) parking spaces per one thousand (1,000) square feet of floor area.

(E) **Wholesaling Businesses (NAICS Code 42)** shall have their parking requirements based on the following:

<i>Building Size</i>	<i>Parking Spaces</i>
Less than 5,000 sq. ft.	1 space per 1,000 sq. ft.
5,000 to 15,000 sq. ft.	1 space per 1,500 sq. ft.
15,001 to 40,000 sq. ft.	1 space per 2,000 sq. ft.
Greater than 40,001 sq. ft.	1 space per 2,500 sq. ft.

OR one (1) space per employee on the largest shift, whichever is greater.

(Sec. 9.1.5.17)

40-9-23 HANDICAPPED PARKING REQUIREMENTS.

(A) **General.** All applicants should be aware of the requirements of the Americans with Disabilities Act (ADA) of 1990 including provisions of the Act which were effective as of **January 26, 1992.**

(B) **Handicapped Parking Spaces.** Handicapped parking spaces shall be a minimum of **eight (8) feet** in width and each space shall have access to a **five (5) foot** wide access aisle. In addition, at least **one (1)** of the handicapped parking spaces must be capable of accommodating a wheelchair van which shall be provided a parking space of **eight (8) feet** wide plus an **eight (8) foot** wide discharge area. All handicapped spaces shall be identified by light blue lines and a handicapped symbol painted on the pavement, and by a handicapped parking space sign for each space.

(Sec. 9.1.6)

40-9-24 OFF-STREET LOADING REQUIREMENTS.

(A) **Purpose and Intent.** It is the Village’s intent to require sufficient off-street loading areas and to ensure that such areas are located in a convenient location out of site of the general public to the extent feasible. Such off-street loading areas shall be located at the rear of building whenever practical.

Off-street loading areas shall be provided for every use identified in **Section 40-9-24(C).** Loading areas which are utilized for the location of trash collection or compaction units shall be provided for and shall be in addition to the loading space requirements provided in **Section 40-9-24(C).**

(B) **Dimensions of Spaces.** Loading spaces shall have minimum dimensions of **twelve (12) feet** width by **thirty-five (35) feet** length with a vertical clearance of at least **fourteen (14) feet**. In addition, some uses may be required to provide loading zones of at least **sixty (60) feet** in length to accommodate large tractor-trailers.

(C) **Schedule of Off-Street Loading Spaces.**

- (1) **Offices and Personal or Community Service Establishments.** One (1) loading space shall be provided for each such use, including schools, medical or dental clinics, auditoriums or clubs, and similar use, having greater than **six thousand (6,000) square feet** of gross floor space.
- (2) **Residential Uses.** Any building or project containing more than **fifty (50)** apartment dwelling units shall provide **one (1) loading space** for each **two hundred (200) dwelling units** or fraction thereof.
- (3) Every building consisting of over **three thousand (3,000) square feet** of floor area designed or adaptable for retail, warehouse, wholesale or manufacturing use shall be provided with loading spaces and zones as follows:

<i>Building Size in Sq. Ft.</i>	<i>No. of Spaces</i>	<i>No. of Zones*</i>
3,000 – 14,999	1	0
15,000 – 39,999	1	1
40,000 – 100,000	1	2
Each additional 100,000 sq. ft.	1 additional space	1 additional zone

*Retail uses existing on the effective date of this Code may be allowed to substitute **one (1)** off-street loading space per required off-street loading area if they can demonstrate to the satisfaction of the Plan Commission that off-street loading areas are not necessary for their business.

(Sec. 9.1.7)

40-9-25 - 40-9-30 RESERVED.

DIVISION II – LIGHTING REGULATIONS

40-9-31 GENERAL STANDARDS.

(A) The light from any luminaire (the light source and its enclosure including any reflectors or other devices for the control of light, but excluding bracket arms or posts for support or mounting) shall be shaded, shielded or directed to prevent direct light from being cast upon any adjacent property and to prevent glare or other objectionable problems to surrounding areas.

(B) In residential districts (districts beginning with the letter "R") lighting fixtures, except traffic signals and lighting for major outdoor recreation facilities, shall not exceed **twenty-four (24) feet** in height, unless specifically permitted by the Plan Commission or permitted by special use permit issued by the Village Board of Trustees.

(C) In nonresidential districts (any district not beginning with the letter "R") lighting fixtures, except for traffic signals and lighting for major outdoor recreation facilities, shall not exceed **thirty-two (32) feet** in height unless specifically permitted by site plan approval by the Plan Commission or permitted by special use permit issued by the Village Board of Trustees. The **thirty-two (32) foot** height limitation shall be reduced to **twenty-four (24) feet** for any lighting fixture within **fifty (50) feet** of residentially-zoned property.

(D) No luminaire shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color, nor shall any beacon lights be permitted.

(E) Neither the direct, nor reflected light from any luminaire shall create a disabling glare causing traffic hazards to motor vehicle operators on public thoroughfares.

(Sec. 9.2.1)

40-9-32 MAJOR OUTDOOR RECREATION FACILITIES. Lighting systems and standards for major outdoor recreation facilities as determined by the Plan Commission, such as athletic fields or stadiums, shall require approval of a special use permit in accordance with **Article X. (Sec. 9.2.2)**

ARTICLE X – SPECIAL USE REGULATIONS

40-10-1 DESCRIPTION OF APPEAL. The Village Board of Trustees by special use permit after public hearing, and subject to such protective restrictions as it deems necessary, may authorize the location, extension, or structural alteration of any **one (1)** of the buildings or uses listed in each district as a special use. Special use permits shall be issued to tenants and operators.

40-10-2 APPLICATION FOR SPECIAL USE PERMIT. A written application shall be filed with the Zoning Administrator to obtain a special use permit for the uses hereinafter set forth in this Section or for uses previously issued a special use permit where alteration or an extension is requested.

Upon receipt of an application, together with a site plan and necessary descriptive material of the entire parcel including all permitted and special uses, the Zoning Administrator shall submit the application to the Board of Zoning Appeals. **(Sec. 10.1)**

40-10-3 REVIEW BY ZONING BOARD OF APPEALS. The Zoning Board of Appeals shall hold a public hearing in accordance with the procedures set forth in this Article. The Board shall then review the application based on the conditions set forth in this Article, recommend approval or disapproval of the application and submit a report of its recommendations to the Village Board of Trustees within **forty-five (45) days**. **(Sec. 10.2)**

40-10-4 VILLAGE BOARD OF TRUSTEES ACTION. No action shall be taken upon any applications for a proposed building or use referred to above until and unless the report of the Zoning Board of Appeals has been filed; provided, however, that if no report is received from the Zoning Board of Appeals within **forty-five (45) days** of the public hearing, the Village Board of Trustees may proceed with its action upon the application. The Village Board of Trustees shall vote on the special use permit following receipt of the report of the Zoning Board of Appeals or at least **sixty (60) days** after the public hearing on the request if no report is forwarded by the Zoning Board of Appeals. The affirmative vote of a majority of the members of the Village Board of Trustees shall be required to authorize and approve the issuance of any special use permit contrary to the recommendation of the Zoning Board of Appeals. **(Sec. 10.3)**

40-10-5 CRITERIA FOR REVIEWING APPLICATIONS. In considering whether or not such application for a special use permit should be granted, it shall be the duty of the Zoning Board of Appeals and the Village Board of Trustees to give consideration to the effect of the requested use on the health, safety, morals and general welfare of the residents of

the area in the vicinity of the property in question and the residents of the Village generally. In considering the special use, the Zoning Board of Appeals and the Village Board of Trustees should consider the following:

(A) Whether the proposed special use is consistent with the Village's comprehensive plan, and will not impede normal, orderly development of the neighborhood.

(B) The compatibility with surrounding uses and compatibility with the surrounding neighborhood, including any substantial impact on property values.

(C) The comparative size, floor area, mass, and general appearance of the proposed structure in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.

(D) The amount of traffic movements generated by the proposed use and the relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood in terms of the street's capacity to absorb the additional traffic and any significant increase in hourly or daily traffic levels.

(E) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood.

(F) The impact of night lighting in terms of intensity, duration, and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood.

(G) The impact of the landscaping of the proposed use in terms of landscaped areas, buffers, and screens.

(H) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature.

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

(Sec. 10.4)

40-10-6 REVIEW OF SPECIAL USE PERMIT. The Village Board of Trustees, Zoning Board of Appeals, Zoning Administrator, or the designee of any of the above boards or administrators, may review any use which has a special use permit or which is classified as a special use by this Zoning Code to ensure that such use is complying with its special use permit and any other applicable regulations of this Code. Any use which is not in compliance with its permit or the applicable regulations of this Code may be subject to review by the Board of Trustees for possible corrective action or revocation of the special use permit. **(Sec. 10.5)**

40-10-7 REVOCAION OF SPECIAL USE PERMIT. If a special use has been granted by the Village Board of Trustees for a building to be erected or altered in a zoning district and a building permit has not been applied for with the Village Clerk's office within **twelve (12) months** after date of granting, the special use designation for such building project shall automatically be revoked. If a special use has been granted by the Village Board of Trustees for a special use in a zoning district and the specific use is not commenced within **twelve (12) months** after the date of granting, the special use designation for such use shall automatically be revoked.

The Village Board of Trustees, after a public hearing, may revoke a special use permit for failure of compliance with the regulations and restrictions of this Code or the requirements of the special use permit. **(Sec. 10.6) (Ord. No. 2004-06; 04-05-04)**

ARTICLE XI – ADMINISTRATION AND ENFORCEMENT

40-11-1 **SCOPE OF PROVISIONS.** This Section contains the regulations pertaining to administration and enforcement of the provisions of this Code, issuance of permits and certifications, inspection of property, and issuance of stop work, stop use orders, and enforcement of violations of the provisions of this Code. **(Sec. 11.1)**

40-11-2 **ZONING ADMINISTRATOR RESPONSIBILITIES.** This Code shall be administered and enforced by the Zoning Administrator, who shall have the following duties with respect to this Code:

(A) Shall enforce the provisions of this Code. In addition, the Zoning Administrator shall enforce all regulations and conditions governing development of any and all projects as permitted by this Code, or following approval by the Plan Commission, Village Board of Trustees, or Zoning Board of Appeals.

(B) May determine the actual location of a boundary line between zoning districts, where such line does not coincide with a property line or district boundary line. Such determination shall be subject to appeal before the Zoning Board of Appeals.

(C) Shall approve appropriate permits.

(D) Shall examine premises for which permits have been issued. The Zoning Administrator shall also investigate matters referred to in this Code and render written or oral reports.

(E) May cause the cessation of any erection, construction, reconstruction, alteration, conversion, maintenance or use in violation of this Code by issuing a stop work or stop use order.

(F) May refer any violation of the Zoning Code to the Village Attorney for prosecution or other appropriate action when deemed necessary.

(G) May adopt such administrative policies, in cooperation with the Village Board of Trustees, deemed necessary to the execution of his enforcement responsibilities.

(H) The Zoning Administrator shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All papers in connection with building work shall be retained on file so long as any part of the building or structure to which they relate may be in existence. Such records shall be open to public inspection at reasonable hours, but shall not be removed from a permanent place designated by the Zoning Administrator.

(I) Shall perform such other related duties as the Village Board of Trustees may from time to time prescribe.

(J) May cite violations of this Zoning Code including the issuance of written citations to violators.

(Sec. 11.2)

40-11-3 TEMPORARY USE PERMITS.

(A) **Temporary Outdoor Displays.** The Director of Public Works and Zoning Administrator may permit the temporary outdoor display of merchandise based on the following criteria:

- (1) The merchandise shall not be located in a right-of-way or on any other public property.
- (2) The area dedicated to the temporary display of merchandise shall not occupy more than **five (5) parking spaces** or **ten percent (10%)** of the parking spaces available on the site, whichever figure is lower.
- (3) Merchandise may be displayed on a sidewalk which is not located within a public right-of-way provided that the area of the sidewalk available for pedestrian circulation shall not be reduced to less than **five (5) feet** in width. This width shall be measured on a line perpendicular to the edge of the curb.
- (4) The merchandise must be arranged such that vehicular and pedestrian circulation is not impeded and the merchandise is physically separated from circulation aisles by temporary barriers.
- (5) The merchandise shall not be displayed on site for a period exceeding **fifteen (15) days**.
- (6) The area covered by the merchandise shall not exceed **ten percent (10%)** of the gross floor area of the principal building on the site.

(Sec. 11.3.1)

(B) **Temporary Seasonal Displays.** The temporary display of seasonal, grand opening or special promotional merchandise may be approved by the Director of Public Works and Zoning Administrator subsequent to the submittal and approval of an application for such display. Such temporary display may include, but is not limited to, Christmas trees, pumpkins and displays of other similar merchandise. Such merchandise may be displayed in the open or under a temporary tent, awning or similar device. The permit approval will be conditioned on a demonstration by the applicant that such temporary seasonal display can satisfactorily conform to the following criteria:

- (1) The merchandise shall not be located in a right-of-way or on any other public property.
- (2) The area dedicated to the temporary display of merchandise shall not occupy more than **five (5) parking spaces** or **ten percent (10%)** of the parking spaces available on the site, whichever figure is lower.
- (3) Merchandise may be displayed on a sidewalk which is not located within a public right-of-way provided that the area of the sidewalk available for pedestrian circulation shall not be reduced to less than **five (5) feet** in width. This width shall be measured on a line perpendicular to the edge of the curb.

- (4) The merchandise must be arranged such that vehicular and pedestrian circulation is not impeded and the merchandise is physically separated from circulation aisles by temporary barriers.
- (5) The merchandise shall not be displayed on site for a period exceeding **thirty-five (35) days**.

(Sec. 11.3.2)

(C) **Festivals.** Festivals, circuses, street carnivals, sidewalk sales on sidewalks within a public right-of-way and similar events may be approved by the Director of Public Works subsequent to the submittal and approval of an application for a festival permit. Such festival shall be of limited duration and the public health, safety and general welfare shall be maintained throughout the course of the event. The permit approval will be conditioned on a demonstration by the applicant that such festival can satisfactorily conform to the following criteria:

- (1) Special considerations shall be required for any activity occurring in a public right-of-way.
- (2) The area dedicated to the festival shall not occupy more than **five (5) parking spaces** or **ten percent (10%)** of the parking spaces available on the site, whichever figure is lower, unless arrangements for additional parking on-site or within **five hundred (500) feet** of the site are specifically outlined by the applicant.
- (3) The festival shall not exceed a period of **ten (10) days**.

(Sec. 11.3.3)

40-11-4 ENTRY AND INSPECTION OF LAND AND BUILDINGS.

(A) **Authorized Representatives.** Members of the Plan Commission, members of the Zoning Board of Appeals, the Zoning Administrator, or other authorized personnel of the Village are hereby empowered in the performance of their functions, to enter upon any land in the Village for the purpose of making inspection, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs or placards effecting the provisions of this Code. The above authorized persons shall present proper identification upon demand when entering upon any land or structure for the purpose of this Code. **(Sec. 11.4.1)**

(B) **Zoning Administrator.** The Zoning Administrator is authorized to inspect or cause to be inspected any building or other structure or any land on which work is in progress. **(Sec. 11.4.2)**

40-11-5 FEES, CHARGES AND EXPENSES. The Village Board of Trustees may establish a schedule of fees, charges, and expenses, and a collection procedure for all permits, applications, certificates, appeals, and other matters pertaining to this Code. The schedule of fees shall be on file with the Village Clerk, and may be altered or amended from

time to time. No permit, certificate, special use, rezoning, approval or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Code have been paid in full, nor shall any action be taken on proceedings before the Plan Commission, Zoning Board of Appeals, or Village Board of Trustees unless or until fees have been paid in full. **(Sec. 11.5)**

40-11-6 VIOLATIONS AND PENALTIES.

(A) **Violation of Code.** In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this Code or other regulation made under authority conferred hereby, the proper local authorities of the Village (including Village Board of Trustees, Plan Commission, Zoning Board of Appeals, Village Attorney, Zoning Administrator, or any other officer appointed by the Board of Aldermen), in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by the Zoning Administrator, who is empowered to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of this Code. **(Sec. 11.6.1)**

(B) **Penalty.** The owner, general agent, lessee or tenant of a building or premises or part of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes parts or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than **Ten Dollars (\$10.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day the violation remains uncorrected shall constitute a separate offense. **(Sec. 11.6.2)**

(C) **Other Remedies.** In addition to the penalties hereinabove authorized and established, the Village Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this Code. **(Sec. 11.6.3)**

ARTICLE XII – ZONING BOARD OF APPEALS

40-12-1 ESTABLISHMENT. A Zoning Board of Appeals is hereby established in accordance with **Chapter 65, Section 5/11-13-3 of the Illinois Compiled Statutes. (Sec. 12.1)**

40-12-2 COMPOSITION.

(A) **Membership.** The Zoning Board of Appeals shall consist of **seven (7)** regular members and **one (1)** alternate member, all of whom shall be residents of the Village appointed by the Mayor and approved by the Village Board of Trustees. **(Sec. 12.2.1)**

(B) **Length of Term.** The term of office of the members of the Zoning Board of Appeals shall be for **five (5) years**. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Mayor and the Village Board of Trustees upon written charges and after public hearing. **(Sec. 12.2.2)**

(C) **Officers.** The Zoning Board of Appeals shall elect its own Chairman and Vice Chairman who shall serve for **one (1) year**. **(Sec. 12.2.3)**

(D) **Rules.** The Zoning Board of Appeals shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Code. **(Sec. 12.2.4)**

(E) **Meetings.** Meetings shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Board of Appeals and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter utilized by the Zoning Board of Appeals for that purpose. **(Sec. 12.2.5)**

(F) **Quorum.** **Four (4) members** of the Board shall constitute a quorum. **(Sec. 12.2.6)**

40-12-3 APPEALS.

(A) **Applicability.** Appeals to the Zoning Board of Appeals on any matter over which the Board is herein specifically granted jurisdiction may be taken by any person aggrieved or by an officer, department or board, other than the Zoning Board of Appeals, or bureau of the Village affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Zoning Administrator and with the Zoning Board of Appeals of

notice of appeal specifying the grounds thereof. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed is taken. **(Sec. 12.3.1)**

(B) **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application or notice to the Zoning Administrator on good cause shown. **(Sec. 12.3.2)**

(C) **Time of Hearing.** The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, give not less than **fifteen (15) days** notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest (owners or agents of property abutting or fronting upon the property involved in the appeal), and decide the same within a reasonable time. Upon the hearing, any party may appear in person or be represented by an agent or by attorney. **(Sec. 12.3.3)**

(D) **Fees.** A fee shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which the Zoning Administrator shall submit to the Village Treasurer. **(Sec. 12.3.4)**

40-12-4 POWERS OF THE ZONING BOARD OF APPEALS.

(A) **Powers Relating to Appeals of Administrative Decisions.** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Code. **(Sec. 12.4.1)**

(B) **Powers Relating to Variances.** Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the adoption of this Code, or by reasons of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property which conditions are not generally prevalent in the neighborhood and not created by the owner, the strict application of the area regulations of this Code would result in peculiar and exceptional difficulties to, or exceptional and undue hardship upon, the owner of such property, the Village Board of Trustees, after receiving a recommendation from the Zoning Board of Appeals, is hereby empowered to authorize upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief can be granted without substantial detriment to the public good. **(Sec. 12.4.2)**

(C) **Findings.** In exercising the above-mentioned powers, the Village Board of Trustees or Zoning Board of Appeals may, in conformity with the provisions of this Code, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as sought to be made, and to that end shall have all the powers of the officer from whom the

appeal is taken. In considering all appeals to this Code, the Village Board of Trustees and the Zoning Board of Appeals shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the district map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the danger of fire or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the Village. Every change granted or denied by the Village Board of Trustees and Zoning Board of Appeals shall be accompanied by a written finding of fact based on sworn testimony and evidence specifying the reason for granting or denying the variance. **(Sec. 12.4.3)**

(D) **Vote Required.** The concurring vote of **four (4) members** of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to recommend in favor of the application on any matter upon which it is required to pass under this Code. The concurring vote of **four (4) members** of the Village Board of Trustees shall be necessary to grant any variance to this Code. **(Sec. 12.4.4)**

(E) **Revocation of Variances.** If a variance from strict application of the Zoning Code provisions has been granted by the Village Board of Trustees for a building to be erected or altered, and a building permit has not been applied for with the Village Clerk's office within **twelve (12) months** after date of granting, the variance for such building project shall automatically be revoked. If a variance has been granted by the Village Board of Trustees for relaxation of any other dimensional regulations of this Zoning Code and the relaxation sought has not been commenced within **twelve (12) months** after the date of granting, the variance designation for such relaxation shall automatically be revoked.

The Village Board of Trustees, after a public hearing, may revoke a variance for failure of compliance with the regulations and restrictions of this Code or the requirements of the variance. **(Ord. No. 2004-06; 04-05-04)**

40-12-5 PETITION OF PERSONS AGGRIEVED BY DECISION OF ZONING BOARD OF APPEALS. Any person jointly or severally aggrieved by any decision of the Village Board of Trustees or Zoning Board of Appeals of the Village may present to the Circuit Court a petition duly verified, specifying the grounds of illegality and asking for relief therefrom. Such petition shall be presented to the court within **thirty (30) days** after the filing of the decision in the office of the Village Board of Trustees or Zoning Board of Appeals. **(Sec. 12.5)**

ARTICLE XIII - AMENDMENTS

40-13-1 **NATURE OF AMENDMENT.** The Village Board of Trustees may from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal by ordinance the boundaries of districts or regulations, or restrictions herein established.

40-13-2 **CHANGE BY PETITION.** Applications for amendment, supplement, or modification change of the Official Zoning Map may be made by any owner or his attorney-in-fact who wants their land to be rezoned. If such application is made by the owner's attorney, he shall enter upon the application the name and current mailing address of the owner. Satisfactory evidence of ownership shall be provided at the time of application. Such application shall be made upon forms prescribed by the Plan Commission and duly filed with the Commission. The application shall include:

- (A) A legal description of the property to be rezoned.
- (B) A parcel map obtained from the Madison County Supervisor of Assessments Office outlining the property to be rezoned.
- (C) Proof of ownership of the property.
- (D) A list containing the names and addresses of all owners of property located within **two hundred fifty (250) feet** of the property to be rezoned.
- (E) A fee as required by the Village.

(Sec. 13.1)

40-13-3 **CHANGE BY VILLAGE BOARD OF TRUSTEES OR PLAN COMMISSION.** Recommendations for revision, or amendment of this Code, including the Official Zoning Map, may also be made by the Plan Commission upon its own motion, for final determination by the Village Board of Trustees. Likewise, the Village Board of Trustees may revise, modify, or amend this Code, including the Official Zoning Map, upon its own motion. **(Sec. 13.2)**

40-13-4 **PLANNING REVIEW.** Any proposed amendment, supplement, change, modification or repeal shall be first submitted to the Plan Commission for its recommendation and report. The Commission shall approve or deny, by majority vote, a recommendation for final approval or denial to the Village Board of Trustees. **(Sec. 13.3)**

40-13-5 **PUBLIC HEARING.** Upon the filing of the recommendation and report by the Plan Commission with respect to any proposed amendment, supplement, change, modification or repeal, or upon failure to report in **thirty (30) days**, the Board of Trustees shall proceed to hold a public hearing in relation thereto. Notice shall be given of the time

and place of the hearing, not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing, by publishing a notice thereof at least once in **one (1)** or more newspapers with a general circulation within the Village. If any amendment, change or modification recommends a change in the district boundaries by rezoning of certain property, then such notice shall, in addition to the legal description of the property, contain a commonly recognized designation or address. **(Sec. 13.4) (Ord. No. 2001-19; 04-02-01)**

40-13-6 NOTICE TO OWNERS. In addition, where the proposed amendment recommends a change in the district boundaries by rezoning of property, the Village Clerk shall mail notice of the proposed rezoning by first class mail to all owners of property which is located within **two hundred fifty (250) feet** of any part of the property being considered for rezoning action at least **fifteen (15) days** prior to the time the Plan Commission holds a public hearing on the rezoning. Notwithstanding the above, the provisions of this Section do not apply where the registered rezoning proposed is to create or add to any Single Family Residential District. **(Sec. 13.5) (Ord. No. 2009-11; 11-16-09)**

40-13-7 VILLAGE BOARD OF TRUSTEES ACTION. Upon receipt of the recommendation and report of the Plan Commission, or after the expiration of **forty-five (45) days** from the date of the public hearing if there is no report from the Plan Commission, the Village Board of Trustees shall vote on the amendment based on the following conditions based on the criteria in paragraphs (A) and (B). **(Sec. 13.6)**

(A) **Majority Vote Required.** Rezoning actions shall require an affirmative action by a majority of the full membership of the Village Board of Trustees. **(Sec. 13.6.1)**

(B) **Super Majority Vote Required.** An affirmative vote of **two-thirds (2/3)** of the members of the Village Board of Trustees shall be required if a written protest against the rezoning is signed and acknowledged by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage to be rezoned, is filed with the Village Clerk. **(Sec. 13.6.2) (Ord. No. 2001-19; 04-02-01)**

[ED. NOTE: *NOTICE TO APPLICANT OF WRITTEN PROTEST.* In cases of written opposition to an amendment of this Code as prescribed in Section 40-13-7, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.]