

Revised Code

ARTICLE III

GENERAL ZONING REGULATIONS

40-3-1 ESTABLISHMENT OF DISTRICTS. In order to implement the regulatory scheme of this Chapter so as to achieve the objective enumerated in Section 40-1-1, the City and surrounding territory is hereby divided into the following Zoning Districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>	<u>MINIMUM ZONE DISTRICT AREA *</u>
Agricultural	A	3 acres
Single-Family Residential	R-1	1 acre
General Residential	R-2	1 acre
Mobile Home	R-3	1 acre
Commercial	C	1 acre
Industrial	I	1 acre

* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the areas of numerous noncontiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

40-3-2 ZONING MAP AND DISTRICT BOUNDARIES. The boundaries of the listed Zoning Districts are hereby established as shown on the Official Zoning Map of the City. The map, including all notations and other information thereof, is hereby made a part of this Chapter by reference. The Official Zoning Map shall be kept on file in the Administrator's Office.

40-3-3 ANNUAL PUBLICATION. In accordance with State law, if any changes are made in the Zoning Districts or regulations during a calendar year, the Administrator shall publish the revised official map not later than March 31st of the following year.

40-3-4 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

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(A) Where a district boundary as indicated on the Zoning Map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- (1) Center line of any street, alley, or highway.....such center line.
- (2) Lot line.....such lot line.
- (3) Railroad tracks.....right-of-way line of such tracks.
- (4) Stream.....center of such stream.
- (5) Section lines, fractional lines, survey lines.....such lines.

(B) Whenever any street, alley, or other public way is legally vacated, the Zoning Districts adjoining each side of such vacated public way shall automatically extend to the new property line established by said vacation and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts. (Ord. #974; 03-19-90)

40-3-5 ANNEXED TERRITORY. Upon the effective date of this Chapter, whenever any territory is annexed to the City, the City Council shall determine its district classification at the time of annexation.

40-3-6 GENERAL PROHIBITION. Hereafter, within the zoning jurisdiction of the City, it shall be unlawful to:

- (A) Erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;
 - (B) to create any lot; or
 - (C) to use, occupy, or develop any lot or part thereof
- except in conformity with the provisions of this Chapter.

40-3-7 UNLISTED USES PROHIBITED. Whenever any use is not specifically listed as Permitted or Special within a particular Zoning District, such use shall be deemed prohibited in that district. However, if the Council, following consultation with the Administrator, finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use by amending this Chapter in accordance with Section 40-9-4. The Council's decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

40-3-8 TEMPORARY USES. Except as specifically provided otherwise in this Chapter, no temporary structure shall be used or occupied for any purpose and no lane shall be used for any temporary enterprise unless a temporary use permit has been obtained. No temporary use permit shall be valid for more than one year unless it is properly renewed. (See Section 40-9-3)

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40-3-9 MEETING MINIMUM REQUIREMENTS. Except as specifically provided otherwise elsewhere in this Chapter, every lot must meet the minimum area, minimum dimensions, and minimum setbacks requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot.

40-3-10 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public or a private street.

40-3-11 FRONT SETBACKS - CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-3-12 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise, in all residential Zoning Districts where lots having 50% or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than 10 feet, the minimum required front setbacks on that block shall be the average of the existing front setbacks; provided, however, that in any built-up area; no front setback greater than 50 feet shall be required.

40-3-13 INTRUSIONS INTO YARDS. To the extent indicated below, the following feature of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

	<u>FEATURE</u>	<u>MAXIMUM INTRUSION</u>
(A)	Cornices, chimneys, planters, or similar architectural features:	2 feet
(B)	Fire escapes	4 feet
(C)	Patios	NO LIMIT
(D)	Porches, if unenclosed and at ground level	6 feet
(E)	Balconies	4 feet
(F)	Canopies, roof overhangs	4 feet

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(A) Necessary Appurtenances. Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, and other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent City codes.

(B) Intersections. On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining those street lines at points 30 feet from the point of intersection, no natural or man-made obstruction shall intrude into the air space that is between two and ten feet above the level of the adjacent street. (See Figure 1.)

40-3-15 SEWERS AND SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the City sewerage system is reasonably available (that is, whenever the distance from one or more property lines of the property in question to the nearest public sewer with available capacity does not exceed 200 feet), all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

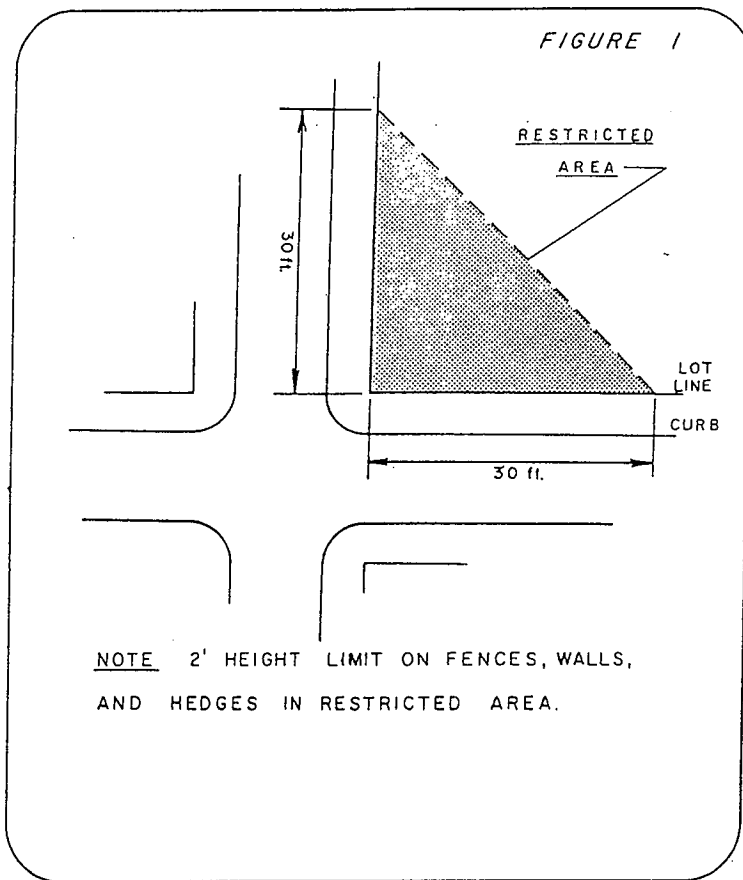
(B) Whenever the City sewerage system is not reasonably available, as defined in Paragraph (A) above, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, Illinois Revised Statutes, Chapter 111½, Sections 116.301 through 116.323, as amended from time to time; and
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time; and
- (3) pertinent, current regulations issued by the Illinois Environmental Protection Agency.

The Administrator shall not issue any initial Certificate of Zoning Compliance unless he is satisfied that these requirements will be met.

40-3-16 ACCESSORY USES. Any accessory use shall be deemed permitted in a particular Zoning District if such use:

(A) meets the definition of "accessory use" found in Section 40-2-2;



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(B) Is accessory to a principal structure or use that is allowed in a particular Zoning District as a permitted or special use; and

(C) Is in compliance with the restrictions set forth in Section 40-3-17.

If an accessory structure is attached to a principal structure, it shall be considered part of such structure.

40-3-17 ACCESSORY USE RESTRICTIONS.

(A) Height. No accessory use shall be higher than:

- (1) 15 feet in any residential district; or
- (2) 25 feet in any other Zoning District except the Agricultural District where, due to the special needs of farmers, there shall be no height limit on accessory structures.

(B) Setbacks. No accessory use in any Zoning District shall be located in any part of any yard (front, side, or rear) that is required because of the setback regulations of such district; provided that in any residential district, an accessory use may be located as close as five feet to any side or rear lot line.

(C) Yard Coverage. In any residential district, accessory uses shall not cover more than 30% of a required rear yard.

(D) Use as Dwelling. Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of the City.

ARTICLE IV**REGULATIONS FOR SPECIFIC DISTRICTS****DIVISION I - "A" AGRICULTURAL DISTRICT**

40-4-1 "A" - AGRICULTURAL DISTRICT. The "A" - Agricultural District encompasses areas that are presently undeveloped or sparsely developed and that for various reasons, should remain so for the foreseeable future. Some tracts of land in this district are fertile and relatively level, and best suited for agricultural pursuits. Other tracts in this district have such poor soils, steep slopes, inadequate natural drainage, and/or other problems--or are simply so distant from existing developed areas -- that the provision of road, utilities, and storm water drainage systems would be impractical or burdensomely expensive to the tax-paying public.

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40-4-2 AGRICULTURAL EXEMPTION. The provisions of this Chapter shall not be exercised so as to impose regulations with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or intended for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes shall be required to conform to building setback lines. In the event that the land ceases to be used solely for agricultural purposes, then and only then, shall the provisions of this Chapter apply.

40-4-3 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "A" District shall conform to the following requirements:

- (A) Minimum Lot Area. 3 acres.
- (B) Minimum Lot Width. 250 feet at the established building line.
- (C) Minimum Lot Depth. 250 feet.
- (D) Minimum Setbacks.
 - (1) From front lot line: 50 feet
 - (2) Side yards:
 - Minimum total setback from both side lot lines: 25 feet
 - Minimum setback from either side lot line: 10 feet
 - (3) From rear lot line: 50 feet

40-4-4 SPECIAL RESTRICTIONS.

One Dwelling Per Lot. In the "A" District, not more than one dwelling shall be erected on any lot.

40-4-5 PERMITTED USES:

Agriculture, including all uses commonly classified as such, provided the requirements of Section 40-5-2 are met.

Cemeteries.

Government uses of the City.

Nurseries, greenhouses, temporary produce stands.

Parks, playgrounds.

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Two-Family Dwellings.

Mobile Homes (immobilized).

Single-Family Dwellings.

Accessory uses in accordance with Section 40-3-16.

40-4-6 SPECIAL USES.

Agricultural implements sales.

Amusement facilities such as go-cart tracks, miniature golf courses, etc.

Animal hospitals.

Blacksmith and welding shops.

Churches and other places of formal worship.

Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.

Golf courses, regulation size.

Government uses other than those of the City.

Home occupations.

Hospitals, nursing homes, sanitariums.

Institutions such as convents, retreat houses, seminaries, etc.

Kennels, commercial.

Stables, commercial.

Utility substations.

40-4-7 RESERVED.

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DIVISION II

"R-1" - SINGLE-FAMILY RESIDENTIAL DISTRICT

40-4-8 PURPOSE. The "R-1" Single-Family Residential District encompasses those areas which are primarily developed with or planned for conventionally-constructed single-family dwellings. Other types of residences -- mobile homes, duplexes, apartments, etc. -- are strictly prohibited in this district.

40-4-9 SPECIAL RESTRICTIONS.

(A) One Principal Building Per Lot. In the "R-1" District, only one principal building shall be erected on any lot.

(B) No Mobile Homes.

(1) No mobile home shall be brought into or placed anywhere in the "R-1" District.

(2) Existing mobile homes in the "R-1" District shall be immobilized in accordance with Section 40-4-25. (Ord. No. 974; 03-01-90)

(C) It shall be lawful to replace or upgrade any existing mobile home located in the "R-1" District; however, current owners of immobilized mobile homes, double-wides or module homes within the "R-1" District shall be permitted to replace or upgrade same. (Ord. No. 974; 03-01-90)

40-4-10 LOT AND BUILDING REQUIREMENTS.*

(A) Minimum Lot Area. 8,000 square feet.

(B) Minimum Lot Width (at established building line). 80 feet.

(C) Minimum Lot Depth. 100 feet.

(D) Minimum Setbacks.

(1) From front lot line: 25 feet.

(2) From either side lot line: 10 feet.

(3) From rear lot line: 25 feet.

(E) Maximum Building Height. 35 feet.

* Applies to principal building. (Ord. No. 974; 03-01-90)

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Government uses of the City.

Single-Family Dwellings.

Accessory uses in accordance with Section 40-3-16.

40-4-12 SPECIAL USES.

Churches and related religious facilities.

Government uses other than those of the City.

Home occupations, but only in conformity with the requirements of Section 40-5-4.

Schools.

Utility substations.

40-4-13 RESERVED.**DIVISION III****"R-2" - GENERAL RESIDENTIAL DISTRICT**

40-4-14 PURPOSE. The "R-2" General Residential District is intended to accommodate a wide variety of housing types and related educational, religious, and recreational facilities.

40-4-15 SPECIAL RESTRICTIONS.

(A) **One Single-or-Two-Family Dwelling Per Lot.** In the "R-2" District, not more than one single-family dwelling or duplex may be erected on one lot.

(B) **No Mobile Homes.**

- (1) No mobile home shall be brought into or placed anywhere in the "R-2" District, but double-wides and module structures are permitted.
- (2) Existing mobile homes in the "R-2" District shall be immobilized in accordance with Section 40-4-25.

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(3) It shall be lawful to replace or upgrade any existing mobile home located in the "R-2" District. (Ord. No. 974; 03-01-90)

40-4-16	<u>LOT AND BUILDING REQUIREMENTS.*</u>	
(A)	<u>Minimum Lot Area.</u>	6,000 square feet or 2,500 square feet per unit, whichever is greater. That is, a one-or-two-family unit must occupy at least a 6,000 square foot lot. A three-family unit must occupy at least a 7,500 square foot lot and so forth.
(B)	<u>Minimum Lot Width (at established building line).</u>	50 feet
(C)	<u>Minimum Lot Depth.</u>	100 feet
(D)	<u>Minimum Setbacks.</u>	
	(1) From front lot line:	25 feet
	(2) From either side lot line:	5 feet
	(3) From rear lot line:	25 feet
(E)	<u>Maximum Building Height.</u>	35 feet

40-4-17 PERMITTED USES.

Agriculture, including all uses commonly classified as such, provided the requirements of Section 40-5-2 are met.

Churches and related religious facilities.

Government uses of the City.

Multiple-Family Dwellings.

Schools.

Single-Family Dwellings, any type.

Accessory uses in accordance with Section 40-3-16.

Bed and Breakfast Establishments.

(Ord. No. 974; 03-01-90)

* Applies to principal building. *

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40-4-18 SPECIAL USES.

Convenience shops.

Day Care Centers.

Government uses other than those of the City.

Home occupations, but only in accordance with Section 40-5-4.

Nursing homes.

Utility substations.

40-4-19 - 40-4-20 RESERVED.

DIVISION IV

"R-3" - MOBILE HOME DISTRICT

40-4-21 PURPOSE. The "R-3" Mobile Home District is primarily intended to provide areas suitable for the placement of mobile homes on individual lots and for the establishment of mobile home parks. This district is also intended to preserve all other residential districts for conventionally constructed dwellings.

40-4-22 LOT AND BUILDING REQUIREMENTS. All principal buildings shall meet the following requirements: (Exception: Mobile home park requirements are set forth in Section 40-4-26.)

- | | | |
|-----|---------------------------|---|
| (A) | <u>Minimum Lot Area.</u> | 5,000 square feet |
| (B) | <u>Minimum Lot Width.</u> | 50 feet at the established building line. |
| (C) | <u>Minimum Lot Depth.</u> | 100 feet |

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(D)	<u>Minimum Setbacks.</u>	
	(1) From front lot line:	25 feet
	(2) From either side lot line:	5 feet
	(3) From rear lot line:	20 feet
(E)	<u>Maximum Building Height.</u>	35 feet

40-4-23 PERMITTED USES.

Any use permitted in the "R-2" General Residential District. (See Section 40-4-17)

Mobile homes on individual lots, provided said mobile homes conform to all applicable requirements of this Division.

40-4-24 SPECIAL USES.

Any use that is a special use in the "R-2" General Residential District. (See Section 40-4-18)

Mobile home parks in conformity with all applicable requirements of this Division.

40-4-25 MOBILE HOMES ON INDIVIDUAL LOTS.

(A) One Per Lot. Not more than one mobile home shall be placed on any individual lot, nor shall any mobile home be placed on any individual lot whereon another principal building exists.

(B) Stand. Every mobile home shall be placed on a stand to provide adequate support in accordance with existing state regulations. (Ord. No. 974; 03-01-90)

(C) Anchors. Anchors capable of withstanding a vertical tension force of 4,800 pounds shall be installed at the corners of every mobile home stand, or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.

(D) Skirting. Every mobile home shall be skirted with fire-resistant material. The skirting shall be equipped with an inspection door at least 24 inches wide to allow access to the underside of the home.

40-4-26 MOBILE HOME PARKS. Mobile home parks shall comply with all requirements of the State's "Mobile Home Regulations"; provided, that in case of conflict between any of said regulations

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and any provision of this Code, the provision of this Chapter shall prevail. (Ord. No. 974; 03-01-90)

40-4-27 RESERVED.

DIVISION V - "C" COMMERCIAL DISTRICT

40-4-28 PURPOSE. The "C" Commercial District encompasses both the long-established and newer commercial areas where a wide range of goods and services is offered to the general public at retail or wholesale.

40-4-29 NO MOBILE HOMES.

(A) No mobile home shall be brought into or placed anywhere in the "C" District.

(B) Existing mobile homes shall be immobilized in accordance with Section 40-4-25.

(C) It shall be unlawful to replace any existing mobile home located in the "C" District. (Ord. No. 974; 03-01-90)

40-4-30 NO NUISANCES. No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases and/or wastes, excessive glare, and noxious odors. (Ord. No. 974; 03-01-90)

40-4-31 LOT AND BUILDING REQUIREMENTS.

- | | | |
|-----|--|---------|
| (A) | <u>Minimum Lot Area.</u> | None |
| (B) | <u>Minimum Lot Width (at established building line).</u> | 30 feet |
| (C) | <u>Minimum Lot Depth.</u> | None |

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- (D) Minimum Setbacks. Generally, none required except as necessary to comply with applicable off-street parking and loading requirements. However, any lot that abuts any residential district shall meet the front setback and side setback (on the side abutting the residential use) requirements of such residential district.
- (E) Maximum Building Height. 60 feet
- (F) Buffer Area. On lots abutting an "R" District, there shall be provided a proper planting strip as determined by the Zoning Administrator, planted with trees and shrubs which will provide a dense screen at maturity. (Ord. No. 974; 03-01-90)

40-4-32 PERMITTED USES.

Churches.

Clubs and lodges.

Commercial establishments, wholesale and retail.

Government uses of the City and other units.

Medical/dental clinics.

Multiple-family dwellings.

Offices.

Service establishments.

Single-family dwellings.

Accessory uses in accordance with Section 40-3-16.

40-4-33 SPECIAL USES.

Utility substations.

Mobile homes (immobilized).

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40-4-33 - 40-4-34 RESERVED.

DIVISION VI - "I" - INDUSTRIAL DISTRICT

40-4-35 PURPOSE. The "I" Industrial District is intended to provide for areas where light industry, warehouses, and wholesale businesses may locate without detriment to the remainder of the community.

40-4-36 NO MOBILE HOMES.

(A) No mobile home shall be brought into or placed anywhere in the "I" District.

(B) Existing mobile homes shall be immobilized in accordance with Section 40-4-25. 2^s

(C) It shall be unlawful to replace any existing mobile home located in the "I" District. (Ord. No. 974; 03-01-90)

40-4-37 USE RESTRICTIONS.

(A) No Nuisances. No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases and/or wates, excessive glare, and noxious odors. (Ord. No. 974; 03-01-90)

(B) Activities Enclosed. All production, processing, cleaning, servicing, testing, or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least eight (8) feet high.

(C) Buffer Area. On lots abutting an "R" District, there shall be provided a proper planting strip as determined by the Zoning Administrator, planted with trees and shrubs which will provide a dense screen at maturity. (Ord. No. 974; 03-01-90)

40-4-38 LOT AND STRUCTURE REQUIREMENTS.

(A) Minimum Lot Area. 20,000 square feet

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(B)	<u>Minimum Lot Width.</u>	125 feet at established building line
(C)	<u>Minimum Lot Depth.</u>	150 feet
(D)	<u>Minimum Setbacks.</u>	
	(1) From front lot line:	25 feet
	(2) From any side lot line:	25 feet
	(3) From rear lot line:	25 feet
(E)	<u>Maximum Structure Height.</u>	60 feet

40-4-39 PERMITTED USES. Provided all the use restrictions of this district (See Section 40-4-37) are observed, the following uses are permitted:

Assembly, manufacturing, or processing of any commodity from semi-finished materials, provided explosives, flammable gases or liquids or live animals are not involved.

Freight and bus terminals, and related transportation facilities.

Government uses of the City and other units.

Research and development facilities not involving explosives, or flammable gases or liquids.

Service stations.

Warehousing or wholesaling of goods, except explosives, flammable gases or liquids, or live animals.

40-4-40 SPECIAL USES. Provided all the use restrictions of this district (See Section 40-4-37) are observed, the following uses may be allowed by special-use permit:

Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable gases or liquids, or live animals.

Junk yards, but only in accordance with Section 40-5-6.

Research and development facilities involving explosives or flammable liquids or gases.

40-4-41 TEMPORARY USE.

Mobile homes.