

VILLAGE OF DUNLAP  
ZONING ORDINANCE  
2015

April 20, 2015

## ZONING CODE

### TITLE 15 of the DUNLAP VILLAGE CODE

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## Chapter 15.01

### Zoning Code; Purpose; Definitions

**§15.01.01 Zoning Code.** This Zoning Code shall be known and may be cited as the “Village of Dunlap Zoning Code”.

**§15.01.02 Intent and Purpose.** The Village of Dunlap Zoning Code is adopted and established for the following purposes:

- A. securing adequate light, pure air and safety from fire and other dangers;
- B. conserving the value of land, buildings and structures throughout the Village;
- C. lessening and avoiding congestion in the public streets;
- D. lessening and avoiding hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- E. promoting the public health, safety, comfort, and general welfare;
- F. regulation and limiting the height and bulk of buildings and structures hereafter to be erected;
- G. establishing, regulating and limiting the building or setback lines on or along any street, traffic-way, drive, parkway or storm or flood water runoff channel or basin;
- H. regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures;
- I. classifying, regulating, and restricting the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, commercial, residential and other uses;
- J. dividing the entire Village into districts of such number, shape, area and such different classes according to the use of land buildings and structures, intensity of the use of lot area, area of open spaces and other classification as may be deemed best suited to carry out the purposes of this Zoning Code;
- K. fixing regulations and standard to which buildings, structures, or uses therein shall conform;

- L. prohibiting uses, buildings, or structures incompatible with the character of such districts, and
- M. preventing additions to the alteration or remodeling of existing buildings, structures or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this Zoning Code.

**§15.01.03 Interpretation.** Unless otherwise expressly stated, the following words shall, for the purpose of this Zoning Code have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this Zoning Code shall be construed to have its usual legal definition.

The present tense includes the future tense.

The masculine gender includes the feminine and the neuter.

The singular number includes the plural, and vice versa.

The word “shall” is always mandatory; the word “may” is always permissive.

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

The word “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”.

The word “lot” shall include the words “plot” or “parcel”.

The word “village” shall mean the Village of Dunlap, Illinois.

The word “board” or “Board” shall mean the Zoning Board of the Village.

The words “Planning Commission” shall mean the “Planning Commission of the Village”.

The word “engineer” shall mean the person or firm retained as engineer by the Village.

The words “governing body” shall mean the Board of Trustees of the Village.

**§15.01.04 Definitions.**

**ACCESSORY STRUCTURE:** A structure, the size of which exceeds twenty-five (25) square feet, on the same lot with the main or principal structure, or the main or principal use, and subordinate to and used for purposes customarily incidental to the main or principal use. The accessory structure may or may not be permanently affixed to the surface of the ground.

**ACCESSORY USE:** A use on the same lot with, incidental and subordinate to the main or principal use or the main or principal structure.

**ALLEY:** A permanent service right-of-way, which affords only a secondary means of access to property abutting such right-of-way and is not intended for general traffic circulation.

**AREA, BUILDING:** The total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, terraces, steps, or awnings, marquees and non-permanent canopies and planters.

**AREA, FLOOR:** The sum of the gross horizontal areas of the several stories of a building excluding cellar and basement floor areas not devoted to residential use, but including the area of walled-in and roofed porches and terraces. All dimensions shall be measured between exterior faces of walls.

**AREA, FLOOR, HABITABLE:** The sum of the horizontal areas of all rooms in a building used for habitation, such as living room, dining room, kitchen, bedroom, bathroom or closet, but not including hallways, stairways, service rooms or utility rooms, not unheated rooms such as enclosed porches, not rooms without at least one (1) window or skylight opening onto a yard or court, measured between the interior faces of walls.

**AREA, LOT:** The total area within the lot lines.

**BASEMENT:** A livable story having part but not less than one-half (1/2) its height below grade.

**BLOCK FACE:** Property abutting on one (1) 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, un-subdivided area or other definite boundary.

**BOARDING HOUSE:** A dwelling containing at least three (3) dwelling units or lodging units in whatever combination. Meals are provided within such boarding house to the residents of the lodging units.

**BUILDING:** An enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter or enclosure of persons, animals or chattels.

**BUILDING, MAIN OR PRINCIPAL:** The building in which is conducted the main or principal use of the lot on which it is located.

**CELLAR:** An unlivable story having less than one-half (1/2) of its height above grade.

**COURT:** An open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by, but is not enclosed by, the walls of such building.

**COVERAGE:** The percentage of the lot area covered by the building area.

**CURB LEVEL:** The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established the curb level shall be the average elevation of the land surface taken along the street right-of-way line between the points of intersection of the right-of-way line and the lot lines.

**DWELLING:** A building designed for residential living purposes and containing one (1) or more dwelling units and/or lodging units.

**DWELLING UNIT:** 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.

**DWELLING, SINGLE-FAMILY:** A dwelling containing one (1) dwelling unit.

**DWELLING, TWO-FAMILY:** A dwelling containing two (2) dwelling units with one (1) dwelling unit arranged on the story or stories above the other dwelling unit or beside the other dwelling unit.

**DWELLING, MULTI-FAMILY:** A dwelling containing three (3) or more dwelling units.

**DWELLING, GROUP:** A group of two (2) or more single-family, a two-family, or multi-family dwellings in whatever combination, occupying a lot or lots in one (1) ownership.

**FAMILY:**

- 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 his or their domestic servants and gratuitous guests maintaining common household in a dwelling unit or lodging unit.

**FAR:** Floor Area Ratio, meaning the sum of the total area of all floors compared to the area of the lot.

**GARAGE, PUBLIC:** A building in which, for compensation, one (1) or more vehicles are parked.

**GRADE:** The average of the elevations of the surface of the ground measured at all corners of a building.

**HEIGHT:** The vertical measurement from grade to a point midway between the highest and lowest points of the roof of a building or the vertical measurement from the average level of the surface of the ground immediately surrounding a structure to the upper-most portion of such structure.

**HOME OCCUPATION:** An accessory use of a service character customarily conducted within a dwelling, which is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a sign as provided in Section 6.1 hereof. The occupation must conform to the following additional conditions:

- A. it must be carried on solely by the members of the family who are residing on the premises;
- B. the total floor area devoted to such use shall not exceed twenty-five (25%) percent of the area of one (1) floor of the dwelling, shall be located only in the dwelling and shall not be located in any structure accessory thereto nor in open;
- C. no article is sold or offered for sale except such as may be produced on the premises; and
- D. no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes and any standard office equipment.

Home Occupation shall not include dancing instruction, group musical instruction, tea rooms, tourist home, beauty shops, real estate offices, insurance offices, investment offices, the repair or servicing of automotive vehicles or the conduct of any other trade or business not herein excepted.

**HOTEL:** A building containing separate accommodations for use by primarily transient persons. A hotel may contain restaurants, barber shops and other accessory services for serving primarily its residents and only incidentally the public.

**JUNK YARD:** A lot, land, building or structure, or part thereof used primarily for the collecting, storage and/or sale of waste paper, 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.

**KENNEL:** The keeping or housing of three (3) or more dogs six (6) months old or older, either as an accessory use or a principal use. Any kennel shall be within a completely enclosed building, or if outdoor runs are provided, they shall be completely enclosed by a woven wire fencing, solid fence or wall. A kennel or any part thereof shall not be located in any front or side yard, not within five (5) feet of any side or rear lot line in a rear yard.

**LAND USE PLAN:** The complete plan or any of its parts for the development of the Village and adopted by the Governing Body as the official plan.

**LODGING UNIT:** One (1) or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one (1) family and do not contain cooking facilities.

**LODGING HOUSE:** A dwelling containing at least three (3) dwelling units or lodging units in whatever combination. Meals are not provided within such lodging house to the residents of the lodging units.

**LOT:** The word lot when used along shall mean a zoning lot unless the context of this Zoning Code clearly indicated otherwise.

**LOT, CORNER:** A lot located:

- A. at the junction of and abutting two (2) or more intersecting streets; or
- B. at the junction of and abutting a street and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or  
  
at the junction of and abutting two (2) or more storm or floodwater runoff channels or basins; or
- C. at and abutting the point of abrupt change of a single street where the interior angle is less than one hundred and thirty-five (135) degrees and the radius of the street is less than one hundred (100) feet.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINES:** The lines bounding a lot.

**MOTEL:** A building or group of buildings, whether detached, semi-detached or attached, containing accommodations for primarily transient automobile travelers. The term motel includes such buildings designated as tourist courts, tourist cabins, motor lodges and other similar terms.

**NON-CONFORMING LOT, STRUCTURE OR USE:** A lot, sign, structure or use, which does not conform to the regulations and standards of the zoning district in which it is located.

**NURSING OR CONVALESCENT HOME:** A building containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.

**PARKING LOT:** A lot, court, yard or portion thereof used for the parking of vehicles.

**PARKING SPACE:** A space accessory to a use or structure for the parking of one (1) vehicle, the size of which shall be determined as herein specified.

**PLANNED RESIDENTIAL DEVELOPMENT:** A tract of land which is developed as a unit under single ownership or control, which includes two (2) or more main or principal structures and is identified to its main or principal use by its functional definition prefix, such as dwelling group.

**RIGHT-OF-WAY:** The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

**SCREEN PLANTING:** A vegetative material of sufficient heights and density to filter adequately from view, in adjoining districts, structures and uses on the premises upon which the screen planting is located.

**SETBACK LINE:** The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the wall of a structure located on said lot and the lot line with respect to a front, side or rear yard.

**SIGN:** 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 organization, any political sign or any sign indicating address. Each display surface of a sign shall be considered a sign.

**SPECIAL USE:** A use permitted in a district pursuant to, and in compliance with, procedures specified herein.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above, then the space between any floor and the ceiling next above it.

**STREET:** A thoroughfare within the right-of-way, which affords the principal means of access to abutting property. A street may be designated as an avenue, a boulevard, drive, highway, lane, parkway, place, road, thoroughfare or by other appropriate name.

**STRUCTURE:** 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. Among other things, structures include buildings, walls, fences, billboards and signs.

**STRUCTURE, MAIN OR PRINCIPAL:** The structure in or on which is conducted the main or principal use of the lot on which it is located.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or addition of or to a structure the cost of which equals or exceeds ten (10%) percent of the market value of the structure before the improvement is started. It should not, however, include such actions taken to comply with existing State or Local codes or Zoning Codes or alterations to a structure listed on the National Register of historic Places or the State Inventory of Historic Places.

**TOURIST HOME:** A dwelling containing the dwelling unit of the owner or operator and containing separate accommodations primarily for transient automobile travelers.

**TRAILER COACH OR MOBILE HOME:** Any portable or mobile vehicle used for residential living purposes by a family. For the purpose of this Zoning Code, such vehicle shall be classified as a trailer coach whether or not its wheels, rollers, skids or other rolling equipment have been removed, or whether or not any addition thereto has been build on the ground.

**TRAILER CAMP OR MOBILE HOME PARK:** A tract of land meeting the standards established by the county health authorities and by the Illinois State Department of Public Health:

- A. Where two (2) or more inhabited trailers coaches are parked, or
- B. Which is used by the public as parking space for two (2) or more inhabited trailer coaches.

**USE:** 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 non-conforming use.

**YARD:** An open space, other than a court, of uniform width or depth on the same lot with a structure lying between the structure and the nearest lot line and is unoccupied and unobstructed from the surface of the ground upward, except, as may be specifically provided by the regulations and standards herein.

**YARD, FRONT:** A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line or the nearest shoreline or highwater line of a storm or floodwater runoff channel or basin, both such yards shall be classified as front yards. Each yard of a corner lot facing a street right-of-way line or the shoreline or highwater line of a storm or floodwater runoff channel or basin, shall be classified as a front yard.

**YARD, REAR:** A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot; in the case of an irregular or triangular lot, the rear lot line shall be considered a lot line ten (10) feet long within the lot, parallel to and a maximum distance from the front lot line.

**YARD, SIDE:** A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the required front yard to the front line of the required rear yard.

**ZONING LOT:** A single property, parcel, unit tract, plot or otherwise designated portion of land, having metes and bounds, which is designated by its owner or developer as a property, parcel, unit, tract, plot or otherwise designated portion of land which has been sold, or is offered, or will be offered for sale, and is to be used, developed or built upon as a unit under single ownership or control, and which is occupied or capable of being 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.

## Chapter 15.02

### Zoning Districts; Zoning Map

**§15.02.01 Zoning Districts.** In order to carry out the purposes and provisions of this Zoning Code, the Village of Dunlap, Illinois, is hereby divided into the following zoning districts:

- A Agricultural District
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 Multiple Family Residential District
- R-P Planned Residential District
- C-1 Central Business District
- C-2 General Retail Business District
- I-1 Low Impact Industrial District
- I-2 Industrial District

**§15.02.02 Official Zoning Map.** The locations and boundaries of the zoning districts herein established are shown upon the map entitled "Village of Dunlap", which with all notations thereon, is hereby made a part of this Zoning Code.

**§15.02.03 Submerged Land; New or Annexed Land.** Submerged land, any submerged land which may be reclaimed, and land which may be annexed to the Village shall be classified as the zoning district most closely analogous to the land's prior zoning under the Peoria County Zoning Code until such time as the Village Board changes the classification in accordance with provisions of this Zoning Code. If no such zoning district can be determined for such land, then the land shall be classified as either A Agricultural District or R-1 Low Density Residential District based upon the most analogous use of the property prior to annexation to the Village.

**§15.02.04 Zoning of Streets, Alleys, Public Ways and Railroad Rights-of-Way.** All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting such street, alley, public way, and railroad rights-of-way. Where the centerline of a street, alley, public way or railroad right-of-way serves as a zoning district boundary, the zoning of such areas, when not otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

**§15.02.05 Rules for the Interpretation of Zoning District Boundaries.** Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center-lines of streets or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.

- C. Boundaries indicated as approximately following Village limits shall be construed as following such Village limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. 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 F above, the Board shall interpret the zoning district boundaries.

## Chapter 15.03

### General Provisions

#### §15.03.01 Construction and Use.

- A. 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 herein specified for the zoning district in which it shall be located.
- B. No structure shall hereafter be constructed, erected, altered, remodeled, extended, or moved in any manner contrary to regulations and standards of the zoning district in which it is located or in any manner that is otherwise contrary to the requirements of this Zoning Code that would cause the structure to:
  - 1. exceed the height;
  - 2. occupy or house a greater number of families;
  - 3. occupy a greater percentage of the lot area;
  - 4. exceed the floor area ratio;
  - 5. have smaller or less habitable floor area per dwelling unit or lodging unit; or
  - 6. exceed the maximum floor area.
- C. In no case other than in planned developments shall there be more than one (1) main or principal structure, or main or principal use on one (1) lot or tract of land.
- D. 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.
- E. 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, or permanent easement of access to a public street. Such easement shall have a minimum width of twenty feet unless an easement of less width was on record prior to the effective date of this Zoning Code.
- F. Nothing in this Zoning Code 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 this Zoning Code, provided that such

structure shall be completed within one (1) calendar year from the effective date of this Zoning Code.

- G. The performance standards, regulations and standards, rules, requirements, provisions, and restrictions set by this Zoning Code shall apply to all structures, uses, lots, and tracts of land created or established after the effective date of this Zoning Code 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 this Zoning Code except as expressly specified under the specific terms set forth in this Zoning Code.
- H. The uses permitted in one zoning district shall not be permitted in any other zoning district unless specifically stated.

**§15.03.02 Open Spaces.**

- A. 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 Zoning Code shall be included as part of a yard, buffer strip or other open space, off-street parking or loading berth or lot area similarly required for any other structure or use.
- B. No yard, buffer strip, or other open space, off-street parking space or loading berth, or lot 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 this Zoning Code shall meet at least the minimum requirements established by this Zoning Code.

**§15.03.03 Height.**

- A. 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 zoning district in which such structure is located.
- B. 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 power silos, 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.
- C. Structures shall not exceed height specified for the applicable zoning district, and in no event shall any structures exceed fifty four feet (54') in height except for structures located in an Industrial Zoning District. All buildings and all main or principal structures shall be positioned in conformation with the setback line regulations and standards specified hereinafter for the district in which they are located.

**§15.03.04 Yards.**

- A. Notwithstanding any other provisions of this Zoning Code, the minimum yard dimensions specified thereafter shall not be reduced except through action by the Board.
- B. Yards shall be kept unobstructed for their entire depth except as specified hereinafter.
- C. 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.
- D. Fences, walls, and hedges may be placed in any yard or adjacent to a lot line, but not on or over such lot line of any yard, subject to the following restrictions and standards:
  - 1. Front yard fences shall not be allowed without first receiving approval of the Board. A front yard is defined in Section 15.01.04. If a front yard fence is approved by the Board, the fence shall not exceed four (4) feet in height and shall be at least forty (40) percent open in design.
  - 2. A front or side yard fence on a corner lot shall not be allowed without first receiving approval of the Board. A corner lot is defined in Section 15.01.04. A front or side yard fence on a corner lot fence shall be set back a minimum of ten (10) feet from the property line abutting the street and shall not exceed four (4) feet in height.
  - 3. Side yard fences on interior lots and all rear yard fences shall not exceed six (6) feet in height. An interior lot is any lot that is not a corner lot.
  - 4. The fence, in consideration of its placement, height and construction, shall be compatible with the surrounding neighborhood and shall not diminish neighboring properties of the full use and enjoyment of their property, and the fence shall not alter the established character of the neighborhood in which the property is located.
  - 5. The fence shall not impair the safety, welfare, light, or air, nor substantially diminish or impair property values within the neighborhood in which the property is located, nor impair natural drainage or create drainage problems on adjacent properties.
  - 6. A fence six (6) feet in height shall be constructed around any swimming pool built after the effective date of this Zoning Code that is a permanent above-the-ground level pool or beneath-the-ground level pool. Such fence shall have entrances which shall have locks fastened thereto to prevent the entry into the swimming pool enclosed area by unauthorized or uninvited persons. No such fence or pool shall extend beyond the front line of the house on the property of which it is a part. For any existing swimming pool built prior to the effective date of this Zoning Code

that is a permanent above-the-ground level pool or beneath-the-ground level pool with a fence at least four (4) feet in height constructed around the swimming pool area, such fence shall be permissible as a grand-fathered fence under this Section of the Zoning Code until such pool is no longer maintained by the person owning the subject property (periods of non-use during the cooler times of the year shall not be considered as the owner no longer maintaining such pool). Persons owning a swimming pool who do not meet the grand-fathering provision of this Section shall erect the necessary fence and comply with the provisions of this Section of the Zoning Code within one hundred twenty (120) days after the effective date of this Zoning Code.

- E. Corner Lot Visibility. Notwithstanding any other provision of this Zoning Code, on a corner lot, nothing shall be constructed, erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the intersecting streets in an area bounded by the street right-of way lines of such corner lot and a straight line joining points along said street right-of-way lines fifty (50) feet from the nearest point of intersection. Beyond the designated fifty (50) foot limits, Part D of this Section shall apply.

**§15.03.04 Exemptions from Regulations and Standards.** Notwithstanding any other provisions of this Zoning Code, the following structures and uses are exempted from the application of the zoning district regulations and standards and are permitted in any zoning district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines, provided that the installation shall conform where applicable with the rules and regulations of the Illinois Commerce Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction. A zoning permit shall be obtained for any aboveground electric substation or switching station, gas regulator station, water pump station, telephone exchange or similar utility structure.

**§15.03.05 General Prohibitions.**

- A. No trailer camp or mobile home park shall be permitted in the village unless specifically recommended by the zoning board and approved by the village board through the special use process set forth in Section 15.15.10 of this Zoning Code. Additionally, no one may maintain or permit on his premises, a trailer coach, tourist home, or mobile home for more than thirty (30) days unless specifically permitted by the Board, and village board approval is required through the special use process set forth in Section 15.15.10 of this Zoning Code for such use for more than ninety (90) days.
- B. No adult use of property shall be located or operating within one thousand (1,000) feet of a school, daycare center, cemetery, public park, public housing, place of religious worship, or a residential zoning district. "Adult use" includes any adult entertainment facility and is defined as follows: (1) a striptease club or pornographic movie theater whose business is the commercial sale, dissemination, or distribution of sexually

explicit material, shows, or other exhibitions; or (2) an adult bookstore or adult video store whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions. "Adult use" shall also include a massage parlor or massage establishment, except to the extent the massage therapy is provided by a hospital, nursing home, physician's office, chiropractic office, or by a state licensed massage therapist or other state licensed person who practices in the healing arts. For the purpose of this provision, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the adult use to the nearest property line of other property at issue.

- C. Tents and similar shelters and tents shall not be permitted when used to store or shelter motor vehicles, boats, or any other personal property. Further, tents and similar shelters shall be considered structures under this Zoning Code if such tent or similar shelter is maintained for a period of thirty (30) continuous days or more, and a break in the use or existence of the tent or similar shelter of less than a week shall be considered as not disrupting or terminating the continuous nature of the tent or similar shelter for determining this thirty (30) day period.

## Chapter 15.04

### A Agricultural District

**§15.04.01 Purpose.** The A Agricultural District is intended to include those portions of the Village maintained predominantly for agricultural and related, including maintaining open space and natural features of these areas within the Village.

**§15.04.02 Permitted uses.** Within the A Agricultural District, only the following uses are permitted:

1. 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.
2. Farm dwellings, occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers.
3. 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.
4. Single-family dwelling, provided that the minimum lot area for each dwelling unit is one acre.
5. The keeping, raising, or feeding of livestock or poultry, including dairying, poultry, swine, sheep, goats, beef cattle, pony and horse productions, fur farms, or beekeeping or such structures for housing livestock or poultry products for market, such use shall not be located closer than three hundred (300) feet to any R Residential District.

**§15.04.03 Height.** Within any A Agricultural District, no building or structure, including residential and accessory buildings and structures, shall hereafter be erected or altered to exceed thirty-five (36) feet in height above grade.

**§15.04.04 Lot size.** Within the A Agricultural District, the minimum lot size is one acre with a minimum lot width of one hundred sixty (160) feet.

**§15.04.05 Yards.** No principal or accessory building or structure within any A Agricultural District shall hereafter be erected or enlarged unless the following yards are provided and maintained in connection with such buildings or structures:

- A. Front yard. For residential structures, a front yard of not less than twenty-five (25) feet in depth from any local Village road and forty (40) feet in depth from any County or State road. For any non-residential structures, a front yard of not less than fifty (50) feet in depth from any local Village road and sixty-five (65) feet in depth from any County or State road.

B Side yard. The side yard width for each side yard shall be a minimum of thirty (30) feet, except that for accessory buildings under two thousand (2,000) square feet in size, the minimum side yard shall be fifteen (15) feet.

C. Rear yard. The rear yard depth shall be a minimum of thirty (30) feet, except that for accessory buildings under two thousand (2,000) square feet in size, the minimum rear yard shall be fifteen (15) feet.

**§15.04.06 Building, Coverage.** Within any A Agricultural District, no more than ten (10) percent of the area of the lot may be occupied by structures.

## Chapter 15.05

### R-1 Low Density Residential District

**§15.05.01 Purpose.** The R-1 Low Density Residential District is intended to include those portions of the Village developed predominantly with single-family dwellings on individual lots where it is deemed desirable to maintain and encourage this pattern of development, or those undeveloped portions of the Village in which it is deemed desirable to encourage this pattern of predominant land usage and density of population.

**§15.05.02 Permitted Use.** No building or premises shall be used for any use, and no building shall be hereafter erected or altered within any R-1 Residential District, unless otherwise provided for in this Zoning Code, except for the following allowed uses:

1. Single-family dwellings.
2. Libraries; public museums.
3. Churches; temples; other places of public worship.
4. Public or private schools offering general instructions between kindergarten and twelfth grade levels; public or private colleges offering courses leading toward associate, baccalaureate or advanced degree in arts or science or comparable recognized degree.
5. Parks, recreation areas, and recreation buildings operated by a unit of government; private parks maintained by non-governmental units; government buildings, but not including storage yards or buildings for the housing of trucks, contractors equipment, poles, pipe, road building materials or similar materials.
6. Temporary buildings, structures and uses incidental to construction on the site, for a period not to exceed one (1) year.
7. Customary home occupations, but not including the conduct of a retail or wholesale business or manufacture, including one (1) nameplate sign not exceeding one (1) square foot in area, which may include the occupant's name, street address and profession or home occupation if such is conducted on the premises. .
8. Customary accessory uses, including private garages.
9. One (1) sign advertising the sale or rental of the premises, and not exceeding six (6) square feet in area and including the zoning classification may be displayed.

**§15.05.03 Height.** Within any R-1 Residential District, no principal building or structure shall hereafter be erected or altered to exceed thirty-five (35) feet in height above grade.

No accessory building or structure shall hereafter be erected or altered to exceed seventeen (17) feet in height.

**§15.05.04 Lot Size.** Every building hereafter erected within any R-1 Residential District shall be on a lot having an area not less than ten thousand (10,000) square feet, a lot width measured along the front setback line not less than of sixty (60) feet and a lot depth of not less than one hundred (100) feet, measured along a line midway between the side lot lines perpendicular to the front lot line; provided, however, that where a lot is smaller than herein required, and was of record at the time of the passage of this Zoning Code, said lot may be occupied by not more than one single-family dwelling.

**§15.05.05 Yards.** No principal or accessory building or structure within any R-1 Residential District shall hereafter be erected or enlarged unless the following yards are provided and maintained in connection with such buildings or structures:

- A. Front Yard. Front yard not less than twenty-five (25) feet in depth, unless forty (40%) percent or more of the adjacent frontage is improved with buildings that have observed a greater or less depth of front yard, in which instance, no new buildings or portion thereof shall project beyond a straight line drawn between the point closest to the front property line of the two (2) nearest residences, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet, nor to permit a front yard of lesser depth than that of the nearest building. Where the street is curved, the line shall follow the curve of the street rather than to be a straight line.
- B. Side Yard. A side yard on each side not less than ten (10%) percent of the width of the lot for principal buildings or structures is required. However, a side yard of a principal building or structure which occupies two (2) or more lots shall be not less than ten (10%) percent of the total front footage of said lots or six (6) feet, whichever is less. That in the event of damage or destruction of a dwelling by fire, storm or other casualty, said dwelling may be restored with the side yard setback which it originally had without reference to the requirements set forth in this section.

For accessory buildings or structures located on the rear one-third (1/3) of the lot, a side yard setback of not less than three (3) feet shall be maintained. For accessory buildings or structures located on the front two-thirds (2/3) of the lot, a side yard setback of not less than ten (10%) percent of the lot's width shall be maintained. No accessory buildings or structures shall be allowed in the front yard.

- C. Rear Yard. A rear yard having a depth of not less than twenty-five (25) feet for principal buildings or structures. For accessory buildings or structures located on the rear one-third (1/3) of the lot, a rear yard of not less than five (5) feet shall be maintained where said rear yard abuts an existing alley; not less than three (3) feet where said rear yard does not abut an existing alley.

- D. Supplementary Regulations:

1. On a corner, no fence, hedge, earth terrace, parking facility or other structure or plant which would obstruct motor vehicle visibility of traffic approaching the corner or intersection shall be erected, placed or maintained within the triangular patterns that are formed by the intersection of the lot lines nearest the street intersection and a straight line joining said lot lines at points which are fifteen (15) feet in distance from the point of intersection.
2. A one (1) story porch, even though roofed over, may project into a required front, side or rear yard area a distance not to exceed six (6) feet, and shall not be considered in the determination of the size of yards; provided, however, that such porch shall not be closer than four (4) feet at any point to any lot line, and that no building shall have such porches projecting into more than one (1) required side yard; and provided further, that porches on buildings erected prior to the date of adoption of this amendment, extending into a required front yard, shall not be enclosed.

**§15.05.06 Building, Coverage.** Within any R-1 Residential District, no building, with its accessory building, shall occupy in excess of thirty-seven (37%) percent of the area of an interior lot, nor more than forty (40%) percent of the area of a corner lot.

**§15.05.07 Habitable Floor Area.** Within any R-1 Residential District, no one (1) story dwelling shall hereafter be erected with a habitable floor area of less than one thousand two hundred and fifty (1,250) square feet. No two (2) story dwelling shall hereafter be erected with a habitable floor area of less than two thousand one hundred and sixty-five (2,165) square feet.

## Chapter 15.06

### R-2 Medium Density Residential District

**§15.06.01 Purpose.** The R-2 Medium Density Residential District is intended to include those portions of the Village developed with two-family dwellings or with a mixture of single-family and two-family dwellings.

**§15.06.02 Permitted Uses.** No building or premises shall be used and no building shall be hereafter erected or altered within an R-2 Medium Density Residential District, unless otherwise provided for in this Zoning Code except for the following uses:

1. Any use permitted in the R-1 Residential District.
2. Two-family dwellings.

**§15.06.03 Height.** Within any R-2 Medium Residential District, no principal building or structure shall hereafter be erected or altered to exceed thirty-five (35) feet in height above grade. No accessory building or structure shall hereafter be erected or altered to exceed seventeen (17) feet in height.

**§15.06.04 Lot Size.** Within any R-2 Medium Residential District, every single-family or two-family dwelling hereafter erected, and every single-family dwelling or other building thereafter converted to a two-family dwelling shall be on a lot having an area of not less than six thousand (6,000) square feet.

**§15.06.05 Yards.** No principal or accessory building or structure within any R-2 Medium Residential District shall hereafter be erected or enlarged unless the following yards are provided and maintained in connection therewith:

- A. Front Yard. A front yard not less than twenty-five (25) feet in depth.
- B. Side Yard. A side yard on each side not less than ten (10%) percent of the width of the lot for principal buildings and structures.

For accessory buildings or structures located on the rear one-third (1/3) of the lot, a side yard setback of not less than three (3) feet shall be maintained. For accessory structures or buildings located on the front two-thirds (2/3) of the lot, a side yard setback of not less than ten (10%) percent of the width of the lot shall be maintained.

- C. Rear Yard: A rear yard of not less than twenty-five (25) feet in depth for principal buildings or structures. If the lot is an irregular or triangle shaped lot, a rear yard of not less than ten (10) percent of the lot width at the building line with a minimum depth of five (5) feet from the property line.

For accessory buildings and structures located on the rear one-third (1/3) of the lot, a rear yard of not less than five (5) feet shall be maintained where said rear yard abuts an existing alley; not less than three (3) feet where said rear yard does not abut an existing alley.

- D. Corner Lot. On a corner, no fence, hedge, earth terrace, parking facility or other structure or plant which would obstruct motor vehicle visibility of traffic approaching the corner or intersection shall be erected, placed or maintained within the triangular patterns that are formed by the intersection of the lot lines nearest the street intersection and a straight line joining said lot lines at points which are fifteen (15) feet in distance from the point of intersection.

**§15.06.06 Building Coverage.** No building with its accessory buildings within any R-2 Medium Residential District shall occupy in excess of forty (40%) percent of the area of an interior lot, nor in excess of fifty (50%) percent of the area of a corner lot.

**§15.06.07 Habitable Floor Area.** Within any R-2 Medium Residential District, no single-family dwelling shall hereafter be erected with a habitable floor area per floor of less than seven hundred and fifty (750) square feet. Further, no two-family dwelling shall hereafter be erected and no single-family dwelling or other building shall hereafter be converted to a two-family dwelling with a habitable floor area less than fifteen hundred (1,500) square feet, nor less than seven hundred and fifty (750) square feet in either dwelling unit.

**§15.06.08 Supplementary Regulations.** No two-family dwelling hereafter erected or created from an existing establishment shall be permitted unless separate bathroom and kitchen facilities and two (2) separate means of access are provided for each dwelling unit.

## Chapter 15.07

### R-3 Multiple Family Residential District

**§15.07.01 Purpose.** It is the intent of the R-3 Multiple Family Residential District to provide for the continued growth of the Village in total population through intensifications of density and vertical expansion.

**§15.07.02 Permitted Uses.** No building or premises shall be used and no building shall be hereafter erected or altered within any R-3 Multiple Family Residential District, unless otherwise provided for in this Zoning Code, except for the following uses:

1. Any use permitted in the R-2 Medium Density Residential District, subject to the restrictions of that zoning district.
2. Multi-family residences; sheltered care homes; nursing homes, subject to the restrictions herein set forth for such users. Upon approval of the Board, one (1) or more of the following uses may be established clearly incidental to a multi-family residence, sheltered care home or nursing home: restaurant, office of doctor, dental or similar practitioner in the healing arts. Such incidental use shall be allowed only if it is primarily for the use and benefit of the occupants of the principal use.

**§15.07.03 Height.** Within any R-3 Multiple Family Residential District, no building shall hereafter be erected or altered to exceed fifty-four (54) feet in height above grade.

**§15.07.04 Lot Size.** Within any R-3 Multiple Family Residential District, no multi-family resident, sheltered care home or nursing home shall hereafter be erected, and no existing building shall be converted to any such use unless the lot shall have an area of at least fifteen thousand (15,000) square feet.

**§15.07.05 Yards.** No principal or accessory building or structure within any R-3 Multiple Family Residential District shall hereafter be erected or enlarged unless the following yards are provided and maintained in connection therewith:

- A. Front Yard. There shall be a front yard along each abutting street having a depth of at least twenty-five (25) feet measured from the right-of-way line.
- B. Side Yard. On each side of the building there shall be a side yard having a width of not less than ten (10%) percent of the width of the lot or one-fifth (1/5) the building height, whichever is greater.
- C. Rear Yard. There shall be a rear yard having a depth of 25 feet or not less than 15% percent of the lot depth or one-third (1/3) the building height, whichever is greater.

**§15.07.06 Floor Area Ratio (FAR).** Within any R-3 Multiple Family Residential District, irrespective of the number of floors in a building or a series of buildings on the same lot, the sum of the total area of all floors shall not exceed the area of the lot (FAR of 1.0).

**§15.07.07 Density.** Within any R-3 Multiple Family Residential District, no multi-family residence shall hereafter be erected or altered to accommodate or make provision for more than one hundred (100) bedrooms on any acre of land, or make provision for more than a proportional number of families on a fractional part of any acre of land.

**§15.07.08 Off-Street Parking.** Within any R-3 Multiple Family Residential District, for every multi-family residence there shall be provided on the same or an adjacent lot (provided said lot has the same zoning classification as the lot where the primary use is located), off-street parking for two (2) cars for each dwelling unit in a multi-family residence; and for a sheltered care home or nursing home, one (1) car space for each employee per shift plus one (1) car space for each four (4) residents. Furthermore, if one (1) or more incidental uses are permitted by the Board, additional off-street parking shall be provided as the Board deems adequate.

**§15.07.09 Site Plan Approval / Permit.** Before any multi-family residence, sheltered care home, or nursing home is erected or altered in an R-3 Multiple Family Residential District, site plan approval shall be obtained from the Board as provided in Section 15.15.11 of this Zoning Code.

## Chapter 15.08

### R-P Planned Residential District

**§15.08.01 Purpose.** It is the intent and purpose of the R-P Planned Residential District to encourage the total planning of large un-subdivided or undeveloped tracts, rather than lot-by-lot development. Established uses within the R-P Planned Residential District, such as farming, golf courses, parks, large estates or institutional uses would be permitted to continue and to be improved and expanded, it being the intent of these District regulations to provide a framework within which the conversion of such land to residential uses may be accomplished.

**§15.08.02 Permitted Uses.** No building or premises shall be used and no building shall be hereafter erected or altered within any R-P Planned Residential District, unless otherwise provided for in this Zoning Code, except for the following uses, which shall only be allowed as special uses in said zoning district upon the issuance of a special use permit for same:

1. Farming, truck gardening (gardening for market), horticultural nurseries, but not including the raising, housing, pasturing or keeping of bees, fowl or livestock within three hundred (300) feet of a lot line.
2. Parks, recreation areas, recreation buildings or operation by a unit of government; private parks maintained by non-governmental units; and nature preserves.
3. Country clubs, golf courses not conducted as a business or for profit.
4. Planned Residential Development, which may consist of individual building sites for one (1) or more of the following:
  - single-family dwellings,
  - two-family dwellings,
  - row or town houses,
  - garden apartments,
  - high rise apartments,
  - sheltered care facilities,
  - nursing homes,
  - residential hotel,
  - together with common property, such as a park, recreation area, recreation building or facility, and
  - off-street parking areas or facilities.

**§15.08.03 Height.** Within any R-P Planned Residential District, no building shall hereafter be erected or altered to exceed fifty-four (54) feet in height.

**§15.08.04 Size.** A Planned Residential Development shall be located on a tract having a gross area of at least (25) acres.

**§15.08.05 Yards and Courts.** Within a Planned Residential Development, yards and courts shall be provided to assure adequate privacy, desirable outlook, adequate natural light and ventilation, convenient access to and around the buildings and other essential uses. Yard depth shall assure adequate distances between building walls on the property and on abutting off-site properties. The size, number, and location of courts shall be determined in accordance with the procedures and standards set forth in Sections M307 and M308 of FHA Manual 2600 titled “Minimum Property Standards for Multi-Family Housing”, which sections are hereby adopted by reference and made a part of this Zoning Code. Notwithstanding, yards along the external boundary of the Planned Residential Development shall be provided as specified in Section 15.07.05 this Zoning Code.

**§15.08.06 Floor Area Ratio.** The total area of all floors in all buildings and structures on the tract of a Planned Residential Development shall not exceed zero point eight (80%) of the gross area of the tract. (FAR of 0.8)

**§15.08.07 Open Space.** The total area of the open space, including streets, drives, open parking areas, open recreation areas and landscaped areas on the tract of a Planned Residential Development shall be at least zero point eighty-five (85%) times the total floor area of all buildings and structures. The total area of the open space exclusive of that in streets, drives, and open parking areas shall be at least one-half (50%) the total floor area of all buildings and structures of a Planned Residential Development.

**§15.08.08 Off-Street Parking.** Off-street parking shall be provided at the rate of two (2) spaces for each dwelling unit within a Planned Residential Development.

**§15.08.09 Site Plan Approval.** Before any Planned Residential Development project is begun, amended, or altered, site plan approval shall be obtained from the Board as provided in Section 15.15.11 of this Zoning Code.

## Chapter 15.09

### C-1 Central Business District

**§15.09.01 Purpose.** It is the intent and purpose of this section to provide regulations for the Central Business District generally extending along Second Street from Village Hall to Pine Street and Birch Street from First Street to Fourth Street to encourage its continued use and development as the Village's downtown business area to allow for the grouping of businesses compatible to the downtown area as a means to serve these businesses, create convenience for the public, and to discourage unsightly or inefficient business development in the downtown area while encouraging continued use, vitality, and development of the downtown area.

**§15.09.02 Permitted Uses.** No building or premises shall be used and no building shall be hereafter erected or altered within the C-1 Central Business District, unless otherwise provided in this Zoning Code, except for the following uses:

1. Any use permitted in the R-3 Multi-Family Residential District, subject to the restrictions of that zoning district
2. Bakeries.
3. Banks.
4. Barber shops, beauty parlors.
5. Business and professional offices.
6. Catering establishments.
7. Churches; temples; other places of public worship.
8. Comfort stations.
9. Dancing academies.
10. Dressmaking establishments.
11. Repair shops and services for home appliances.
12. Employment agencies.
13. Plumbing shops.
14. Hotels.
15. Laboratories.

16. Locksmith shops.
17. Lodge halls.
18. Messenger, telegraph services.
19. Millinery shops.
20. Painting and decorating shops.
21. Photography studios.
22. Government offices, post office.
23. Printing shops.
24. Roofing and plastering shops, with no open storage.
25. Restaurants, lunchrooms, cafeterias, places for the sale and consumption of soft drinks, juices, ice cream and beverages, but excluding drive-ins.
26. Sharpening or grinding shops.
27. Stores and shops for the conduct of retail business.
28. Shoe repair shops.
29. Studios.
30. Tailor shops
31. Taverns and liquor stores.
32. Telephone exchanges and data centers.
33. Undertaking establishments.
34. Upholstery shops.
35. Signs only identifying the business, service or products available on the premises.

**§15.09.03 Special Uses.** Within the C-1 Central Business District, the following uses may be allowed only by Special Use Permit upon application to and approval by the governing body as provided in this Zoning Code:

- A. Gasoline and oil stations, public garages; car washes; new or used vehicle rental and/or sales. All gasoline pumps or appliances for dispensing motor fuel shall be located not less than thirteen (13) feet from the street right-of way. No banners, flags, pennants, whirligigs or other advertising devices shall be permitted. All products, appliances, parts for sale shall be stored and displayed only within the building or in permanent storage cabinets, the location of which shall be shown on the site plan. The governing body shall find that the entrances and exits thereto will not create any undue hazard to vehicles or pedestrians, and that the proposal, in its location and development, will enhance and further the carrying out of the duly adopted Village plan for the Central Business District. Any such establishments shall have adequate off-street car waiting space for the type of establishment involved, and that there will be adequate supervisory personnel on the premises at all times that the establishment is open to the public.
  
- B. Self-service laundries and dry cleaning establishments. To grant such a use, the governing body shall find that there will be adequate supervisory personnel on the premises at all times that the establishment is open to the public.

**§15.09.04 Height.** Within the C-1 Central Business District, No building, whether a single-family, two-family or multi-family residence, sheltered care home or nursing home or business building, shall hereafter be erected or altered to exceed fifty-four (54) feet in height above grade.

**§15.09.05 Yards and Courts.** No principal or accessory building or structure within the C-1 Central Business District shall hereafter be erected or enlarged unless the following yards are provided and maintained in connection therewith:

- A. Front Yard. No front yard is required.
  
- B. Side Yard. No side yards are required.
  
- C. Rear Yard. There shall be a rear yard of not less than five (5%) percent of the depth of the lot provided, however, it need not exceed ten (10) feet in depth.
  
- D. Outer Court Yard. If an outer court is provided, it shall be not less than five (5) feet wide nor less than one sixth (1/6) the length of such court from the closed end.
  
- E. Inner Court Yard. If an inner court is provided, it shall be not less than six (6) feet wide, nor shall its area be less than twice the square of its least required dimension.

**§15.09.06 Building Coverage.** No building with its accessory buildings within the C-1 Central Business District, to be used for commercial purposes, shall occupy in excess of ninety five (95%) percent of the lot area.

**§15.09.07 Residential Buildings.** Notwithstanding any of the above requirements in this Chapter, buildings used in whole or in part for residential purposes shall conform to the yard,

shall comply with the FAR and density restrictions for such buildings in the applicable zoning district for that type of residential dwelling.

**§15.09.08 Site Plan Approval.** Before any new construction or substantial improvement of structures in the area zoned C-1 Central Business District, site plan approval shall be obtained from the Board as provided in Section 15.15.11 of this Zoning Code.

## Chapter 15.10

### C-2 General Retail Business District

**§15.10.01 Purpose.** It is the intent and purpose of the C-2 General Retail Business District to provide adequate and reasonable regulations for other areas in the Village outside of the Central Business District where General Retail Business is already established or where it may be appropriate to encourage such use.

**§15.10.02 Permitted Uses.** No building or premises within the C-2 General Retail Business District shall be hereafter erected or altered, unless otherwise provided for in this Zoning Code, except for the following uses:

1. Uses permitted in the C-1 Central Business District, subject to the regulations of that district.
2. Offices.
3. Personal service shops.
4. Stores and shops for the conduct of any retail business, provided all goods or products offered for sale are displayed and stored within a building.
5. Bowling alleys, indoor theaters, dance halls, gymnasiums, meeting halls, lodge halls, clubs and other recreational or fraternal establishments, but not including recreational uses conducted primarily in the open such as golf driving ranges, miniature golf.
6. Business, trade, music or art schools.
7. Undertaking establishments and funeral parlors.
8. Electric substations, telephone exchanges.

**§15.10.03 Special Uses.** Within the C-2 General Retail Business District, the following uses may be allowed only by Special Use Permit upon application to and approval by the governing body as provided in this Zoning Code:

- A. Gasoline filling stations.
- B. Used car sales lots.
- C. Drive-in restaurants.
- D. Roadside markets, landscape nursery sales yard, building material sales yard or similar use where the products are primarily displayed outside of a building.

**§15.10.04 Height; Yards and Courts; Building Coverage.** Within the C-2 General Retail Business District, height, yards and courts, and coverage requirements provided for the C-1 Central Business District as set forth in Chapter 15.09 shall apply in the C-2 General Retail Business District.

**§15.10.05 Buffer Strip.** Where a lot within the C-2 General Retail Business District upon which a business use is located and such lot abuts or adjoins any residential district, a buffer strip shall be provided, located on the business lot for the full length of the zoning district boundary lot line with the residential zoning district. The buffer strip shall be at least ten feet (10') in width, and shall not be used for parking, loading, or unloading. Also, no accessory structures, accessory uses, or any other uses related to the business use of the property or the principal or an accessory structure on the property shall be located within this ten foot (10') buffer strip. The buffer strip can be used for landscaping, screen planting, or other similar purposes.

**§15.10.06 Site Plan Approval.** Before any new construction or substantial improvement of structures in the area zoned C-2 General Retail Business District, site plan approval shall be obtained from the Board as provided in Section 15.15.11 of this Zoning Code.

## Chapter 15.11

### I-1 Low Impact Industrial District

**§15.11.01 Purpose.** It is the intent and purpose of the I-1 Low Impact Industrial District to provide adequate regulations of those businesses engaged in “clean” (low environmental impact) industrial and commercial uses of property so zoned that will be compatible with neighboring residential and retail zoning.

**§15.11.02 Permitted Uses.** No building or premises within the I-1 Low Impact Industrial District shall be hereafter erected or altered, unless otherwise provided for in this Zoning Code, except for the following uses:

1. Any use permitted in the C-2, General Retail Business District (subject to the restrictions of that District).
2. Bakery manufacturing/processing.
3. Bedding and furniture storage/assembly.
4. Cloth products manufacturing.
5. Commercial testing laboratories (no hazardous materials).
6. Computer services.
7. Display rooms – merchandise retail/wholesale.
8. Electronic, scientific precision instrument manufacturing.
9. Frozen food lockers.
10. Health centers.
11. Laundries, excluding dry cleaning facilities.
12. Laboratories – research and testing (no hazardous materials).
13. Light machinery products; including appliances, business machines, and computers.
14. Lithographing.
15. Mail order houses.
16. Musical instruments assembly.

17. Orthopedic and medical appliance manufacture.
18. Photo finishing laboratories.
19. Pottery and ceramics manufacture.
20. Printing and publishing establishments.
21. Radio/TV stations (no tower).
22. Railroad Transportation (no switching yards).
23. Recreation – indoor commercial.
24. Research, non-commercial, scientific, educational.
25. Wearing apparel assembly.

**§15.11.03 Special Uses.** Within the I-1 Low Impact Industrial District, the following uses may be allowed only by Special Use Permit upon application to and approval by the governing body as provided in this Zoning Code:

- A. Outdoor storage of materials, supplies and equipment (except for motor vehicles in operable condition used for conducting business) used in conjunction with any permitted use listed in Section 15.11.02 above. In its deliberation, the governing body shall give due consideration to the probable effect the proposed Special Use would have on surrounding land uses in relation to the following matters:
  1. the type of material, equipment or supply to be stored outside,
  2. the manner and method of enclosure (screening); and
  3. the frequency with which the material, equipment or supply is to be used or expended or moved in and out of the proposed outdoor storage location.

**§15.11.04 Height; Yards and Courts; Building Coverage.** Within the I-1 Low Impact Industrial District, height, yards and courts, and coverage requirements provided for the C-1 Central Business District as set forth in Chapter 15.09 shall apply in the I-1 Low Impact Industrial District.

**§15.11.05 Buffer Strip.** Where a lot within the I-1 Low Impact Industrial District upon which a business use is located and such lot abuts or adjoins any residential district, a buffer strip shall be provided, located on the business lot for the full length of the zoning district boundary lot line with the residential zoning district. The buffer strip shall be at least ten feet (10') in width, and shall not be used for parking, loading, or unloading. Also, no accessory structures, accessory

uses, or any other uses related to the business use of the property or the principal or an accessory structure on the property shall be located within this ten foot (10') buffer strip. The buffer strip can be used for landscaping, screen planting, or other similar purposes.

**§15.11.06 Performance Standards.** All manufacturing, fabricating, assembly, and processing of material, articles and products shall be subject to and shall comply with the performance standards of the I-2 Industrial District as set forth in Section 15.12.03 of this Zoning Code.

**§15.11.07 Use of Hazardous Materials.** The use of any and all hazardous materials within any area zoned I-1 Low Impact Industrial District shall at all times be in strict accordance with applicable State and/or Federal environmental laws and regulations.

**§15.11.08 Site Plan Approval.** Before any new construction or substantial improvement of structures in the area zoned I-1 Low Impact Industrial District, site plan approval shall be obtained from the Board as provided in Section 15.15.11 of this Zoning Code.

## Chapter 15.12

### I-2 Industrial District

**§15.12.01 Purpose.** It is the intent and purpose of the I-2 Industrial District to protect established residential and commercial business areas from nearby industrial activities which may create offensive noise, vibration, smoke, dust, odors, heat, glare, fire hazards and other objectionable influences, while also protecting the limited amount of suitable industrial land from preemption by other uses and thereby to protect and enhance the tax base of the Village.

**§15.12.02 Permitted Uses.** No building or premises within the I-2 Industrial District shall be hereafter erected or altered, unless otherwise provided for in this Zoning Code, except for the following uses:

1. Any use permitted in any other district.
2. Public utility substations, distribution centers, gas regulator stations.
3. Wholesale business establishments, warehouses, storage or household goods.
4. Building material storage yards, contractors' plants or storage yards, lumber yards.
5. Laboratories.
6. Manufacturing, fabricating, assembly and processing of materials, articles and products, subject to the performance standards of set forth herein.
7. Offices, display rooms, as an accessory use to any of the above permitted uses.

**15.12.03 Performance Standards.** Any new use established within the I-2 Industrial District after the effective date of this Zoning Code shall be so operated as to comply with the performance standards as set forth hereinafter governing the following: (1) noise; (2) vibration; (3) toxic and noxious matter; (4) odorous matter; (5) fire and explosive hazards; and (6) glare and heat. No use already established on the effective date of this Zoning Code shall be so altered or modified as to conflict with, or further conflict with, the applicable performance standards established hereinafter for the I-2 Industrial District. No emission or by-product of any industrial use shall violate or exceed State and Federal laws and regulations. It shall be the responsibility of all industrial uses to adhere to such State and Federal laws and regulations, including the obtaining of necessary permits.

A. Noise.

1. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards

hereinafter prescribed, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Chapter, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

2. At no point on the boundary of a Residence or Business Zoning District with an I-2 Industrial District shall the sound pressure level of any operation or plant (other than background noises not directly under the control of the manufacturer) exceed the decibel limits in the octave bands designated below:

Octave Band Frequency (cycles per second)	Along Residence District Boundaries	Along Business District Boundaries
	<u>Decibel Limits</u>	
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,000	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
over 4,800	32	39

**B. Vibrations.**

1. Vibrations within an I-2 Industrial District shall be controlled so as not to become a nuisance to adjacent uses.
2. No industrial operation or activity (except those not under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibrations shall be measured at any point along a Residence Zoning District boundary line with a three (3) component measuring instrument approved by the Zoning Officer, and shall be expressed as displacement in inches.

<u>Frequency</u> <u>(cycles per second)</u>	<u>(Inches)</u> <u>Maximum Permitted</u> <u>Displacement along</u> <u>Residence District</u> <u>Boundaries</u>
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

C. Toxic and Noxious Matter. No activity or operation shall cause, at any time, the discharge of toxic or noxious matter across lot lines in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to the environment, property, or business. Determination of such adverse effects shall be made by the Zoning Officer.

D. Odorous Matter.

1. The emission of odorous matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
2. No activity or operation shall cause, at any time, the discharge of odorous matter in such concentrations as to be detectable without the use of instruments at any point along lot lines.

E. Fire and Explosive Hazards.

1. The manufacture, utilization or storage of explosive and pyrotechnic dusts shall be in accordance with the safety codes of the National Fire Protection Association. Such dusts include, but are not limited to, aluminum, bronze and magnesium powder, powdered coal, powdered plastics, flour and feed, spices, starches, sugar, cocoa, sulfur, grain (storage), and wood flour.
2. The storage, utilization or manufacture of solid materials, ranging from incombustible to subject to intense burning, including flammable liquids or materials that can produce flammable or explosive vapors or bases, is permitted in accordance with the rules and regulations of the State of Illinois Office of the State Fire Marshall (or any successor agency).

F. Glare and Heat. Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Determination of the nuisance factor in regard to glare or heat intensity shall be made by the Zoning Officer.

**§15.12.04 Site Plan Approval.** Before any new construction or substantial improvement of structures in the area zoned I-2 Industrial District, site plan approval shall be obtained from the Board as provided in Section 15.15.11 of this Zoning Code. Additionally, a Certification from an engineer or scientific testing laboratory approved by the Village, indicating that the use of the land either does or will comply with the applicable performance standards set forth in Section 15.12.03, shall accompany application for a zoning certificate. Where standards indicated herein differ from those of State or Federal agencies, the more restrictive shall apply.

## Chapter 15.13

### Off-Street Parking and Loading

**§15.13.01 Purpose.** It is the purpose of this section to prevent added congestion of the public streets and so promote the safety and welfare of the people by requiring, in connection with any new construction, that off-street parking and loading be provided in accordance with the use to which the property is put and its location in the Village.

#### **§15.13.02 General Provisions.**

- A. Procedure. An application for a Zoning Certificate for a new or enlarged building, structure or use shall include a plot plan in duplicate, drawn to scale, and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of this Zoning Code.
- B. Extent of Control. The off-street parking and loading requirements of this Zoning Code shall apply as follows:
1. All buildings and structures erected and land uses initiated after the effective date of this Zoning Code shall not be required to furnish parking or loading facilities, if construction is begun thereon within four (4) months of the effective date of this Zoning Code and diligently prosecuted to completion.
  2. When a building or structure erected prior to or after the effective date of this Zoning Code shall undergo any decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required parking or loading facilities, and when said decrease would result in a requirement for fewer total parking or loading spaces through application of the provisions of this Zoning Code thereto, parking and loading facilities may be reduced accordingly, provided that existing parking or loading facilities shall be so decreased only when the facilities remaining would at least equal or exceed the parking or loading requirements resulting from application of the provisions of this Zoning Code to the entire building or structure as modified.
  3. When a building or structure shall undergo any increase in the number of dwelling units, gross floor area, seating capacity or other unit of measurement specified hereinafter for required parking or loading facilities, and when said increase would result in a requirements for additional total parking or loading spaces through application of the provisions of this Zoning Code, then parking and loading facilities shall be increased accordingly, so that the total shall at least equal the parking or loading requirements resulting from application of the provision of this Zoning Code to the entire building or structure as modified.
- C. Existing Parking and Loading Spaces. Accessory off-street parking and loading spaces in existence on the effective date of this Zoning Code, may not be reduced in number,

unless already exceeding the requirements of this Chapter for equivalent new construction, in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

- D. Additional Parking and Loading Spaces. Nothing in this Chapter shall prevent the establishment of off-street automobile parking or loading facilities to serve any existing use of land or building, subject to full compliance with the provisions of this Chapter, except that off-street parking areas accessory to existing multiple-family structures cannot be located off the premises containing the main use, unless on a lot adjacent thereto, without authorization by the Village Board.
- E. Damage or Destruction. Any building, structure or use which is in existence and is a non-conforming use on the effective date of this Zoning Code and which subsequently shall be damaged or partially destroyed by fire, collapse, explosion of other cause, shall not be reconstructed, re-established or repaired unless off street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored and continued in operation. However, it shall not be necessary to restore or maintain parking or loading facilities in excess of those required by this Zoning Code for equivalent new construction.

**§15.13.03 Schedule of Requirements.** Requirements governing the number of off-street parking and loading spaces in relation to the use of property are as set forth in the following table and are deemed to be minimum requirements. The requirements for any use not specified thereon, shall be the same as for a similar specified use, as determined by the Board. For the purposes of this Chapter, a parking space shall be deemed an area of not less than one hundred and seventy (170) square feet, at least eight (8) feet six (6) inches in width, and not less than twenty (20) feet in length.

<u>Use</u>	<u>Min. Required Parking Spaces</u>	<u>Min. Required Loading Spaces</u>
Dwellings	2 per dwelling unit	0
Hotels, Motels, Clubs	1 per 3 guests or 1 sleeping unit	0
Lodging, Rooming, Boarding Houses	1 per 3 guest, plus 1 for manager	0
Private Clubs (without Sleeping Rooms)	Parking space equal to 25% of total membership or 1 space for every 400 sq. ft. of floor area, whichever is greater	1
Hospitals, Sanitariums, Convalescent Homes,	1 for each 4 beds, plus 1 for each staff and visiting doctor, plus	1 space for 40,000 sq. ft. of floor area,

Nursing Homes	1 for each 3 other employees	Plus 1 space for each additional 100,000 sq. ft. of floor area
Medical, Dental Clinics	5 spaces per doctor engaged at the clinic	0
Mortuaries, Funeral Parlors	1 space/50 sq. ft. of floor space in chapels and parlors	1
Churches, School Auditoriums, Stadiums, Sports Arenas, Indoor Theaters	1 space/5 individual seats	0
Other places of assembly without fixed seating	1 space/75 sq. ft. gross floor area	0
Banks, Business or Professional Offices	1/400 sq. ft. of floor area	1 space per 100,000 sq. ft. of floor area or major fraction thereof
Establishments handling the sale and consumption on the premises of alcoholic beverages, food or refreshments	1/100 sq. ft. of floor area	“
Bowling Alleys	5/alley	“
Retail Stores and Shops	1/300 sq. ft. of floor area	“
Mobile Home Courts	2/Mobile Home lot	0
Manufacturing and Industrial Uses, Warehousing, Research and Testing Labs	1½ employees/shift based upon the largest shift	1 for 1st 40,000 sq. ft. of floor area, plus 1 for each additional 100,000 sq. ft.

**§15.13.04** Notwithstanding the above requirements, the required off-street parking or loading may be waived for establishments in the C-1 Central Business District where the establishment participates in the development and maintenance of off-street parking in accordance with the plans for the Central Business District as adopted by the governing body, upon application to and approval of such waiver by the Board, upon it finding that the establishment is a cooperator in the Central Business District plan implementation.

**§15.13.05** All required off-street parking and loading shall be on the same lot with the establishment, or on an adjacent lot, or one across a street therefrom.

## Chapter 15.14

### Non-Conforming Uses

**§15.14.01 Signs and Billboards.** The lawful use of signs and billboards, which does not conform to the provisions of this Zoning Code, shall be discontinued within two (2) years from the date of the effective date of this Zoning Code, and the use of signs and billboards, which become non-conforming by reason of a subsequent change or amendment to this Zoning Code, shall also be discontinued within two (2) years from the date of such change or amendment.

**§15.14.02 Non-Conforming Uses of Land.** Where, upon the effective date of this Zoning Code, lawful use of land exists that is made no longer permissible under the terms of this Zoning Code, such use may be continued, so long as, it remains otherwise lawful subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such use at the effective date of this Zoning Code.
- B. No such non-conforming uses shall be moved in whole or in part to any other portions of the lot or parcel occupied by such use at the effective date of this Zoning Code.
- C. If any such non-conforming use of land ceases for any reason for a period of one (1) year or more, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the zoning district in which such land is located.

**§15.14.03 Non-Conforming Structures.** Where a lawful structure, other than a sign or billboard, exists at the effective date of this Zoning Code that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way, which increases its non-conformity.
- B. Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this Zoning Code.
- C. A building designed for a non-conforming use, however, may be constructed or altered beyond the limitations herein provided upon authorization of the Board, after the public hearing, as required for the granting of a variance.

**§15.14.04 Non-Conforming Uses of Structures.** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of the adoption of this Zoning Code, that would not be allowed in the zoning district under the terms of this Zoning Code, the

lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Zoning Code in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the zoning district in which it is located.
- B. Any non-conforming use may be extended throughout any part of a building, which was manifestly arranged or designed for such use at the time of the adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.
- C. If a non-conforming use has been discontinued for a period of one (1) year or more, it shall not be re-established.
- D. Any structure, or structure and land in combination, on which or in a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district in which such structure is located and the non-conforming use may not thereafter be resumed.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure, or structures and premises in combination, shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located.
- F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

**§15.14.05 Non-Conforming Use Changes.** Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use. A non-conforming use shall not be substituted or added to another non-conforming use. Further, the provisions of this Chapter 15.14 shall also apply to buildings structures, land, or uses which hereafter become non-conforming due to any reclassification of zoning district under this Zoning Code or any subsequent changes or amendments to the regulations of this Zoning Code.

**§15.14.06 Repairs and Maintenance.** On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months, on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10%) percent of the current replacement value of the building, provided that the cubical content of the building as it existed at the time of adoption or amendment of this Zoning Code shall not be increased. Nothing in this Zoning Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any Village Official charged with protecting the public safety, upon the order of such official.

**§15.14.07 Uses Under Exception Not Non-Conforming Uses.** Any use for which a special exception is specifically and expressly permitted as provided in this Zoning Code shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

## Chapter 15.15

### Administration and Enforcement

**§15.15.01 Responsibility for Zoning Administration.** The authority for administration of this Zoning Code is hereby vested in the Zoning Officer and the Zoning Board of Appeals (the “Zoning Board” or “Board”). The Zoning Officer shall have the authority and responsibility as set forth in this Zoning Code, subject to the authority of the Zoning Board and the limitations set forth in this Zoning Code.

#### **§15.15.02 Zoning Officer.**

- A. The Zoning Officer shall be appointed by the Village President with the concurrence of the Village Board. The Zoning Officer may be provided with assistance by other persons as the Village Board may direct.
- B. The Zoning Officer shall administer and enforce this Zoning Code and shall carry out and perform duties as follows:
  1. Issue all Zoning Certificates, and make and maintain records thereof.
  2. Issue all Certificates of Occupancy, and make and maintain records thereof.
  3. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Zoning Code.
  4. Maintain permanent and current records of this Zoning Code, including but not limited to, all maps, amendments, special uses, variations, appeals and applications therefor.
  5. Provide and maintain a source of public information relative to all matters arising out of this Zoning Code.
  6. Receive, file and forward to the Zoning Board all applications for appeals, variances, special uses, amendments to this Zoning Code, or other matters on which the Zoning Board is required to pass under this Zoning Code.
  7. Provide periodic reports to the Zoning Board regarding all administrative, including issuance of Zoning Certificates, Building Permits, Certificates of Occupancy, and other zoning related matters.
  8. Investigate alleged violations of this Zoning Code.

9. Inform persons or entities in violation of this Zoning Code of the provisions and requirements of this Zoning Code with which they are in non-compliance and the available remedies.
  10. Collect fees for Zoning Certificates, permits and for amendments, special uses, variations, and appeals, and any other fees authorized by this Zoning Code, promptly providing such fees to the Village Treasurer for proper deposit in a village account;
  11. Annually review, on or about the conclusion of each fiscal year for the Village, all special use permits to determine any non-compliance with the conditions under which the special use was issued, reporting the same to the Zoning Board; notify property owners of any violations not complying with such conditions. Initiate appropriate enforcement measures.
- C. The Zoning Officer, at the direction of the Zoning Board and the village engineer shall condemn and order closed any building or structure that, in the opinion of the village engineer, is no longer safe for occupancy or use.

**§15.15.03 Zoning Board of Appeals.**

- A. Creation. A Zoning Board of Appeals is hereby established in accordance with the provisions of the Illinois Municipal Code. Such Zoning Board shall be comprised of five (5) members appointed by the Village Board.
- B. Membership. The initial appointed members of the Zoning Board shall serve respectively for the following terms: one for one year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. The successor to each member so appointed shall then serve for a term of five (5) years. The Village Board shall designate one of the appointed members as Chairperson of the Zoning Board at the time of the appointment, and said appointed chairperson shall hold office as chairperson until a successor is appointed. Each term shall expire on the date of the first regular monthly May meeting of the Village Board for that respective year. The Village Board shall fill any vacancies on the Zoning Board for the remaining portion of the unexpired term of the member whose place has become vacant. The Village Board shall have the power to remove any member of the joint zoning and planning board for cause after a public hearing. All Zoning Board members must be residents of the Village.
- C. Jurisdiction. The Zoning Board is hereby vested with the following jurisdiction and authority:
  1. To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer or his authorized agent under this Zoning Code;

2. To hear and pass upon the applications for variations from the terms in this Zoning Code in the manner prescribed by and subject to the standards established herein;
  3. To hear all applications for special use permits and report said findings and recommendations to the Village Board in the manner provided herein for special uses;
  4. To hear all applications for amendments to this Zoning Code, including Zoning Map amendments, and report said findings and recommendations to the Village Board in the manner prescribed herein for amendments;
  5. Receive recommendations from the Zoning Officer as related to the effectiveness of this Zoning Code and report its conclusions to the Village Board on an annual basis; and
  6. To hear and decide all matters referred to in or upon which it is required to pass under this Zoning Code as prescribed by the Illinois Municipal Code.
- C. Meeting and Rules. All meetings of the Zoning Board shall be held at the call of the Chairperson and at such times as the Zoning Board may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. The Zoning Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings, rulings and other official actions. A copy of every rule or regulation, every order, requirement, decision or determination of the Zoning Board shall be filed immediately in the office of the Village Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with the Illinois Municipal Code or this Zoning Code.
- D. Finality of Decisions of the Zoning Board. All decisions and findings of the Zoning Board on appeals or upon applications for a variation after a hearing shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.
- E. The concurring vote of four (4) members of the Zoning Board shall be necessary to recommend that a special use be granted.

**§15.15.04 Planning Commission.** The planning commission for the Village of Dunlap is hereby established and is the planning commission referenced in this Zoning Code. The Zoning Board of Appeals shall act as the planning commission for the Village and is hereby vested with the jurisdiction and authority to handle and decide all matters upon which it is required to pass under the Illinois Municipal Code as the planning commission for the Village and under this Zoning Code. Wherever in the Village Code or in this Zoning Code reference is made to the

"zoning board", the "board of appeals", or the "planning commission", said reference shall be to Zoning Board of Appeals established hereby.

**§15.15.05 Zoning Certificates.**

- A. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department or employee of the Village unless the application for such permit has been subjected to administrative review by the Zoning Officer. Such administrative approval shall be denoted by the affixing of a certification indicating that the proposed use, building or structure complies with all the provisions of this Zoning Code. Any permit or certificate of occupancy issued in conflict with the provisions of this Zoning Code shall be null and void.
  
- B. Plats. Every application for a building permit shall be accompanied by a plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof. Such plat shall be drawn to scale showing the actual dimensions as certified by a land surveyor or civil engineer licensed by the State of Illinois. This plat shall be prepared after the lot has been staked by a certified surveyor or engineer, and the plat shall show the date of staking and the name of the surveyor or engineer. The plat shall also include, as may from time to time be administratively prescribed, the ground area, height and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure or land, and such other information as may be required for the proper enforcement of this Zoning Code.

**§15.15.06 Certificate of Occupancy.**

- A. Certificate of Occupancy Required. After the effective date of this Zoning Code, no vacant land shall be occupied or used, no building or addition thereto erected or structurally altered shall be occupied or used, nor shall any home occupation be established until a Certificate of Occupancy shall have been issued by the Zoning Officer or his authorized agent. Also, no change in a use, other than that of a permitted use, shall be made until a Certificate of Occupancy has been issued. Every Certificate of Occupancy shall state that the use or occupancy complies with the provisions of this Zoning Code.
  
- B. Application for Certificate of Occupancy. Every application for a building permit shall be deemed to be an application for a Certificate of Occupancy. Every application for a Certificate of Occupancy for a new use of land where no building permit is required shall be made directly to the Zoning Officer.
  
- C. Issuance of Certificate of Occupancy. No Certificate of Occupancy for a building or portion thereof constructed after the effective date of this Zoning Code shall be issued until construction has been completed and the premises inspected and certified to be in conformity with the plans and specifications upon which the Zoning Certificate was based. The Certificate of Occupancy shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than

seven (7) days after the Zoning Officer is notified in writing that the building or premises is ready for occupancy. A Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the Village Building Code and related ordinances and with the provisions of this Zoning Code. A record of all certificates shall be kept on file with the Village and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

- D. Temporary Certificate. Pending the issuance of a regular certificate, a temporary certificate may be issued, to be valid for a period not to exceed six (6) months from its date, during the completion of any addition or during partial occupancy of the premises. Such temporary certificate shall not be construed as in any way altering the respective rights, duties and obligations of the owners or of the Village relating to the use or occupancy of the premises or any other matter covered by this Zoning Code, and such temporary certificate shall not be issued, except under such restrictions and provisions as will adequately insure the safety of the occupants.
- E. No permit for excavation for any building shall be issued before application has been made for Certificate of Occupancy
- F. A Certificate of Occupancy is not transferable to another operator or to another location.

**§15.15.07 Variances.**

- A. Purpose. The Zoning Board, after a public hearing, may determine and vary the regulations of this Zoning Code in harmony with their general purpose and intent only in the specific instances hereinafter set forth; where the Zoning Board makes findings of fact in accordance with the standards hereinafter prescribed and, further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions and regulations of this Zoning Code.
- B. Application for Variance; Notice of Hearing. An application for a variation shall be filed in writing with the Zoning Officer, which may include electronic submission pursuant to applicable guidelines established by the Zoning Board. The application shall contain such information as the Zoning Board may require. Notice of the public hearing on the requested variance shall be published at least once not more than thirty (30) days nor less than fifteen (15) days before the hearing in a newspaper of general circulation in the Village. The published notice may be supplemented by such additional notices as the Zoning Board may require.
- C. Standards for Variances. The Zoning Board shall not vary the provisions or regulations of this Zoning Code, as authorized in this Section, unless they make findings based upon the evidence presented to them in each specific case that:

1. Because of the particular physical surroundings, shape (such as an irregular shape or by reason of exceptional narrowness or shallowness of the piece of property) or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Zoning Code were to be carried out;
2. The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning district classification;
3. The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
4. The alleged difficulty or hardship is caused by this Zoning Code and has not been created by any persons presently having an interest in the property;
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.

The Zoning Board may impose such conditions and restrictions upon the premises benefited by a variance as they deem necessary to comply with the standards established in this Section, to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the general intent of this Zoning Code.

- D. Authorized Variances. Variations from the regulations of this Zoning Code shall be granted by the Zoning Board only in accordance with the standards established in this Section, and may be granted only in the following instances, and in no others:
1. To permit any yard or setback less than a yard or a setback required by the applicable regulations;
  2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than ninety (90) percent of the required area and width;
  3. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses; provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

4. To reduce or waive the applicable off-street parking or loading facilities required whenever the character or use of the building or land is such as to make unnecessary the full provisions of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience;
  5. To interpret the provisions of this Zoning Code where the street layout actually on the ground varies from the street layout as shown on the district map fixing the several districts; and
  6. To permit the reconstruction of a non-conforming building which has been destroyed or damaged to an extent of more than fifty (50) percent of its value, by fire or act of God or the public enemy, where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use, and in no case shall such a permit be issued if its primary function is to continue a monopoly.
- E. Decisions. The concurring vote of three (3) members of the Zoning Board shall be necessary to grant a variation. No order of the Zoning Board granting a variation shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. Nothing contained in this Section shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Code or the Zoning District Map, such power and authority being reserved to the Village Board.

#### **§15.15.08 Appeals.**

- A. Scope of Appeals. An appeal may be taken to the Zoning Board by any person aggrieved by a decision of the Zoning Officer or by any office, department, committee, or governing body of the Village. Such appeal shall be taken within twenty (20) days from the date of the action appealed from by filing with the Village Clerk a written notice of appeal specifying the grounds thereof, which may include electronic submission pursuant to applicable guidelines established by the Zoning Board. The Village Clerk shall forthwith transmit to the Zoning Board all of the papers constituting a record upon which the action appealed from was taken.
- B. Findings on Appeals. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Officer certifies to the Zoning Board, after notice of the appeal has been filed with the Village Clerk, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed unless by a restraining order which may be granted by the Zoning Board or by a court of record on application of the Zoning Officer and on due cause shown.

- C. Hearing. The Zoning Board shall select a reasonable time and place for the hearing of the appeal and give written notice thereof to the parties, and shall render a written decision on the appeal without unreasonable delay. The Zoning Board may affirm or may, upon the concurring vote of four (4) members, reverse, wholly or in part, or modify the order, requirement, decision or determination that, in its opinion, ought to be done; and to that end, shall have all the powers of the officer from whom the appeal is taken. The Zoning Officer shall maintain records relative to appeals.

**§15.15.09 Amendments.**

- A. Authority. For the purpose of promoting the public health, safety, morals, comfort, general welfare; to conserve the value of property throughout the Village; and to lessen or avoid congestion in the public streets and highways, the Village Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the zoning districts created by this Zoning Code; provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire Village and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.
- B. Initiation of Amendment. Amendments may be proposed by the Village Board, Zoning Board, planning commission or any person having a freehold interest in land, or a possessory interest in land entitled to exclusive possession, or a contractual interest in land which may become a freehold interest, or any exclusive possessory interest in land which is specifically enforceable. Also, the owners of three hundred (300) feet or more of the street frontage in any block may present a proposal to the Zoning Board by petition requesting the rezoning of any property in such block to a more restricted or less restricted classification. Amendments include any proposed changes to the Zoning Code, the Zoning Map, or the applicable zoning district for the subject piece of property.
- C. Application for Amendment. An application for an amendment shall be obtained from and filed with the Zoning Officer in such form and accompanied by such information as required by the Zoning Board, which may include electronic submission pursuant to applicable guidelines established by the Zoning Board
- D. Hearing on Applications. The Zoning Board shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Board. Notice of the public hearing on the proposed amendment shall be published at least once not more than thirty (30) days nor less than fifteen (15) days before the hearing in a newspaper of general circulation in the Village. The published notice may be supplemented by such additional notices as the Zoning Board may require. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the board shall, by rule, prescribe from time to time.

- E. Findings of Fact and Recommendation of the Zoning Board. Within thirty (30) days after the close of the hearing on a proposed amendment, the Zoning Board shall make written findings of fact and shall submit same together with its recommendations to the Village Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Zoning Board shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
1. Existing uses of property within the general area of the property in question;
  2. The zoning classification of property within the general area of the property in question;
  3. The suitability of the property in question to the uses permitted under the existing and proposed classifications;
  4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the date the property in question was placed in its present zoning classification;
  5. Public interest. The Zoning Board shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Board may recommend the adoption of an amendment changing the zoning classification of the property in question to any other classification than that requested by the applicant.
- F. Action by the Village Board.
1. The Village Board shall not act upon a proposed amendment to this Zoning Code until it shall have received a written report and recommendation from the Zoning Board on the proposed amendment; said written report and recommendation from the Zoning Board shall be submitted to the Village Board within sixty (60) days after the submission of the proposed amendment to the Zoning Board. In the event that the Zoning Board fails to submit a written report and recommendation within said sixty (60) day period, the Village Board may take action on the proposed amendment.
  2. In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20%) percent of the frontage proposed to be altered, or by the owners of twenty (20%) percent of the frontage immediately adjoining or across an alley therefrom or by the owners of twenty (20%) percent of the frontage directly opposite the frontage proposed to be altered, as to such regulations or zoning district, filed with the Village Clerk, such amendment shall not be passed, except by the favorable vote of two-thirds (2/3) of all the Village Board.

3. If an application for a proposed amendment is not acted upon finally by the Village Board within three (3) months of the date upon which such application is received by the Zoning Board, it shall be deemed to have been denied.
- G. Simultaneous Hearing on Special Use and/or Variation. Whenever an application for a special use and/or a variation is filed in conjunction with an application for a zoning amendment and said applications pertain to the same described property, the Zoning Board, after proper public notice, may hold a single public hearing to consider the application for the zoning amendment as well as the application for the special use and/or variation.

**§15.15.10 Special Uses.**

- A. Purpose. The development and execution of this Zoning Code is based upon the division of the Village into zoning districts, within which zoning districts the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:
1. Uses publicly operated or traditionally affected with a public interest; and
  2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. Initiation of Special Use. Any person having a freehold interest in land, or a possessory interest in land entitled to exclusive possession, or a contractual interest in land which may become a freehold interest, or an exclusive possessory interest in land which is specifically enforceable, may file an application to use land for one or more of the special uses provided for in this Zoning Code in the zoning district in which the land is located.
- C. Application for Special Use. An application for a special use permit shall be filed with the Zoning Officer on a form prescribed by the Zoning Board, which may include electronic submission pursuant to applicable guidelines established by the Zoning Board. The application shall be accompanied by such plans and data prescribed by the Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in this Section.

- D. Hearing on Application. Upon receipt in proper form of the application and statement referred to in this section, the Zoning Board shall hold at least one public hearing on the proposed special use. Notice of the public hearing on the proposed special use shall be published at least once not more than thirty (30) days nor less than fifteen (15) days before the hearing in a newspaper of general circulation in the Village. The published notice may be supplemented by such additional notices as the Zoning Board may require.
- E. Authorization. For each application for a special use permit, the Zoning Board shall report to the Village Board the stipulations or additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Village Board may grant or deny any application for a special use; provided, however, that in the event of written protest against any proposed special use, signed and acknowledged by the owners of twenty (20) percent of the frontage immediately adjoining the property proposed for a special use, or by owners of twenty (20) percent of the frontage across the alley or directly opposite therefrom, such special use shall not be granted except by a favorable vote of two-thirds (2/3) of the Village Board.
- F. Standards. No special use shall be recommended by the Zoning Board unless such Board shall find:
1. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
  2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood;
  3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
  4. That adequate utilities, access roads, drainage and necessary facilities have been or are being provided;
  5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
  6. That the special use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendations of the Zoning Board; and

7. That where it is found a use not otherwise acceptable to the neighborhood in which located would be acceptable with certain conditions of use operation and improvement, the Zoning Board may recommend and the Village Board may require the granting of such non-conforming special use subject to specified conditions; such conditions may include:
    - a. Landscape screening or fencing;
    - b. Hours of operation;
    - c. Night lighting (including parking areas) so as not to be annoying to surrounding properties;
    - d. Requirements for access lanes and parking areas to protect pedestrian safety;
    - e. Restraint on signage so as to be compatible with surrounding properties;
    - f. Limitation on outdoor storage;
    - g. Where any site plan expansion is proposed; or
    - h. Any other such requirements which, in the opinion of the Zoning Board or Village Board, would render the use compatible with surrounding properties.
- G. Termination of Special Uses. Any special use authorized by the Village Board shall be deemed to have automatically terminated upon the occurrence of any of the following:
1. Except with respect to a planned residential development special use, the failure to establish the special use within one year after authority to establish the special use is granted by the Village Board;
  2. With respect to a planned residential development special use, the failure to abide by time limits made applicable to such special use by action of the Village Board;
  3. After establishment of a special use, the discontinuation of that use for a period of twelve (12) consecutive months; or
  4. The violation of any condition, stipulation or agreement placed upon the special use by the Village Board.

In the event that a special use authorized with respect to any parcel of property within the Village is discontinued, abandoned or terminated as provided in this Section, the only uses which may be established on that parcel are the permitted uses authorized under the zoning regulations for the zoning district applicable to that parcel or any special use authorized by the Village Board which has not been terminated, discontinued or abandoned in accordance with the provisions of the Zoning Code.

H. Effect of Special Use Permit. Upon the authorization of any special use, including a planned residential development special use, with respect to a given parcel, any person entitled by any possessory interest to utilize that parcel may establish the authorized special use but only in accordance with any conditions, stipulations or agreements applicable to such special use. In the alternative, any such person may establish with respect to such parcel any permitted use authorized by the zoning regulations applicable to the zoning district in which the parcel is located.

**§15.15.11 Site Plan Approval.**

A. Approval Required. In order to minimize adverse effects of any proposed development upon existing uses, to clarify the concept of the proposed development when seeking zoning and building approvals, and to better conserve and enhance the visual environment of the Village, the following types of proposed uses or development or alterations of such uses or development shall not receive any applicable permit or a Zoning Certificate without prior administrative site plan review and approval from the Zoning Board as provided in this Section:

1. any multi-family residence, sheltered care home, or nursing home is erected or altered in an R-3 Multiple Family Residential District;
2. any Planned Residential Development project;
3. any development or building in a C-1 Central Business District or C-2 General Retail Business District; or
4. any development or building in an I-1 Low Impact Industrial District or I-2 Industrial District.

B. Submission of Site Plan. Any person having a freehold interest in land, or a possessory interest in land entitled to exclusive possession, or a contractual interest in land which may become a freehold interest, or an exclusive possessory interest in land which is specifically enforceable, may submit a site plan for review and approval by the Zoning Board. The site plan shall be submitted to the Zoning Officer on a form prescribed by the Zoning Board for review and approval, which may include electronic submission pursuant to applicable guidelines established by the Zoning Board. The Zoning Officer shall schedule a hearing on the proposed site plan before the Board, with written notice of the hearing being provided to all affected parties.

C. Contents of Site Plan. Site plans shall show and address the following:

- lot lines;
- building placement;
- width of bounding streets and type of pavement;
- location and size of water lines and sewer lines service the property;

- location of off-street parking with access drives;
- heights of buildings and parts thereof;
- landscaping;
- surrounding land uses;
- other details as the Board may require in its deliberation;
- location of dumpster enclosures; and
- storm water management.

D. Standards. In its deliberation, the Zoning Board shall give due consideration to the probable effect that the proposal would have on surrounding land uses in relation to the following (as applicable):

- the adequacy of existing water and sewer utilities service the site;
- the relation of the building height and mass to surrounding structures and to the water tower; and
- the effect the project will have as a traffic generator on streets giving access to the site.
- the location of access drives into the site with respect to their creating traffic hazards,
- the adequacy of on-site parking,
- lighting of the premises,
- adequacy of supervision, and
- hours of operation.

E. Zoning Board Review. The Board may approve the plans as submitted, approve the plans subject to modification, or disapprove the plans. Its decision in each case shall be in writing, set forth in the minutes of the Board, with copies to the applicant, the Zoning Officer, and the Village Board. Following approval of the site plan, the Planning Commission may take up the issue of the granting of the above required special use permit and may approve same with any conditions it deems appropriate. Approval of the site plan, shall not be construed to be a grant or approval of a special use permit.

**§15.15.12 Fees.**

- A. All applications for zoning matters submitted to the Village under this Zoning Code shall be accompanied by payment of a fee as adopted by the Village Board from time to time to defray the costs incurred by the Village in reviewing the application. No application shall be considered to be complete and subject to review by the Village, the Zoning Officer, or the Zoning Board until such fee has been paid in full. The Village Board may amend these fees from time to time by resolution or other proper Village Board action.
- B. Upon the effective date of this Zoning Code, the following fees shall be imposed under this Zoning Code, subject to change from time to time as provided in this Section:

Zoning Certificate	\$0
Certificate of Occupancy	\$0
Variance Request	\$50
Appeals	\$50
Amendments & Zoning Map Changes	\$50
Special Uses	\$50
Planned Residential District (R-P)	\$50
Site Plan Review (R-3, C-1, C-2, I-1, I-2)	\$50

C. All fees imposed under this Section shall be collected by the Zoning Officer, and the Zoning Officer shall be accountable to the Village for such fees. The Zoning Officer shall promptly turn over all such fee payments to the Village Treasurer for proper deposit into the Village account.

D. No fees under this Section shall apply to any zoning matter requested by the Village or any office, department, committee, or governing body of the Village.

**§15.15.13 Interpretation and Purpose of Zoning Code.** In interpreting and applying the provisions of this Zoning Code, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Zoning Code to interfere with or abrogate or annul any easements, covenants or other agreement between parties; provided, however, that where this Zoning Code imposes a greater restriction upon the use of buildings or premises or upon height of building, or requires larger open spaces than are imposed or required by other zoning provisions, rules, regulations or by easements, covenants or agreements, the provisions of this Zoning Code shall govern.

**§15.15.14 Validity of Zoning Code.** Should any section, clause or provision of this Zoning Code be declared by the court to be invalid, the same shall not affect the validity of the Zoning Code as a whole or any part thereof, other than the part so declared to be invalid.

**§15.15.15 Violations and Penalties.**

A. Any person, firm or corporation who violates any provision of this Zoning Code for which another penalty is not already otherwise specifically provided by ordinance shall, upon conviction, be subject to a fine of not more than \$750. Each day that a violation is permitted to exist shall constitute a separate offense.

B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Zoning Code, the proper authorities of the Village of Dunlap, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

- C. Within the zoning districts established by this Zoning Code, there may exist lots, structures and uses of land and structures, which were lawful before this Zoning Code was passed, but which would be prohibited under the terms of this Zoning Code. Such non-conforming uses are governed by Chapter 15.04 of this Zoning Code
  
- D. To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Zoning Code and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, demolition, elimination, removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until completion of the building involved.