

## CHAPTER 23 ZONING

**23.01 TITLE.** This ordinance (Chapter 23) shall be known as and cited to as the Zoning Ordinance of the Village of Carlock, Illinois.

**23.02 INTENT AND PURPOSE.** This ordinance, providing minimum requirements, is adopted for the promotion and protection of public health, safety, comfort, prosperity and general welfare. The Village Board of Trustees shall have the authority:

1. To regulate and limit the height and bulk of buildings hereafter to be erected.
2. To establish building set-back lines on or along any street, traffic way, drive, parkway or storm or flood-water runoff channel or basin.
3. To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces.
4. To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.
5. To divide the entire village into districts of such number, shape, area, and of such different classes as may be deemed best suited to carry out the purposes of this ordinance.
6. To establish reasonable standards to which buildings or structures therein shall conform.
7. To prohibit uses, buildings or structures incompatible with the character of such districts.
8. To prevent additions to and alteration or remodeling of existing buildings or structure in such a way as to avoid the restrictions and limitations imposed under this ordinance.
9. To classify, to regulate and restrict the use of property on the basis of family relationship.
10. To isolate or control the location of unavoidable nuisance producing uses.
11. To define the powers and duties of the administrative bodies as provided herein.
12. To prescribe penalties for the violation of the provisions of this ordinance or any amendments thereto.

### GENERAL PROVISIONS

**23.03 CONTROL OVER USE.** Except as provided herein, no building, structure or land shall hereafter be used and no building or part hereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.

**23.04 CONTINUING EXISTING USES.** Any building, structure, or use lawfully existing at the time of enactment of this ordinance may be continued, except certain non-conforming uses as provided in Section 23.20.

**23.05 CONTROL OVER BULK.** All new buildings shall conform to the bulk regulations established herein for the district in which each building is located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such manner as to conflict or further conflict with the bulk regulations of this ordinance for the district in which such building shall be located.

**23.06 BUILDING ON LOT.** In every Residence District, every dwelling hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one principal structure on one lot.

**23.07 STREET FRONTAGE AND ACCESS.** No lot shall contain any structure used as a dwelling unless it abuts and has primary means of access to at least 25 feet of public street frontage.

**23.08 ACCESSORY BUILDINGS, STRUCTURES, AND USES.**

- (a) Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use.
- (b) No accessory building, structure, or use shall be erected in any yard other than a rear yard, nor shall it occupy more than 30 percent of a rear yard. An accessory building, structure or use in a rear yard shall not be less than six feet from any property line, except that on a corner lot, a reversed corner lot or a through lot, such accessory building, structure or use shall be set back from the property line adjoining a street the distance required for a front yard, unless otherwise required herein for a specific permitted or conditional use.
- (c) No accessory building, structure or use shall encroach upon that side yard of a corner lot which is adjacent to the street, upon that side yard of a reversed corner lot which is adjacent to street, upon that part of a rear yard of a through lot which is within 35 feet of the street line abutting the rear lot line, or upon a front yard, except as permitted herein for specific uses.

**23.09 YARDS, GENERAL.**

- (a) All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space or minimum lot area allocated to any building shall by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.
- (b) No improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall be sold unless all improved lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the Zoning District in which the property is located.

- (c) No yards, now or hereafter provided for a building existing on the effective date of this ordinance shall subsequently be reduced below or further reduced if already less than the minimum yard requirements of this ordinance for equivalent new construction.
- (d) Where a front yard setback has been established by buildings existing on lots having a frontage of 50 percent or more of the total frontage on one side of that portion of any street lying between two intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the aforementioned existing buildings.

**23.10 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.**

- (a) In Any Yard (s). Marquees and awnings adjoining the principal building; overhanging roof eaves; chimneys, if they do not exceed 10 percent of the required depth of the yard. Ornamental light standards, flag poles, arbors, trellises, trees, shrubs, coin operated telephones, permitted signs and outdoor fuel dispensing equipment.
- (b) On Corner Lots. Obstructions not higher than 30 inches above the curb level, if located within 30 feet of the curb corner, formed by the intersection of two streets.
- (c) In Side Yards. Open accessory off-street parking spaces, except in a side yard abutting a street.
- (d) In Rear Yards. Balconies, breezeways, and open porches; open off-street parking spaces; enclosed, attached or detached off-street parking spaces; accessory sheds, tool rooms or any similar structures customarily accessory to the principal use.

**23.11 CONDITIONAL PERMITTED USES.**

- (a) To provide for the location of certain uses with unique characteristics herein specified which are deemed appropriate within a given district or districts, but which might have an unusual impact or adverse effect upon surrounding properties, the Zoning District, or the entire community, a classification of Conditional Permitted Use is hereby established.
- (b) The location, design and conditions of operation of said uses require special administrative review. Conditional Permitted Uses may be developed in the districts specified if special permits are granted after findings are made by the Zoning Board of Appeals that the special standards and conditions have been met.
- (c) Where a use exists on the effective date of this ordinance and it is classified as a conditional use in the district in which it is located by this ordinance, it shall be considered to be a lawful Conditional Permitted Use.

**23.12 ZONING AND ANNEXED TERRITORY.** Any additions to the village shall be automatically classified A, Agriculture until otherwise classified by amendment to this ordinance.

**23.13 APPLICATION OF OVERLAPPING REGULATIONS.** This ordinance is not intended to abrogate any easement, covenant or other private agreement provided that where the regulations of this ordinance are more restrictive or impose higher requirements than such easements, covenants or other private agreements, the requirements of this ordinance shall govern.

**23.14 TENTS.** No tents shall be erected, used or maintained for living quarters except as temporary shelter in approved recreation areas.

**23.15 EXEMPTIONS.**

- (a) The following essential public utility uses are exempted by this ordinance and permitted in any district: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment for telephone or other communications and electric power, gas, water and sewer lines.
- (b) Steeples of churches and other houses of worship are further exempt from the provisions of the ordinance herein.

**23.16 SEPARABILITY.** If any of the provisions of this ordinance, or amendments thereto, or the applications thereof to any lot, building or other structure or tract of land are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part or to be inapplicable to any person or situation, in effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the lot, building or other structure or tract of land immediately involved in the controversy. Such judgement shall not affect the application of the provisions of this ordinance to any other property, building or structure not specifically included in said judgement.

**23.17 EFFECTIVE DATE.** This ordinance shall be in full force and effective immediately after passage and approval by the Village Board of Trustees and publication in ordinance from according to law.

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

**23.18 RULES FOR THE CONSTRUCTION OF LANGUAGE.** The following rules shall apply to the test of this ordinance:

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- (c) The word "shall" is always mandatory, whereas the word "may" is permissive.
- (d) Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) A "building" or "structure" includes all parts thereof.
- (f) The phrase "used for" includes "arranged for", "designed for", "maintained for", and/or "occupied for."
- (g) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (h) The conjunction "and" indicates that all the connected items, conditions, provisions, or events shall apply. "Or" indicates that the connected items, conditions, provisions, or events may

- apply singly or in any combination. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (i) All measured distances shall be to the nearest integral foot; if a fraction is one-half foot or more, the integral foot next above shall be taken. If a fraction is one-half foot less, the integral foot next lower shall be taken.
  - (j) The masculine gender includes the feminine and neuter.

**23.19 DEFINITIONS.** The following words, phrases and terms, wherever they occur in this ordinance, shall be interpreted as herein defined:

1. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Administrative Officer: An official or officials appointed by the President with the approval of the Village Board of Trustees to administer and enforce the Zoning Ordinance of the village.
3. Agricultural Uses: Land, including necessary buildings and structures which shall be used for agriculture including, but not limited to, farming, pasturage, horticulture, floriculture, viticulture as well as the necessary accessory uses, provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
4. Alley: A public way which affords only secondary means of access to abutting properties.
5. Automotive Service Stations: Any building or portion thereof on premises to which the motoring public is invited for automotive refueling from underground storage tanks through fixed equipment and for replenishment of automotive supplies and where any of the following services to the motoring public is permissive: Replacement, adjustment or repair of lights, tires, batteries, accessories and minor parts; and when rendered wholly within a building, brake adjustment, engine tuning, drainage and replacement of crank and gear case lubricants, chassis lubrication, washing and cleaning (but not automotive laundry); all rendered wholly within lot lines.
6. Automotive Wrecking Yard: Any area of land where one or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.
7. Basement: That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor is less than the vertical distance from grade to ceiling.
8. Block: A tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, corporation boundary lines, or other lines of demarcation.
9. Buildable Area: The portion of a lot remaining after the yard requirements (front, rear and side) have been fulfilled.

10. Building. Any structure which is built for the support, shelter, or enclosure of persons, animals, or movable property of any kind which is more or less permanently affixed to the land. Mobile homes and other items assessed as personal property shall not be construed as a building or structure.
11. Building Area: The area bounded by the exterior dimensions of the outer walls at the ground line.
12. Building, Completely Enclosed: A building separated on all side from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior or party walls, openings to the exterior being only by windows and normal entrance or exit doors.
13. Building, Temporary: Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.
14. Bulk: The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and including the following:
  - A. Size and height of buildings;
  - B. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
  - C. Gross floor area of buildings in relation to lot area (floor area ratio);
  - D. All open space allocated to buildings;
  - E. Amount of lot area provided per dwelling unit.
15. Club or Lodge, Private: A building or portion thereof, or premises owned and/or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit nor to render a service which is customarily carried on as a business.
16. Curb Level: The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure measured at the center line of such front.
17. District, Zoning: Any portion of the village for which the zoning regulations govern the use of buildings and premises, the height of buildings, the size of yards. The intensity of uses are uniform within each district.
18. Drive-in Establishment: Any place or premise principally used for the sale, dispensing, or serving of food, refreshments, beverages or other goods in automobiles, including those establishments where customers may serve themselves and may consume the food, refreshments, beverages, or other goods on or off the premise.
19. Dwelling: A building or portion thereof which is designed for or used for residential purposes.
20. Dwelling, Single-Family: A detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

21. Dwelling, Two-Family (Duplex): A residential building containing two dwelling units.
22. Dwelling, Multiple-Family (Apartment): A building or portion thereof containing three or more dwelling units. The number of families in residence shall not exceed the number of dwelling units provided.
23. Dwelling Unit: A room or group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers not so related, and which includes complete kitchen and bathing facilities permanently installed.
24. Family: One or more persons related by blood, marriage or legal adoption, occupying a dwelling and living as a single housekeeping unit, and doing their own cooking on the premises.
25. Floor Area, Gross: For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
26. Frontage: All the property on one side of a street between two intersecting streets, highways, or some other physically evident line of demarcation, measured along the front property lines.
27. Garage, Private: An accessory building or portion thereof, designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.
28. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles, with or without compensation.
29. Height, Building: "Building height" is the total number of stories in a building, and the vertical distance measured from curb level to the highest point of the roof adjacent to the street wall for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip, gambrel or pent roof.
30. Home Occupation: Any occupation or activity incidental to residential use, when carried on in the principal structure by one member of the immediate family residing on the premises, in connection with which there is no sign other than a non-illuminated name plate not more than one square foot in area or no display used that will indicate from the exterior that the building is being used for any other purpose than that of a dwelling. There is no commodity sold on the premises; no person is employed other than a member of the immediate family residing on the premises; and no heavy mechanical or electrical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment but not for the general practice of his profession. A home occupation may be interpreted to include barber shops and beauty parlors, but shall not include commercial stables, kennels, or automobile, truck and tractor servicing or repair.

31. Hotel: A building containing lodging rooms which may have a general kitchen and dining room, a common entrance lobby, halls and stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies; and where more than 50 percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days.
32. Junk or Salvage Yard: An open area fenced-in enclosure, where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.
33. Kenel: Any lot or premise on which are kept 4 or more dogs, more than six months of age.
34. Laundromat: An establishment providing home-type washing, drying, or ironing machines for hire to be used by customers on the premises.
35. Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.
36. Lot: A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, located within a single block; and which is occupied or intended for occupancy by one principal building or use, together with any accessory buildings and such open spaces and off-street parking and/or loading spaces as are required by this ordinance; and having its principal frontage upon a street.
37. Lot Area: The computed area contained within the lot lines.
38. Lot, Corner: A lot situated at the junction of two or more streets. For the purpose of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered as having front yards.
39. Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
40. Lot, Interior: Any lot other than a "corner lot" or a "through lot."
41. Lot Line: A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.
42. Lot Line, Front: The boundary of a lot which is along an existing or dedicated street. The owner of a corner lot may select either street lot line as the front lot line.
43. Lot, Line, Rear: That boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot; parallel to and at the maximum distance from the front lot line.
44. Lot Line, Side: Any boundary of a lot which is not a front or rear lot line.



45. Lot, Through (Double Frontage Lot): A lot having a pair of lot lines along two public streets which are more or less parallel, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
46. Lot Width: The mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.
47. Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of McLean County; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of McLean County prior to the adoption of this ordinance.
48. Mobile Home: A transportable dwelling which is at least 40 feet in length, build on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
49. Mobile Home Park: A parcel of land which has been developed for the placement of mobile homes.
50. Mobile Home Stand: That part of a mobile home lot which has been reserved for the placement of one mobile home with accessory structures or additions.
51. Mobile Home Lot: A parcel or subparcel of land for the placement of a single mobile home and the exclusive use of its occupants.
52. Motor Court or Motel: A series of attached, semi-attached or detached sleeping or living units, each with its own bathroom and designed for the accommodation of automobile transient guests.
53. Motor Freight Terminal: A building or premise in which freight is received or dispatched by motor vehicle.
54. Name Plate: A sign indicating the name and address of a building, or the name of an occupant thereof and/or the practice of a permitted occupation therein.
55. Non-Conforming Building or Structure: A building or structure which does not comply with all the regulations of this ordinance or any amendment thereto governing bulk for the district in which such building or structure is located.
56. Non-Conforming Use: A lawfully established use of land, buildings or structures which does not comply with all of the regulations of this ordinance or any amendment thereto governing use for the district in which such building or structure is located.
57. Noxious Matter: Material which is capable of causing injury or malaise to living organisms by chemical reaction, or is capable of causing detrimental effects upon the health or the psychological, social, or economic well-being of human beings.
58. Nursing Home: An establishment for the aged, chronically ill, or incurable persons in which 3 or more persons not of the immediate family are received, kept, or provided with food or shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick, injured, or mentally ill.
59. Off-Street Parking Space: An off-street parking space shall consist of space adequate for parking an automobile with room for opening doors on both sides, together with a properly related driveway of an all weather surface for ingress and egress with access

to a public street or alley. Said space may be a garage, car port, or open space with all weather surface of not less than 200 square feet.

60. Off-Street Loading Space: An on-the-property space for temporary parking of a commercial motor vehicle while loading and/or unloading merchandise or materials, which as direct access to a street or alley. Such space shall be no less than 10 feet wide and 25 feet long, and shall have not less than 14 feet of vertical clearance, exclusive of access aisles and maneuvering space.
61. Open Sales Lot: Any land used or occupied for the purpose of buying and selling merchandise, passenger cars, trucks, any form of trailers, motor scooters, motorcycles, boats and monuments, or for the storing of same prior to sale.
62. Park: Any publicly owned park, playground, parkway or roadway within the jurisdiction of the village or any other park or playgrounds not operated for profit.
63. Parking Space: An all-weather surfaced area of not less than 200 square feet, either within a structure or unenclosed, exclusive of driveways or access drives, for the parking of one motor vehicle. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, are regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.
64. Residential Unit: A room or group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers not so related, and which includes complete kitchen and bathing facilities permanently installed.
65. Rooming House: A building or portion thereof, other than a hotel, occupied by a family, or not more than three persons, who are not members of a family, who pay compensation, for lodging and meals.
66. Sanitary Land Fill: A method of disposing of refuse by spreading and covering such refuse with earth.
67. Screening: A structure or densely planted vegetation serving as a screen designed to conceal from view the area behind it.
68. Setback: The minimum horizontal distance permitted between the front, side, or rear line of a building, disregarding steps and un-roofed porches, and the nearest property line, street or alley right-of-way line.
69. Sign: A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public notices nor shall it include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.
70. Sign, Area of: The total exterior surface computed in square feet on a sign having but one exposed exterior surface. On signs having two or more exposed exterior surfaces, the gross area shall be the total of its component surfaces.

71. Story: That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above.
72. Street (Avenue, Place, Road, Terrace, Parkway, Boulevard, Court, or Lane): A public right-of-way which affords a primary means of access to abutting property.
73. Structural Alterations: Any change in the structural members of a building, such as walls, columns, beams, or girders.
74. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels, but in no case, mobile homes.
75. Substantial Alteration, Major Repair, Extensions: Reconstruction activities increasing the floor area, seating capacity, number of dwelling units or some other factor affecting the off-street parking or loading requirements established hereinafter when the cost thereof, including all material and labor, is found to be in an amount equal to or in excess of 25 percent of the last tax valuation (prior to any extensions, major repairs or substantial alterations) of any pertinent buildings or structures by the McLean County Assessor's Office as equalized by the Department of Revenue, State of Illinois.
76. Travel Trailer: A vehicular, portable structure build on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding 8 feet.
77. Use: The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.
78. Variation: A relaxation of the terms of this ordinance as outlined in Section 23.35.
79. Village Board of Trustees: The Village Board of Trustees of the Village of Carlock, Illinois.
80. Yard: An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the Zoning District in which such lot is located.
81. Yard, Front: A yard extending along the full width of the front lot line between side lot lines. Corner lots and through lots shall maintain a front yard along all street frontages.
82. Yard, Rear: The portion of the yard on the same lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot.
83. Yard, Side: A yard extending along a side lot line between the front and rear yards.
84. This Ordinance: This Chapter 23.

NOTE: For a graphic presentation of the locations of lots and yards, see Appendix A.

**23.20 NON-CONFORMITIES.**

- (a) Statement of Purpose. It is the purpose of this section to provide for the regulation of non-conforming uses, buildings and structures. It is not the purpose of this section to deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted at the time of the adoption of this ordinance, but to provide for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are located, in accordance with the authority granted by Chapter 24, Section 11-13-1 of the Illinois Revised Statutes.
- (b) Authority to Continue Non-Conforming Buildings, Structures and Uses. Any non-conforming building, structure or use which exists lawfully at the time of the adoption of this ordinance and which remains non-conforming and any such building, structure or use which shall become non-conforming upon the adoption of this Ordinance or of any subsequent amendment thereto may be continued in accordance with the regulations which follow.
- (c) Exempted Buildings, Structures and Uses. A non-conforming building, structure or use lawfully established on the effective date of this ordinance shall not be subject to the provisions of this section solely by reason of being non-conforming with respect to the standards prescribed in this ordinance for:
1. Yards (front, side or rear)
  2. Lot area per dwelling
  3. Lot width
  4. Off-street parking and loading spaces.
- (d) Non-Conforming Uses of Land. Where, on the effective date of adoption of this ordinance , a lawful use of land exists that is no longer permissible under the regulations and standards of this ordinance as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. No such non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this ordinance.
  2. No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this ordinance.
  3. If any such non-conforming use of land ceases for any reasons for a period of more than 180 consecutive days, any subsequent use of use land shall conform to the resolutions and standards set by this ordinance for the district in which such land is located.
- (e) Non-Conforming Structures. Where, on the effective date of adoption or amendment of this ordinance, a lawful structure exists that could not be build under the regulations and standards of this ordinance as adopted or amended, by reasons of restrictions on lot area, lot coverage, height, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:
1. No such structure may be enlarged or altered in a way which increases its non-conformity.

2. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
  3. Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.
- (f) Non-Conforming Uses of Structures. Where, on the effective date of adoption, or amendment, of this ordinance, a lawful use of a structure, or of a premises, exists that is no longer permissible under the regulations and standards of this ordinance as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such structure to a use permitted in the district in which it is located.
  2. Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption, or amendment, of this ordinance, but no such use shall be extended to occupy land outside of such structure.
  3. In areas classified in the R-1 Residence District, legal non-conforming uses of structures or land shall not be changed from the use existing on the date of the adoption of this ordinance to any other non-conforming use, and/or the non-conforming use shall cease upon any change in ownership or occupancy of any structure or land containing a non-conforming use.
  4. Except as provided in paragraph 3 above, if no structural alterations are made, any non-conforming use of a structure, or of any premises, may be changed to another non-conforming use provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change the Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
  5. Any structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such structure or premises is located, and the non-conforming use shall not be resumed.
  6. When a non-conforming use of a building or structure, or of a premises, is discontinued or abandoned for three consecutive months or for 12 months during any two year period, the structure, or the premises, shall not thereafter be used except in conformance with the regulations and standards of the district in which it is located.
  7. Where non-conforming use status applies to a premises, removal or destruction of the structure shall eliminate the non-conforming use status of the land, except as it may qualify as a non-conforming lot of record.

**23.21 MOBILE HOME PARKS.** No permit for the establishment of a mobile home park shall be issued unless the following requirements are met in addition to those established by the Illinois Revised Statutes, Chapter 111½, Sections 711 through 736.

(a) Size. The following minimum requirements of size shall apply:

1. There shall be at least 3 acres in a mobile home park, inclusive of lots, setbacks, and internal roadways.
2. The individual mobile home shall contain no less than 4,000 square feet.
3. The individual mobile home lot shall be at least 40 feet in width.

(b) Yards and Setbacks: The following minimum setback regulations shall apply:

1. No building, structure, or mobile home shall be located closer than 40 feet to any property line of the mobile home park, nor closer than 50 feet to any county, township, city, state or federal highway, road, or street right-of-way.
2. Mobile homes shall be set back at least 15 feet from the pavement of streets or roadways within the park.
3. No mobile home or appurtenance thereto shall be placed within 16 feet of any other mobile home, or appurtenance thereto, nor within 50 feet of any accessory or service building or structure.

(c) Mobile Home Stands: Mobile homes shall be placed on mobile home stands. The mobile home stand shall be constructed of material adequate to support 10 tons on the weight-bearing surface. The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead-man", eyelets imbedded in concrete foundations, screw augers, arrowhead anchors, or other devices in a manner that each shall be able to sustain a minimum vertical tension force of 4,800 pounds.

(d) Parking. There shall be at least two off-street parking spaces on each lot.

(e) Improvements Within Mobile Home Park. The following regulations shall apply:

1. Water Facilities. Public water facilities shall be available to every lot.
2. Street Location. Because of its size and location, the design and internal traffic circulation pattern shall not preempt the continuation of any existing streets insofar as they may be deemed necessary for the public requirements.
3. Street Construction. Street construction shall include an A-3 surface or better and be graded to dispose of all surface water accumulation.

(f) Street Signs and Mobile Home Lot Numbers. Street signs shall be installed by the owner so as to identify every street in the park and each mobile home lot shall be designated by a consecutive number constructed of weather resistant material and located in such a manner as to permit lot identification from the street.

(g) Recreational Area. All mobile home parks designed to accommodate 25 or more mobile homes shall have one or more recreation areas. Such areas shall be a minimum of 5 percent of the gross land area of the mobile home park and no such recreation area shall be less than 2,500 square feet. Playgrounds, swimming pools, and community buildings, and other such facilities are considered recreational.

- (h) Miscellaneous Requirements. Every mobile home park shall be constructed and operated in accordance with the Mobile Home Park Law and Rules and Regulations for Mobile Home Parks as established by the State of Illinois.

**23.22 OFF STREET PARKING REQUIREMENTS.**

- (a) Number of Off-Street Parking Spaces Required. The number of off-street parking spaces required shall be as set forth in the following:

A. USES PERMITTED IN RESIDENCE DISTRICTS

<u>USE</u>	<u>NUMBER OF SPACES REQUIRED</u>
1. Dwellings	2 per dwelling unit
2. Mobile Homes	See Section 23.21 (d)
3. Boarding, lodging or rooming houses	1 for each living or sleeping unit
4. Community buildings and funeral homes	1 for every 50 square feet of gross floor space
5. Children's homes Convalescent homes Homes for the aged Nursing homes Rest homes	1 for every six beds and 1 for every three employees on maximum shift
6. Fraternal organizations Lodges Private clubs	1 for every 50 square feet of floor area used for assembly, dancing or dining.
7. Schools, nursery	1 for each employee
8. Schools, elementary or junior high	1 for every 30 classroom seats or 1 for each two faculty and staff members, whichever is greater
9. Schools, high or senior high	1 for every ten students
10. Public park and recreational facilities	1 for every 15,000 square feet of lot area

B. USES PERMITTED IN THE C-1 COMMERCIAL DISTRICT

<u>USE</u>	<u>NUMBER OF SPACES REQUIRED</u>
1. All uses	1 for every 500 square feet of floor area

C. USES PERMITTED IN INDUSTRIAL DISTRICTS

<u>USE</u>	<u>NUMBER OF SPACES REQUIRED</u>
1. Grain elevators	1 for each 2 employees on maximum shift
2. Lumber yards	1 for each employee
3. Warehouse or wholesale distribution	1 for every 2000 square feet of floor area or 1 for every 3 employees, whichever is greater
4. Manufacturing plants Processing plants Other industrial operations	1 for every 1000 square feet of floor area or 1 for every 5 employees on maximum shift, whichever is greater

(b) Parking in Required Yards. When off-street parking is provided on a lot upon which a building is situated, then the following regulations shall apply:

1. Front Yard. In the R-1 Residence District, off-street parking spaces shall occupy no part of the required front yard, exclusive of aisles or other means of access.
2. Side Yard. Parking in a side yard is permitted.
3. Rear Yard. Parking spaces may be situated in any rear yard.
4. Open Lot. Parking spaces may be provided on a lot without a building upon the lot, provided that such parking is behind the established building line in the front yard or yards in the case of corner lots. If there is no established building line, parking may be provided behind the setback line of a front yard, of that particular Zoning District.

(c) Required Surfacing. All areas designed to accommodate 4 or more off-street parking spaces shall be surfaced with an all weather dust free material.

**23.23 ZONING DISTRICTS.**

(a) Establishment of Districts. In order to carry out the purposes and provisions of this ordinance, the village is hereby divided into the following districts:

1. Residential District:  
R-1 Residence District
2. Commercial Districts:
  - a. C-1 General Commercial District
  - b. C-2 Central Commercial District
3. Industrial District:  
I-Industrial District
4. Agricultural District:  
A-Agricultural



- (b) Zoning District Map. The location and boundaries of the districts established by this ordinance are set forth on the "Zoning District Map", which is hereby incorporated as a part of this ordinance.
- (c) Boundaries of Districts. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:
  - 1. District boundary lines are either the center lines or railroads, highways, streets, alleys or easements; and lot lines are tract lines, or such lines extended, unless otherwise indicated.
  - 2. When a district boundary line divides a platted lot, or unplatted or unsubdivided property into distinct parts, the district boundary lines shown on the map shall be determined by the scale appearing on the map.
  - 3. Where a district boundary line divides a lot in single ownership, upon the effective date, the regulations for either portion of the lot may, in the owner's discretion, extend to the entire lot, but not more than 25 feet beyond the boundary line of the district.
  - 4. Questions regarding the location of district boundaries which cannot otherwise be determined, shall, upon the request of the property owner, be determined by the Zoning Board of Appeals.

#### **23.24 R-1 RESIDENCE DISTRICT.**

- (a) General Character. This residential district is designed to provide a suitable open-character for dwellings and certain compatible non-residential uses which are intended to serve the residents of the district.
- (b) Permitted Uses. The following uses are permitted in the R-1 Single-Family Residence District:
  - 1. Accessory buildings, structures and uses
  - 2. Agricultural uses
  - 3. Cemeteries
  - 4. Churches and Synagogues
  - 5. Fire stations
  - 6. Home occupations
  - 7. Parks, playgrounds and other non-commercial public open space
  - 8. Dwelling, single-family
  - 9. Schools; public, private or parochial.
- (c) Conditional Permitted Uses. The following uses may be permitted, after a public hearing by the Zoning Board of Appeals and approval by the Village Board:
  - 1. Dwellings, two-family
  - 2. Dwellings, multi-family
  - 3. Funeral homes and mortuaries
  - 4. Mobile home parks
  - 5. Temporary buildings, both incidental and necessary for construction, for a period of not more than 6 months.
  - 6. Telephone relay towers and electrical regulating substations.

- (d) Height Regulations. No principal structure shall exceed 3 stories or 35 feet in height. No accessory structure shall exceed one story or 15 feet in height.
- (e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed:
  - 1. Lot area – 7,200 square feet
  - 2. Lot width – 60 feet
  - 3. Yards – Front, 25 feet; rear, 20 feet; Side, 10 feet each
  - 4. Lot area per dwelling unit – 3,500 square feet
- (f) Sign Regulations. Only non-illuminated name plates or signs shall be permitted subject to the following:

<u>USE</u>	<u>MAXIMUM NUMBER</u>	<u>MAXIMUM AREA</u>	<u>CONTENT</u>	<u>PROJECTION</u>	<u>MAXIMUM</u>
RESIDENTIAL USES	One, (two on a corner lot or one double-faced sign)	Two square feet	Name, Address	To property line	Ten feet above curb line
NON-RESIDENTIAL USES	One, (two on a corner lot or one double-faced sign)	Six square feet	Name, address, phone number and other salient information concerning the permitted activity	To property line	Ten feet above curb line

**23.25 C-1 GENERAL COMMERCIAL DISTRICT.**

- (a) General Character. This commercial district is for personal and business services and wholesale and retail trade. The nature of the district is one of relatively high traffic generation, and the uses are not necessarily compatible with residential development. This district is to provide area for neighborhood and highway-oriented commercial activities.
- (b) Permitted Uses. The following uses are permitted in the C-1 General Commercial District.
  - 1. Accessory buildings, structures and uses
  - 2. Automatic car washes
  - 3. Automotive service stations
  - 4. Bowling alleys
  - 5. Building material sales
  - 6. Churches
  - 7. Clubs and lodges
  - 8. Drive-in establishments
  - 9. Farm implement sales
  - 10. Fire stations
  - 11. Fuel and ice sales, retail only
  - 12. Funeral homes
  - 13. Garages and auto servicing
  - 14. Gift shops

15. Government offices
  16. Grocery stores
  17. Hotels and motels
  18. Laundromats
  19. Motor vehicle sales
  20. Parking lots, private and public
  21. Police stations
  22. Recreational activities, commercial types
  23. Restaurants
  24. Theaters, other than drive-ins
  25. Veterinarian offices
- (c) Conditional Permitted Uses. The following uses may be permitted, after a public hearing by the Zoning Board of Appeals and approval by the Village Board of Trustees.
1. Drive-in theaters
  2. Travel trailer parks
  3. Bus stations, terminals, garages and lots
  4. Telephone relay towers and electrical regulating substations
  5. Other commercial uses of a similar nature which are compatible with those of this section.
- (d) Height Regulations. No building or structure shall exceed 3 stories or 35 feet in height.
- (e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed:
1. Lot area – no minimum
  2. Lot width – no minimum
  3. Yards – Front, 60 feet from center of right-of-way or 30 feet, whichever is greater; Rear, 10 feet; Side, 10 feet.
- (f) Sign Regulations Same as those enumerated in the C-2 Central Commercial District.

**23.26 C-2 CENTRAL COMMERCIAL DISTRICTC.**

- (a) General Character. This commercial district is for personal and business services and wholesale and retail trade. This district is to provide area where there can be a concentration of general commercial activities.
- (b) Permitted Uses. The following uses are permitted in the C-2 Central Commercial District:
1. Banks
  2. Barber and Beauty shops
  3. Churches
  4. Clothing stores
  5. Clubs and lodges
  6. Drugstores
  7. Dry goods stores
  8. Dwellings, above first floor only
  9. Fire or police stations
  10. Frozen food lockers
  11. Government offices
  12. Grocery stores

13. Hotel
  14. Laundromats
  15. Libraries
  16. Offices, business and professional
  17. Parking lots, private and public
  18. Restaurants, except for drive-in type
  19. Shoe repair shops
  20. Theater, except drive-in type
  21. TV repair and sales shops
  22. Variety stores
  23. Other uses of the same general character as those listed above.
- (c) Conditional Permitted Uses. The following uses may be permitted after a public hearing by the Zoning Board of Appeals and approval by the Village Board of Trustees.
1. Government service buildings and facilities.
  2. Other commercial uses of a similar nature which are compatible with those of this section.
  3. Telephone relay tower and electrical regulating substations.
- (d) Height Regulations. No building or structure shall exceed 4 stories or 45 feet in height except as herein provided.
- (e) Lot Area, Frontage and yard Requirements. The following minimum requirements shall be observed:
1. Lot area – no minimum
  2. Lot width – no minimum
  3. Yards – Front, no minimum; Rear, 10 feet; Side, no minimum except where adjoining a Residence District, then same as the R Residence District.
- (f) Sign Regulations. Business signs and advertising devices are permitted subject to the following conditions:
1. General Application.
    - A. No sign shall be permitted within 20 feet of any Residential District boundary line.
    - B. No free-standing business or advertising sign shall be erected or related within 15 feet of any street or highway, within 3 feet of any driveway or parking area, or within 25 feet of the intersection of two or more streets.
    - C. Signs on awnings shall be exempted from the limitations imposed by this ordinance on the projection of signs from the face of the wall on any building or structure, provided that any sign located on the awning shall be affixed flat to the surface thereof, and shall indicate only the name and/or address of the establishment. No such sign shall extend vertically or horizontally beyond the limits of said awning.
  2. Illumination. Signs may have constant or flashing illumination, provided that any such signs that are located in direct line of vision of any traffic control signal shall not have contrasting or flashing intermittent illumination of red, green or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any building, nor into a Residential District or into any street.

3. Area. The gross surface area in square feet of all signs on a lot shall not exceed 3 times the lineal feet of frontage on such lot. Each side of the lot that abuts upon a street may be included as separate frontage.
4. Projection. No sign shall project more than 4 feet from the face of the wall of any building or structure, nor project higher than the building height.

### 23.27 I INDUSTRIAL DISTRICT.

- (a) General Character. The regulations of the Industrial District are intended to provide for the establishment of a full range of industrial activities and to govern their operations in a manner that will not have a deleterious effect on residential and business areas. It is essential that the needs of industry, both today and the foreseeable future be adequately provided for and a proper balance maintained with other uses.
- (b) Permitted Uses. The following uses are permitted in the I Industrial District:
  1. All permitted and conditional uses in the C-2 General Commercial District.
  2. Cartage and express facilities
  3. Contractors office, shops or yard
  4. Food products manufacturing
  5. Grain storage elevators
  6. Machine shop
  7. Metal products manufacturing
  8. Printing establishments
  9. Public utility and service uses, including telephone relay towers and electrical regulating substations
  10. Recreational Vehicle sales
  11. Warehousing operations
  12. Wood products manufacturing
  13. Other uses of the same general character as those listed above.
- (c) Conditional Permitted Uses. Upon review by the Zoning Board of Appeals, in accordance with the provisions contained herein, other manufacturing uses free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line may be permitted.
- (d) Height Regulations. No building shall exceed 4 stories or 45 feet in height. Grain storage elevators are exempted from the height restrictions herein.
- (e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed:
  1. Lot Area – no minimum
  2. Lot Width – no minimum
  3. Yards – Front, 60- feet from center or R.O.W. or 30 feet, whichever is greater; Rear and Side, 10 feet.
- (f) Signs Regulations. Same as those enumerated in C-2 Central Commercial District.
- (g) Regulations Along Residence District Boundary Lines. Within 200 feet of a Residence District boundary line all operations for establishments engaged in production, processing, assembly, disassembly, cleaning, servicing, testing, repairing or storing of materials, goods, or products, except accessory off-street parking for vehicles in operable condition, shall be within completely enclosed buildings. Outdoor storage is permitted in rear yards only and

then only if completely screened by a solid wall or plantings at least eight feet in height. Open storage shall not be of greater height than that of the enclosing fence or plantings.

**23.28 A AGRICULTURAL DISTRICT.**

- (a) General Character. This is composed of land being used for agricultural activities, and other such open land uses and located near the periphery of the jurisdictional boundary, which is not expected to develop in intensive urban uses within the near future. It is the intent of this district to allow open type uses, to conserve the desirable characteristics of the land, to prevent conflicts between agricultural and non-agricultural land uses, and to facilitate orderly urban development.
- (b) Permitted Uses. The following uses are permitted in the A Agricultural District:
  - 1. Agricultural uses
  - 2. Cemeteries
  - 3. Public parks
- (c) Conditional Permitted Uses. The following uses may be permitted upon review of the Zoning Board of Appeals in accordance with the provisions contained herein:
  - 1. Commercial recreational uses
  - 2. Private airports and landing strips
  - 3. Churches
  - 4. Other uses of the same general character as those listed above.
- (d) Height Regulations. No structure shall exceed 3 stories or 35 feet in height.
- (e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed:
  - 1. Lot area – no minimum
  - 2. Lot width – no minimum
  - 3. Yards – Front, 30 feet; Rear, 20 feet; Side, 20 feet each.
- (f) Sign Regulations.
  - 1. Agricultural Uses. One sign per farm dwelling, not more than 6 square feet in area, indicating name of occupant and specialized agricultural activities. Such signs as required for crop identification during the growing season are also permitted.
  - 2. Non-agricultural Uses. One sign allowed per establishment, not exceeding 16 square feet in area.
  - 3. Projection. No sign shall project into a public right-of-way.
  - 4. Height. No sign shall be more than 15 feet in height.

**23.29 FW FLOODWAY DISTRICT.**

- (a) General Character. This floodway district is intended to reduce the danger to life and property due to increased floor heights or velocities; to reduce or prevent contamination, disease and unsanitary conditions caused by floods; and to prevent increases in flood heights

due to the displacement of potential channel storage capacity.

(b) Permitted Uses. The following uses are permitted in the FW Floodway District:

1. Agricultural uses.
2. Non-structural commercial uses, such as loading area, parking areas, and private airport landing strips.
3. Public and private recreational uses, such as golf courses, tennis courts, picnic grounds, and driving ranges.
4. Other uses similar in character to those described above.

(c) Conditional Permitted Uses. The following uses may be permitted, after a public hearing by the Zoning Board of Appeals and approval by the Village Board of Trustees.

1. Uses or structures accessory to open space.
2. Circuses, carnivals and similar transient amusement enterprises.
3. Drive-in theaters, new and used car lots, road side stands, and signs.
4. The extraction of gravel, sand, or other raw materials subject to acceptable operational methods and proper rehabilitation.
5. Private storage yards for machinery, equipment and materials.
6. Kennels and stables.

(d) Standards for Floodway Conditional Permitted Uses.

1. All Uses. No structure (temporary or permanent), fill, including fill for roads and levees, deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Permitted Use which, acting along or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition, all floodway conditional permitted uses shall be subject to the standards contained in Section 23.37 and the following standards.
2. Fill, Dumping of materials or Waste.
  - A. Any fill, etc., proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill.
  - B. Such fill, etc., shall be protected against erosion by riprap, vegetative cover or bulk heading.
3. Structures (temporary or permanent).
  - A. Structures shall not be designed for human habitation.
  - B. Structures shall have a low flood damage potential.
  - C. The structure or structures, if permitted, shall be placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

D. Structures shall be firmly anchored to prevent floatation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.

4. Storage of Material and Equipment.

A. The storage or processing of materials that are in time of flood buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

B. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent floatation or readily removable from the area within the time available after flood warning.

(e) Height Regulations. No structure shall exceed 3 stories or 35 feet in height.

(f) Lot Area, Frontage and yard Requirements. The following minimum requirements shall be observed:

1. Lot area – no minimum
2. Lot width – no minimum
3. Yards – All structures must be set back 40 feet from any lot line.

(g) Sign Regulations. Same as those enumerated in the R-1 Residence District.

**23.30 PERFORMANCE STANDARDS.** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition. To insure this, the following performance standards must be observed:

(a) Fire Hazards. Any activity involving the use of flammable or explosive materials shall be privately protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.

(b) Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(c) Noise. No noise shall be emitted beyond any property boundary that unreasonably interferes with the enjoyment of life or with any lawful business or practice, as determined by the Illinois Environmental Protection Agency.

(d) Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

(e) Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

(f) Air Pollution. No discharge or emission of any contaminant into the air shall be permitted which causes or tends to cause air pollution in violation of Federal and State Clean Air Standards.

(g) Glare. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.



- (h) Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- (i) Water Pollution. No discharge or emission of any pollutant into the waters of the state which causes or tends to cause a violation of state water quality standards is permitted.
- (j) Compliance. All uses existing on the effective date of this ordinance shall conform to these performance standards within one year. If a hardship is demonstrated, the Zoning Board of Appeals may grant an extension of up to six months.

**23.31 ADMINISTRATION AND ENFORCEMENT.** It shall be the duty of the Zoning Board of Appeals and the Administrative Officer to administer and enforce the provisions of this ordinance.

**23.32 ZONING BOARD OF APPEALS.**

- (a) Creation. A Zoning Board of Appeals is hereby created for the Village of Carlock, Illinois. The Zoning Board of Appeals, shall consist of seven members who shall serve for a term of five years, provided that the members first appointed after the enactment of this ordinance shall serve terms as follows: one shall serve a term of one year; one for two years; one for three years; one for four years; one for five years; one for six years; and one for seven years; the successor to each member so appointed to serve a term of five years. One of the members so appointed shall be named as Chairman at the time of his appointment. The terms of the members shall commence on the date of their appointment. All of the members of the Zoning Board of Appeals shall serve without compensation and they shall be subject to removal by the president and Village Board of Trustees for good cause after public hearing. Members of the Zoning Board of Appeals shall have the powers and duties assigned to the Zoning Board of Appeals by statute to ordinance.
- (b) Procedure. In accordance with Illinois Revised Statutes, Chapter 24, Section 11, Division 13, the following rules apply:
  - 1. All appointments to the Zoning Board of Appeals shall be made by the President subject to approval of the Village board of Trustees. One of the members so appointed shall be named as Chairman at the time of his appointment. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of Chairman is vacated for any reason, the Village Board of Trustees shall immediately appoint at its option either one of the remaining members on the Zoning Board of Appeals, or any member who is appointed to fill such vacancy on the Board as the new Chairman.
  - 2. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such other times as the Zoning Board of Appeals may determine. All testimony by witnesses at any hearing provided for in this ordinance shall be given under oath. The Chairman or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be of public record.

- (c) Jurisdiction, The Zoning Board of Appeals is hereby vested with the powers as granted by the Statutes of the State of Illinois and this ordinance as follows:
1. To hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Officer pertaining to conformance with requirements of this ordinance;
  2. To hear and decide variations from the terms provided in this ordinance in the manner and subject to the standards set forth in this section;
  3. To hear and decide all matters referred to it or upon which it is required to pass under this ordinance;
  4. To post or publish notices of public hearings, and to hold such hearings as required by the applicable Statutes of the State of Illinois, pertaining to proposed amendments to the regulations imposed and the Districts created by this ordinance and to proposed conditional uses as established in this ordinance;
  5. To make a written report and recommendations to the Village Board of Trustees on any such proposed amendments or proposed conditional uses; and
  6. To initiate, direct, and review, from time to time, studies of the provisions of this ordinance and to make reports of its recommendations to the Village Board of Trustees not less frequently than once a year.

**23.33 ADMINISTRATIVE OFFICER.** The President, with the approval of the Village Board of Trustees, may appoint or designate an Administrative Officer or other officials who shall have the authority to:

1. Issue all certificates of occupancy and make and maintain records thereof.
2. Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this ordinance.
3. Maintain permanent and current records of the ordinance, including, but not limited to, all maps, amendments and conditional uses, variations, appeals, and application therefor.
4. Receive, file, and forward to the Zoning Board of Appeals, all applications for appeals, variations, and other matters on which the Zoning Board of Appeals is required to decide under this ordinance.
5. Provide such clerical and technical assistance as may be required by the Zoning Board of Appeals in the exercise of its duties.

**23.34 APPEALS.**

- (a) Authority. The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirements, decision, or determination made by the Administrative Officer or other authorized officials of the village relating to the regulations of this ordinance.
- (b) Initiation. Any appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by any office, department, board, bureau, or commission, aggrieved by an administrative order requirement, decision, or determination under this ordinance by the

Administrative Officer or other authorized official of the village.

- (c) Procedure. An appeal shall be filed with the Village Clerk. The Village Clerk shall forward such appeal to the Zoning Board of Appeals for processing in accordance with the applicable Statutes of the State of Illinois. An appeal shall be heard within 30 days after receipt by the Zoning Board of Appeals. The Zoning Board of Appeals shall give due notice thereof to the interested parties.
- (d) Decisions. All decisions, after hearing before the Zoning Board of Appeals on appeals from an administrative order, requirement, decision, or determination relating to this ordinance, of the Administrative Officer or other authorized official of the village shall, in all instances be final administrative determinations and shall be subject to judicial review only in accordance with applicable Statutes of the State of Illinois.

### **23.35 VARIATIONS.**

- (a) Authority. The Zoning Board of Appeals shall decide variations of the provisions of this ordinance in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.
- (b) Initiation. An application for a variation may be made by any person, firm, or corporation or by any office, department, board, bureau, or commission, requesting or intending to request application for a Zoning Certificate.
- (c) Procedure. An application for a variation shall be filed with the Village Clerk. The Village Clerk shall forward such application to the Zoning Board of Appeals for processing in accordance with applicable Statutes of the State of Illinois. No variation shall be made by the Zoning Board of Appeals except after a public hearing before the Zoning Board of Appeals, of which there shall be a notice of time and place of the hearing published at least once – not more than 30 nor less than 15 days before the hearing – in one or more newspapers circulated in the village. Supplemental or additional notice may be published or distributed as the Zoning Board of Appeals may, by rule, prescribe from time to time.
- (d) Decisions. All decisions of the Zoning Board of Appeals on variations arrived at after the hearing shall require a majority vote of all its members, and such decisions shall be final, subject only to judicial review in accordance with applicable Statutes of the State of Illinois.
- (e) Standards. The Zoning Board of Appeals shall not vary the provisions of this ordinance as authorized in this section unless it shall have made findings based upon the evidence presented to it in the following specific cases:
  1. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;
  2. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
  3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;

4. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhoods.

The Zoning board of Appeals shall require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

#### **23.36 AMENDMENTS.**

- (a) Authority. The regulations imposed and the districts created under the authority of this ordinance may be amended from time to time by ordinance in accordance with applicable Statutes of the State of Illinois. An amendment shall be granted or denied by the Village Board of Trustees only after a public hearing before the Zoning Board of Appeals and a report of its findings and recommendations has been submitted to the Village Board of Trustees.
- (b) Initiation. Amendments may be proposed by the Village Board of Trustees by the Zoning Board of Appeals, or by a resident of or owner of property in the village.
- (c) Procedure. An application for an amendment shall be filed with the Village Clerk. Such application shall be forwarded to the Zoning Board of Appeals by the Village Clerk with a request to hold a public hearing in accordance with applicable Statutes of the State of Illinois, of which there shall be a notice of time and place of the hearing published at least once – not more than 30 nor less than 15 days before the hearing – in one or more newspapers circulated in the village. Supplemental or additional notices may be published or distributed as the Zoning Board of Appeals may, by rule, prescribe from time to time. After such public hearing the Zoning Board of Appeals shall submit a report of its findings and recommendations to the Village Board of Trustees.
- (d) Decisions. The Village Board of Trustees, after receiving the report of the Zoning Board of Appeals, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Illinois, or may refer it back to the Zoning Board of Appeals for further consideration.
- (e) Findings of Fact and Recommendation of the Zoning Board of Appeals. Within 30 days after the close of the hearing on a proposed recommendation based upon the evidence presented to it in each specific case with respect to the following matters:
  1. Existing uses of property within the general area of the property in questions.
  2. The zoning classification of the property within the general area of the property in questions.

3. The suitability of the property in question to the uses permitted under the existing zoning classification.
4. The trend of development if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment until after it finds that the adoption is in the public interest and is not solely for the interest of the applicant.

### **23.37 CONDITIONAL PERMITTED USES.**

- (a) Authority. Conditional permitted uses shall be authorized or denied by the Village Board of Trustees in accordance with the regulations and conditions set forth in this ordinance for conditional permitted uses. No application for a conditional permitted use shall be acted upon by the Village Board of Trustees until after:
  1. A written report is prepared and forwarded to the Village Board of Trustees by the Zoning Board of Appeals in a manner prescribed herein for amendments to this ordinance; and
  2. A public hearing has been held by the Zoning Board of Appeals, in accordance with applicable Statutes of the State of Illinois, of which there shall be a notice of time and place of the hearing published at least once – not more than 30 nor less than 15 days before the hearing – in one or more newspapers published or distributed as the Zoning Board of Appeals may, by rule, prescribe from time to time. After such public hearing the Zoning Board of Appeals shall submit a report of its findings and recommendations to the Village Board of Trustees.
- (b) Initiation. An application for a conditional permitted use may be made by any person, firm, or corporation or by any office, department, board, bureau, or commission, requesting or intending to request a Zoning Certificate.
- (c) Procedure. An application for a conditional permitted use, in such form and accompanied by such information as shall be established from time to time by the Zoning Board of Appeals, shall be filed with the Village Clerk and thereafter processed in the manner prescribed heretofore for applications for amendments.
- (d) Decisions. The Village Board of Trustees, upon report of the Zoning Board of Appeals and without further hearing, may authorize or deny an application for a conditional use in accordance with the Statutes of the State of Illinois applicable to amendments, or may refer it back to the Zoning Board of Appeals for further consideration.
- (e) Standards. No conditional permitted use shall be authorized by the Village Board of Trustees unless the conditional permitted use:
  1. Is deemed necessary for the public convenience at that location;
  2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected; and

3. Would not cause substantial injury to the value of other property in the neighborhood in which it is located.

**23.38 FEES.** An application for an amendment, variation or conditional permitted uses filed by or on behalf of the owner or owners of the property affected shall be accompanied by a fee of \$150.00. In addition, this fee will be non-refundable. (Ordinance 2007-07)

An application for an appeal shall be accompanied by a fee of \$15. (sec. 23.38. am. 1976-60)

**23.39 VIOLATIONS and PENALTY.** Any person, firm or corporation, who violates, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall, upon conviction, be fined no less than \$100 nor more than \$500 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (2002-1)

(Note: Chapter 23 originally adopted and published by village on July 26, 1976.)