

TITLE 17

ZONING

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Chapter 17.04

Introductory Provisions and Definitions

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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”.

§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way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by the ordinance codified in this title or amendments hereto, or with private restrictions placed upon property by covenant, deed, or other private agreement,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.

§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”.

§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.

“Adult-Use Cannabis Business Establishment” means an adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization, or transporting organization.

“Adult-Use Cannabis Craft Grower” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization pursuant to the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

“Adult-Use Cannabis Cultivation Center” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport, and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments pursuant to the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

“Adult-Use Cannabis Dispensing Organization” means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers pursuant to the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

“Adult-Use Cannabis Infuser Organization” or “Infuser” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product pursuant to the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

“Adult-Use Cannabis Processing Organization” or “Processor” means a facility operated by an organization or business that is licensed by the Illinois Department of

Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product pursuant to the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

“Adult-Use Cannabis Transporting Organization” or “Transporter” means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program pursuant to the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

“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 heights, 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 (2) nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

“CRTA” means the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

“Dwelling” means a building designed for residential living purposes and containing one (1) or more dwelling units or lodging units.

“Dwelling Unit” means one (1) or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one (1) family and not more than two (2) roomers or boarders, and which contain a stove, sink and other kitchen facilities.

“Family” means: (a) an individual; or (b) two (2) or more persons related by blood, marriage, or adoption; or (c) maximum of five (5) persons not so related; together with 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 (1) 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 (2) 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 (2) 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 degrees (135°) 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.

“Mobile Home” 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 (1) or more persons. The term “mobile home” shall include manufactured homes constructed after June 30, 1976, in accordance with the Federal National Manufactured Housing Construction and Safety Standards Act of 1974.

“Mobile Home Park” means a tract of land or two (2) or more contiguous tracts of land upon which contain sites with the necessary utilities for five (5) or more independent mobile homes 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 mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being a part of a mobile home park.

“Planning Commission” means the Planning Commission of the Village, or if there is 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 or affixed to something having a fixed location on the surface of the ground, including but not limited to, buildings, walls, swimming pools, 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 (2) 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 the principal structure, lying between the principal 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 the principal 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 the principal structure located on the lot.

Yard, Side. “Side yard” means a yard situated between the side lot line and the nearest line of the principal 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. 2020-02-01, §2, 2-3-20; Ord. 2021-09-02, 9-7-21)

Chapter 17.08

Administration and Enforcement

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§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.

§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 lean-to structures and other similar storage structures; and “portable storage containers” include PODS and similar moving and storage containers.

§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.

§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, the Zoning Officer 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 (2) 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 (2) 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.

§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.

§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 Village 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.

§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.

§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 tenth (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 (10th) 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 (5th) day after the zoning permit expires, up to a maximum of Six Hundred Dollars (\$600.00) per month, until the work is completed.

§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.

§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.

§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. 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 be cancelled by the Zoning Officer, and written notice thereof shall be provided to the applicant. 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 (11th) day after expiration of the zoning use permit or on the eleventh (11th) day after the denial of any such request(s) 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.

§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 with 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 (1) extension of any other zoning use permit.

§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 necessary 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.

§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 (1) year intervals from the date of issuance of such permit to ensure compliance with the regulations and standards of this title.

§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.

§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 (3) days after the erection or alteration shall have been approved.

§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 (3) days after the application has been made, provided such use is in conformity with the provisions of this title.

§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.

§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.

§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 (1,000) square feet of floor area or less, One Hundred Fifty Dollars (\$150.00);
- B. New construction of a building of more than one thousand (1,000) square feet of floor area, Fifteen Cents (\$.15) per square feet of floor area;
- C. New construction of an accessory structure, Ten Cents (\$.10) per square foot of floor area, with a minimum fee of Thirty Dollars (\$30.00) for an accessory structure of three hundred (300) square feet of floor area or less;
- D. Alter, remodel, or extend a major or principal structure, Fifteen Cents (\$.15) per square foot of floor area of alteration, remodel, or extension, with a minimum fee of One Hundred Fifty Dollars (\$150.00);
- E. Alter, remodel, or extend any accessory structure, Ten Cents (\$.10) per square foot of floor area of alteration, remodel, or extension, with a minimum fee of Thirty Dollars (\$30.00);
- F. Alter, remodel, or extend an accessory use, Thirty Dollars (\$30.00);
- G. Establish a use of land where no structure is involved, Fifty Dollars (\$50.00);
- H. Move a structure from one lot to another, Thirty Dollars (\$30.00);
- I. Change in use, Thirty Dollars (\$30.00);
- J. To demolish any structure or part thereof, Thirty Dollars (\$30.00);
- K. Applications or petitions for variance, special uses, or amendments, Two Hundred Fifty Dollars (\$250.00);
- L. To place or keep a portable storage container for a period exceeding thirty (30) days, Fifteen Dollars (\$15.00);

§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.

§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 (3) times the fee applicable to the initial application for the zoning use permit.

§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 17.08.020.

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-1 Commercial district;
- D. C-2 Commercial district;
- E. I Industrial district
- F. A Agricultural district.

§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 matters thereon are adopted and made a part of this title.

§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 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.

§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-1”, “A-2”	Agricultural district
2.	“RR”	County home district
3.	“R-1”, “R-2”	Residential district
4.	“C-1”	Commercial district
5.	“C-2”	Commercial district
6.	“C-3”	Commercial district
7.	“I-1”	Industrial district
8.	“I-2”	Industrial district
9.	“RRC”	Rural community district
10.		No classification; other classification

Corresponding Classification in Village

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

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	Non-applicability 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.

§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.

§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.

§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.

§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.

§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 (1) calendar year from the effective date of the ordinance codified in this title.

§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, or tracts of land, lawfully existing on the effective date of the ordinance codified in this title except as expressly specified hereinafter.

§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.

§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.

§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 (1) 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.

§17.16.110 Non-applicability 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.

§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.

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

§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, 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 (4) 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 (6) inches;
 - c. Where no minimum front yard depth is required, four (4) 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 (2.5) 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 (50) foot limits, subsection (c)(1) of this Section shall apply.

§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 (2) such thirty (30) day periods within one (1) calendar year.

§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.

Chapter 17.18

ADULT-USE RECREATIONAL CANNABIS

Sections:

- 17.18.010 Purpose and Applicability.
- 17.18.020 Conditional Use.
- 17.18.030 Adult-Use Cannabis Craft Grower.
- 17.18.040 Adult-Use Cannabis Cultivation Center.
- 17.18.050 Adult-Use Cannabis Dispensing Organization.
- 17.18.060 Adult-Use Cannabis Infuser Organization
- 17.18.070 Adult-Use Cannabis Processer Organization.
- 17.18.080 Adult-Use Cannabis Transporter Organization.
- 17.18.090 Co-Location of Adult-Use Cannabis Business Establishments.
- 17.18.100 On-Site Use or Consumption Prohibited.
- 17.18.110 Security and Other Improvements.
- 17.18.120 Application Procedure.

§17.18.010 Purpose and Applicability. It is the intent and purpose of this Chapter to provide regulations regarding the cultivation, processing, dispensing, and transporting of adult-use cannabis occurring within the corporate limits of the village. Such facilities shall comply with all regulations provided in the CRTA) and the regulations provided in this Chapter. In the event that the CRTA is amended, the more restrictive of the state or the village regulations (as established in this Chapter) shall apply.

§17.18.020 Conditional Use. An Adult-Use Cannabis Business Establishment facility shall require approval as a Conditional Use in the respective zoning use district in which such facility is to be located. In determining compliance with this Chapter and eligibility as a Conditional Use, the following standards shall be evaluated for the proposed Adult-Use Cannabis Facility based on the entirety of the circumstances affecting the particular property for which the Conditional Use is sought in the context of the existing and intended future use of the adjacent and nearby properties:

- A. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- B. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations and security plan, and building code compliance.
- C. Hours of operation and anticipated number of customers/employees.

- D. Anticipated parking demand, available private parking supply, and parking requirements established in this Zoning Ordinance.
- E. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- F. Site design, including access points and internal site circulation.
- G. Proposed signage plan.
- H. Compliance with all requirements of the specific section in this Chapter for the particular type of Adult-Use Cannabis Business Establishment that is being proposed, as applicable.
- I. Other criteria determined to be necessary to assess compliance with the provisions of this Chapter.

§17.18.030 Adult-Use Cannabis Craft Grower. In those zoning use districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

- A. Facility may not be located within 500 feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.
- B. Facility may not conduct any sales or distribution of cannabis other than as authorized by the CRTA.
- C. Facility may not be located within 1,500 feet of the property line of another Adult-Use Cannabis Craft Grower or an Adult-Use Cannabis Cultivation Center and may not be located in an area zoned for residential use.
- D. No more than one (1) Adult-Use Cannabis Craft Grower shall be granted a Conditional Use under this Chapter or otherwise permitted to operate in the Village.
- E. The Adult-Use Cannabis Craft Grower shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.

§17.18.040 Adult-Use Cannabis Cultivation Center. In those zoning use districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

- A. Facility may not be located within 500 feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.
- B. Facility may not conduct any sales or distribution of cannabis other than as authorized by the CRTA.
- C. Facility may not be located within 1,500 feet of the property line of an Adult-Use Craft Grower.
- D. No more than one (1) Adult-Use Cannabis Cultivation Center shall be granted a Conditional Use under this Chapter or otherwise permitted to operate in the Village.
- E. The Adult-Use Cannabis Cultivation Center shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.

§17.18.050 Adult-Use Cannabis Dispensing Organization. In those zoning use districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- A. Facility may not be located within 500 feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.
- B. Facility may not be located within 1,500 feet of the property line of another Adult-Use Cannabis Dispensing Organization or other cannabis dispensing organization.
- C. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act.
- D. Facility may not conduct any sales or distribution of cannabis other than as authorized by the CRTA.

- E. No more than two (2) Adult-Use Cannabis Dispensing Organizations shall be granted a Conditional Use under this Chapter or otherwise permitted to operate in the Village.
- F. The hours of operation for an Adult-Use Cannabis Dispensing Organization shall not be earlier than 8:00 a.m. and not later than 7:00 p.m.
- G. No person under the age of twenty-one (21) shall be allowed to enter an Adult-Use Cannabis Dispensing Organization.
- H. No person shall reside in or permit any person to reside in an Adult-Use Cannabis Dispensing Organization, or in the structure in which the Adult-Use Cannabis Dispensing Organization is located.
- I. No outdoor seating areas shall be permitted at an Adult-Use Cannabis Dispensing Organization.
- J. No drive-through services or sales shall be permitted at an Adult-Use Cannabis Dispensing Organization.
- K. The Adult-Use Cannabis Dispensing Organization shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.

§17.18.060 Adult-Use Cannabis Infuser Organization. In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

- A. Facility may not be located within 500 feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.
- B. At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the CRTA. Facility may not conduct any sales or distribution of cannabis other than as authorized by the CRTA.
- C. Facility may not be located in an area zoned for residential use.
- D. No more than one (1) Adult-Use Cannabis Infuser Organization shall be granted a Conditional Use under this Chapter or otherwise permitted to operate in the Village.

- E. The Adult-Use Cannabis Infuser Organization shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.

§17.18.070 Adult-Use Cannabis Processing Organization. In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

- A. Facility may not be located within 500 feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.
- B. At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the CRTA. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- C. No more than one (1) Adult-Use Cannabis Processing Organization shall be granted a Conditional Use under this Chapter or otherwise permitted to operate in the Village.
- D. The Adult-Use Cannabis Processing Organization shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.

§17.18.080 Adult-Use Cannabis Transporting Organization. In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

- A. Facility may not be located within 500 feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section.
- B. The Transporting Organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the CRTA.
- C. No more than two (2) Adult-Use Cannabis Transporting Organizations shall be granted a Conditional Use under this Chapter or otherwise permitted to operate in the Village.

- D. The Adult-Use Cannabis Transporting Organization shall operate the facility in compliance with all applicable state and local laws, including the CRTA and the provisions of this Chapter.

§17.18.090 Co-Location of Adult-Use Cannabis Business Establishments.

The Village may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the CRTA and the Conditional Use criteria set forth in this Chapter. In a co-location, the floor space requirements of Section 17.18.050(b) and 17.18.060(b) shall not apply, but the co-located establishments shall be the sole use of the tenant space.

§17.18.100 On-Site Use or Consumption Prohibited. No on-site use or consumption of cannabis shall be permitted at any Adult-Use Cannabis Business Establishment in the Village or at any other retail or service business, private club, or similar organization location in the Village. Additionally, no on-site consumption shall be permitted of food, beverages, or other products sold at an Adult-Use Cannabis Business Establishment in the Village.

§17.18.110 Security and Other Improvements. A petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Conditional Use permit, to ensure the safety of employees and customers of the Adult-Use Cannabis Business Establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the CRTA.

§17.18.120 Application Procedure. An application for a Conditional Use under this Chapter shall be processed in the same manner and with the same review and approval process as required for a special use under Section 17.44.060 of this title, except the standards set forth in Section 17.18.020 of this Chapter shall apply in lieu of the special use standards set forth in Chapter 17.36 for special uses. Further, the other provisions of Section 17.44.060 shall apply to a Conditional Use granted under this Chapter except as otherwise provided herein. The application for a Conditional Use filed by a petitioner shall include an affidavit affirming compliance with the applicable section of this Chapter, all requirements of the CRTA, and any stipulations or conditions imposed during the review and approval process.

(Ord. 2020-02-01, §3, 2-3-20)

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 R-2 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 an 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 (2) square feet in area, which may include reference to a home occupation conducted on the premises. No accessory building shall be used for residential 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 (3) consecutive days. No more than two (2) 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.

§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.

§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 upward to the next higher whole number.

§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%).

§17.20.050 Required Yards. On every interior lot a front yard, a rear yard and two (2) 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 (3) streets, three (3) 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.

§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 (2) buildings, one on either side.

§17.20.070 Side Yards. Side yard width for each side yard shall be eight (8) feet or greater and no accessory building shall project into the required side yard space.

§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 (3) feet from the rear or side lot lines, and provided further that the maximum lot coverage is not exceeded.

§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.

§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 (2) 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 (1) 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.

Article 2

R-2 Country Style Living Residential District

§17.20.110 Permitted Uses. Within the R-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 (1) sign, advertising the sale or rental of the land or buildings upon which it is located; a nameplate not exceeding two (2) square feet in area, which may include reference to a home occupation conducted on the premises. No accessory building shall be used for residential purposes unless it meets the front, rear and side yard requirements of a principal building, and the maximum permitted density is not exceeded.

§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 (1) principal structure and one (1) 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 the accessory structure is less than two thousand (2,000) square feet, not less than fifteen (15) feet from the property line;
 - b. If the 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 a septic system;
 - b. Not less than fifteen (15) feet from the property line if on a 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 (2) off-street parking spaces per unit; such parking spaces shall be located on the same lot or tract as the dwelling unit served.

 - 2. **Other permitted uses:** One (1) 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 R-2 country style living residential district, with such regulations and standards from Article 1 being expressly incorporated herein by reference.

Chapter 17.24

Commercial Districts

Sections:

17.24.010	Purpose
17.24.020	Permitted Uses – C-1 District
17.24.030	Permitted Uses – C-2 District
17.24.035	Conditional Uses (C-1 and C-2 Districts)
17.24.040	Minimum Lot Size
17.24.050	Minimum Lot Coverage
17.24.060	Required Yards
17.24.062	Transitional Buffer Yard (TBY) Next to Residential Lot
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.

§17.24.020 Permitted Uses – C-1 District. Within the C-1 district, the following uses are permitted:

- A. Retail store and shops;
- B. Banks; post office; medical or dental clinics; business or professional offices;
- C. Service-type business, such as a barbershop, beauty parlor, laundromat; music, dancing, art or photography studio; servicing or repair of home appliances and similar uses including farm equipment;
- D. Automotive 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 alleys; 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 (2) times the lineal feet of frontage of the zoning lot;

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

§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 businesses 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.

§17.24.035 – Conditional Uses (C-1 and C-2 Districts). The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Chapter 17.18 this Zoning Ordinance, as appropriate:

- A. Adult-Use Cannabis Dispensing Organization;
- B. Adult-Use Cannabis Processing Organization;
- C. Adult-Use Cannabis Transporting Organization.

(Ord. 2020-02-01, §4, 2-3-20)

§17.24.040 Minimum Lot Size. There is no minimum lot size specified.

§17.24.050 Minimum 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%).

§17.24.060 Required Yards.

- A. In the C-1 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.

§17.24.062 Transitional Buffer Yard (TBY) Next to Residential Lot. A transitional buffer yard (TBY) next to a residential lot where a C-2 Commercial lot abuts a Residential District lot hereby shall have a ten (10) foot or greater setback. This setback referred to as a transitional buffer yard shall be landscaped with suitable plant material or fencing or a combination of both to shield the Residential area from the C-2 Commercial area. No accessory buildings shall project into the required ten (10) foot transitional buffer yard. Where the transition from C-2 District to Residential District is a public street, the front yard of the C-2 Commercial lot shall be suitably landscaped.

§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.

§17.24.080 Off-Street Parking Space. Off-street parking spaces shall be provided as follows:

- A. C-1 district: none;
- B. C-2 district:
 - 1. One (1) 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 (1) off-street parking space per person normally employed on the lot or tract;
 - 3. One (1) off-street parking space for each one hundred (100) square feet of retail sales floor area of the establishment being served.

Chapter 17.28

Industrial Districts

Sections:

17.28.010	Permitted Uses
17.28.015	Conditional 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 (6) 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).

§17.28.015 – Conditional Uses. The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Chapter 17.18 this Zoning Ordinance, as appropriate:

- A. Adult-Use Cannabis Dispensing Organization;
- B. Adult-Use Cannabis Infuser Organization;
- C. Adult-Use Cannabis Processing Organization;
- D. Adult-Use Cannabis Transporting Organization;
- E. Adult-Use Cannabis Craft Grower;
- F. Adult-Use Cannabis Cultivation Center.

(Ord. 2020-02-01, §5, 2-3-20)

§17.28.020 Minimum Lot Size. There is no minimum lot size specified.

§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%).

§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.

§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 (3) lot sides abut a street. There shall be required in addition to three (3) front yards, a side yard where three (3) lot sides abut a street.

§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 (2) buildings, one on either side.

§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.

§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.

§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.

§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.

§17.28.110 Off-Street Parking Space. Off-street parking shall be provided as follows:

- A. One (1) off-street parking space per person normally employed on the lot or tract of land;
- B. One (1) off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.

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 (1) acre;
- E. The keeping, raising, or feeding of livestock or farm animals is not a permitted use within the A agricultural district after December 1, 2013, which includes poultry, dairying, swine, pigs, hogs, sheep, goats, cattle, horses, ponies, fur farms, bees or beekeeping, dog or cat breeding, pigeons, mules, ducks, geese, chickens, minks, skunks, foxes, buffalo, deer, llamas, alpacas, ostriches, emus, or any other livestock, farm animal, or poultry, or any wild or vicious animals dangerous to mankind, and any structures for housing such livestock, animals, or poultry. Any property zoned as A agricultural district on November 30, 2013 shall be permitted to continue the use of such property for 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, if such use is not located closer than three hundred (300) feet to the R district, as a non-conforming use provided such use was occurring and in place on November 30, 2013, and that such use does not cease for a period of sixty (60) continuous days or more or is not otherwise changed to a conforming use; if such non-conforming use ceases for a period of sixty (60) continuous days or more or is otherwise changed to a conforming use, such non-conforming use shall not be re-established. A non-conforming use permitted under this subsection E shall be permitted to continue upon the sale or transfer of the property with the non-conforming use provided the property and use otherwise stay compliant with the other terms and conditions of this subsection E. This subsection E does not prohibit or in any way limit the keeping, raising, or feeding of pets on the property within the A agricultural district, except as may be provided in this Chapter or the Village Code.

§17.32.020 Minimum Lot Size and Dimensions. The minimum lot size is one (1) acre with a minimum lot width of one hundred sixty (160) feet.

§17.32.030 Required Yards. On every interior lot a front yard, a rear yard and two (2) 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 (3) streets, three (3) front yards and a side yard are required. Yard dimensions shall be equal to or greater than set forth in Section 17.32.040 through 17.32.060.

§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.

§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 (1) foot on each side yard is required.

§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 (8) feet from the required rear or side lot lines.

§17.32.070 Off-Street Parking. Regulations of Section 17.20.100 shall apply.

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.

§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.

§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 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 (3) 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 acre. 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 (1) off-street automobile parking space.
 5. Each trailer coach park shall be limited to providing no more than one (1) sign per public road entrance of not more than eight (8) square feet in size;
- E. Churches or similar places of worship; parish houses, Sunday schools, rectory or parsonage, in the R-1, A, C-1, 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, museums, art galleries, community centers and parks in the R-1, C-1, C-2, and A districts;
- H. Hospitals, nursing homes, doctors' clinics, veterinarians' clinics in the R-1, C-1, 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 (8) 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.

Q. Community solar gardens or solar farms in C-1, C-2, and A districts:

The applicant agrees to follow all zoning requirements including design and installation guidelines, lighting, fence requirements, warning signage, utility connection, fire safety, road requirements, endangered species and wetlands requirements through the Illinois Department of Natural Resources (IDNR), compliance with additional regulations, setback requirements, and property maintenance guidelines.

§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.

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.

§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.

§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 (2) side yards shall be provided, each at least one-sixth (1/6) in width of the lot, but not be wider than required for the district in which such lot is located.

§17.40.040 Repairs and Maintenance. On any structure devoted in whole or in part 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.

§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.

§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.

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 Appeal 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 (7) members appointed by the Board of Trustees. The members of the Zoning Board shall serve respectively for the following term: one for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years and one for seven (7) years, the successor to each member so appointed to serve for a term of five (5) years. The Board of Trustees shall designate one of the appointed members as chairperson of the Zoning Board at the time of his or her appointment, and the appointed chairperson shall hold office as chairperson until a 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.

§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.

§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 single ownership as shown of record.

§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.

§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; provided that this prohibition to grant a variance for a front-yard setback shall not apply to a front-yard setback variance request being made by a school that has been granted a special use in an R-1 district under subsection 17.36.020(F); 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.

§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 the 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 17.36.030 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 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 (1) 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 (6) months if the Village Board finds that such extensions are in conformity with this title and the general welfare of the Village.

§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.

§17.44.080 Appeal 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.

§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, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

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.

§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.

§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.

§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.

§17.48.050 Hearing – Appearance. A public hearing shall be held and any person may appear in person, or by agent or by attorney.

§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.

§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.

§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 (2/3) 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 owner 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 (2/3) of all the members of the Village Board.

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.

§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 (3) feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of three (3) 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.

§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.

§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.

§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.

§17.50.060 Design for Co-Location. A facility shall be designed to accommodate the applicant plus two (2) additional telecommunications carriers if the facility height exceeds one hundred (100) feet, and shall be designed to accommodate one (1) additional telecommunications carrier if the cell tower height exceeds sixty (60) feet.

§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 (1) 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.

§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.

§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.

§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.

§17.50.110 Fall Zone. A facility's fall zone shall be one hundred ten percent (100%) 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.

§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 (1) 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 (5) feet from the attachment structure at the point of attachment.

§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.

§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.

§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.

§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.

§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 (6) months is requested for good cause and is granted by the Village Board.

§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 Dollar (\$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 Dollar (\$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.

Chapter 17.52

Fence Requirements in Residential Districts

Sections:

17.52.010 Fence Requirements in Residential Districts

§17.52.010 Fence Requirements in Residential Districts. No person shall construct or erect a fence within the Village without first having received a permit from the Zoning Officer. Applications for a fence permit shall be submitted with the appropriate fee to the Zoning Officer. No fence or fences may be constructed or erected which does not comply with the following:

- A. Front Yard Fences on Interior and Corner Lots – Ornamental fences at least fifty percent (50%) open and not exceeding four (4) feet in height are permitted in front yards. Privacy fences are not permitted in front yards.
- B. Side Yard and Rear Yard Fences on Interior Lots – Ornamental and privacy fences not exceeding six (6) feet in height are permitted in the required side and rear yards of interior lots.
- C. Side Yard Fences on and Fences at the Rear of Corner Lots – Ornamental and privacy fences are permitted on corner lots provided they meet the following criteria:
 1. When the fence is adjacent to an intersection, the triangle bounded on two (2) sides by the intersecting property lines, measured ten (10) feet in each direction from their point of intersection and on the third side by the diagonal line connecting the ends of the ten (10) foot sides must be maintained for visibility purposes.
 2. When the fence is next to an alley, it must be erected within the property boundaries.
 3. Privacy fences may not be constructed or erected beyond the front line of the principal structure.
- D. Fences to Contain No Dangerous Materials – No fence may be constructed with or contain barbed wire, metal spikes (not to include wrought iron), or any other sharp pointed materials. Chain link fences shall be constructed with the barb portion of the fence at the bottom of the fence. No fence may be electrified.

- E. Each time a temporary fence is constructed within the Village, the property owner or person must receive a permit from the Zoning Officer. Applications for a temporary fence permit shall be submitted with the appropriate fee to the Zoning Officer.

- F. Miscellaneous:
 - 1. The unfinished or rough side of all fences, as well as all posts, must face the interior side of the lot.
 - 2. Maintenance of fences are the responsibility of the property owner.
 - 3. Fences must be constructed of standard commercial materials intended for fences.
 - 4. Fences located in residential districts shall have a setback requirement of no less than one (1) foot from the property line.

- G. Any fence variance or alteration must be approved by the Zoning Board pursuant to the variance application and approval provisions in Section 17.44.050. In addition to the requirement to publish notice of hearing on the proposed variance or alteration in compliance with Section 17.48.040, notice shall be provided by regular U.S. mail or other similar means no less than one (1) week prior to the hearing to all property owners who own property adjacent to the location of the proposed fence on the requesting party's property.

(Ord. 2020-07-02, 7-6-20; Ord. 2021-05-01, 5-3-21)

Chapter 17.54

Solar Energy Systems

Sections:

17.54.010	Purpose
17.54.020	Definitions
17.54.030	Ground Mount and Roof Mount (SES)
17.54.040	Standards for a Solar Energy Generation Facility
17.54.050	Maintenance and Operations
17.54.060	Decommissioning Plan
17.54.070	Compliance with Building Code
17.54.080	Liability Insurance
17.54.090	Administration and Enforcement
17.54.100	Fees Charged for Building Permit

§17.54.010 Purpose. The purpose of this Chapter is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in the Village in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this Chapter to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This Chapter is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this Chapter shall not be deemed to nullify any provisions of local, state, or federal law.

§17.54.020 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” means as applied to a building, structure, or use, one which is on the same lot with, incidental to 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.

“Collective Solar” means solar installations owned collectively through subdivision homeowner associations, college student groups, or other similar arrangements.

“Ground Mount Solar Energy System” means a solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure. Ground

mounted solar collectors and supplementary solar energy equipment that is accessory to a residential or nonresidential use and covers an area no more than two (2) acres. In no instance can private solar be the only use on a parcel. Private solar is designed for onsite use by the owner or tenant of the residential or nonresidential use to reduce payments to the utility company. All ground mounted solar energy systems must be no glare panels to avoid distractions to adjacent landowners.

“Roof Mount” means a solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

“Solar Access” means unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

“Solar Collector” means a device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

“Solar Energy” means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

“Solar Energy Generation Facility/Large Scale Solar Farm” means a utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity. All solar farms must have no glare panels to avoid distractions to adjacent landowners.

“Solar Energy System (SES)” means the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems and solar hot water systems.

§17.54.030 Ground Mount and Roof Mount (SES). Roof Mount (SES) shall be permitted by a building permit in all zoning districts where there is a principal structure. An application shall be submitted to the Zoning Officer demonstrating compliance with the Village’s Zoning Ordinance and in addition to the following requirements below: Ground Mount systems could be allowed in side yards and rear yards only within the Village after the variance process has been followed. An application shall be submitted to the Zoning Officer. It is the purpose of this Chapter to regulate the siting and installation of ground mounted solar energy equipment. The promotion of safe, effective, and efficient use of ground mounted solar energy equipment will be balanced against the need to preserve and protect public health and safety.

Types of ground mounted solar energy equipment:

- A. Solar Private – Solar Private is a permitted accessory use in any zoning district and must abide by the bulk regulations, density and dimensional standards of the underlying zoning district in which it is located. All private solar requires a building permit prior to the initiation of construction.
- B. Solar Energy Generation Facility – Solar Energy Generation Facility is permitted as a special use in the agricultural and industrial zoning districts and shall meet requirements set forth in the standards section of the Solar Energy Ordinance.

§17.54.040 Standards for a Solar Energy Generation Facility.

- A. Setbacks:
 - 1. All solar energy equipment and accessory structure of the facility, excluding perimeter fencing, must comply with road setbacks, established in the underlying zoning district. In agricultural zoning districts, the setback for non-residential structures shall apply.
 - 2. All solar energy equipment and accessory structures of the facility, excluding perimeter fencing, must comply with side and rear setbacks established in the underlying zoning district for principal structures. In the case of a solar energy generation facility to be built on more than one parcel and the parcels are abutting, a zero (0) side or rear setback shall be permitted to the property line in common with the abutting parcel(s).
 - 3. The horizontal separation distance from the solar energy generation facility to the nearest principal residential dwelling shall be at least one hundred (100) feet. If the facility is to be located on a parcel with a principal residential dwelling, this one hundred (100) foot setback shall not apply to the principal residential dwelling.
- B. Height: All solar collectors, transformers, equipment or maintenance structure shall comply with the height restriction of the underlying zoning district. Building or roof mounted solar energy systems shall not exceed the maximum allowed height for principal structures in any zoning districts. Ground or pole-mounted solar energy systems shall not exceed twenty (20) feet in height which oriented at maximum tilt.
- C. Minimum Conditions for a Special Use Permit:
 - 1. Design and Installation – Solar collectors shall be designed and located to avoid glare or reflection toward any inhabited buildings on

adjacent parcels. Solar collectors shall be designed and located to avoid glare or reflection toward any adjacent roadways and shall not interfere with traffic or create a traffic safety hazard.

2. Lighting – Lighting shall be limited to the extent required for security and safety purposes and to meet applicable federal, state, or local requirements. Except for federally required lighting, lighting shall be reasonably shielded from adjacent properties and, where feasible, directed downward to reduce light pollution.
3. Security Fencing – Facility equipment and structures shall be fully enclosed and secured by a perimeter fence with a height of six (6) to eight (8) feet. Lock boxes and keys shall be provided at locked entrances for emergency personnel.
4. Warning Signage – A visible warning sign of “High Voltage” shall be posted at all points of site ingress and egress and along the perimeter fence of the facility, at a maximum of three hundred (300) feet apart. A sign that includes the facility’s 911 address and 24-hour emergency contact number shall be posted near all entrances to the facility.
5. Utility Connection – The applicant shall submit with the special use application a copy of a letter from the electric utility company confirming the review of the application for interconnection has started.
6. Fire Safety – It is the responsibility of the applicant to coordinate with the local fire protection district. The applicant shall submit with the special use application an approval letter from the local fire protection district.
7. Roads – Any roads that will be used for construction purposes and egress and ingress shall be identified and approved by the road jurisdiction. All applicable road and bridge weight limits shall be met during construction and maintenance. All applicable permits shall be acquired from the road jurisdiction prior to start of construction. The applicant shall submit with the special use application an approval letter from the road jurisdiction(s).
8. Endangered Species and Wetlands – Applicant shall seek natural resource consultation with the Illinois Department of Natural Resources (IDNR). The applicant shall submit with the special use application the results of the IDNR EcoCAT consultation. The cost of the EcoCAT consultation shall be paid by the applicant.

9. Compliance with Additional Regulations – It shall be the responsibility of the applicant to coordinate with the FAA or other applicable federal or state authority to attain any additional required approval for the installation of a solar energy generation facility. The applicant shall submit with the special use application an approval letter from any federal or state authority requiring permit or approval.
10. Special Use Fees – At the time of filing the special use application, the applicant shall pay the filing fee as set forth in Section 17.54.100 of this Chapter.

D. Minimum Conditions for a Building Permit:

1. Building Permit – All solar energy generation facilities require a building permit to the initiation of construction. Three (3) full sets of construction plans that conform to the manufacturer’s standards and to the official codes of the Village shall be submitted with the building permit application. Said plans shall be certified by an Illinois licensed professional engineer.
2. Installation Certification – An Illinois licensed professional engineer shall certify that the construction and installation of the solar energy generation facility meets or exceeds the manufacturer’s construction and installation standards and the official adopted codes of the Village.

§17.54.050 Maintenance and Operations. The owner of the solar energy generation facility or solar farm shall maintain the grounds for such facility or farm. Such maintenance shall include all actions necessary to keep the facility grounds free of litter and debris. The owner shall keep all fences maintained in good repair. The applicant shall submit an acceptable weed and grass control plan for property inside and outside the fenced area for the entire property. The applicant must comply with all Village ordinances regarding property maintenance.

§17.54.060 Decommissioning Plan.

- A. The solar energy generation facility shall be required to have a decommissioning plan to ensure it is properly removed upon the end of the project life or facility abandonment. For purposes of this Section, “facility abandonment” shall mean when no electricity is generated by the facility for a consecutive period of two (2) years or when the owner and/or operator of the solar energy generation facility has stated in writing to the Zoning Administrator that the owner or operator intends to abandon, vacant, or cease solar energy creation operations indefinitely on a specified solar energy generation facility. The decommissioning plan shall state how the facility will be decommissioned. Decommissioning shall include removal of

all structures (including solar energy equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment. The owner shall restore the land to a condition reasonably similar to its condition before the development of the solar energy generation facility, including replacement of top soil, which may have been removed or eroded, and replacement of trees. A decommissioning plan shall be submitted and approved prior to the issuance of the building permit.

- B. Financial Security – Appropriate means of financial security shall be required as part of the decommissioning plan. The security shall be in the name of the Village for one hundred percent (100%) of the estimated cost of decommissioning. The estimated cost shall not include any projected salvage value of solar energy equipment and other used equipment. The estimated cost shall be prepared by an Illinois licensed professional engineer. Security may be in the form of one of the following: Irrevocable Letter of Credit; Continuous Surety Bond; Cash Escrow Account; or any other means deemed acceptable by the Zoning Officer.
- C. Agreement – The decommissioning plan shall also include an agreement between the applicant and the Village which states:
 - 1. Financial security must remain valid through the life of the project. An updated decommissioning plan including estimated costs prepared by an Illinois licensed professional engineer and financial security must be submitted to the Zoning Officer every four (4) years;
 - 2. The Village shall have access to the financial security funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the owner within six (6) months of the end of the project life or facility abandonment;
 - 3. The Village is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning; and
 - 4. The Village is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Village’s right to seek reimbursement from owner or owner’s successor for decommissioning costs which exceed the financial security and to file a lien against any real estate owned by the owner or owner’s successor, or in which they have an interest, for the excess amount, and to take all steps allowed by law to enforce said lien.
- D. Release of Financial Security – Financial security shall only be released when the Zoning Officer determines, after inspection, that the conditions of the decommissioning plan have been met.

§17.54.070 Compliance with Building Code. All solar energy systems shall comply with the Village’s Building and Property Maintenance Codes as well as all federal and state requirements.

§17.54.080 Liability Insurance. The owner or operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and the Village as an additional insured with limits of at least Two Million Dollars (\$2,000,000.00) per occurrence and Five Million Dollars (\$5,000,000.00) in the aggregate with a deductible of no more than Five Thousand Dollars (\$5,000.00).

§17.54.090 Administration and Enforcement. The Zoning Officer shall enforce the provisions of this Section through an inspection of the solar farm every year. The Zoning Officer is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the owner/operator of the facility. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this Section may face a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

§17.54.100 Fees Charged for Building Permit. The fees for processing the applications for building permits and mechanical permits shall be collected by the Zoning Officer who shall be accountable to the Village for such fees as follows:

0-4 kilowatts (kW-dc)	\$ 75.00
5-10 kilowatts (kW-dc)	\$ 150.00
11-50 kilowatts (kW-dc)	\$ 300.00
51-100 kilowatts (kW-dc)	\$ 500.00
101-400 kilowatts (kW-dc)	\$1,000.00
501-1000 kilowatts (kW-dc)	\$3,000.00
1001-2000 kilowatts (kW-dc)	\$5,000.00