

CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 PURPOSE. This Zoning Code has been prepared in accordance with a comprehensive plan and is adopted in order to protect and to promote adequate light, pure air, and safety from fire and other dangers; that the taxable value of land and buildings throughout the Village and contiguous area may be conserved, that congestion in the public streets may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted. Specifically, the powers of the Zoning Code are as follows:

- (A) To regulate and limit the height and bulk of buildings hereafter to be erected.
- (B) To establish, regulate and limit the buildings or setback lines on or along any street, traffic-way, drive or parkway.
- (C) To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings.
- (D) To regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.
- (E) To divide the entire Village and all contiguous unincorporated territory within **one and one-half (1 ½) miles** of the Fisher corporate limits into districts of such manner, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces or other classification) as may be deemed best suited to carry out the purposes of this Code.
- (F) To prohibit uses, buildings, or structures incompatible with the character of such districts.
- (G) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Code.

(Sec. 1.101)

40-1-2 DEFINITIONS. Except where specifically defined herein, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future tense, and the plural includes the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; the word "shall" is always mandatory; the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Accessory Buildings and Uses: An accessory building is a subordinate building or a portion of the main building, the use of which is incidental to, or customarily found in connection with, and (except as otherwise provided in this Code) located on the same lot as the use of the main building or principal use of the land. An accessory use is one which is incidental to, or customarily found in connection with, (except as otherwise provided in this Code) on the same lot as, the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.

Block Front: All of the property on one side of a street between two intersecting streets or between an intersecting street and the dead-end of a street.

Building: Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property and forming a construction that is safe and stable; the word building shall include the word structure.

Building, Height of: The vertical distance from the grade (elevation of curb, sidewalk or average elevation of the ground around the structure) 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, or gambrel roofs.

Cellar or Basement: A portion of a building located partly or wholly underground and having **one-half (1/2)** or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Commission: The Plan and Zoning Commission of Fisher.

Dwelling: Any building or portion thereof designed or used exclusively for residential purposes.

Dwelling, Single-Family: A building designed for use or occupied exclusively by **one (1) family**.

Dwelling, Two-Family: A building designed for or occupied exclusively by **two (2) families**.

Dwelling, Multiple: A dwelling which is designed for or occupied by **three (3)** or more families occupying separate living quarters.

Dwelling Unit: A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping and cooking.

Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises.

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

Garage, Private: An accessory building used only for the housing of motor vehicles, without their equipage for operation, repair, hire, or sale.

Garage, Public: A garage other than a private garage.

Guest Quarters: An accessory building or portion of the main building located on the same lot as the main building and used as living quarters for guests and not rented or otherwise used as a separate domicile, and containing no kitchen facilities.

Home Occupation: Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly within a main building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than **one (1) square foot** in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare. When within the above requirements, a home occupation includes but is not limited to, the following:

- (A) Art studio;
- (B) Dressmaking;
- (C) Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; and
- (D) Teaching, with musical instruction limited to not more than **two (2) pupils** at a time.

Hotel: A building in which lodging or lodging and meals are provided for transient guests, having a lobby for the common use from which individual rooms or suites are accessible.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Code, including one main building together with its accessory building, and the open space and parking spaces required by this Code, and having its principal frontage upon a street.

Lot of Record: A lot or parcel of land, the plat, map, or deed to which has been recorded in the Office of the County Recorder of Champaign County prior to the adoption of this Code.

Major Street: A street designated as a major street or master street on the Official Street Plan.

Motel: A building or group of buildings in which lodging and individual automobile parking space in close proximity are provided for transients traveling by motor vehicle.

Nonconforming Use: Any building or land lawfully occupied by a use at the time of passage of this Code and all amendments thereto which does not conform with the use regulations of the district within which it is located.

Parking Space: A surfaced area, not less than **nine (9) feet** wide and **twenty (20) feet** long, enclosed or unenclosed, connected to a public street or alley by a surfaced driveway and permanently reserved for the parking or storage of one motor vehicle.

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

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

Sign: A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not include a similar structure or device located within show windows. A sign includes any billboard or poster panel, but does not include the flag, pennant, or insignia of any nation or association of nations, or of any state, city or other political unit, or of any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

Sign Area: That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building or part thereof, shall be included in the sign area.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it. A half-story is a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than **four (4) feet** above the floor of such story.

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

Structural Alteration: Any change in the structural members of a building, such as walls, columns, rafters, beams or girders.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground.

Trailer: Any structure used for living, sleeping, business or storage purposes which has no foundation other than wheels, blocks, skids, jacks, horses, or skirting and which has been, or reasonably may be, equipped with wheels or other devices for moving the structure from place to place, whether by motive power or other means. No trailer, as herein defined, shall be construed as a dwelling.

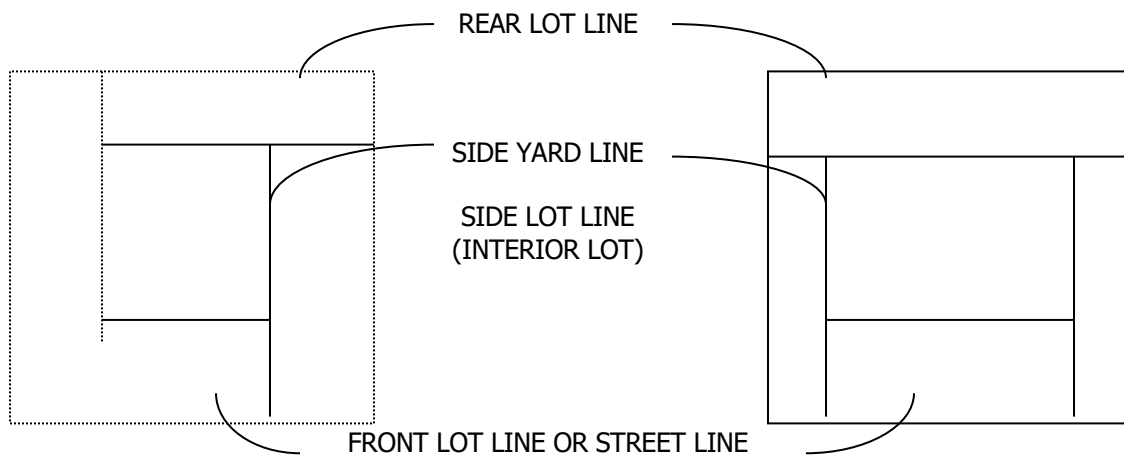
Trailer Camp: Any lot or parcel used for one or more trailers, house or camp cars or other portable or mobile shelters used for living purposes.

Yard: An open space on the same lot with a building, unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and main building.

Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street lined and the main building or any projections thereof other than the projection of uncovered steps, uncovered balconies, terrace, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entrance ways.

Yard, Side: A yard between the main building and the sideline of the lot, and extending from the front yard line to the rear yard line, and being the minimum horizontal distance between a side lot line and side of the main buildings or any projections thereof.



(Sec. 1.2)

40-1-3 COMPLIANCE WITH REGULATIONS.

(A) Except as hereinafter provided, no building or land shall hereinafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

(B) No building shall hereinafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have a narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.

(C) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space similarly required for another building.

(Sec. 1.3)

40-1-4 NATURE OF ZONING. The Zoning Code consists of a zoning district map describing certain districts and a set of regulations set forth in this Code. **(Sec. 1.4)**

40-1-5 DISTRICTS – GENERALLY.

(A) **Specific Districts.** The districts into which the Village and its **one and one-half (1 ½) mile** planning area are divided by the Zoning Code, shall be designated as follows:

- A – Agricultural District
- R-1 - Residential District
- R-2 - Residential District
- C - Commercial District
- I - Industrial District

(B) **District Map on File.** The boundaries of these districts are shown on the “Zoning District Map” which accompanies and is made a part of this Code. The original of this map is properly attested and on file with the Village Clerk and said map and all the information shown thereon shall have the same force and effect as if fully set forth or described herein.

(C) **Zoning Map.** The Zoning District Map shall be corrected and brought up to date on the **first (1st) day** of each year. **(See 65 ILCS 5/11-13-19 for publication requirements.) (Sec. 1.5)**

40-1-6 BOUNDARIES. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

(A) Where district boundaries are indicated as approximately following the centerlines of alleys, streets, or highways, said alley, street lines, or highway right-of-way lines shall be construed to be such boundaries.

(B) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(Sec. 1.6)

40-1-7 MOBILE HOMES. No mobile homes, as defined by **210 ILCS 115** and other applicable law as may be amended, may located, erected, stored or otherwise be situated in the Village except in a Mobile Home Park as provided for under the special use provisions of **Article V** of this Code. To the extent that any mobile homes existed outside of a mobile home park prior to adoption of the within ordinance, such mobile homes shall constitute a nonconforming use as defined in **Section 40-1-2** of this Code. In the event that a mobile home is nonconforming, then the owner of the property shall cause it to be removed from the premises and relocated or disposed of in a legal fashion where it has been not actively used as a primary residence for a period of at least **six (6) months**. “Actively used” within the meaning of this Section shall be defined as a mobile home which has been consistently occupied as a primary residence with constant connection and use of public utilities including water and electricity. This provision is intended to expressly prohibit the replacement of any existing mobile home with another mobile home. The within provision shall supersede any other provisions which otherwise regulate the continued use of a nonconforming use. **(Ord. No. 98-3; 01-08-98) (Sec. 1.7)**

ARTICLE II – ZONE DISTRICTS

DIVISION I – “A” AGRICULTURAL DISTRICT

40-2-1 REGULATIONS. The following regulations and the general provisions and exceptions set forth in **Articles III, IV and V** of this Code shall apply in the “A” District.

40-2-2 PERMITTED USES.

(A) Farms, truck gardens, and nurseries, including the sale and distribution of agricultural products and products other than machinery, that are to be used for agricultural purposes; provided, however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish, or offal.

(B) Airports and landing fields having prior approval of the Federal Aviation Agency.

(C) Publicly owned or operated properties.

(D) Public parks, public playgrounds and recreational areas operated by membership organizations for the benefit of their members and not for gain.

(E) Railroad rights-of-way.

(F) Public schools and institutions of higher education, public libraries, municipal buildings.

(G) Single-family dwellings.

(H) Churches and other places of worship, Sunday School buildings and parish houses.

(I) Cemeteries, including mausoleums; provided that mausoleums shall be distant at least **two hundred (200) feet** from every street line and adjoining lot lines and, provided further, that any new cemetery shall contain an area of **twenty (20) acres** or more.

(J) Private clubs, except skeet and gun clubs and those the chief activity of which is a service customarily carried on as a business.

(K) Roadside stands, offering for sale only farm products which are produced upon the premises.

(L) Riding stables, veterinary hospitals or the keeping of small animals; provided that any building or enclosure housing animals shall be located at least **one hundred (100) feet** from all property lines.

(M) Grain elevators or similar storage structures, including buildings for seasonal or temporary storage of grain, whenever such elevator and temporary storage are located upon or adjacent to a railroad right-of-way.

(N) Hospitals and institutions of an educational, religious, charitable, or philanthropic nature; provided, however, that such buildings shall not be located upon sites containing an area of less than **five (5) acres**, may occupy not over **ten percent (10%)** of the total area of the lot, and that the buildings shall be set back from all yard lines a distance of not less than **two (2) feet** for each foot of building height.

(O) Accessory building or use customarily incidental to any of the above uses.

(P) Church bulletin board or a temporary sign not exceeding **twenty (20) square feet** in area, appertaining only to the lease, hire or sale of a building or premises, or the sale of products grown and sold on the premises; provided, however, that not more than one sign of the above character shall be permitted on any lot or tract.

(Sec. 2.1)

40-2-3 RESERVED.

DIVISION II – “R-1” RESIDENTIAL DISTRICT

40-2-4 **“R-1” RESIDENTIAL DISTRICT.** The following regulations and the general provisions and exceptions set forth in **Articles III, IV and V** of this Code shall apply in the “R-1” District. **(Sec. 3)**

40-2-5 **PERMITTED USES.** The following uses shall be permitted:

- (A) One-family dwelling.
- (B) Churches or similar places of worship, parish house, convent.
- (C) Public parks, public playgrounds and recreational areas operated by membership organizations for the benefit of their members and not for gain.
- (D) Public schools and institutions of higher education, public libraries, municipal buildings.
- (E) Philanthropic or eleemosynary institutions.
- (F) Truck gardens and farming, orchards, nurseries for growing or propagation of plants, trees, and shrubs, but not including the raising for sale of birds, bees, rabbits, or other animals, fish or other creatures to such an extent as to be objectionable to surrounding residences by reason of odor or noise.
- (G) Home occupations.
- (H) Temporary buildings, the use of which are incidental to construction operations being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of **two (2) years** from the time of erection of such temporary buildings, whichever is sooner.
- (I) Accessory buildings and uses customarily incidental to the above uses, including church, school and similar bulletin boards and signs not exceeding **ten (10) square feet** in area pertaining to the lease, hire or sale of a building or premises, provided that any such accessory building is not constructed prior to beginning construction of the main building.

(Sec. 2.1)

40-2-6 **RESERVED.**

DIVISION III – “R-2” RESIDENTIAL DISTRICT

40-2-7 **REGULATIONS.** The following regulations and the general provisions and exceptions set forth in **Articles III, IV and V** of this Code shall apply in the “R-2” District. **(Sec. 4)**

40-2-8 **PERMITTED USES.** The following uses shall be permitted:

- (A) Two-family dwellings.
- (B) Multiple dwellings.
- (C) Accessory buildings and uses customarily incident to the above uses.

(Sec. 4.1)

40-2-9 **RESERVED.**

DIVISION IV – “C” COMMERCIAL DISTRICT

40-2-10 **REGULATIONS.** The following regulations and the general provisions and exceptions set forth in **Articles III, IV and V** of this Code shall apply in all “C” Districts. **(Sec. 5)**

40-2-11 **PERMITTED USES.** The following uses shall be permitted:

- (A) Any non-residential use permitted in the “R-1” and “R-2” Districts.
- (B) Drive-in theater or restaurant when all entrances or exits are within the Commercial District, and it is so located, arranged and landscaped as to secure the approval and a finding of the Plan and Zoning Commission that adjacent property is adequately protected.
- (C) Hotels, motels and lodging houses.
- (D) Cleaning and laundry pick-up stations.
- (E) Launderette.
- (F) Offices and office buildings.
- (G) Public garages, filling stations, automobile parking lots and used car lots.
- (H) Restaurants and cafes.
- (I) Shoe repair shop or similar trade.
- (J) Railroad rights-of-way.
- (K) Stores and shops where goods are sold and services are rendered primarily at retail.
- (L) Wholesale merchandising when incidental and subordinate to a primary retail business.
- (M) Accessory buildings and uses including accessory signs and advertising structures related to the activity conducted on the premises but with sign area not to exceed **one hundred (100) square feet.**

(Sec. 5.1)

40-2-12 **RESERVED.**

DIVISION V – “I” INDUSTRIAL DISTRICT

40-2-13 **REGULATIONS.** The following regulations and the general provisions and exceptions set forth in **Articles III, IV and V** of this Code shall apply in all “I” Districts. **(Sec. 6)**

40-2-14 **PERMITTED USES.** The following uses shall be permitted:

- (A) Any use permitted in the “C” Commercial District.
- (B) Wholesale merchandising or storage warehouses.
- (C) Automobile repair garages, but no auto junk yards.
- (D) Truck terminals.
- (E) Farm machinery and equipment sales and repair.
- (F) General service and repair establishments including dyeing and cleaning works or laundry, plumbing and heating, printing, painting, upholstering, tinsmithing or appliance repair shop.
- (G) Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
- (H) Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
- (I) Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dyes, machinery and hardware products, sheet metal products and vitreous enameled metal products.

(J) Manufacture or storage of food products including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.

(K) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.

(L) Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.

(M) Generally, those light manufacturing uses similar to those listed in items (A) to (L) above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.

(N) Accessory buildings and uses including accessory signs and advertising structures related to the activity conducted on the premises but with total sign area not to exceed **one hundred (100) square feet.**

(Sec. 6.1)

ARTICLE III – AREA AND HEIGHT REGULATIONS

Except as provided in **Section 40-3-2** of this Article, the area and height regulations shall be as follows:

40-3-1 REQUIREMENTS.

(A) **Lot Area.** Every lot used for residence purposes shall have the following minimum areas:

- (1) Within the "A" District – **forty-three thousand five hundred sixty (43,560) square feet.**
- (2) Within the "R-1" District – **ten thousand (10,000) square feet** for single-family dwelling.
- (3) Within the "R-2" District – **two thousand five hundred (2,500) square feet** per family if two story dwelling; **five thousand (5,000) square feet** per family for two-family and multiple dwellings.
- (4) No minimum lot area is required for a lot used only for commercial or industrial purposes.

(B) **Lot Width.** Every lot used for residents' purposes shall have the following minimum width:

- (1) Within the "A" District – **one hundred twenty (120) feet.**
- (2) Within the "R-1" Residence District every lot shall have a minimum width of **one hundred (100) feet.**
- (3) Within the "R-2" Residence District every lot shall have a minimum lot width of **sixty-five (65) feet.**
- (4) No minimum lot width is required for a lot used only for commercial or industrial purposes.

(C) **Front Yards.** The front yard requirements are **twenty-five (25) feet** in "A", "R-1" and "R-2" Residence, and **forty (40) feet** in the "C" Commercial and "I" Industrial Districts.

(D) **Side Yards.** The side yard requirements for dwellings shall be **fifteen (15) feet** in the "A" Agricultural District, **ten (10) feet** in the "R-1" Residence District and **seven and one-half (7.5) feet** in the "R-2" Residence District. No side yard is required for commercial or industrial buildings except along the side of a lot abutting a lot in the "R" Residence District, in which case a side yard of **ten (10) feet** shall be provided.

(E) **Rear Yards.** The rear yard requirements for dwellings shall be **thirty-five (35) feet.** No rear yard is required for commercial or industrial buildings except on a lot abutting a lot in the "R" Residence District, in which case a rear yard of **twenty-five (25) feet** shall be provided.

(F) **Building Height.** No building shall exceed a height of **two and one-half (2 ½) stories** or of **thirty-five (35) feet** in the "A" Agricultural, "R" Residence, "C" Commercial and "I" Industrial Districts.
(Sec. 7.1)

40-3-2 AREA AND HEIGHT MODIFICATIONS. The height and area regulations specified in the foregoing are modified as specified below:

(A) **Lot Area and Width.** Any lot of record at the time of passage of this Code having less area or width than herein required may be used for a single-family dwelling.

(B) **Front Yard.** Where **thirty percent (30%)** or more of a block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corner of the building except that no building shall be required to provide a front yard greater than **fifty (50) feet** in any event. Where an official line has been established for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line.

(C) **Side Yard.** The required side yard shall be maintained on each side of a dwelling, but such side yard may be reduced to **ten percent (10%)** of the lot width on lots of less than **sixty-five (65) feet** in width, provided, however, that no side yard shall be less than **five (5) feet**.

- (1) The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, except that the building width shall not be reduced to less than **thirty-two (32) feet**, and no accessory building shall project beyond the required front yard on either street.
- (2) For the purpose of side yard regulations, a two-family dwelling, group house, or multiple dwelling shall be considered as one building occupying one lot.

(D) **Rear Yard.** The required rear yard may be reduced to **twenty percent (20%)** of the depth of the lot on any lot not exceeding **one hundred twenty-five (15) feet** in depth.

- (1) An accessory building, including guest quarters, may be built within a required rear yard when located at least **five (5) feet** from the rear lot line and when occupying not more than **thirty percent (30%)** of the area of such required rear yard.
- (2) Accessory, open and uncovered swimming pools, home barbecue grills, and home incinerators may occupy a required rear yard, provided they are not located closer than **five (5) feet** to the rear lot line nor closer than **two (2) feet** to a side lot line.

(E) **All Yards.** The ordinary projection of roof overhangs, cornices and ornamental features may be permitted not to exceed **forty-eight (48) inches** in any required yard.

- (1) Filling station pumps and pump islands may occupy the required yard provided, however that they are not less than **fifteen (15) feet** from street lines.
- (2) One directional or name sign or sign advertising products sold on the premises may occupy required yards in a district where such sign is permitted by the use regulations of this Code, provided such sign is of not more than **twenty-five (25) square feet** in area.
- (3) An ornamental fence, hedge, or wall not more than **three and one-half (3 ½) feet** in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards provided such fences and walls do not exceed a height of **seven (7) feet**.
- (4) Where a lot or tract is used for multiple family, commercial, or industrial purposes, more than one main building may be located on the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

(E) **Height.** Chimneys, cooling or water towers elevators bulkheads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus may be erected to any height not in conflict with any other ordinance of the Village.

- (1) Public, semi-public or public service buildings, hospitals, institutions, churches, and schools, when permitted in a district may be erected to exceed height limits specified for the district, provided all required yards are increased by **one (1) foot** for each foot of building height above the specified height limit.

ARTICLE IV - OFF-STREET PARKING REQUIREMENTS

40-4-1 **PARKING REGULATIONS.** No building shall be erected, enlarged to the extent of increasing the floor area by as much as **fifty percent (50%)**, or changed in use unless there is provided on the lot or tract of land used, space for the parking of automobiles or trucks in accordance with the following minimum requirements:

- | | |
|------------------------------|--|
| Dwellings, hotels and motels | 1 parking space for each dwelling unit |
| Commercial uses | 1 parking space for every 400 square feet of floor area |
| Industries | 1 parking space for each two employees on the maximum work shift |

(Ord. No. 15-09; 12-10-15)

ARTICLE V – SPECIAL USES

DIVISION I – GENERAL

40-5-1 **PROCEDURE.** The President and Board of Trustees may, by special permit, after public hearing before the Plan and Zoning Commission and after study and report by the Plan and Zoning Commission subject to such reasonable conditions and protective restrictions as are deemed necessary, authorize the following special uses in any district from which they are otherwise prohibited:

- (A) Billboards, but only in a "C" or "I" District.
- (B) Cemetery or mausoleum.
- (C) Funeral home.
- (D) Hospital, clinic or institution not for the mentally ill, provided that less than **forty percent (40%)** of the total land area is occupied by buildings and that all the required yards are increased by **one (1) foot** for each foot of building height in excess of height limits specified in this Code.
- (E) Landing field or strip for aircraft.
- (F) Radio tower or broadcasting station.
- (G) Removal of gravel, topsoil or similar natural material, with safeguards for the protection of adjoining property and the community as a whole, but only in an "A" or "I" District.
- (H) Riding stable.
- (I) Roadside stand, commercial amusement or recreational development for temporary or seasonal periods.
- (J) Sanitary fill for the disposal of garbage or trash.
- (K) Nursing or convalescent home.

40-5-2 **STANDARDS FOR SOLAR ENERGY SYSTEMS.**

(A) Properties zoned as "A" Agricultural District and/or "I" Industrial District may petition to establish an Active Solar Energy System or solar farm as provided under this Chapter as a special use all as recommended by the Planning and Zoning Commission subject to approval and amendment by the Village Board of Trustees. **(Ord. No. 2018-16; 09-13-18)**

DIVISION II – MOBILE HOMES

40-5-3 **MOBILE HOME PARK AND/OR HOUSE TRAILER REGULATIONS.** Mobile home parks containing mobile homes for residential purposes and the accessory facilities subordinate thereto are a special use subject to the following procedures and standards in this Division. **(See Sec. 9.112)**

40-5-4 **APPLICATION PROCEDURE.** It shall be unlawful for any person to construct, alter or extend any mobile park unless a valid special use permit has been issued by the Village in the name of such person for the specific construction, alteration or extension proposed. The designation and approval by permit of an area as a "mobile home park" shall be accomplished in accordance with the procedures indicated herein. **(See Sec. 9.112A)**

40-5-5 **PRELIMINARY CONFERENCE.** Prior to the preparation of a formal application, the applicant should meet with the Chairman of the Planning and Zoning Commission or his/her designee, to discuss the proposed development. The purpose of this requirement is to afford the applicant the opportunity to be advised of the procedures and policies that may affect the application. Following such the applicant shall meet with the Planning and Zoning Commission to afford the Commission the opportunity to obtain whatever information the Commission deems necessary concerning the application prior to the submission of the application. **(See Sec. 9.112B)**

40-5-6 PRELIMINARY DEVELOPMENT PLAN SUBMISSION. Twelve (12) copies of a preliminary development plan, with supporting data, shall be submitted to the Secretary of the Planning Commission. **One (1) copy** shall be returned to the petitioner after the Commission's review. The preliminary development plan must include, either in the form of drawings or written statements, all of the following information:

(A) The name, location or address, owner and the Illinois Professional Engineer that designed the proposed development; it shall thereafter be the responsibility of the owner and operator of the mobile home park to notify in writing the Secretary of the Planning Commission of any change in their names and addresses.

(B) A legal description of the site proposed for development.

(C) Location of all property lines, existing streets, easements, utilities and any other significant features.

(D) Date, north arrow and graphic scale (not less than **one (1) inch** equal to **one hundred (100) feet (1" = 100')** on all drawings submitted.

(E) Indication and location of existing conditions on the tract, including Contour lines at a minimum of **two (2) foot** intervals; water courses and existing drainage facilities; existing structures, trees and vegetation, with an indication of those that will be retained as part of the development.

(F) Indication of the area surrounding the tract with respect to land use, peculiar physical conditions, public facilities and existing zoning.

(G) A site plan indicating, among other things, the general location of the following:

(1) All buildings, structure, mobile home stands and other improvements;

(2) Common open spaces;

(3) Off-street parking facilities and the number of spaces to be provided;

(4) Sidewalks;

(5) Illuminated areas;

(6) Use of open space being provided;

(7) Indication as to which streets will be public and which private;

(8) All utilities, including storm drainage, sanitary sewers and water service;

(9) Such other documents explaining unusual circumstances as the Zoning and Planning Commission may require.

(H) Quantitative data indicating the following: total number of mobile homes, approximate gross density; total amount of open space provided in the tract, as a percentage of the total, and in square feet or acres.

Such other calculations as the Zoning and Planning Commission may require.

(I) A development schedule indicating: the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; the approximate dates when the development of each of the stages in the development will be completed; the area and location of common open space that will be provided at each stage.

(See Sec. 9.112C)

40-5-7 PRELIMINARY DEVELOPMENT PLAN REVIEW.

(A) Upon the receipt of the mobile home park application, the required material to be presented and the payment of the applicable fees, the Chairman of the Planning and Zoning Commission shall set a public hearing date in accordance with the procedures for considering a special use. Within **thirty (30) days** after the public hearing, the Planning and Zoning Commission shall recommend approval or disapproval, or at the request of the applicant, continue discussion pertaining to the preliminary development plan. The Planning and Zoning Commission shall then forward the preliminary plan and its recommendation to the Board of Trustees.

(B) In formulating its recommendation, the Planning and Zoning Commission shall consider whether the facts set forth the application, and the evidence adduced during the public hearing, justify the granting of the special use permit, and whether the proposed mobile home park would be in harmony with the general purpose and intent of this Code, and would not be unreasonably injurious or detrimental to the district in which it would be located, or to surrounding districts and uses, or otherwise injurious or detrimental to the public welfare. The Planning and Zoning Commission may include with its

recommendation such conditions and requirements as it considers appropriate or necessary for the public health, safety and welfare and to carry out the purposes of this Code, including but not limited to the following:

- (1) Regulating the location, extent, density and intensity of the proposed mobile home park;
- (2) Require the screening of the mobile home park by means of fences, walls or vegetation;
- (3) Stipulate mobile home site size and site development requirements;
- (4) Regulate vehicular access;
- (5) Require conformance to health, safety and sanitation requirements, as necessary;
- (6) Increase the required yards;
- (7) Any other conditions deemed necessary to affect the purposes of this Division.

(See Sec. 9.112D)

40-5-8 PRELIMINARY PLAN APPROVAL.

(A) The Board of Trustees shall consider the recommendation of the Planning and Zoning Commission regarding the requested special use permit and may authorize the issuance of the permit. The Board of Trustees may impose and conditions or requirements, including but not limited to those recommended by the Planning and Zoning Commission, which it deems appropriate or necessary in order to accomplish the purposes of the Code.

(B) Approval by ordinance of the preliminary plan by the Board of Trustees shall constitute approval of the basic provisions and outline of the plan and approval of the representations and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, or by resolution of the Board of Trustees duly passed and approved. Board of Trustees approval of the preliminary plan shall be valid for a period of **twelve (12) months**. If the applicant does not file the final development plan in accordance with the procedure specified in **Section 40-5-9** below or receive a waiver or extension from the Board of Trustees, the preliminary plan approval of the Board of Trustees shall lapse and thereafter be null and void.

(C) In case of a written protest against a proposed mobile home park, signed by the owners of **forty percent (40%)** of the lots any part of which are included within the area defined by a line extended **two hundred fifty (250) feet** outward in all directions from the perimeter of the proposed mobile home park, filed with the Village Clerk prior to the commencement of the meeting of the Board of Trustees at which a vote of the approval of the preliminary development plan will be taken, the plan shall not be approved except by a favorable vote of **two-thirds (2/3)** of the members of the Board of Trustees then holding office and not abstaining from voting on this question. For the purposes of this Section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protesting if at least **fifty percent (50%)** of all owners of such lot signed the protest document. The protest document need not be acknowledged but shall bear the signatures and common street addresses of those signing such document and identify the property which each signator owns. For purposes of this Section, the perimeter of the subject lot shall be considered to be the property line of the lot of land, excluding any land within a public dedicated right-of-way. The owner of property shall be considered to be any of the following: the record owner of the fee title, the contract seller, and the contract buyer of such property.

(See Sec. 9.112E)

40-5-9 FINAL DEVELOPMENT PLAN SUBMISSION.

(A) Within **twelve (12) months** following passage of the ordinance approving the preliminary development plan by the Board of Trustees, the applicant shall file the final development plan in accordance with the procedure for filing zoning amendments. **Five (5) copies** of the final development plan shall be filed, containing all data, information and plans as required herein.

- (B) The final development plan shall include, but not be limited to, the following:
- (1) All the material required in the preliminary development plan submission;
 - (2) An accurate legal description and property survey by a registered land surveyor of the entire area included within the proposed mobile home park;
 - (3) Delineation of the location of all mobile home stands to be constructed;
 - (4) Pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping and any other pertinent features of the mobile home park development;
 - (5) Certificates, seals and signatures required for the dedication of land, recording the documents and such other legal documents as may be required;
 - (6) Accurate tabulations on the use of the area, including land area, number of mobile homes per acre, buildings and of the community facilities, total common open space and total number of parking spaces provided;
 - (7) Any other plans or specifications similar to those for a subdivision prepared by an Illinois Professional Engineer which are necessary for final engineering evaluation of drainage, street design and other facilities by the Village Engineer and the Planning Commission.

(See Sec. 9.112F)

40-5-10 FINAL DEVELOPMENT PLAN REVIEW. Upon receipt of the final mobile home park plan, the Planning and Zoning Commission shall review the submitted documents and ascertain whether the final plan substantially conforms to the regulations of this Section and is consistent with the approved preliminary plan. Upon review of the final development plan, the Planning and Zoning Commission shall forward to the Board of Trustees the final development plan and any necessary supporting information, along with its recommendation. **(See Sec. 9.1112G)**

40-5-11 FINAL DEVELOPMENT PLAN APPROVAL AND RECORDING.

(A) The Board of Trustees shall consider the final development plan and the recommendation thereon from the Planning and Zoning Commission and shall vote whether or not to approve the plan. In case of a written protest against the proposed plan at this stage, the provision of **Section 40-5-8(C)** shall apply.

(B) Upon approval by ordinance of the final development plan by the Board of Trustees the Village Clerk, upon direction of the applicant and receipt of the recording fees from the applicant, shall record all dedications, covenants and such other documents as may be required by the Village. The final development plan, as approved by the Board of Trustees, shall be recorded within **six (6) months** following the passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically withdrawn and held for naught.

(C) After the Village Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator and the Chairman of the Planning and Zoning Commission so that a special use permit may be issued. The Building Inspector shall then issue a special use permit for a mobile home park according to the approved plan. No construction shall begin upon such project until the provisions of this Section are met, along with all other applicable Village codes and ordinances.

(See Sec. 9.112H)

40-5-12 DEVELOPMENT STANDARDS GENERAL PROVISIONS.

(A) No mobile home park shall be located in an area where the conditions of the soil, groundwater level, drainage or topography may cause hazard to the property, health or safety of the occupants.

(B) No mobile home park shall be located so that it is exposed to objectionable smoke, dust noise odors, vibrations or other adverse influences.

(C) Ingress and egress to a mobile home park shall be provided in such a manner as to facilitate access by emergency vehicles and shall be designed to provide efficient and safe traffic circulation both within and outside the mobile home park.

(D) No part of any mobile home park shall be used for non-residential purposes, except customary accessory uses that are required to serve directly the mobile home park residents and/or the maintenance of the mobile home park. No commercial mobile home sales shall be permitted in any mobile home park.

(See Sec. 9.112I)

40-5-13 **SIZE AND DENSITY OF MOBILE HOME PARK.** No mobile home park shall contain an area of less than **five (5) acres** or a density of more than **eight (8) mobile home sites** for each gross acre of land. **(See Sec. 9.112J)**

40-5-14 **REQUIRED YARDS AND SCREENING FOR MOBILE HOME PARK EXTERIOR BOUNDARY.**

(A) All mobile home stands shall maintain a setback of no less than **forty-five (45) feet** from the right-of-way line of Interstate, United States or State of Illinois highways and a setback of no less than **thirty-five (35) feet** from the right-of-way line of any other highway or street which borders the mobile home park.

(B) There shall be minimum side and rear yards of **fifteen (15) feet**, measured from the mobile home, except where **Section** is applicable.

(C) All mobile home park boundaries adjacent to existing residential development shall be provided with a **six (6) foot** high fence of sufficient density to limit substantially the view from outside the mobile home park of any mobile homes, accessory structures and other uses placed in the mobile home park. All other boundaries shall be provided with screen planting, which is estimated by the Building Inspector to reach a height of **eight (8) feet** after **three (3) years** and is estimated to have sufficient density to limit the view of any mobile homes, accessory structures and other uses in the mobile home park. However, if residential development amounting to **three (3)** or more dwelling units occurs within **two hundred fifty (250) feet** of the boundary of the park within the **three (3) year** time limit mentioned above, a fence **six (6) feet** high and of sufficient density to limit the view of any mobile homes, accessory structures and other uses in the mobile home park shall be placed by the mobile home park owner or developer along the boundary where such residential development occurs. All fences or screen plantings shall be continually maintained to meet the requirements of this Section. Under unusual circumstances the Planning and Zoning Commission may recommend that all or portions of these screening requirements be waived.

(See Sec. 9.112K)

40-5-15 **REQUIRED RECREATION SPACE.** Not less than **ten percent (10%)** of the gross site area of the mobile home park shall be devoted to recreational facilities. Such facilities shall be conveniently located on the site and readily accessible to all mobile home occupants. Recreation areas may include park space, play lots, swimming pools and community buildings (exclusive of laundry and administrative offices). Single parcels of outdoor recreation space containing less than **six thousand (6,000) square feet** or with a minimum average width of less than **thirty (30) feet** shall not be included as meeting the **ten percent (10%)** requirement stated above, but are not otherwise restricted. **(See Sec. 9.112L)**

40-5-16 **MOBILE HOME SITE REQUIREMENTS.**

(A) The minimum distance between the mobile home and the pavement edge of the street serving the mobile home site shall be **fifteen (15) feet**. If parking is provided on the street adjacent to the mobile home, a minimum distance of **ten (10) feet** from the parking area shall be provided.

(B) There shall be a rear yard provided for each mobile home of at least **ten (10) feet**. The rear yard is the yard farthest from the street.

(C) The minimum distance between mobile homes shall be **twenty (20) feet**, excluding hitches and steps. Bay windows or other projections of a mobile home shall be considered the outer wall of a mobile home when considering the side and rear yard requirements.

(D) All mobile home sites rented or used in a mobile home park shall contain a contiguous area of at least **four thousand five hundred (4,500) square feet**.

(E) Mobile home park operators shall maintain a copy of the current plot plan of the mobile home park, indicating specific locations of all mobile home stands, in the office of the Building Inspector.

(F) A mobile home stand shall be provided for each mobile home site, of sufficient size to accommodate a mobile home to be located thereon. A mobile home stand shall be a solid, continuous concrete slab constructed so as not to shift or settle unevenly under the weight of a mobile home or other forces due to frost, vibration, wind or water. Provisions shall be made for the use of ground anchors designed to withstand a minimum load of **four thousand eight hundred (4,800) pounds** each. **Four (4)** such ground anchor connections shall be provided for each mobile home of **fifty-one (51) feet** or less in length and **six (6)** such ground anchor connections shall be provided for each mobile home exceeding **fifty-one (51) feet** in length.

(G) Each mobile home site shall be provided with an outdoor living space on the site to supplement the interior living space of the mobile home. Such outdoor living space must be paved monolithically or constructed of masonry or concrete movable units placed sufficiently close together to create a single usable surface adjacent to the mobile home. The area of the outdoor living space shall be a minimum of **one hundred sixty (160) square feet**, with a minimum dimension of **eight (8) feet**.

(H) The space between the mobile home stand and the floor of the mobile home shall be enclosed with non-combustible skirting. The area thereby enclosed may be used for storage of non-flammable objects and materials.

(I) A minimum of **two (2)** Portland Cement Concrete parking spaces with a minimum thickness of **four (4) inches** or such other materials and thicknesses as are approved by the Village Engineer as equal to or in excess of these requirements shall be provided for each mobile home site. **One (1)** of these parking spaces may be provided off the site, provided such parking space is not more than **two hundred (200) feet** from the mobile home site served and is not located on public street right-of-way.

(See Sec. 9.112M)

40-5-17 STREET REQUIREMENTS.

(A) All mobile home parks shall be provided with adequate, safe and convenient vehicular access from abutting public streets.

(B) Public street dictations within or abutting mobile home parks may be required and shall be made in accordance with the subdivision regulations. No mobile home site shall have direct access onto a dedicated public street.

(C) Entrance drives into mobile home parks shall have direct access to a public street and shall be designed to have free traffic flow onto such public streets. No parking or mobile home site access driveway shall be permitted off an entrance drive for a distance of **fifty (50) feet** from a public right-of-way.

(D) the internal private street system serving mobile home sites shall provide convenient circulation by means of minor private streets and properly located collector private streets. Cul-de-sac private streets shall be limited to a length of **three hundred (300) feet**.

(E) Minimum pavement widths for private streets, including curbs, shall be as required herein; however, center paving for cul-de-sac turn-arounds shall be in accordance with the Subdivision Code.

Collector Streets	31 feet
Minor Streets	24 feet
Cul-de-sac turn-arounds	80 feet diameter.

(See Sec. 9.112N)

40-5-18 - 40-5-19

RESERVED.

(Ord. No. 98-3; 01-08-98)

DIVISION III – TWO-FAMILY DWELLINGS

40-5-20 **TWO-FAMILY DWELLINGS.** Two-Family dwellings, but only when complying with the following requirements:

(A) **Two (2)** separate dwelling units shall be provided and each unit shall contain at least **one (1) bathroom** including a sink, stool, and shower or tub.

(B) Occupancy of each dwelling unit shall be limited so as to provide living space within such unit at a minimum of **three hundred (300) square feet** for **one (1) occupant**, an additional **one hundred fifty (150) square feet** for each additional adult occupant, and an additional **one hundred (100) square feet** for each additional minor occupant.

(C) In buildings on which construction was substantially completed on **November 17, 1977**, at least one method of safe exit to the ground shall be provided from each dwelling unit; in buildings on which construction was not substantially completed on **November 17, 1977**, at least two methods of safe exit to the ground shall be provided from reasonably separate points within each dwelling unit.

(D) The premises shall comply with the area and height requirements of the district in which it is located including any modifications which may be applicable. If no such requirement is provided in such district for a two-family dwelling, the premises shall comply with the requirement applicable to single-family dwellings.

(E) At least two off-street parking spaces shall be provided on the lot or tract of land for exclusive use by occupants of said two-family dwelling unit.

(F) The neighborhood surrounding such premises shall be suited to residential use of said premises.

(See Sec. 9.113)

40-5-21 - 40-5-24

RESERVED.

(Ord. No. 7706; 11-17-77)

DIVISION IV – HELIPORT

40-5-25 **HELIPORT.** Heliport, for purposes of this Code, shall be defined as an airport containing one or more helipads for use only by helicopters. For purposes of this Code, a helipad shall be defined as a clearly marked hard surface away from obstacles providing for a safe location for the landing and take-off of a helicopter. **(Ord. No. 2011-11; 07-14-11) (See Sec. 9.114)**

ARTICLE VI - NONCONFORMING USES AND VARIANCES

The lawful use of a building existing at the time of adoption of this Code or of a change in the district classification may be continued even though such use does not conform with the provisions thereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification, but whenever a nonconforming use is changed to a more restricted use or to a conforming use, it shall not thereafter be changed to a less restricted use.

40-6-1 **EXTENSION.** The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed therefor prior to adoption of this Code. **(See Sec. 10.1)**

40-6-2 **RESTORATION.** No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than **sixty percent (60%)** of its reproduction value shall be restored except in conformity with the district regulations. **(See Sec. 10.2)**

40-6-3 **DISCONTINUANCE OF NONCONFORMING USE.** In the event that the nonconforming use of a building or premises in a district is discontinued for a period of **six (6) months** or more, such building or premises shall thereafter be used only in conformity with the regulations of the district in which it is located. **(See Sec. 10.3)**

40-6-4 **VARIANCES.** The Planning and Zoning Commission shall have all the power and duties prescribed by law and by this Code, which are more particularly specified as follows:

(A) **Interpretation.** Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this Code including the determination of the exact location of any district boundary if there is any uncertainty with respect thereof.

(B) **Variations.** To vary or adapt the strict application of any lot of the requirements of this Code in the case of exceptionally irregular, narrow, or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of any provision of this Code shall be granted by the Planning and Zoning Commission unless it finds:

- (1) That, there are special circumstances or conditions, fully described in the findings, applying to the land or building on which the variance is sought, which circumstances or conditions are particular to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Code could deprive the applicant of the reasonable use of such land or building, and
- (2) That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance is granted by the Board is the minimum variance that will accomplish this purpose; and
- (3) That the granting of the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare or in conflict with the GENERAL PLAN. In granting any variance, the Planning and Zoning Commission shall prescribe any conditions that it deems to be necessary or desirable.

(C) **Procedure.** The Planning and Zoning Commission shall act in strict accordance with the procedures specified by law by this Code. All appeals and applications made to the Planning and Zoning Commission shall be writing, on forms prescribed by the Commission. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, with the details of the variance sought to be granted, as the case may be. The Planning and Zoning Commission shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. Hearings on any and all proceedings of the Commission shall be in conformity with applicable statute. All hearings shall be open to the public and any party in interest may appear in person, or by agent or by attorney. In the event of appeal of any decision by the Planning and Zoning Commission to the Village board of Appeals, the Planning and Zoning Commission shall comply with all reasonable requests to timely prepare and submit copies of all materials and decisions to the Board of Appeals for its consideration all as provided and set forth under this Code.

(Ord. No. 98-2; 01-08-98) (See Sec. 10.4)

ARTICLE VII – ZONING BOARD OF APPEALS

40-7-1 **COMPOSITION.** A Board of Appeals is hereby created which shall consist of **seven (7) members** appointed by the Village Board to serve respectively for the following terms: **one (1)** for **one (1) year**; **one (1)** for **two (2) years**; **one (1)** for **three (3) years**; **one (1)** for **four (4) years**; **one (1)** for **five (5) years**; **one (1)** for **six (6) years**; **one (1)** for **seven (7) years**. The successor of each member so appointed to serve for a term of **five (5) years**. **One (1) member** of the Board shall be designated by the Village Board as Chairman and shall hold office as chairman until his/her successor is appointed. The Board may select or appoint such other offices as it deems necessary. **(See Sec. 11.1)**

40-7-2 **DUTIES.**

(A) The Board shall meet at the call of the Chairman and at other such times as it may determine. The Board shall keep minutes of all proceedings including findings of fact, all its determinations and decisions, the reason therefore, and the vote of each member upon every question, which minutes shall be immediately filed in the office of the Village Clerk and shall be a public record.

(B) An appeal may be taken to the Board of Appeals by any person, group, organization, public or private, affected by a decision of the Planning and Zoning Commission. Such appeal shall be taken within **thirty (30) days** by filing with the Building Inspector and with the Board a notice of appeals specifying the grounds thereof. A fee of **Forty Dollars (\$40.00)** shall accompany all notices of appeal.

(See Sec. 11.2)

40-7-3 **POWERS.** The Board of Appeals shall have all the power and duties prescribed by law and by this Code which are more particularly specified as follows:

(A) **Interpretation.** Upon appeal from a decision by the Planning and Zoning Commission to decide any question involving the interpretation of any provision of this Code, including determination of the exact location of any district boundary if there is uncertainty.

(B) **Variances.** To consider and appeal any decision by the Planning and Zoning Commission regarding a request to vary or adapt the strict application of any of the requirements of this Code in the case of exceptionally narrow, irregular, or shallow lots or other exceptional physical conditions, whereby such strict application result in practical difficult or unnecessary hardship meeting all conditions and requirements as are prescribed under this Code and required of the Planning and Zoning Commission and rendering such decision.

(Ord. No. 98-1; 01-08-98) (See Sec. 11.3)

ARTICLE VIII – ADMINISTRATION, ENFORCEMENT AND AMENDMENT

40-8-1 ADMINISTRATION AND ENFORCEMENT.

(A) It shall be the duty of the person designated by the Mayor as the Building Inspector to administer and enforce the regulations contained herein.

(B) No building shall be undertaken without a building permit and without an occupancy permit as required by **Section 40-8-2**. No building permit or certificate of occupancy shall be granted by him for any purpose except in compliance with the provisions of this Code.

(See Sec. 12.1)

40-8-2 BUILDING PERMITS.

(A) Application for a building permit shall be accompanied by a lot plat in duplicate, drawn to scale, showing the name of the applicant, the actual dimensions of the lot to be built upon as shown by a survey, the size, shape and location of the building to be erected, and such other information as may be necessary for the enforcement of this Code. A record of applications and lot plats shall be kept in the office of the Building Inspector.

(B) **One (1) copy** of such layout of plot plan shall be returned when approved by the Building Inspector together with such permit to the applicant upon the payment of a fee based upon the following schedule:

\$50.00	Accessory building, alteration, garage, or house addition
\$200.00	Residence (including garage)
\$250.00	Commercial or industrial structure
\$75.00	Commercial or industrial structure addition

(C) Any permit for construction otherwise known as a building permit issued by the Village by its Building Inspector and/or other duly appointed party, shall expire within **one (1) year** of its issuance. **(Ord. No. 97-23; 06-12-97)**

(See Sec. 12.2)

40-8-3 CERTIFICATE OF OCCUPANCY.

(A) No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector, stating that the building or proposed use thereof complies with the provisions of this Code.

(B) No nonconforming use shall be renewed, changed or extended without a certificate of occupancy having first been issued by the Building Inspector, therefore.

(C) All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within **ten (10) days** after the erection or alteration shall have been approved as complying with the provisions of this Code.

(D) The Building Inspector shall maintain a record of all certificates, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

(E) No permit for excavation for, or the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

(See Sec. 12.3)

40-8-4 AMENDMENT. The Village board may from time to time amend this Code through the following procedure.

(A) The Planning and Zoning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the Village at least one time, **fifteen (15) days** prior to the hearing.

(B) Following the public hearing, the proposed amendment may be recommended as presented or in modified form by a majority vote of the entire Planning and Zoning Commission.

(C) Following its adoption of a recommendation, the Planning and Zoning Commission shall certify such recommended amendment to the Village Board for its adoption.

(D) The Village Board may return the proposed amendment to the Planning and Zoning Commission for further study or recertification, or by a majority vote of the entire membership may by ordinance adopt the recommended amendment submitted by the Planning and Zoning Commission. However, nothing in this Code shall be construed to limit the Board's authority to recall the said amending ordinance by a vote of a majority of the Village Board.

(E) Following adoption by the Board of Trustees, the adopted amending ordinance shall be filed in the office of the Village Clerk. The Village Clerk shall file with the County Recorder of Champaign County a copy of such amending ordinance.

(F) In case of a written protest against any proposed amendment of the zoning regulations or districts, 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 proposed to be altered, is filed with the Village Clerk, the amendments shall not be passed except by a favorable vote of **two-thirds (2/3)** of all of the Village Board.

(G) Before any action shall be taken as provided in this Article, any private party or parties proposing a change in this Code shall deposit with the Village Clerk the sum of **Forty Dollars (\$40.00)** to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Village Board.

(See Sec. 12.4)

ARTICLE IX – INTERPRETATION

40-9-1 GUIDANCE FOR INTERPRETATION. 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 easements, covenants or other agreements between parties, except that if this Code imposes a greater restriction, this Code shall control.

ARTICLE X – VIOLATION AND PENALTY

40-10-1 VIOLATION AND PENALTY.

(A) Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of, any of the provisions of this Code shall be guilty of a misdemeanor and, upon conviction, be fined not more than **One Hundred Dollars (\$100.00)** for each offense. Each day that such violation continues shall constitute a separate offense. **(See Section 1-1-20) (See Sec. 14.1)**

(B) In case any building or structure is erected, converted, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Code, the appropriate authorities of the Village, in addition to other remedies, may institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land. **(See Sec. 14.2)**

ARTICLE XI – VALIDITY

40-11-1 VALIDITY. If any part or parts of this Code shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Code.

(December 6, 1972)