

**CHAPTER 40**

**ZONING CODE**

**ARTICLE I - GENERAL PROVISIONS**

**40-1-1**        **TITLE.** This Code shall be known as and cited as the **Zoning Code of the City of Murphysboro, Illinois.**

**40-1-2**        **PURPOSE.** In accordance with State law, this Code regulates lots, structures and uses in order to preserve, protect, and promote the public health, safety and welfare. More specifically, this Code is intended to assist in achieving the following objectives:

(A)            To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;

(B)            To assist in implementing the City Community Plan;

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

(D)            To conserve and increase the value of taxable property throughout the City;

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

(F)            To protect persons and property from damage caused by fire, flooding, and improper sewage disposal;

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

(H)            To ensure the proper design and improvement of mobile home parks;

(I)            To promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen; and

(J)            To provide for the efficient administration and fair enforcement of all the substantive regulations in this Code. **(See 65 ILCS Sec. 5/11-13-1)**

**40-1-3**        **JURISDICTION.** This Code shall be applicable within the corporate limits of the City.

**40-1-4**        **INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.** Every provision of this Code shall be construed liberally in favor of the City and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this

Code differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

**40-1-5      DISCLAIMER OF LIABILITY.**

(A)            Except as may be provided otherwise by statute or ordinance, no official, board member, agent or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act", 745 ILCS Sec. 10/1-101)**

(B)            Any suit brought against any official, board member, agent, or employee of the City as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the City Attorney until the final determination of the legal proceedings.

**40-1-6      SEVERABILITY.** If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

**40-1-7      REVIEW.** This Code shall be reviewed every **five (5) years** after its effective date by the Planning and Zoning Commission and the Zoning Board of Appeals. After the review, they shall file their reports and recommendations with the Mayor and the City Council.

**ARTICLE II - DEFINITIONS**

**40-2-1**      **CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A)            Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-2** shall have their standard English meanings.

(B)            Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C)            Words used in the present tense shall include the future tense.

(D)            Words used in the singular number shall include the plural number, and the plural the singular.

(E)            The term "shall" is mandatory; the term "may" is discretionary.

(F)            All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

(G)            References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H)            A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

**40-2-2**      **SELECTED DEFINITIONS.**

**Abutting** means having a common lot line or district line. (**Synonym for "adjacent" or "adjoining".**)

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

**Accessory Use:** Any structure or use that is:

(A)            Subordinate in size or purpose to the principal structure or use which it serves;

(B)            Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served; and

(C)            Located on the same lot as the principal use or structure served.

**Administrator** means the official appointed by the Mayor, with the advice and consent of the City Council, or his representative to administer this Code. (**Synonymous with "Zoning Administrator" or "Zoning Officer".**)

**Agriculture** means any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The

term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

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

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

**Alter** means to change the size, shape, or use of a structure, or the moving from one location to another.

**Amendment** means a change in the provisions of this Code (including the District Map), properly effected in accordance with State law and the procedures set forth herein.

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

**Apartment** means **one (1)** or more rooms in an apartment building or combination apartment and commercial building, arranged, intended or designed or occupied as a dwelling unit of a single family, an individual, or a group of individuals.

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

**Attic** means the space of room in a building next below the roof.

**Basement** means a story having more than **one-half (1/2)** of its height below the average level of the adjoining ground.

**Billboard** means any single-faced or double-faced sign displaying messages or advertising not associated with the premises on which the sign is located or to which it is affixed.

**Bituminous Concrete** means a mixture of petroleum by-products and gravel used for paving to form a smooth, permanent surface. It does not mean "oil and chip".

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

**Board of Appeals** means the Zoning Board of Appeals of the City.

**Boarding House** means a building other than a hotel or restaurant where meals are provided for compensation to **three (3)** or more persons, but not more than **ten (10)** who are not members of the keeper's family, but not open on a daily, overnight or per meal basis to transient guests.

**Buffer Strip** means an area of land undeveloped except for landscaping fences, etc., used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

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

**Building or Structure Height** means the vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

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

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

- (A) Size or height of structure;
- (B) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) Lot area;
- (D) Yards or setbacks;

**Centerline** means:

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

**Certificate of Zoning Compliance, Final** means a permit issued by the Administrator indicating that a lot or newly completed structure or use complied with all pertinent requirements of this Code and therefore, may be occupied or used.

**Certificate of Zoning Compliance, Initial** means a permit issued by the Administrator indicating a proposed lot, structure or use is in conformity with the requirements of this Code.

**City** means either the territory or the local government of the Municipality.

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

**Club/Lodge** means a non-profit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

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

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

**Convenience/Gasoline Service Station** means a building or premises or portion thereof used for retail sales of gasoline, oil and accessories of motor vehicles, and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on the premises where it is sold.

**Corrective Action Order** means a legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

**Day Care Center** means an establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary or elementary school age.

**Detached**, as applied to buildings, means surrounded by yards on the same lot as the building.

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

**Dimensions** refers to both lot depth and lot width.

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

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

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

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

**Drive-In Theater** means a tract of land developed with facilities for projecting motion pictures on an outdoor screen for viewing from the patrons' automobiles parked on the premises.

**Dwelling** means a building or portion thereof designed or used primarily as living quarters for **one (1)** or more families, but not including hotels, motels, and other accommodations for the transient public.

**Dwelling, Multiple-Family** means a building or portion thereof containing **three (3)** or more dwelling units.

**Dwelling, Single-Family** means a dwelling containing **one (1)** dwelling unit and intended for the occupancy of **one (1) family**.

**Dwelling, Two-Family** means a dwelling containing **two (2) dwelling units**.

**Dwelling Unit** means **two (2)** or more rooms designed or used as living quarters by **one (1) family**. A "dwelling unit" always includes a bathroom and a kitchen.

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

**Educational Institution** means a public, parochial, charitable, or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

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

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

**Erect** means to build or construct.

**Essential Governmental or Public Utility Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments, or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, 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 municipal departments or commissions or for the public health or safety or general welfare, but not including buildings.

**Establishment** means either of the following:

(A) an institutional, business, commercial, or industrial activity that is the sole occupant of **one (1)** or more buildings; or

(B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

- (1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
- (2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

***Existing*** means actually constructed or in operation on the effective date of this Code.

***Factory-Built Home*** means any residential dwelling that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site. Factory-built homes shall include, but are not limited to, manufactured homes, modular homes, and mobile homes.

***Family*** means:

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

(B) 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

(C) A group of not more than **two (2)** 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, Gross*** means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. "Gross floor area" includes basement floors, attic floor space, halls, closets, stairwells, space devoted to mechanical equipment, and enclosed porches.

***Freight Terminal***, as applied to motor carriers subject to the **Illinois Compiled Statutes, Chapter 625**, a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

***Frontage*** means the lineal extent of the front (street side) of a lot or establishment.

***Frost Depth or Frost Line*** means the depth of frost penetration into the soil, and for purposes of this Code, means a minimum of **twenty-four (24) inches. (Ord. No. 10-02; 01-12-10)**

***Garage, Private*** means a garage for **four (4)** or less passenger motor vehicles without provision for repairing or servicing such vehicle(s) for profit.

***Greenhouse:*** (See "Nursery")

***Hereafter*** means any time after the effective date of this Code.

**Home Occupation** means any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Code.

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

**Hotel** means a building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment house.

**Immobilize:** (See "Mobile Home, Immobilized") **(#96-13)**

**Intersection** means the point at which **two (2)** or more public rights-of-way (generally streets) meet.

**Junk Yard** means a tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags, and rubber tires. A lot on which **one (1)** or more inoperable or abandoned vehicles are stored shall be deemed a junk yard.

**Kenel** means any structure or lot on which **three (3)** or more domesticated animals over **four (4) months** of age are kept.

**Loading Space** means 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.

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

**Lot, Corner** means a lot having at least **two (2)** adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

**Lot, Through** means a lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets.

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

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

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

**Lot Line, Front** means the lot line abutting the street.

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

**Lot Line, Side** means any 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** means an area of land designated as a lot on a plat of subdivision recorded with the County Clerk in accordance with State law.

**Lot Size Requirements** refers to the lot area, width, and depth requirements of the applicable district.

**Lot Width** means the mean horizontal width of a lot measured at right angles to the side lot lines at the building line; or the same distance measured at a point midway between the front lot line and the rear lot line.

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

**Manufactured Housing, Manufactured Housing Unit or Manufactured Home** means a building assembly or system of building subassemblies designed for habitation as a dwelling for **one (1)** or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation that goes below the frost depth. **(Ord. No. 10-02; 01-12-10)**

(A) **Construction Standards for Manufactured Homes:** To be acceptable as dwelling units within the City limits, a manufactured home must be built in accordance with the National Manufactured Housing Construction and Safety Act of 1976 (42 U.S.C. 5403(d)).

(B) **Standards for Determination of Acceptable Similarity in Exterior Appearance, Manufactured Home:** The following standards shall be used in appearance between manufactured homes and residences constructed on the site to assure that such manufactured homes, with visible foundation will be compatible in appearance with site built housing that has been or may be constructed in adjacent or nearby locations. In addition to

meeting the following standards, no manufactured home shall have fenestration or other features, that would be incompatible in a general residential neighborhood in which most residences are site built.

(C) **Minimum Width of Main Body:** Minimum width of main body of the manufactured home as assembled on the site shall not be less than **twenty (20) feet**, as measured at the narrowest point.

(D) **Minimum Roof Pitch: Minimum Distance, Eaves to Ridge; Roofing Materials.** The pitch of the main roof shall be not less than **four (4)** units vertical in **twelve (12)** units horizontal (4:12). In general, any roofing material may be used that is generally acceptable for housing built on site, if applied in such manner as to be similar in appearance, provided however, that the following shall not be acceptable:

- (1) Metal roofs except for shake-style aluminum shingles which are indistinguishable in appearance from other shingles.
- (2) Types of roofing permitted under the HUD Code that would be unacceptable in general residential districts.

**(Ord. No. 10-02; 01-12-10)**

(E) **Exterior Finish; Light Reflection:** Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance, provided, however, that reflection from such exterior shall not be greater than siding coated with clean, white, gloss, exterior enamel.

(F) **Minimum Dimensions Parallel to Principal Street Frontage:** Manufactured Homes shall be so located on lots that the portions nearest the principle street frontage are at least **thirty (30) feet** in total dimension parallel to the street. Such dimensions shall be measured from outer extremities, including eaves, and shall include any additions to the main body of the manufactured home, such as living or recreation rooms, garages or carports, utility rooms and the like, the front portions of which are within **ten (10) feet** of the front of the main body of the manufactured home.

(G) **Minimum Floor Area:** In all districts, minimum floor area required shall be as designated for the district. Such floor area shall include that of any attached living area, but not the floor area of attached carports, garages, utility or storage rooms.

(H) **Permanent Foundation** means a continuous perimeter foundation consisting of materials such as concrete, mortared concrete block or mortared brick that extends into the ground below the established frost depth, upon which the manufactured home must be supported by and be anchored to, but does not exclude the use of piers, the footings of which shall also extend below the frost line, for support in addition thereto. **(Ord. No. 10-02; 01-12-10)**

**Marquee or Canopy** means a roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public way.

**Mobile Home** means a movable or portable unit, which is **eight (8) body feet** or more in width and is **thirty-two (32) body feet** or more in length, and constructed to be towed on its own chassis (comprises of frame and wheels) from the place of construction to the location or subsequent locations, subject of the provisions of **Chapter 15** of the Illinois Vehicle Code, and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include:

(A) units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity, and

(B) units composed of **two (2)** or more separately towable components designed to be joined into **one (1)** integral unit capable of being separated again into the components for repeated towing. The term shall include units designed to be used for residential, commercial, educational, or industrial purposes, excluding, however, recreational vehicles.

**Mobile Home, Immobilized** means any mobile home resting on a permanent foundation with wheels, tongue, and hitch permanently removed. The City Council establishes the following criteria to complete the immobilization of a mobile home:

(A) The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation. **(Ord. No. 10-02; 01-12-10)**

**Mobile Home Park** means a tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **five (5)** or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being a part of a mobile home park. **(See 210 ILCS Sec. 115/2.5) (Ord. No. 96-13; 12-10-96)**

**Mobile Home Stand** means the part of a mobile home space beneath the mobile home that includes the concrete slab on which the home is placed and to which it is anchored.

**Mobile or Portable Marquee** is a term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

**Modular Units or Modular Home** is synonymous with and has the same meaning as manufactured housing, manufactured housing unit or manufactured home. **(Ord. No. 10-02; 01-12-10)**

**Motel or Motor Hotel** means 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.

**Nonconforming**, as applied to a lot, structure, or use, means:

- (A) lawfully existing on the effective date of this Code, but
- (B) not in compliance with the applicable provisions thereof.

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

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

**Nursery School or Day Care Center** means an establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary or elementary school age.

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

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

**Official Map** means the portion of the master plan which designates land necessary for public facilities or uses. It shall include streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan. It can be one or more separate geographical or functional parts or include all or any part of the contiguous, unincorporated area under the planning jurisdiction of the City.

**Overlay District** means a zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, etc.

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

**Parking Lot, Commercial** means land that is improved in accordance with this Code and shall be limited to automobiles and trucks **one (1) ton** and under.

**Parking Space, Off-Street** means an area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

**Permitted Use** means any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

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

**Planned Development Project** means a residential or commercial development on a parcel of land in single ownership and consisting of **two (2)** or more buildings having any yard, court, parking or loading space in common.

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

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

**Professional Office** means 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, or engineers 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.

**Property Line:** (See "Lot Line".)

**Public Buildings** means 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** means any publicly-owned open area, including, but not limited to the following: Parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

**Public Utilities** means utilities which are either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

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

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

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

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

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

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

**Restrictive** means tending to keep within prescribed limits.

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

**Right-of-Way, Public** means a strip of land which the owner/subdivider has dedicated to the City or to another unit of government for streets and alleys.

**Roof Line** means a horizontal line parallel to the average ground level of a building along the front thereof, which line delineates the highest point of a flat roof; or where the flat surface area of a gable, hip, mansard, or gambrel roof is in view from the ground level, the line of demarcation between the flat surface and the vertically structured façade; or the line along the front of a building delineating the roof line between eaves and ridge for gable, hip, and gambrel roofs.

**Satellite Dish** means a dish-shaped antenna used to receive signals from satellites.

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

**Semi-Finished Materials** means materials which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state, but are readily usable by light industry for assembly or manufacture into consumer goods.

**Service Building** means a structure within a mobile home park or travel trailer park that contains toilet facilities, clothes washers and dryers and in some instances, a convenience store.

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

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

**Setback** means the horizontal distance from the lot line in question to the side of the structure facing that lot line or to the edge of the area of operation of the principal use (in the case of a use which does not involve a structure).

**Sewage Treatment Plant, Private** shall mean any properly constructed disposal system intended for the treatment of wastewaters from more than **one (1) residence** and/or building unit.

**Sign** means any object, device, display or structure or part thereof used to advertise, identify, display or attract attention to a person, establishment, product, service or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illuminations, etc. The term "sign" includes, but is not limited to, every projecting sign, freestanding sign, awning, canopy, marquee sign; changeable copy sign, illuminated sign; moving sign, temporary sign; portable sign; or other display whether affixed to a building or erected elsewhere on the premises. The term "sign" excludes features of a building which are an integral part of the building's design (e.g., the "castle-look" of a White Castle restaurant).

**Sign, Canopy/Marquee** means any sign affixed to, painted on, or suspended from an awning, canopy, marquee or similar overhang.

**Sign, Flush-Mounted** means any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not projecting more than **eighteen (18) inches**. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

**Sign, Freestanding** means any sign supported by **one (1)** or more uprights, poles, or braces placed in or upon the ground; or any sign supported by any structure erected primarily for the display and support of the sign; provided that a freestanding sign displays only messages associated with the structure to which it is attached.

**Sign, Projecting** means any sign which is suspended from or supported by a wall, awning, canopy, marquee, etc., and which is approximately perpendicular thereto. A projecting sign displays only messages associated with the structure to which it is attached.

**Sign Area** means the entire area within a single, continuous perimeter enclosing the extreme limits of the message and the background thereof, calculated in accordance with the provisions of this Code.

**Sign Area Allowance** means the maximum total sign area of all signs that an establishment is permitted to display.

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

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

**Special-Use Permit** means a permit issued in accordance with the provisions of this Code to regulate development of a special-use.

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

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

**Street, Private** means any street providing access to abutting property that is not maintained by and dedicated to the Municipality or other public entity.

**Stringent** means binding and/or exacting.

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

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

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

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

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

**Vacant**, as applied to a lot, means that no structure is situated thereon.

**Variance** means a relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

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

**Window Sign** means any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing passersby of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

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

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

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

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

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

**Zoning Administrator; Zoning Official or Zoning Officer** means the Zoning Administrator of this City or his authorized representative.

**Zoning Map** means the map(s) and any amendments thereto designating zoning districts, and incorporated into this Code by reference.

**ARTICLE III – GENERAL ZONING REGULATIONS**

**DIVISION I - GENERALLY**

**40-3-1**     **ESTABLISHMENT OF DISTRICTS.** In order to implement the regulatory scheme of this Code so as to achieve the objectives enumerated in **Section 40-1-2**, the entire City is hereby divided into the following zoning districts:

<u><b>DISTRICT</b></u>	<u><b>DESIGNATION</b></u>	<u><b>MINIMUM AREA*</b></u>
Agricultural	A-1	3 acres
Single Family Residence (Large)	SR-1	5 acres
General Residence (Small)	SR-2	3 acres
Two-Family Residence	MR-1	3 acres
Multiple-Family Residence	MR-2	3 acres
Mobile Housing	MH-1	3 acres
Community Business	B-1	1 acre
Highway Business	B-2	2 acres
Industrial	I-1	5 acres
Flood Plain Overlay	O-FP	None

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\* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the acreage of numerous noncontiguous parcels, when aggregated, happens to equal or exceed the minimum area indicated above.

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**40-3-2**     **ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the listed zoning districts are hereby established as shown on the Official Zoning Map of the City. This map, including all notations and other information thereof is hereby made a part of this Code by reference. The Official Zoning Map shall be kept on file in the Administrator's office.

**40-3-3 ANNUAL PUBLICATION.** In accordance with State Law, if any changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the revised official zoning map of the City not later than **March 31<sup>st</sup>** of the following year. **(See 65 ILCS Sec. 5/11-13-19)**

**NOTE: The map shall be published if there are any annexations.**

**40-3-4 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.** In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- |   |                                  |
|---|----------------------------------|
| (1) Center line of any street, alley or highway | Such centerline.                 |
| (2) Lot line                                    | Such lot line.                   |
| (3) Railroad tracks                             | Right-of-way line of such tracks |
| (4) Stream                                      | Center of such stream            |
| (5) Section, fraction or survey lines           | Such lines.                      |

(B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

**40-3-5 ANNEXED TERRITORY.** Any territory hereafter annexed to the Municipality shall automatically be in the R-1, Single-Family Residence District until duly changed by an amendment to this Code; except that the City Council, with the advice of the Plan Commission, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met.

**40-3-6 GENERAL PROHIBITION.** Hereafter, it shall be unlawful to do the following within the City:

- (A) Erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;\*
- (B) to create any lot;\* or
- (C) to use, occupy, or develop any lot or part thereof;\*

\*EXCEPT in conformity with the provisions of this Code.

**40-3-7 UNLISTED USES PROHIBITED.** Whenever any use is not specifically listed as “permitted” or “special” within a particular zoning district, such use shall be deemed prohibited in that district. However, if the City Council, following consultation with the Zoning Administrator and the Zoning Board finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use. The decision of the City Council shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

**40-3-8 MEETING MINIMUM REQUIREMENTS.** Except as specifically provided otherwise elsewhere in this Code, every lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located independently; that is, without counting any portion of any abutting lot.

**40-3-9 ACCESS REQUIRED.** No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public street or private street.

**40-3-10 FRONT SETBACKS - CORNER/THROUGH LOTS.** Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage. **(See Sketch at end of Code)**

**40-3-11 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS.** Except as specifically provided otherwise in the “B-1” – General Business District and in all residential zoning districts where lots having **fifty percent (50%)** or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setback on that block shall be the average of the existing front setbacks, but no less than **five (5) feet**, provided, however, that in any built-up area, no front setback greater than **fifty (50) feet**, shall be required.

**40-3-12 INTRUSIONS INTO YARDS.** To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<b><u>FEATURES</u></b>	<b><u>MAXIMUM INTRUSION</u></b>
(A) Cornices, chimneys, planters or similar architectural features	Two (2) feet.
(B) Fire escapes	Four (4) feet.
(C) Patios uncovered at ground level	NO LIMIT

- |     |  |                |
|-----|--|----------------|
| (D) | Porches, if unenclosed and at ground level | Six (6) feet.  |
| (E) | Balconies and decks                        | Four (4) feet. |
| (F) | Canopies, roof overhangs                   | Four (4) feet. |

**40-3-13      EXCEPTIONS TO HEIGHT LIMITS.**

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

(B)      **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2) feet** and **ten (10) feet** above the level of the adjacent street. **(See Figure 1 at the end of this Code.)**

**40-3-14      SEWERS, SEPTIC TANKS.** In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A)      Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **three hundred (300) feet**, all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.

(B)      Whenever the public sanitary sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, **(Ill. Comp. Stat., Ch. 225; Sec. 225/1 through 225/23)** as amended from time to time; and
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as amended from time to time; and
- (3) Pertinent, current regulation issued by the **Illinois Environmental Protection Agency**; and
- (4) Applicable codes and regulations of the City, particularly the **Subdivision Code.**

The Administrator shall not issue any Initial Certificate of Zoning Compliance unless, following consultation with the City Engineer, he is satisfied that these requirements will be met. **(Also, See Chapter 38 entitled "Utilities" of Revised Code)**

**40-3-15      ACCESSORY USES.**

(A) Any accessory use shall be deemed permitted in a particular zoning district if such use:

- (1) meets the definitions of "accessory use" found in **Section 40-2-2;**
- (2) is accessory to a principal structure or use that is allowed in a particular zoning district as a permitted or special use; and
- (3) is in compliance with restrictions set forth in **Section 40-3-16.**

(B) If an accessory structure is attached to a principal structure, it shall be considered part of such structure. (**See Definition of "Attached" in Section 40-2-2**)

**40-3-16      ACCESSORY USE RESTRICTIONS.**

(A) **Height.** No accessory use shall be higher than **twenty-five (25) feet** in any Zoning District; provided, there shall be no height limit on accessory structures related to agriculture.

(B) **Schedule.** No accessory use in any zoning district shall be located in any part of any yard (front, side or rear) that is required because of the setback regulations of such district; provided that in the Agricultural District or in any Residential District, an accessory use may be located as close as **three (3) feet** to any side or rear lot line with Administrator approval otherwise setback regulations for that district shall apply.

(C) **Yard Coverage.** Accessory uses shall not cover more than **thirty percent (30%)** of a required rear yard.

(D) **Use As Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited throughout the City.

**40-3-17      AREA BULK REGULATIONS.** To facilitate public understanding of this Code, the Area-Bulk Regulation Schedule is hereby adopted and declared to be an integral part of this Code and it may be amended in the same manner as any other part of this Code. The Schedule is found at the conclusion of this Code.

**40-3-18 - 40-3-19      RESERVED.**

**DIVISION II - PLANNED DEVELOPMENTS**

**40-3-20** **PLANNED DEVELOPMENT DEFINED.** As used in this Division, the term "planned development" or "PD" means a development wherein, in accordance with an approved development plan:

- (A) common open space is reserved;
- (B) various housing types and other structures and uses may be mixed and/or
- (C) overall average density does not exceed the usual zoning district limit;
- (D) the minimum area shall be **three (3) acres.**

**40-3-21** **OBJECTIVES.** This Section authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in **Section 40-1-2** and the following additional objectives:

- (A) to provide a regulatory mechanism whereby the City can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits;
- (B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
- (C) to preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;
- (D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (E) to ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;
- (F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

**40-3-22** **COMPLIANCE WITH REGULATIONS GENERALLY REQUIRED.** Except as specifically provided otherwise in this Code, planned developments--including all structures and uses therein--shall, at a minimum, be built in conformity with all applicable codes and ordinances, including the Zoning Code and the Subdivision Code.

**40-3-23** **DISTRICTS WHERE ALLOWED.** Planned Developments may be built in any Zoning District, but only upon the issuance of a special-use permit by the Zoning Board of Appeals after a hearing before the Planning and Zoning Commission. **(See Sec. 40-10-26)**

**40-3-24** **PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS.** The Planned Development concept is intended to afford both the developer and the City considerable

flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the Zoning Board of Appeals, provided that in approving such mixed uses, the Zoning Board of Appeals may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In Planned Developments, the Zoning Board of Appeals may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(C) **Accessory Uses.** In PDs the Zoning Board of Appeals may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(D) **Location of Parking/Loading Spaces.** By permission of the Zoning Board of Appeals, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Article V** of this Code.

**40-3-25 PROCEDURES FOR PLANNED DEVELOPMENTS.** Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A) Filing development plan with the Zoning Administrator;
- (B) Review of plans by Plan Commission;
- (C) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
- (D) Recommendation by Plan Commission;
- (E) Public hearing by the Zoning Board of Appeals as per the requirements of **Article X - Administration**;
- (F) Decision of the Zoning Board of Appeals regarding approval/rejection of the development plan;
- (G) Recording of development plan with the County Recorder of Deeds;
- (H) Approval of City Council (if necessary).

**40-3-26 APPLICATION; INFORMATION REQUIRED.** Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

**40-3-26.1 WRITTEN DOCUMENTS.**

- (A) Legal description of the total site proposed for development;
- (B) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- (C) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (D) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- (E) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
- (F) Data indicating:
  - (1) total number and type of proposed dwelling units;
  - (2) gross and net acreage of parcel;
  - (3) acreage of gross and usable open space; and
  - (4) area of any commercial uses.

**40-3-26.2 GRAPHIC MATERIALS.**

- (A) Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas;
- (B) Proposed lot lines and plot designs;
- (C) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
- (D) Location and size in acres or square feet or all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- (E) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
- (F) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
- (G) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines;
- (H) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- (I) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
- (J) Any additional information required by the City to evaluate the character and impact of the proposed PD.
- (K) Appropriate seals of the licensed surveyor, engineer or architect.

**40-3-27      CRITERIA CONSIDERED.** The Zoning Board of Appeals, after meeting with the Plan Commission, shall compile a written report which either accepts or rejects the Development Plan. In making their decision, the Zoning Board of Appeals shall consider the following criteria:

(A)            The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;

(B)            The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.

(C)            Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;

(D)            The compatibility of the proposed PD with adjacent properties and surrounding area; and

(E)            Any other reasonable criteria that the Zoning Board of Appeals may devise.

**40-3-28      DECISION BY ZONING BOARD.** The Zoning Board of Appeals shall either approve or disapprove each and every Development Plan. However, the Zoning Board shall not approve any PD unless:

(A)            The developer has posted a performance bond or deposited funds in escrow in the amount the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

(B)            The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(C)            The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. (Deviations to the extent permitted under **Section 40-3-27** shall not be deemed as noncomplying.)

**40-3-29      CHANGES IN APPROVED PLANS.** No changes shall be made to any approved PD Development Plan, except as follows:

(A)            **Minor** changes, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(B)            All other changes shall require a public hearing before the Zoning Board of Appeals.

(C)            No approved change shall have any effect until it is recorded with the County Clerk as an amendment to the recorded copy of the Development Plan. (**See Article X - Division V**)

**40-3-30**     **FAILURE TO BEGIN DEVELOPMENT.** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be applicable:

- (A)           The special-use permit shall be automatically revoked; and
- (B)           any zoning permits shall automatically become null and void; and
- (C)           all regulations applicable before the PD was approved shall automatically be in full effect.

**40-3-31**     **MUNICIPAL EXEMPTION.** In conjunction with any existing or proposed development, the City shall be exempt from all of the provisions of this Article.

**40-3-32 - 40-3-33**     **RESERVED.**

**DIVISION III – PARABOLIC OR DISH-TYPE ANTENNAS**

**40-3-34**     **REQUIREMENTS.** Parabolic or dish-type antennas located outside of the business or residence shall meet the following requirements:

(A)           Maximum number per business lot or residence lot shall be **one (1)** antenna. Businesses selling these dishes shall be allowed a maximum of **three (3)** and only **one (1)** of these shall be allowed in front of the building.

(B)           The parabolic or dish-type antenna shall be located in the rear yard, except that when the main building is on a corner lot, the parabolic or dish-type antenna cannot be closer to the adjoining side street than the main building is permitted to be located.

(C)           The parabolic or dish-type antenna shall be located in the rear yard, except that if a usable satellite signal cannot be obtained from the rear yard, the antenna may be located on the side yard of the property, subject to the approval of the Zoning Administrator and subject to the other requirements of this Section.

In the event that a usable satellite signal cannot be obtained from the rear or side yard of the property, such antenna may be placed on the roof of a structure subject to the approval of the Zoning Administrator and subject to the other requirements of this Section.

(D)           Screening shall be as deemed necessary by the Zoning Administrator for commercial installations.

(E)           All parts of the parabolic or dish-type antenna structure must be a minimum of **three (3) feet** from all property lines of the lot.

(F)           The parabolic or dish-type antenna shall be mounted on a steel pipe support embedded in a concrete foundation, and the parabolic or dish-type antenna, when turned perpendicular to the ground, together with the base, shall not extend more than **fifteen (15) feet** above the ground. The main diameter of the parabolic or dish-type antenna shall not exceed **eleven (11) feet**.

(G)           All petitions for a variance from the provisions of this Section shall be heard by the Zoning Board of Appeals and as provided in **Article X, Division III**.

(H)           A Zoning Occupancy Permit shall be required prior to erection of any such parabolic or dish-type antenna.

(I)           No parabolic or dish-type antenna shall be roof-mounted unless the dish is **six (6) feet** or less in diameter and is mounted on the rear portion of the roof.

(J)           No parabolic or dish-type antenna shall be used or serve as a sign for the purpose of advertisement by a business or commercial unit.

(K)           **Nuisance and Injunction.** Any violation of this Section is hereby declared to be a nuisance. In addition to any other relief provided by this Code, the City Attorney may apply to a Court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Section. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

(L)           This Section shall not apply to any existing parabolic or dish-type antennae which have been installed prior to the effective date of this Code.

**40-3-35 - 40-3-36**     **RESERVED.**

ARTICLE IV

REGULATIONS FOR SPECIFIC DISTRICTS

DIVISION I – “A-1” - AGRICULTURAL DISTRICT

40-4-1 **“A-1” - AGRICULTURAL DISTRICT.** This District is created to provide land for purposes devoted primarily to the production of agricultural products such as field crops, livestock, fowl, and other agriculture pursuits. Other limited compatible uses are also permitted. This District is also created to assist in the conservation of natural resources within the jurisdiction of this Article by encouraging practices which will conserve soil, soil resources, water, water resources, and prevent soil erosion and flood water damages. Uses not related to agriculture are discouraged. When the public interest will be served and only when a contribution will be made to orderly growth, portions of this District may be re-zoned for alternative uses.

The “A-1” Agricultural District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Some tracts of land in this district are fertile and relatively level and best suited for agricultural pursuits. Other tracts in this district have such poor soils, steep slopes, inadequate natural drainage, and/or other problems, or are simply so distant from existing developed areas that the provision and maintenance of roads, utilities, and storm water drainage systems would be impractical or burdensomely expensive to the tax-paying public.

40-4-2 **ONE PRIMARY DWELLING ON ONE LOT.** In the “A-1” District, only **one (1) primary dwelling** shall be situated on any **one (1) lot**, except a second residential structure shall be permitted on the same parcel of land for use by an immediate family member or employee.

40-4-3 **LOT AND BUILDING REQUIREMENTS.** Every principal residential structure erected in the “A-1” District shall conform to the following requirements, except where State law prohibits regulation or defines other requirements. In cases of conflict, State law shall prevail:

- |     |  |          |
|-----|--|----------|
| (A) | Minimum Lot Area                                   | 3 Acres  |
| (B) | Minimum Lot Width at the established building line | 150 feet |
| (C) | Minimum Lot Depth                                  | 200 feet |
| (D) | Minimum Setbacks                                   |          |
|     | (1) From front lot line                            | 50 feet  |
|     | (2) Total for both side yard lines                 | 30 feet  |
|     | (3) From either side lot line                      | 10 feet  |
|     | (4) From rear lot line                             | 50 feet  |
|     | (5) From side yard abutting street                 | 25 feet  |

- (6) When an "A-1" lot abuts any "R" Zone, setback on the abutting side shall meet that "R" Zone requirement.
- (7) When an "A-1" lot abuts any "B" Zone, the "A-1" Zones will apply.
- (E) Maximum Building Height 35 feet  
(Does not apply to accessory agricultural structures)
- (F) Minimum Floor Area of Primary Living Unit 1,200 sq. ft.
- (G) Minimum Floor Area of Secondary Living Unit 480 sq. ft.

**40-4-4 PERMITTED USES.** The following uses shall be permitted in the "A-1" - Agricultural District:

Accessory uses in accordance with **Section 40-3-15.**

Agricultural implement sales.

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-2** are met.

Animal hospitals and veterinary facilities.

Cemeteries.

Churches and other places of formal worship.

Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.

Commercial establishments, wholesale and retail except those listed under **Section 40-4-43.**

Government uses.

Home occupations.

Kennels, commercial.

Nurseries, greenhouses, temporary or permanent produce stands. (Grown on the premises)

Public utility administration facilities.

Single-family dwellings to include mobile, modular, and manufactured homes; primary structures must conform with the immobilized regulations of **Section 40-2-2.** Secondary structures may remain mobilized.

Utility substations – including storage yards and buildings.

**40-4-5 SPECIAL USES.** The following uses may be allowed by special-use permit in accordance with **Section 40-10-24**, et seq. of this Code in the "A-1" - Agricultural District:

Amusement facilities, such as go-cart tracks, miniature golf courses, etc.

Golf courses, regulation size.

Institutions, such as convents, retreat houses, seminaries, etc.

Nursing homes, sanitariums.

**40-4-6**      **PROHIBITED USES.** The following uses are prohibited but are not all-inclusive:

- Salvage (junk) yards.
- Slaughter houses.
- Sanitary landfill.
- Rendering plants.
- Multi-family dwellings.

**DIVISION II - SINGLE-FAMILY DISTRICTS**

**40-4-7      "SR-1" - SINGLE-FAMILY RESIDENCE DISTRICT (LARGE LOT).** In the "SR-1" Single-Family Residence District land is principally used for or is best suited for detached, single-family dwellings and related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing single-family neighborhoods, and to promote the development of subdivisions offering a range of new conventionally constructed single-family housing. Other types of residences (mobile homes, immobilized mobile homes, duplexes, apartments, etc.) are strictly prohibited in this district.

**40-4-8      SPECIAL RESTRICTIONS.**

(A)      **One Principal Building Per Lot.** In the "SR-1" District, only **one (1)** principal building shall be situated on any **one (1) lot**.

(B)      **Mobile Home Restrictions.** No mobile home shall be brought into or placed anywhere in the "SR-1" District. **(Ord. No. 08-16; 06-10-08)**

(C)      All manufactured homes shall be no more than **five (5) years** old the year they are installed and shall not be installed until passing inspection by the Code Enforcement Officer. Older manufactured homes may be installed if approved by the Zoning Board of Appeals and after it passes inspection by the Code Enforcement Officer. **(Ord. No. 10-02; 01-12-10)**

**40-4-9      LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "SR-1" District shall conform to the following requirements:

- (A)      Minimum Lot Area      9,500 sq. ft.
- (B)      Minimum Lot Width at the established building line      80 feet
- (C)      Minimum Lot Depth      100 feet
- (D)      Minimum Setbacks
  - (1)      From front lot line      25 feet
  - (2)      From either side lot line      10 feet
  - (3)      From rear lot line      35 feet
  - (4)      From side yard abutting street      25 feet
- (E)      Maximum Building Height      35 feet
- (F)      Minimum Off-Street Parking Per Dwelling Unit      2 spaces
- (G)      Maximum Percent Coverage Per Lot      35%
- (H)      Minimum Floor Area of a Living Unit      1,100 sq. ft.

**(Ord. No. 00-26; 09-09-00)**

**40-4-10      PERMITTED USES.** The following uses shall be permitted in the "SR-1" - Single-Family Residential District:

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-2** are met.

Government uses.

Single-family dwellings to include modular and manufactured homes.

Accessory uses in accordance with **Section 40-3-15**.

**40-4-11 SPECIAL USES.** The following special uses may be allowed by Special-Use Permit in accordance with **Section 40-10-24** of this Code in the **"SR-1" District:**

Churches and related religious facilities.

Home occupations, but only in conformity with the requirements of **Section 40-5-4**.

Schools.

Utility substations.

**40-4-12 "SR-2" - SINGLE-FAMILY RESIDENCE DISTRICT (SMALL LOT).**  
The "SR-2" Single-Family Residence District encompasses areas suitable for single-family dwellings as well as related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing single-family neighborhoods, and to promote the development of subdivisions offering a range of new conventionally constructed single-family housing. Other types of residences (mobile homes, immobilized mobile homes, apartments, etc.) are strictly prohibited in this district.

**40-4-13 SPECIAL RESTRICTIONS.** The provisions of **Section 40-4-8** shall be controlling in this district.

**40-4-14 LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "SR-2" District shall conform to the following requirements:

(A)	Minimum Lot Area	6,000 sq. ft.
(B)	Minimum Lot Width at the established building line	50 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yards	15 feet
	(3) From either side lot line	5 feet
	(4) From rear lot line	25 feet
	(5) From abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking <u>Per Dwelling Unit</u>	2 spaces
(G)	Maximum Percent Coverage Per Lot	35%
(H)	Minimum Floor Area of a Living Unit	900 sq. ft.

**(Ord. No. 00-26; 09-09-00)**

**40-4-15 PERMITTED USES.** The following uses may be permitted in the "SR-2" - Single-family Residential District:

Any use permitted in the "SR-1" District.  
Museums.

**40-4-16 SPECIAL USES.** The following uses may be allowed in the "SR-2" District by Special-Use Permit in accordance with **Section 40-10-24**, to-wit:

Churches and related religious facilities.  
Duplexes or two-family dwellings.  
Home occupations, but only in conformity with the requirements of **Section 40-5-**

**4.**

Schools.  
Utility substations.

**40-4-17 - 40-4-20 RESERVED.**



**40-4-26     "MR-2" - MULTIPLE-FAMILY RESIDENCE DISTRICT.** The "MR-2", Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings and to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

**40-4-27     LOT AND BUILDING REQUIREMENTS.** Every principal building in the "MR-2" District shall conform to the requirements indicated below:

**NOTE:** Detached single-family and two-family dwellings erected in the "MR-2" District shall comply with all applicable regulations of the "MR-1" District.

(A)	Minimum Lot Area	10,000 sq. ft. or 4,000 sq. ft. per unit, whichever is greater.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side lot lines	15 feet
	(3) From any side lot line	7.5 feet
	(4) From rear lot line	25 feet
	(5) From abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	2 spaces
(G)	Maximum Percent Coverage Per Lot	30%
(H)	Minimum Floor Area of a Living Unit	600 sq. ft.

**40-4-28     PERMITTED USES.** The following uses may be permitted in the "MR-2" - Multiple-Family Residential District:

Any use permitted in the "MR-1" District. (**Section 40-4-24**)  
Multiple-family dwellings.

**40-4-29     SPECIAL USES.** The following uses may be allowed in the "MR-2" District by Special-Use Permit in accordance with **Section 40-10-24**:

- Church and related religious facilities.
- Convenience shops (e.g., small drugstore, food store, laundromat).
- Home occupations, but only in conformity with the requirements of **Section 40-5-4**.
- Nursing homes.
- Quick shops. (**See Section 40-2-2**)
- Schools.
- Utility substations.

**40-4-30 - 40-4-31     RESERVED.**

**DIVISION IV - MOBILE HOUSING DISTRICT**

**40-4-32**     **"MH-1" - MOBILE HOUSING DISTRICT.** The "MH-1" Mobile Housing District is primarily intended to provide areas suitable for the placement of immobilized mobile homes on individual lots, for the establishment of mobile home parks. This district is intended to preserve other residential districts for conventionally constructed dwellings.

**40-4-33**     **MOBILE HOUSING GENERAL REQUIREMENTS.**

(A)           All immobilized mobile homes, or manufactured homes, located outside an approved mobile home park shall be located on property owned by the owner of the said mobile housing unit.

(B)           All mobile homes shall meet the Housing and Urban Development Federal Code known as the "**National Manufactured Home Construction and Safety Standards**".

(C)           All mobile homes and manufactured homes shall be no more than **five (5) years** old the year they are installed and shall not be installed until passing inspection by the Code Enforcement Officer. Older units may be installed if approved by the Zoning Board of Appeals and after it passes an inspection by the Code Enforcement Officer. **(Ord. No. 10-02; 01-12-10)**

(D)           Mobile homes to be installed in a mobile home park and are more than **five (5) years** old, may be installed after it passes an inspection by the Code Enforcement Office.

(E)           All mobile homes which are not immobilized shall be located in mobile home parks.

(F)           Mobile homes shall be utilized only as a dwelling unit for owner or renter occupancy.

(G)           No mobile home or manufactured home shall be brought into or placed **anywhere** on individual lots within a Residential District except as provided in **Section 40-5-12** of this Code.

(H)           All mobile homes will be required to be skirted and anchored.

(1)          Specifically, skirted with fire resistance material. Skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home; and

(2)          Anchoring shall be made in accordance with the Illinois Mobile Home Tiedown Act.

(I)           All mobile homes and manufactured homes shall be connected to all available public utilities in accordance with all requirements for any residential structure in the City, and shall conform to all requirements that are applicable to conventionally constructed dwelling units in the "SR" Districts. **(Ord. No. 00-02; 02-08-00)**

**40-4-34**     **LOT AND BUILDING REQUIREMENTS, IMMOBILIZED MOBILE HOMES AND MODULAR HOMES.**

**NOTE:** Special lot and building requirements are applicable to mobile home parks. **(See Section 40-4-37)**

- |     |  |               |
|-----|--|---------------|
| (A) | Minimum Lot Area                                   | 9,000 sq. ft. |
| (B) | Minimum Lot Width at the established building line | 50 feet       |

(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side lot lines	15 feet
	(3) From any side lot line	5 feet
	(4) From rear lot line	20 feet
	(5) From abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Maximum Percent Coverage Per Lot	25%
(G)	Minimum Off-Street Parking Per Unit	2 spaces
(H)	Minimum Floor Area of a Living Unit	980 sq. ft.

All mobile home districts and/or mobile home parks shall have water and sewer service established on each lot. All existing road and lighting shall be acceptable to the guidelines of the City Council. All lots shall be numbered and recorded as required by the City Code.

**40-4-35 PERMITTED USES.** The following uses may be permitted in the **"MH-1" - Mobile Housing District:**

Any use permitted in the **"MR-1" District. (See Section 40-4-24)**

Immobilized mobile homes on individual lots and manufactured homes, modular homes provided said units conform to all applicable requirements of the Revised Code.

Mobile home parks in conformity with all applicable requirements of this Code.

**40-4-36 SPECIAL USES.** The following special uses may be permitted in the **"MH-1" District** by Special-Use Permit in accordance with **Section 40-10-24:**

Churches and related religious facilities.

Convenience stores.

Home occupations, but only in conformity with the requirements of **Section 40-5-**

**4.**

Multiple-family dwellings.

Nursing homes.

Quick shops. **(See Section 40-2-2)**

Schools.

Utility substations.

**40-4-37 MOBILE HOME PARKS.** After the effective date of this Code, no mobile home park shall be established except in conformity with the requirements of this Division.

**40-4-37.1 GENERAL.**

(A) **Definitions.**

**"Act"** means the Mobile Home Park Act (**210 ILCS Sec. 115/1 et seq.**)

**"Affidavit"** means an oath in writing, sworn before and attested to an individual who has the authority to administer an oath.

**"Applicant"** means any person making application for a license or permit.

"Construction (in a flood plain)" means the placement or erection of structures or earthworks; land filling, excavation or other non-agricultural alteration of a ground surface; installation of public utilities' channel modification; storage of materials or any other activity undertaken to modify the existing physical features of a flood plain with respect to the storage and conveyance of flood waters.

**"Department"** means the State of Illinois Department of Public Health.

**"Division of Water Resources"** means the Illinois Department of Transportation, Division of Water Resources, Department of Transportation Administration Building, Room 300, Springfield, Illinois, 62794.

**"Independent Mobile Home"** means a mobile home which has a self-contained toilet and bath or shower facilities.

**"Individual Utilities"** means the provision for each mobile home of: a separate metered connection to electrical service; separately tapped water service from an approved public water supply or a separate private water supply; and a separately tapped connection to an approved public sewage system or a separate private sewage disposal system.

**"License"** means a certificate issued by the City allowing a person to operate and maintain a mobile home park under the provision of this Code.

**"Licensee"** means any person having a license or permit under this Code.

**"Owner" or "Operator"** means the licensee.

**"Permanent Habitation"** means a period of **two (2)** or more months.

**"Permit"** means a certificate issued by the City permitted the construction, alteration, reduction in number of spaces, or the change in ownership of a mobile home park under the provisions of this Code.

**"Person"** means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof, or any other entity.

**"Revenue Purposes"** shall include, but not be limited to, monies or other valuable consideration paid by a tenant or lessee or paid by a contract purchaser pursuant to a contract for deed, sale or purchase prior to the delivery of the deed conveying legal title.

**"Revocation"** means to declare invalid a permit or license issued to the applicant or licensee by the City for an indefinite period of time.

**"Site"** means the lot on which the mobile home is located for permanent habitation.

**"Space"** means a site for a mobile home.

**"Special Flood Hazard Area"** means an area having special flood hazards and shown as such on a Regulatory Flood Plain Map (published and available from the Division of Water Resources or Flood Insurance Rate Map or Flood Hazard Boundary Map) published by the Federal Insurance Administration of the Federal Emergency Management Agency.

**"State Flood Plain Regulations"** means the rules set forth for the Regulation of Construction within the Flood Plains (92 Ill. Adm., Code 706), issued by the Division of Water Resources.

**"Suspension"** means to declare invalid a permit or license issued to the applicant or licensee by the City, for a temporary period of time with an expectation of resumption.

**40-4-37.2 GENERAL REQUIREMENTS.**

(A) **Planning.** Any person, firm or corporation seeking to establish, maintain, conduct, operate, or alter a mobile home park shall first obtain from the City Zoning Administrator a permit to construct or a permit to alter an original license or a supplemental license to operate a mobile home park, in addition to obtaining a certificate of zoning compliance as required by this Zoning Code.

(B) **Application.**

- (1) All applications for permit or license shall be filed with the City on forms prescribed, prepared, and furnished by the City. The application shall contain such information as will be required by the City for the proper administration and enforcement of this Code.
- (2) Every applicant shall file with the City a written application, in triplicate, and plan documents for the proposed construction or alteration of a mobile home park.
- (3) Applications shall be completed by the applicant or an engineer or architect who is registered and licensed to practice in the State of Illinois, pursuant to **Section 4** of the Act.
- (4) Application for permit or license shall be made according to the requirements of **Section 4** of the Act.
- (5) Each application shall include an application fee of **One Hundred Dollars (\$100.00)** for a permit to construct; or an application fee of **Fifty Dollars (\$50.00)** for a permit to alter or increase the size of the park. No application fee shall be required where the alteration involves a reduction in the number of mobile home spaces or any change not increasing the spaces in the park. The application fee once paid to the City shall not be refunded.
- (6) An application for a permit to alter a licensed mobile home park shall be submitted to the Zoning Administrator for any changes to the water, sewage, fuel, or electrical systems other than normal maintenance, the relocation of sites or the expansion of the number of sites in the park. Detailed plans and specifications shall be provided to show compliance with this Code. A plan review fee of **Fifty Dollars (\$50.00)** shall accompany the application. This fee shall not be refundable. Construction shall not commence until a permit is issued.

- (7) All licenses issued shall be transferable only with the written consent of the Zoning Administrator, provided, however, that the Zoning Administrator may not withhold such consent where the provisions of this Code have been met and the new licensee provides the information required in paragraphs (a), (c) and (e) of Section 4 of the Act.

(C) **Permits.** The City shall review each application and plan documents pursuant to **Sections 40-4-37.2 and 40-4-37.4** of the Division and shall issue permits as specified herein. Operation of the mobile home park shall not commence until a license to operate the new park or additional portion of a mobile home park has been issued as set forth below in **Section 40-4-37.2(D)**.

(D) **Licenses.**

- (1) Upon completion of the proposed construction of a mobile home park or the proposed alteration of a mobile home park, the applicant shall notify the City in order that an inspection of the completed facilities can be made. A license shall be issued by the City upon verification that the construction is in accordance with plans previously submitted, reviewed, and approved by the City, and providing all zoning and building code approvals are obtained and the mobile home park is otherwise in compliance with this Code and all other applicable ordinances of the City.
- (2) An existing mobile home park, not previously licensed by this City, must comply with this Code.
- (3) No license shall be issued unless the requisite fee established pursuant to the following **Section 40-4-37.2(D)(4)** has been paid to the City.
- (4) In addition to the application fees provided for herein, the licensee shall pay to the City on or before **March 31** of each year, an annual license fee which shall be **One Hundred Dollars (\$100.00)** plus **Five Dollars (\$5.00)** for each mobile home space in the park. Annual license fees submitted after **April 30<sup>th</sup>** shall be subject to a **Fifty Dollar (\$50.00)** late fee. The licensee shall also complete and return a license renewal application by **March 31** of each year.  
The licensee shall pay to the City within **thirty (30) days** of receipt of notification from the City **Ten Dollars (\$10.00)** for each additional mobile home site added to his park under authority of a written permit to alter the park as provided in this Subpart, payment for the additional mobile home site to be made and an amended license therefore obtained before any mobile homes are accommodated on the additional mobile home spaces. The City shall issue an amended license to cover such additional mobile home sites, when they are to be occupied before the end of the license year, for which an annual license has been previously issued.

Subsequent to the effective date of this Division, an application for an original license to operate a new park constructed under a permit issued by the City shall only be required to pay **one-fourth (1/4)** of the annual fee if such park begins operation after the **thirty-first (31<sup>st</sup>) day of January** and before the **first (1<sup>st</sup>) day of May** of such licensing year; or **one-half (1/2)** of the annual fee if such park begins operation after the **thirty-first (31<sup>st</sup>) day of October** and before the **first (1<sup>st</sup>) day of February** of such licensing year or **three-fourths (3/4)** of the annual fee if such park begins operation after the **thirty-first (31<sup>st</sup>) day of July** and before the **first (1<sup>st</sup>) day of November** of such licensing year; but shall be required to pay the entire annual fee if such park begins operation after the **thirtieth (30<sup>th</sup>) day of April** and before the **first (1<sup>st</sup>) day of August** of such licensing year. Each license fee shall be paid to the City and any license fee or any part thereof, once paid to and accepted by the City shall not be refunded.

- (5) If an application for a permit to construct, a permit to alter or an original license is declined, the Zoning Administrator shall give the reasons therefore in writing to the applicant, and if the objections can be corrected, the applicant may amend his application and re-submit it for approval.
- (6) Any license granted hereunder shall be subject to revocation or suspension by the Zoning Administrator. However, the Zoning Administrator shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with this Code. Said notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice, within **five (5) days** or within a longer period of time as may be allowed by the Zoning Administrator. If the licensee fails to comply with the terms and conditions of said notice, within the time specified or such extended period of time, the Zoning Administrator may revoke or suspend such license, and the mobile home park shall not be operated during such period of revocation or suspension.
- (7) A mobile home park whose license has been voided, suspended, denied or revoked may be relicensed by submission of the application items required in paragraphs (A), (B), (C) and (E) of Section 4 of the Act and an application fee of **Fifty Dollars (\$50.00)** which is non-refundable. Approval shall be issued if an inspection of the park by the Zoning Administrator indicates compliance with this Code.

(E) **Immobilizing Mobile Homes.** Any mobile home park owner who plans to immobilize mobile homes within the park shall file an application in triplicate with the City, listing the mobile home spaces that are to be immobilized. Upon completion, the owner shall notify the City.

**40-4-37.3 DESIGN VARIANCES AND COMPLIANCE BY EXISTING MOBILE HOME PARKS.**

(A) **Compliance.** All existing mobile home parks shall be required to comply with this Code within the following exceptions:

- (1) Changes shall not be required in items of construction that were completed in accordance with an approved permit to construct or permit to alter or were previously accepted under an original license to operate issued by the State unless such items create a significant health or safety problem including but not limited to sewage systems, or water supplies, as determined by an inspection by the City utilizing the standards set forth in the Private Sewage Disposal Code (**77 Ill. Admn. Code 905**), the Department rules for Drinking Water Systems (**77 Ill. Adm. Code. 900**), and Water Well Construction Code (**77 Ill. Adm. Code 920**), and the Water Well Pump Installation Code (**77 Ill. Adm. Code 925**).
- (2) The City may issue waivers allowing construction at less than the requirements set forth in this Code provided such waivers are necessary to enable the new construction to be compatible with the existing portion of the mobile home park if such waivers will not create significant health or safety problems, as determined by data, calculations, plans, or specifications which support the waiver request.

**40-4-37.4 DESIGN AND CONSTRUCTION REQUIREMENTS.**

(A) **Plan Document.** In order to obtain a permit to construct or alter or an original license to operate a mobile home park not previously licensed by the State or City, the applicant shall submit to the City a written application with **two (2) copies** of the plan documents, together with all information required in **Section 40-9-3** of this Code. The plans shall include the following design and construction criteria:

- (1) Plans and specifications for all buildings, such as service buildings, containing community kitchens, dining rooms, laundries, and lavatory and toilet facilities shall be included.
- (2) All plumbing within a service building shall comply with the Illinois State Plumbing Code (**77 Adm. Code 890**). All electrical and heating installation shall be made in accordance with existing municipal and county building ordinances and the other various codes specified in this Code.

- (3) All mobile home park construction activities in flood plains under the jurisdiction of the City shall be built in accordance with the flood damage prevention standards of the Flood Plain Regulations of the Illinois Department of Transportation, Division of Water Resources.
- (4) When mobile home park construction activities are proposed in a flood plain, the applicant shall contact the State Division of Water Resources to discern if the site is a Special Flood Hazard Area. Determination of Special Flood Hazard Area locations shall be made by utilizing the "Special Flood Hazard Area Location Request Form", which is available from the Illinois Department of Public Health. If the site is located in such an area, plans for the project to be located in a Special Flood Hazard Area will not be approved without a statement from the Division of Water Resources; Chief Flood Plain Management Engineer that it complies with the requirements of Executive Order No. 79-4.

(B) **Location.** Sites selected for mobile home development shall be well drained and free from topographical or geological hindrances. When natural drainage is not available, a storm drainage system shall be provided so that storm water will not endanger any water supply or surface water course.

(C) **Roadways and Parking.**

- (1) All streets in every park shall be constructed and maintained in a passable and dust-proof condition at all times. All streets shall have a minimum width of **twenty-four (24) feet**.
- (2) All streets in mobile home parks shall provide vehicular traffic flow in accordance with the specifications in Table A.
- (3) No portion of a mobile home shall block, in any way, the pedestrian traffic on walkways.

(D) **Mobile Home Sites and Spacing.**

- (1) Every mobile home space shall meet the following requirements:
  - (a) Minimum Area 5,000 sq. ft.
  - (b) Minimum Width 50 feet
  - (c) Minimum Depth 120 feet
- (2) Mobile homes within any park shall be placed so that no part of any mobile home is closer than:
  - (a) **Ten (10) feet** to any part street;
  - (b) **Twenty-five (25) feet** to any boundary line of the park; or
  - (c) **Twenty (20) feet** to any part of any other mobile home or structure.
- (3) **Two (2)** off-street parking spaces shall be provided per mobile home.
- (4) No access way may dead-end except as a cul-de-sac with appropriate turn-around space for emergency vehicles.

- (5) No structure in any mobile home park shall be more than **thirty-five (35) feet** in height.
- (6) Pads, runners, or piers of suitable construction material such as, but not limited to, concrete or cement blocks shall be provided for each lot.
- (7) All sites shall be constructed to allow the mobile home to be tied down in accordance with the Illinois Mobile Home Tiedown Act (**210 ILCS Sec. 120/1 et seq.**) and the rules promulgated thereunder (**77 Ill. Adm. Code 870**).
- (8) The exterior construction material of other than the mobile home itself, including but not limited to storage facilities, mobile home skirting, and underpinning shall be of a fire resistant material meeting ASTM E84 (American Society of Testing and Materials: Standard Method of Test for Surface Burning Characteristics of Building Materials, 1981) surface flame spread rating of 200 or less as stated in the Manufactured Home Construction and Safety Standards, 24 CFR 3280 (June 15, 1976). ASTM E84 (1981) is available from the American Society of Testing and Materials 1916 Race Street, Philadelphia, Pennsylvania, 19101 and does not include any later amendment or editions.

(E) **Potable Water Supply.**

- (1) All mobile home parks licensed for **thirteen (13) spaces** or more and served by their own water supply source shall be considered to have a community public water system under the jurisdiction of the Illinois Environmental Protection Agency. Permits shall be obtained from that agency prior to constructing any portion of the water supply and/or distribution system.
- (2) All water supplied for a mobile home park must be capable of providing at least **two hundred fifty (250) gallons** per space per day and shall come from sources that comply with the Department's rules for Drinking Water Systems (**77 Ill. Adm. Code 900**).

(F) **Distribution System.**

- (1) Potable water distribution systems shall be designed and constructed in accordance with the Department's regulations for Drinking Water Systems. All plumbing shall be installed in accordance with the Illinois State Plumbing Code.
- (2) The inside diameter of the pipe required shall be proportional to the length of the main in accordance with Table B.
- (3) The distribution system shall supply water at a minimum pressure of **twenty (20) pounds** per square inch (psi) during periods of peak demand and usage. When water pressure in the system exceeds **eighty (80) psi**, a water pressure reducing valve shall be installed.

The distribution system shall be looped, whenever possible, and dead and mains shall be equipped with flush hydrants or equivalent.

- (4) A water service connection shall not be less than **three-fourths (3/4) inch** inside diameter and shall not serve more than **one (1)** mobile home at any time.
- (5) All water risers shall be at least **three-fourths (3/4) inch** in diameter and terminate at least **four (4) inches** above finished ground level or **two (2) inches** above encasement. **(See Illustration A)**
- (6) On new installations, water supply outlets at each mobile home site shall be separated not less than **ten (10) feet** horizontally from the sewer outlet.
- (7) All corporation stops and valve cocks shall be approved and installed pursuant to the Illinois State Plumbing Code. Combination stop and waste valves shall not be installed in an underground service pipe.

(G) **Sewage Disposal System.**

- (1) All raw or partially treated sewage within a mobile home park shall discharge into a municipal sewerage system or sewage disposal system approved by the Illinois Environmental Protection Agency or into a private sewage disposal system constructed in accordance with the Illinois Private Sewage Disposal Licensing Act and Sewage Disposal Code (77 Ill. Adm. Code 910).
- (2) A permit must be obtained from the Department to construct a mobile home park sewage disposal system designed to discharge to a subsurface seepage field or designed for approved surface discharge of less than **one thousand five hundred (1,500) gallons** per day. Permits will be granted in accordance with the standards set forth in the Private Sewage Disposal Code (77 Ill. Adm. Code 905.30, 905.40, 905.50 and 905.60).
- (3) If a mobile home park sewage disposal system is designed for surface discharge of **one thousand five hundred (1,500)** or more gallons per day, a permit for construction must be obtained from the Illinois Environmental Protection Agency pursuant to Section 12 of the Illinois Environmental Protection Act.
- (4) If existing sewage disposal systems discharge partially treated sewage in mobile home parks, it shall be reconstructed in compliance with the Illinois Private Sewage Disposal Licensing Act and the Department's Private Sewage Disposal Code or meet the requirements of the Illinois Environmental Protection Act.

- (5) When treatment facilities are designed for a mobile home park, they shall be based on the maximum number of mobile home spaces and designed and constructed on the basis of **two hundred fifty (250) gallons** per space per day.
- (6) At all sewer connections, the sewer riser shall be **four (4) inches** diameter and extend at least **four (4) inches** above the ground. The connection between the riser and mobile home sewer shall be water and odor tight. **(See Illustration B)**
- (7) Waste drain lines from the mobile home outlet to the receiving sewer shall be of a material in accordance with the Illinois State Plumbing Code and shall be installed with a minimum slope of **one-eighth (1/8) inch** per foot toward the receiving sewer and shall be adequately supported to ensure proper drainage.

(H)

**Sewage Collection System.**

- (1) New or altered sewage collection systems shall be designed so as not to conflict with Paragraph (E) of this Section. Distances between sewage collection systems and potable water systems shall be maintained in accordance with the State's rules for Drinking Water Systems (77 Ill. Adm. Code 900).
- (2) The minimum design and slope of new sewer installation shall be determined in accordance with Table C.
- (3) On new installations, manholes shall be provided at every change in direction or grade, at the upper end of every main sewer line, at every junction of **two (2)** or more branch sewers, and at intervals or not more than **four hundred (400) feet**. Clean-outs extending to grade may be used instead of manholes on sewer lines no greater than **eight (8) inches** in diameter, and shall be at intervals of not more than **one hundred (100) feet**.

(I)

**Solid Waste Disposal.**

- (1) All garbage and refuse shall be stored in fly-proof and watertight containers, except when an incinerator device is used in accordance with the Illinois Environmental Protection Act.
  - (a) Garbage containers shall be emptied at least once a week, not filled to overflowing, or allowed to become odorous or breeding areas for insects.
  - (b) Garbage and rubbish shall be disposed of without creating a nuisance or menace to health.
  - (c) Individual refuse containers shall be located at each space or bulk containers shall be located within **one hundred fifty (150) feet** from any mobile home.
  - (d) All containers shall be stored at least **eight (8) inches** off the ground surface or on an impervious slab.

- (e) All refuse, which includes garbage, rubbish, and tin cans, shall be stored in a durable, rust resistance, nonabsorbent, watertight, and rodent-proof container having a tight fitting lid. The container shall be maintained in a sanitary condition and in good repair at all times.
- (f) The minimum capacity for refuse containers shall be equivalent to **forty (40) gallons** per mobile home per week when a centralized collection system is utilized.
- (g) Additional containers shall be required by the City when refuse continuously exceeds the specified capacity of **forty (40) gallons** per mobile home per week.
- (h) Refuse shall not be allowed to be placed on the ground.
- (2) Paper and plastic bags, designed and meant specifically for solid waste and that can be sealed to prevent odor and insect breeding, may be used on occasion as a supplement to basic storage containers provided they are kept properly closed and sealed to prevent entry of insects and rodents when not in use, attached to a holder, properly stored at least **eight (8) inches** above ground to prevent scattering by animals or humans, and provided no evidence of rodent activity is observed.
- (3) The collection of all solid waste shall be performed by a public or private disposal, contractor, if the service is not performed by park personnel.

(J)

**Fire Protection.**

- (1) Each mobile home in a mobile home park shall be equipped with fire extinguishers in working order; one in each end of the mobile home.
- (2) Bales of straw or other flammable material shall not be used for skirting or insulation of the mobile home.

(K)

**Exterior Lighting.**

- (1) Electrical distribution for electrical lighting systems shall be constructed and maintained in accordance with the safety provisions of the National Fire Protection Association National Electrical Code, NFPA 70 (1984). The NFPA 70 (1984) is available from the National Fire Protection Association, Inc. Batterymarch Park, Quincy, Massachusetts 02269 and does not include any later amendments or editions.
- (2) There shall be an average illumination level of at least **0.6 foot candle** and a minimum illumination level of **0.3 foot candle** maintained in all areas of the mobile home park. To achieve this level of illumination, the City recommends the use of **175-watt** mercury/vapor lamp or a **600-watt** tungsten lamp, at an elevation of **twenty-five (25) feet**, every **two hundred fifty (250) feet**.

Individual yard lights, having an average equivalent illumination of a **40-watt** electric light bulb per space, will be acceptable in lieu of a central lighting system.

(L)

**Vector Control.**

- (1) Insect and rodent control measures shall be employed by the mobile home park owner. All buildings shall be insect and rodent proof, and rodent harborages shall not be permitted to exist in the park or pathways.
- (2) The mobile home park owner or manager shall maintain and supervise the park to minimize the potential for transmission of disease by vectors as a result of insect breeding and rodent harborage. Drainage to prevent ponding of water shall be maintained. Tires, open containers or vessels subject to collecting and holding water shall not be permitted. Measures shall be taken to control weed and grass growth. Firewood shall be stored in stacks at least **six (6) inches** above the ground or directly on an impervious surface. Bales of straw or similar material shall not be used as insulation or sheeting material.
- (3) Animal retention areas must be cleaned daily of excrement, food, and debris.

(M)

**Electrical Distribution.**

- (1) All electrical distribution systems in mobile home parks shall be designed, constructed and maintained in accordance with the safety provision of the National Fire Protection Association National Electrical Code (NFPA 70, 1984). Wherever the requirements of local codes and ordinances differ with these regulations, the more stringent requirement shall apply.
- (2) Mobile home park electrical wiring systems shall be calculated on the basis of not less than **16,000 watts at 115/230 volts** per each mobile home service. The demand factors which are set forth in Table D shall be considered the minimum allowable demand factors which shall be permitted in calculating the load on feeder or service entrance conductor. No demand factor shall be allowed for any other load.
- (3) Mobile home lot feeder circuit conductors shall have capacity for the load supplied, and shall be rated at not less than **one hundred (100) amperes at 115/230 volts**. The mobile home lot feeder assembly shall be connected to the mobile home service equipment by a permanent wiring method.
- (4) Power outlets used as mobile home service equipment shall also be permitted to contain receptacles rated up to **fifty (50) amperes** with appropriate overcurrent protection. **Fifty (50) ampere** receptacles shall conform to the configuration as approved by the National Electrical Code (1996).

- (5) Additional receptacles shall be permitted for connection of electrical equipment located outside the mobile home and all such **120-volt**, single-phase, **fifteen (15)** and **twenty (20) ampere** receptacles shall be protected by approved ground-fault circuit protection for personnel.
- (6) The mobile home service equipment shall be located adjacent to the mobile home and not mounted in or on the mobile home. In cases of electrical service of **fifty (50) amperes** or less, the power supply to the mobile home shall be a mobile home power supply cord as approved by Article 339 of the NFPA National Electrical Code. Where the calculated load exceeds **fifty (50) amperes**, the supply shall be by means of **four (4)** continuous, insulated, color-coded feeder conductors, one of which shall be an equipment grounding conductor.
- (7) Underground electrical conductors of the direct burial type shall be an approved Type UF (Underground Feeder) Cable of the moisture resistant type which is suitable for branch circuit wiring or one which is approved for the purpose according to Article 400 of the NFPA National Electrical Code. The ampacity of type UF Cable shall be that of **sixty (60) degrees Celsius (one hundred forty (140) degrees Fahrenheit)** conductors. In addition to the insulated conductor, the cable shall be permitted to have an insulated or bare conductor for equipment grounding purposes only, in a site approved according to Article 400 of the NFPA National Electrical Code. The overall covering shall be flame retardant, moisture resistant, fungus resistant, corrosion resistant and suitable for direct burial in the earth.
- (8) Where single conductor cable are installed, all cables of the feeder circuit, sub-feeder circuit, or branch circuit, including the neutral conductor, if any, shall be run together in the same trench or raceway.
- (9) Direct or burial UF cable used for main and branch feeders shall be buried a minimum of **twenty-four (24) inches** below ground surface. Conductors servicing mobile home between the mobile home service equipment and the mobile home shall be buried a minimum of **twelve (12) inches** below ground surface. Conductors emerging from the ground shall be protected from damage by enclosed raceways. Raceways shall be rigid, corrosion-resistant metal conduit, PVC Schedule 80, or equivalent.
- (10) A box or fitting shall be used at all conductor splice connection, junction points, service equipment and receptacles. Boxes installed outdoors shall be of corrosion-resistant materials and approved as "Raintight" or "Outdoor Type". Boxes shall be secured and supported. Metal boxes shall be grounded according to the NFPA

National Electrical Code (NFPA 70, 1984). Conductors entering boxes or fittings shall be protected from abrasion by insulated bushings. Unused openings in boxes and fittings shall be effectively closed to afford protection.

- (11) Mobile home electrical service equipment installations and appurtenances shall be so designed to service the mobile homes in accordance with Article 550, National Electrical Code (1996) requirements for grounding and bonding.

(N) **Fuel Supply and Storage.** All handling and storage of natural gas, liquefied petroleum gas (LPG), fuel oil, or other flammable liquids or gases shall be installed and maintained in accordance with applicable state and local government code and regulations. The Illinois Fire Marshal is the regulatory state agency for safe fuel storage and handling systems, and the applicable regulations are the current National Fire Protection Association Standards; NFPA 54 (1980) "National Fuel Gas Code", and NFPA 58 (1983) "Liquefied Petroleum Gases: Storage and Handling". The placement of LPG or fuel oil containers inside or beneath any mobile home, storage cabinet, carport, or any other structure shall be governed by local or municipal ordinance. Container of fuel shall be at least **five (5) feet** from any mobile home door or exits, and placed on stands constructed of a noncombustible material.

(O) **Swimming Pools and Beaches.** Swimming pools and beaches, if provided, shall be constructed and operated in accordance with the Department's minimum Sanitary Requirements for the Design and Operation of Swimming Pools and Bathing Beaches (77 Ill. Adm. Code 820), as prescribed under the Swimming Pool and Bathing Beach Act. Separate plans and specifications are to be submitted to the Zoning Administrator and Department for approval, based upon the Swimming Pool and Bathing Beach Act and regulations promulgated thereunder, prior to construction.

**40-4-37.5 MOBILE HOME PARK MAINTENANCE AND OPERATION REGULATIONS.**

(A) **Resident Rights and Duties.** Upon initial admittance to the mobile home park, the mobile home park owner or manager shall notify the mobile home residents of all applicable provision of the Mobile Home Park Code provisions and inform them of their duties and responsibilities required therein.

(B) **Legal Mobile Home Park Rules and Regulations.**

- (1) The mobile home park owner shall draft and adopt a separate set of rules and regulations governing the maintenance of the mobile home park to keep its facilities and equipment in good repair and in clean and sanitary condition as required by this Section. Under these rules and regulations, the mobile home park owner or manager shall identify the responsibilities of the management to the mobile home owner and shall further identify the responsibilities of the resident in the mobile home park as required by the Mobile Home Park Landlord and Tenant Act and the Illinois Mobile Home Tiedown Act.

- (2) The local rules and regulations established by the mobile home park owner or manager shall contain, but not be limited to, the control of pets, the storage of refuse and garbage, the design and construction of auxiliary structures, acceptable material for skirting and awnings, the control of inoperable, unlicensed or abandoned automobiles, the policy of performing vehicle repairs, the control of the growth of weeds and grass, control of insects, rats ,and mice and all other rules and regulations necessary to maintain the mobile home park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (3) A copy of the City Mobile Home Park Code provision must be on file at the manager's office for the use of the residents of the park.
- (4) The local rules and regulations, established by the mobile home park owner or manager, shall not relieve the owner or manager of compliance with the City Mobile Home Park Code.

(C) **Adequate Supervision and Inspection.**

- (1) Every park shall be managed by a responsible individual whose name, address and telephone number shall be on file at all times with the Zoning Administrator and whose duty it shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition, and shall be responsible, with the licensee, for any violation of the provision of this Code.
- (2) The person to whom a license for a mobile home is issued or manager shall provide adequate supervision to maintain the mobile home park in compliance with this Code and the Mobile Home Tiedown Act and applicable provision of the Mobile Home Landlord and Tenant Act.
- (3) The mobile home park owner or manager shall conduct inspection to insure facilities, equipment, services, and maintenance are being performed in a satisfactory manner and in compliance with this Code and regulations of the park.
- (4) The facilities and equipment of all service buildings shall be maintained in a sanitary condition and kept in good repair.
- (5) The correction of all deficiencies noted by the mobile home park owner or manager must be accomplished within **five (5) working days.**

(D) **Site Numbers.** The mobile home park owner or manager shall maintain a plot plan of the park at the manager's office, with all sites numbers or marked distinctly. All sites shall also be specifically numbered for identification purposes.

(E) **Inspection Doors.** When mobile home skirting is installed, a sliding or hinge type of inspection door must be provided for use by the City. The inspection door must be a minimum of **twenty-four (24) inches** in width and be located near the sewer riser.

(F) **Fencing.** Fencing of individual sites, where permitted by the park owner, shall not exceed **three and one-half (3.5) feet** in height and shall provide open space available for fire protection.

(G) **Abandoned Automobiles or Equipment.** Any abandoned automobile or piece of equipment having the appearance of being abandoned shall be removed from the park. The storage of unused or not currently licensed vehicles and the performance of major automotive repairs shall not be permitted within the mobile home park. Abandoned automobile removal shall comply with the applicable provisions of the Illinois Vehicle Code and the applicable Ordinances of the City.

(H) **Storage.** Park residents shall refrain from the storage of household appliances, refrigerators, furniture or similar items outside the mobile home.

**40-4-37.6 ENFORCEMENT AND ADMINISTRATIVE HEARINGS.**

(A) **Enforcement.** The Zoning Administrator shall enforce the provisions of the Mobile Home Park Code, and is hereby granted the power and authority to enter upon the premises of such parks at any time for the purposes herein set forth.

(B) **Administrative Hearings.** Any person refused a permit to construct or alter a park or a license, or whose license is suspended or revoked, shall have the right to a hearing before the Zoning Board of Appeals as set forth in **Article X** of this Code.

**40-4-38 - 40-4-39      RESERVED.**

**DIVISION V - BUSINESS DISTRICTS**

**40-4-40**     **"B-1" – COMMUNITY BUSINESS.** The "B-1" Community Business District primarily encompasses the long-established commercial areas of the City where a wide range of goods and services is offered to the general public at retail or wholesale.

**40-4-41**     **LOT AND BUILDING REQUIREMENTS.**

(A)	Minimum Lot Area	5,000 sq. ft.
(B)	Minimum Lot Width	50 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Depth of Side Yard Abutting Street	25 feet
(E)	Minimum Setbacks -- Generally, none required except as necessary to	

comply with applicable off-street parking and loading requirements. However, any lot that abuts any residential district shall meet the front setback and side setback (on the side abutting the residential use) requirements of such residential district. **(See Section 40-3-8)**

(F)	Maximum Building Height	NONE
(G)	Maximum Percent Coverage Per Lot	50%

**40-4-42**     **PERMITTED USES.** The following uses shall be permitted in the "B-1" – Community Business District:

- Churches and related facilities.
- Clubs and lodges.

Commercial establishments, wholesale and retail except those listed under **Section 40-4-43.**

- Government uses.
- Medical/dental clinics.
- Offices.
- Service establishments.
- Accessory uses in accordance with Section **40-3-15.**

**40-4-43**     **SPECIAL USES.** The following may be permitted as special uses in the "B-1" District in accordance with **Section 40-10-24**, to-wit:

Any use, such as drive-in restaurants, drive-in banks, service stations, etc., that offers goods or services directly to customers waiting in parked vehicles, or that sells food or beverages for consumption on the premises in parked motor vehicles.

- Dwelling units, if located above the first story.
- Nursing homes.
- Schools
- Utility substations.

**40-4-44     "B-2" – HIGHWAY BUSINESS DISTRICT.** The "B-2" Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses. Since such businesses, both retail and wholesale, draw their patrons primarily from the motoring public, they typically require direct access to major streets and large lots for off-street parking and loading.

**40-4-45     USE RESTRICTIONS.**

(A)           **Storage Areas.** Any inventory or materials stored outside may be open to the sky, but shall be enclosed by walls or solid fences at least **six (6) feet** high.

(B)           **Refuse Containers.** All refuse generated by facilities located within this district shall be stored in tightly-covered containers placed in visually-screened areas.

(C)           **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening at least **six (6) feet** high, which completely blocks the view from the adjacent residential property shall be installed. The screening shall be approved by the Zoning Administrator.

(D)           **Parking. See Article V.**

(E)           **Signs. See Article VI.**

**40-4-46     LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "B-2" Highway Business District shall conform to the requirements indicated below:

(A)	Minimum Lot Area	20,000 sq. ft.
(B)	Minimum Lot Width at established building line	125 feet
(C)	Minimum Lot Depth	120 feet
(D)	Minimum Setbacks	
	(1) From front lot line	50 feet
	(2) Side Yards	
	(a) Minimum total setback from abutting street	50 feet
	(b) Minimum setback from either side lot line	25 feet
	(3) From rear lot line	25 feet
(E)	Maximum Building Height	NONE
(F)	Maximum Percent Coverage Per Lot	50%

**40-4-47     PERMITTED USES.** Provided all the use restrictions of the "B-2" District are observed, the following uses are permitted: **(See Section 40-4-45)**

Any use permitted in the "B-1" District. **(See Section 40-4-42)**

Churches and related facilities.

Clubs and lodges.

Commercial establishments, any type, including drive-in facilities.

Government uses.

Offices.

Service establishments, any type, including drive-in facilities.

Such uses as the following are especially appropriate in this District:

- animal hospitals
- banks and other financial institutions
- bowling alleys
- furniture and appliance sales
- greenhouses
- lumber and building supplies sales
- mobile home and recreational vehicle sales
- motels
- motor vehicle sales and services
- restaurants
- service stations

Accessory uses in accordance with Section **40-3-15**.

**40-4-48**    **SPECIAL USES.**    Provided all the use restrictions of the "B-2" District are observed, the following uses may be allowed by Special-Use Permit. **(See Section 40-4-45)**

Bus terminals and bus transportation facilities.

Drive-in theaters.

Research and development facilities not involving explosives, flammable gases or liquids, or live animals.

Utility substations.

Warehousing and wholesaling of any goods except explosives, flammable gases, or live animals.

Any use permitted in the "MR-2" District. **(See Section 40-4-29)**

**40-4-49 - 40-4-51**    **RESERVED.**

**DIVISION VI - INDUSTRIAL DISTRICT**

**40-4-52 "I" - INDUSTRIAL DISTRICT.** The "I" Industrial District is intended to provide for areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

**40-4-53 USE RESTRICTION.**

(A) **Nuisances Prohibited.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

(B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least **six (6) feet** high.

(C) **Buffer Strips.** Wherever any industrial use located in this district abuts any residential district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full grown.

**40-4-54 LOT AND STRUCTURE REQUIREMENTS.**

(A)	Minimum Lot Area	20,000 sq. ft.
(B)	Minimum Lot Width at the established building line	125 feet
(C)	Minimum Lot Depth	150 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) From any side lot line	25 feet
	(3) From rear lot line	25 feet
(E)	Maximum Building Height	60 feet
(G)	Maximum Percent Coverage Per Lot	50%

**40-4-55 PERMITTED USES.** Provided all the use restrictions of the "I" Industrial District are observed, the following uses are permitted: **(See Section 40-4-53)**

Assembly, manufacturing or processing of any commodity from semi-finished materials, provided explosives, flammable gases or liquids or live animals are not involved.

Freight and bus terminals and related mass transportation facilities.  
Government uses.  
Research and development facilities not involving explosives, flammable gases or liquids, or live animals.  
Service stations.  
Warehousing or wholesaling of goods, except explosives, flammable gases or liquids, or live animals.  
Utility substations.  
Accessory uses in accordance with **Section 40-3-15**.

**40-4-56**    **SPECIAL USES.** The following uses may be permitted as special uses in the "I" District by Special-Use Permit in accordance with **Section 40-10-24**, to-wit:

Any permitted use in the "**B-1**" or "**B-2**" Districts. (**See Sections 40-4-42 and 40-4-47**)

Churches and related religious facilities.  
Nursing homes.  
Schools.  
Utility substations.

**40-4-57 - 40-4-59**    **RESERVED.**

ARTICLE V

ADDITIONAL SUPPLEMENTARY REGULATIONS

**40-5-1**     **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements and design/operational standards for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special-use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

**40-5-2**     **AGRICULTURAL ACTIVITIES.**

(A)     **Farm Animals.** No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than **one hundred fifty (150) feet** to any existing dwelling in a residential zone, or closer than **one hundred (100) feet** to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than **one hundred (100) feet** to any existing dwelling in a residential zone or closer than **fifty (50) feet** to any lot line or residential property in a residential zone, whichever distance is greater.

(B)     **Farm Equipment/Commodities.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **one hundred (100) feet** to any existing dwelling in a residential zone or closer than **fifty (50) feet** to any lot line of residential property in a residential zone, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **twenty-five (25) feet** from any lot line of residential property in a residential zone.

(C)     **Barbed Wire/Electrical Fences.** (See Section 40-5-3(A))

**40-5-3**     **FENCES, WALLS.**

(A)     No barbed wire or electrically-charged fence shall be erected or maintained anywhere in the City, except in the Agricultural or Industrial Districts.

(B)     No fence, wall, or other obstruction shall be erected within any public right-of-way or utility easement, except by written permission of the Zoning Administrator.

(C)     No fence, wall or other obstruction shall be erected in violation of the **Illinois Drainage Code**, as amended from time to time. (See 70 ILCS Sec. 605/2-1 through 2-13)

(D)     Fences, walls, and hedges in any district may be located on lot lines, provided such fences, walls and hedges exceeding **eight (8) feet** in height shall be subject to the minimum yard requirements of the district in which such fences are located and written permission is received from the adjoining neighbors.

(E)     Every fence, wall or other obstruction shall conform to the special height restrictions applicable in area near intersections.

**40-5-4 HOME OCCUPATIONS.**

(A) **Limitations on Use.** A home occupation shall be considered a special-use in any residence district, provided the home occupation is subject to the following limitations.

- (1) The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there, and no others.
- (2) The use shall be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character of use as a dwelling nor the character of the neighborhood.
- (3) The total area used for the home occupation shall not exceed **one-fourth (1/4)** the floor area of the user's living unit.
- (4) There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed **two (2) square feet** in area and which shall not be illuminated.
- (5) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- (6) There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (7) There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
- (8) A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation; provided, however it shall not exceed the need for the dwelling without the home occupation.
- (9) The use must be in conformance with all valid covenants and agreements recorded with the County Clerk, covering the land underlying the dwelling.
- (10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

(B) **Permit Required.** A home occupation shall not be permitted without a special-use permit being granted by the Zoning Board of Appeals, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

- (1) The applicant for a home occupation permit shall be responsible for providing a list of surrounding landowners and tenants. **(See Section 40-10-26)**
- (2) A hearing upon the application shall be held in accordance with the rules and regulations of the Zoning Board of Appeals.

(C) **Activities Not Covered.** No home occupation permit shall be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section,

“telecommuting” means working in the home by using a computer terminal connected by the telephone line to a central office or central computer.

(D) **Parking. (See Section 40-7-7)**

(E) **Signs. (See Section 40-6-8)**

**40-5-5 JUNK YARDS.**

(A) No part of any junk yard--which includes any lot on which **three (3)** or more inoperable vehicles are stored, shall be located closer than **five hundred (500) feet** to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **ten (10) feet** high and of sufficient density to block the view from adjacent property. **(See definition of “Junk Yard”, Section 40-2-2)**

**40-5-6 NURSING HOMES.**

(A) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres**.

(B) The principal building of any nursing home shall be located at least **twenty-five (25) feet** from all lot lines.

**40-5-7 RECREATIONAL VEHICLES.** The regulations of this Section do not apply to travel trailers or other recreational vehicles parked in a permitted travel trailer park that conforms to the pertinent requirements of the Mobile Housing Code. The requirements of paragraphs (A), (C), and (D) do not apply to travel trailers or other recreational vehicles parked in a permitted recreational vehicle sales lot.

(A) Not more than **one (1)** travel trailer or recreational vehicle shall be parked on any lot. They shall not be parked on a street.

(B) No travel trailer or other recreational vehicle shall be used as a dwelling.

(C) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.

(D) Travel trailers or recreational vehicles shall be required to have setbacks as required for accessory buildings.

(E) No travel trailer or other recreational vehicle shall be parked on any front yard.

(F) No unlicensed mobile home may be located in a travel trailer or recreational vehicle park.

**40-5-8 SERVICE STATIONS.**

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

(B) Every access way shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from any intersection of public streets.

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

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

(E) Whenever the use of a service station has been discontinued for **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year** period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief.

(F) A permanent curb of at least **four (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.

**40-5-9 SWIMMING POOLS.**

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

(B) Every in-ground swimming pool that is more than **two (2) feet** deep shall be completely enclosed by a wall or fence at least **four (4) feet** in height. The passage through such wall or fence shall be equipped with a child-restraint gate, self-closing/locking gate, or other positive means of controlling access to such pool.

(C) Every above-ground pool of rigid wall construction that is more than **two (2) feet** deep shall be completely enclosed by a wall or fence at least **four (4) feet** in height. The passage through such wall or fence shall be equipped with a child-restraint gate, self-closing/locking gate, or other positive means of controlling access to such pool.

(D) All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible.

(E) This Article shall pertain to all existing and all future swimming pools installed within the City limits. **(Ord. No. 98-10; 08-11-98)**

**40-5-10 UTILITY SUBSTATIONS.** Every electrical substation, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

(A) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least **twenty-five (25) feet** from all lot lines, or shall meet the district setback requirements, whichever is greater.

(B) In any residential district every such facility shall be designed, constructed, and operated so that it is compatible with the residential character of the area.

(C) Screening at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property shall be installed around every such facility. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are transformers exposed), he shall require that a secure fence at least **ten (10) feet** in height be installed behind the planting screen.

**40-5-11 LIGHTING CONTROLS.** Any light used for the illumination of signs, 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.

**40-5-12 MOBILE AND MODULAR HOMES.**

(A) **Mobile Home Occupancy.** Except as otherwise provided herein, it shall be unlawful to occupy for sleeping or other residential purposes, mobile home or trailer not located in a mobile home park, and any such unit unoccupied for a period of **six (6) months** must be removed from its location.

(B) **Parking Mobile Home, Etc.** It shall be unlawful, within the limits of the City, for any person to park any mobile home or trailer on any street or other public place or on any tract of land owned by any person, occupied or unoccupied, within the City except as provided in this Code.

**(Ord. No. 10-02; 01-12-10)**

**40-5-13 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 **twenty-five (25) feet** from all property lines.

(B) In any residential, agricultural or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six (6) feet** in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five (25) feet** from any front or side property line.

ARTICLE VI

SIGN REGULATIONS

**40-6-1**      **GENERAL PROHIBITION.** Any sign not expressly permitted in this Article shall be deemed prohibited.

**40-6-2**      **COMPUTATION OF SIGN AREA ALLOWANCE.** Within the limitations and restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

**One (1) square foot of sign area per one (1) foot of street frontage or two (2) square feet of sign for each lineal foot of the front width of the business.**

provided, however, that no establishment in any district shall display more than **three hundred (300) square feet** of sign on any street front.

**40-6-2.1**      **DEFINITION OF SIGN AREA.** As used in this Article, the term "sign area" means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign. **(See Figures 3 and 4 at End of Code)**

**40-6-2.2**      **SPECIAL SITUATIONS.**

(A) Except as specifically provided otherwise in this Article, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any **one (1) frontage** a greater area of signs than would be permitted by application of the formula set forth above.

(B) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

**40-6-3**      **SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED.**

(A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.

(C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code.

(D) Every sign and appurtenance shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

**40-6-4 ILLUMINATION.** Illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

(B) No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color; provided, however, that this provision shall not apply to any message on any electronically-operated, changeable sign.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

**40-6-5 NONCONFORMING SIGNS.** A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this Article or any amendment thereto.

**40-6-6 RESTRICTIONS.** Any nonconforming sign as defined in **Section 40-6-5** that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in **Article VIII** of this Code; provided as follows:

(A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration;

(B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any Business District or in the Industrial District.

**40-6-7 STRICTLY PROHIBITED SIGNS.** Except as specifically noted otherwise, henceforth, the following signs and street graphics are strictly prohibited throughout the City:

(A) Mobile/Portable Marquees.

(B) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.

(C) Defunct Signs, including the posts or other supports therefor that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

(D) Roof-mounted signs.

**40-6-8 SIGNS PERMITTED IN ANY DISTRICT.** Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the City. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance. **(See Section 40-6-2)**

(A) **Construction Signs** identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product: Such signs shall not exceed **twenty-four (24) square feet** in area, shall be confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use of the project has begun.

(B) **Real Estate Signs**, indicating the sale, rental, or lease of the premises on which they are located: Such signs on residential property shall not exceed **six (6) square feet**; on other property, such signs shall not exceed **sixteen (16) square feet**. Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Garage Sale Signs**, advertising a garage or yard sale to be held on private residential property: Such signs shall not exceed **four (4) square feet**, and shall not be posted for longer than **five (5) days**.

(D) **Public Interest Signs and Street Banners**, publicizing a charitable or non-profit event of general public interest: In the Agricultural District, and in any Residential District, public interest signs shall not exceed **thirty-two (32) square feet**. Public interest signs and street banners shall be permitted only for **sixty (60) days** before and **seven (7) days** after the event.

(E) **Governmental, Public, and Directional Signs:** Such as traffic control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones; restrooms, and so forth.

(F) **Institutional Signs** identifying a public, charitable, or religious institution: Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet**.

(G) **Integral Signs** carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(H) **Home Occupation Signs**, identifying only the name and occupation of the residents: Home occupation signs shall not be illuminated, and shall not exceed **four (4) square feet**.

(I) **Subdivision Entrance Signs**, identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed **twenty (20) square feet**.

(J) **Permanent House Numbers and/or Permanent Name of Occupant Signs** located on the lot to which the sign applies: Such signs shall not exceed **two (2) square feet** for single-family dwelling, nor **six (6) square feet** for multiple-family dwellings.

(K) **Signs Located in the Interior of Any Building** or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

**40-6-9 AGRICULTURAL; RESIDENTIAL DISTRICTS.** No sign other than those listed in **Section 40-6-8** shall be erected in the Agricultural District or in any Residential District.

**40-6-10 BUSINESS; INDUSTRIAL DISTRICTS.** No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in **Section 40-6-2** and **40-6-8**.

Additionally, signs in any Business District or in the Industrial District shall conform to the requirements indicated in the subsections below:

**40-6-10.1 FLUSH-MOUNTED SIGNS.** No flush-mounted (wall) sign shall:  
(A) Project more than **eighteen (18) inches** from the wall or surface to which it is attached; or  
(B) Extend above the roof line of the building to which it is attached.

**40-6-10.2 WINDOW SIGNS.** Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment.

**40-6-10.3 PROJECTING SIGNS.** No establishment shall display more than **one (1)** projecting sign on any street front. No projecting sign shall:  
(A) Project above the roof line of the building to which it is attached; or  
(B) Extend below a point **eight (8) feet** above the ground or pavement; or  
(C) Project over a driveway or beyond the curblineline of any public street; or  
(D) Project more than **four (4) feet** from the building to which it is attached; or  
(E) Extend to a point above **twelve (12) feet**.

**40-6-10.4 CANOPY OR MARQUEE SIGNS.** Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of **Section 40-6-10.1**. Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of **Section 40-6-10.3**.

**40-6-10.5 FREESTANDING SIGNS.** No establishment shall display more than **one (1)** freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:

(A) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point **ten (10) feet** above the ground or pavement shall be located closer than **ten (10) feet** from the public right-of-way line.

(B) The area of any freestanding sign, calculated in accordance with **Section 40-6-2.1** shall not exceed **one hundred (100) square feet**.

(C) When attached to its structural supports, no part of any freestanding sign shall extend more than **thirty-five (35) feet** above the ground or pavement.

(D) The length or width of any freestanding sign shall not exceed **twelve (12) feet**.

**40-6-10.6 BILLBOARDS.** Billboards and other off-premises advertising signs are strictly prohibited in every district except the Industrial District. No billboard shall:

(A) Be stacked on top of another billboard; or

(B) Be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way; or

(C) Be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway; or

(D) Extend more than **twenty (20) feet** above the ground or pavement;

(E) Exceed **three hundred (300) square feet** in area.

**40-6-11 TEMPORARY SIGNS.** Temporary signs shall not remain in place for a period of more than **thirty (30) days** except when the Zoning Administrator extends the time period for an additional **thirty (30) days**. Any further time extension shall thereafter be applied for through Zoning Board of Appeals and the Board may grant such time extension as seems reasonable and necessary in compliance with this Article. A permit is required for all temporary signs.

**ARTICLE VII**

**OFF-STREET PARKING AND LOADING**

**40-7-1**      **APPLICABILITY OF ARTICLE.** Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

**40-7-2**      **EXISTING PARKING/LOADING FACILITIES.**

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

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

(C)            Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional off-street parking and loading spaces commensurate with such intensification shall be provided.

(D)            Whenever the existing use of a structure is changed to a different use, off-street parking or loading facilities shall be provided as required herein for such new use.

**40-7-3**      **PARKING LOT DESIGN STANDARDS.** All off-street parking lots shall conform to the standards indicated in the sections which follow:

**NOTE:**      **Standards applicable to all parking areas are indicated by one asterisk (\*); standards applicable to all parking areas except those accessory to single- or two-family dwellings are indicated by two asterisks (\*\*).**

**40-7-3.1**    **SPACES.**

(A)            Every off-street parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long, and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way. (\*)

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

**40-7-3.2**    **INTERIOR AISLES.** Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty (60) degree** parking shall be at least **eighteen (18) feet** wide. (\*\*)

**40-7-3.3 ACCESS WAY.**

(A) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way. (\*)

(B) No access way to any parking lot shall be located within **thirty (30) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent traffic hazards. (\*)

(C) Parking lot access ways (as well as residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles. (\*)

(D) The access way to every parking lot located in any business district or in the Industrial District shall be at least **twenty-four (24) feet** wide unless **two (2)** one-way drives, each **twelve (12) feet** wide, are provided. (\*\*)

(E) The access way to every parking lot located in any residential district or in the Agricultural District shall be at least **ten (10) feet** wide; but if the parking area is longer than **one hundred (100) feet**, access shall be provided either by **one (1)** two-way drive at least **twenty (20) feet** wide or by **two (2)** one-way drives, each at least **ten (10) feet** wide. (\*)

**40-7-3.4 SURFACING.** Parking lots shall be graded and improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface. **(Note: "Oil and chip" is not comparable material unless it conforms to Illinois Department of Transportation sub-class A-2 specifications.)**

**40-7-3.5 LIGHTING.** Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible and in no case, shall the light(s) shine on or into nearby residences. (\*)

**40-7-3.6 LANDSCAPING.** In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains **twenty (20)** or more parking spaces. Parking lots used exclusively for employees are hereby exempt from these requirements. (\*\*)

(A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for an Initial Certificate of Zoning Compliance to develop any parking lot that will contain **twenty (20)** or more parking spaces.

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

- (1) Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;
- (2) Proposed size, construction materials, and drainage of landscaped islands; and

- (3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

**40-7-4**     **LOCATION OF PARKING.** All off-street parking shall be located in conformity with the following requirements:

(A)     **For Dwellings.**

- (1) Parking spaces accessory to any dwelling shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any required front yard or required side yard adjacent to a street except in the driveway, but may be located in the side or rear yards. There shall be no parking on what is commonly known as a boulevard or any space between the sidewalk and the paved portion of the street or on the sidewalk.
- (2) Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area; provided that this requirement shall not be applicable to two-family dwellings.  
**(Ord. No. 02-02; 04-25-02)**

(B)     **For Business/Industrial Uses.**

- (1) Every off-street parking space accessory to any business or industrial use shall be located within **five hundred (500) feet** of the use served; provided that no portion of any parking lot for non-residential uses shall extend into any residential district or into the Agriculture District, except by written permission of the Administrator.
- (2) In any business district or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed.

**40-7-5**     **DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.** All off-street loading facilities shall conform to the minimum standards indicated below:

(A)     **Size Of Space.** Every off-street loading space shall be at least **twelve (12) feet** wide and **forty-five (45) feet** long exclusive of aisle and maneuver space, and shall have vertical clearance of at least **fourteen (14) feet**. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B)     **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

(C)     **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. **(No "oil and chip" except I.D.O.T. A-2)**

(D) **Buffer Strips.** No loading space or area for vehicles over **two (2) ton** cargo capacity shall be developed closer than **fifty (50) feet** to the lot line of any lot located in any residential district or in the Agricultural District unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from residential property.

(E) **Location.** Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of **two (2)** or more streets, and not on any required front yard.

**40-7-6 COMPUTATION OF REQUIRED PARKING/LOADING SPACES.**

In computing the number of parking spaces required by this Code, the Zoning Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **“Employee parking” means one (1) parking space shall be required per one and one-half (1.5) employees”,** unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of building floor area, the **gross** floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1) parking space.**

(D) If computation of the number of parking or loading spaces required by this Code results in a fractional space, any fraction of **one-half (.5)** or more shall be counted as **one (1) space.**

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

**40-7-7 NUMBER OF PARKING AND LOADING SPACES REQUIRED.**

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

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(A) <u>Dwellings, Lodgings:</u>		
Motels, Boarding houses	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area

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<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Mobile homes & Immobilized homes	2 spaces per unit	Not Applicable
Multi-family dwellings	2 spaces per dwelling unit	Not Applicable
Single-family & two-family dwellings	2 spaces per dwelling unit	Not Applicable
<b>(B) <u>Educational, Institutional, Recreational:</u></b>		
Churches, assembly halls	1 space per 4 seats in the largest seating area	Not Applicable
Libraries, museums	1 space per 500 sq. ft. of floor area	On review by the Administrator
Nursing Homes	1 space per 5 beds plus 1.5 spaces per employee on the major shift	To 50,000 sq. ft. of floor area..1 space; 50,001-100,000 sq. ft...2 spaces
Schools		
Elementary and Junior High	1 space for every 20 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator
Senior High	1 space for every 4 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator
<b>(C) <u>Commercial, Office, Service:</u></b>		
Note: All commercial and service uses, unless specifically indicated otherwise below.	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft...1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.

**Zoning Code 40-9-13**

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Financial Institutions		
Walk-in	1 space per 300 sq. ft. of floor area, plus employee parking	(Both walk-in and drive-in): To 30,000 sq. ft. of floor area...none required; 30,001 to 100,000 sq. ft...1 space
Drive-in	5 spaces per teller window	
Beauty and Barber shops	2 spaces per chair, plus employee parking	Not Applicable
Bowling Alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not Applicable, except as required for affiliated uses
Car Wash	3 spaces per wash lane	Not Applicable
Furniture and appliance stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area... 2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Offices generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area...none required. 30,001-100,000 sq. ft...1 space
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater.	Not Applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area

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<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Restaurants; refreshment stands		(Both sit-down and drive-in):
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more floor area
Drive-in	1 space per 25 sq. ft. of floor area	
Service stations	2 spaces per service stall, plus employee parking	Not Applicable
Taverns	1 space per 2 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more of floor area
Theaters		Not Applicable
Indoor	1 space per 4 seats	
Drive-In	On review by the Administrator	
Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space per 2,500 sq. ft. of open lot area. Above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area...2 spaces. More than 25,000 sq. ft. of floor area and open lot area...2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.
(D) <u>Industrial:</u>		
Any manufacturing, warehousing, or other industrial use	Employee parking of 1 space per 1.5 employee; plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift	To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft...2 spaces; 50,001-90,000 sq. ft...3 spaces; above 90,000 sq. ft...3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

**ARTICLE VIII**

**NONCONFORMITIES**

**40-8-1**     **PURPOSE OF ARTICLE.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaking of parking facilities, the creation of nuisances, and/or the lowering of property values. **The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.**

**40-8-2**     **NONCONFORMING LOTS.** If the Zoning Board of Appeals grants a variance for any vacant lot that does not conform to **one (1)** or more of the lot size (area dimensions) requirements of the district in which it is located, that lot may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (A)           was recorded in the office of the County Recorder of Deeds prior to the effective date of this Code (or pertinent amendment thereto); and
- (B)           is at least **forty (40) feet** wide.

**40-8-3**     **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

**40-8-4**     **NONCONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:

(A)           **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.

(B)           **Enlargement, Alterations.** A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.

(C) **Relocation.** A nonconforming structure shall not be moved unless, after relocation, it will conform to all the regulations of the district in which it is situated.

(D) **Reconstruction.** No structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

As an alternative, the market value may be determined by the Administrator by using the **"state equalized assessed value"** multiplied by the number **three (3)**.

(E) **Exception.** **Section 40-8-4(D)** shall not apply to single-family dwellings.

**40-8-5 NONCONFORMING USES OCCUPYING A STRUCTURE.** If any lawful use occupying a structure exists on the effective date of this Code, but would not be allowed under the terms of this Code, such use may lawfully continue, subject to the following provisions:

(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Enlargement, Alteration, Reconstruction, Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.

(C) **Extension of Use.** No conforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

(D) **Change of Use.** A nonconforming use occupying a structure may be changed to a similar use, to a more restrictive use, or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.

(E) **Discontinuance of Use.** When a nonconforming use of a structure or of a structure and premises in combination is discontinued for **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

**40-8-6      NONCONFORMING USE OF LAND.** Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A)      **Intensification or Extension of Use.** A nonconforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.

(B)      **Relocation.** No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(C)      **Change of Use.** Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

(D)      **Discontinuance.** When a nonconforming use of land is discontinued for a period of **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

**40-8-7      NONCONFORMITIES UNDER PERMIT AUTHORITY.** The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

**ARTICLE IX**

**ADMINISTRATION AND ENFORCEMENT**

**40-9-1**     **ZONING ADMINISTRATOR.** The Zoning Administrator is hereby authorized and directed to administer and enforce the provisions of this Chapter. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A)           To review and pass upon applications for initial and final certificates of zoning compliance;

(B)           To issue or deny initial and final certificates of zoning compliance;

(C)           To inspect lots, structures, and uses to determine compliance with this Code, and where there are violations, to initiate appropriate corrective action;

(D)           To review and forward to the Zoning Board of Appeals all appeals and applications for variances, special-use permits, and amendments;

(E)           To maintain up-to-date records of matters related to this Chapter, including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Zoning Board of Appeals, amendments and all applications/documents related to any of these items;

(F)           To republish the zoning district map not later than **March 31<sup>st</sup>** if any rezonings or annexations have been approved during the preceding calendar year; (**See Section 40-3-3**)

(G)           To provide information to the general public on matters related to this Code; and

(H)           To perform such other duties as the City Council may prescribe from time to time;

(I)           To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Planning and Zoning Commission at least once each year;

(J)           To cause copies of this Code (including the district map) and any amendments thereto to be printed from time to time, as necessary.

**40-9-2**     **INITIAL CERTIFICATES OF ZONING COMPLIANCE.** Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless he determines that the proposed activity conforms to the applicable provisions of this Code.

**40-9-3 ZONING APPLICATION.** Every applicant for an **Initial Certificate of Zoning Compliance** shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. **(NOTE: Filing fee required in Section 40-9-7.)**

**ITEMS OF INFORMATION:**

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed lot, structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structures, and its relationship to adjacent lots, uses or structures;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height, setbacks, and lot coverage of the proposed structures;
- (I) Number and size of proposed dwelling units, if any;
- (J) Location and number of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing and proposed utilities, whether public or private; and/or
- (L) Location and square footage of existing and proposed signs by type and class.

**40-9-4 DURATION OF CERTIFICATE.** **Initial Certificates of Zoning Compliance** shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew **Initial Certificates of Zoning Compliance** for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work. **(Filing Fee Required)**

**40-9-5 RELATIONSHIP TO BUILDING PERMITS.** Upon the effective date of this Code, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

The City in compliance with the **Illinois Architecture Practice Act of 1989 (See 225 ILCS Sec. 305/1 et seq.)** and Illinois Structural Engineering Act of 1989 requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require architectural plans with the seal of a licensed architect or structural plans with the seal of a licensed structural engineer.

**40-9-6**      **FINAL CERTIFICATES OF ZONING COMPLIANCE.** No lot or part thereof recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied or put into operation until a final certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until it has been determined, **by inspection**, that:

(A)            The development or construction of such lot or structure has been completed in accordance with plans approved at the time the initial certificate of zoning compliance was issued; and

(B)            The lot or structure as completed, and the proposed use thereof, conforms to all applicable provisions of this Code.

Final certificates of zoning compliance shall be issued free of charge. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

**40-9-7**      **CORRECTIVE ACTION ORDERS.** Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Chapter, he shall so notify the responsible party, and shall order appropriate corrective action.

**40-9-8**      **CONTENTS OF ORDER.** The order to take corrective action shall be in writing and shall include:

(A)            A description of the premises sufficient for identification;

(B)            A statement indicating the nature of the violation;

(C)            A statement of the remedial action necessary to effect compliance;

(D)            The date by which the violation must be corrected;

(E)            A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;

(F)            The date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and

(G)            A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

(H)            A statement of the penalties attached to any violation of this Code.

**40-9-9**      **SERVICE OF ORDER.** A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

(A)            Served upon him personally;

(B)            Sent by certified mail to his last known address; or

(C)            Posted in a conspicuous place on or about the affected premises.

**40-9-10 STOP ORDERS.** Whenever any work being done in violation of an **Initial Certificate of Zoning Compliance**, the Administrator's corrective action order may state that the violation must cease immediately. (The Administrator's stop-work order may be served on any person engaged in or responsible for such work, or may be posted in a conspicuous place on or about the affected premises. Failure to abide by a stop-work order shall be deemed a separate violation of this Code.)

**40-9-11 EMERGENCY MEASURES.** Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition. The Administrator shall take no such action until he has consulted with the City Attorney.

**40-9-12 COMPLAINTS.** Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

**40-9-13 FEES.** The City Council establishes the following schedule of fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the City Clerk as follows:

(A)	<b><u>Zoning Occupancy Fees:</u></b>	
Cost of Improvement:		\$5.00 first \$1,000.00 \$2.00 per \$1,000.00 thereafter
		<u>Cost of Improvement</u>
Single-Family Residence		[\$5.00 first \$1,000.00
Multi-Family Residence		\$2.00 per \$1,000.00 thereafter]
Commercial or Business Structure		
Industrial Structure		
Mobile Home Unit/Immobilized		
Accessory Building		
Structural Additions		
Miscellaneous Permit		\$5.00
Sign Permit - Permanent		\$5.00

All fees for the above projects that are started prior to obtaining the Zoning Occupancy Permit and/or paying the fees shall be doubled.

(B) **Zoning Board of Appeals Fees:**

Interpretation of Code (Appeal)	\$20.00 plus mailing and publishing costs
Special-Use Permit	\$20.00 plus mailing and publishing costs
Variance Permit	\$20.00 plus mailing and publishing costs
Amendments	\$20.00 plus mailing and publishing costs

**40-9-14 INSPECTION FEES FOR MANUFACTURED HOMES AND MOBILE HOMES.** The following fees are established for inspection of manufactured homes and mobile homes as required under the Zoning Code, including but not limited to **Sections 40-4-8(C), 40-4-33(C) and (D)**, and shall be paid in advance to the Code Enforcement Office by the person requesting to locate and install the mobile home or manufactured home within the City under the provisions of the Zoning Code:

(A) **Within City Limits.** The fee for inspection of a manufactured home or mobile home within the corporate limits of the City shall be **One Hundred Dollars (\$100.00)**.

(B) **Outside City Limits – Sixty (60) Miles or Less.** The fee for inspection of a manufactured home or mobile home **sixty (60) miles** or less outside of the corporate limits of the City shall be **Two Hundred Fifty Dollars (\$250.00)**, plus mileage measured from the Murphysboro Public Works Complex, 316 N. 12<sup>th</sup> St., Murphysboro, Illinois 62966, to the location of the manufactured home or mobile home to be inspected and the return back to the Public Works Complex at the then current business mileage rate established by the United States Internal Revenue Service.

(C) **Outside City Limits – More Than Sixty (60) Miles.** The fee for inspection of a manufactured home or mobile home more than **sixty (60) miles** from the corporate limits of the City shall be determined by the Code Enforcement Office based on the estimated travel and inspection time involved, plus mileage measured from the Murphysboro Public Works Complex, 316 N. 12<sup>th</sup> St., Murphysboro, Illinois 62966, to the location of the manufactured home or mobile home to be inspected and the return back to the Public Works Complex at the then current business mileage rate established by the United States Internal Revenue Service.

(D) The fees established hereby are intended to defray the costs of the City connected with conducting the required inspections and do not constitute a tax or other revenue raising device.

**(Ord. No. 12-8; 05-08-12)**

**40-9-15 PENALTIES.**

(A) Any person who is convicted of a violation of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)**, nor more than **Five Hundred Dollars (\$500.00)**, plus costs. Each day on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Code.

**ARTICLE X**

**ADMINISTRATION AND SPECIAL PROCEDURES**

**DIVISION I - BOARD OF APPEALS**

**40-10-1 ZONING BOARD OF APPEALS.** The Zoning Board of Appeals is hereby established in accordance with Illinois law. **(See 65 ILCS Sec. 5/11-13-3)**

**40-10-2 MEMBERSHIP, APPOINTMENT, COMPENSATION.** The Zoning Board of Appeals shall consist of **seven (7) members** , all of whom shall reside within the City. Each Board member shall be appointed by the Mayor with the advice and consent of the City Council. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. All appointments shall receive compensation, if any, as established by the City Council. Also, a member of the Board shall be selected by the members to be the Secretary of the Zoning Board.

**40-10-3 TERM OF OFFICE - VACANCIES.** Every member of the Zoning Board of Appeals, which was established pursuant to the former Zoning Code shall be entitled to serve on the Zoning Board of Appeals established by this Section until the date his term of office would have expired if the former Zoning Code had remained in effect. Any person appointed to the Zoning Board of Appeals on or after the effective date of this Code shall hold office for **five (5) years** from the date of his appointment, and until his successor has been selected and qualified.

With the advice and consent of the City Council, the Mayor may remove any member of the Zoning Board of Appeals for cause after a public hearing. Vacancies on the Zoning Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

**40-10-4 MEETING--QUORUM.** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this Code and the applicable Illinois Statutes. The Board may select such officers as it deems necessary. The Chairman, or in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board action.

**40-10-5**     **DECISIONS.** The concurring vote of **four (4) members** of the Zoning Board of Appeals shall be necessary to grant a variance or special-use permit. The order of the Zoning Board of Appeals shall be by written letter and shall contain its findings of fact.

**40-10-6**     **PERIOD OF VALIDITY.** No decision granting a variance or special-use permit shall be valid for a period longer than **twelve (12) months** from the date of such decision unless (1) an application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or (2) an occupancy certificate is obtained and a use is commenced. The Zoning Board of Appeals may grant additional extensions of time not exceeding **one hundred eighty (180) days**, each upon written application made within the initial **twelve (12) month** period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

**40-10-7**     **FINALITY OF DECISIONS OF THE BOARD OF APPEALS.** All decisions of the Zoning Board of Appeals, an appeal or upon application for a variation or special-use permit shall, in all instances, be the final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois Statutes. No applicant shall apply for the same or identical request for a period of **one (1) year** unless the facts and/or request have substantially changed.

**40-10-8**     **OFFICE OF THE SECRETARY OF THE BOARD OF APPEALS.** The Secretary of the Zoning Board of Appeals shall be appointed by the Board to serve a until a successor is appointed. The Secretary shall record the minutes of the Zoning Board of Appeal's proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The Secretary shall perform such other duties as may be assigned from time to time by the Zoning Board of Appeals.

**40-10-9**     **RECORDS.** The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or decision of the Board shall be filed immediately with the City Clerk and shall be a public record.

**40-10-10 - 40-10-11**     **RESERVED.**

**DIVISION II - APPEALS**

**40-10-12 NATURE OF AN APPEAL.** Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law (**65 ILCS Sec. 5/11-13-12**) and the provisions of this Section.

**[ED. NOTE: An applicant usually will file for a specific hearing along with the "Appeal", i.e. special-use permit.]**

**40-10-13 FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the **Soil and Water Conservation District** as per State law. Not more than **five (5) working days** after the notice of appeal has been filed, the Administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case. **NOTE: Filing fee required.) (See 65 ILCS Sec. 5/11-13-12) (See 70 ILCS Sec. 405/22.02A)**

**40-10-14 STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Zoning Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Administrator.

**40-10-15 PUBLIC HEARING, NOTICE.** The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By first-class mail to all parties whose property abuts the lot affected by the appeal; and
- (B) By publication in a newspaper of general circulation within this Municipality.

**40-10-16 DECISIONS BY BOARD OF APPEALS.** The Board shall be required to decide all appeals within **thirty (30) days** after the final hearing thereon. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall be required to incorporate the terms and conditions of the same in the Zoning Certificate to the applicant or appellant whenever a Certificate is authorized by the Board.

**40-10-17 RESERVED.**

**DIVISION III - VARIANCES**

**40-10-18 VARIANCES.** A variance is a relaxation of the requirements of this Code that are applicable to a particular lot, structure, or use. A so-called “use variance” (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as provided for in **Section 40-10-31**.

**40-10-19 APPLICATION.** Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the **Soil and Water Conservation District** as per State law. The Administrator shall promptly transmit said application, together with any device he might wish to offer, to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Zoning Board of Appeals to make an informed decision and shall include, at a minimum, the following: **(NOTE: Filing fee in Section 40-9-7.) [See 70 ILCS Sec. 405/22.02(A)]**

- (A) Name and address of the applicant;
- (B) Location of the structure/use for which the variance is sought;
- (C) Brief description of adjacent lots, structures, and/or uses;
- (D) Brief description of the problems/circumstances engendering the variance request;
- (E) Brief, but specific, explanation of the desired variance;
- (F) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (G) Any other pertinent information that the Administrator may require.

**40-10-20 PUBLIC HEARING, NOTICE.** The Zoning Board of Appeals shall hold a public hearing on each variance request within **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing;

- (A) By first-class mail to the applicant and to all owners of property adjacent to the property affected by the proposed variance; and
- (B) By publication in a newspaper of general circulation within the Municipality.

**40-10-21 STANDARDS FOR VARIANCES.** The Zoning Board of Appeals shall not grant any variance unless they find that the proposed variance is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties of hardship to the applicant. More specifically the Board shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:

- (A) The property in question cannot yield a reasonable return if the district regulations are strictly applied; and
- (B) The plight of the applicant is due to peculiar circumstances not of his own making; and
- (C) The variance, if granted, will not be detrimental to the public health, safety, and welfare.

**40-10-22 DECISION BY BOARD OF APPEALS.** The Zoning Board shall be required to decide all applications within **thirty (30) days** after the final hearing thereon. A certified copy of the Zoning Board's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by him. He shall be required to incorporate the terms and conditions of the same in the Zoning Certificate to the applicant or appellant whenever a Certificate is authorized by the Zoning Board. The Zoning Board shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Zoning Board's reasons for granting or denying any requested variance.

**40-10-23 RESERVED.**

**DIVISION IV - SPECIAL USES**

**40-10-24 SPECIAL-USE PERMITS.** This Code divides the City into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such "special uses" require careful case-by-case review, and may be allowed only after review by the Zoning Board of Appeals.

**40-10-25 APPLICATION.** Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form, the items of information enumerated below. The Administrator shall promptly transmit the completed application, together with any comments or recommendation he might have, to the Zoning Board of Appeals for further consideration. **(NOTE: Filing fee required in Section 40-9-7)**

**ITEMS OF INFORMATION:**

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height and setbacks of the proposed structure;
- (I) Number and size of the proposed dwelling units, if any;
- (J) Number and location of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) Any other pertinent information that the Administrator may require.

**40-10-26 PUBLIC HEARING, NOTICE.** The Zoning Board of Appeals shall hold a public hearing on every special-use permit application not later than **sixty (60) days** after the application is submitted to them. At the hearing, any interested party may appear and testify,

either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special-use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By first-class mail to the applicant; and to all owners of property that is adjacent to the premises of the proposed special-use; and
- (B) By publication in a newspaper of general circulation within this Municipality.

**40-10-27 ADVISORY REPORT, FACTORS CONSIDERED.** Within **thirty (30) days** after the public hearing, the Zoning Board of Appeals reach a final decision. In deciding the Zoning Board of Appeals shall consider the following factors:

- (A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (B) Whether the proposed special-use is consistent with this Municipality's comprehensive plan;
- (C) The effect the proposed special-use would have on the value of neighboring property and on this Municipality's overall tax base;
- (D) The effect the proposed special-use would have on the public utilities and on the traffic circulation on nearby streets; and
- (E) Whether there are any facilities near the proposed special-use (such as schools or hospitals) that require special protection.

**40-10-28 DECISIONS – FINDINGS OF FACT.** The Zoning Board of Appeals shall reach a decisions on every special-use permit application within a reasonable time after public hearing. In accordance with State law (**65 ILCS Sec. 5/11-13-11**), the Zoning Board of Appeals shall specify the terms and conditions of the permit to be granted (if any) in one statement, and their findings of fact in another statement. The findings of fact shall be responsive in the decision-making factors listed in the preceding section and shall clearly indicate the Zoning Board of Appeals' reasons for granting, with or without modifications and/or conditions, or denying the requested special-use permit. (**See 65 ILCS Sec. 5/11-13-11**)

**40-10-29 TEMPORARY USE PERMITS: PROCEDURE FOR.** As set forth at **Section 40-3-5**, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Zoning Board of Appeals shall issue no temporary use permit for a period longer than **one (1) year** but may renew any such permit as they see fit.

**40-10-30 RESERVED.**

**DIVISION V - AMENDMENTS**

**40-10-31 AMENDMENTS.** The City Council may amend this Code in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the City Council, the Zoning Board of Appeals, the Planning and Zoning Commission, the Zoning Administrator or any party in interest. **(See 65 ILCS Sec. 5/11-13-14)**

**40-10-32 FILING.** Every proposal to amend this Code shall be filed with the Zoning Administrator on a prescribed form. Every amendment proposal shall also be filed with the **Soil and Water Conservation District** as per State law. The Administrator shall promptly transmit the proposal, together with any comments or recommendations he might wish to make to the Zoning Board for a public hearing. **(NOTE: Filing fee required in Section 40-9-7.)**

**40-10-33 PUBLIC HEARING - NOTICE.** The Zoning Board shall hold a public hearing on every amendment proposal within **sixty (60) days** after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By first-class mail to the applicant and to every owner of property adjacent to the premises for which the amendment is requested; and
- (B) By publication in a newspaper of general circulation within the Municipality.

**40-10-34 ADVISORY REPORT - FINDINGS OF FACT.** Within **thirty (30) days** after the public hearing, the Zoning Board shall submit their advisory report to the City Council. The report shall state the recommendations of the Zoning Board regarding adoption of the proposed amendment, and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

- (A) Existing use(s) and zoning of the property in question;
- (B) Existing use(s) and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;
- (D) Suitability of the property in question for the proposed use;

(E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned.

**40-10-35 ACTION BY CITY COUNCIL.** The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Zoning Board. Without further public hearing, the City Council may approve or disapprove any proposed amendment or may refer it back to the Zoning Board for further consideration by simple majority vote of all the members then holding office.

**40-10-36 WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED.** The favorable vote of at least **two-thirds (2/3)** of the members of the City Council is required to pass an amendment to this Code in each of the following instances:

(A) When passage would be contrary to the recommendation of the Board of Appeals.

(B) When the amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered.

**40-10-37 NOTICE TO APPLICANT OF WRITTEN PROTEST.** In cases of written opposition to an amendment of this Code as prescribed in **Section 40-10-36**, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. **(See 65 ILCS Sec. 5/11-13-14)**