

TITLE 5

ZONING

Subject	Chapter
Title; Definitions.....	1
General Regulations; District Map.....	2
Agricultural Districts.....	3
Residence Districts.....	4
General Business Districts	5
Industrial Districts	6
Supplementary Regulations	7
Nonconforming Uses.....	8
Permits	9
Amendments	10
Violations; Penalties	11

CHAPTER 1

TITLE; DEFINITIONS

SECTION:

- 5-1-1: Short Title
5-1-2: Definitions

5-1-1: SHORT TITLE: This Title shall be known and may be cited as the Village of Arthur, Illinois and contiguous area Zoning Ordinance.

5-1-2: DEFINITIONS: For the purpose of this Title certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular number includes the plural.

The word "person" includes a corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel".

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

The term "contiguous area" relates to that unincorporated area located in Douglas County, adjacent to and within one and one-half (1 ½) miles of the Village at the time of adoption of this Title. Such contiguous area is indicated on the map entitled, "Zoning Districts, Arthur, Illinois and Contiguous Area".

ACCESSORY USE or BUILDING: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or buildings.

ALTERATIONS: As applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities; or an

enlargement whether by extending on a side or by increasing height; or the moving from one location or position to another.

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

BUILDING: A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, including tents, lunch wagons, dining cars, camp cars, trailers and other roofed structures on wheels or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition "roof" shall include an awning or other similar covering, whether or not permanent in nature.

BUILDING, FRONT LINE OF: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

COVERAGE: That percentage of the plot or lot area covered by the building area.

DWELLING, MULTIPLE: A building used or designed as a residence for two (2) or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, group houses and row houses.

DWELLING, UNIT: A dwelling or portion thereof providing complete living facilities for one family.

FAMILY: A group of one (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a boarding or lodging house or hotel, as herein defined.

GARAGE, PRIVATE: A accessory building housing not more than four (4) motor vehicles, not more than one (1) of which may be a commercial vehicle of not more than one and one-half (1 ½) tons capacity, for the use of the occupants of the lot on which the private garage is located, or for others pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

GARAGE, PUBLIC: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

LOT: A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

NONCONFORMING STRUCTURE: A structure lawfully existing at the time of adoption of this Title, or any amendment thereto and which does not conform to the regulations of the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a structure or land at the time of adoption of this Title, or any amendment thereto, and which does not conform with the regulations of the district in which it is located.

PARKING SPACE: An all-weather surfaced area within the lot lines, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) standard automobile, and if the space is enclosed comprising an area of not less than one hundred forty (140) square feet; if unenclosed, at least twenty feet by ten feet (20' x 10'), with an all-weather surface permitting satisfactory ingress and egress of an automobile.

RESIDENCE DISTRICT OR ZONE: Any one (1) or all of the R-1, R-2 and R-3 Districts.

SERVICE STATION: Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuel or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public offering for sale is

incidental to the conduct of a public garage, the premises are classified as a public garage.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. The cellar shall not be considered a story for the purposes of height measurement, in determining the permissible number of stories.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two feet (2') above the floor of such story.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property.

STRUCTURE: Structure means a combination of materials, other than a building, to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins, fences and display signs.

TRAILER COACH: Any enclosure or vehicle used for living, sleeping, business or storage purposes which is, has been or reasonable may be equipped with wheels or other devices for transporting it from place to place. A trailer coach is not considered a dwelling in the use of this Title.

TRAILER COURT: The premises upon which five (5) or more occupied trailer coaches are located.

YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line or the proposed street line as indicated by the Official Map if the existing street is less than the proposed width.

YARD, REAR: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot, or the centerline of the alley if there be an alley and the rear line or the building.

YARD, SIDE: An open unoccupied space on the same lot with a main building situated between the side line of the building and the adjacent

5-1-2

5-1-2

side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear year is required, the rear boundary of the side yard shall be the rear line of the lot.

CHAPTER 2

GENERAL REGULATIONS; DISTRICT MAP

SECTION:

- 5-2-1: Establishment of Districts
- 5-2-2: District Boundaries
- 5-2-3: Transition Zoning
- 5-2-4: Application of Regulations
- 5-2-5: Interpretation
- 5-2-6: Enforcement

5-2-1: ESTABLISHMENT OF DISTRICTS: For the purpose of promoting the public health, safety, morals and general welfare of the Community, the Village and the contiguous area is hereby divided into the following types of districts:

- AG-1 Agricultural District
- R-1 Limited One-Family Residential District
- R-2 One-Family Residential District
- R-3 Multiple-Family Residential District
- B-1 General Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

Said Districts are bounded and defined as shown on the maps entitled: "Zoning Districts, Arthur, Illinois" and "Zoning Districts, Arthur, Illinois Contiguous Area", referred to herein, and which, with all explanatory matter thereon, are hereby made a part of this Title.

5-2-2: DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- (A) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.

- (B) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (C) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- (D) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- (E) In areas not subdivided into lots and blocks, the district boundary lines shall be determined by scale to the nearest ten feet (10').

5-2-3: TRANSITION ZONING:

- (A) Where a lot in a business or industrial district abuts a lot in a residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.
- (B) Where the frontage on one (1) side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in the business or industrial district shall be equal to the required front depth of the residential district.

5-2-4: APPLICATION OF REGULATIONS: Except as hereinafter provided:

- (A) No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

- (B) No building shall hereafter be erected or altered:
1. To exceed the height;
 2. To accommodate or house a greater number of families;
 3. To occupy a greater percentage of lot area; or
 4. To have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
- (C) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Title shall be included as a part of a yard or other open space similarly required for another building.
- (D) All territory which prior to annexation does not fall under the jurisdiction of this Title and which may hereafter be annexed to the Village shall be considered as being in the R-1 District until otherwise changed by ordinance. Areas outside the Village under the jurisdiction of the ordinance shall bear the same district designation after annexation until otherwise changed by ordinance.
- (E) Whenever any street, alley or other public way is vacated by official action of the Board of Trustees of the Village, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and also area included in the vacation shall then henceforth be subject to all appropriate regulations of the extended districts.
- (F) Notwithstanding the above, none of the regulations specified in this Title with the exception of front yard requirements shall be applicable to bona fide agricultural uses. For the practical application of this Title, bona fide agricultural uses shall include the growing of crops in the open, raising of stock and poultry, forestry, mushroom growing, flower gardening, operation of apiaries and aviaries, nurseries, orchards, fur farms, roadside stands, signs and billboards relating to the sale or use of products produced thereon, and necessary structures and farm dwellings for such uses.

5-2-5: INTERPRETATION: In their interpretation and application, the provisions of this Title shall be held to be minimum

5-2-5

5-2-6

requirements, adopted for the promotion of the public health, morals, safety and the general welfare. Whenever the requirements of this Title are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards shall govern.

It is not intended by this Title to repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land. Where this Title imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Title shall control.

5-2-6: ENFORCEMENT: This Title shall be enforced by the Zoning Enforcing Officer who shall be appointed by the President of the Village Board by and with the consent of the Trustees. No building permit or certificate of occupancy shall be issued by him except where the provisions of this Title shall have been complied with.

CHAPTER 3

AGRICULTURAL DISTRICTS

SECTION:

- 5-3-1: Uses Permitted
- 5-3-2: Special Permit Uses
- 5-3-3: Area, Width, Building Height
- 5-3-4: Lot Coverage
- 5-3-5: Yards Required
- 5-3-6: Automobile Storage or Parking Space

5-3-1: USES PERMITTED: The following uses are permitted in the AG-1 District:

Agricultural uses, farm dwellings, commercial grain storage.

Home occupations; one (1) and two (2) family residential dwellings (which provide the minimum lot area as specified in Section 5-3-3 herein).

Community buildings; utility and service systems buildings and lands; libraries and museums; picnic grounds; religious, educational or charitable institutions, providing structures containing such uses are no closer than twenty-five feet (25') to lot line between adjacent residences.

Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over fifty (50) square feet of sign area; signs announcing meeting time and place of civic organizations.

Advertising structures in accordance with the following conditions:

- (A) Providing such structure is no closer than two hundred feet (200') to any residential district or to any residence which is existing prior to the location of such structures.
- (B) Providing all such structures meet the yard requirements and building height limitations of the AG-1 District.
- (C) Providing no device is attached or incorporated into the structures which might distract automobile drivers thereby creating an unsafe condition. Distracting devices not to be permitted shall include

parts of the sign which rotate, revolve, or move in any other fashion; illumination which is directed to any extent directly toward approaching automobiles; flashing, alternating or rotating lights.

- (D) Providing all structures are properly constructed and not allowed to remain in a deteriorating or leaning condition whether due to storm damage or lack of maintenance.
- (E) Providing no such structure is allowed to remain in an unused condition for longer than sixty (60) days.

Public parks, picnic grounds, forest preserves and artificial lakes.

5-3-2: SPECIAL PERMIT USES:

- (A) Uses of land including quarrying and mining of natural resources, sanitary landfill and other types of landfills, refuse disposal and dumps.
- (B) Cemeteries.
- (C) Commercial resort uses such as lodges, restaurants, rental cottages, riding stables, golf course, swimming pools, tennis courts and other such recreational facilities.
- (D) Public utility substations, booster stations, radio and television relay towers, repeater stations, etc., but not including power generation or gas manufacturing plants.

5-3-3: AREA, WIDTH, BUILDING HEIGHT: No dwelling shall be located on a lot less than one (1) acre in area or less than one hundred fifty feet (150') in width. No residential dwelling shall exceed thirty feet (30') in height.

5-3-4: LOT COVERAGE: Percentage of lot coverage limitation not specified.

5-3-5

5-3-6

5-3-5: YARDS REQUIRED: Yards of the following minimum depth shall be provided in the AG-1 District.

(A) Front Yard: Fifty feet (50').

(B) Side Yard: Each not less than fifteen feet (15').

(C) Rear Yard: Thirty feet (30').

5-3-6: AUTOMOBILE STORAGE OR PARKING SPACE: Adequate off-street parking in accordance with provisions of Section 5-7-5 of this Code.

CHAPTER 4

RESIDENCE DISTRICTS

SECTION:

5-4-1:	Required Conditions
5-4-2:	R-1 Districts
5-4-3:	R-2 Districts
5-4-4:	R-3 Districts
5-4-5:	R-3A Districts
5-4-6:	North Vine Street Subdivision Regulations

5-4-1: REQUIRED CONDITIONS: The following uses are permitted in all residential zones subject to the following conditions:

Churches or similar places of worship, parish houses, convents, where located at least twenty-five feet (25') from any other lot in any residence district.

Public, parochial and private schools, where located at least twenty-five feet (25') from any other lot in any residence district.

Public libraries, public museums and public art galleries, where located at least twenty-five feet (25') from any other lot in any residence district.

Municipal, State or Federal administrative or service buildings, where located at least twenty-five feet (25') from any other lot in any residence district.

Public parks, playgrounds and community centers, provided that any buildings shall be located at least twenty-five feet (25') from any other lot in any residence district.

Existing railroad rights-of-way, providing there is no switching, storage, freight yard or siding.

Farming, but not including the disposal or feeding of garbage and provided that no poultry or livestock shall be housed within one hundred feet (100') of any dwelling except that of the owner or lessor of the tract.

Any occupation of profession for gain or support carried on customarily entirely within a dwelling by a member or members of the immediate

family, residing on the premises, which use is clearly incidental and accessory to the use of the dwelling for dwelling purposes, in connection with which there is used no sign other than a plate showing only one individual's name not more than one (1) square foot in area or no display that will indicate from the exterior that the building is being utilized for any purpose other than that of a residential building; and in which no person is employed other than a member of the immediate family residing on the premises; and provided that no article is sold or offered for sale except such as may be produced in the household by members of the immediate family, and no mechanical equipment is used except such as is customarily used for purely domestic or household purposes.

One sign advertising the sale or rent of the land or buildings upon which it is located. Such sign shall not exceed ten (10) square feet in area, and shall be distant from the street line not less than one-half (1/2) of the front yard depth.

One sign or bulletin board not exceeding twelve (12) square feet in area in connection with churches or public buildings.

A nonconforming business use may have exterior signs aggregating not more than twelve (12) square feet in area on any lot.

The taking of boarders or leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two (2) in any one-family dwelling, or one (1) per dwelling unit in any multiple dwelling.

Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building and not nearer than three feet (3') to any wall thereof; provided, however, no part of any accessory building may be used for residence purposes, except that domestic employees of the owner, lessee or occupants of the principal building, and the family of such employee may have quarters in such accessory building. No accessory building shall exceed fifteen feet (15') in height. No required front yard shall be used for the open air parking or storage of motor vehicles.

Any building used as a residence shall contain on the ground floor at least six hundred (600) square feet of livable floor space.

Cemeteries, provided the location thereof is approved by resolution of the Board of Trustees after public hearing held and recommendation made by the Planning Commission.

No fence in excess of four feet (4') above ground level shall be constructed in an area zoned for residential purposes within the area between the lot line and the front yard building setback line and such fence shall be of a type that shall allow visibility through the fence. A fence having visibility as described herein shall include a chain link fence or a split rail fence. For purposes of this paragraph, a corner lot shall have two (2) front yard setback lines.

5-4-2: R-1 DISTRICTS: The following regulations shall apply in all R-1 Limited One-Family Residential Districts:

- (A) Uses Permitted: One-family dwellings.
- (B) Building Height Limit: Two and one-half (2 ½) stories, but not exceeding thirty-five feet (35').
- (C) Required Lot Area and Width in the R-1 District:

<u>Single Family Dwellings</u>	<u>Min. Lot Area Per Family (Square Feet)</u>	<u>Min. Lot Width Per Structure (Feet)</u>
with public water and public sanitary sewer*	6,000	60
with public water supply or public sanitary sewer	10,000	80
with neither public water supply nor public sanitary sewer	20,000	100

* Sewage treatment on an individual lot basis (such as individual septic tanks) shall not be interpreted as public sanitary sewer in this table.

- (D) Percentage of Lot Coverage: All buildings including accessory buildings shall not in the aggregate occupy more than forty percent (40%) of the area of the lot.

(E) Yards Required: Yards of the following minimum depths shall be provided:

1. Front Yard: No less than one-half (1/2) of the height of the building, but in no event less than twenty feet (20') unless the dwelling unit is constructed in an established area on one side of the street between two (2) intersecting streets which is improved with buildings that have observed a front yard depth of less than twenty feet (20'). In such established districts the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building structure. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the lot, except that the buildable width of such lot shall not be reduced to less than thirty-two feet (32'). No accessory building shall project beyond the front yard line on either street.
2. Side Yards: Each not less than one-third (1/3) the building height, but in no event less than five feet (5') wide, and where building is more than three (3) stories in height, not less than ten feet (10') wide.
3. Rear Yard: No less than one-half (1/2) the building height, but in no event less than twenty percent (20%) of the depth of the lot.

(F) Automobile Storage or Parking Space: Adequate off-street parking in accordance with the provisions of Section 5-7-5 of this Code.

5-4-3: R-2 DISTRICTS: The following regulations shall apply in all R-2 One-Family Residential Districts:

(A) Uses Permitted:

1. Any use permitted in an R-1 District; trailer coaches providing they are located in an approved trailer park (see subsection 2 below).
2. Trailer courts with permanent accommodations (or mobile homes) after public hearing by Board of Appeals, approved by Board of Trustees and providing each such trailer park meets the following requirements: (a) Such trailer park will have

permanent accommodations for a minimum of five (5) trailers, (b) trailer accommodations will include for each trailer individual underground sewer and water connections, concrete trailer platform, (c) the plan of development will provide a minimum of three thousand (3,000) square feet per trailer space, (d) the trailer spaces will not be located any closer to the bounding property lines of the park than the appropriate yard requirements for the adjacent district would allow, and (e) where a newly established trailer park is to abut an existing residential area, the trailer park shall provide on that adjacent property line, a dense hedge, tree row, or other suitable landscape device. A certificate of occupancy shall be required for each individual trailer to be located in the park prior to occupancy.

3. Tourist homes and rooming houses

(B) Building Height Limit: Same as those required in R-1 Districts.

(C) Required Lot Area and Width in the R-2 District:

Min. Lot Area	
Per Family or Min. Lot Width	
Rental Unit Per Structure	
<u>(Square Feet)</u>	<u>(Feet)</u>

Single-Family Dwelling (As required in R-1 District)

Rooming or Lodging House 1,500 50

with public water and
public sanitary sewer 1,500 50

with public water supply
or public sanitary sewer 3,000 80

with neither public
water supply nor public
sanitary sewer 6,000 100

(D) Percentage of Lot Coverage: Same as those required in R-1 Districts.

5-4-3

5-4-4

(E) Yards Required: Yards of the following minimum depths shall be provided:

1. Front Yard: Same as those required in R-1 Districts.
2. Side Yards: Same as those required in R-1 Districts
3. Rear Yard: Same as those required in R-1 Districts.

(F) Automobile Storage or Parking Space: Adequate off-street parking in accordance with the provisions of Section 5-7-5 of this Code.

5-4-4: R-3 DISTRICTS: The following regulations shall apply in all R-3 Multiple Family Residential Districts:

(A) Uses Permitted:

1. Any use permitted in an R-1 District.
2. Multiple-family dwelling.
3. Rooming and boarding houses.
4. Tourist homes.
5. Clubs and lodges, excepting such clubs or lodges the chief activity of which is a service customarily carried on as a business or primarily for gain. In conjunction with such club or lodge a dining room may be operated provided it is incidental to the activities of said club or lodge and is conducted for the benefit of the members thereof only, and further provided no sign is displayed advertising such activity.
6. Hospitals, sanitariums, rest homes, philanthropic and eleemosynary institutions and similar uses. No such use, however, shall be established or permitted on a parcel of land less than two (2) acres in area, nor shall any part or portion of such use be permitted within fifty feet (50') of any street or lot line.
7. Professional offices and medical clinics.

8. Signs pertaining to any permitted use of a building may be placed thereon provided any such signs are in the form of a name plate or announcement sign, and provided further that the total area of all such signs may not exceed twelve (12) square feet.

(B) Building Height Limit: Three and one-half (3 ½) stories, but not exceeding forty-two feet (42').

(C) Required Lot Area and Width in the R-3 District:

Min. Lot Area	
Per Family or	Min. Lot Width
Rental Unit	Per Structure
(Square Feet)	(Feet)

Single-Family Dwelling

with public water and
public sanitary sewer 5,000 50

with public water or
public sanitary sewer 8,000 65

with neither public
water nor public
sanitary sewer 15,000 100

Multiple Dwelling Unit

permitted in R-3 District
providing connection is
made to public water and
public sanitary sewer 2,500 50

(D) Percentage of Lot Coverage: All buildings including accessory buildings shall not in the aggregate occupy more than fifty percent (50%) of the area of the lot.

(E) Yards Required: Yards of the following minimum depths shall be provided:

1. Front Yard: Same as those required in R-1 Districts.

2. Side Yards: Each not less than one-fourth (1/4) the building height, but in no event less than five feet (5') wide, and where building is more than three (3) stories in height, not less than ten feet (10') wide.
 3. Rear Yard: Not less than one-third (1/3) the building height, but in no event less than twenty percent (20%) of the depth of the lot.
- (F) Automobile Storage or Parking Space: Adequate off-street parking in accordance with the provisions of Section 5-7-5 of this Code.

5-4-5: R-3A DISTRICTS: The following regulations shall apply in all R-3A Restricted Residential Districts:

- (A) Uses Permitted: One (1) family residences and two (2) family duplexes.
- (B) Building Height Limit: Two and one-half (2 ½) stories, but not exceeding thirty-five feet (35').
- (C) Required Lot Area and Width: Same as R-3 Districts.
- (D) Percentage of Lot Coverage: Same as R-3 Districts.
- (E) Automobile Storage or Parking Space: Same as R-3 Districts.

5-4-6: NORTH VINE STREET SUBDIVISION REGULATIONS: The following regulations shall apply to Lots 1 – 57 in the North Vine Street Subdivision, Arthur, Illinois, in addition to any other provisions of the Village of Arthur Zoning Code:

- (A) Dwelling Specifications:
 1. Only one (1) residential dwelling shall be allowed on any lot, except those Lots designated as R-3A, except that outbuildings of a generally accepted design will be permitted.
 2. The ground floor area of the dwelling, exclusive of attached garages, open terraces, screened porches and breezeways or

like areas shall be a minimum of one thousand (1,000) square feet and the roof must have pitch of no lower than 5/12.

3. Each dwelling SHALL have an attached garage for a minimum of one (1) full sized automobile. Minimum garage floor elevations for the North Vine Street Subdivision lots shall be the HIGHER elevation of six inches (6") above the highest point of the frontage pedestrian sidewalk crossing each respective lot OR Lots 1 thru 4 – Elevation 660.00; Lots 5 thru 8 – Elevation 659.00; Lots 9 thru 13 – Elevation 659.00; Lots 53 thru 57 – Elevation 659.25. The Village of Arthur shall provide a permanent local benchmark to be used in determining these minimum elevations.
- (B) Any construction and landscaping shall be completed within one (1) year of issuance of the building permit.
 - (C) No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except common ordinary household pets, provided they are not kept, bred or maintained for commercial purposes.
 - (D) No parking shall be allowed in the parkway or boulevard areas. All lots must include off street parking for the number of licensed automobiles in use by the owner or residents of the lot. No storage or parking of junk cars, trailers, boats or campers shall be allowed on the street or in any area visible to the public.

CHAPTER 5
GENERAL BUSINESS DISTRICTS

SECTION:

5-5-1: B-1 Districts

5-5-1: B-1 DISTRICTS: The following regulations shall apply in all B-1 General Business Districts:

(A) Uses Permitted:

1. All uses permitted in an R-3 District.
2. Stores and shops for the conducting of any retail business.
3. Banks, offices, studios, hotels.
4. Restaurants, tea rooms, cafes, taverns and other places serving food or beverages, including alcoholic beverages.
5. Theaters, billiard or pool parlors, bowling alleys, skating rinks or similar recreation uses or places of assembly.
6. Private schools conducted for gain.
7. Personal service shops such as barber, shoeshine shop, beauty parlor.
8. Caterer, undertaker.
9. Telegraph office, telephone and express office.
10. Baking, confectionery, dressmaking, dyeing, laundry, dry cleaning establishments, printing, tailoring, upholstering and similar establishments, and businesses of a similar and no more objectionable character.
11. Public garages, automobile repair shops, automobile service stations, automobile parking lots, used car lots.

12. Accessory building and uses subject to the following limitations:

Advertising signs and advertising structures may be maintained provided they are attached to a business building or they are located where the street frontage is more than fifty percent (50%) developed to commercial uses.

13. Other uses of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located, but no use prohibited in a B-1 District shall be permitted as an accessory use.

- (B) Building Height Limit: No building shall exceed in height the width of the street upon which it fronts, unless such portions of the building above said height be set back from every lot line one foot (1') for each additional foot of height.
- (C) Percentage of Lot Coverage: Any building used for residence purposes shall have a lot area and lot width equal to that required in the R-3 Districts.
- (D) Yards Required: Any building used for residence purposes, including accessory buildings, shall have side yards as specified for such dwellings to that required in the R-3 Districts.
- (E) Automobile Storage or Parking Space: Adequate off-street parking in accordance with the provisions of Section 5-7-5 of this Code.

CHAPTER 6
INDUSTRIAL DISTRICTS

SECTION:

5-6-1: I-1 Districts

5-6-2: I-2 Districts

5-6-1: I-1 DISTRICTS: The following regulations shall apply in all I-1 Light Industrial Districts:

(A) Uses Permitted:

1. All use permitted in a B-1 District, except residential uses.
2. Wholesale, storage and warehouse facilities.
3. Lumber, wood, feed or other similar storage yards, but not salvage yards, coal yards or junk yards.
4. Sawmills, planing mills and flour or grain mills.
5. Bottling works, steam laundries, dry cleaning plants, blacksmithing shops.
6. Yards, docks and transfer points for motor freight.
7. Uses of a light manufacturing nature, employing electricity or other unobjectionable motive power, utilizing hand labor or unobjectionable machinery or processes, and free from any objectionable odors, fumes, dirt, vibration or noise. Such uses shall not be established without an application for a permit which shall be accompanied by evidence indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise. Such application for permits shall be approved by the Zoning Enforcing Officer only in the event that the evidence accompanying the application indicates that the operation of such uses will not be obnoxious or offensive. In the event of the denial of such permit,

applicant shall have a right of appeal to the Zoning Board of Appeals.¹

- (B) Automobile Storage or Parking Space: Adequate off-street parking in accordance with the provisions of Section 5-7-5 of this Code.

5-6-2: I-2 DISTRICTS: The following regulations shall apply in all I-2 Heavy Industrial Districts:

- (A) Uses Permitted: All uses not otherwise prohibited by law, except any residential use; provided, however, that no building or occupancy permit shall be issued for any of the following uses until or unless the location of such use shall have been approved by the Board of Trustees after a public hearing thereon by the Planning Commission.²

1. Ammonia, bleaching powder or chlorine manufacture.
2. Ammunition manufacture and/or storage.
3. Animal black, lamp black or bone black manufacture.
4. Arsenal.
5. Bone distillation.
6. Carbon manufacture.
7. Celluloid manufacture.
8. Coal distillation.
9. Coke ovens.
10. Dead animal and offal reduction.
11. Distillation of tar.
12. Explosives, fireworks, and gunpowder manufacture or storage.
13. Fat rendering.

¹ See Chapter 3, Title 2 of this Code, Zoning Board of Appeals.

² See Chapter 2, Title 2 of this Code, Planning and Zoning Commission.

14. Grease, lard or tallow manufactured or refined from animal.
 15. Hair manufacture.
 16. Hog farm.
 17. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, dead animals or offal.
- (B) Automobile Storage or Parking Space: Adequate off-street parking in accordance with the provisions of Section 5-7-5 of this Code.

CHAPTER 7**SUPPLEMENTARY REGULATIONS****SECTION:**

5-7-1:	Supplementary Regulations
5-7-2:	Height
5-7-3:	Area
5-7-4:	Yards
5-7-5:	Off-Street Parking
5-7-6:	Regulation of Dish-Type Satellite Signal-Receiving Antennas
5-7-7:	Swimming Pool Regulations

5-7-1: SUPPLEMENTARY REGULATIONS: The provisions of this Title shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

5-7-2: HEIGHT:

- (A) **Height Exceptions:** The height limitations of this Title shall not apply to church spires, belfries, cupolas, penthouses and domes, not used for human occupancy; not to chimneys, ventilators, skylights, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.
- (B) **Ornamental Features:** The provisions of this Title shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five feet (5').
- (C) **Height and Open Space:** In any district any main building may be erected to a height in excess of that specified for the district, provided each front, side and rear yard is increased one foot (1') for each one foot (1') of such additional height. In such districts in which certain yards may not be required any portion of a main building may be erected to a height in excess of that specified for the district, provided that such portion of said building is set back

from all street, lot and required yard lines one foot (1') for each one foot (1') of additional height.

5-7-3: AREA:

- (A) **Reduced Lot Area:** No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which said lot is located. Whenever such reduction in lot area occurs, any building located on said lot shall not thereafter be used until such building is altered, reconstructed or relocated so as to comply with the area and yard requirements applicable thereto.
- (B) **Dwelling on Small Lots:** Notwithstanding the limitations imposed by any other provisions of this Title, the Board of Appeals may permit creation of a dwelling on any lot, separately owned or under contract of sale and containing, at the time of the passage of this Title, an area of a width smaller than that required for a one-family dwelling.
- (C) **Visibility at Intersections:** On a corner in any residence district no fence, wall, hedge, earth terraces, parking facilities or other structure or plant which would obstruct motor vehicle visibility of traffic approaching the corner or intersection, shall be erected, placed or maintained within the triangular area formed by the intersecting lot lines nearest the street intersection, and a straight line joining said lot lines at points which are twenty feet (20') distant from the point of intersecting lot lines.

5-7-4: YARDS:

- (A) **Terraces:** A terrace shall not be considered as a part of the structure in determining the lot area if such terrace is unroofed.
- (B) **Unenclosed Porches:** One story.

An unenclosed, one story porch, erected on piers, even though roofed over, may project into a required front, side or rear yard area a distance not to exceed six feet (6') and shall not be considered in the determination of the size of yards or lot coverage; provided, however, that such porch shall not be closer than four feet (4') at

- any point to any lot line, and that no building shall have such porches projecting into more than required side yard.
- (C) **Enclosed Porches:** Any two (2) story or any enclosed porch, or one having a solid foundation and capable of being enclosed, shall be considered a part of the building in the determination of the size of yard or lot coverage.
 - (D) **Projecting Architectural Features:** The space in any required yard shall be open and unobstructed except for the ordinary projection of window sills, belt courses, cornices, eaves, roof overhanging and other architectural features of residential properties; provided, however, that such features shall not project more than a maximum of four feet (4') from the exterior wall of the building and provided that such features do not reach closer than four feet (4') from the side lot lines.
 - (E) **Projecting Architectural Features of Business Properties:** All overhanging canopies, marquees, awnings and similar structures must be at least six feet eight inches (6' 8") above the sidewalk at any point, and overhanging signs must be a minimum of eight feet (8') above the sidewalk at any point. Such structures cannot project nearer than one foot (1') from any driveway.
 - (F) **Fire Escapes:** Open fire escapes may extend into any required yard not more than four feet six inches (4' 6").
 - (G) **Location of Accessory Buildings:** Any accessory building within twelve feet (12') of a residential building shall be at least five feet (5') from the side lot line. Any accessory building more than twelve feet (12') from a residential building shall be at least three feet (3') from the side of the lot line and three feet (3') from the rear lot line, except where there is an alley it must be at least five feet (5') from the rear lot where the doors open to the alley.

5-7-5: OFF-STREET PARKING:**(A) Definitions:**

Whenever the expression "off-street parking space" is hereinafter referred to, it shall pertain to a space of one hundred eighty (180) square feet of appropriate dimensions for the parking of an automobile, exclusive of the access drives or aisles thereto.

Whenever the word "employees" or the expression "number of employees" is hereinafter referred to, it shall mean the greatest number of persons to be employed in the building in question during any season of the year in any time of the day or night.

Whenever the word "seats" is hereinafter referred to, it shall mean the seating capacity of a particular building as determined by the specifications and plans filed with the Zoning Enforcing Officer; in the event individual seats are not provided, each twenty inches (20") of benches or similar seating accommodations shall be considered as one (1) seat for the purposes of this Title.

(B) Off-Street Parking Required:

1. In the use of land for residential, commercial, industrial or any other purposes, no residential, commercial, industrial or other building or structure shall be erected and no major repairs made to an existing residential, commercial, industrial or any other building or structure, unless there already be in existence upon the lot, or unless provision is made for the location on the lot, concurrently with the erection or major repairs, off-street parking space on the basis of the following minimum requirements:

DWELLINGS, including single, two (2) family, group houses, row houses and apartment houses, and all other similar structures devoted to habitation – at least one (1) off-street parking space for each dwelling unit.

HOTELS, including clubs, lodging houses, tourist homes and cabins, motels, trailer courts, camps in parks, boarding and rooming houses, dormitories, sororities, fraternities, and all other similar places offering overnight accommodations – at least one (1) off-street parking space for each one (1) guest room.

HOSPITALS, including sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm, and all other similar institutions – at least one (1) off-street parking space for each four (4) patient beds, plus at least one (1) additional off-street parking space for each staff and visiting doctor, plus at least one (1) additional off-street parking space for each three (3) employees (including nurses).

RESTAURANTS, including bars, taverns, nightclubs, lunch counters, diners, and all other similar dining or drinking establishments – at least one (1) off-street parking space for each four (4) seats provided for patrons' use.

THEATERS, including motion picture houses – at least one (1) off-street parking space for each six (6) seats provided for patrons' use.

PLACES OF PUBLIC ASSEMBLY, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, skating rinks, dance halls, bowling alleys, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fairgrounds, circus grounds, funeral homes and mortuaries, community centers, libraries, museums, and all other similar places of relatively infrequent public assembly – at least one (1) off-street parking space for each four (4) seats provided for patrons' use.

AUDITORIUMS -- at least one (1) off-street parking space for each eight (8) seats provided for patrons' use.

CHURCHES -- at least one (1) off-street parking space for each eight (8) fixed seats in the main worship hall of the church.

WHOLESALE, MAUNFACTURING and INDUSTRIAL PLANTS, including warehouses and storage buildings and yards, public utility buildings, contractor equipment and lumber yards, research laboratories, business service establishments such as blueprinting, printing and engraving, soft drink bottling establishments, fabricating plants, and all other structures devoted to similar mercantile or industrial pursuits – at least one (1) off-street parking space for each five (5) employees.

RETAIL ESTABLISHMENTS, including personal service shops, equipment or repair shops, gasoline or other motor fuel stations,

motor vehicle sales and/or repair establishments, all retail stores and business, and banks or other financial and lending institutions – at least one (1) off-street parking space for each three hundred (300) square feet of gross floor area used or intended to be used for service to the public as customers, patrons and clients.

OFFICE BUILDINGS, including commercial, governmental and professional buildings and medical and dental clinics – at least one (1) off-street parking space for each three hundred (300) square feet of gross floor area used or intended to be used, for service to the public as customers, patrons and clients.

2. On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trade, hotels, hospitals, laundries, dry cleaning establishments or other buildings where large amounts of goods are received or shipped or erected in any district after the date of the adoption of this Title, there shall be provided loading and unloading space as follows:
 - (a) Buildings of ten thousand (10,000) square feet of floor area, one (1) off-street loading space plus one (1) additional off-street loading and unloading space for each additional fourteen thousand (14,000) square feet of area.
 - (b) Each loading space shall be not less than fourteen feet (14') in width and fifty feet (50') in length.
3. In case of a use not specifically mentioned, the requirements for off-street parking or off-street loading for a use which is so mentioned, and to which said use is similar, shall apply.
4. The off-street parking facilities required for the uses mentioned in this Title, and for other similar uses, shall be on the same lot or parcel of land as the structure they are intended to serve, but in case of nonresidential uses when practical difficulties prevent their establishment upon the same lot, the required parking facilities shall be provided within three hundred feet (300') of the premises to which they are appurtenant.
5. No part of any off-street parking area required for any building or use for the purposes of complying with the provisions of this Title shall be included as a part of an off-street parking area

similarly required for another building or use unless the type of structure indicates that the periods of usage of such structures will not be simultaneous with each other.

6. In case of mixed uses the total requirement for off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in the preceding subsections, and the off-street loading space for one (1) use shall not be considered as providing the required off-street loading space for any other use.
7. Nothing in this Title shall be construed to prevent the joint use of off-street parking or off-street loading for two (2) or more buildings or uses, if the total of such spaces when used together shall not be less than the sum of the requirement for the various individual uses computed separately in accordance with the preceding subsections.
8. All off-street parking facilities required pursuant to the provisions of this Title shall be surfaced with asphalt, bituminous cement binder pavement or gravel if treated in such a manner so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residence buildings, residence zones or streets.
9. No certificate of occupancy will be issued upon completion of any building or repair operations unless and until all off-street parking requirements, shown upon the plans, or made a part of the building permit, shall be in place and ready for use.

5-7-6: REGULATION OF DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS:**(A) Definitions:**

1. "Dish-Type Satellite Signal-Receiving Antennas", also referred to as "earth stations" or "ground stations" shall mean one (1), or a combination of two (2) or more of the following:
 - (a) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
 - (b) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
 - (c) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.
2. "Receiver" shall mean a television set or radio receiver.
3. "Dish" shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.
4. "Grounding rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.
5. For purposes of this Title, a "dish-type satellite signal-receiving antenna" shall be considered to be a structure under the definitions of this Chapter.

- (B) Permit Required:** No person, firm, partnership, corporation, trust or other legal entity shall construct an earth station without a permit, nor shall construction commence before a permit is issued in accordance with Section 5-7-6 (C) of this Chapter.

(C) Application for Permit:

The owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within the Village of Arthur,

Illinois, who desires to construct an earth station on said lot, premises, or land parcel, must first obtain a permit to do so from the Village of Arthur Zoning Enforcing Officer.

The Zoning Enforcing Officer shall issue such permit, provided the applicant submits a written application upon forms provided and approved by the Zoning Enforcing Officer, along with a plot plan of the lot, premises or land parcel attached, showing the exact location and dimensions of the proposed earth station; a description of the kind of earth station proposed; the exact location and dimensions of all buildings or structures; structural engineering analysis. Each application shall specify among other things the name and address of the owner of the real estate; the applicant; and the person to be permitted to construct the proposed earth station.

The applicant shall present documentation of the possession of any license or permit required by any Federal, State or local agency pertaining to the ownership, construction or operation of an earth station.

The applicant shall submit with each application the sum of ten dollars (\$10.00) which represents the permit fee. The permit fee shall cover the costs of reviewing the construction plans and specifications, inspecting the final construction and processing the application.

The Zoning Enforcing Officer must notify by certified mail owners of real estate adjoining the property upon which the proposed earth station is to be erected at least ten (10) days before issuing a permit.

(D) Location of Earth Station:

1. Ground-mounted.
 - (a) No earth station shall be constructed in any front or side yard, but shall be constructed to the rear of the residence or main structure.
 - (b) No earth station, including its concrete base slab or other structure, shall be constructed less than five feet (5') from any property line or easement.

- (c) No earth station shall be constructed without appropriate evergreen landscaping to reasonably conceal said earth station from view, and the planting shall be completed before final approval by the Zoning Enforcing Officer.
- (d) No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.
- (e) An earth station shall not exceed a grade height of fifteen feet (15').
- (f) All structural supports shall be of galvanized metal.
- (g) Wiring between an earth station and a receiver shall be placed at least four inches (4") beneath the surface of the ground within rigid conduit.
- (h) Such earth station shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
- (i) Any driving motor shall be limited to 110v maximum power design and be encased in protective guards.
- (j) An earth station must be bonded to a grounding rod.
- (k) No earth station shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment building, hospital or any other commercial building or structure.

2. Roof-mounted.

- (a) Earth stations shall be mounted directly upon the roof of a primary or accessory structure, as defined in the Zoning Code, and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles or spires, except by variance.
- (b) An earth station shall not exceed a height of more than six feet (6') in diameter.
- (c) An earth station "dish" shall not exceed six feet (6') in diameter.

- (d) An earth station shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
 - (e) Any driving motor shall be limited to 110v maximum power design and be encased in protective guards.
 - (f) An earth station must be bonded to a ground rod.
- (E) Penalty: Whosoever violates any of the provisions of Title 5, Chapter 7, Section 6 of the Village Code of the Village of Arthur, Illinois, shall be guilty of a petty offense and shall be fined not more than five hundred dollars (\$500.00). A separate violation shall be deemed to have been committed each day during or on which a violation occurs or continues to occur. The Village Board of the Village of Arthur, Illinois, shall provide regulations concerning variance from the enforcement of this Chapter upon good cause shown that placement of the "Dish-Type Satellite Signal-Receiving Antenna" in compliance with this Chapter is not feasible due to inability to receive an existing signal.
- (F) Appeals: Appeals from decisions of the Zoning Enforcing Officer shall be made to the Board of Zoning Appeals as provided by the Village Code of The Village of Arthur, Illinois.

5-7-7: SWIMMING POOL REGULATIONS:

- (A) Installation. It shall be unlawful for any person to construct, install, maintain or enlarge a residential swimming pool not enclosed in a permanent building in the Village except in accordance with the following regulations.
- (B) Definition. A swimming pool within the meaning of this Section shall be any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, and either above or below the ground in which water of more than twenty-four inches (24") in depth is contained and which is used primarily for the purpose of bathing and swimming, but excluding spas and hot tubs.

- (C) Permit. It shall be unlawful for any person to construct, install, enlarge or alter any private swimming pool unless a building permit has first been obtained from the building inspector.

No swimming pool covered by the Ordinance shall be filled with water or used until a Certificate of Compliance has been issued by the building inspector. No Certificate of Compliance shall be issued until the fencing is completed.

Application shall be on forms provided by the building inspector, and shall be accompanied by plans drawn to scale showing the following:

1. Pool dimensions and volume of water in gallons.
2. Location and type of waste disposal system.
3. Location of pool on lot, distance from lot lines, and distance from structure.
4. Fencing and landscape plan, or a combination thereof.

- (D) Construction requirements:

1. No pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by zoning ordinance for permitted accessory building uses, and in no case shall the water line of any pool be less than four feet (4') from any lot line.
2. No direct connection shall be made to the sanitary sewer or septic system.
3. Gaseous chlorination system shall not be made use of as a disinfection method for pool waters. The building inspector shall recommend a proper disinfectant.

- (E) Fence. Pools within the scope of this Section or not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool and shall not be less than four feet (4') in height, so constructed as not to have voids, holes or openings larger than four inches (4") in one (1) dimension. Gates or doors shall be equipped with a self-closing

and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

Aboveground pools with self-provided fencing to prevent unguarded entry will be allowed without separate additional fencing, providing the self-provided fence is of minimum required height and design as heretofore specified.

Permanent access from grade to aboveground pools having stationary ladders, stairs or ramps shall have not less than equal safeguard fencing and gates.

Location or fencing required shall be subject to all other applicable ordinances.

No fence shall be located, erected, constructed or maintained closer to a pool than three feet (3').

The wall of the house or building faced to a pool may be incorporated as a portion of such fence.

- (F) Electrical requirements. All electrical installations provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with the State laws and Village ordinances regulating electric installations.

If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

- (G) Other regulations. No pool shall be so operated or maintained as to create a nuisance, a hazard, an eyesore, or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any other way detrimental to public health, safety, and welfare.
- (H) Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER 8
NONCONFORMING USES

SECTION:

5-8-1: Nonconforming Uses

5-8-1: NONCONFORMING USES:

- (A) The lawful use of any building or structure existing at the time of the passage of this Title may be continued, although such use does not conform with the provisions of this Title.
- (B) A nonconforming use shall not be extended, but the extension of a lawful use to any portion of the building designed for a nonconforming use which existed prior to the enactment of this Title, shall not be deemed the extension of such nonconforming use. Any such valid extension must meet the lot area, side yard, front yard and rear yard requirements provided for that district in which the nonconforming building is located.
- (C) A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty percent (50%) of the current fair value of the building unless said building is changed to a conforming use. A building designed for a nonconforming use, however, may be reconstructed or altered beyond the limitations herein provided by the action of the Board of Appeals, after public hearing, as required by law in case of variances. The limitations herein provided shall not prohibit the restoration to a safe condition of any structure or portion thereof declared unsafe by a proper authority.
- (D) If a nonconforming use has been discontinued for a period of one (1) year or more, it shall not be re-established unless the nonconforming use was in a building designed, arranged and intended for such use.
- (E) Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use shall not be substituted or added to another nonconforming use.

5-8-1

5-8-1

- (F) Whenever the boundaries of a district shall be changed so as to transfer an area from one (1) district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

CHAPTER 9

PERMITS

SECTION:

- 5-9-1: Permit Required
- 5-9-2: Building Permits, Application
- 5-9-3: Certificates of Occupancy
- 5-9-4: Temporary Dwelling Permit

5-9-1: PERMIT REQUIRED: It shall be unlawful to establish any use of a building, structure, or land, either by itself or in addition to another use, or to erect a new building or structure, or part thereof, or to rebuild, structurally alter, add to or relocate any building or structure, or part thereof, without obtaining a permit from the Zoning Enforcing Officer in accordance with the regulations specified in this Chapter.

5-9-2: BUILDING PERMITS, APPLICATION:

- (A) Application for permits shall be filed in written form with the Enforcing Officer, shall state the legal description of the property, the name and address of the owner, the applicant and the contractor, the estimated costs, and shall describe the uses to be established or expanded and shall give such information as may be required by this Title for its proper enforcement.
- (B) All applications shall be accompanied by a dimensioned drawing of the building plot, showing the location of buildings and structures, lot areas to be used, and auto parking areas.
- (C) Each permit issued for a main building shall also cover any accessory structures or buildings constructed at the same time on the same premises, and such permit shall be posted in plain sight on the premises for which it is issued, until completion of construction or occupancy.
- (D) Any work or change in use authorized by permit but not substantially started within ninety (90) days shall require a new permit. A permit shall be revoked by the Enforcing Officer when he shall find from personal inspection or from competent evidence that

the rules or regulations under which it has been issued are being violated.

- (E) All applications and a copy of all permits issued shall be systematically filed and kept by the Enforcing Officer in his office for ready reference.
- (F) To partially defray the expenses for inspecting the plans or property, a fee of two dollars (\$2.00) per one thousand dollars (\$1,000.00) of value shall be charged for the first thirty thousand dollars (\$30,000.00) of value of the improvement being built, thereafter, one dollar (\$1.00) per one thousand dollars (\$1,000.00) of valuation shall be charged for the value in excess of thirty thousand dollars (\$30,000.00). There shall be a minimum fee of ten dollars (\$10.00) per building permit, notwithstanding anything herein to the contrary. Payment shall be made to the Village General Fund and the Zoning Enforcing Officer shall receive ten dollars (\$10.00) per permit issued, payable on a quarterly basis. There shall be a maximum fee of five hundred dollars (\$500.00) per building permit, notwithstanding anything herein to the contrary.

5-9-3: CERTIFICATES OF OCCUPANCY:

- (A) No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Enforcing Officer.
- (B) All certificates of occupancy shall be applied for coincident with the application for a building permit, and said certificate shall be issued within three (3) days after the erection or alteration shall have been approved.
- (C) Certificates of occupancy for the use of vacant land shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of this Title.
- (D) The Zoning Enforcing Officer shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

5-9-3

5-9-4

- (E) No permit for excavation for, or the erection or alteration or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

5-9-4: TEMPORARY DWELLING PERMIT: Upon application to and receipt of a permit from the Enforcing Officer, a mobile home may be temporarily placed on construction lot for the limited period of six (6) months for the purpose of allowing the lot owner to reside at the construction site while a building is being constructed. A three (3) month extension may be granted by the Zoning Enforcing Officer upon written request and good cause shown.

CHAPTER 10
AMENDMENTS

SECTION:

5-10-1: Amendments

5-10-1: AMENDMENTS:

- (A) The Board of Trustees of the Village may from time to time, on its own motion or on petition after report by the Plan Commission and after hearing and public notice of such hearing given by one (1) publication in the Village at least fifteen (15) days before the time of hearing amend, supplement or change by ordinance, the regulations and districts herein or subsequently established. In case of written protest against any proposed amendment signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered as to such regulations or district, filed with the Village Clerk, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all of the members of the Board of Trustees.
- (B) The Village Board shall not be required to take action for the conduct of a hearing on petition by property owners to amend, supplement or change the boundaries of any district or to reclassify any property, but whenever owners of fifty percent (50%) or more of the street frontage in any block shall present to the Village Board a petition, duly signed and acknowledged, requesting such amendment or reclassification, it shall be the duty of the Village Board to refer said petition to the Plan Commission to hold a hearing thereon, as provided by Statute.

Before any action shall be taken, as provided in this Title, the party or parties petitioning for a change shall deposit with the Village Comptroller the sum of one hundred dollars (\$100.00) to cover the cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

5-10-1

5-10-1

It shall also be required that before any petition may be heard which will involve the placement of roads or other areas that will be open to the public and which may be dedicated to the Village and become an obligation of the Village to maintain and own, an engineer's drawing indicating the proposed project shall be presented along with the petition or other documentation.

CHAPTER 11
VIOLATIONS; PENALTIES

SECTION:

5-11-1: Violations, Penalties

5-11-1: VIOLATIONS, PENALTIES:

- (A) Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Title shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

- (B) 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 Title, the proper authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.