

Zoning Code

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General

S 150.001 Title.

These regulations shall be referred to as the Official Zoning Ordinance of the Village of Mt. Zion. The official zoning map is on file at the office of the village clerk. (Ordinance 1972-73-8, passed 11/6/72; Res. 1978-79-26, passed 2/6/78; Ordinance 1979-80-19, passed 2/4/80)

S 150.002 Purpose.

This ordinance was designed to further the objectives of the village land use plan; to prevent or lessen pollution of the air and water resources of the community; to promote the public health, safety, morals, comforts, and general welfare; to lessen or avoid congestion in the public streets and highways; to avoid hazards resulting from the accumulation of runoff of storm and flood waters; to conserve and enhance the taxable value of the land and buildings; to prevent overcrowding of land or buildings; to provide proper relationships between uses and public utilities; and to otherwise insure the orderly growth of the community. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.003 Authority.

This ordinance defines and limits the powers and duties of the administrative officer, bodies, and corporate authorities to the following functions:

- (A) To divide the village into districts regulating and restricting therein the location, construction, reconstruction, or major alteration of any building or structure; and to regulate the type and intensity of land use by the adoption and enforcement of the zoning map.
- (B) To change the district classification applied to any parcel of land after proper legal notice and public meeting as prescribed in this ordinance and state statutes.
- (C) To adopt or amend sections to be added to this ordinance after proper legal notice of public hearings as prescribed in this ordinance and state statutes.
- (D) To grant relief or variance to the strict interpretations of this ordinance, but only as provided for in sections 150.130 through 150.134.
- (E) To permit the granting of special permits to establish uses of land or structures and designated as allowable special uses in the zone regulations, or for new or unusual uses which are not specified in any zone, but only as provided for in sections 150.100 through 150.104.

- (F) To permit the granting of special planned unit developments, but only as provided for in sections 150.110 through 150.122.
- (G) To provide for the gradual elimination or to extend the life of nonconforming uses as provided for in sections 150.140 through 150.147.
- (H) To impose building setbacks greater than those contained in district regulations along major highways or surface water drainage-ways, but only as shown on the official setback map as provided for in section 150.072.
- (I) To take any necessary legal action against any person or organization which violates any provisions of this ordinance, including, but not limited to, seeking injunctive relief to restrain activities or construction in violation of this ordinance, or to remove or demolish buildings or structures in violation of this ordinance, and fines for violations.
- (J) If any court of competent jurisdiction adjudges invalid the application of any provisions of this ordinance to a particular property, building, or other structure, that judgment shall not affect the application of the provisions to any other property, building, or structure not specifically included in the judgment. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.004 Definitions.

For purposes of this ordinance the following words and phrases shall have the following meanings ascribed to them respectively.

“Accessory Building.” A building subordinate to and smaller than the principal building, the use of which is incidental to, or customarily found in connection with, and, except as otherwise provided in this ordinance, is located on the same premises, and contributes to the comfort, convenience, or necessity of the occupants of the principal building or mobile home, or contribute to the operation of the principal use of the lot.

“Adult Entertainment Facility.” A facility having any portion of its function as adult entertainment which includes the following listed categories:

- (A) **Adult Entertainment Business.** Any building, portion of a building or real property which contains or facilitates any exhibition or dance by any employee or other person where such employee or other person is unclothed or in such attire, costume or clothing so as to expose to view any “specified anatomical areas” and which exhibition or dance is for the benefit of a member or members of the public, or advertised

for the use or benefit of a member of the public, held, conducted, operated or maintained for profit, direct or indirect.

- (B) **Adult Book Store.** An establishment having a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
- (C) **Adult Motion Picture Theater.** A facility used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (D) For the purpose of the definition of **Adult entertainment facility**, "specified sexual activities" shall mean: human genitals in a state of sexual stimulation or arousal; acts, real or simulated, of human masturbation, sexual sodomy, cunnilingus, or fellatio; and/or fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.
- (E) For the purpose of the definition of **Adult entertainment facility**, "specified anatomical areas" shall mean: less than completely and opaquely covered human genitals, pubic region, female breasts below a point immediately above the top of the areola; and/or human male genitals in a discernibly turgid state even if completely and opaquely covered.

“Agriculture.” Land, or land, buildings, and structures, the principal use of which is growing farm or truck garden crops, dairying, pastorate, horticulture, floriculture, viticulture, or animal or poultry husbandry, and accessory uses customarily incidental to agricultural activities, including, but not limited to, the farm dwellings, dwelling for tenants and full-time hired workers, and the dwellings or lodging rooms for seasonal workers.

“Alley.” Any public right-of-way, with a width of not less than 16 feet nor more than 24 feet, which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an alley.

“Apartment.” A room or suite of rooms intended, designed, or used as a residence by a single family.

“Apartment Hotel.” A building designed for or containing both apartment and individual guest rooms or suites of rooms and apartments, including services ordinarily furnished by hotels, such as a drugstore, barber shop, or cigar and newsstand, when such uses are located entirely within the building with no entrance from the street, and having no sign or display visible from the outside of the building indicating the existence of such use.

“Apartment House.” A building designed for or occupied exclusively by three or more families.

“Automobile Laundry.” A building or portion thereof containing facilities for washing more than 2 automobiles using production-line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.

“Automobile Repair Garages.” Any premises used for supplying gasoline and oil, tires, accessories, and services for automobiles at retail direct to the motorist consumer, including the making of minor repairs and such major repairs as spray painting; body, fenders, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal there from of the cylinder head or crankcase pan; repairs of radiator requiring the removal thereof; and the complete recapping or retreading of tires.

“Automobile Service Station (Gas, Filling Station).” Any premises used for supplying gasoline and oil, tires, accessories, and services for automobiles at retail direct to the motorist consumer, including the making of minor repairs, but not including such major repairs as spray painting; body, fender, clutch transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal there from of the cylinder-head or crankcase pan; repairs of radiator requiring the removal thereof; or the complete recapping or retreading of tires.

“Automobile Wrecking Yard.” An area of land where 3 or more motor vehicles, not in running conditions, or parts thereof, are stored in the open, and any land, building, or structure used for wrecking or storing such motor vehicles or parts thereof.

“Average Ground Elevation.” The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

“Basement.” A portion of a building wholly or partly below the average ground elevation.

“Bed and Breakfast” shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than 5 guest rooms for rent, in operation for more than 10 nights in a 12 month period. Breakfast may be provided to

the guests only. Bed and Breakfasts do not include hotels, motels, boarding houses or food service establishments.

“Beekeeping” means the raising or producing of bees, beeswax, honey and by-products and the transporting of bees, colonies or items of bee equipment and any and all activities regulated, controlled or supervised by the Bees and Apiaries Act 510 ILCS 20 et al.

“Board.” The Village Board of Mt. Zion.

“Boarding House.” A building, other than a motel, apartment hotel, or hotel, where, for compensation and by arrangement, lodging or lodging and meals are provided for 3 or more persons.

“Buildable Area of a Lot.” That portion of a lot bounded by the required rear and side yards and the building setback line.

“Building.” Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

“Building Coverage.” The percent of a lot (or in the case of planned unit developments, a net site area) which is covered by the building or buildings (principle or accessory).

“Building Height.” The vertical distance from the average ground elevation 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 the eaves and the ridge for gable, hip, gambrel and similar roof types.

“Building Line.” A line on a lot, parallel to a lot line or street right-of-way line, at a sufficient distance to provide the required yards delimiting the area in which structures are permitted subject to the provisions of this ordinance.

“Building Setback Line.” A building line establishing the minimum allowable distance between a street right-of-way line and any structure.

“Cabin” or **“Cottage.”** A dwelling unit designed for temporary or seasonal occupancy.

“Camp.” Any land, including structures, used for assembly or temporary occupancy by persons, and providing outdoor recreational facilities.

“Clinic.” An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or allied practitioners practicing together.

“Club, Private.” A building or portion thereof, or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit, or to render a service which is customarily carried on as a business.

“Commission.” The Plan Commission of the Village of Mt. Zion.

“Day Care Center.” A facility – private, semi-private, or public – is providing group care for children, primarily during the day while parents are at work. The center may provide means for children but no lodging.

“Drive-In Establishments.” One, which accommodates the patrons’ automobiles from which the occupants may watch, purchase, or otherwise conduct business from the automobile.

“Dwelling.” A building, exclusive of mobile homes, apartment hotels, hotels, or motels, as herein defined, containing as the principal use one of more dwelling units.

“Dwelling, Multiple.” A dwelling designed for or occupied exclusively by 3 or more families.

“Dwelling, Single-Family.” A dwelling designed for or occupied exclusively by one family.

“Dwelling, Two-Family.” A dwelling designed for or occupied by 2 families, each with completely separate entrances.

“Dwelling Unit.” A room or group of rooms providing living quarters for not more than one family.

“Eleemosynary Institution.” A building or group of buildings provided and supported by charitable donations and devoted to charitable uses.

“Family.” Any individual, or 2 or more persons related by blood, marriage, or legal adoption, or a group of not more than 5 persons (excluding servants) who need not be related by blood or marriage, living together as a single housekeeping unit, and occupying a single dwelling unit.

“Floor Area.” The sum of all gross horizontal enclosed area of the several floors of a building and its accessory buildings on the same lot excluding basement floor areas and non-enclosed portions of the structure. All dimensions shall be measured between exterior faces of wall.

“Floor Area Ratio.” The quotient of the floor area (as defined above) divided by its lot area. F.A.R. = $\frac{\text{Floor Area}}{\text{Lot Area}}$

“Frontage.” All the property on one side of a street or highway between 2 intersecting streets or highways (crossing or terminating) measured along the line of the street or highway, or, if the street or highway is dead-ended, then all of the property abutting on one side between an intersecting street or highway and the dead end of the street or highway.

“Garage, Private.” An accessory building designed or used for storage of the privately owned motor-driven vehicles owned and used by the occupants of the dwelling to which is accessory, and not more than one truck, or vehicle used for commercial purposes, and not storing any truck or vehicle which, 1) has a gross weight including the vehicle and maximum load of more than 8,000 pounds (as defined in the Illinois Revised Statutes) or 2) is larger/heavier than a vehicle required by State Statute to carry a Class “B” license or registration, and not storing heavy equipment, including but not limited to the following: backhoe, bulldozer, road grader, cranes, fork lift, etc.

“Garage, Public.” A building or portion thereof, which is designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

“Home Occupation.” An occupation carried on in a detached single-family dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business, the employment of any additional persons in the performance of such services excepting members of the immediate family residing on the premises; not using any mechanical equipment other than is usual of purely domestic or hobby purposes; nor exterior storage of equipment or materials used in connection with the home occupation. Home occupations, further, shall not utilize more than 25 percent of the total floor area of the dwelling unit.

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

“Industrial Park.” A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

“Institution.” A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

“Junkyard.” Any land or structure used for salvaging operations, including, among other things, the storage and sale of waste papers, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage, and salvaging of unlicensed, inoperative vehicles.

“Kennel.” Any premises, or portion thereof on which more than 3 dogs, cats, or other household domestic animals over the age of 4 months are kept, or on which more than 2 such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

“Loading Space.” A space within the principal building or on the same lot, providing for the standing, loading, or unloading of trucks, and with access to a public way.

“Lodging House.” A building or structure having rooms which are generally rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

“Lot.” A single parcel of land which may be legally described as such, having principal frontage on a street which comprises a site occupied by or intended for occupancy by one principal building or principal use, together with accessory buildings and uses, yards, and open spaces required by this ordinance.

“Lot, Corner.” A lot abutting on 2 streets at their juncture, when the interior angle formed is less than 135 degrees.

“Lot, Double Frontage.” A lot having a frontage on 2 nonintersecting streets, as distinguished from a corner lot.

“Lot of Record” A lot which is part of a subdivision, the plat of which has been recorded in the office of the county recorder of deeds, or a parcel of land, the deed of which was recorded in the office of the county recorder of deeds prior to the enactment of this ordinance. A recorded lot may or may not coincide with a zoning lot.

“Lot Width.” The width of the lot at the building setback line.

“Lot Zoning.” A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses, along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this ordinance.

“Marina.” A boat basin and recreational facility, located on waterfront property, providing moorings for boats, and one or more of the following facilities: boat launching ramps, boat livery, boat sales, maintenance shops, marine supply store, and fuel dock.

“Mobile Homes.” A detached single-family dwelling unit with all of the following characteristics:

- (A) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
- (B) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and
- (C) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundations supports, and connection to utilities.

“Motor Court” or “Motel.” A building or group of buildings used primarily for the temporary residence of motorists or travelers.

“Nonconforming Use.” The use of land or building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.

“Nursery Schools.” A school, private, semipublic or public, providing organized instruction and care for children prior to their enrollment as required by law in a school which has a course of study which meets applicable state and national standards for an accredited elementary school. A “nursery school” may provide meals but not lodging rooms for students.

“Parking Space.” A surfaced area of at least 200 square feet located on the same lot as the building or use it is intended to serve, and of such shape as to be suitable for parking or storing motor vehicles. The area is exclusive of driveways which give convenient access between the parking space and a street serving the lot.

“Planned Unit Development.” A tract of land containing 5 acres or more developed under unified ownership or control, and when certain requirements of a given district may be modified in accordance with specific standards and procedures of sections 150.110 through 150.122.

“Premises.” A tract of land with any buildings thereon; or a building or part of a building usually with its grounds or other appurtenances. When more than one business area shall be considered a separate premises. Business or other public enterprises which occupy other floors shall be considered separate premises.

“President.” The president of the Village Board of the village.

“Rooming House.” A residential building or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms for accommodation of 3 or more persons who are not members of the keeper’s family, and where lodging without meals is provided by prearrangement and for definite periods.

“Sanitary Landfill.” A method of disposing of refuse by daily spreading and covering such refuse with earth.

“Setback.” The minimum horizontal distance measured between the building or structure and the property or right-of-way line.

“Shadow Area.” The maximum area of a lot generally covered by the shadow of a building or structure on September 21.

“Sheltered Care Home.” A private boarding home, institution, building, residence, or other place which through its ownership or management, provides sheltered care to 3 or more adults who are not related to the operator or owner by blood or marriage.

“Shopping Center.” A group of more than 6 commercial establishments planned, developed, and managed as a unit, located on a s lot of at least 5 acres, with off-street parking provided on the property.

“Signs.” Any structure, device, light, or natural object, including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word “sign” shall include signs which are affixed to the inside of windows and glass doors, and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this ordinance.

“Story.” That portion of a building, other than a cellar or basement, except one used for business or residence, included between the surface of any floor and the surface of the floor next above it, or, if there is not floor above it, then the space between the floor and the ceiling next above it.

“Story, Half.” A partial story under a gable, hip, or gambrel roof, the wall plate of which on at least 2 opposite exterior walls are no more than 4 feet above the floor of story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

“Stream.” A stream is any continuously flowing natural watercourse.

“Street.” A public or private thoroughfare which affords the principal means of vehicular access to abutting property.

“Street, Collector.” A street which carries traffic from a major street to a local street.

“Street, Highway.” A street primarily designed for interurban or interregional travel.

“Street Line.” A dividing line between a lot, tract, or parcel of land and a contiguous street.

“Street, Local.” A street primarily designed for access to abutting properties and for access to collector streets.

“Street, Major.” A street designed to carry traffic from one part of the village to another part of the village through neighborhood areas, including streets designed to carry heavy business or industrial traffic.

“Structural Alterations.” Any change other than normal maintenance which would tend to prolong the life of a supporting member of a structure such as a bearing wall, column, beam, girder, or any substantial change in the roof or exterior walls.

“Structure.” Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, arbors, and carports.

“Tavern.” A place where alcoholic beverages are sold for consumption on the premises.

“Tourist Home.” A building designed for or used as a single-family or 2-family dwelling in which sleeping rooms are provided or offered to transient guests for compensation.

“Trailer.” Any structure used for temporary living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horse, or skirtings, and which is, has been, or reasonably can be, equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term “trailer” shall include camp car and house car.

“Trailer” or “Tourist Camp.” Any lot or parcel used for one or more auto trailers, tents, house or camp cars, or other portable or mobile shelters used for temporary living, sleeping, business, or storage purposes.

“Use.” The purpose or activity for which the land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner or performance of such activity with respect to the performance standards of this ordinance.

“Use, Accessory.” A use subordinate to the principal use, and located on the premises, serving a purpose customarily incidental to the principal use. Residential accessory uses may include the storage of household goods, parking areas, gardening, servants’ quarters, private swimming pools, and private emergency shelters.

“Use, Permitted.” A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of the district.

“Use, Principal.” The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a “permitted” or a “special” use.

“Use, Special.” A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.

“Yard.” An open space on the same lot with a building, unobstructed from the ground upward.

“Yard, Front.” A yard extending across the front of a lot between the side lot lines, and between the property line or right-of-way line and the main building foundation.

“Yard, Rear.” A yard extending across the rear of the lot between the side lot lines, and between the rear lot line and the rear of the main building, or any projection other than steps, unenclosed porches, or entrance ways.

“Yard, Required.” For purposes of determining building lines, the required (or minimum) yard shall be the least horizontal distance between the lot line and the main building or any projection thereof, other than the projections of uncovered steps, balconies, terraces, or porches.

“Yard, Side.” A yard between the primary building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the primary building.

“Zoning District.” An area of the village delineated on the zoning map, and subject to a specific set of regulations established in this ordinance. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) (Ordinance 1991-92-14)

Administration

S 150.010 Zoning Officer.

The office of the zoning officer is created. The village administrator, or an individual appointed by the village administrator, shall serve as zoning officer. The duties of the zoning officer shall be as follows:

- (A) To meet with interested property owners, developers, citizens, and any other party who contemplates actions which come under the jurisdiction of this ordinance, to explain the intent and provisions of this ordinance.
- (B) To act as zoning inspector for the plan commission; to insure provisions of special uses, planned unit developments, and variances are complied with during construction; and to make necessary inspections and reports to the plan commission in relation to such developments.
- (C) To serve as a liaison officer between the chairman of the plan commission, planning advisors, and the Village Board; and with the consent of the plan commission chairman, to make proper legal advertisements, to set public hearings as required by this ordinance to receive all zoning petitions and fees, and assist the plan commission in the discharge of other functions delegated to it by the Village Board of Trustees.
- (D) To make interpretations of the provisions of this ordinance, and to report to the plan commission any situation wherein there is a doubt or conflict as to the proper interpretation.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1978-79-31, passed 2/6/78; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1985-86-21, passed 8/5/85)

S 150.011 Plan Commission (Zoning Board).

- (A) The plan commission and the zoning board of appeals are created as a single body, and shall continue to perform the functions of both the village plan commission and the zoning board until the village corporate authorities deem it necessary to separate these functions by ordinance.
- (B) The commission as created shall consist of 7 members appointed by the president of the Village Board, and confirmed by the board of trustees. The term of office of each member shall be 5 years, except that the first 7 members shall be appointed for terms varying respectively from one to 7 years in order that terms of not more than one member shall expire each year. The president of the board shall designate one member of the

commission to act as chairman, and he shall hold the office as chairman until his successor is appointed.

- (C) The chairman shall recommend to the president the dismissal of any commission member who misses 5 regular meetings during any 12-month period. With the approval of the board, the president shall remove the member and appoint another in his place.
- (D) The commission shall meet at the call of the chairman. The commission shall keep minutes of its proceedings, including its findings of fact, all its determinations and decisions, the reasons therefore, and the vote of each member upon every question, which minutes shall be placed on file in the office of the commission no later than 15 days after any meeting, and shall be a matter of public record.
- (E) The plan commission is granted the following responsibilities and duties:
 - (1) To hear all petitions requesting zoning action including, but not limited to, amendments, variations, and special uses. And, in the manner prescribed herein, it shall advise and recommend to the board the commission's findings as to the proper disposition of these petitions.
 - (2) To initiate, receive, and review periodically studies or proposals concerning amendments of this ordinance; and in this respect to advise and recommend to the board the commission's findings.
 - (3) To hear all appeals and decisions of an officer or department in the interpretation or administration of this ordinance, and by its own action render a decision resolving the conflict.
 - (4) To classify any use not specifically listed in this ordinance as to its appropriate district based on the compatibility of that use with the general purpose and character of zone regulations. This power shall lie solely with the plan commission, and will not be subject to review by the board.
 - (5) To consider and take final action on all matters relating to nonconforming structures and uses, except those concerning the granting of variances, which accepted matters the commission shall consider and give recommendation to the board for action.
 - (6) To initiate studies and issue reports to the board concerning the complementation or conflict between the implementation of this ordinance and the officially adopted village plan; and in this respect to make recommendations to the board as to the appropriate

measures to be taken to insure the effectiveness of this ordinance as a tool for the implementation of the village plan.

- (7) To initiate studies and submit reports to the board relating to the effectiveness of this ordinance in complementing the subdivision regulations, housing and building codes, and other ordinances of the village affecting physical development.
- (8) To hear and recommend to the board the disposition of all other matters referred to the commission by the board; to arbitrate zone boundary disputes; and to hear any other matter on which present or future statutes may require action of the commission.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

Statutory reference:
Plan commission, S.H.A.

S 150.012 Corporate Authority (Village Board).

The corporate authority is the Village Board of Mt. Zion. It shall be the authorized body for making final decisions on all matters referred to it by the plan commission, and, for purposes of this ordinance, shall be referred to as the board.

- (A) The board is restrained by this ordinance from making a decision on any zoning matter which has not been submitted to the proper public hearings, nor without having received a report of the plan commission.
- (B) The board shall have the right to adopt, reject, or modify the recommendations of the plan commission.
- (C) The board does not have the power to resolve conflicts in boundary disputes or interpretations of this ordinance which shall be the exclusive power of the plan commission.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 105.013 Village Clerk.

The village clerk is empowered to keep records of all zoning petitions, fees, and reports of the plan commission. He is further responsible for the yearly publication of the updated version of the official zoning map. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.014 Legal Counsel.

An attorney retained by the village who is responsible for giving legal advice to both the board and commission. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.015 Planning Staff.

Any qualified land use planner which the board may designate to assist the village and the commission in zoning and related land use matters, and from time to time, to make special zoning studies for the commission. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.016 Recording Secretary.

The secretary of the commission is responsible for taking commission minutes, carrying on correspondence with the board, and referring to the board recommendations of the plan commission. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

Administrative Procedures

S 150.020 Petition to Conform to Procedures.

Any person, corporation, firm, or agent thereof, or a public official of the village, wishing to petition for a change in this ordinance, or rezoning a land use classification, as established by this ordinance, or seeking relief from the provisions of this ordinance, or in any other way seeking modification of the zoning regulations shall be required to follow the steps and procedures as contained within sections 150.020 through 150.027. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/88) Penalty, see S 150.999

S 150.021 Pre-application Conference.

- (A) This ordinance requires that before the board may accept for public hearing or recommendation any zoning petition, the petitioner or his agents shall meet with the village zoning officer to discuss the appropriate procedure. The zoning officer may at his discretion request the petitioner to meet with the planning staff. In a case of a rezoning involving a planned development, commercial, or industrial request, or involving a tract of land more than 5 acres in size, the petitioner may also be required to have a reapplication meeting with the commission.
- (B) Purpose. The purposes of the pre-application meeting are as follows:

- (1) To explain to the petitioner the provisions of this ordinance and other applicable village codes and ordinances.
 - (2) To determine whether or not any other village actions such as subdivision, vacation, or annexation are necessary for the development of the land.
 - (3) To determine exactly what the zoning petition should contain, and what procedure should be followed prior to the setting of the public hearing.
 - (4) To discuss the compatibility of a petition with the village's officially adopted comprehensive plan and official maps.
 - (5) To determine if the petitioner has made necessary investigating to insure that his property can be developed properly upon obtaining the classification he seeks.
 - (6) To acquaint the developer with the technical planning assistance available through the planning staff.
- (C) Information needed for pre-application conference. The petitioner should have a legal description and map of his property showing the surrounding land uses at the time of his meeting with the village zoning officer, commission, or planning staff. Other information, such as soil types, topographical maps, and other data related to the sites suitability for its development would be helpful. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999.

S 150.022 Submittal Procedures.

Upon satisfying the pre-application requirements, the petitioner may then proceed to file a zoning petition with the village. This petition must include the following to be entitled to village consideration.

- (A) A petition, properly filled out on the village form, including the following information:
- (1) Name and address of petitioner.
 - (2) Name and address of owner.
 - (3) Name and address of any agent representing the petitioner.

- (4) A legal description of the property which allows the property to be located on any map without having to check the recorder of deeds office.
 - (5) A common description of the property.
 - (6) Existing zoning classification of property.
 - (7) Zoning classification being sought.
 - (8) The names and addresses of all abutting landowners.
 - (9) A statement concerning the proposed use of the property.
 - (10) In cases of variances, the special hardships that exist which would qualify the petitioner for a variance.
 - (11) In cases of special uses or planned unit developments, a detailed statement as to the proposed use of the property.
- (B) A scaled map showing the dimensions of the property and the zoning of the surrounding properties.
 - (C) Appropriate fees as required by the schedule in Section 150.27.
 - (D) Upon submission of the above, the officer shall take one copy of the petition, sign it and place the fee amount on the petition. The petitioner shall then take the petition and map to the village clerk or village administrator who shall formally accept the petition for filing and collect the fees as required by the zoning officer. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.023 Public Hearing.

Upon receiving any petition, the village clerk or village administrator shall notify the chairman of the commission of the petition. The chairman shall then set a date for action on the petition. Notice shall be given of the time and place of the hearing, by publishing a notice thereof at least once in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.024 Decision of the Commission.

At the date of the public hearing, the petitioner or his representative shall be prepared to submit his case to the commission. The commission shall then take a vote

of its membership, and shall report the findings to the board by a written notice. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.025 Decision of the Board.

On all matters which require action of the Board, the Board shall, within 30 days after receiving the recommendation of the commission concerning a zoning petition, take whatever action the board deems appropriate, except that no petition may be tabled for more than 90 days. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-90-19, passed 2/4/80) (Ordinance 91-92-14)

S 150.026 Appeals.

Appeals to the commission may be taken by any person aggrieved or by any officer or department of the governing body of the village affected by any decision of the administrative officer in person or by agent or attorney.

- (A) Filing of appeals. An appeal must be made within 30 days of the action of the administrative official appealed from. The applicant must file a notice of appeal with the administrative official from whom the appeal is being taken and with the commission. The notice shall be made on the form provided for that purpose. The administrative official from whom the appeal is taken shall be responsible, at the direction of the commission, for providing any applicant with the proper forms, and for instructing the parties concerned on the proper manner for completing and filing the forms. All information required thereon shall be completed before an appeal is considered filed. Six copies of the proper appeal form shall be filed with the commission.
- (B) Fees. A fee as specified in S 150.027 shall be deposited with the village treasurer for each petition filed.
- (C) Amendments to Appeals. Appeals may be amended 15 days prior to the public hearing thereon.
- (D) Notice to applicant. The applicant shall be notified by letter within 5 days of the hearing on his application or his failure to complete his application properly.
- (E) Hearing. The commission shall fix a reasonable time for the hearing of the appeal not to exceed 30 calendar days from the day the appeal is received, giving public notice thereof, as well as notice due to the parties in interest, and decide the same within a reasonable time.
- (F) Stays. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is

taken certified to the commission, after the notice is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause peril of life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the board or a court of record on application, on notice to the administrative official from whom the appeal is taken, and on due cause shown.

- (G) Judicial review. All final administrative decisions of the commission hereunder shall be subject to judicial review pursuant to the provisions of the administrative review act, and all amendments and modifications thereof.
- (H) Correcting maps and records. On all matters receiving final action by the commission or the board, there shall be a letter sent to the petitioner informing him of the action. One copy of this letter shall be placed in the permanent zoning files of the village. The village administrator or zoning officer shall also periodically update the official village zoning maps.
- (I) Variance, special use permits and nonconforming uses shall not be shown on the maps, but adequate records shall be kept on these.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

Statutory reference;
Administrative review act, S.H.A.

S 150.027 Fees For Zoning Petitions.

- (A) The following schedule establishes the fees required by the village to process various zoning petitions.
- (B) Any person, firm, or corporation, who may hereafter file any petition addressed to the commission praying for a change in zoning regulations or any variance of zoning regulations provided by law on a single tract or parcel of real estate not separated for divided by a street or alley, shall pay to the village treasurer the following fee(s) at the time of filing the petition, unless said fees are waived by the planning commission, to defray the necessary costs of publication and expenses incident to the hearing of the matter, to wit:

Zoning Fees

Rezoning to Higher Classifications

- (1) VA-1 or VC-1 to VR-1, VR-2, or VR-3:

- (a) on tracts less than 5 acres \$150
 - (b) on tracts between 5 to 10 acres \$150
 - (c) on tracts between 10 to 25 acres \$150
 - (d) on tracts over 25 acres \$150
- (2) VA-1, VC-1, or VR-1, VR-2, VR-3 to VR05, VO-1, or VO-2:
- (a) on tracts less than 5 acres \$150
 - (b) on tracts between 5 and 10 acres \$150
 - (c) on tracts between 10 and 25 acre \$150
 - (d) on tracts over 25 acres \$150
- (3) VA-1, VC-1, VO-1, VO-2 or any residential districts to VB-1, VB02, or VB-3:
- (a) on tracts less than 5 acres \$150
 - (b) on tracts 5 acres or more \$150
- (4) VA-1, VC-1, VO-1, VO-2, any residential or commercial district to VM-1 or VM-2:
- (a) on tracts less than 10 acres \$150
 - (b) on tracts 10 acres or more \$150
- (5) Planned Unit Development:
- (a) Residential
 - (1) on tracts less than 10 acres \$150
 - (2) on tracts between 10 to 25 acres \$150
 - (3) on tracts greater than 25 acres \$150
 - (b) Commercial
 - (1) on tracts than than 10 acres \$150
 - (2) on tracts between 10 to 25 acres \$150
 - (3) on tracts greater than 25 acres \$150
 - (c) Industrial
 - (1) on tracts less than 10 acres \$150
 - (2) on tracts greater than 10 acres \$150
- (6) Special Permit. Any petition for a special permit \$150
- (7) Rezoning to Lower Classification. Any change From a higher to lower classification \$150
- (8) Variance. Any petition for variance \$150

- (8) Appeal. Any authorized appeal of corporate Decision \$100

S 150.028 Annexation Fees.

- (A) The owner (or owners) of property who file a petition for the annexation of land to the village shall pay an annexation fee. This fee shall be according to the following rate schedule:

\$50.00 plus \$10.00 per acre

Applicable annexation fees shall be paid when the petition for annexation is filed.

- (B) No property shall be annexed to the Village of Mt. Zion, Illinois, without the person, association, partnership, or corporation first filing a petition for annexation in compliance with the statute of the State of Illinois, with the zoning officer of the village using forms provided by him. (Ordinance 1979-80-3)
- (C) No petition for annexation as provided for in paragraph (B) shall be accepted by the village unless it is accompanied by an annexation fee made payable to the Village of Mt. Zion and evidence of payment to the Decatur Sanitary District covering the current cost of annexing to the Decatur Sanitary District.
- (D) The Village of Mt. Zion and any and all other tax-supported municipalities shall be exempt from the annexation fee provided for in paragraph (C). (Ordinance 1979-80-3; Ordinance 1979-80-3, passed 7/16/79; Ordinance 1980-81-14, passed 9/8/80; Ordinance 1987-88-8, passed 1/4/88; Ordinance 96-97-36)

Established Zones

S 150.030 Authorized Zones.

For the purpose of this ordinance, all land and water areas within the corporate area of the village are divided into the following zones:

- (A) Agricultural Zone (VA-1). The agricultural zone is established as a zone in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent of the agricultural zone is to facilitate the long-term use of lands best suited to agricultural production by preventing a mixture of urban and rural uses which often create incompatibilities and conflicts with agricultural pursuits, which place unbalanced tax loads on

agricultural lands, and which may result in speculative or inflated land values which encourage the premature termination of agricultural pursuits.

- (B) Conservation Zone (VC-1). The conservation zone is established to prevent the construction upon or alteration of rural or natural environments which have natural conditions of soil, slope, susceptibility to flooding or erosion, geological condition, vegetation, or an interaction between the aforesaid, which make such lands unsuitable for urban development. Further, this zone is established to protect areas of the environment that, if altered, would cause health or pollution problems and environmental deterioration. The conservation zone will also insure adequate areas for future conservation and recreational pursuits. Certain agricultural uses would be permitted.
- (C) The Estate Residential Zone (VRE-1). The estate residential zone is established as a low-density residential zone for families who wish the privacy of large lot subdivisions. The zone is mainly designed, however, for developments in areas which, because of their proximity to other area developments or appealing natural landscapes, are in demand for residential use, but where conditions of slope, soil, vegetation, drainage, or geological features, or an interrelationship between the aforementioned conditions makes the area in whole or part unsuited for high density development. For this reason the granting of the VRE-1 Zone must be conditioned upon a combined zoning and subdivision process; specially imposed lot sizes of not less than one nor more than 3 acres; and special setback and yard requirements which would allow re-subdivision when public utilities reach the site (authorized density = one to 3 acres per unit, depending on site conditions).
- (D) The Suburban Residential Zone (VR-1). The suburban residential zone is provided for low-density developments, especially in areas which are suitable for development, but which must be serviced by individual wells and septic disposal systems because of the lack of readily accessible community facilities. Again, the exact zoning density must relate to the availability of ground water, suitability of soil, slope, and other features (authorized density = one to 2 units per acre, depending on site conditions).
- (E) Urban Residential Zone (VR-2). The urban residential zone is established to provide medium-low density developments and must have community water and sewer utilities or their equivalent readily available (authorized density = 2 to 3 units per acre, depending on site conditions).
- (F) The Urban Residential Zone (VR-3). The urban residential zone is established to provide medium density development in areas where water and sewer utilities are readily available, and where municipal services are

available to handle necessary police, recreation, education, and fire protection needs. The classification of land as an urban residential zone must depend on adequate municipal services, including streets, water, and sewer facilities (authorized density – 3 to 5 units per acre, depending on site conditions).

- (G) The Mixed Residential Zone (VR-5). The mixed residential zone is established to provide a variety of housing types related to the size and character of the development site or lot. This zone can be used for older neighborhoods to allow transition of larger houses from owner to rental occupied without creating over-crowding or detrimental conditions to the neighborhood's environment, and to allow economical new construction in such neighborhoods as well as new areas suited to low-density multi-family development. The adequate municipal services, including streets, water, and sewer facilities (authorized density = 5 to 8 units per acre, depending on site conditions.)
- (H) Apartment Zone (VO-1). The apartment zone is provided for the development of higher density apartment complexes. This zone is a rather low commercial classification with restrictions that make it compatible as a buffer or peripheral use to residential zones. Because of the intensity of use anticipated in an apartment zone, such zones must be located on higher classified streets (collector or major streets), and must be supplied with adequate water and sewer facilities (authorized residential densities, 8 to 15 units per acre).

All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements of right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.

- (I) Office Zone (VO-2). The office zone is provided explicitly for the development of offices and office complexes. This zone is considered a rather low commercial classification with restrictions that make it compatible as a buffer peripheral use to residential zones. Because of the intensity of use anticipated in an office zone, these zones must be located on higher classified streets (collector major streets), and must be supplied with adequate water and sewer facilities.

All development of parcels of ground which propose two or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way

must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.

- (J) The Neighborhood Business Zone (VB-1). The neighborhood business zone is established to provide areas in which the principal use of the land is for restricted retail establishments offering goods and services for the day-to-day needs of the nearby residential areas. This zone must be restrictive to provide protection to and compatibility with nearby residential districts. The neighborhood business zone should be located on a collector street, and must be serviced by adequate water and sewer facilities.

All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.

- (K) The Community Business Zone (VB-2). The community business zone is established to provide areas for the general community-wide commercial needs of the village, and is a zone in which office, general commercial, dwelling units above the first floor, and wholesale trades are located. No community business zoning shall be granted to any parcel of land or several parcels of land held in the same or joint ownership of 5 acres or more, unless the petition is submitted in accordance with the planned unit development procedure, sections 150.110 through 150.122. The community business zone, because of the intensity of use, is generally associated with major street intersections, large size water, storm and sanitary utilities, as well as governmental centers and public parking areas.

All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.

- (L) Highway Commercial Zone (VB-3). The highway commercial zone is created to provide locations for businesses that cater specifically to the needs of the motorist. The highway commercial zone must be located on

major streets and highways. Because of its intensity of use and potential hazard that unrestricted highway developments create for safe and convenient traffic flow, this zone will be restricted by access control regulations of the village. It should be noted that apartments and other residential uses, other than motels, hotels, and similar transient facilities, shall be excluded from this zone.

- (M) All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.

- (N) Limited Industrial Zone (VM-1).
 - (1) The limited industrial zone is created to provide areas in which light industrial uses, office, research, administrative uses, limited warehousing, wholesaling, and other similar uses may locate. This zone shall be located so as to be as compatible as possible with surrounding districts. No VM-1 Zone shall be established on any parcel of land or parcels of land held in single or joint ownership totaling 50 acres or more in size, which is intended for further subdivision or division, unless submitted in accordance with the industrial planned unit development procedures contained in sections 150.110 through 150.122.

All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code.
 - (2) No living quarters except those expressly designed for caretakers or watchmen shall be allowed.

- (O) General Industrial Zone (VM-2).
 - (1) The general industrial zone is established to provide areas for manufacturing and related commercial uses which by their very nature cannot be operated at the same high performance standards of those in the limited industrial zones. Generally, industrial zones should not be located next to residential areas. All industrial areas

will be required to meet certain minimum standards in relationship to the emission of noise, odor, smoke, vibration, and pollution, or other hazards they may create. No VM-2 Zone shall be established on any parcel of land held in single or joint ownership totaling 50 acres or more in size, which is intended for further subdivision, unless submitted in accordance with the industrial planned unit development procedures contained in sections 150.110 through 150.122. All development of parcels of ground which propose 2 or more principle structures erected on one tract of ground or the development of tracts which are designed for more than one occupant or require the construction of village utilities or dedication of easements or right-of-way must submit a site development plan as provided in sections 150.110 through 150.122 of this code and in accordance with the village building code. (Ordinance 1979-80-19, passed 2/4/80)

Regulations For Establishing Zones

S 150.040 Zoning Maps Adopted By Reference.

The boundaries of the districts listed in section 150.030 are shown on the “zoning districts map.” The original of the map is properly attested and on file with the village clerk, and the map and all information shown thereon shall have the same force and effect as if fully set forth or described herein. From time to time the planning commission and board of trustees shall also establish by ordinance a “long range master land use plan” showing planned or intended changes in the “zoning districts map.” (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1985-86-21, passed 8/5/85)

S 150.041 Annexation.*

All territories which may hereafter be annexed to the village shall be automatically classified as A-1 Agricultural Zone, unless the land is shown in the officially adopted “advisory map of outlying lands and lots.” If a parcel of land is shown on this map, it may be brought into the village with the zoning classification shown on the official advisory map of outlying lands and lots. The advisory map of outlying lands and lots is properly attested and on file with the village clerk, and the map and all of the information shown thereon shall have the same force and effect as if fully set forth or described herein.

*Editor’s Note: Annexation fees are contained in section 150.028 of this ordinance. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1978-79-31, passed 2/6/78; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.042 Vacation

Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of each street, alley, or public way shall be automatically extended to the center of the vacated area; and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. (Ordinance 1972-73-8, passed 11-6-72; Ordinance 1979-80-19, passed 2-4-80) Penalty, see s 150.999

S 150.043 Interpretation of Zone Boundaries.

When uncertainty exists with respect to the boundaries of the various districts as shown on the zoning district map, the following rules shall apply:

- (A) District boundary lines are either the center lines of railroads, highways, streets, alleys, easements, lot and tract lines, or such lines extended, unless otherwise indicated.
- (B) Wherever a district is indicated as a strip adjacent to and paralleling a railroad, highway, or street, the depth of the strips shall be in accordance with the dimensions shown on the zoning map measured at right angles from the center line of a railroad, street, or highway, and the length of frontage shall be in accordance with the dimensions shown on the zoning map measured along the center line of the railroad, highway, or street, unless otherwise indicated.
- (C) Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, at the owner's discretion, extend to the entire lot, but not more than 25 feet beyond the boundary line of the district. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.044 Zoning District Regulations.

- (A) VA-1.
 - (1) Permitted uses. This district shall specifically permit all agricultural pursuits including:
 - (a) Animal husbandry;
 - (b) Golf courses, public parks, recreational facilities, game preserves;
 - (c) Public and private schools;
 - (d) Electric and telephone transmissions;

- (e) Government and utility towers (under 50 feet in height) or relay stations;
 - (f) Veterinary hospitals, riding stables, forest preserves, fish hatcheries;
 - (g) Facilities for the sale of home processed or unprocessed farm produce grown or raised on the premises;
 - (h) Tree and plant nurseries; and all similar horticulture or animal husbandry related uses and normal accessory farm buildings;
 - (i) Family dwellings.
- (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.
- (a) Gravel and sand pits.
 - (b) Hospitals, sanitariums, nursing homes.
 - (c) Cemeteries.
 - (d) Airports.
 - (e) Slaughterhouses, canneries, stockyards, mills, grain elevators, livestock auction houses, food packing.
 - (f) Rifle ranges, skeet and trap shoot areas, shooting preserves.
 - (g) Drag or circular race tracks.
 - (h) Drive-in theaters, summer theaters, amphitheaters, fair grounds.
 - (i) Private parks.
 - (j) Junk or automobile wrecking yards.
 - (k) Utility or government towers over 50 feet, and other uses related to agriculture, but not clearly included in the list of allowable uses.

- (3) Special Zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone.
 - (a) Golf course fairways shall not be permitted closer than 300 feet to any residential boundary;
 - (b) Hogs or livestock, or more than 5 animals for riding, hunting, domestic pets, or fur production shall not be confined or housed within 150 feet of any residential zone; and
 - (c) All facilities for the processing of agriculture products, including, but not limited to, canneries, stockyards, cob plants, and elevators shall be kept at least 300 feet from residential zones.

- (B) VC-1.
 - (1) Permitted uses. This district shall specifically permit farming, including:
 - (a) Permanent nonresident buildings not in a flood plain area;
 - (b) Truck farms;
 - (c) Flower gardens, nurseries, orchards, greenhouses, sustained yield forestry operations, Christmas tree farms;
 - (d) Public parks;
 - (e) Wildlife and forest preserves, fish hatcheries, commercial fish farms;
 - (f) Soil and water management or demonstration project.

 - (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.
 - (a) Commercial recreation operations, including riding stables, golf courses, guest ranches, marinas, hunting and fishing facilities, boat houses, bait shops, and incidental facilities, provided that no permanent building of any kind shall be allowed in flood plain areas.
 - (b) Mining and excavations.

- (c) Filling operations using earth, sand, gravel, concrete, or any other type of matter used for land reclamation, campgrounds, repair or sale facilities.
 - (d) Facilities for the storage of perishable and combustible materials operations which anticipate the deepening, filling, or alteration of any stream channel shall only be allowed by special permit.
 - (3) Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone.
 - (a) No permanent building for dwelling purposes will be allowed.
 - (b) No camp sites shall be allowed within any area defined as a 25-year flood zone, or within 600 feet of a residential zone.
 - (c) All sanitary waste facilities shall be constructed to prevent infiltration or leakage to nearby ground or water.
- (C) VRE-1.
- (1) Permitted uses. This district shall specifically permit extensive residential developments at a density from one to 3 acres per unit, depending on the natural capabilities of the site to support residential development. In addition to single-family dwelling units, the following additional uses shall also be allowed;
 - (a) Public open space including public parks, public, private, or religious schools;
 - (b) Nursery schools for not more than 10 children, and day care centers for not more than 8 children;
 - (c) Athletic fields; and
 - (d) Accessory uses customarily incidental to the above uses.
 - (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location:
 - (a) Planned developments.
 - (b) Police and fire stations.

- (c) Telephone booths.
 - (d) Private recreation centers.
 - (e) Reclamation projects.
 - (f) Public and private utilities.
 - (g) Churches, covenants, monasteries.
 - (h) Colleges, universities, dormitories, libraries.
 - (i) Cemeteries.
 - (j) Bed and Breakfasts.
 - (k) Beekeeping.
- (3) Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone.
- (a) Temporary buildings for construction purposes for periods not to exceed the duration of construction.
 - (b) Commercially operated driving ranges or miniature golf courses, buildings, facilities, and parking for intensive recreation uses not within 150 feet of any residential lot line.
- (D) VR-1.
- (1) Permitted uses. This district shall specifically permit single-family dwellings at densities of one to 2 units per acres. In addition to single-family homes, public parks and playgrounds, permitted home occupations (see section 150.090 & 150.091), day care centers, accessory buildings, or uses customarily incidental to the above use.
 - (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.
 - (a) Planned unit developments on tracts not less than 5 acres.
 - (b) Churches, covenants, monasteries.

- (c) Public, private, and religious schools.
 - (d) Reclamation projects.
 - (e) Police and fire stations.
 - (f) Libraries.
 - (g) Cemeteries.
 - (h) All accessory uses normally incidental to the above uses.
 - (i) Beds and Breakfasts.
 - (j) Beekeeping.
- (3) Special zone restrictions. Same as VRE-1.
- (E) VR-2.
- (1) Permitted uses. This district shall specifically permit single-family dwellings served with both community water and community sewer, or an acceptable on-site substitute as determined by E.P.A. standards (not septic). In addition to single-family homes, this district will allow the same uses as the VR-1 Zone.
 - (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location. Same as VR-1 Zone.
 - (3) Special zone restrictions. Same as VR-1 Zone.
- (F) VR-3.
- (1) Permitted uses. This district shall specifically permit single-family dwelling units if all lots are served by both community water and sewer systems. In addition to single-family dwellings, the permitted uses shall be the same as the VR-1 Zone.
 - (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location. Same as VR-1 Zone.
 - (3) Special zone restrictions. Same as VR-1 Zone.

(G) VR-5.

- (1) Permitted uses. This district shall specifically permit single-family, 2-family, 3-family and 4-family housing units. The district regulations require 6,000 square feet for the first unit and 3,000 square feet for each additional unit. All other uses allowed in the VR-1 Zone shall be automatically in the VR-5.
- (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location. Same as VR-1 Zone and, in addition, sororities and fraternities, and mobile home parks.
- (3) Special zone restrictions. Same as VR-1 Zone.

(H) VO-1.

- (1) Permitted uses.
 - (a) All permitted uses of VR-5 Zone.
 - (b) Schools of all types.
 - (c) Dental clinics.
 - (d) Fraternal institutions.
 - (e) Private clubs.
 - (f) Mortuaries.
 - (g) Hospitals, sheltered care homes.
 - (h) Churches.
 - (i) Fraternities and sororities.
 - (j) Museums, public libraries, art galleries, aquariums.
 - (k) Apartment dwelling units, provided there is at least 2,500 square feet of ground area per dwelling unit.

- (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.
 - (a) Public utility facilities.
 - (b) Coin-operated telephone booths.
 - (c) Police and fire stations.
 - (d) Beds and Breakfasts.
 - (e) Beekeeping.
- (l) VO-2.
 - (1) Permitted uses.
 - (a) Offices.
 - (b) Schools of all types.
 - (c) Dental clinics.
 - (d) Fraternal institutions (not including living quarters for members).
 - (e) Private clubs.
 - (f) Mortuaries.
 - (g) Hospitals.
 - (h) Churches.
 - (i) Philanthropic organizations.
 - (j) Museums, public libraries, art galleries, aquarium.
 - (k) Barber shops, beauty parlors.
 - (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.
 - (a) Public utilities.

- (b) Coin-operated telephone booths.
 - (c) Police and fire stations.
 - (d) Hotels and motels, including businesses conducted therein for the convenience of the occupants, provided the only public entrance to such businesses is from the inside of the building.
 - (3) Special zone restrictions. No structure permitted within the office zone shall be located closer than 20 feet from the side lot line when adjacent to any residential or apartment zone.
- (J) VB-1.
- (1) Permitted uses. This district shall specifically permit neighborhood shopping facilities which include:
 - (a) Gift shops;
 - (b) Barber shops, beauty parlors;
 - (c) Delicatessens;
 - (d) Small specialty shops;
 - (e) Drug stores;
 - (f) Dry cleaning substations;
 - (g) Laundromats;
 - (h) Food and grocery stores;
 - (i) Hardware stores;
 - (j) Ice cream shops;
 - (k) Meat markets;
 - (l) Office, business, and professional buildings;
 - (m) Public buildings;
 - (n) Cafes;

- (o) Shoe repair shops;
 - (p) Dwelling units above the first floor;
 - (q) Lodging rooms;
 - (r) Gas stations selling only gasoline and related minor products;
 - (s) Animal hospital.
- (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.
- (a) Fire and police stations.
 - (b) Taverns.
 - (c) Restaurants.
 - (d) Electrical substations.
 - (e) Churches.
 - (f) Automotive service facilities including repairs and painting.
 - (g) Day care centers.
- (3) Special zone restrictions. Dwelling units below the first floor shall be prohibited in the VB-1 Zone.
- (K) VB-2.
- (1) Permitted uses. This district shall specifically permit retail stores, and service establishments. It is designed to function as the central business district of the community and uses shall include all uses permitted in the VB-1 and VO-2 Zones, plus,
- (a) Hardware stores;
 - (b) Banks, financial institutions, drive-up bank windows;
 - (c) Post offices;

- (d) Automobile parking lots, automobile sales when fully enclosed;
 - (e) Hotels, motels;
 - (f) Cultural, entertainment and commercial recreational facilities;
 - (g) Service industries such as dry cleaning, laundries, bakeries, bus terminals, and similar intensive commercial activities not specifically prohibited nor allowed as special uses;
 - (h) Below ground storage of fuels for accessory, vehicle fleet use.
- (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.
- (a) Drive-in establishments;
 - (b) Outdoor sales lots;
 - (c) Animal hospitals, kennels;
 - (d) Wholesale establishments;
 - (e) Warehousing;
 - (f) Automotive service centers;
 - (g) Light manufacturing;
 - (h) Car washes.
- (3) Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone, and shall be excluded from the VB-2 Zone.
- (a) Truck terminals.
 - (b) Contractor's yards.
 - (c) Bottling plants.
 - (d) Automotive body and paint shops.

- (e) Junkyards.
 - (f) Open storage lots.
 - (g) Petroleum storage.
 - (h) Meat packing.
 - (i) Manufacturing operations.
 - (j) Off-street parking requirements may be waived in the central business zone if on-street parking is permitted. Kennels must be located as least 300 feet from any residential district. Below ground storage of fuels is permitted only if in conformance with applicable fire and safety codes.
- (L) VB-3.
- (1) Permitted uses. This district shall specifically permit highway oriented retail stores and establishments. The uses shall include those uses permitted in the VB-2 Zone and in addition,
 - (a) Motels,
 - (b) Trailer sales, boat sales, including outdoor displays,
 - (c) Cabinetmaking shops,
 - (d) Monument works,
 - (e) Farm equipment,
 - (f) Machinery sales,
 - (g) Painting, plumbing,
 - (h) Tinsmithing,
 - (i) Upholstering,
 - (j) Research laboratories provided such facilities do not create any danger to health or safety to the surrounding area; do not produce odor, noise, dust, gas, smoke or vibration; and, there is no killing of or experimenting on or with animals.

- (k) Other similar commercial activities not specifically prohibited nor allowed as special uses.
- (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.
 - (a) Car washes.
 - (b) Auto service centers, including body and paint shops.
 - (c) Drive-in theaters.
 - (d) Animal hospitals.
- (3) Special zone restrictions. All outdoor parking and storage facilities shall be developed on dust-free all-weather surface lots screened from adjoining residential neighborhoods. (See section 150.186)
- (M) VM-1.
 - (1) Permitted uses.
 - (a) Light manufacturing.
 - (b) Office, research, and administrative uses.
 - (c) Limited warehousing.
 - (d) Wholesaling.
 - (e) Above-ground petroleum storage.
 - (f) Lodges and offices of labor organizations.
 - (g) Grain elevators.
 - (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.
 - (a) Sanitary landfill operations.
 - (b) Stadiums.
 - (c) Places of public assembly.

- (3) Special zone restrictions.
 - (a) Above-ground petroleum storage must be at least 500 feet from residential zones.
 - (b) No residential uses other than those developed for watchmen.
 - (c) No intensive commercial establishment not providing service to the surrounding industrial zone.

(N) VM-2.

- (1) Permitted uses. This district shall specifically permit all manufacturing and heavy commercial uses not previously mentioned in this schedule which are able to meet the minimum performance standards of IEPA including rail and freight terminals of all types, manufacturing activities, and commercial uses designed to service the surrounding industrial area. Uses contained in the VM-1 Zone are automatically permitted in the VM-2 Zone.
- (2) Special uses. The following uses may be permitted as special uses after a public hearing and a finding by the board that such uses are necessary and desirable in a particular location.
 - (a) Sanitary landfill operations.
 - (b) Stadiums.
 - (c) Places of public assembly.
- (3) Special zone restrictions. The following are conditions where special restrictions shall apply to the uses all in the zone.
 - (a) No residential uses other than those developed for watchmen.
 - (b) No intensive commercial establishments not providing service to the surrounding industrial zone shall be allowed. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1978-79-31, passed 2/6/78; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1980-81-17, passed 10/6/80; Ordinance 1983-84-21, passed 11/21/83; Ordinance 1985-86-21, passed 8/5/85) (Ordinance 91-92-14

Cross reference;

Flood hazard areas, SS 150.170 through 150.179D.
Statutory reference:
Mobile homes, portable dwellings, power of city to
regulate, locate, prohibit

S 150.045 Development Regulations.

(A) VA-1.

- (1) Minimum lot area – 10 acres.
- (2) Minimum lot width – 200 feet.
- (3) Minimum front yard – 50 feet.
- (4) Minimum side yard – 20 feet to 100 feet per side, total 120 feet.
- (5) Minimum rear yard – 100 feet.
- (6) Maximum height – 35 feet.
- (7) Maximum coverage – none.
- (8) Maximum floor area ratio – none

(B) VC-1.

- (1) Minimum lot area – 10 acres.
- (2) Minimum lot width – 200 feet.
- (3) Minimum front yard – 50 feet.
- (4) Minimum side yard – 20 feet to 100 feet per side, total 120 feet.
- (5) Minimum rear yard – 100 feet.
- (6) Maximum height – 35 feet.
- (7) Maximum coverage - .30.
- (8) Maximum floor area ration – none.

(C) VRE-1.

- (1) Minimum lot area – 1 to 3 acres per unit.

- (2) Minimum lot width – 150 feet.
 - (3) Minimum front yard – 40 feet.
 - (4) Minimum side yard – 10 feet to 80 feet per side, total 90 feet.
 - (5) Minimum rear yard – 40 feet.
 - (6) Maximum height – 35 feet.
 - (7) Maximum coverage - .30.
 - (8) Maximum floor area ratio – none.
- (D) VR-1.
- (1) Minimum lot area – 1 to 2 units per acre.
 - (2) Minimum lot width – 150 feet.
 - (3) Minimum front yard – 35 feet.
 - (4) Minimum side yard – 10 to 50 feet per side, total 60 feet.
 - (5) Minimum rear yard – 30 feet.
 - (6) Maximum height – 35 feet.
 - (7) Maximum coverage - .30.
 - (8) Maximum floor area ratio – none.
- (E) VR-2.
- (1) Minimum lot area – 12,000 square feet.
 - (2) Minimum lot width – 80 feet.
 - (3) Minimum front yard – 30 feet.
 - (4) Minimum side yard – 10 feet per side, total 20 feet.
 - (5) Minimum rear yard – 25 feet.
 - (6) Maximum height – 35 feet.

- (7) Maximum coverage - .30.
- (8) Maximum floor area ration - .30.
- (F) VR-3.
 - (1) Minimum lot area – 7,500 feet.
 - (2) Minimum lot width – 60 feet.
 - (3) Minimum front yard – 25 feet.
 - (4) Minimum side yard – 6 feet per side, total 12 feet.
 - (5) Minimum rear yard – 20 feet.
 - (6) Maximum height – 35 feet.
 - (7) Maximum coverage - .35.
 - (8) Maximum floor area ration - .40.
- (G) VR-5.
 - (1) Minimum lot area – 6,000 square feet – first unit; 3,000 square feet – each additional unit.
 - (2) Minimum lot width – 60 feet – first unit; 30 feet – each additional unit.
 - (3) Minimum front yard – 25 feet.
 - (4) Minimum side yard – 6 feet per side, total 12 feet.
 - (5) Minimum rear yard – 20 feet.
 - (6) Maximum height – 35 feet.
 - (7) Maximum coverage - .35.
 - (8) Maximum floor area ration - .40.
- (H) VO-1.

- (1) Minimum lot area – 2,500 square feet – dwelling unit; 10,000 square feet – lot.
 - (2) Minimum lot width – 80 feet.
 - (3) Minimum front yard – 35 feet.
 - (4) Minimum side yard – 10 feet per side, total 20 feet.
 - (5) Minimum rear yard – 20 feet.
 - (6) Maximum height – 45 feet.
 - (7) Maximum coverage - .50.
 - (8) Maximum floor area ration - .40.
- (I) VO-2.
- (1) Minimum lot area – 10,000 square feet – lot.
 - (2) Minimum lot width – 80 feet.
 - (3) Minimum front yard – 35 feet.
 - (4) Minimum side yard – 10 feet per side, total 20 feet.
 - (5) Minimum rear yard – 20 feet.
 - (6) Maximum height – 45 feet.
 - (7) Maximum coverage - .50.
 - (8) Maximum floor area ratio - .40.
- (I.1) VO-2. Adjacent to residential zone.
- (1) Minimum lot area – 10,000 square feet – lot.
 - (2) Minimum lot width – 80 feet.
 - (3) Minimum front yard – 35 feet.
 - (4) Minimum side yard – 20 feet per side, total 40 feet.
 - (5) Minimum rear yard – 20 feet

- (6) Maximum height – 45 feet.
 - (7) Maximum coverage - .50.
 - (8) Maximum floor area ration - .40.
- (J) VB-1.
- (1) Minimum lot area – 2,500 square feet – dwelling unit.
 - (2) Minimum lot width – 80 feet.
 - (3) Minimum front yard – 35 feet.
 - (4) Minimum side yard – 10 feet.
 - (5) Minimum rear yard – 20 feet.
 - (6) Maximum height – 45 feet.
 - (7) Maximum coverage - .35.
 - (8) Maximum floor area ratio - .40.
- (J.1) VB-1. Adjacent to residential zone.
- (1) Minimum lot area – 2,500 square feet – dwelling unit.
 - (2) Minimum lot width – 80 feet.
 - (3) Minimum front yard – 35 feet.
 - (4) Minimum side yard – 20 feet per side, total 40 feet.
 - (5) Minimum rear yard – 20 feet.
 - (6) Maximum height – 35 feet.
 - (7) Maximum coverage – none.
 - (8) Maximum floor area ratio – none.
- (K) VB-2.

- (1) Minimum lot area – no dwelling units.
- (2) Minimum lot width – none.
- (3) Minimum front yard – 25 feet.
- (4) Minimum side yard – 10 feet.
- (5) Minimum rear yard – 20 feet.
- (6) Maximum height – 70 feet.
- (7) Maximum coverage - .35.
- (8) Maximum floor area ratio - .40.

(K.1) VB-2. Adjacent to residential zone.

- (1) Minimum lot area – no dwelling units.
- (2) Minimum lot width – none.
- (3) Minimum front yard – 60 feet.
- (4) Minimum side yard – 20 feet per side, total 40 feet.
- (5) Minimum rear yard – 20 feet.
- (6) Maximum height – 35 feet.
- (7) Maximum coverage – none.
- (8) Maximum floor area ratio – none.

(L) VB-3.

- (1) Minimum lot area – 2,500 square feet – dwelling unit.
- (2) Minimum lot width – none.
- (3) Minimum front yard – 25 feet.
- (4) Minimum side yard – 10 feet.
- (5) Minimum rear yard – 10 feet.

- (6) Maximum height – 70 feet.
- (7) Maximum coverage - .35.
- (8) Maximum floor area ratio - .40.

(L.1) VB-3. Adjacent to residential zone.

- (1) Minimum lot area – 2,500 square feet – dwelling unit.
- (2) Minimum lot width – none.
- (3) Minimum front yard – 60 feet.
- (4) Minimum side yard – 20 feet per side, total 40 feet.
- (5) Minimum rear yard – 35 feet.
- (6) Maximum height – 35 feet.
- (7) Maximum coverage – none.
- (8) Maximum floor area ratio – none.

(M) VM-1.

- (1) Minimum lot area – ½ acre per lot.
- (2) Minimum lot width – 100 feet.
- (3) Minimum front yard – 60 feet.
- (4) Minimum side yard – 20 feet per side, total 40 feet.
- (5) Minimum rear yard – 10 feet.
- (6) Maximum height – 80 feet.
- (7) Maximum coverage - .50.
- (8) Maximum floor area ratio - .60.

(M.1) VM-1. Adjacent to facing residential.

- (1) Minimum lot area – ½ acre per lot.

- (2) Minimum lot width – 100 feet.
- (3) Minimum front yard – 100 feet.
- (4) Minimum side yard – 20 feet per side, total 40 feet.
- (5) Minimum rear yard – 25 feet.
- (6) Maximum height – 80 feet.
- (7) Maximum coverage - .50.
- (8) Maximum floor area ratio - .60.

(N) VM-2.

- (1) Minimum lot area – ½ acre per lot.
- (2) Minimum lot width – 100 feet.
- (3) Minimum front yard – 35 feet.
- (4) Minimum side yard – 50 feet per side, total 100 feet.
- (5) Minimum rear yard – 10 feet.
- (6) Maximum height – 80 feet.
- (7) Maximum coverage - .50.
- (8) Maximum floor area ratio - .80.

(N.1) VM-2. Adjacent to residential.

- (1) Minimum lot area – ½ acre per lot.
- (2) Minimum lot width – 100 feet.
- (3) Minimum front yard – 100 feet.
- (4) Minimum side yard – 50 feet per side, total 100 feet.
- (5) Minimum rear yard – 25 feet.
- (6) Maximum height – 80 feet.

- (7) Maximum coverage - .50.
- (8) Maximum floor area ratio - .80.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1978-79-31, passed 2/6/78; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1999-00-14, passed 8/2/99)

General Zone Provisions

S 150.050 Uses Permitted By Zone Regulations.

- (A) Except as provided in section 150.051, no building, structure, or parcel of land shall be used for any purpose other than those permitted in the specific zone in which the building, structure, or parcel of land is located.
- (B) No person shall park, store or occupy a mobile home for living purposes except in a village approved mobile home park. A mobile home shall not be used for storage in any of the village. A mobile home may be used as a temporary office for a construction project. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Ordinance 1991-92-14) Penalty, see S 150.999
- (C) It is prohibited within the boundaries of the Village to locate or operate an adult entertainment facility within 1,500 feet of the property boundaries of any residential use area, single-family dwelling, two-family dwelling, multi-family dwelling or public housing facility. It is prohibited within the boundaries of the Village to locate an adult entertainment facility within 1,500 feet of the property boundaries of any public school, private school, day care center, public park, adult entertainment facility, tavern or place of religious worship.(Ord. 2011-2012- passed August 15, 2011)

S 150.051 Exceptions To Use Regulations.

The following are the instances where the regulations in section 150.044 are superseded:

- (A) Unusual uses or temporary uses permitted either as special uses listed in section 150.044, or as granted under the other provisions related to special use permits or temporary use permits, but only as provided for in sections 150.100 through 150.104.
- (B) Modifications to the general zone regulations may be granted for large areas when replaced by site plans in the form of a planned development, but only in accordance with the provisions as set forth in sections 150.110 through 150.122.

- (C) Legally nonconforming uses are exempt from the strict interpretation of the general use regulations, but only as long as the nonconformity is not enlarged or expanded, and provided it is operated in accordance with the provisions of sections 150.140 through 150.147.40 through 150.147.
- (D) The type or location of any poles, towers, wires, cables, conduits, vaults, laterals, or any other similar distributing equipment of a public utility as defined in S.H.A. Ch. 111-2/3, S 10.3, is exempt from local zoning regulations. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

Lot Area Regulations

S 150.060 General Lot Area Regulations.

- (A) Except as provided herein, any principal use, together with all accessory uses, shall be located on a lot having a minimum area as shown in section 150.045.
- (B) No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with lot area regulations of the district in which the building or structure is located.
- (C) No building, parking area, or structure shall be erected, converted, enlarged, reconstructed, or structurally altered without first obtaining a permit for the construction.
- (D) No building shall be placed on any lot which does not front a dedicated public roadway.
- (E) Except as provided in the planned unit development regulations, not more than one residential building shall be permitted on a lot. The minimum lot area for townhouse dwellings and apartment dwellings, and attached dwellings in the R-5 Zone, shall be the sum of the lot area requirements for the first dwelling unit, plus the lot area requirements for the second dwelling unit, plus the lot area requirements for each additional dwelling unit as shown in section 150.044.
(Ordinance 1972-73-8, passed 11/6/72, Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.061 Exceptions To Lot Area Regulations.

The following are instances where exceptions shall be permitted from lot area regulations.

- (A) Relief may be granted to the minimum lot area regulations in the form of a variance, but only as provided for under the conditions as set forth in sections 150.130 through 150.134.
- (B) Modifications may be permitted in lot area regulations in a planned unit development, but only in a manner than maintains the minimum density requirements of the zone and only as provided for in sections 150.110 through 150.122.
- (C) On legally nonconforming lots as provided for in sections 150.140 through 150.147.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.062 Lot Requirements.

- (A) Except as provided herein, each lot shall have a width at the building setback line at least as wide as that shown in section 150.045 for the zone in which the lot is located.
- (B) Exceptions to the lot width regulations are the same as the exceptions for the lot area requirements contained in Section 150.061, these being variances of modifications as part of planned developments and legally nonconforming lots.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

Yard and Setback Requirements

S 150.070 General Yard and Setback Requirements.

- (A) Except as provided herein, the yard and setback regulations of this ordinance shall be considered the minimum regulations for each and every building established after the effective date of this ordinance. All yards and other required open space allocated to a building by the standards set up in section 150.045 shall be located on the same lot as such buildings. The maintenance of yards, new lot area, and other open spaces legally required for a building shall be a continuing obligation of the owner of the building or users as long as the structure or use is in evidence. In this respect, no legally required yard, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or other reason, be used to satisfy yard, other open spaces, or minimum lot area requirements for any other building.

- (B) No improved lot shall hereafter be divided into 2 or more lots, and no portion of any improved lot shall be sold, unless all improved lots resulting from each transfer, division, or sale shall conform with all the applicable development regulations of the zone in which the property is located.
- (C) A corner lot shall be considered to have two front yards for the purpose of establishing building setback line, or minimum front yard line, or for parking and fencing purposes.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

(Ordinance 91-92-14) Penalty, see S 150.999

Cross-reference;

Development regulations, S 150.045

S 150.071 Permitted Obstruction In Required Yards.

The following shall not be considered to be obstructions when located in the required yards specified:

- (A) Any yard.
 - (1) Marquees and awnings adjoining the principal building; overhanging roof eaves; chimneys; unenclosed patios; and stoops, if they do not encroach upon the required yard space by more than 3 feet.
 - (2) Ornamental light standards; domestic television and radio antennas; flag poles; arbors, trestles; and trees and shrubs. On corner lots no obstructions higher than 30 inches above the street grade shall be located in a triangle formed by the connection of points 30 feet from the intersection of the street pavement.
- (B) Side yards. Open accessory off-street parking spaces, except in a side yard abutting a street.
- (C) Rear yards. Enclosed, attached, or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, and any farm accessory building, or any similar accessory structures; and balconies, breezeways, and open (not permanently glassed-in porches).
- (D) Commercial zones.
 - (1) Filling station pumps and islands and light fixtures located on a lot used as a filling station may be located within a required yard,

provided they are not less than 15 feet from any street line. No merchandise offered for sale or rent, banners, or advertisement devices other than authorized signs shall be placed in the front yard setback.

- (2) Reserved.
- (3) Non-advertising light standards may be located within the required front yard provided such standards are located not less than five (5) feet from the property or right-of-way line, and provided the lights are shielded so illumination does not reflect onto residential property.
- (4) Commercial and industrial off-street parking spaces open to the sky may be located within the required front yard of commercial and industrial zones, provided that at least a five (5) foot setback is maintained behind the property line or twenty (20) feet behind curb line or inside ditch line whichever is the greater, and the parking area is paved in accordance with S 153.08.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1286-87-18, passed 11/17/86)
(Ordinance #91-92-14) Penalty, see S 150.999

S 150.072 Additional Yard Requirements.

Additional street setbacks or yard may be required in the following instances:

- (A) The board may, upon recommendation of the commission, establish special setbacks in excess of those setbacks required by the zone district. Setbacks shall be established when it is deemed necessary to protect any existing or proposed street, traffic way, freeway, highway, drives, or parkways, or storm and flood runoff channels. The setbacks shall only be valid, however, after giving legal notice and holding a public hearing as required by this ordinance. Further, all setbacks shall be uniformly applied to at least one block face, and shall, after being adopted, be clearly shown on the setback map in the village hall.
- (B) The minimum setback on all major streets shall be 50 feet, and on collector streets, 35 feet. Those regulations shall supersede the individual zone requirements. The village shall maintain street classification maps in the village hall.
- (C) Relief may be granted in the form of a variance, but only as provided for under the conditions as set forth in sections 150.130 through 150.134.

- (D) Modification may be permitted in yard and setback requirements in a planned unit development, as provided in sections 150.110 through 150.122.
- (E) Legally nonconforming uses in accordance with the regulations contained in sections 150.040 through 150.047.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.073 Accessory Uses To Residential Uses.

Detached garages, lawn storage sheds, satellite earth stations, solar energy collection panels, and shelter for pets may be constructed in any side or rear yard area provided that such structures are kept at least three (3) feet from any lot line; except six (6) feet between the accessory use and side lot line adjacent to the principal structure, and provided further that an accessory use shall be separated by at least ten (10) feet from the principal structure occupying the lot in the side or rear yard areas, and comply with other yard restriction sections of this code. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1985-86-21, passed 8/5/85) Amended by Ordinance #90-92-19. (Ordinance #91-92-14 and Ordinance 91-92-16) Penalty, see S 150.999

S 150.074 Satellite Earth Stations.

- (A) Satellite earth stations may be located in any zone other than residential zones so that no part of the station extends to within three (3) feet of the property line. However, if the property line abuts a residential zone, then no part of the station shall extend to within six (6) feet of the property line. (Ordinance 1991-92-29)

S 150.075 Fences.

- (A) A fence may be erected and maintained along any lot line to a height not to exceed six (6) feet above ground level except no fence shall be erected in a front yard.
- (B) No fence shall be located in the front yard or side yard adjacent to a street on a corner lot.
- (C) No electric or barbed wire fence shall be erected and maintained in any residential or office district zone.
- (D) A wall may be erected on any lot line to a height not to exceed six (6) feet except no wall shall be erected in a front yard or a side yard adjacent to a street.

- (E) A hedge may be grown on any lot line to a height not to exceed six (6) feet except hedges grown in a front yard or side yard adjacent to a street shall not be more than three (3) feet above street grade or within twenty-five (25) feet of the intersection of any street lines or of street lines projected.
- (F) In a planned unit development, with approval of the Planning and Zoning Commission, fences may be constructed and maintained outside the building setback line. (Ordinance 1985-86-12 and Ordinance No. 91-92-14)

S 150.080 Building Bulk Limitations.

Except as herein provided, all buildings and other structures constructed in the village after the effective date of this ordinance shall conform with section 150.045, in terms of maximum height, maximum coverage, and maximum floor area ratio. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-8-19, passed 2/4/80) Penalty, see S 150.999

S 150.081 Maximum Height.

The maximum height, as set forth under each zoning district, shall be the greatest building height allowed for either the principal or accessory buildings, except that all accessory buildings in residential zones shall be limited to one story, 20 feet in height maximum. (Ordinance 1979-80-19, passed 2/4/80)

S 150.082 Floor Area Ratio.

The floor area ratio, as set forth under each zoning district, shall be the maximum allowable for the building or buildings (principal and accessory) on a lot or site. (Ordinance 1979-80-19, passed 2/4/80)

S 150.083 Maximum Coverage.

The maximum coverage, as set forth under each zoning district, shall be the maximum building coverage allowable for the building or buildings (principal and accessory) on a lot or site. (Ordinance 1979-80-19, passed 2/4/80)

S 150.084 Exceptions To Building Bulk Regulations.

The following are instances where exceptions to the building bulk regulations shown in section 150.044 may be permitted.

- (A) The height regulations shall not apply for all radio towers, television towers, antennas, church spires, belfries, monuments, tanks, water and

fire towers, stage towers, smoke stacks, chimneys, and flag poles, provided that the maximum height does not exceed 50 feet.

- (B) Public, semipublic buildings, public utilities, public service buildings, civic buildings, hospitals, schools, churches, temples, grain elevators, scenery, lofts, elevators, bulkheads, and silos where permitted may be erected to a height not to exceed 50 feet, provided that the side and rear yards are increased by one foot for each foot of additional building height above the height regulations for which the building is located. The main shadow area shall be 2-1/2 times the height of the buildings.
- (C) Relief from the building bulk regulations may be granted in the form of a variance, but only when approved in accordance with the provisions as set forth in sections 150.130 through 150.134.
- (D) Modifications may be permitted in the building bulk regulations in a planned unit development as provided in sections 150.110 through 150.122.
- (E) Legally nonconforming uses as provided for in sections 150.140 through 150.147. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.090 Home Occupations.

- (A) A home occupation may be permitted as a use incidental to a residential use in any detached resident dwelling, when
 - (1) Carried on by a member of the immediate family residing on the premises;
 - (2) In connection with which there is no sign display or other evidence which would indicate from the exterior that the building is being used for any purpose other than a single-family dwellings, other than a name plate not to exceed 2 square feet affixed to the building showing the name of the occupant and the services provided;
 - (3) There is no commodity sold upon the premises;
 - (4) No person is employed other than a member of the immediate family residing on the premises;

- (5) No mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes;
 - (6) No exterior storage of equipment or materials used in connection with home occupation;
 - (7) Home occupation shall not utilize more than 25 per cent of the total floor area of the dwelling unit.
- (B) Permitted home occupations may include, but not be limited to, art studios; dressmakers; emergency offices for doctors and physicians, but not offices for general practice; tutoring and teaching, including musical instruments, but limited to one student at a time, and for only 10 hours per day from 10:00 a.m. till 8:00 p.m.; and one chair barber or beauty shops.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 91-92-14) Penalty, see S 150.999

S150.091 Home Kitchen Operations.

DEFINITIONS

“Home Kitchen Operation” shall have the same meaning as ascribed in the State of Illinois Food Handling Regulation Enforcement Act, 410 ILCS 625/3.6.

“Baked Goods” shall include, but are not limited to, breads, cookies, cakes, pies, pastries and high-acid fruit pies that use apples, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currant or a combination of these fruits per 410 ILCS 625/4(b)(1)(C).

“Potentially Hazardous Food” means a food that is potentially hazardous according to the Department of Public Health administrative rules. In general, potentially hazardous food means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation as defined pursuant to 410 ILCS 625/4(a). The following are potentially hazardous and prohibited from production and direct sale by a home kitchen operation: pumpkin pies, sweet potato pies, cheesecake, custard pies, crème pies, and pastries with potentially hazardous filling or toppings pursuant to 410 ILCS 625/4(b)(1)(C).

HOME KITCHEN OPERATION QUALIFICATIONS

The following conditions must be met in order to qualify as a home kitchen operation pursuant to 410 ILCS 625/3.6:

- (A) Monthly gross sales do not exceed One Thousand Dollars (\$1,000.00);
- (B) The food is a non-potentially hazardous baked good;
- (C) A notice is provided to the purchaser that the product was produced in a home kitchen by a person who has a current food handler certificate;
- (D) The food package is affixed with a label or other written notice is provided to the purchaser that includes:
 - 1) The common or usual name of the food product;
 - 2) Allergen labeling as specified in federal labeling requirements by the United States Food and Drug Administration;
- (E) The food is sold directly to the consumer;
- (F) The food is stored in the residence where it is produced or packaged;
- (G) Per the Village of Mt. Zion Zoning Ordinance, the home kitchen operation must be entirely incidental to residential use when (1) carried on in the Main Building and is not used primarily or exclusively for the home kitchen operation; (2) is carried on by a member of the immediately family, residing on the premises; (3) there is no commodity displayed or sold upon the premises; (4) no person is employed other than a member of the immediate family residing on the premises; and (5) no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.
- (H) Home kitchen operation does not include a person who produces or packages non-potentially hazardous baked goods for sale by a religious, charitable, or nonprofit organization for fundraising purposes; the production or packaging of non-potentially hazardous baked goods for these purposes is exempt from the requirements of this Chapter.

INSPECTIONS

The Department of Public Health or the Macon County Health Department may inspect a home kitchen operation in the event of a complaint or disease outbreak.

PENALTY

Any person, firm or corporation who shall violate any of the provisions of this Chapter shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, and each day on which a

violation occurs or continues shall be considered a separate offense. (Ordinance 2017-15, 6/19/17)

SPECIAL USES

S 150.100 Special Uses.

The development and execution of the zoning ordinance is based upon the premises of the division of land into zones so that within any one zone the uses of land and the bulk and location of buildings or structures as related to the land are essential, uniform, and compatible. This is the basis for insuring normal growth. It must be recognized, however, that there are special situations, because of the unique characteristics of some uses that cannot properly be classified in any one zone as an allowable use, but can only be established under regulations. The granting of any special use permit may have to be conditioned upon the developers' meeting special requirements which the village and zoning board find necessary to the maintenance or the compatibility of orderly growth of the area in which the special uses are proposed.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.101 Special Uses Enumerated By Zones.

Contained within section 150.044 is a list of special uses that are normally associated with various zones. The board may grant a special permit for any special use shown for the zone in section 150.044. The granting of all special uses must however; follow the procedural regulations as provided in sections 150.020 through 150.027. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.102 Additional Special Uses.

A second type of special use where a new or unusual use, not covered in section 150.044, may be granted after holding a hearing as prescribed in section 150.023, provided that:

- (A) Because of the characteristics of the use, it is desirable that the use be located in this zone.
- (B) That the use can be operated or developed in such a manner that it will not adversely affect surrounding land uses.
- (C) The character is unique to the extent that it cannot be classified as a permitted use in any zone.
- (D) Such special uses shall only be permitted after the commission submits to the board in writing a report explaining why the proposed use meets the

above criteria, and recommends under that conditions the special use shall be permitted.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.103 Special Parking Lot Permit.

Where an established use or group of uses are enlarged or experience an increased demand for parking which exceeds that which could be provided on the same lot or lots on which the establishments are located, then the village may permit, after a hearing, a special parking permit which the board believes will not adversely affect surrounding land uses, but only as provided for herein:

- (A) The village has received a request for an off-street parking permit, and contained with the request is a map or plat with information shown on that map or plat explaining how the following requirements will be met.
- (B) In all residential areas the minimum front yard setback as prescribed by that zone shall be maintained as stipulated on the special use permit, and no parking shall be allowed in this yard area.
- (C) All other applicable parking requirements, as established in section 150.186 shall be adhered to. (Ordinance 1979-80-19, passed 2/4/80)

S 150.104 Temporary Uses.

- (A) A temporary use permit may be granted for a specific length of time for restricted uses such as gravel operations, forestry activities, and special events such as centennials, fairs, carnivals, and revival meetings, provided that the board finds:
 - (1) The use will not have a detrimental effect on surrounding land use.
 - (2) That a plat is submitted with the permit showing the placement of temporary structures, parking utilities, and necessary sanitary facilities (as required by the health department), and provided that no construction is done other than that associated with the temporary use.
 - (3) That if the natural landscape, vegetation, terrain, soil cover, or drainage is disrupted, plans will be submitted to the commission, and the developer will be responsible for improvements necessary to restore the property to its original condition. (Ordinance 1979-80-19, passed 2/4/80; Ordinance 1991-92-14)
 - (a) See S 152.051 (G) Urban Street Design Standards.

S 150.105 Repeal and Expiration.

- (A) The board reserves the right to repeal any special permit where it finds the use being conducted in such a manner that it violates the general requirements of this ordinance, or the special requirements provided for in the issuance of the permit.
- (B) In the event that the use for which a special use permit is issued is not commenced within one year following date of issuance such permit shall become null and void. Special use permits which cease operation for one (1) year also become null and void.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1991-92-14) Penalty, see S 150.999

PLANNED UNIT DEVELOPMENT

S 150.110 Planned Unit Development In General.

- (A) The planned unit development procedure is a concept which encourages improved and imaginative design in the development of land by providing relief from rigid zone requirements which are designed for conventional developments, but which may cause undue hardship or complication for desirable but unconventional development while maintaining the original intent of this ordinance.
- (B) In addition to the general purpose of this ordinance, the purpose of this section is to establish standards and procedures for planned unit development in order that the following objectives may be obtained:
 - (1) Environmental design in the development of land that would be better than is possible through the strict application of ordinance or ordinance requirements.
 - (2) Diversification in the uses permitted and the variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived as cohesive projects.
 - (3) Provision for functional, aesthetic, and beneficial use of open areas.
 - (4) Preservation of natural features of the sites.
 - (5) Provision for safe and desirable living environment for residential areas characterized by unified building and site development programs.
 - (6) Rational and economic development in relation to public services.

- (7) Creation of a variety of housing types within compatible neighborhood arrangements to provide a greater choice of types of environment and living units.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.111 Residential Planned Unit Developments.

- (A) These regulations are established for residential development plans characterized by a unified building and site development program, and providing adequate public open space for recreation and other community purposes. Such developments and open spaces shall be integrated in the total design of the subdivision layout and street system.
- (B) Approval of the planned unit development zoning options shall only be granted providing that:
 - (1) The tract of land in question contains more than 5 acres.
 - (2) The layout design, including consideration of safety, convenience, or overall environmental quality, is an improvement over what would normally be allowed by a strict application of the zone requirements of this ordinance.
 - (3) The plan makes provisions for or promotes the aims of the official comprehensive plan of the village. The plan will not adversely affect adjacent property, or interfere with the development of adjacent properties; and compatible uses or a buffer of open space, screening, or other appropriate physical barrier is arranged along the border of the project.
 - (4) The average overall land area per family contained in the site, exclusive of the area occupied by streets, will not be less than the land area per family required in the district in which the development is located, even though individual lots may be reduced below minimum lot area normally allowed in the zone.

Average overall land area per family, exclusive of streets, refers to the allowance of reduced lot sizes (below those normally required by this ordinance) in exchange for an equal amount of public open space areas. Reduced sizes of multiple family lots cannot be offset by increased sizes of single-family lots to arrive at the required average overall land per family, as this does not create public open space areas.

- (5) All portions of the tract carrying a residential classification will be used for single-family dwellings, 2-family dwellings, or multiple-family dwellings, and the usual accessory uses, such as private open space, garages, storage space, and space and facilities for noncommercial activities, including churches and schools.
 - (6) All open space not contained as a portion of a designated development lot have made provisions for its maintenance in the form of owner agreements, or is dedicated to an appropriate public agency.
 - (7) The plan is consistent with the intent and purpose of both the village zoning and subdivision ordinances, and all variances from the strict regulations thereof are shown on the face of the plat.
 - (8) The plan will not create any greater maintenance burden to the village for streets, utilities, walks, and other necessary facilities than would be created in a conventional development.
- (C) Before authorization of any planned unit development, requests shall be referred to the commission for study and a report concerning the effect of the proposed use on the character and development of the neighborhood, and its consistency with the comprehensive plan shall be made to the board.
- (D) If the board approved the plans, building permits and other applicable permits may be issued even though the use of the land and the location and height of buildings, street standards, or other facilities to be constructed, individual lot areas, yards and setbacks, lot areas, and the yards and open space contemplated by the plan do not in all respects comply with the district regulations or subdivision requirements; provided that the variance to these ordinances contained in the plan is shown on the subdivision plat.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.112 Commercial and Industrial Planned Unit Developments.

- (A) Because of the impact of large scale commercial or industrial developments on the efficiency and safety of village streets, water surfaces, sanitary waste disposal systems, and pedestrian movements, as well as the impact of such developments on the orderly growth of the community, the village shall require any large scale commercial or

industrial development (5 acres or more in size) to follow the planned development procedures contained within this ordinance.

- (B) The zoning for an industrial or commercial planned unit development requires that the developer submit to the Village Board adequate plans for the development of the proposed property, and follow the procedures outlined in sections 150.113 through 150.122.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

Penalty, see S 150.999

S 150.113 Pre-application Conference.

Before submitting an application for a planned unit development, the applicant shall confer with the commission, health department, building and zoning department, highway department, and the Macon County Soil and Water Conservation District to obtain information and guidance before entering into binding commitments or incurring substantial expenses. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.114 Application Procedures.

- (A) Application shall be made on forms supplied by the commission.
- (B) Application for approval of a planned unit development shall be made in accordance with this section and sections 150.020 through 150.027.
- (C) An application must be accompanied by either an optional outline development plan or a preliminary development plan. In either case the application and accompanying drawings shall be submitted to the commission for analysis prior to public hearing.
- (D) A preliminary development plan is required and must be submitted to the commission with the application or within one year following approval of an outline development plan. If an outline development plan has been approved, the commission may authorize the submission of a preliminary development plan in stages. The commission shall analyze and hold a public hearing, and shall notify the board in writing of the submission.
- (E) If a preliminary development plan covering 20 percent of the area or not less than 10 acres, whichever is less, has not been submitted within one year following approval of the outline development plan, the board shall withdraw its approval, and the outline development plan shall be null and void.

- (F) Within one year following the approval of the preliminary development plan, the applicant shall file with the board a final development plan completing in final form all information required in section 150.119.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.115 Outline Development Plan Optional.

An applicant may, at his option, submit an outline development plan. An outline development plan must include a soils analysis, maps, and written statements, and must describe enough of the surrounding area to show the relationship of the planned unit development to adjoining uses both existing and proposed.

- (A) The soils analysis must be prepared pursuant to a recommendation by the county soil and water conservation district, and must include a statement of soils limitations for each major soil type involved.
- (B) Maps which are part of the outline development plan may be in general form, and shall contain the proposed land uses, the natural features of the site, the character and approximate density of dwellings, the approximate location of major thoroughfares, and the water, sewage, and drainage systems proposed.
- (C) The written statement must contain a detailed explanation of the size and character of the planned unit development, including a statement of the present ownership of all the land within the planned unit development, and the expected schedule of construction.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.116 Approval of Outline Development Plan.

- (A) The commission shall review the outline development plan within 60 days after receipt of the plan, and shall conduct a public hearing as provided by this section and section 150.023 upon the payment of required fees by applicant. After the hearing the commission shall then approve, approve with modifications, or disapprove the outline development plan, and recommend accordingly in a written report to the board.
- (B) The board shall then approve, approve with modifications, or disapprove the outline development plan. Approval of an outline development plan

shall not constitute a zoning change, but shall be an expression of approval in principle of the submissions as a guide to the preparation of preliminary and final development plans. If an outline development plan is approved with modifications, it shall be referred to the commission for reevaluation with the applicant.

- (C) No building permits may be issued and no construction is permitted on land within the planned unit development until final plans for the development has been approved by the board under procedures provided in the following sections.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.117 Preliminary Development Plan.

If no outline development plan has been filed, the preliminary development plan shall contain all items required in an outline development plan, and shall also include, but not be limited to, all of the following:

- (A) A map showing streets, lots, parcels, and sites for all uses included in the planned unit development, including areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and quasi-public uses or common use areas.
- (B) A plot plan for each building site and common open area, showing the approximate location of all buildings, structures, and improvements, and indicating the open space around the buildings and structures.
- (C) Schematic design presentation indicating the architectural decisions, and need not be in detail.
- (D) A development schedule indicating:
 - (1) The approximate date when construction of the project can be expected to begin;
 - (2) The stages in which the project will be built, and the date when construction of each stage can be expected to begin;
 - (3) The date when the development of each of the stages will be completed; and
 - (4) The area and location of a common open space that will be provided at each stage.

- (E) Proposed agreements, bylaws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development, and any of its common open areas or other facilities.
 - (F) If the commission finds that the planned unit development creates special problems, the following information may be required:
 - (1) A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the development to and from existing thoroughfares.
 - (2) A landscaping and comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.
 - (3) A market analysis feasibility report, and statement of proposed financing.
- (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.118 Approval of Preliminary Development Plan.

- (A) If no outline development plan has been submitted and approved, the preliminary development plan shall be considered for approval under the procedures for an outline development plan.
- (B) If an outline development plan has been submitted and approved, the commission shall review within 60 days the preliminary development plan, and shall recommend whether it is in substantial compliance with the outline development plan, and if it complies with all other standards in this ordinance for planned unit development which were not considered when the outline development plan was approved. The commission shall give public notice of a hearing, and shall give notice to any person who has indicated to the secretary of the commission in writing that he wishes to be notified.
- (C) The commission shall then hold a hearing as provided for in an outline development plan, and shall recommend to the board the approval or denial of the proposed planned unit development, and shall include not only conclusions but also findings of fact related to the specific proposal, and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:
 - (1) In what respects the proposed plan is or is not consistent with the stated purpose of the planned unit development regulations.

- (2) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest.
 - (3) The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.
 - (4) The physical design of the proposed planned unit development, and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation, and visual enjoyment.
 - (5) The compatibility of the proposed planned unit development with the adjacent properties and neighborhoods.
 - (6) The desirability of the proposed planned unit development to the physical development and economic well-being of the entire community.
 - (7) The conformity with the recommendations of village plans.
- (D) The board shall then approve, approve with modifications, or disapprove the preliminary development plan. The zoning officer shall upon approval show on the official zoning map the planned unit development as conditionally approved and subject to final development plan approval. If it is approved with modifications, the zoning officer shall not show it on the official zoning map until the applicant has filed with the board written consent to the preliminary development plan as modified. No plats shall be recorded and no building permits issued until a final development plan has been approved by the board, and certified by the village clerk.
- (E) No use permit for a planned unit development shall be passed except by a majority vote of the members of the board present. In the following cases, no use permit shall be passed except by the favorable vote of three-fourths of all the members of the board:
- (1) If a written protest against the proposed amendment is filed with the village clerk no later than 5:00 p.m. of the day when the board votes on the proposed amendment, signed and acknowledged by the owners of 20 percent or more of the frontage proposed to be altered, the frontage immediately adjoining or across an alley there

from, or the frontage directly opposite the frontage proposed to be altered.

- (2) If the commission recommends denial of the application.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.119 Final Development Plan.

Within one year following the approval of a preliminary development plan, the applicant shall file with the commission a final development plan for the first stage, containing in final form the information required in the preliminary development plan. The final development plan shall include, but not be limited to, the following:

- (A) A final land use plan suitable for recording with the recorder of deeds. The purpose of the final development plan is to designate the land subdivided into lots, as well as the division of other land not so treated, into open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.
- (B) An accurate legal description of the entire area under immediate development within the planned unit development.
- (C) If subdivided lands are included in the planned unit development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.
- (D) An accurate legal description of each separate un-subdivided use area, including common open space.
- (E) Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed.
- (F) Certificates, seals, and signatures required for the dedication of land and recording the document.
- (G) Tabulations of each separate un-subdivided use area, including land area and number of dwelling units per gross acre.
- (H) Landscaping plan.
- (I) Utilities and drainage plans.
- (J) Final agreements, bylaws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and any of its common open areas or other facilities.

- (K) Final development and construction schedule.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.120 Approval of Final Development Plan.

- (A) The commission shall review within 60 days the final development plan, and shall recommend approval if it is in substantial compliance with the preliminary development plan. The commission shall certify to the board that the final development plan is in conformity with the previously filed preliminary development plan.
- (B) The board shall approve the final development plan if it is in conformity with the preliminary development plan, and pass a resolution approving it.
- (C) If the commission finds that the final development plan does not substantially conform to the preliminary development plan, it shall then give public notice of a hearing. The commission shall give notice to any person who has indicated to the secretary of the commission in writing that he wishes to be notified. After the hearing, the commission shall submit to the board its recommendations, together with the findings of fact indicating in what respect the final development plan is inconsistent with the preliminary development plan, and the justification, if any, for the deviations. The board shall then approve, approve with modifications, or disapprove the final development plan, in accordance with the provisions of section 150.118.
- (D) Upon approval of the final development plan by the board, the village clerk shall record a copy of the final development plan, including the plat, with the recorder of deeds. The zoning officer shall issue a building permit for the construction of that part of the planned development that has been approved.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.121 Failure To Begin Development.

If no substantial construction has begun or no use been established in the planned unit development within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the board, and shall be of no further effect. In its discretion, and for good cause, the board may extend for a reasonable time, not to exceed one year, the period for the beginning of construction or the establishment of a use. If a final development

plan lapses under the provisions of this section, the zoning officer shall remove the planned unit development use permit from the official zoning map, and shall file a notice of revocation with the recorded final development plan. The zoning regulations applicable before the development was approved, shall then be in effect. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.122 Amending Final Plan.

No changes may be made to the approved final development plan during the construction of the planned unit development, except upon the application to the commission under the following procedures:

- (A) Minor changes in the location, sitting, and height of buildings and structures may be reviewed and authorized by the commission if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this section may increase the volume of any building or structure by more than 10 percent.
- (B) All other changes in time schedule and use, any rearrangement of lots, blocks, and building tracts, any changes in the provision of common open space, and all other changes in the provision of common open space, and all other changes in the approved final development plan shall be made by the board upon the recommendation of the commission under the procedure authorized by this ordinance for approval of the planned unit development use permit. No amendments may be made in the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved. A self-imposed hardship shall not be a valid reason for change.
- (C) Any changes approved shall be recorded as amendments to the recorded copy of the final development plan, before they have any effect. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

VARIANCE

S 150.130 Purposes.

The variance procedures are provided to create relief from the strict interpretation of the zone regulations, so that discretion may be used in unusual or unforeseen situations where application would result in unnecessarily harsh regulations, hardship, or restraint to other developments. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

S 150.131 Authorized Variation.

A variance shall be granted:

- (A) To provide relief from any zone regulation (other than regulations pertaining to permitted uses and special uses) in cases where, because of the physical surrounding, shape, topography, or natural condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- (B) To provide relief from any zone regulations (other than those pertaining to permitted use or special use) for preserving some natural or historically significant feature which the board deems an asset to the surrounding neighborhood.
- (C) To provide relief from any zone regulation, other than those pertaining to permitted use or special use, to allow the construction of a building on an undersized lot, subject to the terms of the variance.
- (D) To provide the extension, expansion, or repair of an isolated nonconforming use of a building when, after a public hearing, the board finds the use has performed a necessary service to the public in its present location, and has not or will not cause any particular harm to surrounding properties, subject to the terms of the variance.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.132 Condition of Variance.

No variation shall be granted except in a specific case, and after a public hearing before the commission, and the commission finds:

- (A) The granting of the variance will not substantially impair the implementation of any approved comprehensive plan, the long-range master land use plan, or disrupt the orderly growth of the village.
- (B) The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.
- (C) The alleged difficulty or hardship is caused by this ordinance, and has not been created by any person presently having an interest in the property.
- (D) The proposed variation will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1985-86-21, passed 8/5/85) Penalty, see S 150.999

S 150.133 Procedure.

- (A) Any person desiring that the board determine and vary the application of this ordinance shall file a petition requesting such action with the board by depositing the same with the administrative officer, along with such accompanying maps, plats, data, statements, and supplementary information as shall be either necessary or desirable, and a receipt showing payment to the village treasurer of the appropriate filing fee.
- (B) The administrative officer shall immediately upon receipt thereof refer the petition and accompanying material to the commission for hearing and report as set out below.
- (C) The petition shall set out with brevity and clarity the particular location for which the variation is requested, and specify the facts and circumstances justifying the action requested.
- (D) As soon as may be convenient after the receipt of the petition and accompanying matters from the administrative officer, the commission shall hold a public hearing upon the petition, notice of which shall be given as provided in section 150.023, which notice shall set out:
 - (1) The particular location for which the variation is requested, by legal description and street address, and if no street address, then by locating the real estate with reference to any well-known landmark, highway, road, thoroughfare, or intersection;

- (2) Whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal;
 - (3) Whether the petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders owning any interest in excess of 20 percent of all outstanding stock of the corporation;
 - (4) Whether the petitioner or applicant, or his principal if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of the business or entity;
 - (5) Whether the petitioner or applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.
 - (6) A brief statement of what the proposed variation consists of; and
 - (7) The time and place of the hearing.
- (E) The costs or charges of the publication notice required by this section shall be paid by the petitioner or applicant.
- (F) Hearings shall be held at such public place as shall be designated by the chairman of the commission, and shall be conducted by the chairman or a member of the commission designated by the chairman. Any person may appear thereat in person, by agent or by attorney. All evidence heard shall be under oath and a transcript made thereof. No member of the commission shall vote upon the action of the commission unless he shall have personally inspected the location in question subsequent to the filing of the petition herein mentioned, and before the vote regarding the same is taken, the fact of such inspection is to be specifically recorded in the minutes of the hearing.
- (G) Within 30 days after the final adjournment of the hearing, the commission shall transmit the petition and accompanying matters along with a complete transcript of the evidence taken at the hearing and its recommendations and findings, to the board, all of which may be accompanied by a statement of the commission setting forth its reasons for the recommendations.

- (H) The Board may, by ordinance and without further public hearing, adopt or reject any proposed variation, or may refer it back to the Commission for further consideration and report, notwithstanding the discussion previously rendered by the Commission. No further public hearing before the Board regarding a proposed variation shall be permitted except upon motion to permit a hearing passed by the favorable vote of not less than two-thirds of all members of the Board, and any variation which has failed to receive approval of the Commission shall not be passed by the Board except by the favorable vote of not less than two-thirds of all the members of the Board. Every ordinance adopted by the Board which permits a variation shall set out findings of fact specifying the reason for making the variation. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Amend. By Ordinance 1988-89-21. Penalty, see S 150.999

S 150.134 Additional Regulations and Limits To Variances.

- (A) The commission may recommend the imposition of such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the village's comprehensive plan to reduce or minimize the effect of the variation upon other properties in the neighborhood, and to better carry out the general intent of this ordinance.
- (B) The commission, however, is limited to granting a variance only to the degree necessary to remove the hardship. The commission shall not grant any use variation, except in cases of nonconforming structures, buildings, and uses of land.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

NONCONFORMING BUILDINGS, STRUCTURES, AND USES

S 150.140 Purpose.

The purpose of sections 150.140 through 150.147 is to provide for the regulation of nonconforming uses, buildings, and structures, and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses shall be gradually eliminated, either through the process of amortization as set forth in section 150.146, or as eliminated upon reaching the end of their respective normal useful life. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty see S 150.999

Statutory reference:

Substandard structures, eminent domain

S 150.141 Authority To Continue Nonconforming Buildings, Structures, and Uses.

Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance, and which remains nonconforming, and any such building, structure, or use which shall become nonconforming upon the adoption of this ordinance, or of any subsequent amendment thereto, may be continued in accordance with the regulations which follow. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.142 Restrictions On Nonconforming Buildings, Structures, and Uses Thereof.

Any lawfully existing building or structure which does not conform with the regulations of the district in which it is located shall be subject to the following provisions:

- (A) Repairs and alterations. Ordinary repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made in or to the building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located.
- (B) Additions and enlargements.
 - (1) A nonconforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless the nonconforming building or structure and use thereof, including all additions and enlargements thereto, is made to conform to all of the regulations of the district in which it is located.
 - (2) A nonconforming building or structure, which is nonconforming only as to bulk, shall not be added to or enlarged in any manner unless the additions and enlargements thereto are made to conform to all regulations of the district in which it is located.
- (C) Moving. No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to any other location, unless every portion of the building or structure is moved, and the use thereof is made to conform to all regulations of the district into which it is moved.
- (D) Restoration of damaged nonconforming building. A building or structure, all or substantially all of which is designed or intended for a use which is

not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed 50 percent of the cost of restoration of the entire building or structure, shall not be restored unless the building or structure and the use thereof shall conform to all the regulations of the district in which it is located. In the event that the damage or destruction is less than 50 percent of the cost of restoration of the entire building or structure, no repairs or reconstruction shall be made unless the restoration is started within one year from the date of the partial destruction, and is diligently prosecuted to completion.

- (E) Discontinuance of use of nonconforming building or structure. A building, structure, or portion thereof, all or substantially all of which is designated or intended for a use which is not permitted in the district in which it is located, and which is vacant on the effective date of this ordinance, or thereafter becomes vacant and remains unoccupied, or is not used for a continuous period of one year, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.
- (F) The non-conforming use of a part of a building or structure shall not be expanded within the building or structure in which the use is presently located. No change or structural alterations shall be made unless such changes or alterations and the use thereof, cause the structure to conform to all regulations of the district in which the building or structure is located.
- (G) Change of use in nonconforming building or structure. The nonconforming use of a building or structure may be changed to a use permitted in the district in which the building or structure is located, but no change shall extend or otherwise modify any provision made in this ordinance for the elimination of the nonconforming building or structure, and the use thereof. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1991-92-14) Penalty, see S 150.999

S 150.143 Nonconforming Uses and Compliance With Minimum Housing, Health, and Fire Codes.

A nonconforming structure must be maintained in such a manner as to meet all minimum housing, health, and fire codes as adopted by the board. Owners of nonconforming uses may be required to repair or demolish such structures any time the structures are found by the building inspector to be in violation of these codes. No variance shall be granted for the continuance or the enlargement of any nonconforming structure or building unless it is maintained in a manner that complies with all state and local minimum housing, health, fire, and safety codes.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.144 Nonconforming Use of Conforming Building or Structures.

A lawfully existing nonconforming use of a part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

- (A) The nonconforming use of a part of the building or structure shall not be expanded or extended into any other portion of the building or structure, changed to any other nonconforming uses.
- (B) If a nonconforming use of the building or structure is discontinued for a period of one year, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.
- (C) No nonconforming use shall be changed to another nonconforming use when the nonconforming use is located in the building or structure.
- (D) In all residence districts, any use which lawfully exists at the adoption of this ordinance, but is permitted only in a business or manufacturing district, and which is located in a building, all or substantially all of which is designed or intended for a residential purpose, shall be entirely discontinued, and shall thereafter cease operation within 5 years from the date of adoption of this ordinance.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.145 Nonconforming Use of Land.

A lawfully existing nonconforming use of land not involving a building or structure, or in connection with any building or structure thereon, is incidental or accessory to the principal use of land, and may be continued, except that the nonconforming use shall not be expanded or extended beyond the area it occupies. If a nonconforming use of land is discontinued for a period of 6 consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located; and the nonconforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.146 Removal of Nonconforming Uses.

The board may require the removal or discontinuance of a nonconforming use in any residential district that does not meet the allowable use standards for the zone in which it is contained. The removal of nonconforming uses may be accomplished only in the following 2 ways:

- (A) Nonconforming signs, temporary structures, open air storage facilities, or parking facilities shall be required to be removed 5 years from the date of this ordinance, when, after a hearing as provided in section 150.023, the commission finds the uses to be inconsistent or incompatible with surrounding land uses.

- (B) Nonconforming use in a permanent structure, except as described in section 150.144(D), may only be required to be removed when, after a hearing as provided in section 150.023, the commission finds that the nonconforming use is inconsistent or incompatible with surrounding land uses, and the nonconforming use is not necessary to the surrounding residential areas in that location. If the commission recommends the use be discontinued, the board is required to give the owner notice and serve notice to subsequent owners that the use of the land or structure is to be amortized. The amortization period shall relate to the market value of the property. Any structure having a market value less than \$5,000.00 shall be given an amortization period of 2 to 5 years. Any structure with a market value over \$5,000.00 shall be given an amortization period of not less than 5 years or more than 25 years from the date of the hearing. If the nonconforming structure or use is not removed or discontinued within 6 months of the end of the amortization period, the owner shall be subject to a fine of not more than \$500.00 per day or other court action which the village deems necessary.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

S 150.147 Establishment By Variance For Continuance of a Nonconforming Use.

Should the commission find that a nonconforming use provides a substantially necessary service without detriment to surrounding property values, then a variance may be allowed as specified in section 150.133. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)
Penalty, see S 150.999

FLOOD HAZARD AREAS

S 150.170 Purpose.

These sections 150.170 through 150.179D are enacted pursuant to the police powers granted to villages by Illinois Revised Statutes, Chapter 24, Sections 1-2-1, 11-12-12, 11-30-8, and 11-31-2 in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) To protect new buildings and major improvements to buildings from flood damage;
- (C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- (D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E) To maintain property values and a stable tax base by minimizing the potential for creating blighted areas;
- (F) To make federally subsidized flood insurance available; and
- (G) To preserve the natural characteristics and functions of watercourse and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development. (Ordinance 1985-86-13, passed 6/3/85)(Ordinance 2010-11-15, passed 1-17-11)

S 150.171 Definitions.

For the purposes of these sections, the following definitions are adopted:

- (A) "Base Flood." The flood having a one-percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in section 150.173 of this ordinance.
- (B) "Base Flood Elevation (BFE)" The elevation in relation to mean sea level of the crest of the base flood.

- (C) “Basement” The portion of a building having its floor sub-grade (below ground level) on all sides.
- (D) “Building.” A walled and roofed structure, including gas or liquid storage tank that is principally above ground including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.
(Ordinance 1985-86-13, passed 6/3/85; Ordinance 1986-87-24, passed 1/19/87)(Ordinance 2010-11-15, passed 1-17-11)
- (E) “Critical Facility” Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes, and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

- (F) “Development.” Any man-made change to real estate, including, but not necessarily limited to:
 - (1) Demolition, construction, reconstruction, repair, placement of a building or any structural alteration to a building;
 - (2) Substantial improvement of an existing building
 - (3) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
 - (4) Installation of utilizes, construction of roads, bridges, culvers or similar projects;
 - (5) Construction or erection of levees, dams walls or fences;
 - (6) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
 - (7) Storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include maintenance of existing buildings and facilities such as re-surfacing roads or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

- (G) “Existing Manufactured Home Park or Subdivisions” A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (H) “Expansion to an Existing Manufactured Home Park or Subdivision” The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)
- (I) “FEMA” Federal Emergency management Agency
- (J) “Flood.” A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- (K) “Flood Fringe” That portion of the floodplain outside of the regulatory floodway.
- (L) “Flood Insurance Rate Map” A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.
- (M) “Flood Insurance Study” An examination, evaluation and determination of flood hazards and, if appropriate corresponding water surface elevations.
- (N) “Floodplain and “Special Flood Hazard Area (SFHA)” Those lands within the jurisdiction of the Village of Mt. Zion, extraterritorial jurisdiction of the Village of Mt. Zion, or that may be annexed into the Village of Mt. Zion that are subject to inundation by the base flood. The floodplains of the Village of Mt. Zion are generally identified as such on panel number(s) 12115C0320D and 17115C0340D of the countywide Flood Insurance Rate Map of Macon County prepared by the Federal Emergency Management Agency and dated 6-16-2011. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated Macon County that are within the extraterritorial jurisdiction of the Village of Mt. Zion or that may

be annexed into the Village of Mt. Zion are generally identified as such on the Flood Insurance Rate map prepared for Macon County by the Federal Emergency Management Agency and dated 6-16-2011.

- (O) "Flood proofing" Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property, and their contents.
- (P) "Flood proofing Certificate" A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.
- (Q) "FPE" or "Flood Protection Elevation." The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.
- (R) "Floodway." That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Big Creek Arm of Lake Decatur, Big Creek, and Finley Creek shall be as delineated on the countywide Flood Insurance Rate Map of Macon County prepared by FEMA and dated 6-6-2011. The floodways for each of the remaining floodplains of the Village of Mt. Zion shall be according to the best data available from the Federal, State, or other sources.
- (S) "Freeboard" An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.
- (T) "Historic Structure" Any structure that is:
 - (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
 - (3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
 - (4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

- (U) “IDNR/OWR” Illinois Department of Natural Resources/Office of Water Resources. IDNR/OWR Jurisdictional Stream – Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department (Ill Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 6 of this ordinance.(Ordinance 2010-11-15, passed 1-17-11)
- (V) “Lowest Floor.” The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not build so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. (Ordinance 1985-86-13, passed 6/3/85; Ordinance 1986-87-24, passed 1/19/87)
- (W) “Manufactured Home” A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.
- (X) “Manufactured Home Park or Subdivision” A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.
- (Y) “New Construction” Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.
- (Z) “New Manufactured Home Park or Subdivision” A Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.
- (aa) “NFIP” National Flood Insurance Program.
- (bb) “Recreational Vehicles or Travel Trailer” A vehicle which is:
 - 1. Built on a single chassis;
 - 2. Four hundred (400) square feet or less in size;

3. Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- (cc) “Repetitive Loss” Flood related damages sustained by the structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
- (dd) “Riverine SFHA.” Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overland flooding.
- (ee) “Substantial Damage” Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this ordinance equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes “Repetitive Loss Buildings” (see definition)
- (ff) “Substantial Improvement” Any reconstruction, rehabilitation, addition, or improvement of a structure taking place subsequent to the adoption of this ordinance in which the cumulative percentage of the improvements.

Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started or

Increases the floor area by more than twenty percent (20%)

“Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which

are solely necessary to assure safe living conditions, or

2. Any alterations of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places

(gg) "Violation" The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.(Ordinance 2010-11-15, passed 1-17-11)

S 150.172 Duties of the Village Administrator.

The village administrator shall be responsible for the general administration if this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Mt. Zion meet the requirements of this ordinance. Specifically, the Village Administrator shall:

- (A) Process development permits in accordance with Section 5;
- (B) Ensure that all development in a floodway (or floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- (C) Ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or flood proof certificate;
- (D) Assure that all subdivisions and annexations meet the requirements of Section 8;
- (E) Ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;
- (F) If a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;
- (G) Inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;
- (H) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (I) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

- (J) Cooperate with state and federal floodplain management agencies to coordinate base flood date and to improve the administration of this ordinance;
- (K) Maintain for public inspection base flood date, floodplain maps, copies of state and federal permit, and documentation of compliance for development activities subject to this ordinance;
- (L) Perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and
- (M) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

S 150.173 Base Flood Elevation.

These ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- (A) The base flood elevation for the floodplains of Big Creek Arm of Lake Decatur, Big Creek and Finley Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Macon prepared by the Federal Emergency Management Agency and dated April 30, 2010.
- (B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Macon.
- (C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Macon County shall be according to the best data available from federal, state, or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- (D) The base flood elevation for the floodplains of those parts of unincorporated Macon County that are within the extraterritorial jurisdiction of the Village of Mt. Zion, or that may be annexed into the Village of Mt. Zion, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study or Macon County prepared by the Federal Emergency

Management Agency and dated 6-16-2011.(Ordinance 2010-11-15, passed 1-17-11)

S 150.174 Activities Prohibited.

Except as provided in sections 150.175 and 150.179 of this ordinance, no person, firm, or corporation shall undertake any development in the special flood hazard areas. (Ordinance 1985-86-13, passed 6/3/85)

S 150.175 Activities Permitted.

The following activities are permitted within the special flood hazard areas:

- (A) Maintenance activities that do not change the shape or dimensions of the facility or the ground;
- (B) Gardening, plowing, and similar agricultural practices that do not involve filling or regrading the shape of the ground, and
- (C) Construction of parking lots, roads, airport landing strips, tennis courts, golf courses, and similar facilities built at grade so there is no obstruction to flood flows and no buildings subject to flood damage.

(Ordinance 1985-86-13, passed 6/3/85)

S 150.176 Development Permit.

No person, firm or government body not exempted by State law shall commence any development in the SFHA except of the type specifically permitted in Section 150.175 of this ordinance without first obtaining a special use permit from the village as provided for in Sections 150.100 through 150.105 of the Village Zoning Ordinance. The village shall not issue a special use permit if the proposed development does not meet the requirements of these Sections 150.170 through 150.179 (D).

- (A) The application for a SFHA special use permit shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; existing grade elevations and all changes in grade resulting from excavation or filling; and the location and dimensions of all authorized developments.
- (B) Upon receipt of an application for a SFHA special use permit, the village administrator shall compare the elevation of the site to the base flood elevation. Any development located on natural ground higher than the base flood elevation is not in the SFHA and therefore not subject to the requirements of these sections.

- (C) The village administrator shall inform the applicant of any and all other local, state, and federal permits that may be required for this type of development activity. The village shall not issue the SFHA special use permit unless all required federal and state permits have been obtained. (Ordinance 1985-86-13, passed 6/3/85; Ordinance 1991-92-14)

No person, firm, corporation, or government body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Village Administrator. The village Administrator shall not issue a development permit if the proposed development does not meet the requirements of the ordinance.

- (D) The application for development shall be accompanied by:
- (1) Drawings of the site, drawn to scale showing property line dimensions;
 - (2) Existing grade elevations and all changes in grade resulting from excavation or filling;
 - (3) The location and dimensions of all buildings and additions to buildings;
 - (4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Sections 7 of this ordinance, and;
 - (5) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- (E) Upon receipt of an application for a development permit, the Village Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land can be shown by survey elevation to be below the base flood elevation. Any development located on land shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

The Village Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The Village Administrator shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters may be required for this type of activity. The Village Administrator shall not issue a permit unless all other federal, state, and local permits have been obtained.
(Ordinance 2010-11-15 passed 1-17-11)

S 150.177 Preventing Increased Flood Heights and Resulting Damages.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- (A) An applicant for a site located in a floodway or in a reverie SFHA where no floodway has been identified shall be required to obtain a permit or written documentation that a permit is not required from the Illinois Department of Transportation, Division of Water Resources, issued pursuant to Illinois Revised Statutes, Chapter 19, Sections 52 et seq.
- (B) The following activities may be constructed without the special use permit required in section 150.176 in accordance with Statewide Permit No. 6 issued by the Illinois Department of Transportation – Division of Water Resources, May 13, 1983, provided the activities do not involve placement of fill, change of grade, or construction in the normal channel. Such activities must still meet the other requirements of these sections 150.170 through 150.179D.
 - (1) The construction of wells, and underground utility lines not crossing a lake or stream;
 - (2) The construction of light poles, sign posts and similar structures;
 - (3) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;
 - (4) The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports.
- (C) No development in the SFHA shall include locating or storing chemical, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE.
- (D) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

- (E) Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. (Ordinance 1985-86-13, passed 6/3/85; Ordinance 1986-87-24, passed 1/19/87)

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- (A) Except as provided in Section 6 (B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirements*:
 - (a) Bridge and culvert crossing of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;
 - (b) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;
 - (c) Serial utility crossing meeting the conditions of IDNR/OWR Statewide Permit Number 4;
 - (d) Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5;
 - (e) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the condition of IDNR/OWR Statewide Permit Number 6;
 - (f) Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7;
 - (g) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8;
 - (h) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9;
 - (i) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10;
 - (j) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11;
 - (k) Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR Statewide Permit Number 12;

- (l) Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit Number 13;
 - (m) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway Permit Requirements.
- (B) Other development activities not listed in 6(A) may be permitted only if:
- (1) Permit has been issued for the work by IDNR/OWT (or written documentation is proved that an IDNR/OWR permit is not required), or
 - (2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of regulatory map and base flood elevation. (Ordinance 2010-11-15 passed 1-17-11)

S 150.178 Other Development Requirements.

The Village Board of Trustees shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

- (A) New subdivisions, mobile home parks, annexation agreements, planned unit developments (PUDs) and additions to mobile home parks and subdivisions shall meet the requirements of sections 150.177 and 150.179 of this ordinance. Plats or plans for new subdivisions, mobile home parks, and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (Illinois Revised Statutes, Chapter 109, Section 2).
- (B) Proposals for new subdivisions, mobile home parks, planned unit developments (PUDs) and additions to mobile home parks and subdivisions shall include base flood elevation data. Where the base flood elevation is not available from an existing study filed with the Illinois State Water Survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the State Water-Survey for review and approval as best available elevation data (Ordinance 1985-86-13, passed 6/3/85)
- (C) In addition to the state permit and damage prevention requirements of Section 6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building or alteration or addition to a existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
 - (2) Substantial improvements or structural alteration made to an existing building that increase the flood area by more than twenty percent (20%) or equal or exceed that market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards or this section.
 - (3) Repairs made to the substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
 - (4) Installing a manufactured home on a new site or a new manufactured home on a existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
 - (5) Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
 - (6) Repetitive loss to an existing building as defined in Section 2.
- (D) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
- (1) The building may be constructed on permanent land fill in accordance with the following:
 - (a) The lowest floor (including basement) shall be at or above the flood protection elevation.
 - (b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.

- (d) The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
 - (e) Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm water management techniques such as swales or basin shall be incorporated.
- (2) The Building may be elevated on solid walls in accordance with the following:
- (a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters
 - (b) The lowest flood and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - (c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The opening shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and
 - (d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - ii. Water and sewer pipes, electrical, and telephone lines, submersible pumps, and other services facilities may be located below the flood protection elevation provided they were waterproofed.
 - iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or

occupied as habitable space, or

- iv. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

- (3) The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
 - (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit for floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch more than one (1) square foot above grade.
 - (c) The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
 - (d) The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundations wall must not exceed four (4) feet at any point.
 - (e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 - (f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
 - (g) Utility systems within the crawlspace must be elevated above the flood protection elevation.
- (E) Non-residential buildings may be structurally dry flood proofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that.
 - (1) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

- (2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
 - (3) Flood proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
 - (4) Levees, berms, floodwalls, and similar works are not considered flood proofing for the purpose of this subsection
- (F) Manufactured homes or travel trailers to be permanently installed on site shall be:
- (1) Elevated to or above the flood protection elevation in accordance with Section 7(B) and
 - (2) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Die Act issued pursuant to 777 Ill Adm. Code 870
- (G) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per years shall meet the elevation requirements of section 7(D) unless the following conditions are met:
- (1) The vehicle must be either self-propelled or towable by a light duty truck.
 - (2) The hitch must remain on the vehicle at all times.
 - (3) The vehicle must not be attached to external structures such as decks or porches.
 - (4) The vehicles must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
 - (5) The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
 - (6) The vehicle's wheels must remain on axles and inflated.
 - (7) Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.

- (8) Propane tanks as well as electrical and sewage connections must be quick-disconnect
- (9) The vehicle must be licensed and titled as a recreational vehicle or park model and must either:
 - (a) Entirely be supported by jacks or
 - (b) Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack. (Ordinance 2010-11-15 passed 1-17-11)
- (H) Garages, sheds, or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:
 - (1) The garage or shed must be non-habitable.
 - (2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
 - (3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
 - (4) The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
 - (5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
 - (6) All utilities, plumbing, heating, air conditioning, and electrical must be elevated above the flood protection elevation.
 - (7) The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of flood area.
 - (8) The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy six (576) square feet (24' x 24').
 - (9) The structure shall be anchored to resist floatation and overturning.

- (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
- (11) The lowest flood elevation should be documented and the owner advised of the flood insurance implications.
(Ordinance 2010-11-15 passed 1-17-11)

S 105.178A Subdivision Requirements

The Village of Mt. Zion shall take into account hazards, to the extent that they are known, in official actions related to land management use and development.

- (A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:
 - (1) The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
 - (2) The boundary of the floodway when applicable, and
 - (3) A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2)
 - (4) Streets blocks, lots, parks, and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

S 150.178B Public Health and Other Standards

- (A) Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance the following standards apply:
 - (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a

professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.

- (2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 - (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - (4) New and replacement on-site sanitary sewer lines or water disposal system shall be located and constructed to avoid impairment to them or contaminated from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
 - (5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
- B) All other activities defined as development shall be designed so as not to alter flood flows increase potential flood damages.

In addition, the Village of Mt. Zion shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

S 150.179 Variances.

Whenever the standards of these sections place undue hardship on a specific development proposal, the applicant may apply to the Village of Mt. Zion Local Board of Appeals for a variance. The Village of Mt. Zion Local Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Village Board. The Village Board may attach such conditions to granting of a variance, as it deems necessary to further the intent of this ordinance.

- (A) No variance shall be granted unless the applicant demonstrates that:
- (1) The development activity cannot be located outside the floodplain.
 - (2) An exceptional hardship would result if the variance were not granted;
 - (3) The relief requested is the minimum necessary;
 - (4) There will be no additional threat to public health or safety or creation of a nuisance;
 - (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities; and
 - (6) The provisions of section 150.177(C) are met. (Ordinance 1985-86-13, passed 6/3/85)
 - (7) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
 - (8) All other state and federal permits have been obtained. (Ordinance 2010-11-15 passed 1-17-11)
- (B) The Village of Mt. Zion Local Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:
- (1) The development activity cannot be located outside the floodplain
 - (2) An exceptional hardship would result if the variance were not granted
 - (3) The relief requested is the minimum necessary
 - (4) There will be no additional threat to public health, safety or creation of a nuisance
 - (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
 - (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of NFIP, and

(7) All other state and federal permits have been obtained

(C) Historic Structures

(1) Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Section 6 and 7 of this ordinance subject to the conditions that:

(a) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

(b) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(D) Agriculture

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this ordinance.

(1) All agricultural structures considered for a variance from the flood plain management regulations of this ordinance shall demonstrate that the varied structure is located in wide expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure.

(2) Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

(3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, ect.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 7 of this ordinance.

(4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 7 of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic

and debris impact forces.

- (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 7 of this ordinance.
- (6) The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 7(B) of this ordinance.
- (7) The agricultural structures must comply with the floodplain management floodway provisions of Section 6 of this ordinance. No variances may be issued for agricultural structures within any designated floodway. (Ordinance 2010-11-15 passed 1-17-11)

S 150.179A Records.

The village clerk shall maintain on file the following documents:

- (A) At least three copies of the Flood Hazard Boundary Map;
- (B) At least three copies of the “General Provisions” and “Criteria for Land Management and Use” of the National Flood Insurance Program and related information provided by the Illinois Department of Transportation, Division of Water Resources;
- (C) Copies of variance application papers and variance resolutions;
- (D) Copies of elevation or flood proofing certificates, and such other documents the reviewing agency states are necessary to ensure that a project is constructed in compliance with a variance resolution; and
- (E) Copies of annual reports and other correspondence with the Federal Emergency Management Agency.
(Ordinance 1985-86-13, passed 6/3/85)

S 150.179B Disclaimer of Liability.

The degree of flood protection required by these sections is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. These sections do not imply that

development either inside or outside the SFHA will be free from flooding or damage. These sections do not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance on these sections or any administrative decision made lawfully hereunder. (Ordinance 1985-86-13, passed 6/3/85)

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increase by man-made or natural cause. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on part of the Village of Mt. Zion or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder. (Ordinance 2010-11-15 passed 1-17-11)

S 150.179C Penalty.

Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of these sections. Upon due investigation the village administrator may determine that a violation of the minimum standards of these sections exist. The village administrator shall notify the owner in writing of such violation.

- (A) If such owner fails after ten days notice to correct the violation:
 - (1) The village may make application to the circuit court for an injunction requiring conformance with these sections or make such other order as the court deems necessary to secure compliance with these sections.
 - (2) Any person who violates these sections shall upon conviction thereof be fined not less than \$25.00 or more than \$200.00.
 - (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (B) The village shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.
- (C) Nothing herein shall prevent the village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Ordinance 1985-86-13, passed 6/3/85)

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Village Administrator may determine that a violation of the minimum standards of this ordinance exists. The Village Administrator shall notify the owner in writing of such violation.

- (A) If such owner fails after ten (10) days to notice to correct the violation:
 - (a) The Village of Mt. Zion shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
 - (b) Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
 - (c) A separate offense shall be deemed committed upon each day during or on which violation occurs or continues, and
 - (d) The Village of Mt. Zion shall record a notice of violation on the title of the property.
- (B) The Village Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Village Administrator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicated the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Board of Appeals. Written notice of such hearing shall be served on the permit tee and shall state.

- (1) The grounds for the complaint, reasons for suspension or revocation, and
- (2) The time and place of the hearing.

At such hearing the permit tee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Board of

Appeals shall determine whether the permit shall be suspended or revoked.

- (C) Nothing herein shall prevent the Village of Mt. Zion from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.(Ordinance 2010-11-15, passed 1-17-11)

S 150.179D Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the Village of Mt. Zion to fulfill the requirements of the National Flood Insurance Program including: Ordinance 1985-1986-16. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restriction shall prevail. (Ordinance 2010-11-15 passed 1-17-11)

- (A) Village Ordinance No. 1983-84-16 is hereby repealed.
- (B) Sections 150.170 through 150.174 inclusive of the Village Zoning Code are hereby repealed.
- (C) These sections do not repeal the original resolution or ordinance adopted to achieve eligibility in the National Flood Insurance Program. Nor do these sections repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where these sections and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ordinance 1985-86-13, passed 6/3/85)

This ordinance repeals and replaces other ordinances adopted by the Village of Mt. Zion to fulfill the requirements of the National Flood Insurance Program including: ord. 1985-1986-16. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easement, covenants or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ordinance 2010-11-15, passed 1-17-11)

Off-Street Parking and Off-Street Loading Facilities

S 150.179E Severability

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder. (Ordinance 2010-11-15, passed 1-17-11)

S 150.179F Effective Date

This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. (Ordinance 2010-11-15, passed 1-17-11)

S 150.180 Scope of Regulations.

The off-street parking and off-street loading provisions of this shall ordinance shall apply as follows:

- (A) Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of sections 150.180 through 150.191, for all buildings and structures erected and all uses of land established in each district after the effective date of this ordinance. However, where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within 6 months of the effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of the building permit may be provided in lieu of any different amounts required by this ordinance.
- (B) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such an increase in intensity of use. However, no building or structure lawfully erected or use lawfully established prior to the effective date of this ordinance shall be required to provide additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than 15 percent of the units of measurement existing upon the effective date of this ordinance, in which even parking or loading facilities as required herein shall be provided for the total increase. In the case of the expansion or alteration of residential buildings, required parking or loading facilities shall be provided on the basis of the total required units of measurement for the entire capacity of the buildings.

- (C) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required of the new use. However, if the building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those of the existing use, if the latter were subject to the parking and loading provisions of this ordinance.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.181 Existing Parking Facilities.

Accessory off-street parking facilities in existence on the effective date of this ordinance, and located on the same lot as the building or use served, shall not hereafter be reduced below, or if already less than shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.182 Permissive Parking and Loading Facilities.

Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities on the same lot as the establishment it serves to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of the facilities are adhered to. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.183 Damage or Destruction.

For any conforming or legally nonconforming building or use which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of the damage or destruction shall be restored or continued in operation. However, loading facilities in excess of those required by this ordinance for equivalent new uses or construction. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999.

S 150.184 Control of Off-Street Facilities.

In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the lot occupied by the building or use to which the parking facilities are

accessory. Possession may be either by deed or long-term lease, the term of the lease to be determined by the board. The owner of the land on which the parking facilities are to be located shall be bound by covenants, filed on record in the office of the recorder of deeds and the village clerk, requiring the owner and his or her heirs and assignees to maintain the required number of parking facilities for the duration of the use served or of the lease, whichever shall terminate sooner. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80). Penalty, see S 150.999

S 150.185 Off-Street Parking.

Off-street parking facilities for motor vehicles shall be provided in accordance with the following regulations.

- (A) Use. Accessory off-street parking facilities required as accessory to uses listed herein shall be solely for the parking of the passenger vehicles of patrons, occupants, or employees. When bus transportation is provided for the patrons, occupants, or employees of a specific establishment, additional open or enclosed off-street parking spaces for each bus to be parked on the premises shall be provided in accordance with the regulations hereafter for access, in yards, design, maintenance, and area in accordance with the size of buses.
- (B) Computation. When determining the number of off-street parking spaces required by this ordinance results in a requirements of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- (C) Collective provision. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the board in accordance with procedures set forth herein for variances in sections 150.130 through 150.134.
- (D) Area. A required off-street parking space shall be at least 10 feet in width and at least 20 feet in length, exclusive of access drives, ramps, columns, or office work area. Covered spaces shall have a seven (7) foot vertical clearance.
- (E) Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to the parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic

movement. No driveway across public property at the right-of-way line shall exceed a width of 25 feet.

- (F) In yards. Off-street parking spaces, open to the sky, may be located in any yard except a front yard and a side yard adjacent to a street, except as specified in Section 150.071 (D) (4). Enclosed building and carports containing off-street parking spaces shall be subject to applicable yard requirements of the zoning district.
(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1985-86-15, passed 6/17/85; Ordinance 1991-92-14) Penalty, see S 150.999

S 150.186 Design and Maintenance.

- (A) Open, covered, and enclosed parking space. Accessory parking spaces may be open to the sky, enclosed in a building, or covered. All open off-street parking areas shall have a dust-free surface.
- (B) Surfacing. All open off-street parking areas containing 4 or more parking spaces shall be improved with materials and construction standards specified in the Village Building Code. Further, these parking areas shall be graded, tiled, and drained so as to dispose of all surface water without causing a nuisance to surrounding property owners.
- (C) Screening and landscaping. All open parking areas, containing more than 4 parking spaces and located less than 40 feet from a property line shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence, or densely planted compact hedge, not less than 4 feet nor more than 6 feet in height. Chain link, unless 100 percent slated, any form of barbed wire, or other metal wire, or mesh fences shall not be allowed.
- (D) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance and in a parking area containing 40 or more parking spaces, such lighting shall be extinguished one-half hour after the close of business, except as may otherwise be permitted or required by the board for maintaining illumination with less candlepower after the time specified above.
- (E) Repair and service. No non-emergency motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless the accessory parking facilities are enclosed in a building, in which case gasoline and motor oil may be sold

within the building to the users of the accessory parking facilities, provided that no sign advertising the sale of same is visible from outside, and provided further that all gasoline pumps shall be effectively screened from view from the public way.

- (F) That if the lot is to be used by more than one establishment, and is not a municipally owned facility, a written document shall be secured to insure the use of the entire proposed area for vehicular parking for a reasonable period.
- (G) No advertising signs or devices other than identification signs will be permitted in an off-street parking lot.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80)

Penalty, see S 150.999

S 150.187 Location.

All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance, or new uses established in any business district, may be served by parking facilities located on land other than the lot on which the building or use served is located, provided the facilities are within 300 feet walking distance of a main entrance to the use served, and a special parking lot permit is obtained, as required under section 150.103. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.188 Employee Parking.

Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. (Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80) Penalty, see S 150.999

S 150.189 Required Spaces.

Off-street parking spaces accessory to designated uses shall be provided as follows:

- (A) Dwelling and lodging uses.
 - (1) Hotels and apartment hotels. At least one parking space for each dwelling unit and one parking space for each sleeping room.

- (2) Lodging houses. At least 2 parking spaces plus one parking space for each 3 lodging rooms.
 - (3) Motels, tourist homes, or tourist courts. At least one parking space for each dwelling unit, and one parking space for each sleeping room.
 - (4) Multiple family dwelling. At least 2 parking spaces for each dwelling unit.
 - (5) Single-family dwellings. At least 2 parking spaces for each dwelling, plus one additional parking space for each 2 roomers or lodgers accommodated, but no more than 4 parking spaces for each single-family dwelling.
 - (6) Tourist camps or parks. Automobile parking spaces equal in number to the number of trailers permitted shall be provided.
 - (7) Two-family dwellings. Two parking spaces for each dwelling unit.
- (B) School, institution, auditorium, or other places of assembly uses.
- (1) Colleges, junior colleges, and universities. One parking space shall be provided for each 6 students, based upon the maximum number of students that can be accommodated in accordance with design capacity.
 - (2) Convalescent homes, nursing homes, rest homes, institutions for the care of the aged and for children, and sanitariums. One parking space shall be provided for each 4 beds, plus one parking space for each 2 employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.
 - (3) Fraternities, sororities, and dormitories in conjunction with colleges and universities. One parking space shall be provided for each active member or dormitory residents, plus one parking space for the manager.
 - (4) Gymnasiums, stadiums, and grandstands. One parking space shall be provided for each 6 seats, or for each 108 inches of seating space.
 - (5) Hospitals. At least one parking space for each 2 hospital beds, plus one parking space for each 2 employees, other than doctors, plus one parking space for each doctor assigned to the staff.

- (6) Libraries and museums. At least one parking space for each 800 square feet of floor area.
 - (7) Medical and dental clinics. At least 3 parking spaces for each examining or treatment room, plus one for each doctor and employee in the building.
 - (8) Meeting halls, convention halls, and exhibition halls. Not less than the number of parking spaces equal to 30 percent of the maximum number of people that can be accommodated in accordance with design capacity.
 - (9) Private clubs and lodges. At least one parking space for each lodging room, and one parking space for each 6 seats in accordance with the design capacity of the main meeting room.
 - (10) Schools, commercial or trade; and music, dance, or business. One parking space shall be provided for each 2 employees, plus one space for each 5 students, based on the maximum number of students that can be accommodated in accordance with design capacity.
 - (11) Schools, high – public or private. At least one parking space for each 7 students in accordance with the design capacity of the building.
 - (12) School and institutional auditoriums. At least one parking space for each 2 persons employed on the premises, and an additional parking space for each 6 seats, or for each 108 inches of seating space in the main auditorium or assembly hall.
 - (13) Schools, nursery, elementary, or junior high – public or private. At least one parking space for each 3-faculty members and other full-time employees.
 - (14) Auditoriums (other than incidental to a school), arenas, race tracks of all kinds, or other places of assembly. Parking spaces equal in number to 30 percent of the capacity in persons shall be provided.
- (C) Recreational uses, commercial or noncommercial.
- (1) Bowling alleys. At least 7 parking spaces for each alley, plus additional spaces as may be required herein for affiliated uses, such as restaurants and the like.

- (2) Health salons, swimming pools, skating rinks, and dance halls, commercial. At least one parking space for each 3 persons, based upon the maximum number of persons that can be accommodated at the same time in accordance with design capacity, and one parking space for each 3 employees.
 - (3) Parks, recreation areas, or community centers – private, semipublic or public. At least one parking space shall be provided for each 3 employees, plus spaces in adequate number as determined by the village council to serve the visiting public.
- (D) Business, commercial, and manufacturing uses.
- (1) All business and commercial establishments, except those specified hereafter. At least one parking space for each 300 square feet of floor area. (Gross floor area minus storage area.)
 - (2) Auto laundries. One parking space shall be provided for each 3 employees, plus one space for the owner or manager, and in addition, reservoir parking spaces, equal in number to 5 times the maximum capacity of the auto laundry for automobiles awaiting entrance to the auto laundry shall be provided. Maximum capacity, in this instance, shall mean the greatest number possible of automobiles undergoing some phase of laundering at the same time.
 - (3) Automobile service stations. At least one parking space for each employee, plus 2 for each service stall.
 - (4) Banks. At least one parking space for each 300 square feet of floor area.
 - (5) Business, professional, and administration or service office buildings. At least one parking space for each 300 square feet of the floor space for customers and employees.
 - (6) Cartage, express, parcel delivery, and freight terminal establishments. At least one parking space for each 2 employees, as related to the working period when the maximum number of persons are employed on the premises, and one parking space for each vehicle maintained on the premises.
 - (7) Establishments handling the sale and consumption on the premises of food and refreshment. At least one parking space for each 3 persons based upon the maximum number of persons that can be

accommodated at the same time in accordance with design capacity.

- (8) Furniture and appliance stores, motor vehicle sales, wholesale stores, stores for repairs of household equipment or furniture. At least one parking space for each 400 square feet of floor area.
 - (9) Production, processing, assembly, cleaning, servicing, testing, or repairing of materials, goods, or products. At least one parking space for each 3 employees, as related to the working period when the maximum number of persons are employed on the premises.
 - (10) Theaters. At least one parking space for each 6 seats up to 400 seats plus one parking space for each 4 seats over 400.
 - (11) Undertaking establishments and funeral parlors. At least 8 parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle maintained on the premises.
 - (12) Warehouse, storage, wholesale and mail order establishments. At least one parking space for each 2 employees, as related to the working period when the maximum number of persons are employed on the premises.
- (E) Miscellaneous uses.
- (1) Planned developments. Parking spaces shall be provided on the basis of the required spaces for each individual use.
 - (2) Public utility and public service uses. At least one parking space for each 2 employees, plus spaces in adequate number as determined by the board to serve the visiting public.
- (F) Other uses. Parking spaces for other permitted or special uses not listed above shall be provided in accordance with requirements designed by the board.

(Ordinance 1972-73-8, passed 11/6/72; Ordinance 1979-80-19, passed 2/4/80; Ordinance 1991-92-4) Penalty, see S 150.999

S 150.1 Off-Street Loading Requirements.

There shall be provided at the time any building is erected or structurally altered off-street loading spaces, logically and conveniently located for bulk pickups and deliveries, of a size and number as to accommodate the delivery vehicles expected, and accessible to such vehicles even when off-street parking spaces are filled.

- (A) Where off-street loading spaces are provided they shall be built in accordance with the following regulations:
- (1) All loading spaces shall be located on the same zoning lot as the use served.
 - (2) All motor vehicle loading spaces, which abut a residential district, shall be completely screened there from, by building walls, densely planted compact hedge, or a uniformly painted solid fence, wall or any combination thereof, not less than 8 feet in height.
 - (3) No loading space shall be located in a required front or side yard.
 - (4) Off-street loading spaces shall be at least 10 feet in width by at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.
 - (5) Each off-street loading space shall be designed with appropriate means of vehicular access to a street in such a manner as to minimize interference with traffic movement, but in no case shall a loading space have an entrance onto a street located within 30 feet of the nearest point of the intersection of any 2 streets.
 - (6) All open off-street loading spaces shall be improved with a compact base surfaced with an all weather dustless material as approved by the village.
(Ordinance 1979-80-19, passed 2/4/80)

LANDSCAPING AND SCREENING

S 150.191 Intent

It is the intent of this section to specify landscape requirements for all land uses requiring site-plan review, and to provide for landscape techniques to achieve compatibility between abutting and adjacent uses, including public and private streets. The regulations in this section are designed to have flexibility taking into account the high percentage of already developed property and the wide variation in the size of existing lots. The landscape regulations in this section are further intended to: promote the public health, safety and general welfare by reducing noise, air, and visual pollution, air temperature, and light glare; improve air quality; prevent soil erosion and increase water retention; improve the appearance of on-premise parking, vehicular-use areas, and property abutting public rights-of-way; improve the aesthetics and safety of pedestrian sidewalks, both within paved areas and along public rights-of-way; require buffering between non-compatible land uses; protect residential privacy; and, encourage native landscape materials.

S 150.192 Applicability

All uses requiring a sketch site plan or full site plan, shall comply with the requirements contained in this chapter.

S 150.193 General Landscape Standards

Required Front Yard Setbacks With No Parking or Paved Areas: Required front yard setbacks shall contain one (1) tree or one (1) evergreen tree for each one hundred (100) feet of linear street frontage. Landscaping design must follow standards set in Section 8. Spacing and grouping to be determined by designer.

Ongoing Maintenance: All landscaping approved as part of the site plan shall be required to be maintained on a permanent basis.

Wall or Fence Materials: Wherever a wall or fence is required the Village Planning Commission may specify the required materials.

S 150.194 Required Perimeter Landscape For Parking Lots And Loading Zones Required Parking Lot Perimeter Landscape Screening From Public Streets - All Districts

Shall provide a landscape screen as follows:
Minimum Width: five (5) feet behind the property line or twenty (20) feet behind the curb line or inside ditch line whichever is the greater.

Required Trees: one (1) tree per fifty (50) feet of linear frontage. Spacing to be determined by designer.

Required Parking Lot Perimeter Landscape Screening where Abutting Residential: When a parking lot which contains 4 parking spaces or more, or loading area directly abuts a residentially zoned or occupied lot, a continuous screening wall, berm, fence or row of planting having a minimum height of six (6) feet high shall be provided.

S 150.195 Required Interior Landscape Requirements

Parking lots in all districts having more than thirty (30) parking spaces shall be required to provide the following landscape improvements internal to the parking lot: five percent (5%) of the entire parking lot area shall be provided as a landscape area; one (1) tree shall be provided for each one thousand (1000) square feet of internal landscape area; internal landscape areas shall be dispersed on the site so as to break up the expanse of pavement; and, internal landscape areas shall be curbed for protection of the landscape materials.

S 150.196 Buffer Zone Landscape Screening Between Land Uses Multiple Family Residential Abutting Single Family Residential Uses or Zoning District

Where multiple family residential projects with more than eight (8) units (excluding single family cluster developments) are abutting lots which are used or zoned for single family residential purposes, a landscape screen shall be provided as follows: A landscape screening area having a minimum width of ten (10) feet shall be provided by the multi family project on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One (1) tree shall be provided for every forty (40) feet of lot line shared with a residentially used or zoned property with spacing to be determined by the Village. An opaque wall, berm, or fence shall be provided with a minimum height of six (6) feet. The Village Planning Commission may waive the requirement for a screening wall or fence if a dense planting screen is proposed as a substitute. If a vegetative screen is proposed it shall be six (6) feet in height at the time of planting.

Commercial Uses Abutting Residential Uses or Zoning District: The following screening features shall be provided by any commercial development which abuts either directly or across an alley from any residentially used or zoned property: A landscape screening area having a minimum width of five (5) feet shall be provided by the commercial property on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One (1) tree shall be provided for every thirty-five (35) feet of lot line shared with a residentially used or zoned property with spacing to be determined by the Village. An opaque wall, berm, or fence shall be provided with a minimum height of six (6) feet. The Village Planning Commission may waive the requirement for a screening wall or fence if a dense planting screen is proposed as a substitute. If a vegetative screen is proposed it shall be six (6) feet in height at the time of planting.

Industrial Abutting Residential Uses or Zoning District: The following screening features shall be provided by any industrial use which abuts either directly or across an alley from a residentially used or zoned property: A landscape screening area having a minimum width of fifteen (15) feet shall be provided by the industrial property on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One (1) tree shall be provided for every thirty (30) feet of lot line shared with a residentially used or zoned property with spacing to be determined by the Village. An opaque wall, berm, or fence shall be provided with a minimum height of six (6) feet. The City Planning Commission may waive the requirement for a screening wall or fence if a dense planting screen is proposed as a substitute. If a vegetative screen is proposed it shall be six (6) feet in height at the time of planting.

Industrial Uses Abutting Commercial Uses or Zoning District: The following screening features shall be provided by any industrial use which abuts either directly or

across an alley from a commercially used or zoned property: A landscape screening area having a minimum width of ten (10) feet shall be provided by the industrial property on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One (1) tree shall be provided for every forty (40) feet of lot line shared with a commercially used or zoned property with spacing to be determined by the Village. An opaque wall, berm, or fence shall be provided with a minimum height of six (6) feet. The Village Planning Commission may waive the requirement for a screening wall or fence if a dense planting screen is proposed as a substitute. If a vegetative screen is proposed it shall be six (6) feet in height at the time of planting.

S 150.197 Plant Materials

All plant material shall be hardy to the area, free of disease and insects. The use of trees native to the area and Midwest Illinois, and mixture of trees from the same species association, is encouraged.

Species Permitted: Landscape vegetation shall be hardy to Midwestern Illinois, be free of disease and insects. Chinese elm, box -elder, silver maple, willow, poplar, and similar fast-growing brittle wood species which are usually subject to attack by insects and disease shall be prohibited. Native vegetation is encouraged.

S 150.198 Landscaping Design Standards

Minimum sizes: Trees should have a trunk diameter, measured 12 inches above the ground, of not less than 1-1/2 inches.

Plant material spacing: Except for buffer zone provisions of section six (6) of this chapter plant materials shall not be placed closer than four (4) feet from the fence line or property line. Landscaped areas and plant materials required by ordinance shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced immediately. Tree stakes, guy wires and tree wrap are to be removed after one (1) year after planting. All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) outlet located within one hundred and fifty (150) feet of all planted material to be maintained. Landscaping materials and arrangement shall ensure adequate Site visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants. Landscaping within the site shall be approved in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance-performance guarantee, and curbing around landscape areas. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches at maturity.

S 150.199 Special Provisions For Existing Sites

Special provision is made for applying these standards to improved sites which were developed prior to the city adopting these landscaping requirements. Therefore, when an existing site is undergoing any external alteration or expansion, the objective of these standards is to gradually bring the existing site into compliance with the minimum standards of this section in relation to the extent of expansion or change on a site. When reviewing plans for a change in use or expansion which requires site plan or sketch plan review, the Zoning Inspector or Village Planning Commission, as appropriate, shall require an upgrade in landscaping, using the following as guidelines: Each building expansion of one percent (1%) of gross floor area shall include at least four percent (4%) of the landscaping required for the entire site. The calculations shall be based upon the landscaping requirements for all existing and proposed developments on the site. All fractional calculations shall be rounded up. The estimated cost of landscaping added shall generally be equal to at least five percent (5%) of the estimated value of the new construction. Landscaping along the street and as a buffer between adjacent land uses will take priority over parking lot and site landscaping, particularly where there is no excess parking over that required by ordinance. Where parking lot landscaping cannot be provided, additional landscaping along the street or in the buffer areas shall be considered.

S 150.200 Exceptions for Special Situations

The Zoning Board of Appeals may grant a variance to all or part of the landscaping standards of this section upon the following criteria:

- (a) Existing landscaping, screening or wetlands intended to be preserved meets the intent of this section.
- (b) The landscape design proposed by the applicant meets the intent of this section.
- (c) There is a steep change in topography which would limit the benefits of required landscaping.
- (d) The proposed building and parking lot placement is setback well beyond the minimum required.
- (e) The abutting or adjacent land is developed or planned by the Village for a use other than residential.
- (f) Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

S 150.201 Information Required For a Landscape Plan

All Landscaping plans shall contain the information required in Section four (4) of Site Plan General Requirements.

S 150.300 Architectural Standards.

The requirements, guidelines, and standards set forth in this Section shall apply to any development or redevelopment of property within the zoning districts listed and within the Village of Mt. Zion.

S 150.301 Statement of Intent

To promote architectural and site design treatments which enhance the visual appearance of non-residential development within the Village of Mt. Zion.

- (a) To ensure compatibility and appropriate visual and physical screening in association with commercial, office and industrial uses.
- (b) To maintain and enhance the attractiveness of the streetscape within the community.
- (c) To create and maintain a strong community image and identity by providing for architectural and landscaping treatments that enhance the visual impact and contribution of commercial, office and industrial development in the Village of Mt. Zion.
- (d) To require articulation that reduces the mass, scale and/or potentially uniform monolithic appearance of large commercial, office and industrial buildings, and insure that such projects incorporate architectural and landscaping features that provide visual interest while allowing design flexibility.
- (e) To encourage pedestrian uses of non-residential zones.

S 150.302 Architectural Standards by Zoning District and Use.

Architectural plans for buildings shall be submitted simultaneously with an application for site plan review as required in Chapter 155. Documents to be submitted shall include building elevations showing the building's design and exterior materials and any other information as deemed necessary to make a recommendation or approval. The architectural design shall be in accordance with the standards as contained in this section and shall be in compliance with the following General Provisions:

Section S 150.303 General Provisions

- (a) Architectural Consistency with Adjacent Structures - Primary Facades will be architecturally compatible and consistent in character with the facades in the surrounding area. A Primary Façade is that side of a building that is generally considered to be the front of the building or contains the main entrance to the building. A Secondary Façade is any side of the building not the primary facade that fronts a public right-of-way.
- (b) Architectural Consistency Among Adjacent Facades (same building) - Secondary Facades on the same building shall be designed with an architectural style,

detail, trim features, and roof treatments which are consistent with that of the other Primary/Secondary Facades on the same structure.

- (c) Consistent Level of Detail Among Facades (same building) - All Primary/Secondary Facades on the same building shall be designed with a similar level of treatment, detail and visual interest as other Primary/Secondary Facades on said structure.
- (d) Visibility from Adjacent Residential Area - Any side of an Office, Commercial or Industrial use structure not otherwise meeting the definition of a Primary or Secondary Façade, but which is visible from and adjacent to residential areas, shall be deemed a Secondary Façade and shall meet the architectural requirements for same.
- (e) Exceptions to Secondary Façade Applicability - Secondary Façade standards may be deemed not applicable or only partially applicable by the Plan Commission if it is determined that the narrowness and/or lack of visibility of the subject space or façade renders a strict enforcement of the architectural standards to be unfeasible or unnecessary. Any such determination may only be made where the subject space between structures is less than 10 feet wide. Regardless of any such determinations of inapplicability, when the space between buildings is over 10 feet wide, all tree and landscape provisions shall apply.

S 150.304 Applicability

Architectural Design requirements must be included in all site plans submitted in the following zones.

- (a) Neighborhood Shopping (VB-1);
- (b) Community Shopping (VB-2);
- (c) Highway Commercial (VB-3);
- (d) Apartments (VO-1);
- (e) Non-residential components of Planned Developments;
- (f) Offices (VO-2)
- (g) Industrial (VM-1);
- (h) The standards are applicable to redevelopment or renovation of existing buildings when more than 50 percent of a Primary or Secondary façade are involved. This 50 percent standard only applies to that façade undergoing renovation or redevelopment. New development or building expansions involving more than a 50 percent increase in gross floor area require full compliance.
- (i) Free-standing ancillary or secondary uses including kiosks, ticket booths, carwashes and gas station canopies.

S 150.305 Design Standards-Non Residential.

- (A) Structures on lots of ½ acre or larger shall incorporate at least one (1) of the Optional Design Features(ODF) listed.

OPTIONAL DESIGN FEATURES(ODF) SHALL INCLUDE: PARAPETS, CANOPIES OR PORTICOS, PEAKED ROOF FORMS, OVER-HANDING EAVES, ARCADES, ARCHES OR ARCHED FORMS, DISPLAY WINDOWS, OR ORNAMENTAL DETAILS.

- (B) Single and Multiple Tenant Buildings in Non-Residential Zones of 10,000 square feet in area shall have a minimum of three (3) building ornamentations (ODF).
- (C) The use of certain materials, colors and lighting techniques are restricted on Primary and Secondary Facades. The following are specific, non-optional design limitations:
- (D) Corrugated metal panels, used as a finish material are permitted on not more than 30 percent on Primary Facades.
- (E) Corrugated metal panels, used as a finish material, shall not cover more than 50 percent of a Secondary Façade.
- (F) Ancillary Structures: Ancillary structures, like car washes, cashier booths and canopies over gas pumps will incorporate the same architectural detailing, design elements, materials, colors and roof design as the principal structure, including a comparable peaked-roof pitch and parapet or cornice treatments.
- (G) Screening of Ground Level Equipment: A wall of sufficient height should surround any exterior ground-level mechanical equipment. The wall should completely screen the equipment from view. This includes any equipment like food freezers, air handling units and the like which may be located between any structure and an adjacent residential area or right-of-way. The screening wall should appear as an architectural extension of the principle building and will incorporate cap and architectural trim and features consistent with the adjacent facade. When such equipment is visible only from adjacent commercial or industrial uses and not a right-of-way, the screen wall may instead be painted to match the color of the building.
- (H) Exterior rooftop equipment including any HVAC roof refrigeration or other mechanical fixtures shall be concealed from eye-level view from any public right-of-way and from any adjacent properties by incorporating a parapet wall extension and capped cornice treatments.
- (I) Required Customer Service Treatments: Single-tenant buildings with a gross floor area of more than 10,000 square feet shall have a highly visible primary customer entrance. Multiple-tenant buildings and projects

that have more than 20,000 square feet of gross floor area shall have a highly visible primary customer entrance.

(J) Façade Treatments: Optional Design Features

- (1) Primary and Secondary facades of buildings with a gross floor area of 20,000 square feet or more shall be required to incorporate at least three (3) of the treatments listed below. At least one (1) of these treatments shall repeat horizontally and all such design elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
- (2) Primary and Secondary facades of buildings with a gross floor area of less than 20,000 square feet shall be required to incorporate at least two (2) of the treatments listed below and again, at least one of these treatments shall repeat horizontally.
- (3) All such design elements shall repeat at intervals of no more than 25 feet, either horizontally or vertically.
- (4) Optional Façade Treatments
 - Expression of a vertical architectural treatment with a minimum width of 12inches.
 - Building step-backs, offsets or projections involving a minimum of three feet in depth.
 - Color change.
 - Texture and/or material change.
 - Architectural banding.
 - Pattern change.
 - Any other treatment that meets the spirit and intent of the Ordinance.

(K) Dumpster Screening: Specific Design Requirements

- (1) Dumpsters are prohibited from locations adjacent to any roadway unless they are enclosed on all sides. All sides of the enclosure must replicate the architectural detailing, materials, finish material and landscaping of the principal structure's Primary Façade.
- (2) Dumpsters shall be visually screened from public view by a masonry wall constructed to a minimum height of six (6) feet above finished grade.
- (3) Dumpster areas shall be directed away from any adjacent residential developments.

- (4) No parts of a dumpster or the materials stored within a service area are to extend above the required masonry wall.
- (5) The masonry wall shall be constructed of decoratively-finished concrete block, brick, stucco or other decorative material. The wall shall be detailed so as to replicate the architectural style of the principal structure.
- (6) No chain link, unfinished concrete block (painted or otherwise), barbed wire or wood will be permitted materials as part of a wall.
- (7) Each enclosure shall include a decorative, opaque gate equal in height to the masonry wall.
- (8) Each dumpster requiring fencing shall further comply with the landscape requirements in Chapter 97 Refuse Removal.

(L) Walkways, Curb stops, and Building Perimeter Crosswalks: Specific Design Requirements

Sidewalks five foot wide are required in all street right of ways in non-residential zones. Sidewalks may be enlarged to 10 foot wide if designated a trail route in the Village of Mt. Zion Comprehensive Plan. Straight stretches of walkway over 100 feet in length should be avoided and should include landscaping features.

- (1) Curb stops are required wherever a parking stall abuts a pedestrian walkway.
- (2) Pedestrian walkways shall be a minimum of five feet wide and curbed wherever possible. If, however, a lack of available space creates a parking design challenge, walkways should be seven feet wide to address any potential vehicular overhang encroachment.
- (3) Pedestrian crossings are to be identified and highlighted with signage and constructed of special paving materials (not simply with paint) in order to identify them as such. Concrete/ colored brick pavers, stamped concrete or other paving materials are all acceptable.

Violations; Penalties

S 150.999 Penalty.

- (A) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the proper authorities of the village, or any person, the value of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in equity to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises.

- (B) Upon notice from the building official that any work on any building or structure is being constructed contrary to the provisions of this ordinance, or in an unsafe and dangerous manner, such work will be immediately stopped. The stop work order shall be in writing, and shall be given to the owner of the property involved, or to be owner's agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Any person who shall continue any work in or about the building or structure after having been served with a stop work order, except work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$100.00 nor more than \$200.00 for each violation. Each day shall constitute a separate violation.

- (C) The violation of the terms of this ordinance shall be punishable by a fine not exceeding \$200.00 or imprisonment not exceeding 6 months, or both, in the discretion of the court, for each offense, and each and every day a violation continues to exist shall constitute a separate offense.
(Ordinance 1979-80-19, passed 2/4/80)