

CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 **TITLE.** This Code shall be known as and cited as "**The Zoning Code of the Village of Cobden, Illinois.**"

40-1-2 **PURPOSE.**

(A) In accordance with state law, this Code regulates lots, structures and uses in order to preserve, protect and promote the public health, safety and welfare.

(B) More specifically, this Code is intended to assist in achieving the following objectives:

- (1) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents and to discourage development on inappropriate sites;
- (2) To assist in implementing the Village Comprehensive Plan;
- (3) To protect and enhance the character and stability of sound existing residential, commercial and industrial areas and to gradually eliminate nonconforming uses and structures;
- (4) To conserve and increase the value of taxable property throughout the Village;
- (5) To ensure the provision of adequate lights, air and privacy for the occupants of all buildings;
- (6) To protect persons and property from damage caused by fire, flooding and improper sewage disposal;
- (7) To provide adequate and well-designed parking and loading space for all buildings and uses and to reduce vehicular congestion on the public streets and highways;
- (8) To ensure the proper design and improvement of mobile home parks;
- (9) To promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings and legible in the circumstances in which they are seen; and
- (10) To provide for the efficient administration and fair enforcement of all the substantive regulations in this Code. **(65 ILCS 5/11-13-1)**

40-1-3 **JURISDICTION.** This Code divides the entire Village and **one and one-half (1 ½) miles** beyond the corporate limits thereof into districts for the purposes of this Code to classify, regulate and restrict the location of trades, industries, residences and other specified uses within such respective districts; to prohibit uses, buildings or structures which are incompatible with the character of such respective districts; to prevent additions to

and alterations for the remodeling of existing buildings or structures in any way so as to avoid the regulations, restrictions and limitations lawfully imposed under this Code; to create a Board of Appeals and to provide penalties for the violation thereof. **(See Section 40-1-1(A))**

40-1-4 INTERPRETATION, CONFLICT WITH OTHER ORDINANCES. Every provision of this Code shall be construed liberally in favor of the Village, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed restriction or covenant, the more stringent requirement shall prevail.

40-1-5 DISCLAIMER OF LIABILITY.
(A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent or employee of the village shall render him or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ILCS 10/1-101 et seq.)**

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

40-1-6 NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED AND INTERPRETATION AND RELATION TO OTHER LAWS.

(A) It is not intended by this Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties, nor to interfere or abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued and not in conflict with any of the provisions of this Code, provided, however, that where this Code imposes a greater restriction upon the use of buildings or land than are required and imposed by such easements, covenants or agreements, ordinances, rules, regulations or permits, the provisions of this Code shall prevail.

(B) Every provision of this Code shall be construed liberally in favor of the Village, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail. Regardless of any other provision of this Code, no land shall be used and no structure shall be erected or maintained in violation of any duly constituted laws of the State of Illinois or of the United States of America.

40-1-7 SEVERABILITY. If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

40-1-8 REVIEW. This Code shall be reviewed every **five (5) years** after its effective date by the Zoning Board of Appeals. After the review, it shall file its reports and recommendations with the Mayor and the Village Board.

40-1-9 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-1-9** unless the context clearly indicates otherwise; terms not defined in **Section 40-1-9** shall have their standard English dictionary meanings.

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

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

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

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

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

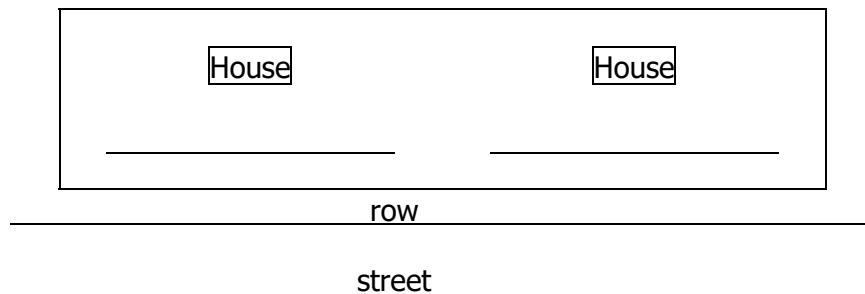
(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

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

40-1-10 DEFINITIONS. For the purpose of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTTING. Having a common lot line or district line. (Synonym for "adjacent" or "adjoining.")

TWO ABUTTING LOTS



ACCESS WAY. A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

ACCESSORY USE. Any structure or use that is:

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

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

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

ADMINISTRATOR. The official appointed by the Mayor, with the advice and consent of the Board of Trustees, or his or her representative, to administer this Code. (Synonymous with "Zoning Administrator" or "Zoning Official.")

AGRICULTURE. Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture or animal/poultry husbandry. The term encompasses the farmhouse and accessory uses and structures customarily incidental to agricultural activities.

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

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

ALTER. To change the size, shape or use of a structure, or the moving from one location to another.

AMENDMENT. A change in the provisions of this Code (including the District Map), properly effected in accordance with state law and the procedures set forth herein.

ANCHOR. Any approved device to which a mobile home is tied down to keep it firmly attached to the stand on which it is placed.

ANIMAL KEEPING. The practice of keeping/sheltering any animal for agricultural purposes/projects, hobby purposes, and/or home occupational purposes. Specific rules and regulations for animal keeping shall be listed in the zone district's Permitted Uses and Special Uses Section. The definition, practice, rules and regulations governing animal keeping shall not be interpreted as to restrict the ownership of household pets, as long as the ownership of said pet(s) is strictly for recreation and pleasure of the owner and the ownership is not used for any of the purposes listed in the first sentence of this definition. Animal Care uses as kennels, animal hospitals and vets shall follow the rules and regulations established elsewhere in this Code.

APARTMENT. See Dwelling, Multiple Family.

ATTACHED. As applied to buildings, means having a common wall and/or a common roof.

AUTOMOTIVE SALES LOT. Any place outside a building where **two (2)** or more vehicles in operating condition are offered for sale or are displayed for sale or advertising purposes. This use shall be considered a Special Use.

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

BILLBOARD. Any single- or double-faced sign displaying messages or advertising not associated with the premises on which the sign is located or to which it is affixed.

BITUMINOUS CONCRETE. A mixture of petroleum by-products and gravel used for paving to form a smooth, permanent surface. It does not mean "oil and chip."

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

BOARD OF APPEALS. The Zoning Board of Appeals of the Village.

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

BUFFER STRIP. An area of land undeveloped except for landscaping fences and the like used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

BUILDING. Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

BUILDING OR STRUCTURE HEIGHT. The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and similar projections shall not be included in calculating building height.

BUILDING LINE. The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

BULK. Any one or any combination of the following structural or site design characteristics:

- (1) Size or height of structure;
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (3) Lot area;
- (4) Yards or setbacks.

CENTERLINE.

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

CERTIFICATE OF ZONING COMPLIANCE, FINAL. A permit issued by the Administrator indicating that a lot or newly completed structure or use complied with all pertinent requirements of this Code and therefore, may be occupied or used.

CERTIFICATE OF ZONING COMPLIANCE, INITIAL. A permit issued by the Administrator indicating a proposed lot, structure or use is in conformity with the requirements of this Code.

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

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

COMMERCIAL USE/ESTABLISHMENT. Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

COMMUNITY RESIDENCE. A family-like living arrangement of no more than **eight (8)** unrelated persons with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services provided by the operator, if any, of the community residence. A type of community residence is a group home.

CONFORMING. In compliance with the applicable provisions of this Code.

CONVENIENCE/GASOLINE SERVICE STATION. A building or premises or portion thereof used for retail sales of gasoline, oil and accessories of motor vehicles, and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on the premises where it is sold.

CORRECTIVE ACTION ORDER. A legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

DAY CARE CENTER. An establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary or elementary school age.

DETACHED. As applied to buildings, means surrounded by yards on the same lot as the building.

DEVELOP. To erect any structure or to install any improvements on a tract of land or to undertake any activity (such as grading) in preparation therefore.

DIMENSIONS. Refers to both lot depth and lot width.

DISABILITY. A physical or mental impairment which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such an impairment, or being regarded as having such an impairment. Individuals who pose a danger to others or to property are not regarded as people with disabilities.

DISTRICT, ZONING. A portion of the territory of the Village wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

DRIVEWAY. A minor way commonly providing vehicular access to a garage or off-street parking area.

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

DWELLING, MULTIPLE-FAMILY. A building or portion thereof containing **three (3)** or more dwelling units.

DWELLING, SINGLE-FAMILY. A dwelling containing **one (1) dwelling unit** and intended for the occupancy of **one (1) family**.

DWELLING, TWO-FAMILY. A dwelling containing **two (2) dwelling units**.

DWELLING UNIT. **Two (2)** or more rooms designed or used as living quarters by **one (1) family** or for a community residence. A **DWELLING UNIT** always includes a bathroom and a kitchen.

EASEMENT. A right to use another person's real property for certain limited purposes.

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

ENLARGE. To increase the size (floor area, height and the like) of an existing principal structure or accessory use or to devote more land to an existing use.

ERECT. To build or construct.

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

ESTABLISHMENT. Either of the following:

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

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

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

EXISTING. Actually constructed or in operation on the effective date of this Code.

FAMILY.

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

(2) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or

(3) A group of not more than **eight (8)** unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity, or hotel).

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. "Gross floor area" includes basement floors, attic floor space, halls, closets, stairwells, space devoted to mechanical equipment, and enclosed porches.

FREIGHT TERMINAL. As applied to motor carriers subject to **65 ILCS 5/1-100 et seq.**, a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

FRONTAGE. The lineal extent of the front (street side) of a lot or establishment.

GARAGE, PRIVATE. A garage for **four (4)** or less passenger motor vehicles without provision for repairing or servicing such vehicle(s) for profit.

GREENHOUSE. (See "Nursery")

GROUP HOME. A dwelling unit occupied as a single housekeeping unit in a family-like environment by persons with disabilities (the residents) plus support staff, if any. Residents are supervised by a sponsoring entity or its staff which furnishes habilitative services to the group home residents as an alternative to institutional care. Inter-relationships between residents are an essential component of a group home. A group home is a relatively permanent living arrangement where tenancy is measured in years. A group home shall be considered a residential use of property for purposes of all zoning and building codes.

HEREAFTER. Any time after the effective date of this Code.

HOME OCCUPATION. Any business, profession or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Code.

IMMOBILIZE. As applied to a mobile home, "immobilize" means to remove the wheels, tongue, and hitch and/or to place on a permanent foundation.

INTERSECTION. The point at which **two (2)** or more public rights-of-way (generally streets and alleys) meet.

JUNK YARD. A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in

operable condition (or parts thereof), and metals, glass, paper, plastic, rags, and rubber tires. (A lot on which three or more inoperable or abandoned vehicles are stored shall be deemed a junk yard.)

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

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

LONG TERM CARE FACILITY. A building used as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care.

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

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

LOT, THROUGH. A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel street rights-of-way. Both lot lines shall be deemed front lot lines.

LOT AREA. The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

LOT COVERAGE. The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH. The average horizontal distance between the front lot line and the rear lot line of a lot.

LOT LINE, FRONT. The lot line abutting the street.

LOT LINE, REAR. An interior lot line which is most distant from and most nearly parallel to the front lot line.

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

LOT OF RECORD. An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with state law.

LOT SIZE REQUIREMENTS. The lot area, width and depth requirements of the applicable district.

LOT WIDTH. The mean horizontal width of a lot measured at right angles to the side lot lines at the building line.

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

MANUFACTURED OR PREFABRICATED HOUSING. A partially constructed factory fabricated building unit which will be substantially assembled on-site, utilizing pre-manufactured component parts. This term shall not be construed to include "mobile homes," "immobilized mobile homes," or "modular homes."

MANUFACTURED HOME. A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. A **MANUFACTURED HOME** should not be confused with a camping trailer or recreational vehicle.

MANUFACTURED HOME, IMMOBILIZED. Any manufactured home resting on a permanent foundation with wheels, tongue, and hitch permanently removed. The Village Board establishes the following criteria to complete the immobilization of a manufactured home:

(1) The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation.

(2) As an alternative to subsection (1) above, piers may be used, extending into the ground below the frost line and sufficient in number to properly support the manufactured home.

(3) To complete the immobilization, wheels, tongue, and hitch must be removed. Axles may be removed.

MANUFACTURED HOME PARK. A parcel of not less than **two (2) acres** in area in single ownership/control, developed with facilities for accommodating occupied manufactured homes in accordance with the requirements of this Code and **Chapter 23** of this Code of Ordinances.

MANUFACTURED HOME SPACE. A portion of a manufactured home park designed and improved for the placement of one manufactured home and the private use of the occupants thereof. **(See Chapter 23)**

MANUFACTURED HOME STAND. The part of a manufactured home space beneath the manufactured home that includes the concrete slab on which the home is placed and to which it is anchored.

MOBILE OR PORTABLE MARQUEE. A term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

MODULAR HOME. A substantially constructed factory fabricated building unit transported to a building site, mounted on a permanent foundation and designed for residential use as a "single-family dwelling" unit. **MODULAR HOME** shall not be construed to include "mobile homes," "immobilized mobile homes," "manufactured housing," or "prefabricated housing."

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

NONCONFORMING. As applied to a lot, structure or use, means:

(1) Lawfully existing on the effective date of this Code, but

(2) Not in compliance with the applicable provisions thereof.

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

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

NURSERY SCHOOL or DAY CARE CENTER. An establishment for the part-time care and/or instruction at any time of day of four or more unrelated children of pre-elementary or elementary school age.

NURSING HOME. A building used as medical care facility for persons who need long term nursing care and medical services, but do not require intensive hospital care.

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

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

OVERLAY DISTRICT. A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, and the like.

PARKING AREA/LOT, OFF-STREET. Land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An **OFF-STREET PARKING LOT**, depending on the circumstances of its use, may be either a principal use or an accessory use.

PARKING LOT, COMMERCIAL. Land that is improved in accordance with this Code and shall be limited to automobiles and trucks **one (1) ton** and under.

PARKING SPACE, OFF-STREET. An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of **one (1)** passenger motor vehicle.

PERMITTED USE. Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to such district(s).

PERSON. Any individual, firm, association, organization, or corporate body.

PLANNED DEVELOPMENT PROJECT. A residential or commercial development on a parcel of land in single ownership and consisting of **two (2)** or more buildings having any yard, court, parking or loading space in common.

PLOT. A parcel of land consisting of **one (1)** or more lots or portions thereof which is described by reference to a recorded plat by metes and bounds.

PREMISES. A lot and all the structures and uses thereon.

PRINCIPAL BUILDING/STRUCTURE/USE. The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

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

PROPERTY LINE. See "lot line."

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

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

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

QUICK SHOP. Any small retail commercial or service establishment offering goods or services primarily to the residents of a particular multi-family complex, mobile home park or similar development.

RECONSTRUCT. As applied to nonconforming structures, means to rebuild after damage or destruction.

RECREATIONAL VEHICLE. Any type of vehicle used primarily for pleasure, such as travel trailers, motor homes, boats, snowmobiles, and the like.

REFUSE. Garbage (food wastes) and trash, but not sewage or industrial wastes.

RELOCATE. To move to another portion of a lot or to a different lot.

REPAIR. To restore to sound condition, but not to reconstruct.

RESTRICTIVE. Tending to keep within prescribed limits.

RETAIL. Refers to the sale of goods or services directly to the consumer rather than to another business.

RIGHT-OF-WAY, PUBLIC. A strip of land which the owner/subdivider has dedicated to the Village or to another unit of government for streets and alleys.

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

SCREENING. Trees, shrubs, walls, solid fences, and the like used as a means of view and noise control.

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

SERVICE BUILDING. A structure within a mobile home park or travel trailer park that contains toilet facilities, clothes washers and dryers and in some instances, a convenience store.

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

SERVICE USE/ESTABLISHMENT. Any use or establishment where services are provided for remuneration either to individuals or to other firms.

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

SEWAGE TREATMENT PLANT, PRIVATE. Any properly constructed disposal system intended for the treatment of wastewaters from more than one residence and/or building unit.

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

SIGN, CANOPY/MARQUEE. Any sign affixed to, painted on, or suspended from an awning, canopy, marquee, or similar overhang.

SIGN, FLUSH-MOUNTED. Any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane of the

wall and not projecting more than **eighteen (18) inches**. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

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

SIGN, PROJECTING. Any sign which is suspended from or supported by a wall, awning, canopy, marquee, and the like and which is approximately perpendicular thereto. A **PROJECTING SIGN** displays only messages associated with the structure to which it is attached.

SIGN AREA. The entire area within a single, continuous perimeter enclosing the extreme limits of the message and the background thereof, calculated in accordance with the provisions of this Code.

SIGN AREA ALLOWANCE. The maximum total sign area of all signs that an establishment is permitted to display.

SKIRTING. The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

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

SPECIAL-USE PERMIT. A permit issued in accordance with the provisions of this Code to regulate development of a special use.

STOP ORDER. A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

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 a way for pedestrian use only.

STREET, PRIVATE. Any street providing access to abutting property that is not maintained by and dedicated to the Village or other public entity.

STRINGENT. Binding and/or exacting.

STRUCTURE. Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

STRUCTURE, TEMPORARY. Any structure that is not attached to a permanent foundation.

TEMPORARY USE PERMIT. A permit issued in accordance with the provisions of this Code and valid for not more than **one (1) year**, which allows the erection or occupation of a temporary structure or the operation of a temporary enterprise.

TOPOGRAPHY. The physical relief features or surface configuration of an area.

USE. The purpose or activity for which the land or a structure thereon is designed, occupied, or used.

USE VARIANCE. A type of amendment (not a variance) that allows a use in a district where said use would not be allowed under existing provisions of this Code.

UTILITY SUBSTATION. A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, and the like.

VACANT. As applied to a lot, means that no structure is situated thereon.

VARIANCE. A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

VEHICLE REPAIR USES. The dismantling, repair, storage and/or wrecking of motor vehicles, trailers or farm machinery; or the sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts in accordance with the following condition:

(A) All vehicles, parts and equipment shall be stored within a completely enclosed structure or within an area screened by a wall or solid fence at least **ten (10) feet** high or of sufficient height greater than **ten (10) feet** to block the view from adjacent lots. If the Vehicle Repair Use abuts a residential zone, the fence shall have a minimum setback of **five (5) feet** from the property line.

(B) These regulations shall apply for gas service stations that have vehicle repair service or any other use in conjunction with vehicle repair uses.

(C) Since all Vehicle Repairs Uses are considered Special Uses, certain conditions and restraints may be issued during the permit process.

WHOLESALE. Refers to the sale of goods or services by one business to another business.

WINDOW SIGN. Any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing passers by of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

YARD. Open space that is unobstructed, except as specifically permitted in this Code and that is located on the same lot as the principal building.

YARD, FRONT. A yard which is bounded by the side lot lines, front lot line, and the building line.

YARD, REAR. A yard which is bounded by side lot lines, rear lot line and rear yard lines.

YARD, SIDE. A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

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

ZONING ADMINISTRATOR, ZONING OFFICIAL or ZONING OFFICER. The Zoning Administrator of the Village or his or her authorized representative.

ZONING MAP. The map(s) and any amendments thereto designating zoning districts and incorporated into this Code by reference.

ARTICLE II – GENERAL ZONING REGULATIONS

40-2-1 ESTABLISHMENT OF DISTRICTS.

(A) In order to implement the regulatory scheme of this Code so as to achieve the objectives enumerated in **Section 40-1-2**, the entire Village is divided into the following Zoning Districts. In order to prevent “spot zoning”, the smallest total area of contiguous parcels that can properly be given a district designation is as follows:

<i>District</i>	<i>Designation</i>	<i>Minimum Area</i>
Agricultural	A-1	3 acres
Single-Family	R-1	1 acre
General Residence	R-2	1 acre
General Business	B-1	1 acre
Central Business	B-2	1 acre
Manufacturing	M-1	1 acre

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

40-2-3 ANNUAL PUBLICATION. In accordance with state law, if any changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the revised official zoning map of the Village not later than **March 31** of the following year. **(65 ILCS 5/11-13-19) [NOTE: The map shall be published if there are any annexations.]**

40-2-4 PROCEDURES RELATING TO ANNEXATION, PRE-ZONING AND VACATED AREAS.

(A) Any territory annexed to the corporate limits of the Village is upon such annexation, automatically zoned A-1 (Agricultural District) until otherwise zoned.

(B) Property owners seeking to have their property annexed to the Village may petition the Village Board to pre-zone such territory. In such event, the said petition shall be transmitted to the Planning Commission and a public hearing thereon shall thereafter be held as hereinafter provided in this Code. The report and recommendations of the Planning Commission shall thereafter be filed with the Village Board. At the same time, the Village Board shall adopt an ordinance annexing any such territory and it shall adopt an ordinance establishing the zoning classification of such territory. In assigning a new zoning district designation to the subject territory, any zone classification or combination of classifications may be utilized so long as said classifications are consistent with the Cobden Land Use Plan.

(C) Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way or other similar area shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be

subject to all applicable provisions and requirements of the extended districts. In the event of partial vacation, the adjoining district shall be extended automatically to include all of the vacated area.

40-2-5 **DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.** In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

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

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

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

40-2-6 **ANNEXED TERRITORY.** Any territory hereafter annexed to the Village shall automatically be in the Agricultural District until duly changed by an amendment to this Code; except that the Village Board of Trustees, with the advice of the Plan Commission, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met.

40-2-7 **GENERAL PROHIBITION.** Hereafter, it shall be unlawful to do the following within the Village, except in conformity with the provisions of this Code:

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

40-2-8 **UNLISTED USES PROHIBITED.** Whenever any use is not specifically listed as "permitted" or "special" within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Board of Trustees, following consultation with the Zoning Administrator and the Plan Commission, finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use by amending this Code in accordance with **Section 40-16-1**. The decision of the Board of Trustees shall become a permanent public record, and any unlisted use that they approve shall hereafter have the same status as listed uses.

40-2-9 MEETING MINIMUM REQUIREMENTS. Except as specifically provided otherwise:

(A) Only **one (1)** principal building or structure shall be permitted on any residential lot; and

(B) No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use.

40-2-10 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts or has permanent easement of access to a public street or private street. **Penalty, see Section 40-18-1**

40-2-11 FRONT SETBACK; CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-2-12 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise in the "B-1", General Business District, and in all residential zoning districts where lots having **fifty percent (50%)** or more of the frontage on **one (1) side** of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setback on that block shall be the average of the existing front setbacks, but no less than **five (5) feet**, provided, however, that in any built-up area, no front setback greater than **fifty (50) feet** shall be required.

40-2-13 INTRUSIONS INTO YARDS. To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<i>Features</i>	<i>Maximum Intrusion</i>
Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet
Patios uncovered at ground level	NO LIMIT
Porches, if unenclosed and elevated 6" or more	6 feet
Balconies and decks	4 feet
Canopies, roof overhangs	4 feet.

40-2-14 EXCEPTIONS TO HEIGHT LIMITS.

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

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

40-2-15 SEWERS; SEPTIC TANKS.

(A) In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

- (1) Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **two hundred (200) feet**), all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.
- (2) Whenever the public sanitary sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:
 - (a) Illinois Private Sewage Disposal Licensing Act, **225 ILCS 225/1 – 225/23**, as amended from time to time;
 - (b) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time;
 - (c) Pertinent, current regulations issued by the Illinois Environmental Protection Agency; and
 - (d) Applicable codes and relations of the Village, particularly the Subdivision Code.
 - (e) No accessory use or structure shall be permitted prior to the erection of the principal structure. This rule is exempted in the Agricultural District A-1.

(B) The Administrator shall not issue any initial certificate of zoning compliance unless, following consultation with the County Health Department, he or she is satisfied that these requirements will be met.

40-2-16 ACCESSORY USES.

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

- (1) Meets the definition of "accessory use" found in **Section 40-1-10**;
 - (2) Is accessory to a principal structure or use that is allowed in a particular zoning district as a permitted or special use; and
 - (3) Is in compliance with restrictions set forth in **Section 40-2-17**.
- (B) If an accessory structure is attached to a principal structure, it shall be considered part of such structure.

40-2-17 **ACCESSORY USE RESTRICTIONS.**

(A) **Location.**

- (1) **Residential Zones.** All accessory use in residential zone districts shall be in the side or rear yard. No accessory use shall be allowed in the front yard.
- (2) **Business and Manufacturing Zones.** No restrictions.
- (3) **Agricultural Zones.** Shall follow the regulations established for the principal structure for that particular district.

(B) **Height.** No accessory use shall be higher than:

- (1) **Residential Zones. Fifteen (15) feet.**
- (2) **Business and Manufacturing Zones. Twenty-five (25) feet.**
- (3) **Agricultural Zones.** No restrictions.

(C) **Setbacks.**

- (1) **Residential Zones. Five (5) feet** side yard and **ten (10) feet** rear yard, but an accessory use may be located as close as **five (5) feet** to a side or rear lot line when said structure is also located on the rear **one-third (1/3)** of the subject lot.
- (2) **Business, Manufacturing and Agricultural Zones.** Shall follow the regulations established for the principal structure for that particular district.

(D) **Size.**

- (1) **Residential Zones.** The accessory use shall be subordinate in size to the principal structure or use which it serves; or shall not cover more than **thirty percent (30%)** of a required rear yard or side yard, whichever is less. The rear yard percentage shall be used if the accessory use is located in the rear yard. The side yard percentage shall be used if the accessory use is located in the side yard.
- (2) **Business, Manufacturing and Agricultural Zones.** Shall follow the regulations established for the principal structure for that particular district.

(E) **Use as Dwelling.** Use of an accessory structure as a dwelling is prohibited in the Village.

40-2-18 **CONTINUING EXISTING USES.** Any use lawfully existing at the time of enactment of this Code, shall be allowed to continue as a nonconforming use, subject to the provisions of this **Article XI**.

40-2-19 **ESSENTIAL SERVICES.** Essential services as defined in **Article I** of this Code, shall be permitted in all districts as a principal use, whether or not the same shall be expressly provided for in the respective sections of this Code.

ARTICLE III – AGRICULTURAL DISTRICT (A-1)

40-3-1 PERMITTED USES (Refer to Table I).

- (A) Agricultural uses/purposes, provided, that the practice of animal keeping, other than horses, shall not be permitted within **two hundred (200) feet** from any lot in any R-1, R-2, B-1, B-2 or M-1 Zone District or within **two hundred (200) feet** of any habitable dwelling on adjacent lots, any church, school, hospital/clinic or where foods are processed, stored, kept, manufactured or served to the public.
- (B) Single Family Residences.
- (C) Manufactured homes.
- (D) Modular homes.

40-3-2 USES REQUIRING SPECIAL USE PERMITS (Refer to Table I).

- (A) Cemeteries.
- (B) Churches.
- (C) Home Occupations.
- (D) Junk/Salvage Yards.
- (E) Human Care Uses.
- (F) Animal Care.
- (G) Offices.
- (H) Schools.
- (I) Clubs and Lodges.
- (J) Recreation.

40-3-3 ACCESSORY USES. Uses and structures which are incidental or accessory to the uses permitted in this zone. See the Definitions Article.

40-3-4 AREA, HEIGHT, SETBACK AND YARD REQUIREMENTS.

- (A) Minimum lot area: 3 Acres.
- (B) Permitted height of main building, except farm structures exclusive of farm dwelling: 35 feet.
- (C) Minimum yard setbacks:
 - (1) Front: 25 feet.
 - (2) Side: 5 feet.Lots over **seventy (70) feet** in width, side yards combined must equal at least **fifteen percent (15%)** of the total width with no single side yard less than **five (5) feet**.
- (3) Rear: 10 feet.
- (D) Minimum lot width: 150 feet.

ARTICLE V – GENERAL RESIDENTIAL DISTRICT (R-2)

40-5-1 PERMITTED USES (Refer to Table I).

- (A) Single Family Residences.
- (B) Secondary Agricultural uses/purposes, provided that the practice of animal keeping may be allowed where animals other than horses, cattle, hogs, chickens and other related livestock are kept for hobby purposes, agricultural projects or home occupations and the animal keeping shall not be located within **two hundred (200) feet** of any habitable dwelling on adjacent lots, any church, school, hospital/clinic or where foods are processed, stored, kept, manufactured or served to the public.
- (C) Multiple Family Dwellings; however, the conversion of an existing dwelling into a multiple family dwelling shall be allowed with a Special Use and inspection by the Administrative Officer and Building Inspector.
- (D) Modular homes.
- (E) Manufactured homes.

40-5-2 USES REQUIRING SPECIAL USE PERMITS (Refer to Table I).

- (A) Churches.
- (B) Home Occupations.
- (C) Agricultural Uses/Purposes.
- (D) Schools.
- (E) Human Care Uses.
- (F) Recreation Uses.
- (G) Offices (same restrictions as stated in the R-1 District).
- (H) Multi-Family Dwellings.

40-5-3 ACCESSORY USES (Refer to Table I). The permitted accessory uses are the same as those permitted in the Single Family Residential District (R-1).

40-5-4 AREA, HEIGHT, SETBACK AND YARD REQUIREMENTS.

- (A) Minimum lot area: 5,500 square feet or 3,000 square feet per family in a multiple family structure.
- (B) Permitted height of main building: 30 feet for a single family structure and 75 feet for a multiple family structure.
- (C) Minimum yard setbacks:
 - (1) Front: 25 feet.
 - (2) Side: 5 feet.
 - Lots over **seventy (70) feet** in width, side yards combined must equal at least **fifteen percent (15%)** of the total width with no single side yard less than **five (5) feet**.
 - (3) Rear: 10 feet.
- (D) Minimum lot width: 60 feet.
- (E) Minimum ground floor per dwelling unit: 600 square feet.

ARTICLE VI – GENERAL BUSINESS DISTRICT (B-1)

40-6-1 PERMITTED USES (Refer to Table I).

- (A) Business Uses.
- (B) Human Care Uses.
- (C) Offices.
- (D) Churches.
- (E) Clubs and Lodges.
- (F) Animal Care (Except Kennels).
- (G) Second Floor Residences (so long as the first floor activities fit all other applicable regulations set forth in this Article, and that at least one private parking stall is provided for each residence).

40-6-2 USES REQUIRING SPECIAL USE PERMITS (Refer to Table I).

- (A) Single or multiple family dwellings. Such dwellings built in the General Business District (B-1) or the Central Business District (B-2) shall follow the area, height, setback and yard regulations established in the General Residential District (R-2).
- (B) Restricted Business Uses.
- (C) Vehicle Uses.
- (D) Kennels.
- (E) Manufactured Homes for residential or non-residential use.
- (F) Modular Homes.

40-6-3 ACCESSORY USES. Uses and structures which are incidental or accessory to any of the uses permitted in this zone. See the Definitions Article.

40-6-4 AREA, HEIGHT, SETBACK AND YARD REQUIREMENTS.

- (A) Minimum lot area: 3,000 square feet.
- (B) Permitted height of main building: 50 feet.
- (C) Minimum yard setbacks:
 - (1) Front: 10 feet.
 - (2) No side yard setback shall be required except when the lot in question abuts the Single Family Residential District (R-1) or the General Residential District (R-2), then a ten (10) foot setback shall be required.
 - (3) Rear: 5 feet.
- (D) Minimum lot width: 30 feet.

ARTICLE VII – CENTRAL BUSINESS DISTRICT (B-2)

40-7-1 **PERMITTED USES.** All permitted uses listed in **Article VI.**

40-7-2 **USES REQUIRING SPECIAL PERMITS.** All special uses listed in **Article VI.**

40-7-3 **ACCESSORY USES.** All accessory uses allowed in **Article VI.**

40-7-4 **AREA, HEIGHT, SETBACK AND YARD REGULATIONS.**

- (A) No minimum lot area is required.
- (B) Permitted height of main building: 50 feet.
- (C) Minimum yard setbacks:
 - (1) No front yard setback is required.
 - (2) No side yard setback shall be required except when the lot in question abuts the Single Family Residential District (R-1) or General Residential District (R-2), then a ten (10) foot setback shall be required.
 - (3) Rear: 5 feet.
- (D) Minimum lot width: 30 feet.

ARTICLE VIII – MANUFACTURING DISTRICT (M-1)

40-8-1 PERMITTED USES (Refer to Table I).

- (A) Manufacturing Uses.
- (B) Business Uses.
- (C) Clubs and Lodges.
- (D) Offices.
- (E) Human Care Uses.

40-8-2 USES REQUIRING SPECIAL USE PERMITS (Refer to Table I).

- (A) Restricted Manufacturing Uses.
- (B) Restricted Business Uses.
- (C) Junk/Salvage Yards.
- (D) Vehicle Repair Uses.
- (E) Manufactured/Modular Homes and Mobile Homes for non-residential use.

40-8-3 ACCESSORY USES. Uses and structures which are incidental or accessory to any of the uses permitted in this zone. See the Definitions Article.

40-8-4 AREA, HEIGHT, SETBACK AND YARD REGULATIONS.

- (A) Minimum lot area: 5,000 square feet.
- (B) Permitted height of main building: 60 feet.
- (C) Minimum yard setbacks:
 - (1) Front yard setback shall be **ten percent (10%)** of the lot width or depth whichever is greater.
 - (2) No side yard setback shall be required except when the lot in question abuts a Single Family Residential District (R-1) or General Residential District (R-2), then a ten (10) foot setback shall be required.
 - (3) Rear: 5 feet.
- (D) Minimum lot width: 30 feet.

40-8-5 NUISANCE RESTRICTIONS. No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emissions of smoke, emission of toxic gases, excessive glare and noxious odors. All production, processing, cleaning, servicing, testing, repair, or storage activities shall be conducted entirely within enclosed buildings.

ARTICLE IX - OFF-STREET PARKING AND LOADING

40-9-1 APPLICABILITY OF ARTICLE.

(A) Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

(B) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below the requirements and standards for similar new structures or uses per this Section.

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

(D) Whenever the use of any structure or premises is intensified through the addition of dwelling units, increased floor area, greater seating capacity or similar expansion, additional parking/loading facilities shall be provided in accordance with this Section.

(E) Whenever the existing use of a structure is changed to a different use, parking/loading facilities shall be provided as required by this Section.

40-9-2 PARKING LOT STANDARDS.

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

(B) Interior aisles within the parking lot shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, as well as into and out of the parking spaces. Aisles designated for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designated for **sixty (60) degree** parking shall be at least **eighteen (18) feet** wide.

(C) Access ways of parking lots shall conform to the following regulations:

(1) Parking lots shall be designated so that entry and exit from a parking space is from an aisle or driveway, and not directly from the public right-of-way.

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

(3) Parking area access ways and public streets shall be aligned to form as closely as feasible at a right angle.

(4) The access way to every parking lot containing **sixteen (16)** or more parking spaces shall be at least **twenty-four (24) feet** wide unless two one-way drives, each at least **twelve (12) feet** are provided. The access way to any parking lot containing fewer than **sixteen (16)** parking spaces shall be at least **eighteen (18) feet** wide.

(D) Parking lots shall be graded and improved with a compacted stone base at least **four (4) inches** thick. A permanent, all weather surface is recommended. The Village

Board will permit the Village Engineer to recommend surface materials, and make appropriate surface drainage recommendations upon request.

40-9-3 LOCATION OF OFF-STREET PARKING.

(A) Parking spaces accessory to dwellings shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multiple family dwelling shall be constructed so that no vehicle need to be moved in order to allow another vehicle to enter/exit the parking area.

(B) In the Business or Manufacturing Districts off-street parking facilities for different buildings or uses may be provided collectively, but only if the total number of spaces located together is not less than the sum of the separate requirements for each use.

40-9-4 COMPUTATION OF REQUIRED PARKING SPACES. In computing the number of parking spaces required, the following regulations shall be applied:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **One (1) parking space** shall be required for each **one and one-half (1 ½) employees**, unless otherwise stated.

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

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

(D) If computation of the number of parking spaces required by this Code results in a fractional space, any fraction of **one-half (1/2)** or more shall be counted as **one (1) space**.

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

40-9-5 DESIGN AND LOATION OF OFF-STREET LOADING FACILITIES.

All off-street facilities shall conform to the minimum standards outlined below:

(A) Every off-street loading space shall be at least **twelve (12) feet** wide, and sufficiently long to accommodate the type of vehicle expected to use the space. In no case shall a vehicle being loaded or unloaded protrude into the public right-of-way.

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

(C) Every off-street loading area shall be improved with a compacted stone base of at least **seven (7) inches** thick.

40-9-6 NUMBER OF PARKING SPACES REQUIRED. Off-street parking spaces shall be provided as indicated in Table 3. For any use that is not listed in Table 3, the same number of parking spaces shall be provided as is required for the most similar use listed. The Zoning Administrative Officer shall make the determination of the similarity.

Table 3 – Required Parking Spaces

<i>Use</i>	<i>Parking Spaces Required</i>
(A) Dwellings and Lodgings:	
Hotels, motels, lodges and boarding houses	1 space per lodging unit, plus required employee parking
Manufactured Homes	2 spaces per manufactured home
Modular Homes	2 spaces per modular home
Multiple family dwellings	
Less than 2 bedrooms	1 ½ spaces per dwelling unit
2 or more bedrooms	2 spaces per dwelling unit
Single family and two-family dwellings	2 spaces per dwelling unit
(B) Educational, Recreational and Institutional:	
Churches	1 space per 4 seats in the largest seating area
Hospitals	1 space per 2 beds, plus employee parking
Libraries and Museums	1 space per 500 feet of floor area
Nursing Homes	1 space per 5 beds
Schools	1 space per every 20 students that the building is designed to accommodate, plus employee parking
(C) Commercial, Office Services:	
All commercial, service, or office uses Unless otherwise specifically indicated below	1 space per 300 square feet of floor area
Banks, Savings and Loans	
Walk-in	1 space per 300 square feet of floor area, plus employee parking
Drive-in	5 spaces per teller window

<i>Use</i>	<i>Parking Spaces Required</i>
Beauty and Barber Shops	2 spaces per chair, plus employee parking
Furniture and Appliance Store	1 space per 600 square feet of floor space
Home Occupations	1 space per 150 square feet of floor space devoted to the Home Occupation, plus parking requirements for the dwelling
Medical and Dental Offices	1 space per 200 square feet of floor area, or 3 spaces per professional, whichever is greater
Mortuaries	1 space per 5 seats, plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room
Restaurants and Refreshment Stands	
Sit-down	1 space per 4 seats, or 1 space per 50 square feet of floor space, whichever is greater
Drive-in	1 space per 25 square feet of building floor area
Service Stations	2 spaces per service stall, plus employee parking
Taverns	1 space per 4 seats, or 1 space per 50 square feet of floor area, whichever is greater
Theaters	
Indoor	1 space per 4 seats in the largest seating area
Drive-in	On review by the Administrative Officer
Vehicle Sales (Auto, Boat, Trailer, etc.)	1 space per 600 square feet of enclosed floor area, plus 1 space per 2,500 square feet of open lot area

ARTICLE X - ADDITIONAL SUPPLEMENTARY REGULATIONS

40-10-1 APPLICABILITY. This subchapter establishes lot and structure requirements and design/operational standards for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special-use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-10-2 AGRICULTURAL ACTIVITIES.

(A) **Farm Animals.** No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line or residential property, whichever distance is greater.

(B) **Farm Equipment/Commodities.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **one hundred (100) feet** from any lot line of residential property.

(C) **Barbed Wire/Electrical Fences.** See Section 40-10-3(A).

40-10-3 FENCES, WALLS.

(A) No barbed wire or electrically-charged fence shall be erected or maintained anywhere in the Village, except in the Agricultural District by special-use permit.

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

(C) No fence, wall, or other obstruction shall be erected in violation of the Illinois Drainage Code, **70 ILCS 605/2-1 through 605/2-12**, as amended from time to time.

(D) Structures, fences, walls, and hedges in any district may be located on lot lines, provided such structures, fences, walls and hedges exceeding **six (6) feet** in height shall be subject to the minimum yard requirements of the district in which such fences are located.

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

40-10-4 HOME OCCUPATIONS.

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

- (1) The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there and only one other person.

- (2) The use shall be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character of use as a dwelling.
- (3) The total area used for the home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area or **three hundred (300) square feet** whichever is less.
- (4) There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed **four (4) square feet** in area and which shall not be illuminated.
- (5) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- (6) There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (7) There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
- (8) A home occupation, including studios or rooms for instruction, shall provide an off-street parking area adequate to accommodate needs created by the home occupation.
- (9) The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.
- (10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

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

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

(C) **Activities Not Covered.** No home occupation permit shall be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section, "telecommuting" means working in the home by using a computer terminal connected by the telephone line to a central office or central computer.

(D) **Parking. See Section 40-9-6.**

40-10-5 JUNK YARDS.

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

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

40-10-6 RECREATIONAL VEHICLES. The regulations of this Section do not apply to travel trailers or other recreational vehicles parked in a permitted travel trailer park that conforms to the pertinent requirements of the Mobile Housing Code. The requirements of divisions (A), (C) and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicles sales lot.

(A) Not more than **two (2) travel trailers** or recreational vehicles shall be parked on any lot. They shall not be parked on a street.

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

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

40-10-7 SWIMMING POOLS.

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

(B) Every swimming pool that is more than **two (2) feet** deep shall be enclosed by a wall or fence at least **four (4) feet** in height. The passage through such wall or fence shall be equipped with a gate.

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

40-10-8 EROSION CONTROLS. Any individual, partnership, company, or other entity, during the construction of any development, building or other structure that disturbs the soil surface, shall utilize adequate erosion controls to prevent sediment, dirt, silt, construction materials or other matter from being discharged from the construction site. Provisions shall be made to effectively accommodate any increased water runoff, snow drifting or erosion caused by changed soil and surface conditions during and after construction.

[NOTE: See Chapter 23 – Manufactured Homes for additional regulations regarding mobile and manufactured homes.]

ARTICLE XI - NONCONFORMITIES

40-11-1 **PURPOSE.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations of this subchapter are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

40-11-2 **NONCONFORMING LOTS.** If the Zoning Board of Appeals grants a variance for any vacant lot that does not conform to one or more of the lot size (area dimensions) requirements of the district in which it is located, that lot may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (A) Was recorded in the office of the County Recorder of Deeds prior to the effective date of this Code (or pertinent amendment thereto); and
- (B) Is at least **thirty (30) feet** wide.

40-11-3 **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code and if one or more of those lots does not meet the minimum lot width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

40-11-4 **NONCONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Code but which could not be erected under the terms of this Code because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions.

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

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

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

(D) **Reconstruction.**

- (1) No structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable

regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of the loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

- (2) The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.
- (3) As an alternative, the market value may be determined by the Administrator by using the "state equalized assessed value" multiplied by the number three.
- (4) The provisions of this division (D) shall not apply to single-family dwellings.

40-11-5 NONCONFORMING USES OCCUPYING A STRUCTURE. If any lawful use occupying a structure exists on the effective date of this Code but would not be allowed under the terms of this Code, such use may lawfully continue, subject to the following provisions.

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

(B) **Enlargement; Alteration; Reconstruction; Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed, or relocated unless the use of the structure is changed to a permitted use. This division (B) shall not apply to the reconstruction of single-family dwellings.

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

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

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

40-11-6 NONCONFORMING USES OF LAND. Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

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

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

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

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

40-11-7 NONCONFORMING UNDER PERMIT AUTHORITY. The regulations of this subchapter shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE XII - BOARD OF APPEALS

40-12-1 **ZONING BOARD OF APPEALS.** The Zoning Board of Appeals is established in accordance with Illinois law. **(See 65 ILCS 5/11-13-1)**

40-12-2 **MEMBERSHIP, APPOINTMENT, COMPENSATION.** The Zoning Board of Appeals shall consist of **seven (7) members**, all of whom shall reside within the Village. Each Board member shall be appointed by the Mayor with the advice and consent of the Board of Trustees. One of the members so appointed shall be named as Chairman at the time of his or her appointment. Each Board member shall receive compensation as established by the Village Board. All appointments shall be made at the first regular meeting in May.

40-12-3 **TERM OF OFFICE; VACANCIES.**

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

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

40-12-4 **MEETING; QUORUM.** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this Code and the applicable Illinois statutes. The Board may select such officers as it deems necessary. The Chairman, or in his or her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board action. **(See Section 40-12-6 for vote on decisions of Board.)**

40-12-5 **RECORDS.** The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or decision of the Board shall be filed immediately with the Village Clerk and shall be a public record.

40-12-6 **DECISIONS.** The concurring vote of **four (4) members** of the Board of Appeals shall be necessary to grant a variance or special-use permit. The order of the Board of Appeals shall be by written letter and shall contain its findings of fact.

40-12-7 **PERIOD OF VALIDITY.**

(A) No decision granting a variance or special-use permit shall be valid for a period longer than **twelve (12) months** from the date of such decision unless:

(1) An application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or

(B) The Zoning Board may grant additional extensions of time not exceeding **one hundred eighty (180) days** each upon written application made within the initial **twelve (12) month** period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

40-12-8 **FINALITY OF DECISIONS OF THE BOARD OF APPEALS.** All

decisions of the Board of Appeals, on appeal or upon application for a variation shall, in all instances, be final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois statutes. No applicant shall apply for the same or identical request for a period of one year unless the facts and/or request have substantially changed.

40-12-9 **OFFICE OF THE SECRETARY OF THE BOARD OF APPEALS.** The

Secretary of the Board of Appeals shall be appointed by the Board to serve until his or her successor is appointed. The Secretary shall record the minutes of the Board's proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. He or she shall perform such other duties as may be assigned from time to time by the Board. The Village Clerk shall serve as Secretary if a Secretary is not appointed by the Mayor.

ARTICLE XIII - APPEALS

40-13-1 **APPEALS.** Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provisions of this Code may be made and treated in accordance with Illinois law and the provisions of this Section. **(65 ILCS 5/11-13-12)**

40-13-2 **FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the Soil and Water Conservation District as per state law. Not more than **five (5) working days** after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. **(70 ILCS 405/22.02a and 65 ILCS 5/11-13-12)**

40-13-3 **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him or her that, for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Zoning Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Administrator. **(65 ILCS 5/11-13-12)**

40-13-4 **PUBLIC HEARING; NOTICE.**

(A) The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

(B) Notice indicating the time, date, and place of the hearing and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (1) By first-class mail to all parties whose property abuts the lot affected by the appeal;
- (2) By publication in a newspaper of general circulation within the Village; and
- (3) By certified mail to the applicant. **(65 ILCS 5/11-13-12)**

40-13-5 **DECISION BY BOARD OF APPEALS.** The Zoning Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from, the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator.

Editor's note:

The Board of Appeals is delegated the task of hearing appeals from the decisions of the Zoning Administrator charged with enforcement of an ordinance passed pursuant to the Zoning Enabling Act. This may, for example, entail determining whether there has been a discontinuance of a nonconforming use. It is important for the applicant to note the appeal process because of the requirement of exhaustion of administrative remedies before suit is filed as well as the more obvious reason of using a less expensive administrative process for correcting a mistake or error which may have been made by the zoning administrator. (65 ILCS 5/11-13-3(d))

ARTICLE XIV - VARIANCES

40-14-1 VARIANCES. A variance is a relaxation of the requirements of this Code that are applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and may be granted only as provided for in **Section 40-16-1. (65 ILCS 5/11-13-5)**

40-14-2 APPLICATION.

(A) Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the Soil and Water Conservation District as per state law. The Zoning Administrator shall promptly transmit said application, together with any device he or she might wish to offer, to the Zoning Board of Appeals.

(B) The application shall contain sufficient information to allow the Zoning Board of Appeals to make an informed decision and shall include, at a minimum, the following:

- (1) Name and address of the applicant;
- (2) Location of the structure/use for which the variance is sought;
- (3) Brief description of adjacent lots, structures, and/or uses;
- (4) Brief description of the problems/circumstances engendering the variance request;
- (5) Brief, but specific, statement, explanation of the desired variance;
- (6) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (7) Any other pertinent information that the Administrator may require.
- (8) Relationship of said structure or use to existing structure or uses on adjacent lots.

(70 ILCS 405/22.02a)

40-14-3 PUBLIC HEARING; NOTICE.

(A) The Zoning Board of Appeals shall hold a public hearing on each variance request not later than **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney.

(B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (1) By certified mail to the applicant and by first class mail to all parties whose property abuts the property affected by the proposed variance; and
- (2) By publication in a newspaper of general circulation within the Village. **(65 ILCS 5/11-13-6)**

40-14-4 STANDARDS FOR VARIANCES.

(A) The Zoning Board of Appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:

- (1) The proposed variance is consistent with the general purposes of this Code **(See Section 40-1-2)**;
- (2) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant and prevent a reasonable return on the property;
- (3) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;
- (4) The plight of the applicant is due to peculiar circumstances not of his or her own making;
- (5) The peculiar circumstances engendering the variance request are not applicable to another property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (6) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this Village's comprehensive plan.

(B) The Board may impose such conditions and restrictions upon the location, construction, design, and use of the property benefitted by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values. **(65 ILCS 5/11-13-5)**

40-14-5 TERMS OF RELIEF; FINDINGS OF FACT. The Zoning Board of Appeals shall decide on every variance request within a reasonable time after the public hearing. In accordance with state law **(65 ILCS 5/11-13-11)**, the Zoning Board of Appeals shall specify the terms of relief recommended, if any, in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board's reasons for the granting or denying the requested variance.

ARTICLE XV - SPECIAL USES

40-15-1 **SPECIAL USE PERMITS.** This Code divides the Village into various districts and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only after review and approval by the Zoning Board of Appeals.

40-15-2 **APPLICATION.**

(A) Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form the items of information enumerated below. The Administrator shall promptly transmit the completed application, together with any comments or recommendation he or she might have, to the Zoning Board of Appeals.

(B) **Items of Information.**

- (1) Name and address of the applicant;
- (2) Name and address of the owner or operator of the proposed structure or use, if different from subsection (1):
- (3) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (4) Location of the proposed use or structure and its relationship to existing uses of structures on adjacent lots;
- (5) Area and dimensions of the site for the proposed structure or use;
- (6) Existing topography of the site and proposed finished grade;
- (7) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (8) Height and setbacks of the proposed structure;
- (9) Number and size of the proposed dwelling units, if any;
- (10) Number and location of proposed parking/loading spaces and access ways;
- (11) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (12) Any other pertinent information that the Administrator may require.

40-15-3 **PUBLIC HEARING; NOTICE.**

(A) The Zoning Board of Appeals shall hold a public hearing on every special-use permit application within a reasonable time after the application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

(B) Notice indicating the time, date, and place of the hearing and the nature of the proposed special use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (1) By certified mail to the applicant; and by first-class mail to all parties whose property abuts the lot line of the proposed special-use; and
- (2) By publication in a newspaper of general circulation within the Village.

40-15-4 FACTORS CONSIDERED BY THE BOARD. The Zoning Board of Appeals shall consider the following factors in making a decision:

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

40-15-5 DECISION; FINDINGS OF FACT. The Zoning Board of Appeals shall reach a decision on every special-use permit application within a reasonable time after public hearing. In accordance with state law, the Zoning Board of Appeals shall specify the terms and conditions of the permit to be granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall be responsive in the decision-making factors listed in the preceding section and shall clearly indicate the Zoning Board's reasons for granting, with or without modifications and/or conditions, or denying the requested special-use permit. **(65 ILCS 5/11-13-11)**

40-15-6 TEMPORARY USE PERMITS. Requests for Temporary Use Permits shall be treated in substantially the same manner as requests for Special Use Permits. The Zoning Board shall not initially issue a Temporary Use Permit for a period longer than **one (1) year**, but they may renew any such permit as they see fit.

ARTICLE XVI - AMENDMENTS

40-16-1 **AMENDMENTS.** The Village Board of Trustees may amend this Code in accordance with state law and the provisions of this subchapter. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Board of Trustees, the Administrator, the Zoning Board of Appeals, the Plan Commission, or any party in interest. **(65 ILCS 5/11-13-14)**

40-16-2 **FILING.** Every proposal to amend this Code shall be filed with the Administrator on a prescribed form. Every amendment proposal shall also be filed with the Soil and Water Conservation District as per state law. The Administrator shall promptly transmit said proposal, together with any comments or recommendations he or she might wish to make to the Zoning Board for a public hearing.

40-16-3 **APPLICATION.** Every application for proposed alterations of district boundaries (rezoning) shall submit to the Zoning Administrator, in narrative and/or graphic form, the items of information listed below:

- (A) Name and address of the applicant and owner.
- (B) Present zoning and proposed zoning.
- (C) Legal description of property to be rezoned. A map shall be enclosed showing the property lines and exact location of the property.
- (D) Existing land use(s) and intended land use(s).
- (E) A brief written statement justifying the request from the applicant.
- (F) Any other pertinent information that the Zoning Administrator may require.

The applicant shall adequately define the location of the property line of the property to be zoned. The Zoning Administrator shall examine the defined property to ensure that it agrees with the legal description and map location of the application.

The Zoning Administrator shall also file the zoning amendment proposal with the County Soil and Water Conservation Districts as required by the Illinois Compiled Statutes.

40-16-4 **PUBLIC HEARING; NOTICE.**

(A) The Zoning Board shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

(B) Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (1) By publication in a newspaper of general circulation within the Village; and
- (2) When the amendment involves a rezoning, not a text amendment, by first-class mail to all parties whose property abuts the property for which rezoning is requested. **(65 ILCS 5/11-13-14)**

40-16-5 ADVISORY REPORT; FINDINGS OF FACT. Within a reasonable time after the public hearing, the Zoning Board shall submit their advisory report to the Board of Trustees. The report shall state the recommendations of the Zoning Board regarding adoption of the proposed amendment and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Plan Commission shall include in their advisory report findings of fact concerning each of the following matters:

- (A) Existing use and zoning of the property in question;
- (B) Existing uses and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;
- (D) Suitability of the property in question for the proposed use;
- (E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned.

40-16-6 ACTION BY BOARD OF TRUSTEES. The Board of Trustees shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Zoning Board. Without further public hearing, the Village Board may approve or disapprove any proposed amendment or may refer it back to the Zoning Board for further consideration by simple majority vote of all the members then holding office.

40-16-7 WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED. The favorable vote of at least **two-thirds (2/3)** of the members of the Village Board is required to pass an amendment to this Code in each of the following instances:

- (A) When passage would be contrary to the recommendations of the Plan Commission.
- (B) When the amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered. **(65 ILCS 5/11-13-14)**

40-16-8 NOTICE TO APPLICANT OF WRITTEN PROTEST. In cases of written opposition to an amendment of this Code as prescribed in **Section 40-16-7(B)**, 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. **(65 ILCS 5/11-13-14)**

ARTICLE XVII - ADMINISTRATION AND ENFORCEMENT

40-17-1 APPOINTMENT AND DUTIES OF ZONING ADMINISTRATOR.

(A) There is established the office of Zoning Administrator, who shall be appointed by the Mayor, with the advice and consent of the Village Board for a term of **two (2) years**.

(B) The Zoning Administrator is authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (1) To review and pass upon applications for initial and final certificates of zoning compliance;
- (2) To inspect lots, structures, and uses to determine compliance with this Code, and where there are violations, to initiate appropriate corrective action;
- (3) To review and forward to the Zoning Board of Appeals all appeals and applications for variances, special-use permits, and amendments.
- (4) To maintain up-to-date records of matters related to this Code, including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Zoning Board of Appeals, amendments and all applications/documents related to any of these items;
- (5) To republish the zoning district map not later than **March 31** if any rezonings or annexations have been approved during the preceding calendar year;
- (6) To provide information to the general public on matters related to this Code; and
- (7) To perform such other duties as the Board of Trustees may prescribe from time to time.

40-17-2 INITIAL CERTIFICATES OF ZONING COMPLIANCE. No land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an **initial certificate of zoning compliance** has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless he or she determines that the proposed activity conforms to the applicable provisions of this Code.

40-17-3 APPLICATION.

(A) Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable.

(B) **Items of Information.**

- (1) Name and address of the applicant;
- (2) Name and address of the owner or operator of the proposed lot, structure or use, if different from subsection (1);

- (3) Brief, general description/explanation of the proposal;
- (4) Location of the proposed lot, use or structure, and its relationship to adjacent lots, uses, or structures;
- (5) Area and dimensions of the site for the proposed structure or use;
- (6) Existing topography of the site and proposed finished grade;
- (7) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (8) Height and setbacks of the proposed structure;
- (9) Number and size of proposed dwelling units, if any;
- (10) Location and number of proposed parking/loading spaces and access ways;
- (11) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (12) Any other pertinent information that the Administrator may require.

40-17-4 **DURATION OF CERTIFICATE.** Initial certificates of zoning compliance shall be valid for **one (1) year** or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive **one (1) year periods** upon written request, provided the applicant is making a good faith effort to complete the authorized work.

40-17-5 **RELATIONSHIP TO BUILDING PERMITS.**
(A) Upon the effective date of this Code, no building permit for the erection, enlargement, alteration, extension, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an **initial certificate of zoning compliance** to such work.

(B) The Village in compliance with the Architecture Practice Act, the Structural Engineers Practice Act, and the Professional Engineering Act, as in effect in the State of Illinois requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require sealed plans. These plans shall be sealed by the appropriate licensed design professional.

40-17-6 **FINAL CERTIFICATES OF ZONING COMPLIANCE.** No lot or part thereof recorded or developed after the effective date of this Code and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until it has been determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

40-17-7 **CORRECTIVE ACTION ORDERS.** Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, he or she shall so notify the responsible party, and shall order appropriate corrective action.

40-17-8 **CONTENTS OF ORDER.** The order to take corrective action shall be in writing and shall include:

- (A) A description of the premises sufficient for identification;
- (B) A statement indicating the nature of the violation;
- (C) A statement of the remedial action necessary to effect compliance;
- (D) The date by which the violation must be corrected;
- (E) A statement that the alleged violator is entitled to a conference with the Administrator if he or she so desires;
- (F) The date by which an appeal of the corrective action order must be filed and a statement of the procedure for so filing; and
- (G) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

40-17-9 **SERVICE OF ORDER.** A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (A) Served upon him or her personally;
- (B) Sent by certified mail to his or her last known address; or
- (C) Posted in a conspicuous place on or about the affected premises.

40-17-10 **STOP ORDERS.** Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation must cease immediately. In such case, the corrective action order is equivalent to a stop order.

40-17-11 **EMERGENCY MEASURES.** Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he or she may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

40-17-12 **COMPLAINTS.** Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

40-17-13 **FEES.** The Board of Trustees establishes the following schedule of fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures;

the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the Village Clerk as follows:

(A) **Zoning Occupancy Fees.** (See Building Permit Schedule in Section 5-7-1)

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

Interpretation of Code	\$100, plus mailing and publication costs.
Special-Use Permit	\$100, plus mailing and publication costs.
Variance Permit	\$100, plus mailing and publication costs.
Amendments	\$200, plus mailing and publication costs.

ARTICLE XVIII - PENALTIES

40-18-1 **PENALTY.**

(A) Any person who is convicted of a violation of this Code shall be fined not less than **One Hundred Fifty Dollars (\$150.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day on which a violation continues shall be considered a separate offense.

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

[See Section 1-1-20 for Penalties]

ZONING CODE TABLE I

TABLE I

Code: P = Permitted Use
 S = Special Use
 SR = Special Uses with Restrictions
 N = Not allowed
 PR = Permitted Use with Restrictions

	A	R-1	R-2	B-1	B-2	M
Single Family Residences	P	P	P	SR	SR	N
Multiple Family Dwellings	N	N	P	SR	SR	N
Accessory Uses	P	P	P	P	P	P
Essential Uses	P	P	P	P	P	P
Cemeteries	S	N	N	N	N	N
Churches	S	S	S	P	P	N
Home Occupations	S	S	S			
Schools	S	S	S	N	N	N
Second Floor Residences				PR	PR	
Clubs and Lodges	S	S	N	P	P	P
Junk/Salvage Yards	S	N	N	N	N	S
Agricultural Uses/Purposes Farms, Ranches Horticultural Enterprises Commercial Nurseries Greenhouses Temporary Produce Stands Sale of Agricultural Products Contractors Storage Yards and facilities related to servicing agricultural enterprises including spraying, trimming, fertilizing, tree removal, drainage and/or crop harvesting and storage Forest Preserves Food/Dairy Processing	P	S	S			
Offices Government Facility/Use/Service Offices of civic, religious or charitable institutions; financial or insurance company; physicians, dentist, architects, engineers, attorneys, real estate or allied professions (with restrictions in residential zones)	S	SR	SR	P	P	P

ZONING CODE TABLE I

	A	R-1	R-2	B-1	B-2	M
<p>Human Care Uses</p> <p>Nursing homes, shelter care, sanitariums provided that no penal or correctional inmates are housed therein</p> <p>Day Care Centers</p> <p>Clinics</p>	S	N	S	P	P	P
<p>Recreation Uses</p> <p>Private/Public recreation facilities</p> <p>Golf courses</p> <p>Public parks and playgrounds</p>	S	N	S	N	N	N
<p>Business Uses</p> <p>Any business which is not characterized by excessive noise, smoke, gasses, odor or similar hazards to the public health, safety and welfare</p> <p>Generally all retailing, wholesale and public or private professional services provided within the confines of an office type environment</p> <p>Commercial Establishments</p> <p>Service Establishments</p> <p>Restaurants</p> <p>Motels</p> <p>Gas Service Stations (Vehicle repair not included)</p>	N	N	N	P	P	P
<p>Restricted Business Uses</p> <p>Automobile banking facilities</p> <p>Commercial establishments with "drive-through" accommodations</p> <p>Combined retail or wholesale and manufacturing operators where the manufacturing portion of the use is incidental to the principal use and involves not more than five (5) persons employed in the manufacturing activity</p> <p>Drive-in theaters</p> <p>Coin operated amusement centers or establishments where coin operated game machines occupy more than fifteen percent (15%) of the floor area of the building</p>	N	N	N	S	S	S

ZONING CODE TABLE I

	A	R-1	R-2	B-1	B-2	M
Vehicle Repair Uses (see Definitions Section) Automobile dismantling/wrecking Automobile repair Body Shops	N	N	N	S	S	S
Manufacturing Uses The manufacturing, fabrication, processing, repair, dismantling, storage or disposal of raw materials, manufactured products or waste which is not injurious to the health and safety of humans or animals or injurious to vegetation, and which is not noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors or noise Research and development facilities not involving explosives or flammable gases or liquids Transportation facilities Warehousing or wholesaling of goods except explosives, flammable gases or liquids, or live animals	N	N	N	N	N	P
Restricted Manufacturing Uses Assembly, manufacturing, processing, warehousing or wholesaling involving explosives, flammable gases or liquids or live animals Research and development facilities involving explosives or flammable gases or liquids	N	N	N	N	N	S
Secondary Agricultural Uses/Purposes Farms Temporary Produce Stands		P	P			
Animal Keeping	P	P	P	N	N	N
Animal Care Kennels Animal Hospitals and Vets	S S	N N	N N	S P	S P	N N