Title 17

ZONING

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Chapter 17.04

INTRODUCTORY PROVISIONS AND DEFINITIONS

Sections:

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17.04.010 Title and citation.

This title shall be known and may be cited as "The Zoning Ordinance of the Village of Princeville." (Prior code § 17.04.010)

17.04.020 Scope.

It is not intended by this title to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by the ordinance codified in this title or amendments hereto, or with private restrictions placed upon property by covenant, deed, or other private agreement, or with restrictive covenants running with the land to which the Village is a party. Where this title imposes a greater restriction upon land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract, or deed, the provisions of this title shall control. (Prior code § 17.04.020)

17.04.030 Rules of construction.

The following rules shall apply in the construction and interpretation of this title and of the terms used herein:

A. The present tense includes the future tense.

B. The masculine gender includes the feminine and neuter.

C. The singular number includes the plural, and vice versa.

D. The word "shall" is always mandatory. The word "may" is always permissive.

E. The word "person" includes a partnership, association, firm, trust, club, company or corporation as well as the individual.

F. The words "used" or "occupied" or "located" as applied to any land, building, use, structure, or premises shall be construed to include the words "intended, arranged, or designed" to be used or occupied or located.

G. The word "lot" includes the words "plot" and "parcel." (Prior code § 17.08.030)

17.04.040 Definitions.

Unless otherwise expressly stated, for the purposes of this title the following terms, phrases, words, and their derivations, shall have the meanings indicated in this section:

"Accessory," as applied to a building structure, or use, means one which is on the same lot with, incidental and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

"Alter" or "alteration" means any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.

"Block front" means the property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, wa-

terway, unsubdivided area, or other definite boundary

"Dwelling" means a building designed for residential living purposes and containing one or more dwelling units and/or lodging units.

"Dwelling unit" means one or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one family and not more than two roomers or boarders, and which contain a stove, sink and other kitchen facilities

"Family" means: (a) an individual; or (b) two or more persons related by blood, marriage, or adoption; or (c) maximum of five persons not so related; together with his/her or their domestic servants and gratuitous guests maintaining common household in a dwelling unit or lodging unit.

"Height" means the vertical measurement from the average level of the surface or the ground immediately surrounding a structure to a point midway between the ridge and eave lines of the roof of the structure, or if unroofed, to the highest point of such structure.

"Home occupation" means a gainful occupation or profession conducted entirely within a dwelling or in a structure accessory thereto, or conducted in connection with a dwelling, and carried on by the residents therein, provided such occupation or profession is clearly incidental and secondary to the use of the dwelling for residential living purposes.

"Junkyard" means a lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of wastepaper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.

"Lot" or "Zoning lot" means a single property, parcel, unit, tract, plot, or otherwise designated portion of land, having metes and bounds, which is designated to be used, as a unit under single ownership or control, and which may be occupied by one or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "zoning lot" may or may not coincide with a lot of record.

Lot, Corner. "Corner lot" means a lot located:

1. At the junction of and abutting two or more intersecting streets;
2. At the junction of and abutting a street and the nearest shoreline or high waterline of a storm or floodwater runoff channel or basin;
3. At the junction of and abutting two or more storm or floodwater runoff channels or basins;
4. At and abutting the point of abrupt change of a single street where the interior angle is less than one hundred thirty-five (135) degrees and the centerline radius of the street is one hundred (100) feet, or less.

"Lot depth" means the average distance from the front to the rear lot lines measured in the general direction of the side lot lines.

Lot, Interior. "Interior lot" means a lot other than a corner lot.

"Lot width" means the horizontal distance between the side lot lines, measured along a straight line between them at points in the side lot lines which are distant from the front lot line the required front yard depth.

"Mobilehome" means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to

permit the occupancy thereof as a dwelling place for one or more persons. The term "mobilehome" shall include manufactured homes constructed after June 30, 1976, in accordance with the Federal National Manufactured Housing Construction and Safety Standards Act of 1974.

"Mobilehome park" means a tract of land or two or more contiguous tracts of land upon which contain sites with the necessary utilities for five or more independent mobilehomes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobilehome park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobilehome park if they are maintained and operated jointly. Neither an immobilized mobilehome nor a motorized recreational vehicles shall be construed as being a part of a mobilehome park.

"Planning Commission" means the Planning Commission of the Village, or if there be none, they shall mean the Tri-County Regional Planning Commission of Peoria, Tazewell and Woodford Counties.

"Sanitary sewer" means a constructed conduit for the collection and carrying of liquid and solid sewage wastes, other than storm waters, to a sewage treatment plant.

"Sign" means any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.

"Structure" means anything constructed or erected with a fixed location on the surface of the ground of affixed to something having a fixed location on the surface of the ground, including but not limited to: buildings, walls, swimming pools, fences, billboards, and signs.

Structure, Main or Principal. "Main or principal structure" means the structure in or on which is conducted the main or principal use of the lot on which it is located.

"Subdivision" means any division, development, or resubdivision of any part, lot, area or tract of land by the owner or agent, either by lots or by metes and bounds, into lots two or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant streets, alleys, easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or owners within the tract subdivided. The division of land for agricultural purposes not involving any new street, alley, or other means of access, shall not be deemed a subdivision for the purpose of the regulations and standards of this title.

"Use" means the specific purpose for which land, a structure or premises, is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

"Village" means the Village of Princeville, Illinois.

"Village Board" means the governing body of the Village.

"Yard" means an open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

Yard, Front. "Front yard" means a yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on the lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.

Yard, Rear. "Rear yard" means a yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on the lot.

Yard, Side. "Side yard" means a yard situated between the side lot line and the nearest line of a structure located on the lot and extending from the rear line of the front yard to the front line of the rear yard.

"Zoning Board" means the Zoning Board of Appeals of the Village.

"Zoning Officer" means the officer designated by the Village Board to enforce this title. (Ord. 2003-12 §§ 4 and 5 (part); prior code §§ 17.08.020—17.08.280)

Chapter 17.08

ADMINISTRATION AND ENFORCEMENT*

Sections:

17.08.010 Administration and enforcement.

17.08.020 Zoning use permit—When required.

17.08.030 Zoning use permit—Application—Contents.

17.08.040 Zoning use permit—Issuance—Multiple applications—Instances in which Village Board approval required—Performance bonds—Revocation.

17.08.050 Zoning use permit to cover accessory structure.

17.08.060 Zoning use permit—Copies.

17.08.070 Zoning use permit—Beginning work.

17.08.071 Zoning use permit—Special rules for demolition—Beginning work—Fines for failure to begin or complete work.

17.08.072 Special rule for moving buildings—Time to obtain compliance certificate—Fines for failure to qualify for zoning compliance certificate.

17.08.073 Zoning use permit—Special rules—Accessory structure to be built or placed in front yard—Portable storage containers.

17.08.080 Zoning use permit—Expiration—Completion of work—Fines for failure to complete or remove.

17.08.085 Extension of initial zoning use permit—Fines for failure to resume and complete.

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17.08.160 Zoning use permit—Fees—Listed.

17.08.170 Zoning use permit—Fees—Refunds.

17.08.180 Zoning use permit extensions—New zoning use permits—Fees.

17.08.190 Fine for commencing work without zoning use permit.

***Editor's note**—Ord. No. 09-09-14, § 16, provides that all sections of the ordinance which affect extensions of zoning use permits, and which affect issuance of new zoning use permits for the same or similar work or activity described in an initial zoning use permit, shall apply to applications for extensions of zoning use permits, and to applications for new zoning use permits, where the initial zoning use permit was issued before the effective date of said ordinance, Sept. 22, 2009.

17.08.010 Administration and enforcement.

This title shall be administered and enforced by the Zoning Officer. No zoning permit or certificate of occupancy shall be issued by him/her except where the provisions of this title have been complied with. (Prior code § 17.04.030)

17.08.020 Zoning use permit—When required.

A zoning use permit shall be obtained from the Zoning Officer, by the owner, lessee, or other person having the right to possession, or his/her authorized agent, of any property or structure before commencing:

A. To establish, occupy, or change the use of a structure or land either by itself or in addition to another use;

B. To construct or erect a new structure or part thereof;

C. To extend, demolish, or move any structure or part thereof;

D. To change one nonconforming use to another such use or to a special use;

E. To extend, expand, change, or reestablish any nonconforming use; provided, however, that Sections 17.08.010 through 17.08.100 shall not apply to those persons, nor to property, structure, or uses, exempted from the regulations of this title by statute or by other provisions of this title, except to the extent specifically provided hereinafter;

F. All references to "structure" in this Section 17.08.020 shall include but not be limited to accessory structures, including but not limited to accessory storage structures, and portable storage containers. For the purpose of this Title 17, "accessory storage structures" include pipe and canvas carports, canvas garages, shipping containers, lean-to structures, railroad cars, and other similar storage structures; and "portable storage containers" include PODS and similar moving and storage containers. (Prior code § 17.04.040)
(Ord. No. 09-09-14, § 1, 9-22-2009)

17.08.030 Zoning use permit—Application—Contents.

Applications for zoning use permits shall be filed in the office of the Zoning Officer on forms prescribed by him/her. Such applications shall:

A. State the location, street number, lot, block, and/or tract comprising the legal description of the property;

B. State the name and address of the owner, the applicant if different from the owner, and the contractor if known;

C. State the estimated costs;

D. Describe the uses to be established or expanded;

E. Be accompanied by a plan in duplicate, or duplicate prints thereof, drawn approximately to scale, showing:

1. Actual dimensions of the lot to be built upon,

2. Size, shape, and location of the use to be established or the structure to be constructed,

3. Size, shape, and location of all existing structures and uses located on the lot,

4. Minimum floor elevations and highest known floor level, where applicable,

5. Ingress and egress,

6. Off-street parking spaces and loading berths,

7. Water supply and sewage disposal facilities, including a true and correct copy of any permit,

8. Other information as may be necessary to provide for the proper administration and enforcement of this title;

F. Include any accessory structure or use established or constructed at the same time the main or principal structure, or main or principal use is established or constructed.

G. If the application is for demolition, includes the applicant's written statement that the applicant assumes all responsibility for containment, removal, and remediation in compliance with all applicable environmental statutes, ordinances, and regulations. (Prior code § 17.04.050)
(Ord. No. 09-09-14, § 2, 9-22-2009)

17.08.040 Zoning use permit—Issuance—Multiple applications—Instances in which Village Board approval required—Performance bonds—Revocation.

A. Except for instances noted below in subsection 17.08.040(C) below in which a zoning use permit shall be referred to the Village Board for approval, the Zoning Officer is authorized to issue zoning use permits as provided in this subsection 17.08.040(A). If the Zoning Officer determines that the fee applicable under Section 17.08.160 has been paid, and that an application for zoning use permit and the use applied for conform to the applicable regulations and standards of this title, and if an application for a zoning compliance certificate has been made, he/she shall issue a zoning use permit.

B. The Zoning Officer, may at his option, refer any application for a zoning use permit to the Village Board for approval.

C. In the following instances, the Zoning Officer shall refer an application for a zoning use permit to the Village Board for approval:

1. If the Zoning Officer has issued two zoning use permits to the same applicant, or to or for the same owner, and the same applicant or owner submits a third or further application(s) for zoning use permit(s) within twelve (12) months of the date on which the second of the first two zoning use permits was issued.

2. If the Zoning Officer receives an application for a zoning use permit to move a structure or any part thereof as defined in Section 17.04.040 of this title (as required by subsection 17.08.072(A) of this title).

3. If the Zoning Officer receives an application for a zoning use permit for an accessory structure to be built, constructed, or placed in a front yard (as required by subsection 17.08.073(A) of this title).

4. If the Zoning Officer receives an application for a zoning use permit for a portable storage container (as required by subsection 17.08.073(B) of this title).

5. If, before an initial zoning use permit expires, the Zoning Officer receives a request from the applicant for an extension of the initial zoning use permit (as required by subsection 17.08.085(A) of this title).

6. If an applicant's initial zoning use permit and any extension thereof has expired without the applicant's completing the work for which the initial zoning use permit was issued, and the Zoning Officer receives an application for a new zoning use permit for the same work (as required by subsection 17.08.090(A) of this title).

D. Whenever Village Board approval is required for issuance of a zoning use permit or extension of a zoning use permit, the Village Board may condition its approval on the applicant's providing a performance bond with surety acceptable to the Village Board, to ensure completion of the work or other activity for which the zoning use permit is issued in the manner represented in the application, in compliance with all requirements of this Title 17, and before expiration of the zoning use permit.

E. With regard to any zoning use permit that has been issued under this Title 17 after approval by the Zoning Officer or the Village Board, the Village Board may revoke the zoning use permit if it determines that its issuance was in violation of the

requirements of this Title 17; or that the applicant is proceeding with work, construction, usage, or other activity which is inconsistent with what the applicant represented on the application for the zoning use permit. Whenever a zoning use permit is revoked, the Village Board shall immediately inform the applicant of the revocation, and of the reason(s) for which the revocation occurred. (Ord. 2003-12 § 1: prior code § 17.04.060)
(Ord. No. 09-09-14, § 3, 9-22-2009)

17.08.050 Zoning use permit to cover accessory structure.

Each zoning use permit for a main or principal structure, or main or principal use shall also cover any accessory structure or accessory use established or constructed at the same time on the same lot or tract of land. (Prior code § 17.04.070)

17.08.060 Zoning use permit—Copies.

A. The Zoning Officer shall issue an original and a duplicate copy of the zoning use permit to the applicant and shall retain another duplicate copy for his/her records.

B. The applicant's duplicate copy shall be posted in plain sight on the premises for which it is issued until the zoning compliance certificate has been issued. (Prior code § 17.04.080)

17.08.070 Zoning use permit—Beginning work.

If the work described on any zoning use permit, other than a zoning use permit for demolition, has not begun within ninety (90) days from the issuance thereof, the permit shall expire and be cancelled by the Zoning Officer and written notice thereof shall be given to the applicant. (Prior code § 17.04.090)
(Ord. No. 09-09-14, § 4, 9-22-2009)

17.08.071 Zoning use permit—Special rules for demolition—Beginning work—Fines for failure to begin or complete work.

An applicant who has been issued a zoning use permit for demolition shall begin the work described on the zoning use permit by the 10th day after the zoning use permit is issued. The applicant may be fined twenty-five dollars ($25.00) per day for each day after the tenth day after issuance that the work is not begun, up to a maximum of six hundred dollars ($600.00) per month, until the work is begun. The applicant also may be fined twenty-five dollars ($25.00) per day for each day after the fifth day after the zoning permit expires, up to a maximum of six hundred dollars ($600.00) per month, until the work is completed.
(Ord. No. 09-09-14, § 5, 9-22-2009)

17.08.072 Special rule for moving buildings—Time to obtain compliance certificate—Fines for failure to qualify for zoning compliance certificate.

A. If the Zoning Officer receives an application for a zoning use permit to move a structure or any part thereof as defined in Section 17.04.040 of this title, the Zoning Officer shall refer the application to the Village Board.

B. The Village Board may not grant the application unless the applicant previously has been granted a variance for the moving pursuant to Section 17.44.050 of this Title 17. Notwithstanding anything to the contrary in Section 17.08.080, the zoning use permit shall expire after sixty (60) consecutive days.

C. If the applicant has not taken all steps necessary to qualify the structure or part thereof which is the subject of the

zoning use permit for a zoning compliance certificate within sixty (60) days of issuance of the zoning use permit, the applicant may be fined the sum of twenty-five dollars ($25.00) per day, up to a maximum of six hundred dollars ($600.00) per month, until the applicant has qualified the structure or part thereof for issuance of a zoning compliance certificate.
(Ord. No. 09-09-14, § 6, 9-22-2009)

17.08.073 Zoning use permit—Special rules—Accessory structure to be built or placed in front yard—Portable storage containers.

A. If the Zoning Officer receives an application for a zoning use permit for an accessory structure to be built, constructed, or placed in a front yard, the Zoning Officer shall refer the application to the Village Board.

B. Notwithstanding anything to the contrary in Sections 17.08.020 and 17.08.030 of this Title 17, a portable storage container, as described in subsection 17.08.020(F), may be placed on a lot for up to thirty (30) days without a zoning use permit having been issued for the portable storage container. On or before the thirtieth (30th) day, however, an application for a zoning use permit must be filed with the Zoning Officer. The Zoning officer shall refer the application to the Village Board.

C. When the Village Board is referred an application pursuant to subsection 17.08.073(A) or 17.08.073(B), the Village Board, at its discretion, may approve such application if it determines that the structure which is the subject of the application is in compliance with this Title 17, and that granting the application will neither adversely affect the value of the surrounding premises nor adversely affect the neighborhood in which the structure would be located.

D. When granting an application for a zoning use permit for a portable storage container, the Village Board at its discretion shall specify the date on which the zoning use permit shall expire, which date shall be no later than the sixtieth (60th) day after issuance of the zoning use permit.
(Ord. No. 09-09-14, § 7, 9-22-2009)

17.08.080 Zoning use permit—Expiration—Completion of work—Fines for failure to complete or remove.

A. If the work described on a zoning use permit for demolition shall not have been substantially completed within ninety (90) consecutive days from the issuance thereof, the zoning use permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the applicant. At his/her option, the Zoning Officer may also give the applicant notice that further work as described on the cancelled zoning use permit shall not proceed unless and until a new zoning use permit shall have been issued.

B. If the portable storage container described on a zoning use permit, as issued pursuant to subsections 17.08.073(B) and 17.08.073(C) of this Title 17, is not removed on or before the sixtieth (60th) consecutive day from the issuance thereof, or by such earlier date that the Village Board may have established for expiration of the zoning use permit, the zoning use permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be provided to the applicant.

C. For all other zoning use permits, if the work described on the zoning use permit shall not have been substantially completed, the permit shall expire and cancelled by the Zoning Officer, and written notice thereof shall be provided to the applicant. At his/her option, the Zoning Officer may

also give the applicant notice that further work as described on the cancelled zoning use permit shall not proceed unless and until a new zoning use permit shall have been issued.

D. With regard to any zoning use permit that has expired before completion of the work or removal described on the zoning use permit, and for which either:

1. No request for extension or application for a new permit has been filed; or

2. An extension or new permit is not permitted by this Title 17; or

3. All request(s) for renewal and application(s) for new permit(s) sought by the applicant have been denied.

Then, beginning on the eleventh day after expiration of the zoning use permit or on the eleventh day after the denial of any such request(s) and/or application(s), the applicant may be fined the sum of twenty-five dollars ($25.00) per day, up to a maximum of six hundred dollars ($600.00) per month, for each day that the applicant fails to either complete the work or removal as described on the expired zoning use permit.
(Prior code § 17.04.100)
(Ord. No. 09-09-14, § 8, 9-22-2009)

17.08.085 Extension of initial zoning use permit—Fines for failure to resume and complete.

A. An applicant may request an extension of an initial zoning use permit by submitting a written request for extension to the Zoning Officer before the original zoning use permit expires. If the Zoning Officer receives such a request before expiration of the initial permit, the Zoning Officer shall refer the request to the Village Board for approval.

B. On receipt of a request for extension, the Village Board, at its discretion, may extend the time allowed for completion of the work for a period up to ninety (90) days, and may require a performance bond, with surety acceptable to the Village Board, to ensure completion of the work within the time allowed by the extension.

C. If an extension is granted, the applicant must resume activity to complete the work within fifteen (15) days of the date on which the extension is granted.

D. If an applicant who has received an extension does not resume activity to complete the work within fifteen (15) days of the date on which the extension is granted, or does not complete the work by the date on which the extension expires, the applicant may be fined the sum of twenty-five dollars ($25.00) per day, up to a maximum of six hundred dollars ($600.00) per month, for each day that the applicant fails to either resume the work as required by subsection 17.08.085(C), or to complete the work before the expiration of the extended time allowed for completion.

E. The Village Board may not grant any extension of a zoning use permit issued for demolition. The Village Board may grant only one extension of any other zoning use permit.
(Ord. No. 09-09-14, § 9, 9-22-2009)

17.08.090 Zoning use permit—New permit—Fines for failure to resume and complete.

A. If an applicant's zoning use permit, and any extension thereof, has expired, and the applicant has not completed the work for which the zoning use permit was issued, the applicant may file with the Zoning Officer an application for a new zoning use permit. The Zoning Officer shall refer the application to the Village Board for approval.

B. On receipt of the application for the new zoning use permit, the Village Board, at its discretion, may approve the application for the period reasonably deemed nec-

essary to complete the work, up to a maximum of three hundred sixty-five (365) days. The Village Board, at its discretion, also may require a performance bond, with surety acceptable to the Village Board, to ensure completion of the work within the time allowed by the new zoning use permit.

C. If the new zoning use permit is approved and issued, the applicant must resume activity to complete the work within fifteen (15) days of the date on which the new permit is issued.

D. If an applicant who has been issued a new zoning use permit does not resume activity to complete the work within fifteen (15) days of the date on which the new zoning use permit is issued, or does not complete the work by the date on which the new zoning use permit expires, the applicant may be fined the sum of twenty-five dollars ($25.00) per day, up to a maximum of six hundred dollars ($600.00) per month, for each day that the applicant fails to either resume the work as required by subsection 17.08.085(C), or to complete the work after the expiration of the new zoning use permit.

E. A new zoning use permit will not be approved if there is a pending and unresolved dispute between the Village and the applicant concerning the initial zoning use permit issued for the same or similar work or purpose; if the initial zoning use permit did not fully comply with this Title 17; or if a variance must be obtained or modified before the initial zoning use permit would be in compliance with Title 17, but the variance has not yet been obtained or modified. (Prior code § 17.04.110)
(Ord. No. 09-09-14, § 10, 9-22-2009)

17.08.100 Zoning use permit—Land where no structure involved.

A zoning use permit issued for the establishment of the use of land where no structure is involved, or on which land a structure is accessory to the main or principal use, such main or principal use not involving any structure, shall not expire. The land so used shall be inspected by the Zoning Officer at one-year intervals from the date of issuance of such permit to ensure compliance with the regulations and standards of this title. (Prior code § 17.04.120)

17.08.110 Compliance certificate—Required.

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a zoning compliance certificate has been issued by the Zoning Officer. (Prior code § 17.04.130)

17.08.120 Compliance certificate—Coincident with permit.

All zoning compliance certificates shall be applied for coincident with the application for a zoning use permit, and the certificate shall be issued within three days after the erection or alteration shall have been approved. (Prior code § 17.04.140)

17.08.130 Compliance certificate—Issuance.

Zoning compliance certificates for the use of vacant land shall be applied for before any such land is occupied or used, and a zoning compliance certificate shall be issued within three days after the application has been made, provided such use is in conformity with the provisions of this title. (Prior code § 17.04.150)

17.08.140 Compliance certificate—Records and copies.

The Zoning Officer shall maintain a record of all certificates and copies shall be furnished upon request to any person having proprietary or tenancy interest in the

building affected. (Prior code § 17.04.160)

17.08.150 Compliance certificate—Required before work begins.

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 zoning compliance certificate. (Prior code § 17.04.170)

17.08.160 Zoning use permit—Fees—Listed.

The following fees shall be charged for the processing of applications and the issuance of zoning use permits, and shall be collected by the Zoning Officer, who shall be accountable to the Village for such fees:

A. New construction of a main or principal structure of one thousand square feet of floor area or less, twenty-five dollars ($25.00);

B. New construction of a building of more than one thousand (1,000) square feet of floor area: per one hundred (100) square feet of floor area or additional fraction thereof, three dollars ($3.00);

C. New construction of an accessory structure, fifteen dollars ($15.00);

D. Alter, remodel, or extend a major or principal structure for the first three hundred (300) square feet of floor area or less, fifteen dollars ($15.00);

E. Alter, remodel, or extend a main or principal structure per one hundred (100) square feet of floor area or fraction thereof over three hundred (300) square feet, three dollars ($3.00);

F. Alter, remodel, or extend an accessory use, fifteen dollars ($15.00);

G. Establish a use of land where no structure is involved, fifty dollars ($50.00);

H. Move a structure from one lot to another, fifteen dollars ($15.00);

I. Change in use, fifteen dollars ($15.00);

J. To demolish any structure or part thereof, fifteen dollars ($15.00);

K. Applications or petitions for variance, special uses, or amendments, two hundred twenty-five dollars ($225.00).

L. To place or keep a portable storage container for a period exceeding thirty (30) days, fifteen dollars ($15.00). (Ord. 2003-12 §2: prior code § 17.04.180)
(Ord. No. 09-09-14, § 11, 9-22-2009)

17.08.170 Zoning use permit—Fees—Refunds.

There shall be no refund on any zoning use permit fees paid under Section 17.08.160. (Ord. 2003-12 § 3: prior code § 17.04.190)

17.08.180 Zoning use permit extensions—New zoning use permits—Fees.

The fee for submitting a request for an extension of a zoning use permit, and for an application for a new zoning use permit, shall be three times the fee applicable to the initial application for the zoning use permit. (Prior code § 17.04.200)
(Ord. No. 09-09-14, § 12, 9-22-2009)

17.08.190 Fine for commencing work without zoning use permit.

Any person who commences any activity for which a zoning use permit is required under Section 17.08.020 of this Title 17, but who has not obtained a zoning use permit before commencing the activity, may be fined one hundred dollars ($100.00) for the first violation of Section 17.08.020 and two hundred fifty dollars ($250.00) for any additional violation of Section 18.08.020.
(Ord. No. 09-09-14, § 13, 9-22-2009)

17.12.040 Annexed territory.

All territory which may hereafter be annexed to the Village shall be considered as being classified in accordance with the following schedule until otherwise changed by ordinance:

Classification in County

1.	"A"	Agricultural district
2.	"R1"	County home district
3.	"R2"	Residential district
4.	"R1"	Commercial district
5.	"B2"	Commercial district
6.	"B3"	Commercial district
7.	"Il"	Industrial district
8.	"I2"	Industrial district
9.	"I3"	Industrial district
10.		No Classification

Corresponding Classification in Village

1.	A	Agricultural district
2.	R-1	Residential district
3.	R-1	Residential district
4.	C-l	Commercial district
5.	C-2	Commercial district
6.	I	Industrial district
7.	I	Industrial district
8.	I	Industrial district
9.	I	Industrial district
10.	R-1	Residential district.

(Ord. 2002-6 § 3 (part); prior code § 17.12.040)

Chapter 17.16

GENERAL REGULATIONS AND STANDARDS

Sections:

17.16.010 Uniformity of application.

17.16.020 Conformity with district regulations and standards.

17.16.030 Structures.

17.16.040 Accessory uses and structures.

17.16.050 Access.

17.16.060 Existing structures.

17.16.070 Application of standards.

17.16.080 Compliance with requirements—Limited applicability.

17.16.090 Minimum dimensions.

17.16.100 Height—Permitted excess.

17.16.110 Nonapplicability of height regulations and standards.

17.16.120 Required open space.

17.16.130 Depth.

17.16.140 Yard regulations and standards applicable to structures.

17.16.150 Trailer coaches.

17.16.160 Moving structure or any part thereof.

17.16.010 Uniformity of application.

The regulations and standards set by this title within each district shall be minimum regulations and standards and shall apply uniformly to each class, or kind, or type of structure, use, or land except as provided in this chapter. (Prior code § 17.16.010)

17.16.020 Conformity with district regulations and standards.

No structure or land shall hereafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended or moved unless in conformity with all the regulations and standards specified in this title for the district in which it shall be located. (Prior code § 17.16.020)

17.16.030 Structures.

No structure shall hereafter be constructed, erected, altered, remodeled, extended, or moved:

A. To exceed the height;

B. To occupy or house a greater number of families;

C. To occupy a greater percentage of the lot area;

D. To exceed the floor area ratio;

E. To have smaller or less habitable floor area per dwelling unit or lodging unit;

F. To exceed the maximum floor area; than hereinafter required or in any manner contrary to the regulations and standards of the district in which it is located. (Prior code § 17.16.030)

17.16.040 Accessory uses and structures.

No accessory use shall be established prior to the establishment of the main or principal use, and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment or construction of the main or principal structure except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principal structure. (Prior code § 17.16.040)

17.16.050 Access.

No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a public street at least fifty (50) feet in width

unless the street on the date of passage of the ordinance codified in this title had a lesser width. (Prior code § 17.16.050)

17.16.060 Existing structures.

Nothing in this title shall be deemed to require any change in the plans, construction, or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date of the ordinance codified in this title, provided that such structure shall be completed within one calendar year from the effective date of the ordinance codified in this title. (Prior code § 17.16.060)

17.16.070 Application of standards.

The performance standards, regulations and standards, rules, requirements, provisions, and restrictions set by this title shall apply to all structures, uses, lots and tracts of land created or established after the effective date of the ordinance codified in this title and shall not be deemed to require any change in the structures, uses, lots, and/or tracts of land, lawfully existing on the effective date of the ordinance codified in this title except as expressly specified hereinafter. (Prior code § 17.16.070)

17.16.080 Compliance with requirements—Limited applicability.

No part of a yard, buffer strip, or other open space, off-street parking space or loading berth, or lot area required about or in connection with any structure or use for the purpose of complying with the regulations and standards of this title shall be included as part of a yard, buffer strip, or other open space, off-street parking space or loading berth, or lot area similarly required for any other structure, or use, except as provided for in this title. (Prior code § 17.16.080)

17.16.090 Minimum dimensions.

No yard, buffer strip, or other open space, off-street parking space or loading berth, or lot existing on the effective date of the ordinance codified in this title shall be reduced in dimension or area below the requirements set forth hereinafter. Yards, buffer strips, or other open spaces, off-street parking spaces or loading berths, or lots created or established after the effective date of the ordinance codified in this title shall meet at least the minimum requirements established by this title. (Prior code § 17.16.090)

17.16.100 Height—Permitted excess.

The height of any main or principal structure or accessory building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard dimension for the district in which such structure is located. (Prior code § 17.16.100)

17.16.110 Nonapplicability of height regulations and standards.

Height regulations and standards shall not apply to spires, belfries, penthouses, or domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles and towers, silos, grain elevators and other necessary mechanical appurtenances provided their location shall conform where applicable to the regulations and standards of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction. (Prior code § 17.16.110)

17.16.120 Required open space.

Lots hereafter platted or created shall have adequate lot area, width and lot depth to provide for off-street parking spaces and loading berths, yards, buffer strips, and other

spaces required. (Prior code § 17.16.120)

17.16.130 Depth.

No lot hereafter platted or created shall be less than one hundred (100) feet in depth. (Prior code § 17.16.130)

17.16.140 Yard regulations and standards applicable to structures.

The following yard regulations and standards shall apply to all lots or tracts of land on which a structure is located:

A. Yards shall be kept unobstructed for their entire depth except as specified hereinafter.

B. Private driveways, service drives, easements, sidewalks, flagpoles, arbors, trellises, fences, walls, columns, light poles, hydrants, patios, accessory signs, and other decorative, recreational, and utility devices and equipment may be placed in any yard.

C. Visibility. Notwithstanding any other provisions of this title, the following visibility regulations and standards shall apply:

1. Interior Lot. Fences, walls, and/or hedges may be placed in any yard or along the edge of any yard provided that no fence, wall, or hedge, except in the case of a junkyard, along the sides or front edge of the front yard of an interior lot shall exceed the height here permitted:

a. Four feet where the front yard depth is the minimum hereinafter established;

b. For each additional ten (10) feet of front yard depth above the minimum hereinafter established, the height of such fence, wall, or hedge may be increased six inches;

c. Where no minimum front yard depth is required, four feet.

2. Corner Lot. On a corner lot nothing shall be constructed, erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet above the centerline grades of the intersecting streets in an area bounded by the street right-of-way lines fifty (50) feet from the nearest point of intersection. Beyond such fifty-foot (50') limits, subsection (c)(1) of this section shall apply. (Prior code § 17.16.140)

17.16.150 Trailer coaches.

Except as permitted under the provisions of Section 17.36.030, no occupied trailer coach shall be permitted on any lot or tract of land outside of a trailer coach park except the trailer coach of a bona fide guest of the occupant of a dwelling located on such lot or tract of land. Such temporary location of a trailer coach shall not exceed thirty (30) consecutive days and two such thirty (30) day periods within one calendar year. (Prior code § 17.16.150)

17.16.160 Moving structure or any part thereof.

No structure, as defined in Chapter 17.04.040 of this Title 17, nor any part thereof, shall be moved to or within the Village, provided, however that this prohibition does not apply to the delivery of prefabricated homes or parts thereof which have not previously been fully assembled at a fixed location on the surface of the ground. (Ord. No. 09-09-14, § 14, 9-22-2009)

Editor's note—Ord. No. 09-09-14, § 16, provides that all sections of the ordinance which affect extensions of zoning use permits, and which affect issuance of new zoning use permits for the same or similar work or activity described in an initial zoning use permit, shall apply to applications for extensions of zoning use permits, and to applications for new zoning use permits, where the initial zoning use permit was issued before the effective date of this ordinance, Sept. 22, 2009.

Chapter 17.12

ZONING DISTRICTS DESIGNATED

Sections:

17.12.010 Establishment of districts.
17.12.020 Official map.
17.12.030 Rules and boundaries.
17.12.040 Annexed territory.

17.12.010 Establishment of districts.

For the purpose of promoting the public health, safety, morals, and general welfare, the Village is divided into the following zoning districts:

A. R-1 Residential district;

B. R-2 Country style living residential district;

C. C-l Commercial district;

D. C-2 Commercial district;

E. I Industrial district;

F. A Agricultural district. (Ord. 2002-6 § 2: prior code § 17.12.010)

17.12.020 Official map.

The location and boundaries of the districts established by this title are as shown on the zoning map prepared as provided by statute and identified by the title, "Village of Princeville, Illinois, Official Zoning Map," on file in the Village Hall. All explanatory matter thereon is adopted and made a part of this title. (Prior code § 17.12.020)

17.12.030 Rules and boundaries.

Where uncertainty exists as to the boundaries of districts shown on the official zoning maps, the following rules shall apply:

A. Streets and Alleys. Boundaries indicated as approximately following the centerline of streets or alleys shall be construed to follow such centerlines.

B. Lot Lines. Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.

C. Village Limits. Boundaries indicated as approximately following city or Village limits shall be construed as following such Village limits.

D. Railroad Lines. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Parallels or Extensions of Above. Boundaries indicated as parallel to or extensions of features indicated in subsection A through of this section shall be so construed. Distance not specifically indicated on the official zoning map shall be determined by the scale of the map.

F. Other. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by subsections A through B of this section, the Zoning Board shall interpret the district boundaries. (Prior code § 17.12.030)

Chapter 17.20

RESIDENTIAL DISTRICTS

Article 1
Residential District

Sections:

17.20.010	**Permitted uses.**
17.20.020	**Minimum lot size and dimensions.**
17.20.030	**Maximum density.**
17.20.040	**Maximum lot coverage.**
17.20.050	**Required yards.**
17.20.060	**Front yard.**
17.20.070	**Side yards.**
17.20.080	**Rear yard.**
17.20.090	**Maximum building height.**
17.20.100	**Off-street parking.**

Article 2
R2 Country Style Living Residential District

Sections:

17.20.110	**Permitted uses.**
17.20.120	**Regulations and standards.**

Article 1 R-1 Residential District

17.20.010 Permitted uses.

With the R-1 residential district the following uses are permitted:

A. Dwellings: one family, two family;

B. Public parks, playgrounds;

C. Conversion of any existing building to a permitted use;

D. Agricultural uses as permitted in Section 17.32.010 (A) and (C);

E. Customary accessory uses including in particular: home occupations; one sign, advertising the sale or rental of the land or buildings upon which it is located; a name plate not exceeding two square feet in area, which may include reference to a home occupation conducted on the premises. No accessory building shall be used for residence purposes unless it meets the front, rear and side yard requirements of a principal building, and the maximum permitted density is not exceeded;

F. Permitted temporary uses for house, apartment, garage and yard sales. Yard sales and garage sales shall be permitted in residential districts for any period not exceeding three consecutive days. No more than two yard or garage sales shall be conducted on the same zoning lot during any twelve (12) month period. The items offered at such sales shall be limited to the personal possessions of the owner or occupant of the lot. (Ord. 2002-6 § 3 (part); Ord. 97-5 § 1; prior code § 17.20.010)

17.20.020 Minimum lot size and dimensions.

Each zoning lot shall have an area of at least nine thousand six hundred (9,600) square feet, a depth of at least one hundred (100) feet and a width of eighty (80) feet. (Prior code § 17.20.020)

17.20.030 Maximum density.

The number rounded upward to the next higher whole number of dwelling units per lot shall not exceed the lot area in square feet divided by nine thousand, six hundred (9,600) square feet for the first such dwelling unit and four thousand, eight hundred (4,800) square feet for each additional dwelling unit. Fractional dwelling units resulting from this computation shall not be counted nor rounded up-

ward to the next higher whole number. (Prior code § 17.20.030)

17.20.040 Maximum lot coverage.

The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed thirty percent (30%). (Prior code § 17.20.040)

17.20.050 Required yards.

On every interior lot a front yard, a rear yard and two side yards are required. On every corner lot a front yard for each lot side abutting a street, a side yard and a rear yard are required. In the case where a lot abuts three streets, three front yards and a side yard are required. Yard dimensions shall be equal to or greater than the provisions set forth in Sections 17.20.060 through 17.20.080. (Prior code § 17.20.050)

17.20.060 Front yard.

Front yard depth where a lot abuts a major street as designated on the zoning map shall be seventy (70) feet from the centerline of such right-of-way, but not less than twenty (20) feet from the right-of-way line. Where a lot abuts any other street, the minimum depth of a front yard shall be fifty (50) feet from the centerline but not less than twenty (20) feet from the right-of-way line. If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of two buildings, one on either side. (Prior code § 17.20.060)

17.20.070 Side yards.

Side yard width for each side yard shall be eight feet or greater and no accessory buildings shall project into the required side yard space. (Prior code § 17.20.070)

17.20.080 Rear yard.

Rear yard depth shall be thirty (30) feet or greater. Accessory buildings may be erected in a rear yard provided they are located at least three feet from the rear or side lot lines, and provided further that the maximum lot coverage is not exceeded. (Prior code § 17.20.080)

17.20.090 Maximum building height.

Except as provided in Section 17.16.100 no principal building shall exceed thirty (30) feet in height, and no accessory building shall exceed fifteen (15) feet in height. (Prior code § 17.20.090)

17.20.100 Off-street parking.

All uses shall be provided with off-street parking spaces according to the following schedule:

A. Dwelling Units. Two off-street parking spaces per unit and such parking spaces shall be located on the same lot or tract as the dwelling unit served.

B. Other Permitted Uses. One off-street parking space per person normally employed on the lot or tract of land and any such off-street parking space or spaces located in the R-1 residential district shall not be located in the required front yard, nor more than one hundred fifty (150) feet from such lot served. (Ord. 2002-6 § 3 (part); prior code § 17.20.100)

Article 2
R-2 Country Style Living Residential District

17.20.110 Permitted uses.

Within the R1-2 country style living residential district, the following uses are permitted:

A. Dwellings: one-family, two-family;

B. Public parks, playgrounds;

C. Conversion of any existing building to a permitted use;

D. Agricultural uses as permitted in Section 17.32.010(A) and (C);

E. Customary accessory uses including in particular: Home occupations; one sign, advertising the sale or rental of the land or buildings upon which it is located; a nameplate not exceeding two square feet in area, which may include reference to a home occupation conducted on the premises. No accessory building shall be used for residence purposes unless it meets the front, rear and side yard requirements of a principal building, and the maximum permitted density is not exceeded. (Ord. 2002-6 § 1(part))

17.20.120 Regulations and standards.

A. Minimum Lot Size and Dimensions. Each zoning lot shall have an area of at least .83 acre.

B. Maximum Density. Each lot may have only one principal structure and one accessory structure, except that this limitation is not intended to prohibit playhouses, gazebos, small storage structures, and similar small structures.

C. Maximum Coverage. The amount of the total lot area which may be covered by the principal structure, the accessory structure, and any other structure permissible under subsection B of this section shall not exceed thirty percent (30%).

D. Minimum Setbacks. The following setback standards shall apply. For corner lots, the "street" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way, the other yards shall be considered to be side and rear yards.

1. Accessory Structures.

a. If accessory structure is less than two thousand (2,000) square feet, not less than fifteen (15) feet from the property line;

b. If accessory structure is two thousand (2,000) square feet or larger, not less than thirty (30) feet from the property line.

2. Principal Structure Setbacks.

a. Front: thirty (30) feet from the right-of-way or sixty (60) feet from the center of the street/road, whichever distance is greater;

b. Side: twenty-five (25) feet from sides of the property; and

c. Back: thirty (30) feet from the back property line.

3. Principal Structure, Additional Setbacks for Sanitary/Sewer.

a. Not less than twenty-five (25) feet from the property line if on septic system;

b. Not less than fifteen (15) feet from the property line if on public sewer.

E. Maximum Structure Height. Except as permitted in Section 17.16.100, for a principal structure, the vertical measurement from the average level of the surface or the ground immediately surrounding a structure shall not exceed thirty-six (36) feet to a point midway between the ridge and eave lines of the roof of the structure, or if unroofed, to the highest point of the structure. The maximum height of an accessory structure, measured in the same way, shall not exceed fifteen (15) feet.

F. Off-Street Parking Space. All uses shall be provided with off-street parking spaces according to the following schedule:

1. Dwelling units: two off-street parking space per unit; such parking spaces shall be located on the same lot or tract as the dwelling unit served.

2. Other permitted uses: one off-street parking space per person normally employed on the lot or tract of land, any such off-street

parking space or spaces located in the R1-2 residential district shall not be located in the required front yard, nor more than one hundred fifty (150) feet from such lot served.

G. All regulations and standards set forth in Article 1 of this chapter that are not inconsistent with this article shall apply in an R1-2 country style living residential district, with such regulations and standards from Article 1 being expressly incorporated herein by reference. (Ord. 2002-6 § 1(part))

Chapter 17.24

COMMERCIAL DISTRICTS

Sections:

17.24.010	**Purpose.**
17.24.020	**Permitted uses—C-l district.**
17.24.030	**Permitted uses—C-2 district.**
17.24.040	**Minimum lot size.**
17.24.050	**Maximum lot coverage.**
17.24.060	**Required yards.**
17.24.070	**Maximum building height.**
17.24.080	**Off-street parking space.**

17.24.010 Purpose.

The commercial districts are intended to provide space for those retail business, service business and office uses serving the Princeville area. (Prior code § 17.24.010)

17.24.020 Permitted uses—C-l district.

Within the C-l district the following uses are permitted:

A. Retail stores and shops;

B. Banks; post office; medical or dental clinics; business or professional offices;

C. Service-type business, such as barbershop, beauty parlor, laundromat; music, dancing, art or photography studio; servicing or repair of home appliances and similar uses including farm equipment;

D. Automobile service stations and public garages; new or used car sales areas;

E. Hotel, motel, boardinghouses or lodging houses and dwelling units located on the same lot with such a permitted use;

F. Clubs, lodges, public meeting halls; theaters; bowling alley; and similar places of assembly or recreation;

G. Customary accessory uses, located on the same or adjacent lot with a permitted use. Signs advertising a business, service or product available on the premises shall be permitted, provided the total area of such signs shall not exceed two times the lineal feet of frontage of the zoning lot;

H. Agricultural uses as permitted in Section 17.32.010(A) and (C). (Prior code § 17.24.020)

17.24.030 Permitted uses—C-2 district.

The C-2 district is primarily a highway commercial district. The commercial establishments permitted in this district are those which are primarily dependent upon vehicle-transported customers. Establishments of the drive-in type are permitted in this district.

Within the C-2 district the following uses are permitted:

A. Buildings and premises may be used for the purposes included in Section 17.24.020;

B. Drive-in type business including car washes;

C. New or used farm equipment sales areas, but not including the storage of wrecked vehicles or farm equipment;

D. Lumberyards;

E. Auction barns or sales areas;

F. Food lockers, but not including meat packing or processing unless as an accessory use;

G. Servicing and repair of farm equipment but not including the storage of wrecked vehicles or farm equipment;

H. Trailer coach and trailer sales or service, but not including trailer coach parks. (Prior code § 17.24.030)

17.24.040 Minimum lot size.

There is no minimum lot size specified. (Prior code § 17.24.040)

17.24.050 Maximum lot coverage.

The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed eighty percent (80%). (Prior code § 17.24.050)

17.24.060 Required yards.

A. In the C-l district there are no required yards.

B. In the C-2 district a front yard is required for each lot side abutting a street as shown on the zoning map. The front yard depth shall be seventy (70) feet from the centerline of such major streets, but not less than thirty (30) feet from the right-of-way line. Buildings to be constructed in a partly developed block where there are existing buildings shall be set back as a minimum the average setback distance of buildings on the respective block face. (Prior code § 17.24.060)

17.24.070 Maximum building height.

Except as provided in Section 17.16.100 no principal building shall exceed thirty (30) feet in height, and no accessory building shall exceed fifteen (15) feet in height. (Prior code § 17.24.070)

17.24.080 Off-street parking space.

Off-street parking spaces shall be provided as follows:

A. C-l district: none;

B. C-2 district:

1. One off-street parking space per dwelling unit, such parking space to be located on the same lot or tract of land as the dwelling or lodging unit served;

2. One off-street parking space per person normally employed on the lot or tract;

3. One off-street parking space for each one hundred (100) square feet of retail sales floor area of the establishment being served. (Prior code § 17.24.080)

Chapter 17.28

INDUSTRIAL DISTRICTS

Sections:

17.28.010	**Permitted uses.**
17.28.020	**Minimum lot size.**
17.28.030	**Maximum coverage.**
17.28.040	**Required yards and open spaces.**
17.28.050	**Required yards.**
17.28.060	**Front yard.**
17.28.070	**Side yard.**
17.28.080	**Rear yard.**
17.28.090	**Buffer next to residential lot.**
17.28.100	**Performance standards.**
17.28.110	**Off-street parking space.**

17.28.010 Permitted uses.

Within the I industrial district the following uses are permitted:

A. Grain storage, feed mills, fertilizer storage and processing;

B. Wholesale, storage and warehouse facilities except those specifically prohibited;

C. Railroad yards, siding and switching facilities, public utilities;

D. Fuel storage, lumberyards, building material storage yard or similar storage yards, but not including salvage or junkyards;

E. The manufacture or processing of goods or products;

F. Customary accessory uses;

G. Signs, provided that the gross area of signs shall not exceed six times the lineal feet of frontage of the lot on which such signs are located;

H. Those uses permitted in the A district, as set forth in Section 17.32.010(A), (C) and (E). (Prior code § 17.28.010)

17.28.020 Minimum lot size.

There is no minimum lot size specified. (Prior code § 17.28.020)

17.28.030 Maximum coverage.

The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed fifty percent (50%). (Prior code § 17.28.030)

17.28.040 Required yards and open spaces.

On every lot in the I district yards shall be required as set forth in Sections 17.28.050 through 17.28.090. (Prior code § 17.28.040)

17.28.050 Required yards.

A front yard is required on each lot line abutting a street. A side and a rear yard are required except in the case where three lot sides abut a street. There shall be required in addition to three front yards, a side yard where three lot sides abut a street. (Prior code § 17.28.050)

17.28.060 Front yard.

The front yard depth where a lot abuts a major street as designated on the zoning map shall be seventy (70) feet from the centerline of such right-of-way, but not less than thirty (30) feet from the right-of-way line. Where a lot abuts a collector or minor street as designated on the zoning map, the minimum depth shall be fifty-five (55) feet from the centerline but not less than twenty-five (25) feet from the right-of-way line. If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of two buildings, one on either side. (Prior code § 17.28.060)

17.28.070 Side yard.

The side yard width shall be ten (10) feet or greater and no accessory building shall project into the required side-yard space. (Prior code § 17.28.070)

17.28.080 Rear yard.

The rear yard depth shall not be less than twenty (20) feet. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street. (Prior code § 17.28.080)

17.28.090 Buffer next to residential lot.

Where a lot abuts a lot in the residential district there shall be provided along such lot line a suitable buffer of plant materials, fencing or a combination of both, to shield the residential area from the industrial area. Where the transition from the industrial district to the residential district is a public street, the front yard in the industrial district shall be suitably landscaped. (Prior code § 17.28.090)

17.28.100 Performance standards.

Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, toxic, noxious or odorous matter, glare and heat or as to create fire or explosive hazards. For the purpose of this title the performance standards as to noise, smoke and particulate matter, and fire and explosive hazards set forth in the Peoria County zoning ordinance shall be used as a guide. (Prior code § 17.28.100)

17.28.110 Off-street parking space.

Off-street parking shall be provided as follows:

A. One off-street parking space per person normally employed on the lot or tract of land;

B. One off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land. (Prior code § 17.28.110)

Chapter 17.32

AGRICULTURAL DISTRICTS

Sections:

17.32.010	**Permitted uses.**
17.32.020	**Minimum lot size and dimensions.**
17.32.030	**Required yards.**
17.32.040	**Front yard.**
17.32.050	**Side yard.**
17.32.060	**Rear yard.**
17.32.070	**Off-street parking.**

17.32.010 Permitted uses.

Within the A agricultural district the following uses are permitted:

A. The growing, harvesting and storing of crops, including legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom, nurseries, orchards, forestry, and greenhouses;

B. Farm dwellings, occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers;

C. Farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm, or for storing and protecting farm machinery and equipment from the elements;

D. Dwellings. one-family provided that the minimum lot area for each dwelling unit is one acre;

E. The keeping, raising, or feeding of livestock or poultry, including dairying, poultry, swine, sheep, goats, beef cattle, pony and horse productions, fur farms, or beekeeping or such structures for housing livestock or poultry products for market, such use shall not be located closer than three hundred (300) feet to the R district. (Prior code § 17.32.010)

17.32.020 Minimum lot size and dimensions.

The minimum lot size is one acre with a minimum lot width of one hundred sixty (160) feet. (Prior code § 17.32.020)

17.32.030 Required yards.

On every interior lot a front yard, a rear yard and two side yards are required. On every corner lot a front yard for each lot side abutting a street, a side yard and a rear yard are required. In the case where a lot abuts three streets, three front yards and a side yard are required. Yard dimensions shall be equal to or greater than set forth in Sections 17.32.040 through 17.32.060. (Prior code § 17.32.030)

17.32.040 Front yard.

The front yard depth where a lot abuts a major street as designated on the zoning map shall be one hundred (100) feet from the centerline of such right-of-way, but not less than twenty (20) feet from the right-of-way line. Where a lot abuts any other street, the minimum depth of a front yard shall be fifty (50) feet from the centerline but not less than twenty (20) feet from the right-of-way line. (Prior code § 17.32.040)

17.32.050 Side yard.

Side yard width for each side yard shall be a minimum of thirty (30) feet and for each additional foot of building height above thirty (30) feet, an additional one foot on each side yard is required. (Prior code § 17.32.050)

17.32.060 Rear yard.

The rear yard depth shall be a minimum of one hundred (100) feet. Accessory buildings may be erected in a rear yard provided they

are located at least eight feet from the required rear or side lot lines. (Prior code § 17.32.060)

17.32.070 Off-street parking.

Regulations of Section 17.20.100 shall apply. (Prior code § 17.32.070)

Chapter 17.36

SPECIAL USES

Sections:

17.36.010 **Defined.**
17.36.020 **When authorized.**
17.36.030 **Schedule.**
17.36.040 **Applicability of district regulations.**

17.36.010 Defined.

A "special use" is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning district as established in this title. It is declared the policy and purpose of this title to employ the special use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety, and welfare and individual property rights. (Prior code § 17.36.010)

17.36.020 When authorized.

Special use permits may be authorized by the Village Board in accordance with the procedure set forth in Section 17.44.010, when it appears that:

A. It is reasonably necessary for the public convenience at that location;

B. It is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare;

C. It conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it is located;

D. In the case of an existing nonconforming use, it will make such use more compatible with its surroundings. (Prior code § 17.36.020)

17.36.030 Schedule.

Special uses which may be authorized by the Village Board are as follows:

A. Multifamily dwellings in the R-1 district, subject to Sections 17.20.020 through 17.20.100;

B. The keeping, raising, or feeding of livestock or poultry, including dairying, poultry, swine, sheep, goats, beef cattle, pony and horse productions, fur farms, or beekeeping or such structures for housing livestock, poultry or bees or for preparing livestock or poultry products for market in the R-1, C-2, and the I districts and the A district within three hundred (300) feet of a residential district boundary subject to the following standards:

1. At no point on the lot line of such special use shall any noise, smoke and particulate matter, vibrations, toxic or noxious matter, odors, vapors, or gases of such use be objectionable to the occupant of any adjacent property.

2. No such special use shall discharge into any drainage channel or watercourse material which would contaminate or make undesirable any lands or waters outside of the lot;

C. Electric and/or gas substations, public waterworks and appurtenant structures, telephone exchanges, police stations, fire stations, and governmental administration buildings in all districts;

D. Trailer coach parks in the R-1 and A districts subject to regulations of the district and the following:

1. The applicant shall submit a license by the appropriate authority.

2. The applicant shall submit plans and specifications for the proposed trailer coach park. The site shall not contain less than three acres, have not less than fifteen (15) trailer coach spaces at first occupancy and have no more than ten (10) trailer coach spaces per gross acres. The minimum size of all spaces shall be not less than three thousand (3,000) square feet.

3. All trailer coach spaces shall be provided with a sanitary sewer system and public water system.

4. Each trailer coach space shall be provided with one off-street automobile parking space.

5. Each trailer coach park shall be limited to providing no more than one sign per public road entrance of not more than eight square feet in size;

E. Churches or similar places of worship; parish houses, Sunday schools, rectory or parsonage, in the R-1, A, C-l, and C-2 districts;

F. Public, parochial or private schools (which may include a convent or teacherage) in the R-1 and A districts;

G. Public libraries, museum, art galleries, community centers and parks in the R-1, C-l, C-2, and A districts;

H. Hospitals, nursing homes, doctors' clinics, veterinarians' clinics in the R-1, C-l, C-2, and A districts;

I. Clubs, private clubs, private lodges, country clubs and golf courses in the R-1 and A districts;

J. Cemeteries in the R-1 and A districts;

K. Junk dealers in the I district, provided a solid fence of at least eight feet in height is provided on all sides of such use. Such fence shall conform to the district yard regulations;

L. Topsoil removal in all districts;

M. Sewage treatment plants in the A and I districts;

N. Sanitary landfill in the A and I districts;

O. Grain elevators for the storing of agricultural products only and provided no processing is conducted on the premises in the C-2 district;

P. Migrant labor camps in the A and I districts subject to:

1. The applicant submitting evidence that the proposed camp will meet the minimum qualifications established by statute,

2. The submission of a general plan or sketch of the campsite showing the location of the buildings or facilities together with a description of the buildings, water and sewage facilities, laundry facilities, off-street parking, lighting, and buffer strips between adjacent properties,

3. The imposition of restrictions as to the number of persons to be accommodated at any one time,

4. The imposition of restrictions regarding the periods which the camp may be occupied,

5. The Zoning Board finding that the petitioner's statements concerning subdivisions 1 through 4 above, are consistent with the intent of this title. (Ord. 2002-6 § 3 (part); prior code § 17.36.030)

17.36.040 Applicability of district regulations.

In addition to any special conditions or restrictions prescribed by the Board, the yard and setback line regulations and standards of the district in which the special use is located shall apply. (Prior code § 17.36.040)

Chapter 17.40

NONCONFORMING USES

Sections:

17.40.010	**Enlargement—Expansion.**
17.40.020	**Nonconforming lots of record.**
17.40.030	**Yard regulations and standards for single nonconforming lots of record.**
17.40.040	**Repairs and maintenance.**
17.40.050	**Discontinuance.**
17.40.060	**Partial destruction.**

17.40.010 Enlargement—Expansion.

A nonconforming use of land, premises, or structure shall not be enlarged upon, expanded, or extended after the effective date of the ordinance codified in this title by the attachment of a structure, premises, or land or additional signs intended to be seen off the premises or land or by the addition of other uses of a nature which would be prohibited in the district involved. (Prior code § 17.40.010)

17.40.020 Nonconforming lots of record.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory building may be erected on any lot which is a lot of record on the effective date of the ordinance codified in this title. The provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations hereinafter provided. (Prior code § 17.40.020)

17.40.030 Yard regulations and standards for single nonconforming lots of record.

A. Front Yard. The front yard regulations and standards of the district in which such lot is located shall apply.

B. Rear Yard. The rear yard regulations and standards of the district in which such lot is located shall apply.

C. Side Yard. Two side yards shall be provided, each at least one-sixth the width of the lot, but not be wider than required for the district in which such lot is located. (Prior code § 17.40.030)

17.40.040 Repairs and maintenance.

On any structure devoted in whole or impart to any nonconforming use, or which itself is nonconforming, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not to exceed ten percent (10%) of the then current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption, or amendment of the ordinance codified in this title, shall not be increased. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official. (Prior code § 17.40.040)

17.40.050 Discontinuance.

A. If a nonconforming use has ceased for a period of sixty (60) days or more, it shall not be reestablished unless the nonconforming use was in a building designed, arranged or intended for such use, and which building does not reasonably lend itself to occupancy by a conforming use.

B. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. (Prior code § 17.40.050)

17.40.060 Partial destruction.

If a nonconforming structure is destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title. (Prior code § 17.40.060)

Chapter 17.44

ZONING BOARD OF APPEALS

Sections:

17.44.010	**Established—Organization.**
17.44.020	**Duties—Powers generally.**
17.44.030	**Powers—Lot divided by district boundary line.**
17.44.040	**Powers—When street layout disagrees with map.**
17.44.050	**Powers—Granting variances.**
17.44.060	**Powers—Special use applications.**
17.44.070	**Rezone powers reserved.**
17.44.080	**Appeals procedure.**
17.44.090	**Administrative decisions—Judicial review.**

17.44.010 Established—Organization.

A Zoning Board of Appeals is established. The Zoning Board shall consist of seven members appointed by the Board of Trustees. The members of the Zoning Board shall serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years, the successor to each member so appointed to serve for a term of five years. The Board of Trustees shall designate one of the appointed members as chairperson of the Zoning Board, at the time of his/her appointment, and the appointed chairperson shall hold his/her office as chairperson until his/her successor is appointed. Special meetings may be held at the call of the chairperson, or as determined by the Zoning Board. Such chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings of the Zoning Board shall be open to the public. The Zoning Board shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such a fact. The Zoning Board shall adopt its own rules of procedure not in conflict with the statute of this title. Vacancies upon the Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant. The Village Board of Trustees shall have the power to remove any member of the Board of Appeals for cause and after a public hearing. (Prior code § 17.44.010)

17.44.020 Duties—Powers generally.

The Zoning Board shall hear and decide appeals from any order, requirements, decision or determination made by the Zoning Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this title. The Zoning Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from the extent and manner that the Zoning Board may decide to be fitting and proper in the premises, and to that end the Zoning Board shall also have all powers of the officer from whom the appeal is taken. The Zoning Board shall have the powers set out in Sections 17.44.030 through 17.44.070. (Prior code § 17.44.020)

17.44.030 Powers—Lot divided by district boundary line.

The Zoning Board shall have the power to permit the extension of a district where the boundary line of a district divides a lot in sin-

gle ownership as shown of record. (Prior code § 17.44.030)

17.44.040 Powers—When street layout disagrees with map.

The Zoning Board shall have the power to interpret the provisions of this title where the street layout actually on the ground varies from the street layout as shown on the district map fixing the several districts. (Prior code § 17.44.040)

17.44.050 Powers—Granting variances.

The Zoning Board shall have the power to grant a variance when it is determined in specific cases that there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the regulations and standards of this title relating to the construction or alteration of structures. A variance from the terms of this title shall not be granted by the Board unless and until:

A. A written application for a variance is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district,

2. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this title,

3. That the special conditions and circumstances do not result from the actions of the applicant,

4. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands or structures in the same district.

No nonconforming use of neighboring lands or structures in the same district, and no permitted use of lands or structures in other districts shall be considered grounds for the issuance of a variance;

5. Where the requested variance is for permission to move a structure or part thereof as defined in Section 17.04.040 of this title, that the granting of the variance will not adversely affect the value of the surrounding premises or otherwise adversely affect the neighborhood to which the structure or part thereof would be moved.

B. The application is in proper form and a fee as may be determined by the Village Board has been paid. The Zoning Board shall hold a public hearing on such matter in accordance with the provisions of Sections 17.48.040 through 17.48.060. Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Zoning Board if it grants the application for variance.

C. The power to grant a variance, as granted to the Zoning Board in this Section 17.44.050, shall not include:

1. The power to grant a variance with regard to the front-yard setback requirements established in this Title 17 when the application for variance concerns a structure to be constructed, erected, or placed in a front yard in a residential district; or

2. The power to grant a variance with regard to any setback requirements established in this Title 17 if the application for variance concerns an accessory storage structure as described in subsection 17.08.020(F) of this Title 17. (Prior code § 17.44.050) (Ord. No. 09-09-14, § 15, 9-22-2009)

Editor's note—Ord. No. 09-09-14, § 16, provides that all sections of the ordinance which affect extensions of zoning use permits, and which affect issuance of new zoning use permits for the same or similar work or activity described in an initial zoning use permit, shall apply to applications for extensions of zoning use permits, and to applications for new zoning use permits, where the initial zoning use permit was issued before the effective date of this ordinance, Sept. 22, 2009.

17.44.060 Powers—Special use applications.

The Zoning Board shall have the power to hear all applications for special uses and to make and submit to Village Board such findings and recommendations with respect thereto as provided hereinafter:

A. An application for one of the special uses of land specified in Section 10.36.030 shall be made by filing a written application or petition to the Zoning Board. Such application shall:

1. State the name, address of applicant and the owner;

2. State the location of property for which the special use is sought;

3. State the specific special use desired;

4. State facts sufficient to demonstrate that the conditions prescribed in Section 17.36.020 exist and support such statement with any plans and/or data necessary for the proper understanding of the application or such plans and/or data as are required by the Zoning Board.

B. If the application for a special use is in proper form and the fee specified has been paid, the Zoning Board shall hold a public hearing on such matter in accordance with the provisions of Sections 17.48.040 through 17.48.080(A). The Zoning Board shall make a report to the Village Board and in such report shall indicate their recommendation of approval or disapproval of the special use applied for. Such report may also recommend that reasonable special conditions and safeguards for the protection of the public health, safety, and welfare be imposed by the Village Board if it grants the application for special use. A special use permit granted by the Village Board shall remain valid for one calendar year from the date of granting unless the use is established prior to such termination date. Such special use may be extended by the Village Board for periods of six months if the Village Board finds that such extensions are in conformity with this title and the general welfare of the Village. (Prior code § 17.44.060)

17.44.070 Rezone powers reserved.

Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the zoning ordinance of the district map, such power and authority being reserved to the Village Board. (Prior code § 17.44.070)

17.44.080 Appeals procedure.

A. An appeal to the Zoning Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality.

The appeal shall be taken within forty-five (45) days after the action complained of by filing with the zoning office from whom the appeal is taken and with the Zoning Board a notice of appeal, specifying the grounds thereof. The Zoning Officer from whom the appeal is taken shall forthwith transmit to the Zoning Board all the paper constituting the record upon which the action appealed from was taken.

B. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Officer from whom the appeal is taken certifies to the Zoning Board after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate a stay would in his/her opinion cause imminent peril to life or property. In this event the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board or by a court of record on application and on notice to the Zoning Officer from whom the appeal is taken, and on due cause shown.

C. The Zoning Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. The Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end has all the power of the Zoning Officer from whom the appeal is taken. (Prior code § 17.44.080)

17.44.090 Administrative decisions—Judicial review.

All final administrative decisions of the Zoning Board rendered under the terms of this title shall be subject to judicial review, pursuant to the provisions of the Administrative Review Act, approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. (Prior code § 17.44.090)

Chapter 17.48

AMENDMENTS

Sections:

17.48.010 Generally.
17.48.020 Application—Submission.
17.48.030 Application—Fee to accompany.
17.48.040 Hearing—Notice.
17.48.050 Hearing—Appearance.
17.48.060 Hearing—Postponement or adjournment.
17.48.070 Report to Village Board.
17.48.080 Action of Village Board.

17.48.010 Generally.

The regulations and standards, restrictions, and district boundaries set forth in this title may from time to time be amended, supplemented, changed, or repealed by ordinance as provided by law. No such action may be taken unless and until the applicant for an amendment has complied with this chapter. (Prior code § 17.48.010)

17.48.020 Application—Submission.

A written application shall be submitted to the Zoning Board. Such application may be initiated by the Village Board, the Plan Commission, or the owners of more than fifty percent (50%) of the area involved. (Prior code § 17.48.020)

17.48.030 Application—Fee to accompany.

Each such application, except that initiated by the Village Board or by the Plan Commission, shall be accompanied by the fee specified to be paid by the applicant. (Prior code § 17.48.030)

17.48.040 Hearing—Notice.

At least fifteen (15) days but not more than thirty (30) days notice of the time and place of the hearing of such action shall be published in an official paper or a paper of general circulation in the Village. The notice of such hearing shall contain the information relating to such action. The applicant shall pay the cost of such publication. (Prior code § 17.48.040)

17.48.050 Hearing—Appearance.

A public hearing shall be held and any person may appear in person, or by agent or by attorney. (Prior code § 17.48.050)

17.48.060 Hearing—Postponement or adjournment.

The Zoning Board may, by majority vote, postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment further publication of such action need not be made. (Prior code § 17.48.060)

17.48.070 Report to Village Board.

Within thirty (30) days after the close of the public hearing, the Zoning Board shall make a report to the Village Board. (Prior code § 17.48.070)

17.48.080 Action of Village Board.

A. In the event that the report of the Zoning Board is adverse to such action referred to it, such action shall not be passed except by the favorable vote of two-thirds of all the members of the Village Board.

B. In case of a written protest against any such action:

1. Signed and acknowledged by the owners of twenty percent (20%) of the frontage, the zoning classification of which is proposed to be altered; or

2. Signed and acknowledged by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley from the frontage, the zoning classification of which is proposed to be altered; or

3. Signed and acknowledged by the owners of twenty percent (20%) of the frontage directly opposite from the frontage, the zoning classification of which is proposed to be altered; and

4. Filed with the Village Clerk; such action shall not be passed except by the favorable vote of two-thirds of all the members of the Village Board. (Prior code § 17.48.080)

Chapter 17.50

TELECOMMUNICATIONS FACILITIES

Sections:

17.50.010 Purpose.

17.50.020 Definitions.

17.50.030 Interpretation.

17.50.040 Special use status, requirements.

17.50.050 Residential zoning districts.

17.50.060 Design for co-location.

17.50.070 Co-location standard.

17.50.080 Public safety standard.

17.50.090 Appearance.

17.50.100 Facility height.

17.50.110 Fall zone.

17.50.120 Setbacks.

17.50.130 Lot with principal structure.

17.50.140 Lighting, signage.

17.50.150 Variances.

17.50.160 Modification.

17.50.170 Dismantling.

17.50.180 Fees.

17.50.010 Purpose.

The purpose of this chapter is to encourage the continued improvement of wireless telecommunications in the Village; to exercise the Village's zoning authority consistently with state and federal law concerning telecommunications facilities; and to regulate telecommunications facilities in a manner that will conserve the taxable value of land and buildings throughout the Village, will promote the public health, safety, comfort, and welfare, and will preserve sites, areas, and structures of historical, architectural, and aesthetic importance.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.020 Definitions.

The following definitions (in addition to the definitions found in Section 17.04.040) are applicable to this Chapter 17.50:

"Antenna" means a device by which radio signals are transmitted, received, or both.

"Facility" means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas; (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware.

"Facility lot" means the zoning lot on which a facility is or will be located.

"Facility height" means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than three feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of three feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation.

"Nonresidential zoning districts" means all zoning districts designated under the Zoning Ordinance except for residential districts designated under Chapter 17.20.

"Residential zoning districts" means all zoning districts designated under Chapter 17.20 of the Zoning Ordinance.

"Supporting structure" means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.030 Interpretation.

Where a provision of this Chapter 17.50 conflicts with a provision in another chapter of the Zoning Ordinance, the provision from this chapter shall control. Where a provision in this Chapter 17.50 conflicts with a federal or State of Illinois legal requirement, the federal or State of Illinois legal requirement shall control.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.040 Special use status, requirements.

The Village Board may authorize a facility as a special use in any zoning district, subject to the following:

A. The procedures and standards of Chapter 17.36 and of Section 17.44.060 are followed and met.

B. The requirements of this Chapter 17.50 are met.

C. All requirements of the zoning district in which the facility is proposed to be located are met, except for requirements which are inconsistent with this Chapter 17.50.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.050 Residential zoning districts.

A facility may be authorized in a residential zoning district only if the application complies with subsections 17.50.040(A), (B), and (C) above; and the applicant establishes that no site available in a nonresidential zoning district or outside the Village would enable the telecommunications carrier for whom the application was submitted to provide the proposed service.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.060 Design for co-location.

A facility shall be designed to accommodate the applicant plus two additional telecommunications carriers if the facility height exceeds one hundred (100) feet, and shall be designed to accommodate one additional telecommunications carrier if the cell tower height exceeds sixty (60) feet.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.070 Co-location standard.

Except for any application to place a new facility on school district property, the Village Board shall not authorize a new facility as a special use unless the applicant establishes that the service planned for the proposed new facility cannot be achieved through use of an existing facility within a one-mile radius of the site proposed in the application. An application to place a new facility on school district property is not subject to this Section 17.50.070.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.080 Public safety standard.

The Village Board may authorize a facility as a special use only if the applicant establishes that the facility operation would not interfere with fire protection, ambulance, or other public safety communication.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.090 Appearance.

The applicant shall design the cell tower in a manner as harmonious as possible with the surrounding environment, through the use of color, camouflaging architectural treatment, and landscaping.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.100 Facility height.

The height of a facility shall not exceed two hundred (200) feet in a nonresidential district, and shall not exceed seventy-five (75) feet in a residential district.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.110 Fall zone.

A facility's fall zone shall be one hundred ten percent (110%) of its height. A

facility may not be located closer than its fall zone to a residential structure or to an outdoor area where people congregate.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.120 Setbacks.

A. The regular yard and setback requirements of the zoning district in which the facility is proposed to be located are applicable, except that a facility must be set back at least fifty percent (50%) of its height from the facility lot lines in a nonresidential district, and must be set back at least one hundred percent (100%) of its height from the facility lot lines in a residential district.

B. In addition, no facility may be set back less than its height from the nearest overhead electrical power line which serves more than one dwelling or place of business.

C. The regular yard and setback rules of the zoning district in which the facility would be located apply to equipment buildings and other accessory structures related to the facility.

D. Peripheral anchors, guy wires, or other supporting devices shall be located no closer than ten (10) feet to any facility lot line.

E. The antenna array shall not extend more than five feet from the attachment structure at the point of attachment.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.130 Lot with principal structure.

Where the lot on which the facility is proposed to be placed has an existing principal structure housing a principal use, the facility and all related or accessory structures shall be located behind the rear building line.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.140 Lighting, signage.

A. The facility shall be illuminated only as required by federal or state law or regulation.

B. Only reasonably-sized signs displaying equipment or warning information may be placed on the facility.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.150 Variances.

A. After considering the following factors, the Zoning Board may grant a variance application from the rules and requirements set out in this Chapter 17.50, or from the rules of the zoning district in which the facility is proposed to be placed:

1. Whether, but for the granting of the variance, the service that the applicant seeks to enhance or provide will be less available, impaired, or diminished in quality, quantity, or scope;

2. Whether the conditions on which the variance application is based are unique in some respect or, if not, whether strict application of the regular zoning rules would result in a hardship to the applicant;

3. Whether a substantial adverse effect on public safety would result from some aspect of the facility design, but only if that aspect of design is modifiable by the applicant;

4. Whether there are benefits to be derived by the users of the services the applicant would provide, or benefits that would be enhanced;

5. Whether the facility would benefit public safety and emergency response capabilities;

6. Whether the proposed facility would encroach on a recorded easement without easement grantee approval;

7. Whether the proposed facility would encroach on an existing septic field;

8. Whether the proposed facility would meet legal requirements for special flood hazard areas or wetlands; and

9. Whether the applicant proposes a facility that is as harmonious as possible with the surrounding environment.

B. The procedures and standards applicable to variances generally, as are set forth in Chapter 17.44, also shall apply to variance applications under this Section 17.50.150.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.160 Modification.

After the initial granting of a special use permit for a facility, modifications to information or terms in the initial special use application, including a change in ownership of the facility or the property, a change in the technology used, an equipment addition or replacement, or a change in design, are subject to approval by the Village Board. The procedures, requirements, and fees applicable to an initial special use application shall apply to an application for modification.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.170 Dismantling.

The facility owner shall be responsible for dismantling and removing the facility, along with related equipment and structures, within eighteen (18) months of the cessation of the operation of the facility, unless an additional six months is requested for good cause and is granted by the Village Board.
(Ord. No. 10-05-02, § 1, 4-20-2010)

17.50.180 Fees.

A. The zoning use permit application fee for a facility shall be fifteen dollars ($15.00) per vertical foot for a new facility, with a one thousand dollars ($1,000.00) minimum; and a flat fee of one thousand dollars ($1,000.00) if the application is for co-location on an existing facility.

B. The special use permit applications fee for a facility shall be the regular fee currently applicable to special use applications.

C. A zoning registration fee of one hundred dollars ($100.00) shall be due from the facility owner on the date the facility's zoning use permit is issued and on the same date each year thereafter until the facility is dismantled. This fee shall be accompanied each year by the following information: the names and addresses of the current facility owner and facility lot owner, the facility's co-location status and capability, and proof of liability insurance.

D. If Village right-of-way must be used for access to a facility, a thirty dollars ($30.00) right-of-way fee shall be due from the facility owner on the date the facility's zoning use permit is issued and on the same date each year thereafter that Village right-of-way is used.
(Ord. No. 10-05-02, § 1, 4-20-2010)