

VILLAGE OF VIOLA ZONING ORDINANCE

Revised - _____ 2005

(ORDINANCE NO.2)

SECOND DRAFT

11/10/05

Prepared for the

VILLAGE OF VIOLA, ILLINOIS

by



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VILLAGE OF VIOLA

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Becky Bollinger	Village Treasurer
David Zwicker	Village Attorney
Tom Mulder	Village Police Chief
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John Brown	Don Thorp
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**ZONING ORDINANCE
of the
VILLAGE OF VIOLA, ILLINOIS**

**BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF VIOLA,
MERCER COUNTY, ILLINOIS:**

ARTICLE I

TITLE, PURPOSE, NATURE, AUTHORITY, AND DEFINITIONS

Section 1 TITLE

This Ordinance shall be known as and may be referred to and cited as the "Zoning Ordinance of the Village of Viola, Illinois."

Section 2 PURPOSE

This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the Village of Viola, Illinois, as hereinafter set forth. The regulations contained here are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the Village into zoning districts and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

Section 3 AUTHORITY

This Ordinance, in pursuance of the authority granted by the 1983 Revised Statutes of the State of Illinois, Chapter 24, Paragraph 11, Division 13, shall be known and cited as the "Zoning Ordinance of the Village of Viola, Illinois. (Ord. #2, as adopted 7/18/59)

Section 4 DEFINITIONS

For the purposes of this Ordinance and in order to carry out the provisions contained herein, certain words, terms, phrases and illustrations are to be interpreted as defined herein.

Words used in the present tense shall include the future tense; the singular number shall include the plural, and the plural number includes the singular. The word "lot" includes the word "plot" or "parcel." The word "shall" is mandatory, and the word "may" is permissive.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

4.1 Accessory Building or Use.

- A. Accessory Structure. A subordinate structure detached but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
- B. Accessory Use. A structure or use that: (a) is clearly incidental to and customarily found in connection with a principal building or use; (b) is subordinate to and serves a principal building or a principal use; (c) is subordinate in area, extent, or purpose to the principal building or principal use serviced; (d) contributed to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and (e) is located on the same lot as the principal building or use served.

4.2 Adult Bookstore. An establishment for the sale, rental, or exchange of books, magazines, or video cassettes, distinguished or characterized by primary emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" as defined below including instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities. Adult bookstores do not include businesses which sell, rent, or exchange books, magazines, or video cassettes as a sideline or adjunct to sales or rental of books, magazines, or video cassettes not relating to "Specific Sexual Activities" or "Specific Anatomical Area".

A. Specific Sexual Activities are defined as:

- 1. Human genitals in a state of sexual stimulation or arousal;
- 2. Acts of human masturbation, sexual intercourse or sodomy; and
- 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

B. Specific Anatomical Areas are defined as:

- 1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

4.3 Adult Mini-motion Picture Theaters. An enclosed building with a capacity for less than fifty (50) persons, used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specific Anatomical Areas" or "Specific Sexual Activities" for observation by patrons therein.

4.4 Adult Motion Picture Theaters. An enclosed building with capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" for observation by patrons therein.

4.5 Adult Modeling and Entertainment Facility. An establishment having its primary activity the presentation of live models displaying lingerie, or otherwise presenting live, artistic modeling, with said modeling displaying the human body in a nude or semi-nude state,

distinguished or characterized by an emphasis on "Specific Anatomical Areas" for observation by patrons therein.

- 4.6 Alley. A public right of way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.
- 4.7 Amusement Establishment. Amusement establishment shall mean bowling alleys, miniature golf course, practice golf range, pool halls, swimming pools, skating rinks, archery range, shooting galleries and similar amusement facilities but shall not be construed to include racing facilities.
- 4.8 Apartment. A room or suite of rooms in a multi-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities, permanently installed, must always be included for each apartment.
- 4.9 Automobile Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:
- A. Sale and servicing of spark plugs, batteries, distributors and distributor parts;
 - B. Tire servicing and repair, but no recapping or regrooving;
 - C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
 - D. Radiator cleaning and flushing;
 - E. Washing and polishing where no mechanical conveyor, blower, or steam cleaning device is employed provided that no more than one single car bay of the service station shall be equipped with washing equipment; and provided that the lot on which the washing equipment is to be located shall be sufficient to provide on-site waiting storage for a total number of vehicles equal to the number capable of being processed during one-half (2) hour; and provided that a drip area shall be provided where vehicles can be dried, located such that water will be confined to the site and will not run onto any street or alley so as to cause a hazard.
 - F. Greasing and lubrication;
 - G. Providing and repairing fuel pumps and lines;
 - H. Minor servicing and repair of carburetors;
 - I. Emergency wiring repairs;
 - J. Adjusting and repairing brakes;

- K. Minor motor adjustments not involving removal of the head or crank case or racing the motor;
- L. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
- M. Provision of road maps and other informational material to customers and provision of restroom facilities.

It shall be unlawful to provide major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles, trucks or trailers not in operating condition, or other work involving noise, glare, fumes, smoke or other such characteristics. An automobile service station is not a repair garage, a body shop, a car wash, an automobile wrecking yard or junk yard, nor a storage place for rental trailers.

- 4.10 Automobile Wrecking Yard. Any place where two or more vehicles not in running condition, or parts thereof, are stored in the open, and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.
- 4.11 Balcony. Is an outside deck located at least on the second floor or any higher floor of a dwelling building, and can be cantilevered or supported on piers.
- 4.12 Bed and Breakfast. Shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a twelve month period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. "Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.
- 4.13 Billboard. A "billboard" is a type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
- 4.14 Boarding House. An establishment with lodging for compensation offering accommodations for short-term transients or extended periods of time. Meals may or may not be provided (also referred to as Boarding House, Rooming House, Lodging House, Lodging Room, does not include Bed and Breakfast).
- 4.15 Book/stationery Store. An establishment dealing in books, printed materials and stationery supplies, which is not an adult bookstore.
- 4.16 Building. Any permanently anchored structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building (see structure).

- 4.17 Building, Completely Enclosed. A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- 4.18 Building, Height of. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:
- A. The elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
 - B. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten feet above lowest grade.
- The height of a stepped or terraced building is the maximum of any segment of the building.
- 4.19 Building Set-back Line. See "Setback".
- 4.20 Bulk Storage. Means the storage of flammable or combustible liquid in an above ground tank that is not for dispensing purposes. If an above ground tank is used for any bulk storage purposes, it is classified as a "bulk storage tank" for the remainder of the calendar year in which it was so used.
- 4.21 Care Home, Large Residential. A Residential Care Home for more than eight (8) persons, plus supervisory or oversight personnel, living together as a single housekeeping unit who are disabled, as defined by "Disability" in this ordinance, for the primary purpose of providing shelter.
- 4.22 Care Home, Small Residential. A Residential Care Home containing a single one family dwelling unit for eight (8) persons or fewer, plus supervisory or oversight personnel, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere.
- 4.23 Carport. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.
- 4.24 Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- 4.25 Clinic or Medical Health Center. A building containing an individual practitioner or an association or group of physicians, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The clinic may include apothecary, dental and mental laboratories, and/or x-ray facilities, but shall not include inpatient or overnight care.

- 4.26 Club or Lodge, Private. Non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.
- 4.27 Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, commercial products associated with minor auto servicing (but not automobile parts), and other goods commonly associated with the same including the retail dispensing of vehicular fuels.
- 4.28 Day Care Home. A family dwelling unit occupied by attending family which receives more than three (3) and up to a maximum of eight (8) children for less than twenty-four (24) hours a day. The maximum of eight (8) children includes the family's natural or adopted children and all other persons under the age of twelve (12). A Day Care Home may also be a family home which receives adults who are sixty (60) years of age or older.
- 4.29 Day Care Center. A child care facility which regularly provides day care for less than twenty-four (24) hours per day for (a) more than eight (8) children in a family dwelling unit, or (b) more than three (3) children in a facility other than a family dwelling unit.
- 4.30 Deck. Is an outside porch without a roof not necessarily attached to a dwelling wall, whose floor is built on a foundation, piers, or blocks, as a distinct structure requiring a building permit, above ground grade, limited to a maximum height of the adjacent first floor level in the dwelling. It is not allowed any higher level than above grade, to avoid the deck floor from creating a defacto roofed porch underneath; but a deck can be located on the existing roof of dwellings and garages.
- 4.31 Disability. As defined by the Americans with Disability Act (ADA), a person who has:
- A. A physical or mental impairment that substantially limits one or more major life activities;
 - B. A record of such an impairment; or
 - C. Is regarded as having such an impairment.
- 4.32 Dwelling, One-family. A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space totaling at least 900 square feet and the structures length does not exceed four times its width and is affixed to a permanent masonry or concrete footing and/or foundation.
- 4.33 Dwelling, Two-family. A building designed or altered to provide dwelling units for occupancy by two families.

- 4.34 Dwelling, Multiple-family. A building or portion thereof designed or altered for occupancy by three or more families living independently of each other.
- 4.35 Dwelling, Row (Townhouse). A row of two to twelve attached, one-family, party-wall dwellings.
- 4.36 Dwelling Unit. One or more rooms which are arranged, designed or used as living quarters for a family or for a community residence as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas.
- 4.37 Easement. A right to use a portion of another person's real property for certain limited purposes.
- 4.38 Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection there with, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare but not including buildings.
- 4.39 Family. One or more persons each related to them by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and single housekeeping unit. A family includes any domestic servants and not more than one gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition, and shall not be in addition thereto.
- 4.40 Farm. An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, flora, fauna, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry feeding of such farm poultry and farm animals shall be subject to the regulations of the State of Illinois Environmental Protection Agency. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating and storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals. The term "farm" includes farm dwellings.
- 4.41 Farm Animal. The production, keeping or maintenance for sale, lease or personal use of animals useful to humans, including, but not limited to: dairy animals, poultry, livestock, including beef cattle, sheep, swine horses, ponies, mules, or goats or any mutations or

hybrids thereof, including the breeding and grazing of any or all of such animals, bees, fish, and fur animals, but not including rabbits kept as pets.

- 4.42 Fast Food Restaurant. An establishment whose principal business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. The establishment may include a drive-up or drive-through service facility or offers curbside service.
- 4.43 Fence. A structure, other than a building, which is an artificially constructed barrier of any material or combination of materials or plantings/shrubbery planted or erected to enclose or screen areas of land. Decorative corner treatments which do not exceed six feet (6') in length and three feet (3') in height are not considered fences if it allows for 50 percent or more open visibility.
- 4.44 Foster Family Home. A family home which provides full-time family care to foster children unrelated to them. Foster family homes are limited to a maximum of eight (8) children, including the foster family's children, unless all of the children unrelated to the foster family are of common parentage, or the applicable department of the State of Illinois has waived the limit of eight (8) unrelated children to facilitate an adoptive placement.
- 4.45 Foster Group Homes. A child care facility which regularly provides care for no more than ten (10) children placed by and under the supervision of a child welfare agency licensed by the applicable department of the State of Illinois. Adult supervision shall be provided on a twenty-four (24) hour basis.
- 4.46 Frontage Lots. See Lots, Multiple Frontage
- 4.47 Garage, Bus or Truck. A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, commercial vehicles, and buses exceeding one and one-half (1-1/2) ton capacity.
- 4.48 Garage, Private. A detached accessory building or portion of a principal building used for storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than (1) truck of a rated capacity exceeding one and one-half (1-1/2) tons.
- 4.49 Halfway House/Group Home. A temporary residential living arrangement for up to five (5) persons, excluding staff, who are receiving therapy, counseling and/or care from support staff who are present at all times residents are present, for the following purposes:
- A. To help them re-enter society while housed under supervision while under constraints of alternatives to imprisonment including, but not limited to, pre-release, work release, and probationary programs.
 - B. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence;

- C. To provide temporary shelter for persons who are victims of domestic abuse and/or neglect; or
- D. To provide adult congregate living arrangements without nursing care.
- 4.50 Hazardous Waste. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency (EPA) has developed a list of hazardous wastes based upon corrosivity, reactivity, and toxicity. Hazardous substances include, but are not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts, and all radioactive materials.
- 4.51 Health/Recreational and Physical Training Club. An indoor facility including uses such as game courts, exercise equipment, locker rooms, training studios, jacuzzi and/or sauna, and pro shop.
- 4.52 Height. See Building, height of.
- 4.53 Home Occupation. An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, and which is clearly incidental to the use of the dwelling unit for residential purposes. There are major and minor home occupations which are clearly addressed under the General Provisions of this ordinance.
- 4.54 Hotel. A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities and is not a bed and breakfast (also see "Motel").
- 4.55 Household Hazardous Waste. A hazardous waste that can catch fire, react, or explode under certain circumstances, or that is corrosive or toxic. Common household hazardous waste items, and others not included on this list, might contain materials that are ignitable, corrosive, reactive, or toxic such as: drain openers, oven cleaners, wood and metal cleaners and polishers, automotive oil and fuel additives, grease and rust solvents, carburetor and fuel injection cleaners, air conditioning refrigerants, starter fluids, paint thinners, paint strippers and removers, adhesives, herbicides, insecticides, and fungicides/wood preservatives.
- 4.56 Independent Trailer Coach or Independent Mobile Home. A transportable non-permanent single-family dwelling unit on wheels suitable for year-round occupancy and containing the same water supply, waste disposal, heating and air condition, electrical conveniences and with self-contained toilet and bath or shower facilities as conventional housing. This definition is not intended to include recreational vehicle types.
- 4.57 Junk Yard. Open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards.

- 4.58 Kenel. Any structure or premises where dogs and cats over four (4) months of age are kept, raised, bred or boarded for commercial purposes excluding animal hospitals, clinics and pet shops.
- 4.59 Legal Objector. The owner of a lot, parcel, or tract of land, which is next to a lot, parcel, or tract of land, for which a Special Use is proposed or which is the subject of an amendment of this ordinance. For the purposes of this ordinance, a lot shall be deemed to be next to another if the lots, parcels, or tracts share a common lot boundary line in whole or in part or if a common lot boundary in whole or in part would occur if all street, highway, or alley right-of-way between such lots were excluded.
- 4.60 Loading and Unloading Space, Off-Street. An open hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.
- 4.61 Lot. A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A lot may or may not coincide with a "lot of record".
- 4.62 Lot Area/Coverage. The area of the lot covered by buildings above grade, excluding permitted projections.
- 4.63 Lot of Record. An area of land designated as a lot on a plat recorded with the Recorder of Deeds of Mercer County, Illinois in accordance with State law.
- 4.64 Lot, Corner. A lot having at least two (2) adjacent sides that abut for their full length upon streets.
- 4.65 Lot, Front or Frontage. The length of any one property line of a premises, which property line abuts a legally accessible street right of way, except alleys.
- 4.66 Lot, Multiple Frontage. A lot that fronts on two or more street right of ways, such as corner lots, through lots, etc.
- 4.67 Lot, Interior. A lot other than a corner or reversed corner lot.
- 4.68 Lot Line, Rear. The lot line or lot lines most nearly parallel and most remote from the front lot line.
- 4.69 Lot Line, Side. A lot line which is not a front or rear lot line.
- 4.70 Lot, Reversed Corner. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.
- 4.71 Lot, Through. A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

- 4.72 Lot, Width. The horizontal distance between the side lot lines measured at right angles to the side lot lines at the front building line.
- 4.73 Lot, Zoning. A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.
- 4.74 Mobile Home. A detached residential dwelling unit designed for transportation after fabrication on streets of highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer, self-contained motor home or other recreational vehicle is not to be considered a mobile home.
- 4.75 Modular Home. Factory-built housing certified to meet the current building codes and amendments as adopted by Mercer County, IL and the requirements of the Illinois Department of Public Health, applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.
- 4.76 Motel. A building or a group of buildings, whether attached or in connected units, used as individual sleeping units designed primarily for transient travelers and providing for accessory off street parking facilities. The term "motel" includes but is not limited to buildings designated as auto courts, tourist courts, motor hotels, motor lodges, and similar terms.
- 4.77 Motor Freight Terminal. A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.
- 4.78 Non-Conforming Use. A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.
- 4.79 Nursery School. An institution providing instructional/educational services for six preschool aged children.
- 4.80 Ordinance. Reference to "Ordinance" herein shall be construed as the Zoning Ordinance.
- 4.81 Owner. The word "owner" applies to the entity in which title is vested in the building or land.
- 4.82 Parking Area, Accessory. An area of one or more parking spaces located at the same property as the building, structure or premises it is intended to serve, or on adjoining or nearby property and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

- 4.83 Parking Space, Automobile. Space within a public or private parking area of not less than 160 square feet (eight and one-half feet by nineteen feet) exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.
- 4.84 Person. An individual, group of individuals, corporation, association, partnership, joint venture or other entity, and includes any trustee, estate, receiver, assignee or personal representative.
- 4.85 Planning Commission. Planning Commission of the Village of Viola.
- 4.86 Planned Unit Development. A planned unit development is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single land-owner or by a group of landowners in common agreement as to which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned unit development may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.
- 4.87 Porch. Is a roofed structure (either enclosed or unenclosed), attached to one or two permanent exterior walls of a dwelling building, whose floor is at or just below the level of the dwelling first floor adjacent to the porch.
- 4.88 Principal Building. A building in which the primary use of the lot on which the building is located is conducted.
- 4.89 Property Owner. Any individual, group of individuals, association, corporation, joint stock association, joint venture, or any other entity in whose name the legal title to the real estate is recorded.
- 4.90 Recreational Vehicle. A general term for a vehicular unit bearing current license and/or registration, not exceeding thirty-six (36) feet in overall length, eight (8) feet in width or twelve (12) feet in overall height, which includes but is not limited to the following specific vehicle types:
- A. Camper Trailer. A folding or collapsible vehicular structure without its own (motive) power designed as temporary living quarters for travel, camping, recreation and vacation uses; and (to) be licensed and registered for highway use.
 - B. Travel Trailer. A rigid structure without its own motive power designed as a temporary dwelling for travel, camping, recreation and vacation use; to be licensed and registered for highway use; and which, when equipped for the road, has a body width of not more than eight (8) feet, six (6) inches.
 - C. Truck Camper. A portable structure without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use; and which, in combination with the carrying vehicle (shall) be licensed and registered for highway use.

- D. Motor Home. A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary dwelling for travel, camping, recreation and vacation use; and to be licensed and registered for highway use. This category shall include converted bus campers.
 - E. Boat Trailer: A vehicular structure without its own motive power designed to transport a boat for recreation and vacation use and which is licensed and registered for highway use.
 - F. Horse Trailer: A vehicular structure without its own motive power designed primarily for the transportation of horses and which, in combination with the towing vehicle, is licensed and registered for highway use.
 - G. Utility Trailer: A vehicular structure without its own motive power designed and/or used for the transportation of all manner of motor vehicles, goods or materials and licensed and registered for highway use.
 - H. Recreational Boat. A vessel, whether impelled by wind, oars or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel when mounted upon a boat trailer shall be considered one unit. If the recreational vehicle is equipped with liquefied gas containers, they shall meet the standards of the Interstate Commerce Commission or the Federal Department of Transportation standards in existence at the passage of this Ordinance.
- 4.91 Refuse Equipment Operation. The storage, repair, maintenance, sale or lease of equipment used in the collection, storage or transportation of refuse, including but not limited to vehicles, containers and any repair, parts, accessories and appurtenances thereof.
 - 4.92 Residential Solid Waste. Waste that normally originates in a residential environment.
 - 4.93 Restaurant. A food establishment serving full course meals prepared on the premises and which may serve alcoholic beverages.
 - 4.94 Right of Way. A strip of land dedicated to the City or other unit of government for streets, alleys, and other public improvements.
 - 4.95 Set-back. The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building, including terraces or any covered projection thereof, including steps.
 - 4.96 Signs. A "sign" is a name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, 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 office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group.

- 4.97 Sign, On-Site. An "on-site sign" is a sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. On-site signs do not include billboards.
- 4.98 Sign, Off-Site. An "off-site sign" is a sign other than an on-site sign.
- 4.99 Stable, Riding. A stable shall mean a building/buildings including other structures and grounds used for the boarding or housing of horses used for riding sessions or pleasure riding on the premises.
- 4.100 Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.
- 4.101 Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.
- 4.102 Street. A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.
- 4.103 Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but not limited to: buildings walls, swimming pools, signs and fences.
- 4.104 Structural Alteration. Any changes in the supporting members of a building including but not limited to bearing walls, load-bearing walls, load-bearing partitions, columns, beams or girders or any substantial change in the roof or the exterior walls.
- 4.105 Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than twenty-four inches, designed, used and maintained for swimming and bathing. Swimming pools do not include storm or flood water detention or retention areas, manmade lakes or artificial landscaping features, and decorative or reflecting pools.
- 4.106 Terrace/Patio. Is an unroofed paved area located outside at ground grade, which is paved as concrete, stone, brick or wood paver blocks (also known as patio blocks).
- 4.107 Theater. An establishment used to observe films and other visual material which is neither an Adult Motion Picture Theater nor Adult Mini-Motion Picture Theater.

- 4.108 Tourist Courts, Motor Lodges, Motels. A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile, tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.
- 4.109 Tourist Home. A dwelling in which accommodations are provided or offered for transient guests.
- 4.110 Toxic Waste. Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms or their offspring and that adversely affect the environment which are being discarded by being disposed, incinerated or recycled.
- 4.111 Trailer Park or Mobile Home Park. An area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicles, or enclosure used or intended for as, a part of the equipment of such trailer coach park.
- 4.112 Truck Parking Area or Yard. Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading. Does not include Class B trucks.
- 4.113 Unrelated Group Family. A group of no more than five (5) unrelated adults living together as a common household by doing their own cooking and living together, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, sorority, or hotel. Unrelated group families are permitted with administrative approval, provided that they comply with the standards and conditions specified in Article IV of this Zoning Ordinance.
- 4.114 Village. "Village" shall mean the Village of Viola, Illinois.
- 4.115 Village Board. "Village Board" shall mean the Village Board of Trustees of the Village of Viola, Illinois.
- 4.116 Village Clerk. "Village Clerk" shall mean the Village Clerk of the Village of Viola, Illinois.
- 4.117 Yard. The space adjacent to lot lines which is required to be open and unobstructed from its lowest level upward except as otherwise permitted. The minimum depth of width of a yard shall consist of the horizontal distance between the lot line and nearest point of the foundation or exterior wall of a building.
- 4.118 Yard, Front. An open space extending the full width of the lot between a principal building and the street right-of-way except for an alley, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

- 4.119 Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 4.120 Yard, Side. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 4.121 Board of Appeals. Board of Appeals shall mean the Board of Appeals of the Village of Viola Illinois.
- 4.122 Zoning Maps. The map or maps incorporated into this ordinance as a part hereof.

ARTICLE II

ESTABLISHMENT OF DISTRICTS, ZONING MAP, BOUNDARY INTERPRETATIONS, ANNEXED TERRITORY

Section 5 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the Village of Viola is hereby organized into the following zoning districts:

- 5.1 Suburban Estate
"SE" Suburban Estate Districts

- 5.2 Residence Districts
"R-1" One-Family Residential Districts
"R-2" One and Two Family Residential Districts
"R-3" General Residential Districts
"R-4" Mobile Home District

- 5.3 Commercial Districts
"C-1" Neighborhood Commercial District
"C-2" General Commercial District

- 5.4 Industrial Districts
"I-1" Light Industrial District
"I-2" General Industrial District

Section 6 ZONING MAP

The location and boundaries of the zoning districts established by the Ordinance are set forth on the map entitled "Zoning Map" which is located in the Viola Village Hall and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

Section 7 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:

- 7.1 Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways, or alleys;

- 7.2 Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to be said boundary lines;

- 7.3 Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;

- 7.4 Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at a mean low water mark;
- 7.5 Boundaries shown as following or closely following the Village limits of Viola shall be construed as following such limits;
- 7.6 Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Village Board; and
- 7.7 Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

Section 8 ANNEXED TERRITORY

All territory which may hereafter be annexed to the Village of Viola shall be classed automatically as being in a "R-1" One-Family Residential District until such classification shall have been changed by amendment of this Ordinance as provided hereafter.

ARTICLE III

GENERAL PROVISIONS

Section 9 ZONING AFFECTS EVERY STRUCTURE

Except as hereinafter provided, no building, structure or land 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.

Section 10 MINIMUM STREET FRONTAGE, LOT OF RECORD, NUMBER OF BUILDINGS ON LOT, AND LOTS UNSERVED BY SEWER OR WATER

- 10.1 Minimum Street Frontage. No lot shall be created after the adoption of this Ordinance unless it abuts at least thirty (30) feet on a public street.
- 10.2 Lot of Record. In any Residence District on a lot of record at the time of enactment of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are complied with. However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot. For the purpose of this section, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.
- 10.3 Number of Buildings on a Zoning Lot. Except in the case of planned developments, not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.
- 10.4 Lots Unserved by Sewer and/or Water. In any residential district where neither public water supply nor public sanitary sewer are reasonably available, one (1) single-family detached dwelling may be constructed, provided, the otherwise specified lot area and width requirements shall be a minimum of twenty thousand (20,000) square feet, and one hundred (100) feet respectively; further provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be ten thousand (10,000) square feet, and seventy-five (75) feet respectively.

Section 11 ACCESSORY BUILDINGS, STRUCTURES, AND USES

- 11.1 Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- 11.2 Percentage of Required Yard Occupied. No detached accessory building or buildings shall occupy more than fifty (50) percent of the area of a required yard.

11.3 Accessory Buildings in Residence Districts.

- A. No accessory building or buildings shall be erected in any required court, front yard. Except for carports and garages, no accessory building shall be erected in a side yard. When erected in a side yard the accessory building shall meet the setback requirements of the principal structure. When erected in a rear yard, except for garages, it or they cumulatively shall not occupy more than thirty (30) percent of a required rear yard and/or it or they shall not exceed fifty (50) percent of the total ground floor footage of the primary structure except for swimming pools and shall be a distance at least three (3) feet from all lot lines adjoining lots which are in any "R" district, and at least six (6) feet from alley lines and from any other building or structure on the same lot. Except for garages, accessory buildings shall be built in the shadow of the principal building when viewed directly from the center of the front lot line, no part of the accessory structure shall protrude beyond the extension of the line of each side wall of the primary structure to the rear lot line. Accessory buildings shall not exceed ten (10) feet by twenty (20) feet in area without a special use permit. Accessory buildings shall not exceed fifteen (15) feet in height, except that an accessory building used in part or wholly as a dwelling for domestic employees of the owners or of the tenants of the principal building shall not exceed two (2) stories or twenty five (25) feet in height, provided it shall conform to the open space requirements of this Ordinance for a principal building, and for the purpose of determining the front yard in such case, the rear line of the rear yard required for the principal building shall be considered the front lot line for the building in the rear. Where the natural grade of a lot at the front wall of the principal building is more than eight (8) feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within ten (10) feet of any street line, provided that at least on-half (1/2) of the height of such private garage shall be below the level of the yard or court.
- B. Any accessory building may be erected as an integral part of the principal building, or if at least six (6) feet from the principal building, may be connected to the principal building by a breezeway or similar structure, provided all yard and court requirements of this Ordinance for the principal building are complied with, unless such accessory building is in a rear yard, in which case the applicable provisions of Article III Subsection 11.3 A shall apply.

11.4 Height of Accessory Buildings. No detached residential accessory building or structure shall exceed fifteen (15) feet in height except as provided in Article III, 11.3 A and Article XVI, 84.

11.5 Location of Lot. No accessory building or structure shall be erected in any front yard. Accessory buildings or structures shall be no closer than three (3) feet from all lot lines of adjoining lots which are in any "R" District and at least six (6) feet from alley lines.

11.6 Swimming Pool Fences. No public or private swimming pool shall be erected unless the same be entirely enclosed by buildings, fences or walls not less than five (5) nor more than seven (7) feet in height and of such construction that a child may not reach the pool from the street or from any adjacent property or by use of steps without opening a door or gate or scaling a wall or fence. Holes or openings in the fence shall be four (4) inches or

less. Such fences or walls shall be equipped with self-latching gates or doors. The latching device shall be located not less than four (4) feet above the ground and be inside the gate. All doors from houses and garages must also be self-closing and self-latching. This section shall be in compliance within 12 months of the adoption date of this ordinance by the Viola Village Board.

Section 12 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING

No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this Ordinance, and if already less than the minimum required it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.

Section 13 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

- 13.1 In all yards - porch awnings and canopies, steps which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley; chimneys projecting not more than eighteen (18) inches into the yard; clothes lines; flag poles; arbors, trellises, closed and open-type fences, and hedges six (6) feet or less in height, provided no such fence, the top rail of which is between two (2) and six (6) feet above the roadway surface or no other ground level sight obstructions, exceptions being trimmed tree trunks and poles, shall be placed or permitted to remain on any corner or reversed corner lot within the triangular area formed by the right-of way lines and a line connecting them at points twenty five (25) feet from the intersection of right-of-way lines, or in the case of a rounded right-of-way corner, from the intersection of the right-of way lines extended' open fences exceeding six (6) feet in height.
- 13.2 In front yards - one story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.
- 13.3 In rear yards - open decks not enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, similar buildings or structures for domestic or agricultural storage; balconies; breeze-ways and open porches; one-story windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three feet or less into the yard and in compliance with Section 11.
- 13.4 In side yards. - overhanging eaves and gutters projecting into the yard for a distance not exceeding ten (10) percent of the required yard width, but in no case exceeding eighteen (18) inches.

Section 14 CONVERSION OF DWELLINGS

The conversion of any building or structure into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be

subject also to such further requirements as may be specified hereinafter within the article applying to such district.

Section 15 TRAFFIC VISIBILITY ACROSS CORNER LOTS

In an "R" District on any corner lot, no fence, structure, or planting shall be erected or maintained within twenty (20) feet of the "corner" so as to interfere with traffic visibility across the corner.

Section 16 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention hereof to exempt such essential services from the application of this Ordinance.

Section 17 FENCES, WALLS AND HEDGES

- 17.1 Fences, walls and hedges located in a yard adjacent to a public street of residential and college and university zoned property shall be no more than forty two (42) inches in height provided the top rail is not between two (2) and six (6) feet above the roadway surface or other ground level sight obstructions and the smooth, finished, nonstructural or dressed side, if any, shall be directed toward the neighboring properties.
- 17.2 Fences, walls and hedges shall not exceed six (6) feet in height, except trimmed tree trunks and poles in any side or rear yard, and the smooth, finished, non structural or dressed side of a fence, if any, shall be directed toward neighboring properties.
- 17.3 All fences, wall or hedges may be placed up to the property line, except in cases of a corner lot or reversed corner lot, where they shall not be paced within the triangular area formed by the right-of-way lines and a line connecting them at a point twenty five (25) feet from the intersection of the right-of-way lines or in the case of a rounded corner from the intersection of the right-of-way lines extended.
- 17.4 Fences up to ten (10) feet in height shall be permitted in any "I" district.
- 17.5 All refuse and/or discard areas for all commercial, industrial and multi-family residential uses shall be screened on a minimum of three (3) sides by a six foot solid or tight board fence. All refuse and/or discard areas for all commercial and industrial uses which do not conform to all applicable provisions of this section shall be made to conform within three (3) years from the effective date of this ordinance. The appropriate official, or designee, shall make the determination if it is an unreasonable hardship to require existing refuse and/or discard to be screened on a case-by-case basis.
- 17.6 Snow fencing shall only be used on a temporary basis by public jurisdictions for public safety purposes or as a permitted used for temporary festival/event enclosure purposes.
- 17.7 Fencing shall not be allowed in floodways.
- 17.8 Swimming pool fencing requirements are outlined in this ordinance.

17.9 Barbed wire fences shall be permitted only in Industrial districts and the bottom strand shall be a minimum of eight (8) feet above grade.

17.10 Electric fences shall not be permitted.

Section 18 HOME OCCUPATIONS

18.1 Home Occupation, Major. Major home occupations are home occupations where customers and employees may come to the home and where the occupation:

- A. Shall be conducted entirely within a dwelling unit and carried on by the inhabitants thereof and no other.
- B. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations that carry beyond the premises.
- C. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
- D. Shall have no signs present on the property except for one sign, not exceeding two square feet, and not illuminated.
- E. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations, for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
- F. Shall have no storage or display of goods visible from outside the structure.
- G. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- H. Shall have adequate off-street parking spaces available to compensate for additional parking needs generated.
- I. Deliveries from commercial suppliers may be made more than once-a-week, and the deliveries shall not be made from semi-tractor trailer trucks.

- J. Shall include, but are not necessarily limited to, the following:
 - 1. Single-chair beauty parlors and barber shops;
 - 2. Photo developing and printing;
 - 3. Organized classes with up to six students at a time;
 - 4. Television and other electric or electronic repair, excluding major appliances such as refrigerators or storage;
 - 5. Upholstering;
 - 6. Dressmaking and millinery; and
 - 7. Woodworking, excluding cabinet making.

18.2 Home Occupation, Minor.

- A. Shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no other.
- B. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or other emission of sounds or vibrations that carry beyond the premises.
- C. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
- D. Shall be no advertising, display, or other indications of a home occupation on the premises.
- E. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves, racks or from inventory is not allowed, but a person may pick-up an order placed earlier as described above.
- F. Shall have no storage or display of goods visible from outside the structure.
- G. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- H. Shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located, including commercial and general delivery services.
- I. Shall have no use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence allowed.

- J. Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall no be allowed more than twice a year, and each sale shall no last more than seventy-two (72) consecutive hours, and only goods which have been generated from within the household and not purchased elsewhere for resale. Sales shall be conducted on the owner's property, except that multiple family sales are permitted if they are held on the property of one of the participants and such sale shall be considered to be a sale for all participants.

- K. Shall have no deliveries from commercial suppliers made more than once a week, and the deliveries shall not be made from semi-tractor trailer trucks.

- L. Shall include, but are not necessarily limited to, the following:
 - 1. Artists and sculptors;
 - 2. Authors, desktop publishers and composers;
 - 3. Home crafts for sale off-site;
 - 4. Office facility of clergy;
 - 5. Office facility of a salesman, sales representative or manufacturer's representative provided that no transactions are made in person on the premises;
 - 6. Address of convenience used solely for receiving and making telephone calls, including computer usage, mail, keeping business records in connection with a profession or occupation;
 - 7. Individual tutoring;
 - 8. Preserving and home cooking for sale off-site;
 - 9. Individual instrument and vocal instruction provided that no instrument may be amplified;
 - 10. Telephone solicitation work; and
 - 11. No professional offices in minor home occupations.

- M. Any other similar uses deemed to be consistent by the appropriate authority.

Section 19 VALIDITY OF EXISTING BUILDING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated uses of any development, building, structure or part thereof, for which the official approvals and required building permits have been granted before the enactment of the Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of the Ordinance and the completion thereof carried on in a normal manner within the subsequent six (6) month period, and not discontinued until completion, except for reasons beyond the builder's control.

Section 20 ADULT REGULATED USES

The Supreme Court of the State of Illinois had judicially confirmed that the purpose of these amendments, as hereinafter stated, serves a valid government interest. In the development and execution of this Ordinance, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas, particularly adjacent and nearby residential and commercial areas where nurseries, schools, nursing homes, necessary to insure that these adverse effects will not

contribute to the blighting or downgrading of the surrounding neighborhood or discouraging normal development of undeveloped areas. These special regulations are itemized in this section. A primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. To prevent concentration of such uses from having an adverse effect upon nearby or residential and commercial areas, they are prohibited within one thousand (1,000) feet of the following specified uses or zones:

- From any residential, commercial and/or conservation zone
- From any public or private school or licensed day care center
- From and church or religious center
- From any public park or a City designated pedestrian/bike path

To prevent such uses from having an adverse effect upon the adjacent areas in an I-1 and/or I-2 district, not more than two (2) such uses shall be established within one thousand (1,000) feet of each other, within said I-1 and/or I-2 district. Uses subject to these controls hereafter referred to as “Adult Regulated Uses” are as follows: Adult Bookstore; Adult Motion Picture Theater; Adult Mini-Motion Picture Theater; Adult Modeling and Entertainment facility. Such adult regulated uses, as setforth above, are hereby prohibited from all industrially zoned areas of I-1 and I-2.

None of the provisions of the Viola Zoning Ordinance pertaining to adult uses shall be construed to permit any use or activities that presently are, or in the future may be, prohibited by law.

Any building or structure within which an adult regulated use is lawfully operated, shall not use or display graphic sexual material, photos, or drawings on the exterior of said business, but shall designate said business to be an adult business and admission granted to adults only.

ARTICLE IV

"A-1" AGRICULTURAL DISTRICTS

Section 21 GENERAL DESCRIPTION

This district is intended to provide regulations for land situated on the fringe of the urban area that is currently used primarily for agricultural purposes and may undergo urban development sometime in the future. Tracts in this district may be in close proximity to developing residential, commercial, or industrial uses. The purpose of this district is to restrict the permitted uses to those which are compatible with both agricultural uses and the developing residential, commercial, or industrial uses.

Section 22 PRINCIPAL USES PERMITTED

Property and buildings in a "A-1" Agricultural District shall be used only for the following purposes:

- 22.1 One-family detached dwellings.
- 22.2 Agricultural crops and the keeping of farm animals, excluding swine, with no livestock housed or penned within three hundred (300) feet of a residentially zoned lot which is not owned, leased or occupied by the owner of the livestock.
- 22.3 Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
- 22.4 Cemeteries.
- 22.5 Essential services not less than 20 feet from any lot.
- 22.6 Nurseries and greenhouses.
- 22.7 Public library/cultural building.
- 22.8 Public parks or playgrounds.
- 22.9 Truck and flowering gardens and roadside stands selling products grown on premises.
- 22.10 Accessory structures which are customarily incidental to the above stated use and in compliance with Article III, Section 11 and not larger than ten (10) feet by twenty (20) feet.

Section 23 SPECIAL USES

The following uses may be permitted on review in accordance with provisions contained herein:

- 23.1 Country club, golf course, swimming club, tennis court, public stable, and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in any "R" District.
- 23.2 Child care center.
- 23.3 Animal hospitals and kennels.
- 23.4 Living quarters of persons employed on the premises.
- 23.5 Home occupations.
- 23.6 Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and topsoil.
- 23.7 Radio or television broadcasting tower(s).
- 23.8 Riding stables.
- 23.9 Utility stations without service yard or storage.
- 23.10 Accessory structures which are customarily incidental to the principal uses and in compliance with Article III, Section 11.

Section 24 PROHIBITED USES

24.1 Livestock, poultry, or animal confinement or feedlot operation with is a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate. Or, where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

Section 25 HEIGHT REGULATIONS

No building or structure shall be three (3) stories or thirty-five (35) feet in height, except as stated in Article XVII.

Section 26 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

26.1 Lot Area. Each lot shall have a minimum lot area of five (5) acres.

26.2 Frontage and Yard Requirements.

<u>Lot</u>	<u>Front</u>	<u>Side Yard</u>	<u>Rear</u>
<u>Width</u>	<u>Yard Depth</u>	<u>Least Width</u>	<u>Yard Depth</u>
100 ft.	30 ft.	25 ft.	40 ft.

ARTICLE V

"SE-1" SUBURBAN ESTATE DISTRICTS

Section 27 GENERAL DESCRIPTION

This district is intended to provide regulations for land situated on the fringe of the urban area that is currently used primarily for agricultural purposes, but which will be undergoing urban development in the near future. Many tracts in this district will be in close proximity to developing residential, commercial, or industrial uses. The purpose of this district is to restrict the permitted uses to those which are compatible with both agricultural uses and the developing residential, commercial, or industrial uses.

Section 28 PRINCIPAL USES PERMITTED

Property and buildings in a "SE-1" Suburban Agricultural District shall be used only for the following purposes:

- 28.1 One-family detached dwellings.
- 28.2 Agricultural crops, but not the keeping of farm animals.
- 28.3 Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
- 28.4 Cemeteries.
- 28.5 Essential services not less than 20 feet from any lot.
- 28.6 Nurseries and greenhouses.
- 28.7 Public library/cultural building.
- 28.8 Public parks or playgrounds.
- 28.9 Roadside stands selling products grown on premises.
- 28.10 Accessory structures which are customarily incidental to the above stated use and in compliance with Article III, Section 11 and not larger than ten (10) feet by twenty (20) feet.

Section 29 SPECIAL USES

The following uses may be permitted on review in accordance with provisions contained herein:

- 29.1 Country club, golf course, swimming club, tennis court, public stable, and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in any "R" District.

- 29.2 Child care center.
- 29.3 Animal hospitals and kennels.
- 29.4 Living quarters of persons employed on the premises.
- 29.5 Home occupations.
- 29.6 Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and topsoil.
- 29.7 Radio or television broadcasting tower(s).
- 29.8 Riding stables.
- 29.9 Utility stations without service yard or storage.
- 29.10 Accessory structures which are customarily incidental to the principal uses and in compliance with Article III, Section 11.

Section 30 HEIGHT REGULATIONS

No building or structure shall be three (3) stories or thirty-five (35) feet in height, except as stated in Article XVII.

Section 31 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

- 31.1 Lot Area. Each lot shall have a minimum lot area of twenty thousand (20,000) square feet.
- 31.2 Frontage and Yard Requirements. The following minimum requirements shall be observed:

<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Least Width</u>	<u>Side Yard Sum of Widths</u>	<u>Rear Yard Depth</u>
100 ft.	30 ft.	10 ft.	25 ft.*	40 ft.

* Where no alley is located to the rear of the lot and an attached garage is not constructed, side yard of at least twelve (12) feet shall be provided on one side of the principal structure.

ARTICLE VI

"R-1" ONE-FAMILY RESIDENCE DISTRICTS

Section 32 GENERAL DESCRIPTION

This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationships of the different uses.

Section 33 PRINCIPAL USES PERMITTED

Property and buildings in a "R-1" One-Family Residence District shall be used only for the following purposes:

33.1 One-family detached dwellings.

33.2 Accessory structures which are customarily incidental to the above stated use and in compliance with Article III, Section 11 and not larger than ten (10) feet by twenty (20) feet.

Section 34 SPECIAL USES

The following special uses may be permitted on review in accordance with the provisions contained herein:

34.1 Accessory structures which are customarily incidental to the principal uses and in compliance with Article III, Section 11.

Section 35 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except as stated in Article XVII.

Section 36 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

36.1 Lot Area. Each lot shall have a minimum lot area of seventy-five hundred (7,500) square feet.

36.2 Frontage and Yard Requirements. The following minimum requirements shall be observed:

<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Least Width</u>	<u>Side Yard Sum of Widths</u>	<u>Rear Yard Depth</u>
60 ft.	25 ft.	6 ft.	15 ft.*	30 ft.

* Where no alley is located to the rear of the lot and an attached garage is not constructed, a side yard of at least twelve (12) feet shall be provided on one side of the principal structure.

ARTICLE VII

"R-2" ONE AND TWO-FAMILY RESIDENCE DISTRICTS

Section 37 GENERAL DESCRIPTION

This is a residential district to provide for a slightly higher population density, but with basic regulations similar to the "R-1" District. This principal use of land is for single and two-family dwellings and related recreational, religious, and educational facilities normally required to provide a balanced and attractive residential area. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

Section 38 PRINCIPAL USES PERMITTED

Property and buildings in a "R-2" One and Two-Family Residence District shall be used only for the following purposes:

- 38.1 Any use permitted in the "R-1" One-Family Residence District.
- 38.2 Church or temple.
- 38.3 Public school or school offering general educational courses the same as ordinarily given in public schools.
- 38.4 Public library and similar public culture uses, located not less than twenty (20) feet from any side lot line in any "R" District.
- 38.5 Park, playground, and community center.
- 38.6 Municipal administrative or public service building or properties, except such cases as storage yard, warehouse, garage, or other uses customarily conducted as gainful business, provided any building is located not less than twenty (20) feet from any lot in any "R" District.
- 38.7 Two-family dwelling.
- 38.8 Accessory structures which are customarily incidental to the above stated uses and in compliance with Article III, Section 11 and not larger than ten (10) feet by twenty (20) feet.

Section 39 SPECIAL USES

The following principal uses may be permitted on review in accordance with the provisions contained herein:

- 39.1 Any use permitted on review in the "R-1" One-Family Residence District.

- 39.2 Group care facility.
- 39.3 Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
- 39.3 Country club, golf course, swimming club, tennis courts, and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in any "R" District, and a buffer zone as required by the Board of Appeals.
- 39.4 Cemeteries.
- 39.5 Child care center.
- 39.6 Home occupations.
- 39.7 Care home, small residential.
- 39.8 Living quarters of persons employed on the premises.
- 39.9 Accessory structures which are customarily incidental to the principal uses and in compliance with Article III, Section 11.

Section 40 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except as stated in Article XVII.

Section 41 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

41.1 Lot Area. Each one-family residence shall be located on a lots containing at least six thousand (6,000) square feet, and each structure containing more than one family shall be located on a lot having at least four thousand (4,000) square feet for each family.

41.2 Frontage and Yard Requirements. The following minimum requirements shall be observed:

<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Least Width</u>	<u>Side Yard Sum of Widths</u>	<u>Rear Yard Depth</u>
50 ft.	25 ft.	5 ft.	12 ft.*	30 ft.

* Where no alley is located to the rear of the lot and an attached garage is not constructed, a side yard of at least twelve (12) feet shall be provided on one side of the principal structure.

ARTICLE VIII

"R-3" GENERAL RESIDENCE DISTRICTS

Section 42 GENERAL DESCRIPTION

This is a residential district to provide for medium and high population density. The principal use of land may range from single family to multiple-family dwelling units. Certain uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. The recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area are included. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

Section 43 PRINCIPAL USES PERMITTED

Property and buildings in a "R-3" General Residence District shall be used only for the following purposes:

- 43.1 Any use permitted in the "R-2" One and Two-Family Residence District.
- 43.2 Dwellings for any number of families.
- 43.3 Boarding and lodging houses.
- 43.4 Accessory structures which are customarily incidental to the above stated uses and in compliance with Article III, Section 11 and not larger than ten (10) feet by twenty (20) feet.

Section 44 SPECIAL USES

The following principal uses may be permitted on review in accordance with the provisions contained herein:

- 44.1 Any use permitted on review in the "R-2" One and Two-Family Residence District.
- 44.2 Public and private schools for academic instruction, including dormitories.
- 44.3 Hospitals, sanitariums, nursing homes.
- 44.4 Institutions of a religious, educational, or philanthropic nature.
- 44.5 Accessory structures which are customarily incidental to the principal uses and in compliance with Article III, Section 11.

Section 45 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height except as noted in Article XVII.

Section 46 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

46.1 Lot Area. Each principal structure shall be located on a lot containing at least five thousand (5,000) square feet. Each structure containing more than one family shall be located on a lot having an area of two thousand (2,000) square feet for each family.

46.2 Frontage and Yard Requirements. The following minimum requirements shall be observed:

<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Least Width</u>	<u>Side Yard Sum of Widths</u>	<u>Rear Yard Depth</u>
50 ft.	25 ft.	5 ft.	12 ft.*	30 ft.

* Where no alley is located to the rear of the lot and an attached garage is not constructed, a side yard of at least twelve (12) feet shall be provided on one side of the principal structure.

ARTICLE IX

"R-4" MOBILE HOME DISTRICT

Section 47 PRINCIPAL USES PERMITTED

- 47.1 Foster family homes
- 47.2 Unrelated group family uses
- 47.3 Mobile home parks in compliance with State of Illinois requirements
- 47.4 Any other uses determined by the Board of Appeals to be of the same general character as the foregoing permitted uses.
- 47.5 Accessory structures which are customarily incidental to the above stated uses and in compliance with Article III, Section 11 and not larger than ten (10) feet by twenty (20) feet.

Section 48 SPECIAL USES

The following uses may be permitted on review in accordance with the provisions contained herein.

- 48.1 Any use permitted on review in the "R-3" General Residence Districts.
- 48.2 Accessory structures which are customarily incidental to the principal uses and in compliance with Article III, Section 11.

Section 49 HEIGHT REGULATIONS

No building shall exceed three (3) stories or thirty five (35) feet in height except as stated in Article XVII.

Section 50 OTHER REGULATIONS

All other yard and building requirement will be as required by Illinois Statutes for mobile homes.

ARTICLE X

"C-1" NEIGHBORHOOD COMMERCIAL DISTRICTS

Section 51 GENERAL DESCRIPTION

This commercial district is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational uses, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.

Section 52 PRINCIPAL USES PERMITTED

Property and buildings in a "C-1" Neighborhood Commercial District shall be used only for the following purposes:

- 52.1 Any use permitted in the "R-3" General Residence District and any use permitted on review in the "R-3" General Residential District, except that all dwellings shall be located above the ground floor.
- 52.2 Antique shop.
- 52.3 Appliance store.
- 52.4 Art and school supply store.
- 52.5 Bank and other financial institutions.
- 52.6 Barber shop and beauty shop.
- 52.7 Camera shop.
- 52.8 Community center.
- 52.9 Dairy products and/or ice cream store.
- 52.10 Drug store or fountain including books and reading matter, stationary, tobacco, and pharmacy.
- 52.11 Dry goods store.
- 52.12 Florist shop and/or gift shop.
- 52.13 Food store, grocery store, meat market, fish market, bakery, and delicatessen.
- 52.14 Hardware store.

- 52.15 Jewelry store.
- 52.16 Massage establishment.
- 52.17 Municipal administrative or public service office.
- 52.18 Music and dancing studio.
- 52.19 Photographer or artist studio.
- 52.20 Physicians', dentists', and optometrists' office and private clinic for human care.
- 52.21 Professional and business office.
- 52.22 Public library and similar public culture uses.
- 52.23 Restaurant, except drive-in restaurant.
- 52.24 Self-service laundry or dry cleaning.
- 52.25 Shoe repair shop.
- 52.26 Tailor shop.
- 52.27 Any other use determined to be of the same general character as the foregoing permitted uses.

Section 53 **SPECIAL USES**

The following principal uses may be permitted on review in accordance with the provisions contained herein:

- 53.1 Automobile service station.
- 53.2 Any other use determined to be of the same general character as the foregoing uses permitted on review.
- 53.3 Commercial excavation of natural materials and improvement of a stream, lake, or river channel and removal of dirt and top soil.

Section 54 **HEIGHT REGULATIONS**

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except as stated in Article XVII.

Section 55 **LOT AREA, FRONTAGE, AND YARD REQUIREMENTS**

55.1 Lot Area. Each structure containing a dwelling unit shall be located on a lot containing five thousand (5,000) square feet. Each structure containing more than one family shall be located on a lot having an area of two thousand (2,000) square feet for each family.

55.2 Frontage and Yard Requirements. The following minimum requirements shall be observed:

<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Least Width</u>	<u>Side Yard Sum of Widths</u>
None	None, except same as adjacent "R" District	None, except where adjoining an "R" District, then same as the least width required in that "R" District.	Ten(10) feet except where adjoining and "R" District, then same as required in that District.

ARTICLE XI

"C-2" GENERAL COMMERCIAL DISTRICTS

Section 56 GENERAL DESCRIPTION

This commercial district is designed to accommodate the needs of a larger consumer population than is served by the "C-1" Neighborhood Commercial District - thus a wider range of services and goods is permitted for both daily and occasional shopping and service needs. Persons living in the community and in the surrounding trade territory require direct and frequent access.

Section 57 PRINCIPAL USES PERMITTED

Property and buildings in a "C-2" General Commercial District shall be used only for the following purposes:

- 57.1 Any use permitted in the "C-1" Neighborhood Commercial District, except that all dwellings shall be located above the ground floor. However, living quarters for managers/owners of hotels, motels or other tourist lodging establishments may be located on the ground floor adjacent to the customer service counter.
- 57.2 Amusement establishments, including: bowling alleys, miniature golf course, practice golf range, pool halls, dance halls, swimming pools, skating rinks, archery ranges, shooting galleries and similar amusement facilities.
- 57.3 Animal or veterinarian hospitals and/or kennels, provided that no such building, kennel, or other area occupied by animals is closer than one hundred (100) feet to any Residential District.
- 57.4 Auction rooms.
- 57.5 Automobile service station and/or car wash.
- 57.6 Bicycle sales, rental and repair store.
- 57.7 Boat sales.
- 57.8 Branch telephone exchange, transformer station, and booster or pressure regulating station without service yard storage.
- 57.9 Contractor or construction office or shop.
- 57.10 Department store and/or shopping mall.
- 57.11 Drive-in restaurant.
- 57.12 Farm implement sales.

- 57.13 Feed and seed sales.
- 57.14 Frozen food locker.
- 57.15 Fuel and oil sales, but not the storage thereof.
- 57.16 Furniture repair and upholstery.
- 57.17 Garages--for storage, repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding.
- 57.18 Garden supply store.
- 57.19 Greenhouses and nurseries.
- 57.20 Hotel, motel, or other tourist lodging establishment.
- 57.21 Laboratories--medical and dental.
- 57.22 Laundry and dry cleaning shop.
- 57.23 Locksmith shop.
- 57.24 Lumber yard.
- 57.25 Machinery sales.
- 57.26 Model home.
- 57.27 Monument sales.
- 57.28 Mortuary.
- 57.29 Motor vehicle and manufactured home sales, not including junk yards.
- 57.30 Parking lots and garages.
- 57.31 Pet shop.
- 57.32 Printing, publishing, engraving, or lithographing shop.
- 57.33 Private club or lodge.
- 57.34 Produce market.
- 57.35 Storage warehouse.
- 57.36 Theaters, drive-in.

57.37 Theaters, indoor.

57.38 Any other use determined to be of the same general character as the foregoing permitted uses, but not including any use that may become noxious or offensive in a "C-2" District.

57.39 Accessory uses, as described in Article III.

Section 58 SPECIAL USES

The following uses may be permitted on review in accordance with provisions contained herein:

58.1 Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and topsoil.

58.2 Radio or television broadcasting tower(s)

Section 59 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except as stated in Article VXII.

Section 60 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

60.1 Lot Area. Each structure containing a dwelling unit shall be located on a lot containing five thousand (5,000) square feet. Each structure containing more than one family shall be located on a lot having an area of two thousand (2,000) square feet for each family.

60.2 Frontage and Yard Area Requirements. The following minimum requirements shall be observed:

<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Least Width</u>	<u>Side Yard Sum of Widths</u>
None	None except same as adjacent "R" district	None, except where adjoining an "R" District, then same as the least width required in that "R" District.	Ten (10) feet except where adjoining and "R" District, then same as required in that District.

ARTICLE XII

"I-1" LIGHT INDUSTRIAL DISTRICTS

Section 61 GENERAL DESCRIPTION

This industrial district is intended primarily for the conduct of manufacturing, assembling, and fabrication. It is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards. The uses permitted in this district make it most desirable that they be separated from residential uses.

Section 62 PRINCIPAL USES PERMITTED

Property and buildings in a "I-1" Light Industrial District shall be used only for the following purposes:

- 62.1 Any use or structure permitted in the "C-2" General Commercial District and any use permitted on review in the "C-2" General Commercial District except as hereinafter modified.
- 62.2 Bottling of soft drinks or milk, or distribution stations.
- 62.3 Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
- 62.4 The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products.
- 62.5 The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semi-precious metals or stone, rubber textiles, wood, and yarn.
- 62.6 Warehousing
- 62.7 The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.
- 62.8 Any other use that is determined to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in an "I-1" District

Section 63 SPECIAL USES

The following uses may be permitted on review in accordance with provisions contained herein:

- 63.1 Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and topsoil.

Section 64 PROHIBITED USES

- 64.1 Dwellings, except for watchman or caretaker on the premises.
- 64.2 Churches or temples, schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted use.
- 64.3 Auto salvage and wrecking operations, industrial metal and waste salvage operations, and junkyards.

Section 65 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except as outlined in Article XVII.

Section 66 YARD REQUIREMENTS

The following minimum requirements shall be observed:

<u>Front Yard</u> <u>Width</u>	<u>Side Yard</u> <u>Depth</u>	<u>Rear Yard</u> <u>Depth</u>
20 ft.	Equal to building height.	Height of building, but not less than 20 ft.

ARTICLE XIII

"I-2 GENERAL INDUSTRIAL DISTRICTS

Section 67 GENERAL DESCRIPTION

This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by this Ordinance. The intensity of uses permitted in this district makes it most desirable that they be separated from residential and commercial uses.

Section 68 PRINCIPAL USES PERMITTED

Property and buildings in a "I-2" General Industrial District may be used for any use except the following:

- 68.1 Uses not complying with this Ordinance or any other city, county, state, or federal regulation or law.
- 68.2 All uses enumerated under Section 62 and 63 in this Article.

Section 69 SPECIAL USES

The following principal uses may be permitted on review in accordance with provisions contained herein:

- 69.1 Cement, lime, or gypsum manufacture.
- 69.2 Commercial feed pens for livestock.
- 69.3 Petroleum refining.
- 69.4 Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.
- 69.5 Disposal plants of all types including trash, garbage, and sewage treatment.
- 69.6 Automobile salvage or junk yard, building material salvage yard, scrap metal storage yard, or other salvage yard of any kind, provided that, all such operations are conducted in such a manner that all operation, display, or storage of material or equipment is so screened by ornamental fences, walks, and/or permanent planting that it cannot be seen from a public street or from adjoining lots when viewed by a person standing on ground level, and provided further, that no such screening in excess of seven (7) feet in height shall be required to screen.
- 69.7 Radio or television broadcasting tower(s).
- 69.8 Racing facility.
- 69.9 Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and topsoil.

Section 70 PROHIBITED USES

70.1 Dwellings, except for watchman or caretaker on the premises.

70.2 Churches or schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted use.

Section 71 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except as described in XVII.

Section 72 YARD REQUIREMENTS

The following minimum requirements shall be observed:

<u>Front Yard Width</u>	<u>Side Yard Depth</u>	<u>Rear Yard Depth</u>
20 ft.	Equal to building height.	Height of building, but not less than 20 ft.

ARTICLE XIV

PERFORMANCE STANDARDS

Section 73 COMPLIANCE WITH PROVISIONS

- 73.1 New Uses: Any use established in the business or industrial zones after the effective date hereof shall comply with the minimum performance standards contained in this Article.
- 73.2 Existing Uses: Existing business and industrial uses which are not in compliance with the performance standards contained in this Article are exempt, except where a use did not comply with performance standards in effect prior to the passage of this ordinance.

Conditions which do not comply shall not be increased in scope or magnitude. Such uses shall be permitted to be enlarged or altered, provided the addition or change conforms with the applicable performance standards,

Section 74 CERTIFICATION MAY BE REQUIRED

When necessary, the appropriate official may require of the applicant certification by a registered professional engineer or other qualified person, at the expense of the applicant, that the performance standards for a proposed use can be met.

Section 75 SMOKE EMISSIONS

The emission of smoke from any operation or activity shall not exceed a density or equivalent opacity permitted by the Illinois EPA.

Section 76 PARTICLE MATTER

- 76.1 No person shall operate or cause to be operated any process which emits particulate air contaminants exceeding the air quality standards of the Illinois Environmental Protection Agency (IEPA) or its successor.
- 76.2 Prior to the Village issuing a certificate of occupancy, an applicant must submit to the appropriate official documentation of the IEPA approval of the applicant's application and permit to install or alter equipment or control equipment if such a permit is required under the applicable IEPA standards.
- 76.3 In the event the IEPA lowers its air quality standards, the IEPA standards in effect on the adoption date of this ordinance shall remain applicable. Under these circumstances, prior to the Village issuing a building permit, an applicant must submit to the Village documentation from a licensed engineer demonstrating that the use complies with the IEPA standards (on the adoption date of this ordinance).
- 76.4 In the event the IEPA raises its air quality standards, the new IEPA standards shall apply, and the applicant must comply with the requirements of Subsection B of this Section.

Section 77 TOXIC MATTERS

The release of airborne toxic matter from any operation or activity shall not exceed the fractional quantities permitted below of the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not listed, verification that the proposed level of toxic matter will be safe and not detrimental to the public health or injurious to plant and animal life will be required. The measurement of toxic matter shall be on the average of any twenty-four (24) hour sampling period.

77.1 All C Zones. In all C zones, the release beyond lot lines of airborne toxic matter shall not exceed one-eighth (1/8) of the threshold limit values.

77.2 I-1 and I-2 Zones. In the I-1 and I-2 zones, the release of airborne toxic matter shall not exceed one-eighth (1/8) of the threshold limit values beyond zone boundary lines.

Section 78 VIBRATION

Earth borne vibrations from any operation or activity shall not exceed the displacement values below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three (3) mutually perpendicular directions. The maximum vector resultant shall be less than the vibration displacement permitted. The maximum displacements shall be determined by the following formula:

$$D = \frac{K}{f}$$

where

D = displacement in inches

K = a constant given in table below

f = the frequency of the vibration transmitted through the ground in cycles per second

Zone and Place of Measurement	Continuous	Impulsive (at least 1 second rest between pulses which do not exceed 1 second duration)	Less Than 8 Pulses Per 24 Hour Period
C Zones: At Lot Line	0.003	0.006	0.015
I-1 Zone and I-2 Zone:			
1 .At Zone Boundary Line	0.030	0.060	0.150
2. At R Zone, Recreational Area or School Boundary Line	0.003	0.006	0.015

Section 79 GLARE ILLUMINATION

See Illumination Provisions, Article XIV, Section 83.

Section 80 SEWAGE WASTE

Sewers and sewage discharge shall meet the appropriate Village code and all IEPA requirements.

Section 81 STORAGE

81.1 The open storage of materials and equipment shall, except for sales display, be subject to the following requirements:

- A. Storage of materials and equipment shall be completely screened from view. A level eight-foot (8') solid wall fence will be required.
- B. All combustible material shall be stored in such a way as to include, where necessary, access drives to permit free access of firefighting equipment.

81.2 The bulk storage of flammable liquids and chemicals, when stored in above-ground tanks, shall occur no closer than the lot line or any principal building than the distance indicated by the following table:

Capacity Per Container (Gallons)	Minimum Separation Distances Above Ground Containers
Less than 125	None
125 to 250	10 Feet
251 to 500	10 Feet
501 to 2,000	25 Feet
2,001 to 30,000	50 Feet
30,001 to 70,000	75 Feet
70,001 to 90,000	100 Feet

81.3 The underground bulk storage of flammable liquids shall be located in accordance with the Uniform Fire Code regarding tank storage underground, except the minimum distance between such underground tanks and any R zone boundary shall be at least ten feet (10').

Section 82 SCREENING

See bufferyard requirements as described in Article XIV, Section 84.

Section 83 NOISE

The following requirements shall apply in all districts:

83.1 The sound pressure level, to be measured as described below, shall not exceed the following decibel levels in the designated octave bands when adjacent to the designated types of use districts:

Octave Band, Cycles Per Second	Districts C-1, C-2	Sound Level, in Decibels All Residential
0 to 75	73	58
76 to 150	69	54
151 to 300	65	50
301 to 600	61	46
601 to 1,200	55	40
1,201 to 2,400	48	33
2,400 to 4,800	41	26
Over 4,800	35	20

- 83.2 Objectionable sounds of an intermittent nature which are not easily measured shall be controlled so as not to become a nuisance to adjacent uses.
- 83.3 Method of Measurement: Measurement is to be made at the nearest boundary of the nearest residential area or at any other point along the boundary where the level is higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association.

Section 84 ILLUMINATIONS PROVISIONS.

The purpose of this section is to establish lighting requirements for personal safety and crime prevention while regulating any spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses near a light source to promote personal and traffic safety and to prevent the creation of public nuisances.

- 84.1. Lighting Plan. Except for single family and two family dwellings, plans for required parking lot and security lighting shall be approved by appropriate officials and the police department prior to approval and issuance of permits. Plans, at appropriate scale, shall be based on accurate, approved final site plans and shall depict all exterior lighting as to its location, orientation and configuration. This must include, but not be limited to:
- A. Luminaire height;
 - B. Luminaire and standard technical specifications;
 - C. Intensity of illumination measured at the least point of illumination and the greatest point of illumination when measured from ground level;
 - D. Type of light source (Metal Halide, High Pressure Sodium, etc.);
 - E. Hours of illumination; and
 - F. Photometric plan superimposed on the site plan for each classification of lighting with points no greater than 30 feet apart.
- 84.2. Illumination Performance Standards
- A. Lighting Standards
 - 1. Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within 30 feet of the building. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the police department and the appropriate officials find the following:
 - a. That the proposed lighting is not in conflict with the stated purpose in this section.
 - b. That the proposed lighting will not unreasonable harm or restrict public health, safety, and welfare or create a nuisance; and
 - c. The proposed luminaire has a cutoff angle of less than or equal to 66 degrees.
 - 2. Any open area used for motor vehicle parking, storage, or access shall be illuminated with free-standing luminaries. Free-standing luminaries are permitted to be a maximum of 30 feet in height with a 3 foot support, for a maximum height from the ground of 33 feet. When a luminaire is located within 500 feet of a protected residential property, the maximum permitted luminaire height shall be 25 feet. All measurements shall be taken from the average elevation of the finished grade within 10 feet of the structure or fixture to the highest point of the luminaire. All luminaries must have a total cutoff angle equal to or less than 90

degrees. The use of exterior lighting with a cutoff angle greater than 90 degrees shall be permitted only when the police department and appropriate official find the following:

- a. That the lighting is not in conflict with the stated purpose in this section;
- b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
- c. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

3. In no instance shall Low Pressure Sodium fixtures be used to illuminate non-protected residential property unless the police department finds the following:

- a. That the proposed lighting is not in conflict with the stated purpose in this section;
- b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
- c. The color distortion effect of Low Pressure Sodium lighting will not create a hindrance to crime prevention and investigation.

B. Intensity of Lighting

1. The amount of illumination attributable to exterior lighting from a property shall not exceed 1 foot-candle when measured at any boundary line with an adjoining property. This provision may be waived by the issuing authority when:

- a. The proposed lighting is not in conflict with the stated purpose of this section;
- b. The proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
- c. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

2. All parking lot and parking structure lighting located within 300 feet of a protected residential property line may be illuminated not more than one (1) hour before the start of business and shall be extinguished within one (1) hour after the end of business except as approved by the police department after finding the following:

- a. The property has been identified as an area where the incidence or potential for crime warrant additional lighting;
- b. Additional lighting is required to increase visibility of a property which is not readily accessible for police during routine patrol; and
- c. The use of timers, sensors, or other devices that produce a reduced lighting level that does not conflict with the stated purpose in this section.

C. Glare/Illumination. In all zoning districts, any lighting shall be arranged to reflect the light away from adjoining property. A person shall not conduct a use that has a source of illumination that produces glare clearly visible beyond a property line or creates a sensation of brightness within a visual field so as to cause annoyance, discomfort, or impairment of vision. The use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.

D. Parking structures. Luminaries used for illumination of designated pedestrian walkways in parking structures shall be of a significantly different color value than luminaries used for illuminating vehicle parking and drive aisles.

84.3 Compliance. Any new permanent lighting (defined as existing for more than 90 days) installed after the effective date of this ordinance shall be in compliance with the requirements of this ordinance. Any existing permanent lighting located at one and two family residential uses shall conform to these illumination performance standards. Any existing permanent lighting for any use other than one and two family uses that does not comply with the requirements in this ordinance shall be considered legally non-complying and may remain, subject to the following provisions:

A. Alterations to existing lighting

1. When policies and support structures are removed and replaced for reasons other than acts of God or accidents, they must be replaced with luminaries, policies and supports that comply with this section; and
2. When luminaries are replaced, they must be replaced with luminaries that comply with all provisions of this section.

B. Removal and replacement of parking lot surface. When less than 50% of the gross area of the parking lot surface on a particular site is removed and replaced, only the parking area replaced must be provided with lighting in compliance with this section. If greater than 50% of the parking area on a particular site is removed and replaced at one time, the entire parking lot on the site where the construction activity occurs must be in full compliance with this section.

1. A parking lot or portion thereof is “removed and replaced” when any portion of the existing parking surface material is removed and a new surface is installed.

C. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this section.

D. New structures, additions, or replacements. When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition or replacement on the site must be upgraded with complying lighting. The parking lot lighting must be upgraded with complying lighting over a portion of the parking area that is equivalent to the amount of parking that would be required for the new structure, addition or replacement. In the event that the new structure, addition or replacement is accompanied by new or replaced parking area, the amount of upgraded lighting area shall be that required under this section.

E. Change of type of occupancy. When the type of occupancy of a site is changed, the lighting for the site shall be upgraded, to comply with this section for the structure and the parking lot be upgraded for the required parking for the occupancy as established in this code. For purpose of determining the type of occupancy of a site, the occupancy classifications of the city code shall be utilized.

- F. Unoccupied sites. When a site has been unoccupied for a period of one year, the lighting shall be upgraded to fully comply with this section prior to any reoccupation of the site.
- G. Development application. When a development application is made for a site, the city council may as a condition of approval require compliance with any or all of the performance standards of this section and the extent of compliance required in such cases may be greater than that otherwise required in this section, if deemed reasonably necessary to protect the public health, safety, or welfare and to achieve the purposes of this section.

84.4 Point of Measurements. Any light intensity measurement taken at the property line shall be measured at the greatest point of illumination of said property line. Any measurements to determine the minimum and maximum lighting levels internal to a site will be measured by positioning the meter horizontally at ground level at the greatest and least points of artificial illumination.

84.5 Applicability. Modifications to the requirements of this section may be approved as part of a final development plan for a planned development overlay district, pursuant to the provisions provided:

- A. That any deviations from lighting standards established by this section are clearly delineated in the plan submission reviewed by the planning commission and approved by the city council;
- B. That any deviations are consistent with the purposes of this section;
- C. That the minimum light level proposed provides a minimum of 75 percent of the illumination required in this section;
- D. That the height of support poles above grade does not exceed the maximum permitted by this section by more than 25 percent, except that no development shall be allowed for increased support pole height within 500 feet of a protected residential property; and
- E. That no increase in glare occurs as a result of deviation from the adopted standards.

Section 85 LANDSCAPE AND BUFFERYARD REQUIREMENTS

85.1 Site Plans. If a building permit is applied for and no zoning action is required, an administrative site plan approval will be required.

85.2 Site Plan Review. An application for a building permit shall promptly be forwarded to the Zoning Officer. Review must be completed within fifteen (15) days of the receipt by the Village of a complete site plan review application. If, in the judgment of the Zoning Officer, the site plan review application does not contain sufficient information to enable the Planning Commission to properly carry out their responsibilities, the Zoning Officer may request additional information from the applicant. In that event, the 15 day period previously referred to shall be suspended, pending the receipt of all information requested by the zoning officer.

85.3 Appeal Process. If the Planning Commission approves a site plan, a building permit may then be issued. If the Planning Commission does not approve a site plan, the applicant may appeal the Planning Commissions' decision to the Board of Appeals. A notice of appeal must be filed with the Zoning Officer no later than fifteen (15) days after receipt by the applicant of the decision of the Planning Commission.

85.4 Exemption from Site Plan Requirements. One and two family residences are exempt from village-wide site plan review requirements. In addition, site plans shall not be required for renovation or expansion of an existing structure or use unless access points would be changed or a substantial increase in traffic to the site would be generated.

85.5 Bufferyard Requirements

A. Intent. The provisions of this section are to provide specific landscape screening and bufferyard requirements to reduce the incompatibility between zoning districts of different intensity and type. These bufferyards will lessen the adverse impact of more intense land uses upon residential areas and/or other areas of less intense use by reducing noise, visual and other environmental impacts.

B. Requirements. In addition to landscaping and screening requirements for off-street parking areas, bufferyard standards will also apply for site plans requiring a zoning change, special use permit and non-exempt site plan review requirements. The bufferyard requirement is determined by the difference between the zoning district of the subject property and the zoning district of adjacent properties. The specific requirements are identified in the following sections and the accompanying table: "Schedule of Bufferyard Requirements". Landscaping and screening requirements for off-street parking areas apply to the side of the property abutting a public street right-of-way. A list of prohibited trees is provided in the section entitled "Prohibited Trees".

C. Description of Bufferyards A through D.

1. Type A Buffer. The standard buffer within Type A is eight feet (8') wide and contains the following number of required plants per one hundred feet (100'):
 - a. 1 canopy tree;
 - b. 1 understory tree;
 - c. 6 shrubs;
 - d. 1 evergreen/conifer.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type A buffer, each with a different amount of required plantings reflected as a multiplier of the required plant units per one hundred feet (100'). The alternatives include the following:

- a. Twenty-foot (20') wide buffer with fifty percent (50%) of the required plant units per one hundred feet (100').
- b. Sixteen-foot (16') wide buffer with sixty percent (60%) of the required plant units per one hundred feet (100').

- c. Twelve-foot (12') wide buffer with eighty percent (80%) of the required plant units per one hundred feet (100').
 - d. Four-foot (4') wide buffer with ninety percent (90%) of the required plant units and a continuous hedge set back three feet (3') from the property line or fence.
2. Type B Buffer. The standard buffer with Type B is ten feet (10') wide and contains the following number of required plant per one hundred feet (100):
 - a. 2 canopy trees;
 - b. 2 understory trees;
 - c. 6 shrubs;
 - d. 2 evergreens/confers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type B buffer, each with a different amount of required plantings. Type B buffer alternatives range from a twenty-five foot (25') wide buffer with fifty percent (50%) of the required plantings to a five-foot (5') wide buffer with ninety percent (90%) of the required plantings and a continuous hedge or fence.

3. Type C Buffer. The standard buffer within Type C is fifteen feet (15') wide and contains the following number of required plantings per one hundred feet (100):
 - a. 3 canopy trees;
 - b. 2 understory trees;
 - c. 9 shrubs;
 - d. 3 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type C buffer, each with a different amount of required plantings. Type C buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent (60%) of the required plantings to a six foot (6') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.

4. Type D Buffer. The standard buffer within Type D is fifteen feet (15') wide and contains the following number of required plants per one hundred feet (100):
 - a. 3 canopy trees;
 - b. 2 understory trees;
 - c. 15 shrubs;
 - d. 5 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type D buffer, each with a different amount of required plantings. Type D buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent of the required plantings to an eight-foot (8') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.

85.6 Minimum Standards for Plantings

- A. Canopy Trees. Two inches (2") diameter, six inches (6") above ground level, and ten feet (10') in height when planted.
- B. Understory Tree. One inch (1") diameter, six inches (6") above ground level, and six feet (6') in height when planted.
- C. Shrubs. Twenty-four inches (24") in height when planted; forty percent (40%) or more must reach a mature height of six feet (6') or more.
- D. Evergreens/Conifers. Two inches (2") in diameter, six inches (6") above ground level, and six feet (6') in height when planted. Twenty feet (20') minimum height at maturity.

85.7 Prohibited Trees. The following weak-wooded trees and generally undesirable trees for urban conditions shall be prohibited for use in meeting any of the landscaping/screening requirements for off-street parking areas and/or bufferyard requirements:

- A. Ailanthus (tree of heaven)
- B. Box Elder
- C. European Mountain Ash
- D. European White Birch
- E. Gingko, fruit bearing
- F. Hawthorne
- G. Mulberry
- H. Pin Oak
- I. Poplar
- J. Purple-Leaf Plum
- K. Russian Olive
- L. Siberian Elm
- M. Silver Maple
- N. Sweet Gum
- O. Willow

85.8 Maintenance of Landscaping and Screening. Bufferyard landscaping and screening must be maintained in good condition, free of refuse and debris and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner's responsibility to see that the landscaping is maintained.

85.9 Schedule of Bufferyard Requirements

ZONING OF ADJACENT PROPERTY

SUBJECT PROPERTY		SE-1 R-1 R-2 R-3	R-4	B-1	B-2	I-1	I-2
	SE-1 R-1 R-2 R-3	N	N	N	N	N	N
	R-4	A	N	N	N	N	N
	B-1	B	A	N	N	N	N
	B-2	C	B	N	N	N	N
	I-1	C	C	D	B	A	N
	I-2	D	D	D	B	A	A

A. Approximate bufferyard requirement:

- A - 8 feet (8') in width;
- B - 10 feet (10') in width;
- C - 15 feet (15') in width;
- D - 15 feet (15') in width;
- N - No buffer required.

ARTICLE XV
SPECIAL PROVISIONS

Section 86 OFF-STREET PARKING AREAS AND LOADING SPACES

86.1 Off-Street Loading Spaces. In all districts, in connection with every building or part thereof hereafter erected which is to be occupied by uses requiring the receipt of distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building the following off-street loading spaces:

<u>Gross Floor Area (Square Feet)</u>	<u>Spaces Required</u>
0 to 19,999	1
20,000 to 29,999	2
30,000 to 39,999	3
40,000 to 49,999	4

For each additional 10,000 square feet in excess of 50,000 square feet, one additional off-street loading space shall be required.

Such spaces may occupy all or any part of a required rear yard or when authorization of the Board of Appeals, part of any other yard or court space on the same premises.

86.2 Provision of Off-Street Parking. In all districts off-street accessory parking areas, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of "SE" and "R" Districts shall be on the premises intended to be served; and in the case of "C-1", "C-2", "I-1", and "I-2" Districts, such areas shall be on the premises in-tended to be served or on adjoining or nearby property within one hundred (100) feet of any part of said premises and in the same or less restricted district.

86.3 Number of Parking Spaces Required.

Use	Parking Spaces Required
Automobile or Machine Sales and Service Garages Banks, Businesses and Professional Offices	1 for each 1,000 square feet of floor area, plus 1 for each full-time employee 1 for each 200 square feet of floor area
Bowling Alleys	6 for each alley
Churches and Schools	1 for each 4 seats in principal auditorium
Convenience Stores - Drug, Grocery, Hardware, and similar stores	1 for each 200 square feet of floor area devoted to sales, plus 1 for each full-time employee
Dance Halls and Assembly Halls without fixed seats	1 for each 50 square feet of floor area used for assembly or dancing
Drive-In Eating Establishments	Not less than 1/3 of the total ground area to be devoted exclusively to parking and accessways
Dwellings	1 for each bedroom contained in dwelling unit
Food Pick-Up	Minimum of 1, plus 1 for each 100
Funeral Home, Mortuaries	6 per chapel room or parlor or 1 for 50 square feet of rooms used for services, whichever is greater

Use	Parking Spaces Required
Hospitals, Nursing Homes, and Similar Care Centers	1 for each 5 beds, plus 1 for each 2 doctors and employees
Manufacturing Plants, Research or Test Laboratories, Bottling Plants	1 for each 2 employees on maximum working shift
Medical or Dental Clinics	6 spaces for each doctor, plus 1 for each 2 employees
Motels or Motor Hotels	1 for each unit, plus 1 for each 2 employees at work at the same time
Service Stations	1 for each employee on duty, plus 2 for each service bay
Barber Shops	2 for each chair, plus 1 for each 2 employees working at same time
Beauty Shops	1 for each dryer, plus 1 for each 2 employees working at same time
Coin-Operated Laundries and/or Dry Cleaning Establishments	1 for each 3 washers and/or cleaning machines, plus 1 for each 2 employees working at same time
Restaurants	1 for each 3 seats, plus 1 for each 2 employees at working at same time
Shoppers' Goods - Appliance Household Equipments, Furniture and similar stores	1 for each 500 square feet of floor area, plus 1 for each full-time employee
Taverns or Bars	1 for each 2 seats, plus 1 for each 2 employees working at same time
Theaters	1 for each 4 seats
Wholesale Establishments	1 for each 4 employees on maximum work shift

In the case of any use which is not specifically mentioned herein, the provisions for a similar use mentioned shall apply.

In addition to all specified parking, sufficient handicapped parking space shall be made available as required by the State of Illinois Accessibility Standards.

86.4 Definition and Interpretation.

- A. Parking Space. Each parking space rectangular in shape shall be not less than nine (9) feet wide and twenty (20) feet long, or not less than one hundred and eighty (180) square feet in area exclusive of access drives or aisles.
- B. Loading Space. Each loading space shall not be less than ten (10) feet wide, forty (40) feet in length and fourteen (14) feet in height, exclusive of access and turning areas.
- C. Floor Area. In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest rooms, utilities, or dressing rooms.
- D. Benches in Place of Public Assembly. In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under the Ordinance.

- 86.5 Development Standards. Off-street accessory parking areas shall be of usable shape, and shall be improved with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any "R" District.
- 86.6 Exceptions. The Board of Zoning Appeals may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction or waiver.

Section 87 TRUCKS, BUSES, AND MANUFACTURED HOMES

Trucks, buses, and manufactured homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any SE-1 or Residential District except in accordance with the following provisions:

- 87.1 Truck or Bus. No truck or bus exceeding two (2) tons capacity.
- 87.2 Mobile Home. A mobile home shall be parked or stored only in a mobile home park or mobile home sales area. A mobile home shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the Illinois State statutes.

Section 88 SIGNS

88.1 General Provisions.

- A. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape or color it may impair, obstruct, obscure, or be confused with any authorized traffic control sign, signal, or device.
- B. No sign having flashing, intermittent, or animated illumination shall be permitted within three hundred (300) feet of property in any Residence District unless such sign is not visible from such property.
- C. No advertising structure shall be erected or placed closer than one hundred (100) feet of any Residence District.

88.2 SE-1 and Residence Districts

- A. For single-family and two-family dwellings: One (1) non-illuminated identification sign not exceeding two (2) square feet in area shall be permitted for each dwelling unit. Such sign shall indicate nothing other than name and/or address of the occupants, premises, announcement of boarders or roomers, home occupation, or sale of farm goods.

- B. Multiple family and group dwellings: identification signs, not to exceed nine (9) square feet in area, shall be permitted. Such signs may have indirect lighting.
- C. One (1) temporary, non-illuminated, on-site sign not to exceed nine (9) square feet in area for the sale of real estate.
- D. Announcement of church, school, or other public buildings or uses where permitted; bulletin boards or identification signs shall be permitted.
- E. All other signs are prohibited.

88.3 Commercial Districts. The following regulations shall apply with respect to Commercial Districts:

- A. Neighborhood Commercial Districts: On-site signs shall be permitted, but shall not exceed one and one-half (1-1/2) square feet of surface area for each one (1) lineal foot of building face. Off-site signs are prohibited.
- B. General Commercial Districts: On-site signs, off-site signs, and billboards are permitted.

88.4 Industrial Districts. The following regulations shall apply with respect to the Industrial Districts:

- A. All Industrial Districts: On-site signs, off-site signs, and billboards are permitted.

ARTICLE XVI

NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

Section 89 NONCONFORMING BUILDINGS AND STRUCTURES

89.1 General. A nonconforming building or structure lawfully existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this section. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

89.2 Continuance of Nonconforming Single-Family Uses, Dwelling and Lots.

Nonconforming residential uses shall be regulated in accordance with the following provisions. As used in this paragraph, nonconforming residential uses are those uses which are nonconforming due to the number of dwelling units they contain or their location in a zoning district that does not permit residential uses.

- A. Structures for a nonconforming single-family use may be restored for a single-family use if destroyed or damaged by fire, explosion, act of God or by a public enemy, reconstructed, expanded, repaired and structurally altered, provided alter, provided all other requirements of this Article are met.
- B. Nonconforming single-family dwellings or nonconforming accessory structures to a single-family use may be restored to the same degree of nonconformity or less if destroyed or damaged by fire, explosion, act of God or by a public enemy, repaired and structurally altered, provided such construction does not increase or extend the degree of nonconformity, Nonconforming structures shall not be reconstructed except in compliance with the provisions of this Article.
- C. A nonconforming residential use, other than a single family home, that has not been occupied for a continuous period of 12 months, for whatever reason, shall be considered to be abandoned and shall not be re-occupied. Any further use on the property shall be in conformance with all applicable provisions of this Ordinance. Evidence of intent to abandon the nonconforming use is not required.
 1. A nonconforming single family home that has not been occupied for a continuous period of 12 months or longer shall not be considered abandoned and may be re-occupied at any time provided the structure has not been changed, legally or illegally, to a non-residential use or multiple-unit residential use.
 2. Removal of a nonconforming mobile home or manufactured home not in a mobile home park, from its foundation or pad for a continuous period of 12 months shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this ordinance. Evidence of intent to abandon the nonconforming mobile home or manufactured home use in not required.
 3. Failure to correct ordinance violations that have been adjudicated and so ordered in the manner and time frame so ordered shall constitute an intent to abandon a nonconforming residential use.

- 89.3 Alteration or Enlargement of Building and Structures. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the District in which said building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the District in which it is located.
- 89.4 Building Vacancy. A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.
- 89.5 Destruction of Nonconforming Building or Structure. Any nonconforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot, or any other act of God, may be reconstructed and used as before if it is done within twelve (12) months of such calamity, unless damaged more than fifty (50) percent of its fair market value, as determined by the Board of Zoning Appeals, at the time of such damage, in which case reconstruction shall be in accordance with the provisions of the Ordinance.
- 89.6 Change of Use. A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such a building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restricted district classification if thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming as to use at the time of adoption of this Ordinance. For the purpose of this subsection only, the R-1 District shall be considered the most restrictive and the I-2 District the least restrictive District.

- 89.7 Swimming Pool Fences. The lawful use of a swimming pool existing at the effective date of this Ordinance may be continued, provided that twelve (12) months after the effective date of this Ordinance that all nonconforming pools shall conform to Article III.

Section 90 NONCONFORMING USES OF LAND

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than five hundred (500) dollars, existing at the time of adoption of this Ordinance, may be continued for a period of not more than three (3) years therefrom, provided that:

- 90.1 Said nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Ordinance.
- 90.2 If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the District in which said land is located.

ARTICLE XVII

ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS

Section 91 GENERAL

The requirements and regulations specified elsewhere in this Ordinance shall be subject to the additional requirements, exceptions, modifications, and interpretations contained in this Section.

Section 92 HEIGHT AND SIZE LIMIT

Height limitations stipulated elsewhere in this Ordinance shall not apply in the following situations:

- 92.1 To barns, silos, or other farm buildings or structures on farms provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, watertowers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Building Inspector, such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Appeals.
- 92.2 To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Appeals.
- 92.3 To satellite ground dish antennas where the minimum height for ground dishes shall be a minimum of three (3) feet above the ground measured at the lowest point of the dish. Any satellite ground dish antennas where in the opinion of the Building official such structure would adversely affect adjoining or adjacent properties shall not be authorized except by the Board of Appeals.
- 92.4 To satellite rooftop dish antennas which shall not exceed three (3) feet in diameter provided that the satellite dish antennas meet the minimum structural requirements as required by the building code. Satellite rooftop dish antennas in excess of three (3) feet in diameter shall not be authorized except by the Board of Appeals.

Section 93 FRONT YARD EXCEPTIONS AND MODIFICATIONS

- 93.1 Front yard requirements do not apply to the following: bay windows or balconies occupying in the aggregate not more than one-third (1/3) of the front wall; provided that these projections come entirely within planes drawn from either main corner of the front wall, chimneys, flues, belt courses, leaders, sills, pilaster, uncovered porches, plantings, or similar features not over three (3) feet high above the average finished grade and distant five (5) feet from every lot line.

- 93.2 In any district where the average depth of two (2) or more existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of the front yard on a lot in any "R" District shall be at least ten (10) feet and need not exceed sixty (60) feet.
- 93.3 For the purpose of determining lot width, that portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.
- 93.4 Satellite ground dish antennas are prohibited from front yards in all residential and non-commercial zones.

Section 94 SIDE YARD EXCEPTIONS AND MODIFICATIONS

- 94.1 Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a least width equal to that required in the more restrictive district. Where a lot in an "I" District abuts a lot in an "R" District, the side yard shall be increased by three (3) feet for each story that the building proposed on such lot exceeds the height limit of the said "R" District.
- 94.2 On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the east depth on any front yard required along such side street.
- 94.3 The following projections or structures may be permitted in side yards:
- A. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
 - B. Fences, plantings, or walls not over six (6) feet above the average natural grade
 - C. Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall. The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the wall of the main building.
 - D. Chimneys, flues, belt courses, leaders, sills, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than one and one-half (1-1/2) feet.
 - E. Terraces, steps, uncovered porches, stoops or similar features, not higher than the elevation of the ground story of the building and distant three (3) feet from a side lot line.
 - F. Satellite ground dish antennas.

Section 95 REAR YARD EXCEPTIONS AND MODIFICATION

The following projections or structures may be permitted in rear yards:

- 95.1 Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
- 95.2 Fences, planting, or walls, not over six (6) feet above the average natural grade.
- 95.3 Fire escapes, six (6) feet, bays and balconies, not more than three (3) feet provided these projections are entirely within planes drawn from either main corner of the rear wall, making an interior angle twenty-two and one-half (22-1/2) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (1/2) of the width of the rear wall.
- 95.4 Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than one and one-half (1-1/2) feet.
- 95.5 Terraces, steps, uncovered porches, or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line, not any alley lot line.
- 95.6 Swimming pools and satellite ground dish antennas.

ARTICLE XVIII

ADMINISTRATION AND ENFORCEMENT

Section 96 ORGANIZATION

The administration of this Ordinance is vested in the following five (5) offices of the government of the Village of Viola: Zoning Officer, Board of Appeals, Planning Commission, Secretary of the Planning Commission and Board of Appeal, Village Board and Village President.

This Article shall first set out the authority of each of these five (5) offices, and then describe the procedure and substantive standards with respect to the following administrative functions: issuance of zoning certificates and occupancy permits, variances, appeals, special uses, and other powers of the Board of Appeals, and amendments.

Section 97 ZONING OFFICER

97.1 Appointment of Zoning Officer. The Zoning Officer shall be appointed by the Village President with the advice and consent of the Village Board.

97.2 Powers and Duties of the Zoning Officer. The Zoning Officer shall enforce this Ordinance, and in addition thereto and in furtherance of said authority, shall:

- A. Issue all zoning certificates and occupancy permits, and make and maintain records thereof;
- B. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance;
- C. Maintain permanent and current records of this Ordinance including, but not limited to, all maps, amendments, special uses, variances, appeals, and applications therefore;
- D. Provide and maintain a public information service relative to all matters arising out of this Ordinance;
- E. Forward to the Planning Commission all applications for amendments to this Ordinance;
- F. Transmit to the Board of Appeals applications for appeals, variances, special uses, or other matters on which the Board of Appeals is required to pass under this Ordinance.
- G. Issue certificate of occupancy regulating the erection of buildings or structures and use of land for periods not to exceed ten (10) days for specific purposes such as temporary carnivals, music festivals, churches, revival meetings, charities and other uses of a similar nature, any of which has less than two hundred (200) persons in attendance and are not detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided however, that said use of operation and any incidental temporary structures or tents are in conformance with all other resolutions and codes of the Village.

H. Initiate, direct, and review from time to time a study of the provisions of the Ordinance and make reports of recommendations to the Planning Commission.

Section 98 BOARD OF APPEALS

- 98.1 Creation. The Board of Appeals, as established under the applicable provisions of the Illinois State Statutes, is the Board of Appeals referred to in this Ordinance.
- 98.2 Membership. The Board of Appeals shall consist of seven (7) members appointed by the Village President with the consent of the Village Board. At least two (2) such members shall be named from among the members of the Village Planning Commission. The members of said Board of Appeals shall serve respectively for the following terms, or until their respective successors are appointed and qualified: One (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, one (1) for five (5) years, one (1) for six (6) years, and one (1) for seven (7) years; the successor to each member so appointed to serve for a term of five (5) years. One of the members shall be designated by the Village President with the consent of the Village Board as Chairperson and shall hold office until the next Chairperson is appointed.
- 98.3 Jurisdiction. The Board of Appeals is hereby vested with the following jurisdiction and authority:
- A. To hear and pass on all applications for special uses in the manner prescribed in this Ordinance;
 - B. To hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Officer under this Ordinance;
 - C. To hear and pass upon the applications for variances from the terms provided in Ordinance in the manner prescribed and subject to the standards established herein;
 - D. To interpret the provisions of this Ordinance and the district map in the manner provided for herein; and
 - E. To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, as prescribed by the applicable provisions of the Illinois State Statutes.
- 98.4 Meetings and Rules. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at other such times as the Board of Appeals may determine. All hearings and other meetings conducted by said Board shall be open to the public. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

The Chairperson, or in the Chairperson's absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, order, requirement, decision, or determination of the Board of Appeals shall be filed

immediately in the office of the Zoning Officer and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable Illinois State Statutes, and select or appoint such officers as it deems necessary.

The concurring vote of four (4) members of the Board is necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or to effect any variation in the Ordinance, or to recommend any variation or modification in the Ordinance to the corporate authorities.

- 98.5 Finality of Decisions of the Board of Appeals. All decisions and findings of the Board of Appeals on appeals, applications for a variance, or application for a use on review, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.

Section 99 PLANNING COMMISSION

- 99.1 Creation. The Planning Commission of the Village of Viola, as established under the applicable provisions of the Illinois State Statutes, is the Planning Commission referred to in this Ordinance.
- 99.2 Membership. Said Planning Commission shall consist of seven (7) members, citizens of said Village, appointed by the President of the Board of Trustees, on the basis of their particular fitness for their duty on said Planning Commission and subject to the approval of the Village Board of Trustees.

Of the seven (7) members, three (3) shall serve for a period of three (3) years, three (3) for a period of two (2) years, and one (1) for one (1) year, etc. Thereafter, such members shall serve for a period of three (3) years. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except that, if the Village Board of Trustees deems it advisable, they may receive such compensation as may be fixed from time to time by said Village Board of Trustees and provided for in the Appropriation Ordinance.

Immediately following their appointment, the members of the Planning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with Village Ordinances and state laws. The Commission shall keep written records of its proceedings which shall be open at all times to public inspection. The Commission shall also file an annual report with the President of the Board of Trustees and Village Board of Trustees setting forth its transactions and recommendations.

- 99.3 Jurisdiction. The Planning Commission shall discharge the following duties under this Ordinance:
- A. Hear all applications for amendments to this Ordinance and report said findings and recommendations to the Village Board;

- B. On its own initiative, to petition the Village Board requesting an amendment, supplement, change, or repeal of the Zoning Ordinance provided that it has first held a public hearing thereon;
- C. Receive from the Zoning Officer recommendations as related to the effectiveness of this Ordinance and report their conclusions and recommendations to the Village Board not less frequently than once a year; and
- D. To hear and decide all matters upon which it is required to pass under this Ordinance.
- E. To prepare and recommend to the Board of Trustees of the Village of Viola, a comprehensive plan for the present and future development or redevelopment of said Village of Viola and contiguous unincorporated territory not more than one and one-half (1-1/2) miles beyond the corporate limits of said Village of Viola and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted shall be the official comprehensive plan, or part thereof, of the Village of Viola. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the Village Board of Trustees. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds and filing of said plan and ordinances with the Municipal Clerk shall be complied with as provided for by law.

To provide for the health, safety, comfort and convenience of the inhabitants of the Village of Viola and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, play-grounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.

- F. To designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation.
- G. To recommend to the Village Board of the Village of Viola from time to time, such changes in the comprehensive plan, or any part thereof, as may be deemed necessary.
- H. To prepare and recommend to the Village Board from time to time, plans and/or recommendations for specific improvements in pursuance of the official comprehensive plan.
- I. To give aid to the officials of the Village of Viola charged with the direction of projects for improvements embraced within the official plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the official comprehensive plan.

- J. To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.
- K. To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.
- L. To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code" approved May 29, 1961, and effective July 1, 1961, and as amended, as may be conferred by the Village Board of Trustees of the Village of Viola.

Section 100 PRESIDENT AND VILLAGE BOARD

100.1 Jurisdiction. The President and Village Board of Viola shall discharge the following duties under this Ordinance:

- A. Appoint the Zoning Officer whose responsibility will be to enforce the provisions of this Ordinance;
- B. Appoint members to the Board of Appeals as provided for in this Ordinance;
- C. Appoint members to the Planning Commission as provided for in this Ordinance;
- D. Appoint the Secretary of the Planning Commission and Board of Appeals as provided for in this Ordinance;
- E. Receive and decide upon all recommendations concerning amendments, supplements, changes, or repeal of the Zoning Ordinance submitted to them by the Planning Commission;
- F. Receive from the Planning Commission all recommendations on the effectiveness of this Ordinance; and
- G. To decide all matters upon which it is required to pass under this Ordinance.

Section 101 ZONING CERTIFICATES AND OCCUPANCY PERMITS

101.1 Zoning Certificates. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the Village of Viola unless the application for such permit has been examined by the Zoning Officer, indicating that the proposed building or structure complies with all the provisions of this Ordinance. Any permit or certificate issued in conflict with the provisions of the Ordinance shall be null and void.

101.2 Occupancy Permits. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until an occupancy permit has been issued by the Zoning Officer. No change in a use other than that of a permitted use to another similar permitted use, shall be made until an

occupancy permit has been issued by the Zoning Officer. Every occupancy permit shall state that the use of occupancy complies with the provisions of this Ordinance.

- A. Application for Occupancy Permit. Every applicant for a building permit shall be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new use of land where no building permit is required shall be made directly to the Zoning Officer.
- B. Issuance of Occupancy Permit. No occupancy permit for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Officer to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. Reasons in writing for refusal to issue an occupancy permit must be forwarded to the applicant no later than fourteen (14) days after the request for an occupancy permit.

Section 102 VARIANCES

- 102.1 Purpose and Findings of Fact. The Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Appeals makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
- 102.2 Application for Variance and Notice of Hearing.
 - A. An application for a variance shall be filed in writing with the Zoning Officer. Said application shall contain such information as the Board of Appeals may, by rule require.
 - B. Notice of the time and place of such public hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days before the hearing, in a newspaper of general circulation within the Village of Viola. The published notice may be supplemented by such additional form of notice as the Board of Appeals by rule, may require.
- 102.3 Standards for Variance. The Board of Appeals shall not vary the regulations of this Ordinance, as authorized in this section, unless there is evidence presented to it in each specific case that:
 - A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;

- B. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
- C. The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
- D. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property;
- E. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- F. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

102.4 Authorized Variance. Variances from the regulations of this Ordinance shall be granted by the Board of Appeals only in accordance with the standards established in this Section and may be granted only in the following instances and in no others:

- A. To permit any yard or setback of less dimension than required by the applicable regulations;
- B. To permit any building or structure to exceed the height limitations imposed by the applicable regulations;
- C. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots to be less than eighty (80) percent of the required area and width;
- D. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- E. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty (20) percent of the applicable regulations, whichever number is greater;
- F. To increase by not more than twenty-five (25) percent the maximum distance that required parking spaces are permitted to be located from the use served;
- G. To increase by not more than ten (10) percent the maximum gross floor area of any use so limited by the applicable regulations; and

- 102.5 Granting a Variance. The concurring vote of four (4) members of the Board of Appeals shall be necessary to grant a variance. No order of the Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- 102.6 Effect of Denial of Variance. No application for a variance that has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of said order of denial, except of the grounds of new evidence found to be valid by the Board of Appeals.

Section 103 APPEALS

103.1 Scope of Appeals. An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Officer. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of appeals all of the papers constituting a record upon which the Section appealed from was taken.

103.2 Findings on Appeal.

- A. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies to the Board of Appeals, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.
- B. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal, give due notice thereof to the parties, and shall render a written decision on the appeal without unreasonable delay. The Board of Appeals may affirm or may, upon the concurring vote of four (4) members, reverse wholly or in part or modify the order, requirement, decision, or determination that, in its opinion, ought to be done. To that end, the Board of Appeals shall have all the powers of the officer from whom the appeal is taken. The Zoning Officer shall maintain records of all actions of the Board of Appeals relative to appeals.

Section 104 SPECIAL USES AND OTHER POWERS OF THE BOARD OF APPEALS

104.1 Special Uses.

- A. Purpose. The development and administration of this Ordinance is based upon the division of the City into zoning districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such special uses fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest; and
 2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. Initiation of Special Use. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of and exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Ordinance in the zoning district in which the land is located.
- C. Application for Special Use. An application for a special use shall be filed with the Zoning Officer on a form as the Zoning Officer shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Board of Appeals and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in this ordinance. Such application shall be forwarded from the Zoning Officer to the Board of Appeals with a request for a public hearing and report relative thereto.
- D. Hearing on Application. Upon receipt in proper form of the application and statement referred to in this ordinance, the Board of Appeals shall hold at least one (1) public hearing on the proposed special use. Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in a newspaper of general circulation in the Village of Viola. Supplemental or additional notices may be published or distributed as the Board of Appeals may, by rule, prescribe from time to time.
- E. Authorization. For each application for a special use the Zoning Officer shall prepare and file with the Board of Appeals findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
- F. Standards. No special use shall be granted by the Board of Appeals unless such Board shall find:
1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 2. That the special use will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
 3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Appeals.

G. Conditions and Guarantees. Prior to the granting of any special use, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in above. In all cases in which special uses are granted the Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

H. Denial and Revocation of Special Uses.

1. Denial of a Special Use. No application for a special use that has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Appeals.
2. Revocation of a Special Use. In any case where special use has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Appeals the use on review or authorization shall be null and void.

104.2 Other Powers of the Board of Appeals. The Board of Appeals is hereby vested with the following additional authority and jurisdiction:

- A. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries contained in Section 22 leaves a reasonable doubt to the boundary between two districts the Board of Appeals after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this Ordinance.
- B. Temporary Uses and Permits. The Board of Appeals may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.
- C. Certain Industries in "I-1" Districts. In determining whether certain uses shall be located in an "I-1" or "I-2" District, the Board of Appeals shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as for location in an "I-1" District the Board shall determine whether the proposed use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders,

noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects.

Section 105 AMENDMENTS

- 105.1 Authority. For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the Village, and lessening or avoiding congestion in the public streets and highways, the Village Board may from time to time in the manner hereinafter set forth amend the regulations imposed in the districts created by this Ordinance. The Ordinance may be amended, provided that in all amendments adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire community, and the uses to which the property is devoted at the time of the adoption of such amendment.
- 105.2 Initiations of Amendment. Amendments may be proposed by the Village Board, Planning Commission, or by an interested person or organization.
- 105.3 Application for Amendment. An application for an amendment shall be filed with the Zoning Officer in such form and accompanied by such information as required by the Zoning Officer. Such application shall be forwarded to the Planning Commission with the request to hold a public hearing on said application for amendment.
- 105.4 Hearing on Application. The Planning Commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Planning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Planning Commission shall, by rule, prescribe from time to time.
- 105.5 Notice of Hearing. Notice of time and place of such hearing shall be published at least once in one or more newspapers of general circulation in the Village of Viola not less than fifteen (15) nor more than thirty (30) days before such hearing. Supplemental or additional notices may be published or distributed as the Planning Commission may, by rule, prescribe from time to time.
- 105.6 Findings of Fact and Recommendation of the Planning Commission.
- A. Within forty-five (45) days after the close of the hearing on a proposed amendment, the Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Village Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the findings of fact and recommendations shall include the following information:
1. Existing use of property within the general area of the property in question;
 2. The zoning classification of property within the general area of the property in question;
 3. The suitability of the property in question to the uses permitted under the existing zoning classifications;

4. The trend in 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; and
 5. Minimum size of parcel: A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses two hundred (200) feet of frontage or contains twenty-five thousand (25,000) square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.
- A. The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest of the applicant. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification that requested by the applicant. For the purpose of this paragraph, the SE-1 District shall be considered the highest classification and the I-2 District shall be considered the lowest classification.

105.7 Action by Village Board.

- A. The Village Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Planning Commission on the proposed amendment.
- B. The Village Board may grant or deny any application for an amendment, provided, however, that in case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley from, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Village Clerk the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the Village Trustees then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors 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.

105.8 Effect of Denial of Amendment. No application for an amendment that has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said denial except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.

ARTICLE XIX

FEES, PENALTIES, AND LEGAL STATUS PROVISIONS

Section 106 FEES

Any application for an amendment or special uses, filed by or on behalf of the owner of the property affected, shall be accompanied by a fee of one hundred (100) dollars. The fee for variances and appeals shall be fifty (50) dollars.

Section 107 PENALTIES

Any person, firm or corporation, agent, employee, or contractor of such who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance, shall upon conviction forfeit not less than fifty (50) dollars nor more than five hundred (500) dollars for each offense. Each day that a violation continues to exist shall constitute a separate offense.

Section 108 REPEALER

All ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are hereby repealed.

Section 109 SEVERABILITY

If any section of part thereof of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

Section 110 EFFECTIVE DATE

This Ordinance shall take effect and be in full force from and after its adoption and publication in pamphlet form by authority of the corporate authority as permitted by Statute.

PASSED by the Village Board of Trustees of the Village of Viola, Illinois, this ____ day of _____, 200__, and APPROVED by the Village President and Village Board of Trustees of the Village of Viola, Illinois, on this ____ day of _____, 200__.

Kirk Doonan
President of Village Board of Trustees

ATTEST:

Marilyn Carrico, Village Clerk

SEAL