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CHAPTER 14 - ZONING

Article 1 - Definitions

Sec. 14.101 General Definitions: For the purpose of this Chapter, certain terms and words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular number includes the plural.

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

The word "building" shall include the word structure.

The word "shall" is always mandatory and not directory.

1. "Alley" A public or private thoroughfare, which affords only a secondary means of access to the property abutting thereon.
2. "Apartment" A room or suite of rooms in a multiple or two-family dwelling, or where more than one unit is established above non-residential uses, intended or designed for use as a residence by a single family.
3. "Apartment House" See Dwelling, Multiple.
4. "Beauty Shop" A facility that is located in a residence, attached to a residence or detached from a residence that has a valid license from the State of Illinois to cut men and/or women's hair, is properly registered and collects all required sales tax and has no more than one chair, station or booth available for such services.
5. "Basement" A story having part but not more than one-half (1/2) of its height below grade. A basement shall not be counted as a story for the purpose of height regulation.
6. "Boarding House" A building other than a hotel where, for compensation, meals, and lodging, are provided for three (3) but not more than twelve (12) persons.
7. "Building" Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property. When a structure is divided into separate parts by unpierced walls extending from the ground, each part is deemed a separate building.
8. "Building, Front Line" The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
9. "Building, Height of" The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
10. "Cellar" A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
11. "Coverage" That percentage of the plot or lot area covered by the building area.
12. "District" A section or sections of the Village for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, and intensity of use are uniform.
13. "Dwellings" Any building or portion thereof, but not a trailer, which is designed and used exclusively for residential purposes.
14. "Dwelling District" Every district specified in this Chapter, except the "B-1" Business & Commercial District, "I-1" Industrial District (light), and "I-2" Industrial District (heavy) is designated as Dwelling District.
15. "Dwelling, Single-Family" A building designed for or occupied exclusively by one family.
16. "Dwelling, Two-Family" A building designed for or occupied exclusively by two families.
17. "Dwelling, Multiple" A building designed for or occupied exclusively by more than two families.
18. "Family" One or more persons occupying a premises and living as a single housekeeping unit,

whether or not related to each other by birth, adoption, or marriage, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

19. "Farm" An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain, and their storage on the area, as well as for the raising thereon the usual farm poultry and farm animals for the use of consumption of the person or persons operating the farm. The term "farming" includes the operating of the necessary accessory uses for treating or storing the produce, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and providing further, that farming does not include the feeding of garbage or offal to swine or other animals.
20. "Filling Station" Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
21. "Frontage" All property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property butting on one side between an intersecting street and the dead end of the street.
22. "Garage, Class I" An accessory building housing motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located, not more than one (1) of the vehicles can be a commercial vehicle of not more than three (3) tons capacity.
23. "Garage, Class II" Any building or premises used for the housing only of motor-driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.
24. "Garage, Class III" Any building or premises used for the housing, hiring, storing, equipping or repairing of motor-driven trucks, commercial or other vehicles owned, leased or operated by the occupant of the premises in the conduct of or as accessory to a business or occupation.
25. "Garage, Class IV" Any building or premises except those as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles.
26. "Grade" For buildings having walls adjoining more than one street, the average of the established elevation of the sidewalk at the centers of all walls adjoining the street. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than twenty (20) feet from the street is to be considered as adjoining the street.
27. "Green Space" The use of natural landscaping material including plants, grass, shrubbery and trees, which do not impede the absorption of water.
28. "Home Occupation" Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used a sign other than a name plate not more than one (1) square foot in area, except as provided in Articles 3 and 4, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed there other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is permissible for purely domestic or household purposes, and no excessive pedestrian or vehicular traffic is generated.
29. "Hotel" A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.
30. "Institution" A building occupied by a non-profit corporation or a nonprofit organization for public use.
31. "Lodging-House" A building or place where lodging is provided (or which is equipped regularly to provide lodging by prearrangement for definite period, for compensation, for three (3) or more but not exceeding twelve (12) individuals, not open to transient guest, in contradistinction to

hotels open to transients.

32. "Lots" A parcel of land occupied or intended for occupancy by use permitted in this Chapter, including one (1) main building together with its accessory building, the open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place. The minimum width shall be not less than seventy five (75) feet wide, nor a minimum area of seventy five hundred (7,500) square feet.
33. "Lot, Corner" A lot abutting upon two (2) or more streets at their intersection.
34. "Lot, Depth of" The mean horizontal distance between the front and rear lot lines.
35. "Lot, Double Frontage" A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
36. "Lot of Record" A lot which is a part of a subdivision, the map of which has been recorded in the office of the recorder of deeds, or a parcel of land, the deed to which was recorded in the office of the recorder of deeds prior to the date of the adoption of this Chapter.
37. "Manufacturing or Industry" Any use in which the major activity is the treatment, processing, rebuilding, repairing or wholesale storage of material, products or items, and where the finished product is not acquired by the ultimate user on the premises, as distinguished from a retail use where the treatment, processing, repairing or storage is secondary to the sale, exchange or repairing of materials or products on the premises.
38. "Non-Conforming Use" Any building or land lawfully occupied by the use at the time of passage of the original Zoning Chapter or any amendment thereto, which does not conform after the passage of the Zoning Chapter or amendment thereto with the use regulations of the district in which it is situated.
39. "Parking Space" A durable surfaced area, enclosed in the main building, in an accessory building, or unenclosed, and if the space is unenclosed comprising an area of not less than one hundred forty (140) square feet, exclusive of a durable surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.
40. "Place" An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.
41. "Rooming House" See Lodging House.
42. "Service Establishments" Shops wherein the major activities are the repair and maintenance of wearing apparel, sporting goods, and articles for the use in the home including household appliances.
43. "Storage Lots" An area used or intended to be used for the off street parking of vehicles or equipment other than as accessory parking to principal use.
44. "Street" All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to easements therefore.
45. "Story" That portion of a building, other than a cellar or basement included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
46. "Story, Half" A space under a sloping roof which has the line of intersection of roof decking and wall space not more than three (3) feet above the top floor level, and in which space not more than sixty (60) percent of the floor area is finished for use.
47. "Street Line" A dividing line between a lot, tract or parcel of land and a contiguous street.
48. "Structure" Anything constructed or erected, that use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, bill board, back stops for tennis courts and pergolas.
49. "Structural Alterations" Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the

exterior walls.

50. "Tourist or Trailer Camp" An area containing one (1) or more structures, designed or intended to be used as temporary living facilities of two (2) or more families, and intended primarily for automobile transients or providing spaces where two (2) or more tents or auto-trailers can be or are intended to be parked.
51. "House Trailer" That the definition of the term "house trailer" shall be intended to mean a structure or vehicle primarily designed and suitable for living or sleeping quarters and for office purposes mounted on wheels, or primarily designed or built to be mounted on wheels, or other device upon which it might be readily transported either by its own power or by some externally applied tractive effort; provided, however, that said structure or vehicle shall be considered to be a house trailer under the provisions of this Chapter even though the wheels have been taken off thereof or no wheels provided thereon and a foundation placed under said structure or vehicle.
52. "Yard" An open space on the same lot with a building, occupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, or the depth of a rear yard, the mean horizontal distance between the lot line and main building shall be used.
53. "Yard, Front" A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projection thereto other than the projection of the usual steps.
54. "Yard, Rear" A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and rear of the main building or any projections other than steps. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior, the rear yard shall in all cases be at the opposite end of the lot from the front yard.
55. "Yard, Side" A yard between the main building and the sideline of the lot, and extending from the front lot line to the rear lot line.

Revised: June 2004 Ord. 501

Article 2 - Districts and Boundaries Thereof

Sec. 14.201 Classification: In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specific uses, to regulate and limit the height and bulk of building hereafter erected or structurally altered, to regulate and determine the intensity of use of the lot areas, and to regulate and determine the areas of yards, courts and other open spaces within and surrounding such buildings. The Village is hereby divided into districts, of which there shall be six (6) in number, known as:

- "R-1" Single-Family Dwellings
- "R-2" Two-Family Dwellings District
- "R-3" Multi-Family Dwellings District
- "B-1" Business & Commercial District
- "I-1" Industrial District (light)
- "I-2" Industrial District (heavy)

Sec. 14.202 Uncertainty: Where uncertainty may exist with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Chapter, the following rules apply:

- (a) The district boundaries are either streets or alleys unless otherwise shown and where the districts designed on the map accompanying and made a part of the Chapter are bounded approximately by the street or alley lines, the street or alley shall be construed to be the boundary of

the district.

(b) Where district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Chapter and bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(c) In unsubdivided property the district boundary lines on the map accompanying and made a part of this Chapter shall be determined by use of the scale appearing on the map.

(d) The boundaries of the districts are shown upon the map, which is made a part of this Chapter, which map is designated as the "District Map". The district map and all notations, references and other information shown thereon are a part of this Chapter and have the same force and effect as if the District Map and all the notation references and other information shown thereon were all fully set forth or described herein, the original of which district map is originally attested and is on file with the Clerk of the Village.

Sec. 14.203 Planning: Any and all property which may hereafter be annexed to the Village shall, prior thereto be studied by the Board of Zoning Appeals and tentatively classified into one or more of the several districts. Such property, when such annexation shall become final, shall be added to the district as designated by the Board of Zoning Appeals. Within one (1) months of the date of such annexation the Board of Zoning Appeals shall call a public hearing for the purpose of zoning such annexed property, and within thirty (30) days after such hearing shall recommend to the Village Council that this Ordinance be amended so as to classify such property in accordance with such recommendations. (Note: All property annexed to the Village shall be classified as Class "R-1" or "R-2" district until this classification is changed by amendment to this Chapter).

Sec. 14.204 Vacation of Streets: Whenever any street, alley, or other public way is vacated the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such a vacation, and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Sec. 14.205 Restrictions: Except as hereinafter provided:

(a) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.

(b) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.

(c) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.

(d) The minimum yards and other open spaces, including lot area per family, required.

(e) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Ordinance.

(f) The front yard requirements on both streets of a corner lot shall be observe all buildings and structures, including accessory buildings.

(g) Any fence erected, converted, enlarged, reconstructed or structurally altered shall not exceed six feet in height.

(h) No storage building or shed shall be constructed with a size in excess of 120 square feet. Any storage building or shed constructed shall be fully enclosed.

(i) No pole barn building or pole type building may be erected in the "R-1" single-family

dwelling district, the “R-2” two family district, the “R-3” multi-family district, and in the “B-1” business and commercial district. In the event that a pole barn building is allowed to be located in a “B-1” business and commercial district, as a result of a variance granted by the Zoning Board of Appeals as provided for in Sec. 14.1102, such pole barn building in such a district shall have an exterior of baked enamel, steel, wood appearance steel, wood, brick, stone or stucco. In addition, a pole barn building in a “B-1” business and commercial district that is allowed in such district through the variance process must contain on the front and two sides brick or stone or stucco veneer of at least three feet in height. Pole barn building is defined to be a building constructed in which there are horizontal purlins and the main structure is wood members vertically set. Pole barn buildings include, but are not limited to, buildings, which are constructed with metal or steel exteriors.

(j) All Class I garages and all Class II garages shall not exceed a size of 720 square feet and shall not exceed one story and a height of 10’ sidewalls from grade level, for a maximum height of 16’ to the peak. This restriction shall apply to all Class I and Class II garages whether said garages are attached to a building or detached from a building.

(k) No portion of a driveway constructed or installed on a lot shall be within 3 feet of any lot line. This restriction shall apply to any driveway no matter how constructed whether it is constructed of cement, asphalt, gravel, dirt or any other surface that is used as a driveway.

(l) Improvements on any parcel in all Zoning Districts must maintain 60% green space.

(m) All construction will be of new material.

Revised: September 1992 Ord. #363, June 1994 Ord. #378, April 2004 Ord. #497

Article 3 - Single Family Dwelling District

Sec. 14.301 “R-1”: The regulations set forth in this Article, or set forth elsewhere in this Chapter when referred to in this Article, are the district regulations in the “R-1” Single Family Dwelling District.

Sec. 14.302 Use Regulations: A building or premises shall be used only for the following purposes:

(a) Single family dwellings of a minimum of one thousand (1000) square feet of floor area of main structure. However, a variance may be granted by the Board of Zoning Appeals without hearing, for a reduction of up to 2 percent thereof, exclusive of porches and garages.

(b) Accessory buildings including a Class I garage and accessory uses customarily incident to the above uses and home occupations, not involving the conduct of a business. Accessory buildings shall also include churches, public libraries, art galleries, public parks, playgrounds, community centers, hospitals, nursing homes, doctors’ clinics, and public buildings, bulletin boards and signs not exceeding twenty (20) square feet in area and temporary signs appertaining to the lease, hire, or sale of a building on premises not exceeding ten (10) square feet.

Sec. 14.303 Area Regulations:

1. **Set Back:** No building shall be erected closer than twenty-five (25) feet or more than fifty-six (56) feet from the front property line. Unenclosed covered porches, the floors of which are not higher than the level of the first floor may encroach on such restricted areas. However, in the event that more than half of the lots on the same side of the street as the proposed construction have buildings already constructed on them, then all buildings thereafter erected shall be within five feet of the closest and farthest set back that already exists.
2. **Front Yard:** The front yard shall be determined by the set back..
3. **Side Yard:** There shall be a side yard on each side of any building of not less than ten feet.
4. **Rear Yard:** The rear yard shall consist of a minimum of twenty (20) percent of the area of the lot.

Article 4 – Two Family Dwelling District

Sec. 14.401 “R-2”: The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article are the district regulations in the “R-2” Two Family Dwelling District.

Sec. 14.402 Use Regulations: A building or premises shall be used only for the following purposes:

(a) Any of the uses that are allowed in the R-1 Single Family Dwelling District.

(b) Two family dwellings of a minimum of 600 square feet of floor area per family unit for a total of not less than 1200 square feet for the two family dwelling area of the main structure exclusive of porches and garages. However, the Zoning Board of Appeals may, without hearing, grant a variance for a reduction of up to 2% of the total square feet required herein exclusive of porches and garages.

(c) Accessory buildings including Class I garage and accessory uses customarily incident to the above uses and home occupations, not involving the conduct of business. Accessory building shall also include churches and public buildings, bulletin boards and signs not exceeding twenty (20) square feet in area and temporary signs appertaining to the lease or sale of a building on the premises not exceeding ten (10) square feet.

Sec. 14.403 Area Regulations: Same as for the “R-1” Single Family Dwellings District except that the rear yard shall consist of a minimum of 10% of the area of the lot.

Article 5 – Multi-Family Dwellings District

Sec. 14.501 “R-3” Multi-Family Dwellings: The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article are the district regulations in the “R-3” Multi-Family Dwellings.

Sec. 14.502 Use Regulations: Building or premise shall be used only for the following purposes:

(a) Any of the uses that are allowed under R-1 Single Family Dwellings or R-2 Two Family Dwellings.

(b) Multiple Family Dwellings of a minimum of 600 square feet of floor area per family unit shall apply exclusive of porches and garages. The Board of Zoning Appeals may, without hearing, grant a variance for a reduction of up to 2% of the total square feet required herein exclusive of porches and garages.

(c) Accessory buildings including Class I garage and accessory uses customarily incident to the above uses and home occupations, not involving the conduct of business. Accessory buildings shall also include churches and public buildings, bulletin boards and signs not exceeding twenty (20) square feet in area and temporary signs appertaining to the lease or sale of a building on the premises not exceeding ten (10) square feet.

Sec. 14.503 Area Regulations: The R-3 Multiple Family Dwelling district shall have the same area regulations as specified in Section 14.303 for the R-1 Single Family Dwelling District except the rear yard shall consist of a minimum of 10% of the area of the lot.

Article 6 - Business and Commercial District

Sec. 14.601 “B-1”: The regulations set forth in this Article or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the “B-1” Business and Commercial District.

Sec. 14.602 Use Regulations: A building or premises in the commercial district may be used for the following purposes:

- Bakery
- Bank
- Barber Shop or Beauty Shop
- Business or Commercial School, or Dancing Academy
- Catering Establishment
- Day Care
- Electric or Repair Shop
- Filling Stations
- Hospitals and Clinic for Animals but not Open Kennels
- Messenger and Telegraph Service Station
- Mini-Storage Facility
- Office
- Clinics (medical-dental)
- Painting and Decorating Shop
- Photograph Gallery
- Recreation or Amusement Center
- Restaurant
- Sales or Showroom
- Shoe Repair Shops
- Store or Shop for the Conduct of Retail Business
- Store for the Collection and Distribution of Laundry and Dry Cleaning

Theater, except open-air drive-in theaters: Provided, however, that no theater shall be erected or reconstructed unless there is provided on the lot, or within three hundred (300) feet thereof, parking space to accommodate one automobile for every five (5) seats in the theater.

- Tailor Shop
- Tire Repair Shop
- Undertaking Establishment
- Woodworking
- Service Establishment
- Dyeing and Cleaning works using a fluid whose base is of a material other than petroleum or any of its derivatives.
- Hotel or Motel
- Laundry
- Plumbing Shop
- Used car sales but excluding the salvage of automobiles or of parts thereof.

It is understood that the above designated business establishments or any other establishments approved for commercial operation within the Village in no manner be of such nature to be noxious or offensive to the adjacent areas. Complaints of such nature may be made either to the Building Commissioner or directly to the Zoning Board of Appeals.

Revised: April 1993 Ord. 370

Sec. 14.603 Parking Regulations: Off street parking space shall be provided at the rate of one space for each three hundred (300) square feet of floor area in the building, which is used for commercial purposes.

Sec. 14.604 Height Regulations: No building shall exceed two and one half (2 1/2) stories or shall it exceed thirty (30) feet in height except, as otherwise provided in Article X.

Sec. 14.605 Area Regulations:

1. Front Yard: The front yard shall be determined by the set back, which shall be fifty (50) feet from the street to provide a parking area.
2. Side Yard: The side yard requirements are the same as the front yard when the building abuts a street on two sides, that is on the front and on one side, otherwise there are no side yard requirements.
3. Rear Yard: The rear yard will be ten (10) feet from the lot line and will be left open.

Article 7 – Industrial District (Light)

Sec. 14.701 Industrial (Light): The regulation set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article are the district regulations in the “I-1” Industrial District (Light).

Sec. 14.702 Use Regulations: A building or premises shall be used only for the following purposes:

Any use permitted in the “B-1” business and Commercial District.

Agriculture – the definition of agriculture being the science, art, and business of cultivating soil and producing crops that will be sold for a profit.

Blacksmith Shop

Bottling Works

Dyeing and Cleaning Establishments

Class III and Class IV garages

Milk Distribution Station

Lumber or Building Materials Yard

Storage Lots

Wholesale Establishments

Warehouses and Storage Plants and Mini-storage

Coal Yards

Wholesale Storage of Oil, Gasoline, or other Petroleum Products

Painting Plants

Public Utility Substations and Facilities

Junk Yards, but only when such lot or tract devoted to such use is covered in one or more buildings and not more than ten (10) percent of the tract is used for open storage of products, materials or equipment.

Industrial and Manufacturing plants, where the operations are conducted in one or more buildings and not more than ten (10) percent of the tract is used for open storage of products, materials or equipment.

Tinsmithing and Machine Shops

Revised April 2005 Ord. 510

Sec. 14.703 Parking Regulations: Parking space shall be provided on the lot or in a building on the lot adequate to accommodate the cars of the employees or any of the uses permitted in this district as well as the trucks and other vehicles owned by or in custody of the establishment.

Sec. 14.704 Height Regulations: No building shall exceed three (3) stories or shall exceed forty-five 45 feet in height.

Sec. 14.705 Area Regulations:

1. Front Yard: There are no front yard requirements except where a building abuts a street, said building will then be set back fifty (50) feet from the curb line.

2. Side Yard: There are no side yard requirements except where a building abuts a street and the set back will then be fifty (50) feet from the curb line.

Article 8 – Industrial District (Heavy)

Sec. 14.801 Industrial (Heavy): The regulation set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article are the district regulations in the “I-2” Industrial District (Heavy).

Sec. 14.802 Use Regulations: All uses not otherwise prohibited by law, except any residential use; provided, however, that no building or occupancy permit shall be issued for any of the following uses until or unless the location of such use shall have been approved by the Village Council after a public hearing thereon by the planning commission.

1. Ammonia, bleaching powder or chlorine manufacture
2. Ammunition manufacture and/or storage
3. Animal black, lamp black or bone black manufacture
4. Arsenal
5. Bone Distillation
6. Carbon manufacture
7. Celluloid manufacture
8. Coal distillation
9. Coke ovens
10. Dead animal and offal reduction
11. Explosives, fireworks and gunpowder manufacture or storage
12. Distillation of tar
13. Fat rendering
14. Grease, lard or tallow manufactured or refined from animals
15. Hair manufacture
16. Hog farm
17. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, dead animals or offal.

All other regulations that apply to Industrial and Manufacturing plants, Parking regulations, and Height regulations for the buildings shall be the same regulations that apply to Article 7 – “I-1” Industrial District (Light).

Article 9 - Non-Conforming Uses

Sec. 14.901 Continued Use: The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, subject to the provisions of this Chapter, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use such shall not hereafter be changed to a less restricted use.

Sec. 14.902 Partial Destruction: No building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than fifty (50) per cent of its value, shall be restored except in conformity with the regulations of this Chapter.

Sec. 14.903 Discontinued Use: In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of two (2) years, the use of the same shall thereafter conform to the regulations of the district, in which it is located.

Sec. 14.904 Power to Order Removal: A non-conforming structure which is erected, converted or structurally altered in violation of the provisions of this Chapter may be ordered removed or corrected by the proper officials at any time.

Sec. 14.905 Special Permits and Uses: The Village Council may, by special permit after public hearing held by the Board of Appeals and advertised as provided in Article 10, and subject to such protective restrictions as it may deem necessary authorize the location, extension or structural alteration of any of the following buildings or uses, or an increase in their height, in the district from which they are prohibited or limited by this Chapter; provided that such buildings or uses will not have any serious and depreciating affect upon the value of surrounding property:

1. Any public building erected and used by any department of a municipal, county, state, or federal government.
2. Hospitals, clinics and institutions, except institutions for criminals and those persons who are mentally ill or have contagious diseases; provided however, that such buildings may occupy not over fifty (50) per cent of the total area of the lot or tract and, provided further, that the buildings shall be set back from all yard lines heretofore established and additional distance of not less than two (2) feet for each foot of building height, and that adequate off-street parking space will be provided.
3. Cemetery or mausoleum.
4. Airport, landing field or landing strip.
5. Greenhouses.
6. Nurseries and truck gardens.
7. Riding stables.
8. Roadside stands, commercial amusement or recreational development for temporary or seasonal periods.
9. Extraction of sand, gravel or other raw materials.
10. Parking lots on land not more than three hundred (300) feet from the boundary of any commercial, business or industrial district under such conditions as will protect the character of surrounding property.
11. Areas for the dumping or disposal of trash and garbage.
12. Radio or TV towers and radio broadcasting stations.
13. Hotels where the primary purpose is to provide seasonal or year-round living facilities, but only when they are located on large tracts and would not adversely affect surrounding residential development.
14. Any use which is generally similar to the uses permitted in the district in which such proposed use is sought to be located by special permit which conforms to the regulations for such district.

Subject to the provisions hereinafter stated, the Village Council may, by special permit and after public hearing held by the Zoning Board of Appeals and subject to such protective restrictions as it may deem necessary, authorize the upper floor and/or less than one-half of the total square feet of the

ground floor of any building located in a B-1 Business and Commercial District to be used for dwelling purposes, including but not limited to R-1 Single Family dwelling purposes and R-2 Two Family dwelling purposes. However, any such R-1 Single Family dwelling and R-2 Two Family dwelling use must comply with all the other requirements contained within the applicable provisions of this zoning code with regard to said uses.

Subject to provisions hereinafter stated, the Village Council may, by special permit and after public hearing held by the Zoning Board of Appeals and subject to such protective restrictions as it may deem necessary, authorize a beauty shop to be located in an R-1 Single Family Dwelling District, R-2 Two Family Dwelling District and R-3 Multi-Family District. However, any such beauty shop must meet the definition of a beauty shop contained in Sec. 14.101 4., and any beauty shop that does not meet said restrictions shall not be permitted in any residential district. Any existing beauty shop, as defined in Sec. 14.101 3. that is located in a residential district prior to the adoption of this code shall be automatically granted a permit based upon its prior permitted defacto use.

Before issuance of any special permit for any of the above buildings or uses, the Board of Zoning Appeals shall report to the Village Council regarding the public hearing thereon and also upon the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public health, public safety, or general welfare. No action shall be taken upon any application for the proposed building or use above referred to until and unless the report of the Board of Zoning Appeals has been filed, but such report shall be made within sixty (60) days after the matter has been referred to the Board of Zoning Appeals by the Village Council. If the Board of Zoning Appeals recommends against the issuance of the special permits, it may be issued only by an affirmative two-thirds (2/3) vote of the voting members of the Village Council.

Article 10 - Community Unit Plan

Sec. 14.1001 Planned Development: The owner or owners of any tract of land may submit to the Village, a plan for the use and development of the entire tract of land for residential and allied purposes. The development plan shall be referred to the Board of Zoning Appeals for study and report and for a public hearing. If the Board of Zoning Appeals approves the plans, they shall then be submitted to the Village Council for consideration and approval. The approval and recommendations of the Board of Zoning shall be accompanied by a report stating the reasons for approval or disapproval of the Application and specific evidence that the proposed community unit plan meets or does not meet with the following conditions:

1. That the property adjacent to the area included in the plan will not be adversely affected.
2. That the plan is consistent with the intent and purposes of this Ordinance to promote public health, safety, morals and general welfare.
3. That the building shall be used only for single-family dwellings or multiple-family contained in the site, excluding churches.
4. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

Article 11 - Exceptions and Variations of the Height and Area Regulations

Sec. 14.1101 General Variances: The district regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the District regulations appearing elsewhere in this Chapter.

1. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and

churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

2. Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.
3. Chimneys, cooling towers, elevators bulkheads, fore towers, monument stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances of the Village.
4. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) per cent of the required rear yard. Whenever a lot abuts upon an alley, one-half (1/2) of the width of the alley may be considered as a portion of the required rear yard.
5. A 0' (zero-foot) setback variance request shall require a property survey to be filed with the request.

Revised: June 2004 Ord. 501

Sec. 14.1102 Specific Variances: When a property owner shows that a strict application of the terms of the Village Code relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board may make such recommendations for variations of the strict application of terms of this Code as are in harmony with its general purpose and intent when the board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variation in the following instances:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
2. To permit the reconstruction of a non-conforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) 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.
3. To make a variance, by reason of an exceptional situation, surroundings, or condition of a specific piece of property or by the reason of exceptional narrowness, shallowness or shape or a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, and amount to a convenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this Ordinance.
4. To interpret the provisions of this Ordinance where the street layout actually on the ground varies from the street layout as shown on the district map fixing the several districts.
5. To waive the parking requirements, if any, in the business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision 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.

6. To permit a building to be erected, or reconstructed, altered or enlarged so that the building lines will extend beyond the distance specified in this Ordinance into side yards or into front yards, provided that such variance may not be granted; (1) unless there is a building in the block which extends beyond the distance from the front street line specified in this Ordinance, in which case the building line may be permitted to extend as near to the front street line as such non-conforming building or (2) unless the lot is irregular in shape, topography or size; or (3) unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography or size.
7. To permit in any district such modification of the requirements of the regulations of this Code as said board may deem necessary to secure an appropriate development of a lot where adjacent to such a lot on two or more sides there are buildings that do not conform to the regulations of the district.
8. To permit the construction or installation of a driveway on a lot within 3 feet of any lot line. This restriction shall apply to any driveway no matter how constructed whether it is constructed of cement, asphalt, gravel, dirt or any other surface that is used as a driveway.

Nothing herein contained shall be construed to give or grant to the board the power or authority to alter or change the Zoning Ordinance or the District Map; such power and authority being reserved to the Village Council. The Board of Appeals may impose such conditions and restrictions upon the use of the premises benefited by a variation after an application for a permit has been made to the enforcing officer and after duly advertised public hearing held by the board as prescribed by Statute. The notice of hearing shall contain the address or location of the property for which the variation or other ruling by the board is sought, as well as a brief description of the nature of the requested variance.

Article 12 - House Trailers

Sec. 14.1201 Unlawful: That it shall be unlawful for any person or persons to live in a house trailer, which is maintained, parked or placed anywhere or brought into the Village of Deer Creek, Illinois. This Section, however, shall not apply to any house trailer in which any person or persons were living prior to June 5, 1957, and which is maintained, parked and placed in the Village it being the intention of this Section that it shall apply only to said house trailers which are used for living purposes and which are brought into, maintained, parked or placed in the Village after June 5, 1957.

Sec. 14.1202 Sanitary Conditions: House trailers which are now maintained, parked or placed within the Village and which are referred to in Section 14.1201 above, the owner or person maintaining same shall comply with all sanitary conditions which may be required by this Village Council and the sanitary conditions in connection therewith must be approved by this Village Council.

Article 13 - Swimming Pools

Sec. 14.1301 Definition: A swimming or wading pool is a body of water in an artificial or semi-artificial receptacle or other container, intended to be used for public, semi-public, or private swimming by adults or children, or both, and also portable or temporary types of pools of plastic, rubberized cloth, or similar materials installed either above or below ground elevation, over twenty-four (24) inches in depth or with a surface area exceeding two hundred fifty (250) square feet and with a capacity of three thousand (3,000) gallons or more, and as used in this chapter shall mean and include dressing and locker rooms, toilets, showers, areas and enclosures that are intended for the use of persons using the pool. A private pool is a swimming or wading pool used or intended to be used solely by the owner, operator, or lessee thereof and his family, and by friends invited to use it without

payment of any fee. A public swimming pool is a swimming pool used or intended to be used for public or semi-public swimming, and shall include dressing rooms, locker rooms, toilets, showers, and other areas and enclosures that are intended for the use of persons using the pool.

Sec. 14.1302 Construction and Operation: Public swimming pools, their equipment and operation, shall comply with the Minimum Sanitary Requirements for Swimming Pools of the Illinois Department of Public Health. Pools and appurtenant equipment shall not extend into the required front and side yards provided for in this chapter and subject to the provisions herein provided. No family pool shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the family pool or located in the neighborhood. No person or organization shall proceed to construct a swimming pool or make alterations to an existing pool without first having obtained a permit issued and signed by the Building Inspector upon approval of the application. A permit shall be valid for the life of the swimming pool. Application for a permit shall contain such information and drawings as shall be required by the Enforcing Officer for a proper understanding of the proposed work. No permit is required for erection of a portable pool. A portable pool is defined as any above ground level swimming pool which is not designed to be permanently fixed in one place, but which is intended to be capable of being removed and stored. It is solely the responsibility of the property owner that these types of pools are not a safety hazard or do not become a health hazard. No private or public pool shall be erected or altered so as to place any portion thereof nearer to a street lot line than the building line setback provided by this chapter. On a corner lot, no swimming pool shall be erected or altered so as to bring any portion of the fence of the pool, as is required in this chapter nearer to the front street lot line than provided by this chapter. No swimming pool shall be erected or altered on any lot so as to permit its location in any side yard or rear yard nearer than ten (10) feet from any dwelling located on an adjoining lot and not less than three (3) feet from any side or rear lot line. A fence or wall shall be installed and maintained to completely surround an in-ground pool. The fence or wall shall be an effective barrier to small children and be at least forty-eight (48) inches high. Gates shall be equipped with self-closing and self-latching devices and shall be kept locked except when pool is in use. In the case of all above-ground pools, including portable pools, ladders will be locked or removed except when in use. Lights used to illuminate any family pool shall be so arranged and shaded as to reflect light away from adjoining premises. It shall be unlawful for any person to make, continue, or cause to be made or continued at any family pool any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or is dangerous to the comfort, repose, health, peace, or safety of others. In the operation of a family pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the family pool premises shall be unlawful. Every person using an outdoor family pool shall wear a bathing suit or other suitable garment to protect his person from indecent exposure.

Revised: Sept 2010 Ord. 565

Article 14 - Interpretation

Sec. 14.1401 Interpretation and Conflicts: In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, morals, comfort, and general welfare. It is not intended by this chapter to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided that wherever this Chapter imposes greater restrictions upon the use of buildings, structures, or land or requires more restrictive building lines, then the provisions of this Chapter shall control.

Article 15 - Violations and Penalties

Sec. 14.1501 Fines: Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Chapter shall be fined no less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. Each day that a violation is permitted to exist shall constitute an offense.

Sec. 14.1502 Other Remedies: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used in violation of this ordinance, the proper authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use or to restrain, correct or abate such violations; 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.

Article 16 – Waiver of Zoning and Subdivision Provisions

Sec. 14.1601: The Village Council may, after seeking the advice of the Planning Commission, waive any of the provisions contained within Chapter 14 (Zoning) and Chapter 16 (Land Usage) of this Municipal Code if the conditions contained within this section are complied with. Any such waiver shall be pursuant to a written agreement between the Village and the party seeking such a waiver (hereinafter “developer”). Further, prior to acting on any such request the Planning Commission shall submit its recommendation to the Village Council. In the review of any such request the Planning Commission and the Village Council shall consider the effect of the proposed building or development or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public health, public safety or general welfare of the Village, including but not limited to, the need for housing development and economic development within the Village. Further, the Village Council may impose protective restrictions on any such waiver and may impose other conditions and restrictions that are not contained within this ordinance in exchange for granting the waiver of the provisions of the foregoing chapters of this municipal code. The Village Council may not approve any waiver that the Planning Commission has not recommended unless at least $\frac{3}{4}$ of the Trustees then holding office approve the waiver.

Revised: August 1992 Ord. #362

Various revisions: February 1995 Ord. #398

Revised: March 2013 Ord. 591