

VILLAGE OF STE. MARIE
ZONING ORDINANCES - 1973

ORDINANCE NO. 73-179

AN ORDINANCE TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER TO BE ERECTED; TO ESTABLISH, REGULATE AND LIMIT BUILDING SETBACK LINES ON OR ALONG ANY STREET; 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 BUILDINGS; TO CLASSIFY, REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIED INDUSTRIAL, BUSINESS, RESIDENTIAL AND OTHER USES; TO DIVIDE THE ENTIRE VILLAGE OF STE. MARIE INTO DISTRICTS FOR THE SAID PURPOSES; TO PROHIBIT USES, BUILDINGS OR STRUCTURES INCOMPATIBLE WITH THE CHARACTER OF SUCH DISTRICTS; TO REGULATE AND RESTRICT THE ALTERATION OR REMODELING OF EXISTING BUILDINGS OR STRUCTURES; AND TO PROVIDE FOR ITS ADMINISTRATION; CREATING THE OFFICE OF ZONING ADMINISTRATOR AND CREATING A BOARD OF ZONING APPEALS AND PROVIDING FOR THE REVIEW OF THE DECISIONS OF SUCH ADMINISTRATOR AND BOARD, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS.

WHEREAS, the Board of Trustees of the Village of Ste. Marie, Illinois, deems it necessary to the end that adequate light, pure air, safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the Village of Ste. Marie may be conserved, that congestion in the public streets may be lessened or avoided, and that the public health, morals, and welfare may otherwise be promoted,

NOW, THEREFORE, be it ordained by the Board of Trustees of the Village of Ste. Marie, Illinois:

ARTICLE I

GENERAL PROVISIONS

Section 1.01 TITLE

These provisions when drafted and adopted as an Ordinance shall be known as the Village of Ste. Marie Zoning Ordinance of 1973.

Section 1.02 DECLARATION OF PURPOSE

It is the purpose of this Ordinance:

- (a) To promote and protect the public health, safety, morals, comfort, and general welfare of the people;
- (b) To divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, manufacturing, and other specified uses;
- (c) To protect the character and the stability of the residential, business and manufacturing areas within the Village and to promote the orderly and beneficial development of such areas;
- (d) To provide adequate light, air, privacy and convenience of access to property;
- (e) To regulate the intensity of use of lot areas, and to determine the area and open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;
- (f) To establish building lines and the location of buildings designed for residential, business, and manufacturing, or other uses within such areas;
- (g) To fix reasonable standards to which buildings or structures shall conform therein;
- (h) To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts;
- (i) To prevent additions to, or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
- (j) To limit congestion in the streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;
- (k) To protect against fire, explosion, noxious fumes, and other hazards, in the interest of the public health, safety, comfort and the general welfare;
- (l) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulation the use and bulk of buildings in relation to the land surrounding them;

- (m) To conserve the taxable value of land and buildings throughout the Village;
- (n) To provide for the elimination of non-conforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;
- (o) And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

Section 1.03 CONFORMITY WITH REGULATIONS REQUIRED

Except as otherwise provided in this Ordinance:

- (a) CONFORMITY OF BUILDINGS AND LAND. No building, structure, or premises shall be used or occupied, and no buildings or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the zoning district in which it is located and as otherwise regulated herein, except as otherwise specifically provided for by this Ordinance.
- (b) CONFORMITY OF BUILDINGS. No building, structure, or premises shall be erected, altered or used so as to produce greater heights, smaller yards or less unoccupied area, and no building shall be occupied by more families and/or persons than prescribed for such building, structure or premises for the district in which it is located, and as otherwise regulated herein, except as otherwise specifically provided for by this Ordinance.
- (c) CONFORMITY OF OPEN SPACE. No yard, court or open space, or part thereof shall be included as part of the yard, court or open space similarly required for any other building, structure or dwelling, except as otherwise specifically provided for by this Ordinance.

Section 1.04 SCOPE

This Ordinance is not intended to abrogate or annul any building permits, certificates or occupancy variances or other lawful permits issued before the effective date of this Ordinance.

Section 1.05 RULES AND DEFINITIONS

In the construction of this Ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

RULES:

Words used in the present tense shall include the future;

and words used in the singular number shall include the plural number, and the plural, the singular. The word "shall" is mandatory and not discretionary; the word "may" is permissive. The word "lot" shall include the words "plot", "piece", and "parcel". The phrases "used for" shall include the phrases "arranged for", "designed for", "intended for", "occupied for", and "maintained for". The word "Village" shall refer to, and be interpreted to mean, Village of Ste. Marie, Illinois. The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined.

DEFINITIONS:

ABANDONMENT: An action to give up one's rights or interests in property.

ACCESSORY BUILDING OR STRUCTURE: A detached subordinate building or structure, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use.

ACCESSORY USE: A use which is incidental and subordinate to the principal use of the premises, and does not change the basic character thereof, as determined by its principal use.

ALLEY: A public access way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL: A change in the supporting members of a building such as bearing walls, columns, beams or girders.

ANIMAL HOSPITAL: Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

APARTMENT: A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

APARTMENT HOTEL: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels,

but the privileges of which are not primarily available to the public.

APARTMENT HOUSE: A multi-family dwelling used or occupied by four or more families living independently of each other in dwelling units, such dwelling units normally being rented or used other than by the day, by the same occupant for a continuous period ordinarily of six months or more.

AREA OF ZONING LOT: The total area within the property lines of a lot, excluding public streets and alleys, meeting the district requirement of this Ordinance.

ATTACHED BUILDING: A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and a common roof with a least horizontal dimension of six feet.

AUDITORIUM: A room, hall or building made a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations.

AUTOMOBILE PARKING AREA: A lot or part thereof used for the storage or parking of motor vehicles with or without the payment or rent or charges.

AUTOMOBILE AND MOBILE HOME SALES AREA: An open area, other than a street, used for the display or sale of new or used automobiles or mobile homes, and where no repair work is done except for minor incidental repair of automobile or mobile homes to be displayed and sold on the premises.

AUTOMOBILE WRECKING YARD: Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

BASEMENT: A story having more than one-half (1/2) its height below the average level of the adjoining ground.

BILLBOARD: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

BLOCK: A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines of municipalities.

BOARDING HOUSE: A building other than a hotel or restaurant where meals are provided for compensation to three or more persons, but not more than ten, who are not members of the keeper's family, but not open on a daily, overnight or per meal basis to transient guests.

BUILDING AREA: The space remaining on a zoning lot after the minimum open space requirements of this Ordinance have been complied with.

BUILDING: Any structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind, excluding fences.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or the mean height level between eaves and the ridge for gable, hip or gambrel roofs.

BUILDING LINE: The line, parallel to the front lot line, measured between side lot lines through that part of the building, structure or construction site where the lot is narrowest.

BUILDING, PRINCIPAL: A non-accessory building in which the principal use of the zoning lot, on which it is located, is conducted.

CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons, but who are not provided with board or room nor kept overnight on the premises.

CLUB: A nonprofit association of persons who are bona fide members organized for some common purposes and paying regular dues; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

CORPORATE AUTHORITY: The Village Board of Trustees of the Village of Ste. Marie, Jasper County, Illinois.

COVERAGE: (See Figure 2).

DISTRICT: A portion of the territory of the Village within which certain uniform regulations and requirements of various

combinations thereof apply under the provisions of this Ordinance.

DUMP: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, and burial of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING: Any building or portion thereof designed or used exclusively as living quarters for one or more families, other than hotels, motels, tourist homes, clubs, hospitals, or similar uses.

DWELLING, ONE-FAMILY: A detached principal building designed for or used as a dwelling exclusively by one family as an independent housekeeping unit.

DWELLING, TWO-FAMILY: A detached principal building designed for or used as a dwelling exclusively by two families each living as an independent housekeeping unit.

DWELLING, THREE-FAMILY: A detached principal building designed for or used as a dwelling exclusively by three families, each living as an independent housekeeping unit.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof, designed or altered for occupancy by four or more families living independently of each other.

ENCLOSED BUILDING: A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with openings only for windows and doors, and covered by a permanent roof.

ESSENTIAL GOVERNMENTAL, PUBLIC UTILITY SERVICES OR SIMILAR PRIVATE UTILITIES: The erection, construction, alteration, or maintenance by public utilities or similar private utilities and municipal department, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or similar private utilities and municipal departments or commissions or for the public health or safety or general welfare, but not including buildings.

FAMILY: (1) A single individual doing his own cooking and living upon the premises as a separate housekeeping unit; or

(2) a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or (3) a group of not more than three unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity, or hotel).

FLOOR AREA: The area included within outside walls of a building or portion thereof, including habitable penthouses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

FLOOR AREA RATIO: The ratio of total floor area, in square feet, of all buildings on a lot to total lot area, in square feet.

GARAGE PARKING, PUBLIC: A building or portion thereof used by the public for the storage or parking of motor vehicles for compensation.

GARAGE, PRIVATE: A building or portion thereof for the storage of one or more vehicles for persons living on the premises.

GARAGE, REPAIR: A garage operated commercially for repairing automobiles for the public.

GASOLINE SERVICE STATION: A building or premises or portion thereof used for the retail sale of gasoline, oil, or other fuel, automotive parts, supplies, or accessories for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing, or otherwise cleaning or light servicing of motor vehicles, but not including liquified petroleum gas distribution facilities.

GRADE: The average of the finished ground level at the midpoint of each wall or building. In case walls are parallel to and within five feet of a public sidewalk, said ground level shall be measured at the sidewalk.

GUEST HOUSE: Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

HOME OCCUPATION: A use conducted entirely within a dwelling and carried on by the inhabitants there, and no others, which use

is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof.

HOTEL: A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least six guest rooms, where a general kitchen and dining room may be provided but where there are no cooking facilities in any guest room.

KENNEL: Any structure or lot on which four (4) or more dogs and/or cats over four months of age are kept.

LAUNDRIES:

(a) Laundromat: A business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises.

(b) Commercial Industrial Laundry: A business that provides washing, drying and ironing services operated by the employees on the premises.

LEAST RESTRICTIVE: For the purpose of this Ordinance, the designation of the most or the least restrictive district shall be of the following order, with the least restrictive district being first in order: I, B, MR, SR, and A.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LODGING OR ROOMING HOUSE: A building with more than three guest spaces where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.

LOT: A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this Ordinance, having not less than the minimum area, width and depth required by this Ordinance, for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as permitted in accordance with the provisions of this Ordinance. The minimum area of a lot as defined herein must be an integral unit of land under unified ownership in fee or in co-tenancy, or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building or buildings permitted to be situated

on the lot. In the case of any industrial or manufacturing plant in an I District under one ownership, lot shall mean and include the entire area of land owned and used by the industry.

LOT AREA: See "Area of Zoning Lot".

LOT, CORNER: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle or less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner".

LOT COVERAGE: The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

LOT DEPTH: The mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

LOT, INTERIOR: A lot whose side lines do not abut upon any street.

LOT LINE, FRONT: The line separating the lot from the street. On a corner lot, the front lot line shall be the street lot line having the least dimension.

LOT LINE, REAR: The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

LOT LINE, SIDE: Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT OF RECORD: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Jasper County, Illinois.

LOT, THROUGH: A lot having frontage on two parallel or approximately parallel streets.

LOT, WIDTH: The mean horizontal width of the lot measured at right angles to its depth.

MOBILE HOMES: An automobile trailer, trailer coach, house trailer, trailer, vehicle, structure, (1) designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession (including use as a selling or advertising device) and (2) so designed that it is or may be mounted on wheels and used as a

conveyance on highways or streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks. Mobile homes shall include single-family dwellings designed for conveyance after fabrication on streets or highways mounted on its own wheels or otherwise.

MOBILE HOME, DEPENDENT: A mobile home, or travel trailer, which does not have a flush toilet or a bathtub or shower.

MOBILE HOME, INDEPENDENT: A mobile home, or travel trailer, that has a flush toilet and a bathtub or shower.

MOBILE HOME PARK: Any park, court, camp, site, lot, parcel or tract of land designed, maintained, or intended for the purpose of providing a location or accommodations for any mobile home or homes and upon which any mobile home or homes are parked or located, including all buildings used or intended for use as a part of the equipment or accessories thereof whether or not the same or any part thereof is held or operated for gain; excepting, however, automobile or mobile home trailer sale lots on which unoccupied mobile homes are parked for inspection and sale.

MOST RESTRICTIVE: See "Lease Restrictive".

MOTEL OR MOTOR HOTEL: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

NOISOME AND INJURIOUS SUBSTANCES, CONDITIONS AND OPERATIONS:

(a) Creation of unreasonable physical hazard, by fire, explosion, radiation or other cause, to persons or property.

(b) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply.

(c) Maintenance of storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.

(d) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety or welfare of any persons.

(e) Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property,

or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.

(f) Creation or causation of any unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.

(g) Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting or reflection material at or beyond any property line of the premises on which the aforesaid reflection or direct glare is created or caused.

(h) Creation or maintenance of any unreasonably distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.

(i) Any public nuisance.

(j) Provided, however, that as used in this Ordinance, the term NOISOME AND INJURIOUS SUBSTANCES, CONDITIONS AND OPERATIONS shall not apply to or include any condition with respect to which the owner or occupant is in compliance with applicable laws of the State of Illinois and of the United States and with rules and regulations issued thereunder.

NON-CONFORMING BUILDING: A building or structure or portion thereof conflicting with the provisions of this Ordinance applicable to the district in which it is situated.

NON-CONFORMING USE: A use of a building or land legally existing at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located.

NURSERY SCHOOL: An institution providing day care service for children from two to six years of age.

PARKING AREA, PRIVATE: An open hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, or occupants of the building or buildings for which the parking area is developed and is accessory.

PARKING AREA, PUBLIC: An open hard-surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public whether for a fee or as an accommodation for clients or customers.

PARKING SPACE, AUTOMOBILE: Space within a public or private parking area of not less than two hundred (200) square feet (ten (10) feet by twenty (20) feet), exclusive of access drives, or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.

PLANNED DEVELOPMENT PROJECT: A residential or commercial development on a parcel of land in single ownership and consisting of two or more buildings having any yard, court, parking or loading space in common.

PREMISES: A lot together with all the buildings and uses thereon.

PRINCIPAL USE: The main use of land or buildings as distinguished from a subordinate or accessory use.

PROFESSIONAL OFFICE: An office (other than a service office and other than an office for care and/or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, engineers, artists, musicians, teachers, accountants and others who through training are qualified to perform services of a professional nature, or the offices of a governmental agency; and where there is no storage, sale or display of merchandise on the premises.

PUBLIC BUILDINGS: Any building owned, operated, constructed or maintained at the expense of the public or a building which provides a service or function necessary for the general health, welfare, and convenience of the public.

PUBLIC OPEN SPACE: Any publicly-owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

PUBLIC SEWER AND WATER FACILITIES: Those water and/or sewer facilities of a municipality and/or of a sanitary sewer district which comply with applicable public health standards.

RETAIL (OR RETAILING): A business enterprise consisting primarily of the making of sales and/or rendering of services directly to ultimate consumers, where each sale or service transaction is in relatively small quantity or volume, as distinguished from a wholesale business or from a business where sales are made or services are rendered either in substantial volume to an individual customer and/or for resale to or reuse by ultimate consumers.

ROOM: An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches and the like.

SERVICE OFFICE: An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who through training are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is no storage, sale, or display or merchandise on the premises.

SETBACK: The distance in linear feet measured on a horizontal plane from the lot line to a building or structure on the lot.

SIGN: Any outdoor display, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed and intended to be used to advertise, inform, any part of the advertising or information contents of which is designed to be primarily viewed from a public street or highway.

SIGN, ADVERTISING: A sign which directs the attention of the general public to a business, product, service or activity not usually conducted or sold upon the premises where such sign is located, and may contain one or two signs per facing, back-to-back or V-type.

SIGN, AREA: The total surface area of the entire sign, including all parts and appurtenances thereof (except principal supports, the total cross-sectional area of which does not exceed one square foot and on which there is no display of advertising material or any lighting). In the case of any sign having display surfaces which are not continuous (e.g., separated letter displays or separated display surfaces), sign area shall include a theoretical display surface equal to the area of the smallest enclosure into which the combined non-continuous display surfaces can be fitted, and including intermediate structural supports. (See Figure 3).

SIGN, BULLETIN BOARD: As used in this Ordinance, a sign used for purposes of notification of the public or an event or other occurrence of public interest, such as church service, political rally, civic meeting or similar event.

SIGN, BUSINESS: A sign which directs the attention of the general public to a business, product, service or activity which is conducted or sold upon the premises where such sign is located.

SIGN, CONSTRUCTION: As used in this Ordinance, a sign advertising the development or improvement of a property, a builder,

contractor or other person furnishing services, materials, or labor to said premises, which sign is intended for a limited period of display, and erected on the same lot with the work being done.

SIGN, IDENTIFICATION: A sign which establishes the identity of a person and his business or professional title occupying the premises, such as a name plate. As used in this Ordinance, the term "identification sign" shall not be construed to include a sign identifying a commercial or industrial use of a commodity or service offered on the premises except when such may be needed to alert the owner of damage or mishap.

SIGN, COMBINATION: A sign incorporating any combination of the features of free-standing, projecting and roof signs.

SIGN, MARQUEE: A display sign which is attached to or suspended from a marquee, canopy, or other covered structure projecting from and supported by the building and extending beyond the building wall or building line.

SIGN, PROJECTING: A display sign which is attached directly to the wall of a building and which extends more than fifteen (15) inches from the face of the wall.

SIGN, REAL ESTATE: A sign indicating the availability for sale, rent or lease of the specific lot and/or building upon which the sign is erected or displayed.

SIGN, ROOF: A sign erected upon or above a roof or parapet wall of a building or structure.

SIGN, SUBDIVISION: A sign advertising the general sale, development or subdivision of land, and displayed or erected upon the subject property, as distinguished from a real estate sign.

SIGN, TEMPORARY: A sign, banner or other advertising device or display constructed of cloth, canvas, cardboards, wall board or other light temporary material, with or without a structural frame, intended for a temporary period of display; such as decorative displays for holidays or public demonstrations.

SIGN, WALL: Any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than fifteen (15) inches from the face of the wall.

STORY: That portion of a building, included between the surface of any floor and the surface of the floor next above it,

or if there be no floor above it, then the space between the floor and the ceiling next above it.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, including towers but not including poles, lines, cables, or other transmission or distribution facilities of public or private utilities.

YARD: An open space not occupied or obstructed by any structure or portion of a structure except fences as regulated herein as otherwise expressly provided herein.

YARD, FRONT: A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

YARD, REAR: A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

YARD, SIDE: A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

ZONING CERTIFICATE: A document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

ZONING OFFICIAL: The Zoning official of the Village or his authorized representative.

ZONING MAP: The zoning map or maps of the Village together with all amendments subsequently adopted.

Section 1.06 ANNEXED TERRITORY

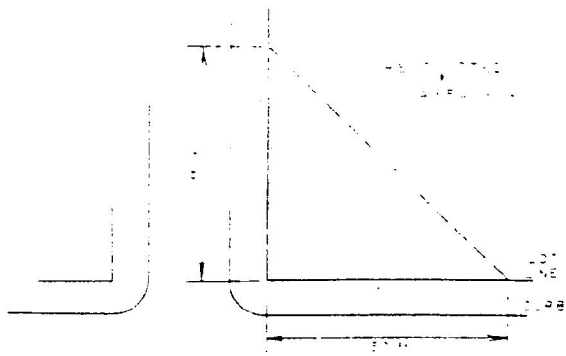
Any territory hereafter annexed to the Village shall automatically be in the A-Agricultural District, until duly changed by an amendment to this Ordinance; except that the Village Board, with the advice of the Board of Appeals, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Ordinance by the extension of the zoning district provisions are met.

Section 1.07 FIGURES (SKETCHES AND ILLUSTRATIONS)

The following figures numbered one (1) through (3) inclusive,

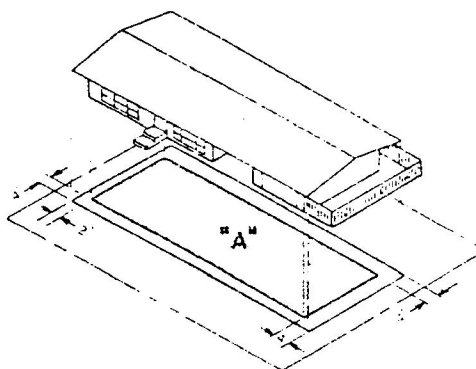
contained in this section shall form an integral part of this Ordinance and shall be included as part of the requirement of any provision of this Ordinance wherein reference to such figure is made.

FIGURE 1



NOTE: 8' HEIGHT LIMIT ON FENCES, WALLS, AND HEDGES IN RESTRICTED AREA

FIGURE 2



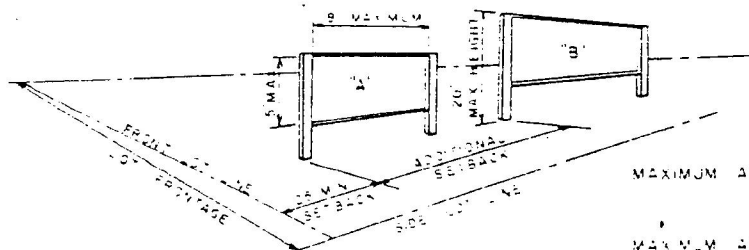
NOTE: UP TO 4 FT OF ROOF OVERHANGS, BALCONY, ETC. MAY BE EXCLUDED IN DETERMINING COVERAGE

$$\% \text{ COVERAGE} = \frac{\text{TOTAL AREA "A"}}{\text{TOTAL LOT AREA}} \times 100$$

CORNERS

COVERAGE

FIGURE 3

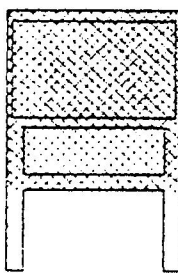
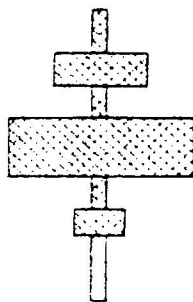
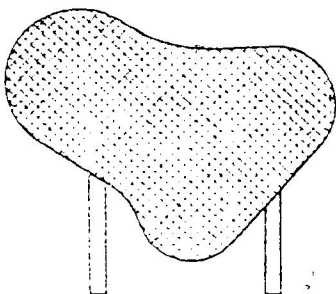





F = LOT FRONTAGE

S = TOTAL SETBACK MINUS 25 FEET

MAXIMUM AREA OF "A" = THE GREATER OF 1/2 F² OR 40 sq ft

MAXIMUM AREA OF "B" = THE GREATER OF 1/2 F * S OR 40 * S



-  SIGN AREA
-  SOLID AREA
-  OPEN AREA

SIGN RESTRICTIONS

ARTICLE II

ZONING DISTRICT REGULATIONS

Section 2.01 ZONING DISTRICTS - GENERAL

For the purpose of this Ordinance, the Village as shown on the zoning map is divided into five categories of zoning as follows:

- A - Agriculture District
- SR - Single-Family Residence District
- MR - Multiple-Family Residence District
- B - Community Business District
- I - Industrial District

Section 2.02 ESTABLISHMENT OF ZONING DISTRICTS

The boundaries of the zones provided in Section 2.01 are established as shown on the Village Zoning District Map. The zoning districts and boundaries and other information thereon, are made a part of the Zoning Ordinance by reference. The Zoning Map properly attested shall remain on file in the Office of the Zoning Official or other appropriate Village official.

Section 2.03 INTERPRETATION

2.03-1 Interpretation of Provisions.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever this Ordinance imposes a greater restriction than is imposed and required by other provisions of law or by other rules or regulations or resolutions, the provisions of this Ordinance shall govern.

2.03-2 Interpretation of District Boundaries.

(a) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.

If no distance is given, such dimensions shall be determined by the use of such scale as may be shown on said zoning map.

(b) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

(c) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-

of-way line closest to the most restrictive zoning district line shown on the Zone District Map.

(d) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be the center line of the stream, otherwise at the limit of the jurisdiction of the Village, unless otherwise indicated.

(e) Any areas shown on the zoning map as park, playground, school, cemetery, water, street, or right-of-way, shall be subject to the zoning regulations of the district in which they are located.

(f) Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

(g) Where any land or territory within the Village is not shown to be located in a district, the zoning regulations of the most restrictive adjoining district shall govern.

(h) Where a lot under single ownership is divided at the time of enactment of this Ordinance, or by subsequent amendments, by a zoning district boundary line, the requirements of the less restrictive district adjacent to such line may be extended for that lot, not more than twenty-five (25) feet into the more restrictive district.

2.03-3 Existing Special Uses.

Where a use is classified as a special use under this Ordinance, it shall be considered a legal use, without further action of the Village Board.

Section 2.04 SCHEDULE: AREA AND BULK REGULATIONS: SIGNS; OFF-STREET PARKING REQUIREMENTS

(a) To facilitate public understanding of this Ordinance, and for the better administration and convenience of use thereof, the regulations limiting the dwelling unit density, the heights, bulk and arrangement of buildings, limiting the size and use of signs, and requiring minimum off-street parking for each of the districts established by Section 2.01 hereof (or specified use), are set forth in Schedule 2.04 (e) hereof, hereinafter called Schedule. Such Schedule is hereby adopted and declared to be an integral part of this Ordinance, and it may be amended in the same manner as any other part of this Ordinance.

(b) For each district (or specified use) named in said Schedule, the maximum number of dwelling units shall be as indicated in Column "(B)"; the minimum lot requirements shall be as indicated in Column "(C)", "(D)", and "(E)" of the Schedule; the minimum

yard dimensions shall be as indicated in Columns "(F)", "(G)", "(H)", "(I)", and "(J)"; maximum lot coverage therefor shall be indicated as Column "(K)"; permitted floor area ratio (ratio of floor area to lot area) shall be indicated in Column "(L)"; requirements for accessory buildings and uses, as to minimum distance of detached accessory buildings and uses to principal buildings, streets, and lot lines, as indicated in Columns "(M)", "(N)", "(O)", "(P)" and "(Q)", respectively; signs permitted shall be indicated in Column "(R)"; minimum off-street parking shall be indicated in Column "(S)"; other pertinent matters and requirements are as indicated in Column "(T)" and as otherwise set forth in the schedule and in notes and remarks appended thereto.

(c) A blank space in a block of a column of said Schedule indicates that the requirement of that column does not pertain to the district or use specified on the corresponding horizontal lines. The words "Same as SR-1 (or other symbol or reference)" as used in a column shall mean and include the specific limitations and requirements as set forth in the same column for district referred to by such symbol or reference; otherwise the limitations and requirements in said Schedule shall be read from left to right.

(d) Where the limitations and requirements of any Column "(R)" through "(T)" of the Schedule are contained in a block which, reading vertically on the Schedule, covers more than one district (or specified use), such limitations and requirements shall be applicable to all of the districts or uses so covered by the block. Where reference is made in said Schedule to another Section or provision of this Ordinance, such Section or provision referred to shall thereby be incorporated as an integral part of the requirement including such reference.

(e) SCHEDULE: AREA AND BULK REGULATIONS: SIGN AND PARKING REQUIREMENTS - See Schedule 2.04 (e).

Section 2.05 SCHEDULE: PERMITTED USES; ACCESSORY USES; EXCEPTIONS AND SPECIAL PERMITS

(a) To facilitate public understanding of this Ordinance, and for the better administration and convenience of use thereof, the regulations designating permitted uses, permitted accessory uses, exceptions and special permits for each of the districts established by Section 2.01, hereof, are set forth in Use Schedule as Section 2.05 (d) hereof. Such Use Schedule is intended and declared to be an integral part of this Ordinance and it may be amended in the same manner as any other part of this Ordinance.

(b) Each column refers to a specific district which lists the permitted uses, permitted accessory uses, exceptions, special permits, and supplementary regulation references, and are read vertically under a district column.

(c) Limitations and requirements in the Use Schedule as used in a column shall mean and include the specific limitations and requirements as set forth in the same column for the district

MUNICIPAL ORDINANCE NO. 10-100: SIGN AND PARKING REQUIREMENTS

DIMENSIONS		ACCESSORY BUILDINGS USES							PERMITTED SIGNS	MINIMUM OFF-STREET PARKING SPACE FOR	OTHER PROVISIONS AND REQUIREMENTS		
		I	J	K	L	M	N	O				P	Q
IF DETACHED, TO - (1)		MINIMUM DISTANCE, TO - (1)							PERMITTED SIGN CLASS IN SQ. FT. (3)	FOR			
DEPTH OF REAR YARD IN LINEAR FEET	BUILDING ON ADJACENT LOT, IN LINEAR FEET	MAXIMUM COVERAGE, IN PERCENTAGE OF LOT	FLOOR AREA RATIO	PRINCIPAL BUILDING IN LINEAR FEET	FRONT LOT LINE IN LINEAR FEET	SIDE LOT LINE IN LINEAR FEET	ADJACENT TO STREET IN LINEAR FEET	OTHER SIDE LOT LINE, IN LINEAR FEET				REAR LOT LINE IN LINEAR FEET	
20'	25'	20%	(5)	50'	50'	25'	25'	3'	3'	IDENTIFICATION SIGN BULLETIN BOARD REAL ESTATE SIGN CONSTRUCTION SIGN SUBDIVISION SIGN TEMPORARY SIGN	ONE FAMILY DWELLINGS CHURCHES AND AUDITORIUMS LIBRARIES AND MUSEUMS MUNICIPAL BUILDINGS ELEMENTARY AND JUNIOR HIGH SCHOOLS SENIOR HIGH SCHOOLS	DWELLING UNITS 4 SEATS 500 SQ. FT. TOTAL FLOOR AREA 300 SQ. FT. TOTAL FLOOR AREA 500 SQ. FT. OF CLASSROOM AREA 200 SQ. FT. OF CLASSROOM AREA	(1): ANY ATTACHED ACCESSORY BUILDING SHALL BE CONSIDERED AS A PART OF THE PRINCIPAL BUILDING. (2): COVERAGE REGULATIONS DO NOT APPLY TO AUTOMOBILE PARKING AREAS. (3): FOR THE PURPOSES OF THIS ORDINANCE, SIGNS ARE CLASSIFIED AS FOLLOWS: CLASS 1 - FREE-STANDING SIGN CLASS 2 - SUSPENDING SIGN CLASS 3 - ROOF SIGN CLASS 4 - WALL SIGN CLASS 5 - COMBINATION SIGN (4): RESIDENTIAL USES ESTABLISHED IN THE B-1 DISTRICT SHALL COMPLY WITH ALL THE REGULATIONS OF THE LEAST RESTRICTIVE RESIDENTIAL TYPE OF RESIDENTIAL USE PERMITTED. (5) FLOOR AREA RATIO SHALL APPLY TO THE BUILDING DEVELOPED IN THE DEVELOPMENT EXCEPT STREETS AND OTHER PUBLIC AREAS AND SHALL NOT EXCEED THE RATIO SPECIFIED FOR THE DISTRICT WHERE DEVELOPMENT IS TO OCCUR. (6) MULTI-FAMILY DEVELOPMENT IS TO BE ESTABLISHED IN A "B" SUCH AS HOUSING DEVELOPMENT SHALL BE SUBJECT TO THE REGULATIONS OF THE "NR-2" DISTRICT.
10'	25'	25%	(5)	60'	60'	25'	25'	3'	3'	IDENTIFICATION SIGN ALL OTHER TYPES PERMITTED IN "SR" DISTRICTS	ALL USES PERMITTED BY REGULATIONS 2 FAMILY DWELLINGS 3 FAMILY DWELLINGS MULTI-FAMILY DWELLINGS BOARDING AND ROOMING HOUSES OTHER PERMITTED USES MOBILE HOME SPACES	SAME AS "SR" DISTRICT .5 DWELLING UNIT .5 DWELLING UNIT .5 DWELLING UNIT 2 BEDS MOBILE HOME SPACE	
20'	20'	40%	(1)	10'	10'	10'	10'	10'	10'	BUSINESS SIGN ANY SIGN PERMITTED IN THE "SR" OR "NR" DISTRICTS FOR ANY SIGN PERMITTED IN THOSE DISTRICTS	BUSINESS PERMITTED IN "SR" DISTRICTS	BUSINESS PERMITTED IN "SR" DISTRICTS	

referred to. Where reference is made in the Use Schedule to another section or provision of this Ordinance, such section or provision referred to shall thereby be incorporated as an integral part of the requirement including such reference. All provisions of this Ordinance shall apply as integral parts of this Section although not specifically cited in a column. See Section 2.05 (d).

(d) SCHEDULE: PERMITTED USES; ACCESSORY USES; EXCEPTIONS AND SPECIAL PERMITS. See Schedule 2.05(d).

ARTICLE III

SUPPLEMENTARY USE AND BULK REGULATIONS

Section 3.01 FENCES, WALLS AND HEDGES

Fences, walls or hedges used for any purpose shall in all districts conform to the following:

(a) For the purpose of minimizing traffic hazards at street intersections by improving visibility for converging vehicles, obstructions higher than two feet above the adjacent top of the curb elevation shall not be permitted to be planted, placed or erected on any corner lot within the triangular portion of land designated as "restricted area" in Figure 1.

(b) No barbed wire or other such sharp pointed fence and no electrically charged fence shall be erected or maintained except in the industrial district or when deemed necessary for the public safety.

(c) No permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless authorized by the Village Board. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed and, in event of necessity for removal of such fence for maintenance or other purpose, removal and/or replacement of such fence or other improvement shall be the responsibility of the property owner.

(d) Fences, walls and hedges in any district may be located on lot lines provided such fences, walls and hedges exceeding six feet in height shall be subject to the minimum yard requirements of the district in which such fences are located.

Section 3.02 HOME OCCUPATIONS

In any district where home occupations are permitted, the establishment and continuance of a home occupation shall be subject to the following requirements:

(a) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants there and no others.

(b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.

SECTION 2.05(d) SCHEDULE: PERMITTED USES: ACCESSORY USES:
EXCEPTIONS: AND SPECIAL PERMITS.

SR-1 SINGLE FAMILY

PERMITTED USES: SINGLE FAMILY DWELLING:

Churches and other places of worship, subject to the provisions of Section 3.06, but not including funeral chapels or mortuary chapels:

Electrical sub-stations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of Section 3.12:

Growing of plants and trees on a private or commercial basis, provided no retail sales are conducted on the premises subject to the applicable provisions of Section 3.17:

Municipal uses, facilities and buildings, subject to the provisions of Section 3.11:

Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education, subject to the provisions of Section 3.13:

Railroad right-of-way, not including switching, storage, freight yards, industrial siding, or classification yards.

Nursery schools and orphanages subject to the provisions of Section 3.16.

PERMITTED ACCESSORY USES:

Private: Greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the applicable provisions of Section 4.15.

Incinerators for home use, provided such are located on the lot as not to constitute an unreasonable hazard to dwellings and other buildings on the premises or on adjacent property, and located not less than fifteen (15) feet from any dwelling on the premises and not less than ten (10) feet from any other building on the premises.

Keeping of household pets, provided kennels are not maintained.

Parking spaces not for gain in addition to minimum off-street parking subject to the provisions of Section 3.04.

Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of Section 3.10.

Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater. However, such time limit may be extended for one year by the Board of Appeals.

Accommodation for professional servants, caretakers, watchmen, or custodians, but not as a separate, detached one-family dwelling on the same lot.

Home occupations, subject to the provisions of Section 3.02.

Fences, hedges and walls, subject to the provisions of Section 3.01.

EXCEPTIONS:

Electrical substations subject to the provisions of Sections 4.16 and 3.12.

Gas regulator stations subject to the provisions of Sections 4.16 and 3.12.

Other public utility distribution facilities, subject to the provisions of Sections 4.16 and 3.12.

SPECIAL PERMITS:

SUPPLEMENTARY REGULATIONS:

All uses subject to the applicable provisions of Article IV.

A-AGRICULTURAL

PERMITTED USES:

All uses commonly classified as agricultural, horticulture or forestry including crop and tree farming, truck farming, gardening, nursery operation subject to the provisions of Section 3.21, dairy farming, livestock raising, animal and poultry breeding and raising, forestry operations together with the operation of machinery or vehicles, but not including stockyards, commercial livestock or poultry feeding or agricultural processing plants.

One-Family Dwellings. Living Quarters for persons employed in agricultural or related activities that are conducted on the premises.

Parking lots subject to Section 3.04.

Private clubs, lodges or camps except those whose chief activities are a service customarily carried on as a business.

Golf courses of regulation size, but not including "Par 3" golf courses or commercially operated driving ranges or miniature golf courses; and provided that no clubhouse, parking lot or accessory building shall be located nearer than five hundred (500) feet to any dwelling unit or another zoning lot.

Fishing lakes or clubs provided that no building, parking lot, or other intense use activity is located nearer than five hundred (500) feet to any dwelling on another zoning lot.

Gun clubs, if located not nearer than one thousand (1,000) feet to any residence other than that of the owner or lessee of the site and if not so operated as to withdraw land from its primary agricultural use.

Carnivals, circuses and similar temporary transient amusement enterprises, greenhouses subject to the provisions of Section 3.21.

Churches and other places of worship subject to Section 3.07, but not including funeral chapels or mortuary chapels.

Libraries, museums, art galleries and similar public cultural facilities subject to Section 3.13.

Cemeteries and mausoleums in conjunction therewith.

Essential services subject to Sections 3.13 and 3.14.

Public service uses including filtration plants, pump stations, water reservoirs, sewage treatment plant, police and fire stations or other governmental uses subject to Sections 3.13 and 3.14.

Railroad right-of-way and trackage, but not including classification yards, terminal facilities or maintenance facilities.

Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that major traffic congestion or hazards would not

be created in conjunction with the location or access thereto.
Radio or television transmission towers.

PERMITTED ACCESSORY USES:

Any accessory use permitted and as regulated in the SR-1 District unless specified as a permitted use.

Accessory uses that are clearly supplementary and secondary to the primary use located on the lot.

EXCEPTIONS:

Electrical substations, subject to the provisions of Section 4.17 and 3.14.

Gas regulator stations, subject to the provisions of Sections 4.17 and 3.14.

Other public utility distribution facilities subject to the provisions of Sections 4.17 and 3.14.

SPECIAL PERMITS:

SUPPLEMENTARY REGULATIONS:

All uses subject to the applicable provisions of Article IV.

MR-1 MULTI-FAMILY

PERMITTED USES:

Any use permitted and regulated in the SR District, except as otherwise provided in Section 2.04(e) Line 5;

Multi-Family Dwelling;

Boarding and Rooming Houses;

Dormitories or group living facilities for religious, educational, or charitable purposes;

Nursing and retirement homes, subject to the provisions of Section 3.15.

Two-family residences.

PERMITTED ACCESSORY USES:

Any accessory use permitted and as regulated in the MR-1 District.

EXCEPTIONS:

Any exceptions permitted and as regulated in the SR-1 District.

SPECIAL PERMITS:

Planned multi-family developments subject to the applicable provisions of Sections 5.06 and 5.07.

Planned mobile home parks subject to the applicable provisions of Sections 5.06 and 5.08.

SUPPLEMENTARY REGULATIONS:

All uses subject to the applicable provisions of Article IV.

B-COMMUNITY BUSINESS

PERMITTED USES:

Any use permitted and as regulated in the MR-2 District except as otherwise provided in Section 2.04(a), line 6.

Places used for the retailing of those commodities which may be classified as "convenience goods", "durable goods" and "fashion goods" as follows:

- Apparel stores and shops;
- Bakery shop, including the baking and processing of food products for products for retail sales on the premises only;
- Candy and ice cream shops;
- Commercial institutions, such as banks, savings and loan associations;
- Drug stores;
- Eating and drinking establishments;
- Food stores, including supermarkets, delicatessens, dairy products, meat markets, health foods;
- Furniture, home furnishing and appliance stores;
- Hardware stores and hobby shops;
- Personal service shops, including barber and beauty shops, shoe repair shops, laundries, self-service laundries, dry-cleaning stores, travel agencies, photographers, tailoring;
- Pet shops, but not including animal hospitals;
- Second-hand stores and rummage shops;
- Taverns;
- Places of amusement or recreation such as theaters, auditoriums, or bowling alleys;
- Plumbing, heating and air-conditioning sales;
- Variety shops;
- Other stores and shops, including gift and card shops, leather and luggage, tobacco and news, camera shops, sporting goods, garden shops, antique shops;
- General office buildings;
- Medical and dental clinics and centers;
- Professional and service offices;
- Hotels, motels, and apartment hotels;
- Funeral chapels, mortuary chapels and ambulance service;
- Membership clubs and public or charitable institutions not for correction;
- Post offices or postal sub-stations;
- Libraries or museums, providing that all principal buildings are located at least twenty-five (25) feet from all property lines;
- Art galleries and studios;
- Meeting halls, and
- Radio and TV Broadcasting stations.

Provided that all such uses listed in this paragraph shall be within entirely enclosed buildings and provided further shall all service and consumption of food in connection therewith shall be within an entirely enclosed building or at tables within an area visually screened from all public circulation ways by a hedge, fence or wall at least six (6) feet in height, and that the outside service area shall not be greater than fifty percent (50%) of the inside service area.

Preparation and manufacture of goods or products for retail sales on the premises only, provided that such manufacture process or treatment shall be clearly incidental and essential to the retail business conducted on the premises and further provided that not more than five (5) persons (exclusive of manager) shall be engaged in said manufacture, processing, or treatment of products and that all such operations create no undue noise, odor, dust, smoke, vibrations or other similar nuisance.

Sales of new automobiles and new automobile accessories and parts.

Bus terminal and other public transportation terminal facilities for passengers.

Parking lots and parking garages subject to the applicable provisions of Section 3.04.

Gasoline service stations subject to the applicable provisions of Section 3.08.

Places of amusement and recreation, including bowling lanes, drive-in theaters, subject to the provisions of Section 3.18.

Automotive and/or agricultural implements sales, repair and service.

Air-conditioning equipment, custom fabrication and installation.

Animal hospitals when conducted entirely within an enclosed building.

Beverages, bottling.

Book publishing, printing.

Business machines, repair and service, storage and wholesale.

Candy, wholesale distribution.

Carpenters' shops and power woodworking.

Carpet and rug cleaners and storage.

Cement products, wholesale (pipe, blocks, etc.).

Cleaning and dyeing processing.

Cold storage.

Contractors, equipment and material storage.

Dairies, distribution and pasteurization.

Decorator, workshop and equipment yards.

Display, designers and builders' shops.

Drive-in restaurants.

Dry cleaning establishment, bulk processing.

Electric equipment, assembly and repair.

Express companies, warehouses.

Feed and seed stores.

Food products, brokers, distributors and warehousing.

Furniture, repairing and refinishing.

Locksmiths' repair shops.

Machine and equipment rental services.

Newspaper printing.
Photo-engraving company.
Roofing materials, storage and sales.
Sales of auto parts.
Storage of automobiles.
Storage yards, bulk materials.
Tents and awning manufacture.
Mobile home sales.
Warehousing.
Water softening equipment, service and repairs.
Weighers, commercial.
Welding, equipment and supplies, storage.

Provided that neither junk yards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district, and provided further that adequate safeguards (structural, mechanical and locational) shall be provided to protect adjoining properties from the effects of noisome or injurious substances, conditions and operations as defined in Section 4.11.

PERMITTED ACCESSORY USES:

Any accessory use permitted and as regulated in the MR-1 District.

Storage of merchandise or inventory usually carried in stock, provided that such storage shall be located on the lot with the retail, service, or commercial use and shall be within a completely enclosed building.

Service garage, only if in conjunction with and accessory and incidental to the sale of new automobiles.

Accommodations for caretakers, watchmen or custodians.

Commercial greenhouses.

Storage of merchandise or inventory usually carried in stock, provided that all outdoor storage shall be completely concealed by a fence at least six (6) feet in height.

EXCEPTIONS:

Any exception permitted and as regulated in the SR-1 District.

SPECIAL PERMITS:

Planned multi-family developments subject to the applicable provisions of Sections 5.06 and 5.07.

Planned business centers subject to the applicable provisions of Sections 5.06 and 5.09.

Other planned building developments subject to the applicable provisions of Sections 5.06 and 5.10.

Planned mobile home parks subject to the applicable provisions of Sections 5.06 and 5.08.

Planned business centers subject to the applicable provisions of Sections 5.06 and 5.09.

Other planned building developments subject to the applicable provisions of Sections 5.06 and 5.10.

SUPPLEMENTARY REGULATIONS:

All uses subject to the applicable provisions of Article IV.

I-INDUSTRIAL

PERMITTED USES:

Any use permitted and as regulated in the general business district except as provided in Section 2.04(e), line 8.

Any commercial, industrial, or manufacturing operation which is not detrimental to the public health, safety or general welfare and provided that adequate safeguards (structural, municipal and locational) shall be provided to protect adjoining properties from the effects of noisome or injurious substances, conditions and operations as defined in Section 4.11.

Manufacture of ammunition and items containing explosives. If the manufacture of ammunition and explosive items is carried on in accordance with all applicable laws of the State of Illinois and United States, and any rules and regulations issued thereunder, such operations shall be deemed not to be detrimental to the public health, safety and welfare and to be in compliance with the requirement that adequate safeguards be provided.

The burning of explosive scrap or waste.

The operation of rifle and pistol shooting ranges, trap and skeet fields.

Electric generating stations and associated facilities and equipment.

Operation of clubs.

PERMITTED ACCESSORY USES:

Any accessory use permitted and as regulated in the B-1 District.

The construction and use of any roads, railroad spurs, or gas, water or other pipelines and power lines necessary to the carrying on of the permitted uses.

EXCEPTIONS:

Any exception permitted and as regulated in the SR-1 District.

SPECIAL PERMITS:

Planned business centers subject to the applicable provisions of Sections 5.06 and 5.09.

Other planned building developments subject to the applicable provisions of Sections 5.06 and 5.10.

SUPPLEMENTARY REGULATIONS:

All uses subject to the applicable provisions of Article IV.

(c) The total area used for such purposes shall not exceed the equivalent of one-half the floor area, in square feet, or the first floor of the user's dwelling unit, if any; otherwise, the main floor of such dwelling unit.

(d) There shall be no advertising, display, or other indications of home occupation on the premises, except the customary sign or nameplate for identification purposes only, which shall not exceed nine square feet in size.

(e) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations.

(f) There shall be no exterior storage on the premises of material used in the home occupation, nor of any highly explosive or combustible material.

(g) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

(h) A home occupation, including studios or rooms for instruction, shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each 300 square feet of floor area devoted to the home occupation. Such parking shall be provided on the same lot as the home occupation.

(i) For the purpose of this Section, provided all requirements contained herein are met, the following shall be considered home occupations:

- (1) Professional office except as otherwise provided.
- (2) Art Studio.
- (3) Dressmaking or millinery.
- (4) Teaching, with musical instruction limited to two pupils at a time.
- (5) Beauty parlors.

(j) A home occupation shall not include the following: clinic, hospital, mortuary, funeral home, nursing home, barber shop, tea room, tourist home, antique shop, animal hospital, restaurant, veterinarian's office, or use similar to any of the foregoing excluded uses.

Section 3.03 LIGHTING CONTROLS

Any light used for the illumination of signs, parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists except lighting deemed necessary for the public safety and welfare.

Section 3.04 PARKING, OFF-STREET - ACCESS TO LOTS

(a) Location of Parking Lots. Parking areas whether open or enclosed shall be provided upon the same lot containing the use for which they are required, or on separate lots as follows:

- (1) Within a 200-foot radius in all residential and B-Business Districts.
- (2) Within a 500-foot radius in I-Industrial Districts. The nearest parking lot boundary must be within 500-foot radius of the nearest boundary of the lot on which an industrial or manufacturing operation is located in an I-Industrial District.
- (3) Such separate lots shall be classified as "parking lots" or "parking garages" in determining whether they are permitted in a particular district.
- (4) Such separate lots and the lot containing the use for which they are required shall be held under unified ownership or control as required for a lot.

(b) Space Requirements. Each off-street parking space shall not be less than 10 feet wide, 20 feet long.

(c) Access Ways.

- (1) Unobstructed and direct access way shall be provided from off-street parking to a street or alley, which access ways shall have a minimum width of at least 8 feet to a private garage, and 10 feet to a parking lot. The alignment of access ways shall intersect the abutting street lines approximately at right angles (variations not to exceed 20 degrees).
- (2) All parking aisles and parking spaces shall be entirely within the lot lines, and not on a public right-of-way.
- (3) All parking areas in the MR, B and I District shall be properly drained and covered with an all-weather surface.
- (4) Required open or enclosed parking areas in any SR and MR Districts shall not be located in any required front yard or required side yard adjacent to a street. Where off-street parking is provided between any building and a street, in order to accommodate pedestrian and vehicular traffic, the building shall be set back at least (50) fifty feet from the lot line.
- (5) No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of an off-street parking space similarly required for another building or use.

Section 3.05 SIGNS

General Regulations. All signs hereafter constructed, corrected, painted, or otherwise established, moved, altered, or changed within the limits of the Village shall comply with the following regulations and with Section 2.04(e) (Area and Bulk Schedule), except that repair and/or maintenance of lawful, non-conforming signs shall be in accordance with the regulations set forth in Section 6.04.

(a) Sign regulations of this Ordinance shall not apply to governmental signs including traffic signs which are erected and intended for public information, direction, safety or control purposes, and no sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic.

(b) No moving sign or signs with varying intermittent lighting intensity shall be permitted in any district.

(c) No free-standing sign shall exceed 35 feet in height.

(d) The type of signs permitted are hereby classified according to construction and location on the lot, as follows:

- Class 1 - Free Standing Sign
- Class 2 - Projecting Sign
- Class 3 - Roof Sign
- Class 4 - Wall Sign
- Class 5 - Combination Sign

(e) In any subdivision for which a plat has been filed for approval by the Village, non-illuminated subdivision signs may be erected subject to the following requirements:

- (1) Not more than two such signs shall be permitted for any subdivision held in single or common ownership.
- (2) The total area of any such sign shall not exceed 100 square feet. Said subdivision sign or signs may be displayed for a period of time not to exceed two years from the date of issuance of the permit for the first building in the subdivision or the duration of the project, whichever is less, unless an extension for a specific additional period of time is granted by the Board of Zoning Appeals.

(f) In the B-Business District the following additional sign regulations shall apply:

- (1) The total surface area of all signs shall be limited to two square feet of sign (or total signs) for each lineal foot of front width of business building or business unit, or one square foot of sign for each lineal foot of lot frontage, whichever is greater, provided that the total surface area of any one sign shall not exceed 100

- square feet. Only one side of a business building facing a street shall be considered to be the front.
- (2) On buildings including more than one business, the front width of each individual business units shall be used to determine the maximum sign area for that business.
 - (3) Projecting signs shall not project more than 6 feet from the principal building.
 - (4) No sign shall project more than 10 feet above the highest point of roof structure of the building to which it is attached.
 - (5) Free-standing signs shall project no more than 6 feet into any required yard.
 - (6) Signs may project up to six feet into any public right-of-way, street or alley; however, in no case shall any sign project into that part of any public right-of-way intended or designed for traffic circulation or parking. Any such projection shall only be permitted above a height of 10 feet. In the event widening necessitates removal of any sign, said removal and/or replacement shall be the responsibility of the property owner.

(g) In the I-Industrial District, the following additional regulations shall apply:

- (1) The surface area of all projecting, free-standing, wall, combination or roof signs shall not be greater than two square feet for each linear foot of front width of business building or business unit, or 1.5 square feet for each lineal foot of lot frontage or whichever is greater, provided that the maximum total surface area for the aforementioned signs shall not exceed 100 square feet. However, the maximum permitted surface area for any one of the aforementioned signs may be increased by one square foot for each two lineal feet that the signs are set back from the required setback line. Only the setback from one street and/or setback line shall be permitted for increase.
- (2) No point on any sign shall project more than 10 feet above the highest point of the roof structure of the building of which it is attached.
- (3) No free-standing sign shall be set nearer to the lot line adjacent to a street than the required minimum setback for the principal building.
- (4) Projecting signs and marquees shall not project more than 8 feet from the principal building. Signs may project up to 6 feet into any public right-of-way, street or alley; however, in no case shall any sign project into that part of any public right-of-way

intended or designed for traffic circulation or parking. Any such projection shall only be permitted above a height of 10 feet. In the event widening necessitates removal of any sign, said removal and/or replacement shall be the responsibility of the property owner.

(h) Temporary Signs shall not remain in place for a period of more than 30 days except that the building official may extend the time period for an additional 30 days. Any further time extension shall thereafter be applied for through the Board of Zoning Appeals and the Board may grant such time extension as seems reasonable and necessary.

(i) Advertising Signs and Billboards.

- (1) Advertising signs or billboards shall be located not less than 25 feet from any lot line, fronting on or adjoining street right-of-way.
- (2) Signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
- (3) Signs shall not be erected or maintained which imitate or resemble any official traffic sign, signal, or device, or are erected or maintained upon trees or painted or drawn upon rocks or natural features, or which are structurally unsafe or in disrepair.
- (4) No sign will be permitted which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a road or highway or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle, or which otherwise interferes with any driver's operation of a motor vehicle.
- (5) Maximum Size. No single advertising sign shall exceed 1200 square feet in area nor have outside dimensions greater than 30 feet in height and 60 feet in length, provided, however, if there are two advertising signs per facing, the total combined area of both signs shall not exceed 1200 square feet.
- (6) Height Limitations. Advertising signs shall not exceed a height of 45 feet above ground level or pavement level of the street to which it is oriented, whichever is higher. No wall sign shall extend higher than 8 feet above roof or parapet line of the building to which attached. No roof sign structure shall extend higher than 60 feet above the roof at the point of mounting and an open space of at least 5 feet shall be provided between the base of the sign and the roof level, except for needed supports.

- (7) Spacing Limitations. Signs adjacent to interstate and limited access highways shall not be spaced less than 500 feet apart. Signs adjacent to other highways shall not be spaced less than 100 feet apart. These measurements apply only to advertising signs on the same side of the highway, as measured along a line parallel to such highway, unless such signs are separated by a roadway or street or by a building or other structure which prevents both signs from being viewed simultaneously.

Section 3.06 CHURCHES AND PLACES OF FORMAL WORSHIP

In any district where churches are permitted, the following additional requirements shall be met:

(a) For each 75 seats (where benches are provided, each 24 inches of said bench shall constitute a seat) or fraction thereof (not including Sunday School accommodations), the site shall contain at least one-half acre of land.

(b) Each principal building shall be located at least 25 feet from all property lines.

Section 3.07 GARAGE, REPAIR

In repair garages, all repair work, servicing, storage of parts and equipment and the dismantling of vehicles shall be done completely within an enclosed building, or shall be enclosed by a solid fence at least 6 feet in height.

Section 3.08 GASOLINE SERVICE STATIONS:

In districts where gasoline service stations are permitted, the establishment of such uses shall be subject to the following requirements:

(a) All gasoline pumps, lubrication or similar devices and other service facilities shall be located at least 20 feet from any street right-of-way line.

(b) All fuel and oil storage, pumps or other such fuel or lubricant dispensing devices shall be located at least 20 feet from any side or rear lot line.

(c) No access drive shall be within 200 feet of a fire station, school, public library, church, park, playground, or other public assembly place.

(d) No access or drive shall be within 20 feet of any corner formed by the intersection of the rights-of-way of two streets. On a corner where a traffic signal or stop sign exists, such entrance or exit shall be located at such distance and such manner so as not to cause or increase traffic hazard or undue congestion.

(e) A permanent curb of at least 4 inches in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

(f) All devices for dispensing or selling of milk, ice, cold drinks, and the like shall be located within or immediately adjacent to the principal building.

Section 3.09 MOBILE HOMES

3.09-1 Mobile Home Parks

In any district where mobile home parks are permitted, the establishment of such accommodations shall be subject to the following requirements:

(a) Minimum lot size and minimum yard dimensions. The following regulations relative to the minimum lot size and minimum yard dimensions shall apply to the entire tract of land on which the mobile home park is situated:

- (1) A mobile home park shall be located on a tract of land not less than 5 acres in area, with minimum width and depth dimensions of 200 feet.
- (2) Any building, structure, or mobile home shall be located at least 25 feet from any front or rear lot line or any side lot line adjacent to a street and at least 10 feet from any other lot line.

(b) No building or structure within the mobile home park will exceed the height of 35 feet.

(c) Off-Street parking and Access Ways.

- (1) There shall be provided, within the boundaries of the mobile home park site, not less than two off-street parking spaces for each mobile home space.
- (2) The mobile home park shall have direct access to a public street or highway by an access way of at least 40 feet in width.
- (3) Each mobile home space shall abut on a driveway or access way, at least 24 feet wide, with unobstructed access to a public street. Each mobile home space shall be located within 100 feet of such driveway or access way. Appropriate turn around space shall be provided at the terminus of any dead end access ways in the mobile home park sufficient to accommodate emergency vehicles.

(d) Individual Mobile Home Spaces. The minimum individual area, width and depth requirements for mobile home spaces shall be as follows:

	Area	Width	Depth
Independent Mobile Home Space	4,000 sq. ft.	42 ft.	70 ft.

Spaces shall be arranged and mobile homes parked in such manner that there is an open space of at least 15 feet by 30 feet at the rear of and as a part of each mobile home space.

(e) Only residential uses and uses accessory thereto shall be permitted in a mobile home park.

3.09-2 Mobile Homes - Individual

(a) In any district where an individual mobile home is permitted (other than in a mobile home park) the individual mobile home shall be deemed to be a one-family residential structure and shall comply with all requirements for a single-family residential structure for the district in which it is located.

(b) Any individual mobile home shall be located on a permanent foundation with the wheels removed and shall be connected to public utilities in accordance with all requirements for any residential structure in the municipality.

(c) Any mobile home used as an accessory building shall be placed on permanent foundations with the wheels removed and shall comply with all regulations governing the location and use of an accessory building for the district in which it is located.

3.09-3 Temporary Parking - Mobile Homes

The temporary parking of an individual mobile home is permitted subject to the following regulations:

(a) An individual mobile home may be parked outside the public right-of-way, as not otherwise prohibited, for a period of 72 hours provided that no such mobile home is parked nearer than 25 feet to any right-of-way line abutting a public street.

(b) An individual mobile home may be parked on a zoning lot for a period of two weeks provided that:

- (1) Such individual mobile home is parked in compliance with all setback requirements from any lot line or right-of-way line.
- (2) A permit is secured by the property owner within 72 hours from the zoning inspector of the Village, showing the date of issuance, name and address of property owner, address for which the permit is issued and the date of termination.
- (3) All such permits shall be returned to the zoning inspector on or before the date of termination.
- (4) Not more than three permits shall be issued to any property owner during any calendar year except on approval of the Board of Zoning Appeals.

3.09-4 Parking for Inspection and Sales - Mobile Home

A mobile home may be parked for inspection and sale on any lawful automobile or trailer sales lot.

Section 3.10 TRAVEL TRAILERS

The parking of not more than one unoccupied camp trailer and/or utility trailer (not exceeding 10 feet wide and 45 feet long) in the rear yard, garage or carport only is hereby permitted, provided that no living quarters or businesses shall be maintained in any such camp trailer and/or utility trailer, and provided further that the parking of camp trailer and/or utility trailer shall comply with the yard requirements for accessory buildings of the district in which it is located.

Section 3.11 PUBLIC BUILDINGS

In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

(a) In any residential or agricultural district all municipal or other publicly owned buildings shall be located at least 25 feet from all property lines.

(b) In any residential or business district there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment).

Section 3.12 PUBLIC UTILITY STATIONS; EXCHANGES; ESSENTIAL SERVICES

Electrical sub-stations, gas regulator stations or telephone exchange facilities in any residential district shall be subject to the following regulations:

(a) No public office or repair facilities shall be maintained in connection with such sub-stations or exchanges.

(b) The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.

(c) The area on which the facility is located shall be landscaped and maintained in conformance with the general character of the surrounding area.

(d) Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot may be as follows: lot width shall not be less than the total width of the building plus the total of the minimum required side yards; lot depth shall not be less than the depth of the building plus the minimum required front yard plus the two foot minimum rear yard.

(e) Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than 15 feet to any side or rear lot line.

(f) If transformers are exposed, there shall be provided an enclosing fence or wall, at least 6 feet in height, and adequate to shield view and noise of the same from the outside view of the handling of materials on the premises. However, shielding will not be required which will restrict air movement necessary for equipment cooling.

Section 3.13 SCHOOLS, PRIVATE AND PAROCHIAL

In any district where private or parochial schools are permitted, the following additional requirements shall be met:

(a) For each 100 students or fraction thereof, the site shall contain 1.25 acres of land.

(b) Each principal building shall be located at least 25 feet from all property lines.

Section 3.14 DRIVE-IN THEATERS

In any district where drive-in theaters are permitted, the establishment of such theaters shall be subject to the following requirements:

(a) Projection screens and parking areas shall not be closer than 50 feet from any street right-of-way line and not closer than 100 feet from any residential district boundary.

(b) The projection surface of motion picture screens shall not be visible from any major traffic street.

(c) Loudspeakers shall be limited to the individual type which are designated to be heard by the occupants of one car only.

(d) Entrances and exits shall connect only to major arterial or collector streets and shall be designed so as not unduly to interfere with or unnecessarily impede traffic flow.

(e) Entrance waiting space for cars shall be provided to accommodate not less than five (5) percent of the theater's parking capacity.

Section 3.15 NURSING HOMES

In any district where nursing homes are permitted, the following requirements shall be met:

(a) The minimum site for any nursing home shall be two acres, provided that for a nursing home containing more than 40 beds, the minimum site area shall be the greater of: two acres, or the number of acres determined by the following formula:

$$\begin{array}{r} \text{(Number)} \\ \text{(of Beds)} \end{array} \quad \begin{array}{r} \\ \times \end{array} \quad \begin{array}{r} \text{(\% of Total Floor Area)} \\ \text{(at Ground Level)} \end{array} = \text{Site Size in Acres}$$

(b) All principal buildings shall be located at least 25 feet from all lot lines.

(c) The site shall have a least length and/or width dimension of 200 feet.

Section 3.16 NURSERY SCHOOLS

In any district where nursery schools are permitted, the following additional requirements shall be met:

(a) For each child, at least 50 square feet of floor space shall be provided in addition to that provided for sleeping purposes.

(b) For each child, at least 100 square feet of outdoor, enclosed (fenced) play area shall be provided.

Section 3.17 PLANT NURSERIES AND GREENHOUSES

In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

(a) No fertilizer, compost, manure or other odor or dust producing substance shall be stored within 50 feet of any property line.

(b) Greenhouse heating plants shall be in an enclosed building and shall not be less than 50 feet from any property line.

(c) Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

Section 3.18 HOSPITALS AND SANITARIUMS

In any district where hospitals and sanitariums are permitted, the following additional requirements shall be met:

(a) The minimum site for any hospital or sanitarium shall be five acres, provided that for a hospital or sanitarium containing more than 50 beds, the minimum site shall be the greater of: five acres, or the number of acres determined by the following formula:

$$\frac{\text{(Number of Beds)}}{500} \times \frac{\text{(\% of Total Floor Area at Ground Level)}}{100} = \text{Site Size in Acres}$$

(b) All principal buildings shall be located at least 25 feet from all lot lines.

(c) The site shall have at least length and/or width dimension of 200 feet.

ARTICLE IV

GENERAL SUPPLEMENTARY REGULATIONS

Section 4.01 USES PERMITTED

When a use or accessory use is not specifically listed in the sections devoted to "Uses Permitted", it shall be assumed that such uses are expressly prohibited unless by written order of the Village Board it is determined that said use is similar to and compatible with the uses listed and is expressly included as a use permitted in a zoning district. However, no such order may be made by the Village Board without first having a public hearing, in the manner prescribed by Article VII, Section 7.05 of this Ordinance, before the Board of Appeals. Any such proposed variation which fails to receive the approval of the Board of Appeals shall not be ordered except by a favorable vote of two-thirds (2/3) of all the Trustees.

Section 4.02 BULK OF BUILDINGS

All buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other Ordinances of the Village (as provided in Section 4.15).

Section 4.03 MAINTENANCE OF YARDS, COURTS AND OTHER OPEN SPACES

The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

Section 4.04 DIVISION OR ZONING LOTS

No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable regulations of the zoning district in which the property is located.

Section 4.05 ACCESSORY BUILDINGS

No accessory building shall be used for residential purposes except as otherwise provided in this Ordinance.

Section 4.06 LOCATION OF REQUIRED OPEN SPACE

All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group unless otherwise specifically provided for herein.

Section 4.07 REQUIRED YARDS FOR EXISTING BUILDINGS

No yard now or hereafter provided for a building existing on the effective date of this Ordinance shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

Section 4.08 REDUCTION OF LOT - LIMITATION ON NUMBER OF PRINCIPAL BUILDINGS ON LOT

No part of an area, frontage, or yard required for any lot, building, or use for the purpose of complying with the provisions of this Ordinance shall be included as an area, frontage or yard for another lot, building or use. Except as otherwise specifically provided in this Ordinance, only one principal building shall be permitted on a lot.

Section 4.09 CORNER LOTS AND THROUGH LOTS

For any through lot, both frontages shall comply with the front yard requirements of the district in which it is located.

Section 4.10 FRONTAGE REQUIREMENTS

Any lot in any district shall have minimum frontage abutting a public street the width of which shall be the greater of:

- (a) 30 feet;
- (b) the width of the building located on the lot; or
- (c) the lot width required by the zoning district in which the lot is located as shown in Section 2.04 (e).

Section 4.11 GENERAL PERFORMANCE STANDARDS

(1) Any lot shall be properly graded for drainage and maintained in good condition, free from trash and debris.

(2) Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises, due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

(3) No obnoxious, toxic, corrosive or radioactive matter, smoke, fumes or gases shall be discharged across the boundaries of any lot in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or to cause injury or damage to property or business. Compliance with the laws of the State of Illinois and the United States, and any rules or regulations issued thereunder shall be deemed to be in compliance with the provisions of this Ordinance.

(4) Noise which is in compliance with the laws of the State of Illinois and the United States, and any rules or regulations adopted thereunder, shall be deemed to be in compliance with the provisions of this Ordinance.

Section 4.12 OCCUPANCY OF TEMPORARY STRUCTURES

No temporary structure (including travel trailers or mobile homes) shall be used or occupied for any residential, commercial or industrial use except as specifically permitted or required by this Ordinance. However, the Board of Zoning Appeals may, upon application therefor, permit the use of such temporary structure for such reasonable time and for such use as the Board deems to be compatible with the character of the area in which the structure is located, and in compliance with reasonable consideration of the general health, safety and welfare. A temporary structure, including travel trailers or mobile homes, which is located inside the boundaries of any lot of any manufacturing company or industrial operation within an I District is permissible without any special permit.

Section 4.13 CONTIGUOUS PARCELS

When two or more parcels of land, each of which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the use district in which they are located, and are contiguous, and held in one ownership, they shall be used as one zoning lot for such use.

Section 4.14 INDIVIDUAL WATER AND SEWAGE SYSTEMS

In any district where individual water or sewage systems are used in place of public water and/or sewage facilities, if the plans for such facility are prepared by registered professional engineers, the facilities may be built upon the area provided

for in such plans, without any further opinion but which area in any event shall not be less than the size lot required for the district in which the use is to be located or less than one acre, whichever is greater, and if fronting on any street or public road have a less frontage than 125 ft. When such plans are not prepared by a registered professional engineer, and doubt exists with the Village Board as to the adequacy of the soil structure of the lot to properly accommodate an individual water and/or sewage system, the Village board may require the property owner to obtain an opinion from a registered engineer as to the size of lot required for an individual water and/or sewage system to operate on the lot according to safe health standards. If the opinion and the findings of the engineer indicate that a larger lot is necessary, the Village board may require a lot size in excess of the minimum area defined previously in this paragraph. When the original plans are not prepared by a professional engineer, no such variation may be made by the Village board without first having a public hearing before the Board of Appeals in accordance with the requirements and procedures set forth in Article VII, Section 7.05 of this Ordinance. Any such variation which fails to receive the approval of the Board of Appeals shall not be passed except by a favorable vote of two-thirds (2/3) of all the Board members and any variation made by the corporate authorities shall be exercised only by the adoption of Ordinances.

Section 4.15 MINIMUM YARDS - EXCEPTIONS

Subject to the requirements that there be a minimum distance of 6 feet between any point on a principal building and any point on any principal building on an adjacent lot, the following exceptions shall apply:

(a) Cornices, chimneys, planters, or other similar architectural features may extend two feet into a required yard.

(b) Open, unenclosed, uncovered porches at ground level may extend into a required yard not more than 6 feet.

(c) Fire escapes may extend into a required yard not more than 4 feet.

(d) Patios extending into required rear yards may be covered by a roof, but shall not be enclosed by walls.

(e) Canopies, eaves, balconies, roof overhangs or other similar features not included in the foregoing parts of this section may extend into a required yard not more than 4 feet.

(f) AVERAGE FRONT YARD EXCEPTION. Except as otherwise provided in this Section regarding yards, adjoining ARTERIAL or COLLECTOR STREETS, in all SR and MR Districts, where lots comprising fifty percent (50) or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard of such buildings shall be the minimum required, provided such an average requirement is

not less than 20 feet or more than 35 feet.

Section 4.16 PUBLIC UTILITY AND PRIVATE UTILITY DISTRIBUTION
FACILITIES - EXCEPTION

Public and private utility transmission and distribution facilities may be exempt from minimum rear yard requirements, except as provided for each zoning district (subject to Section 3.12).

ARTICLE V

USE VARIANCES AND SPECIAL PERMITS

Section 5.01 GENERAL

The Board of Zoning Appeals may, in accordance with the procedure set forth in this Article, grant special permits and use variances from the operations of the regulations of this Ordinance for the buildings, structures, and uses specified in this Article, provided, in each case, that:

(a) The special permit or variance is in substantial harmony with the purpose and intent hereof as declared in Section 1.02.

(b) The special permit or variance substantially complies with the specific requirements therefor as set forth in this Article and for the district in which the use is located.

(c) Satisfactory evidence is presented to the Board that the present or proposed situation of the building, structure, development or use is reasonably necessary for the convenience and welfare of the public and/or of the owner, or is reasonably necessary to avoid a hazard to the safety of persons or property.

In granting any special permit or variance, the Board may impose (in addition to other requirements) conditions for the reasonable protection of the immediate neighborhood or the Village from adverse effects of the use or building involved. Such conditions for the reasonable protection of the immediate neighborhood or the Village shall not extend beyond the requirements of the State of Illinois and the United States, and any rules or regulations adopted thereunder.

Section 5.02 SITE LOCATION

(a) The site location of any building, structure, or use permitted by a special permit or use variance shall have a compatible relationship to the established street system and shall be such as to impose no greater traffic burden on streets than the streets can reasonably bear.

(b) The site of any building, structure or use permitted by a special permit or variance may be located partly outside the Village limits, provided that applicable requirements of the Village relative to utility permits and extensions and to annexation are complied with.

Section 5.03 HEARING ON APPLICATION

(a) The Board of Zoning Appeals shall hear the application (or any modified application) in accordance with its usual procedure.

The Board may: (1) grant the application, with or without modification; (2) deny the application; or (3) refer the application back to the applicant for recommended modification. If the application is granted, a copy of the final plan shall be placed on file within the Village, clearly noting all conditions of approval and the date approved for issuance of a permit. If the application is denied, the applicant shall not again apply for a permit for substantially the same proposal unless there has occurred a substantial change of circumstances, and in such case, only with the Board's consent first obtained, otherwise not earlier than one year after date of the denial. If the application in accordance with the directions of the Board, if any, otherwise, in time for the next regular meeting of the Board.

(b) The Board of Zoning Appeals may revoke a permit issued under this Article if:

- (1) The proposal for which a permit has been issued is not carried out pursuant to the approved final site plan; or
- (2) If any condition or requirement included in the permit is not complied with. The Board may, however, allow modification of the final plan, before completion, in conformity with the applicable provisions for review as provided for in this Article.

(c) A permit issued under this Article shall expire if the proposal authorized by the permit is not completed within the development schedule therefor included in the application, or expiration.

(d) After the final plan has been completed, it shall be a permanent site plan and shall not be modified, nor shall any additions be made thereto, except with the applicable provisions of this Article.

Section 5.04 PUBLIC BUILDINGS AND PUBLIC OR SIMILAR PRIVATE UTILITY BUILDINGS OR STRUCTURE

The Board of Zoning Appeal may permit any building, structure or use of the Village, the County, the Township, Public School District, University, any State or Federal Agency, or public or similar private utility in either a governmental or proprietary capacity, in any zoning district as the Board deems necessary for the convenience and welfare. Such building, structure or use shall be subject to such of the requirements of the district wherein the building, structure or use is situated and to such of the other regulations applying to uses permitted in the development as the Board deems necessary to comply with the general provisions of Section 5.01 and 5.02 and to assure compatibility of the development with the character of its locality.

Section 5.05 USE VARIANCES AND SPECIAL PERMITS

(a) GENERAL. No use variance or special permit under this Article shall be granted by the Board of Zoning Appeals except in accordance with the procedure set forth in this section.

(b) APPLICATION - PRELIMINARY SITE PLAN. Application for a use variance or special permit under this Article shall be made to the Board of Zoning Appeals on a form approved and furnished by the Board. Such application shall include, among other pertinent information, two copies of a preliminary site plan of the proposed site, to scale, showing:

- (1) the location, dimensions and character of all present and/or proposed buildings, structures and uses;
- (2) the location of adjacent pedestrian and vehicular traffic circulation;
- (3) the location of off-street parking and off-street loading;
- (4) type of proposed surfacing material for access ways and parking;
- (5) plan for pedestrian and vehicular traffic within the subject area with consideration given to the established street systems serving the subject area, and to emergency vehicle access to each building;
- (6) perspectives of structures or other such drawings necessary to indicate the relative compatibility with immediate neighborhood as well as within the subject area;
- (7) general landscaping and screening plan;
- (8) location of public or private utilities proposed to serve the subject area;
- (9) proposed finished grade of the site; and
- (10) development schedule providing reasonable guarantees for the completion of the proposed development or other construction according to the development schedule.

(c) HEARING ON APPLICATION. The Board of Appeals shall hear the application in accordance with the procedure established in this Ordinance.

(d) AMENDMENTS TO A PERMANENT SITE PLAN. The permanent site plan may be amended to include such information or such other particulars so as not to create substantial change in the arrangement and/or operation of the permanent site plan without resubmitting the permanent site plan upon and with the consent of the Board of Appeals.

Section 5.06 PLANNED BUILDING DEVELOPMENT - GENERAL

(a) The Board of Zoning Appeals may grant a special permit in accordance with Section 5.01 and the procedure in Section 5.05

for a planned building development as classified in Paragraph "(b)" of this Section on a tract of land under single ownership or unified control in the zoning district and subject to the requirements as hereinafter provided for each planned building development.

(b) CLASSIFICATION AND SIZE: A planned building development may consist of one of the following:

- (1) planned multi-family residence development, situated on a tract of land of a minimum size of 5 acres (See Section 5.07);
- (2) planned mobile home park, situated on a tract of land of a minimum size of 5 acres (See Section 5.08);
- (3) planned business center, situated on a tract of land of a minimum size of 2 acres in the developed area, otherwise 5 acres (See Section 5.09);
- (4) other planned building developments (no minimum size) (See Section 5.10).

(c) SUBDIVISION REGULATIONS. Except as otherwise specifically provided herein, a planned building development shall comply with applicable subdivision regulations.

(d) UNIFIED ARRANGEMENTS. Any proposed development under Section 5.07, 5.08, 5.09, and 5.10 must present a unified arrangement of structures and service facilities having a functional relationship to each other and to the locality in which it is situated.

Section 5.07 PLANNED MULTI-FAMILY RESIDENTIAL DEVELOPMENTS

The Board of Zoning Appeals may permit a planned multi-family residence development consisting of a multi-family dwelling or dwellings, in the MR and B Zoning Districts. The entire site for such development shall constitute a single lot and the development shall be subject to such applicable requirements of the district in which it is situated and to such other regulations applying to the uses permitted in the development as the Board deems necessary to comply with the intent and purpose of this Ordinance and to insure compatibility of the development with the character of its locality.

Section 5.08 PLANNED MOBILE HOME PARKS

The Board of Zoning Appeals may permit a planned mobile home park in any MR Zoning District, subject to such of the requirements of the mobile home park regulations and to such of the requirements of the district where the mobile home is situated, and the Board deems necessary to comply with the general provisions of Section 3.10-1, 5.01 and 5.02, and to insure compatibility of the park with the character of its locality.

Section 5.09 PLANNED BUSINESS CENTERS

The Board of Zoning Appeals may permit a planned business center in any B or I Zoning District. Such center may include such of the uses permitted in any B Zoning District, including combinations of such uses as the Board deems necessary for the public convenience and welfare. Such center shall be subject to applicable requirements of the district in which the center is situated and to such of the other regulations applying to uses permitted in the development as the Board deems necessary to comply with the general provisions of Section 5.01 and 5.02 and to assure compatibility of the center with the character of its locality.

Section 5.10 OTHER PLANNED BUILDING DEVELOPMENTS

The Board of Zoning Appeals may permit a planned building development (other than the planned building development permitted in Sections 5.07, 5.08, and 5.09), which may consist of two or more principal buildings on the same lot, in any "B" or "I" District. Such development may include such combinations of uses, as the Board deems necessary for the public convenience and welfare. Such development shall be subject to such of the requirements of the district wherein the development is situated and to such of the other regulations applying to uses permitted in the development as the Board deems necessary to comply with the general provisions of Section 5.01 and 5.02 and to assure compatibility of the development with the character of the locality.

ARTICLE VI

NON-CONFORMING USES

Section 6.01 CONTINUATION

(a) Any lawful building, structure, or use existing at the time of the enactment of this Ordinance may be continued, even though such building, structure, or use does not conform to the provisions of this Ordinance for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued (subject to the provisions of Article VI).

(b) Any legal non-conforming building or structure may be continued in use provided there is no physical change other than normal maintenance and repairs, except as otherwise permitted herein.

(c) Any building for which a permit has been lawfully granted prior to the effective date of this Ordinance, or of amendments hereto, may be completed in accordance with the approved plans;

provided construction is started within ninety (90) days and diligently prosecuted to completion. Such building shall be thereafter deemed to be a lawfully established building.

Section 6.02 CHANGE OR EXTENSION OF NON-CONFORMING USE

(a) A non-conforming use shall not be extended, but the extension of a conforming use to any portion of a non-conforming building shall not be deemed the extension of such non-conforming use.

(b) A non-conforming use shall not be changed to a use of the name or greater non-conformity with the district regulations of the district in which it is located, and when so changed to a use of greater conformity shall not thereafter be changed to a use of lesser conformity; however, in the I-Industrial District, a non-conforming use shall not be changed to any non-conforming residential use.

(c) A non-conforming use shall not be altered, extended or restored so as to displace any conforming use.

(d) In a manufacturing or industrial plant in an I-District, if it is necessary in order for the expansion of plant capacity to extend a non-conforming use, such non-conforming use may be extended only to such degree as it is necessary to expand the facilities of the existing conforming use.

(e) Public or private utility facilities may be expanded or modified as necessary within the limits of the property presently containing non-conforming facilities.

Section 6.03 ABANDONMENT OR DISCONTINUANCE

(a) Any non-conforming use of a building or premises which has been abandoned shall not thereafter be resumed and any future use on the premises shall be in conformity with the provisions of this Ordinance.

(b) When any non-conforming use has been discontinued for a period of 12 consecutive months, regardless of any intent to resume operations, such use shall not thereafter be resumed and any future use of the premises shall be in conformance with the provisions of this Ordinance.

Section 6.04 REPAIRS, MAINTENANCE AND ALTERATION

(a) Ordinary repairs and maintenance of a non-conforming building shall not be deemed an extension of such non-conforming building and shall be permitted.

(b) No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:

- (1) When the alteration is required by law.
- (2) When the alteration will actually result in elimination of the non-conforming use.
- (3) When a building in a residence district containing residential non-conforming uses may be altered in a way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

Section 6.05 RESTORATION

If a building or other structure containing a non-conforming use is damaged or destroyed by any means to the extent of fifty (50) per cent or more of its value at the time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty (50) percent of its value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy of use of such building may be continued which existed at the time of such partial destruction. In any event, restoration or repair of the building or other structure must be started within a period of six months from the date of damage or destruction and diligently prosecuted to completion. Provided, however, that when located entirely within the lot of a plant in an I-District if a structure containing a non-conforming use is intentionally demolished or dismantled with intent to build a new building or structure to carry on such use or if such structure is damaged or destroyed in excess of fifty (50) percent of its value, then such building or structure entirely within the boundaries of a lot of a manufacturing or utility company within an Industrial District may be restored and/or extended. Further provided, that complete restoration of a damaged or destroyed non-conforming structure may be made when such is necessary for continued or resumption of utility services.

ARTICLE VII

BOARD OF ZONING APPEALS

Section 7.01 CREATION

The "Board" when used in this section shall be construed to mean Board of Zoning Appeals. The Board shall consist of seven (7) members appointed by the President by and with the consent of the Village Board of Trustees. The terms of office shall be five years; provided that the members of the first Board shall serve respectively for the following terms (or until their respective successors are appointed and qualified): One for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven

years; and five years each for those following the first appointment. The Chairman of the Board shall be elected by a majority vote of the membership of the Board and shall hold his office as Chairman for a one-year term or until his successor is elected by a majority vote of the membership.

Section 7.02 MEETINGS

Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman or any two members, or at such times as the Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or in absence or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, special permit or planned building development and the reason for granting or denying such application shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement and interpretation, decision or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with Illinois Statutes.

Section 7.03 APPEALS

An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by any officer, department, board, or bureau affected by a decision of the building and zoning official to this Ordinance. Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the building and zoning official and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building and zoning official shall thereupon transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of action appealed from, unless the building and zoning official certifies to the Board of Zoning Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, the stay would, in his opinion, cause eminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a Court of Record on application, or notice to the building and zoning official and on due cause shown. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the

hearing, either in person or by duly authorized agent or attorney. The Board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper to the premises.

Section 7.04 POWER AND DUTIES

The Board of Zoning Appeals shall have all the powers and duties prescribed by law and by this Ordinance, including the following:

(a) INTERPRETATION. Upon an appeal from a decision by any administrative official, to decide any question involving the interpretation of any provision or term of this Ordinance, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto;

(b) VARIANCES. To vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any variance, the Board shall prescribe any conditions that it deems to be necessary or desirable for the public interest, convenience or welfare. However, any USE VARIANCE shall be subject to the applicable provisions of Section 5.05 of this Ordinance, and no other variance in the application of any provisions of this Ordinance shall be granted by the Board unless it finds:

- (1) That there are special circumstances or conditions fully described in the findings, applying to the land or buildings for which the variances are sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of such land or building;
- (2) That, for reasons fully set forth in the findings, the granting of the variances necessary for the reasonable use of land or buildings, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;
- (3) That the granting of this variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In

addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the neighborhood which would appropriately be the proper jurisdiction of the Village Board of Trustees for consideration of rezoning of the area rather than a variance which would affect only a small segment of the area.

(c) PERMITS FOR VARIANCES AND SPECIAL PERMITS. To issue or authorize permits for any of the uses or matter for which this Ordinance allows or requires the obtaining of a variance or special permit from the Board of Zoning Appeals.

Section 7.05 PROCEDURE

(a) The Board of Zoning Appeals shall act in accordance with the procedure specified by law and by this Ordinance. Four members shall constitute a quorum, and, except as otherwise provided by this Ordinance, an affirmative vote of at least four members shall be necessary to authorize any action of the Board. All appeals and applications to the Board shall be in writing. 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 variance or special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

(b) The Village may appear by any designated official of the Village Board of Trustees, and be heard as a party in interest in any hearing before the Board, and the Village may appeal any decision of the Board to a court of competent jurisdiction.

(c) NOTICE AND HEARING. No action of the Board of Zoning Appeals shall be taken on any case until after notice has been given that public hearing has been held as follows:

- (1) A notice of the time and date of said hearing and a brief summary of explanation of the subject matter of the hearing shall be published in the newspaper of general circulation within the Village within at least fifteen (15) days prior to the hearing date.
- (2) Said notice in the foregoing paragraph (1) shall be sent by first class mail at least ten (10) days prior to the hearing, to the applicant and owners of property in question in cases where a use variance or special permit is applied for. In any other case, such notice shall be sent by first class mail at least

ten (10) days prior to the hearing date merely to the applicant and owners and property abutting the property in question.

(d) EXPIRATION OF PERMIT. Permit shall expire at such time as may be fixed by the Board, otherwise, six months after the date of the permit.

(e) COSTS. For applications to the Board of Zoning Appeals, a fee of Fifteen Dollars (\$15.00) shall be charged by the Village for advertising and processing.

ARTICLE III

AMENDMENTS

Section 8.01 GENERAL

The Village Board may, from time to time on its own motion, on petition of any person or persons in interest, or on initial recommendation of the Board of Appeals, amend, supplement, or repeal the regulations and provisions of this Ordinance.

Section 8.02 THE BOARD OF APPEALS ADVISORY REPORT

Any such proposed amendment or change, when initiated by the Village Board or by individual petition, shall be referred to the Board of Appeals for an advisory report thereon. When a proposed amendment or change is initiated by the Board of Appeals, said advisory report shall accompany the initial recommendation of the Board of Appeals.

Section 8.03 PROCEDURE BEFORE BOARD OF APPEALS

PUBLIC HEARING - NOTICE. Before giving an advisory report or an initial recommendation on any proposed amendment, the Board of Appeals shall first conduct a public hearing thereon, the date and place of which shall be fixed in advance by the Board of Appeals at any regular or special meeting. Notice of the time and date of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by publishing one notice thereof in a newspaper of general circulation in the Village, such publication to be made at least fifteen (15) days prior to the public hearing.

Section 8.04 PROCEDURE BEFORE VILLAGE BOARD

After receiving the advisory report from the Board of Appeals and before acting on any proposed amendment, the Village Board shall consider the proposed amendment at its next regularly scheduled meeting.

Section 8.05 WRITTEN PROTEST

In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, if filed with the Village Clerk, the amendment shall not be passed except by a favorable vote of at least two-thirds of the Village Board then holding office.

Section 8.06 COSTS

For individual applications for rezoning of lands, the applicant shall pay a fee of Twenty-Five Dollars (\$25.00) plus advertising costs; for applications for any other proposed change, such fee shall be Twenty-Five Dollars (\$25.00).

ARTICLE IX

ENFORCEMENT

Section 9.01 ENFORCEMENT

(a) ENFORCEMENT BY ZONING OFFICIAL. Except as otherwise provided in this Ordinance, the Zoning Official of the Village shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises and the issuing of permits and certificates of occupancy. No permit or certificate of occupancy shall be issued by the Zoning Official except where the provisions of this Ordinance have been complied with.

(b) RIGHT OF ENTRY. The Zoning Official or any duly authorized person, shall have the right to enter upon any premises at any reasonable time prior to and upon completion of the building or other improvements, for the purpose of making inspections to carry out his duties in the enforcement of this Ordinance.

(c) STOP ORDER. Whenever any building work is being done, or uses established, altered or otherwise changed in a manner contrary to the provisions of this Ordinance, the Zoning Official or other authorized person may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Zoning Official to proceed.

(d) VIOLATION AND REMEDY. In case any building or structure, including fixtures, is constructed, reconstructed, altered, repaired, converted, or maintained, or any building or structure, including fixtures, or land, is used in violation of this Ordinance, or of any Ordinance or other regulation made under the authority conferred thereby, the Village Board, or any owner or tenant of real property, within 500 feet in any direction of the property on which the building or structure in question

is located who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute an appropriate action or proceeding (1) to prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use, (2) to prevent the occupancy of the building, structure, or land, (3) to prevent any illegal act, conduct, business, or use in or about the premises, or (4) to restrain, correct, or abate the violation. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the Village at the time suit is begun, by serving a copy of the complaint on the President of the Village Board, no such action may be maintained until such notice has been given.

In any action or proceeding for a purpose mentioned in this section, the Court with jurisdiction of such action or proceeding has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purposes of this Ordinance.

If an owner or tenant files suit hereunder and the Court finds that the defendant has engaged in any of the foregoing prohibited activities, then the Court shall allow the plaintiff a reasonable sum of money for the services of the plaintiff's attorney. This allowance shall be a part of the costs of the litigation assessed against the defendant, and may be recovered as such.

(e) PERMITS. There shall be submitted with all applications for zoning permits two copies of a preliminary layout or site plan drawn to scale showing the location of the tract and the approximate location of the building and accessory buildings to be erected. When such construction is in an I-Industrial District and within the boundaries of the lot of an industry or utility, and the plans have been prepared or approved by a professional registered engineer, it shall not be necessary for the owner to file an application for and obtain an occupancy permit under Section 11.03.

(f) PAYMENT OF FEE. One copy of such layout or site plan shall be returned when approved by the Zoning Official, together with such permit to the applicant, upon the payment of One Dollar (\$1.00).

ARTICLE X

MISCELLANEOUS

Section 10.01 SEPARABILITY

If any part or provision of this Ordinance, or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation and direction to the part, provision, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not

affect or impair the integrity or validity of the remainder of this Ordinance or the application thereof to other persons, property or circumstances. The Village Board hereby declares that it would have enacted the remainder of this Ordinance even without any such part, provision, section or application.

Section 10.02 CONFLICT WITH OTHER ORDINANCES

This Ordinance shall supersede such other Ordinances or parts of other Ordinances of the Village in conflict with the provisions of this Ordinance provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any Ordinance superseded hereby.

Section 10.03 EFFECTIVE DATE

This Ordinance shall take effect from and after its final passage according to law.

ARTICLE XI

CERTIFICATES OF OCCUPANCY

Section 11.01 CERTIFICATES OF OCCUPANCY REQUIRED

Hereinafter no land shall be occupied or used and no building erected, altered or extended, shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Official, stating that the building, building location and proposed use thereof complies with the provisions of this Ordinance.

Section 11.02 NON-CONFORMING USES

No non-conforming use shall be reinstated, changed, or extended without a certificate of occupancy having first been issued by the Zoning Official.

Section 11.03 APPLICATION

Certificate of Occupancy for a new building or for a reconstructed or altered existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within five days after the request for same shall have been made in writing to the Zoning Official after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of this Ordinance.

Section 11.04 RECORDS

The Zoning Official shall maintain a record of all certifi-

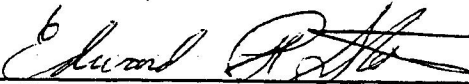
cates on file and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected at a cost established by the Village Board.

Section 11.05 TEMPORARY CERTIFICATE OF OCCUPANCY

The Zoning Official may issue a temporary certificate of occupancy for any use conforming to the applicable provision of this Ordinance. Said certificate of occupancy shall not exceed a period of six (6) months, except as otherwise specifically provided herein. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owners or of the Village relating to the use of occupancy of the premises or any other matter covered by this Ordinance or other Ordinances.

Passed this 30 day of August, 1973.

Approved:


EDWARD STONE, President,
Village Board of Trustees
Ste. Marie, Illinois

Attest:


ROBERT C. HELREGEL,
Village Clerk